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## Legislation

Contents

	I <i>Acts whose publication is obligatory</i>	
*	<b>Council Regulation (EC) No 1974/97 of 7 October 1997 amending, for the fifth time, Regulation (EC) No 390/97 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1997 and certain conditions under which they may be fished.....</b>	1
*	<b>Council Regulation (EC) No 1975/97 of 7 October 1997 on the conclusion of the Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for in the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters.....</b>	3
*	<b>Commission Regulation (EC) No 1976/97 of 10 October 1997 fixing, for the 1996/97 marketing year, the amount to be paid by the sugar manufacturers to the beet sellers in respect of the difference between the maximum amount of the B levy and the amount of that levy.....</b>	4
*	<b>Commission Regulation (EC) No 1977/97 of 10 October 1997 fixing the production levies in the sugar sector for the 1996/97 marketing year.....</b>	5
*	<b>Commission Regulation (EC) No 1978/97 of 10 October 1997 issuing a standing invitation to tender in order to determine refunds on exports of olive oil for the 1997/98 marketing year.....</b>	7
*	<b>Commission Regulation (EC) No 1979/97 of 10 October 1997 fixing the estimated production of olive oil and the amount of the unit production aid that may be paid in advance for the 1996/97 marketing year.....</b>	12
	Commission Regulation (EC) No 1980/97 of 10 October 1997 on the supply of white sugar as food aid.....	13

1

(Continued overleaf)

EN

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

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

Commission Regulation (EC) No 1981/97 of 10 October 1997 on the issuing of import licences for bananas under the tariff quota for the fourth quarter of 1997 (second period) (¹).....	16
Commission Regulation (EC) No 1982/97 of 10 October 1997 determining the extent to which export licence applications for products falling within the olive oil sector can be accepted.....	18
Commission Regulation (EC) No 1983/97 of 10 October 1997 amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender .....	19
Commission Regulation (EC) No 1984/97 of 10 October 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables	21
Commission Regulation (EC) No 1985/97 of 10 October 1997 fixing the agricultural conversion rates .....	23

---

II *Acts whose publication is not obligatory*

**Council**

97/657/EC:

- \* **Council Decision of 6 October 1997 appointing a member and an alternate member of the Committee of the Regions .....** 25

**Commission**

97/658/EC:

- \* **Commission Decision of 1 October 1997 concerning financial contribution by the Community towards the eradication of sheep pox in Greece .....** 26

97/659/EC:

- \* **Commission Decision of 1 October 1997 on financial contributions from the Community for the eradication of Newcastle disease in Germany .....** 28

97/660/EC:

- \* **Commission Decision of 2 October 1997 adopting the plan allocating to the Member States resources to be charged to the 1998 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community .....** 29

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(¹) Text with EEA relevance

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 1974/97**  
**of 7 October 1997**  
**amending, for the fifth time, Regulation (EC) No 390/97 fixing, for certain fish**  
**stocks and groups of fish stocks, the total allowable catches for 1997 and certain**  
**conditions under which they may be fished**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture <sup>(1)</sup>, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, under the terms of Article 8 (4) of Regulation (EEC) No 3760/92, it is incumbent upon the Council to establish the total allowable catches (TACs) by fishery or group of fisheries;

Whereas Regulation (EC) No 390/97 <sup>(2)</sup> fixes, for certain fish stocks and groups of fish stocks, the TACs for 1997 and certain conditions under which they may be fished;

Whereas, within the framework of the bilateral consultations on the reciprocal fishing rights between the

Community and Norway, the TAC and the Community share for North Sea plaice have been increased;

Whereas Regulation (EC) No 390/97 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to this Regulation shall replace the corresponding elements of Annex I to Regulation (EC) No 390/97.

*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 Luxembourg, 7 October 1997.

*For the Council*

*The President*

J.-C. JUNCKER

<sup>(1)</sup> OJ L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

<sup>(2)</sup> OJ L 66, 6. 3. 1997, p. 1. Regulation as last amended by Regulation (EC) No 1844/97 (OJ L 264, 26. 9. 1997, p. 3).

## ANNEX

Species: Plaice <i>Pleuronectes platessa</i>	Zone: IIa <sup>(1)</sup> , IV
België/Belgique	(1) Waters of the Community as constituted in 1994. (2) Of which no more than 40 000 tonnes may be fished in waters under the sovereignty or jurisdiction of Norway.
Danmark	
Deutschland	
Ελλάδα	
España	
France	
Ireland	
Italia	
Luxembourg	
Nederland	
Österreich	
Portugal	
Suomi/Finland	
Sverige	
United Kingdom	
EC	
TAC	

**COUNCIL REGULATION (EC) No 1975/97**  
**of 7 October 1997**

**on the conclusion of the Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for in the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2), first sentence, and (3), first subparagraph, thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament<sup>(1)</sup>,

Whereas, in accordance with the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters<sup>(2)</sup>, the two Parties held negotiations with a view to determining amendments or additions to be made to the Agreement at the end of the period of application of the Protocol;

Whereas, as a result of these negotiations, a new Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for by the said Agreement was initialled on 26 November 1996;

Whereas it is in the Community's interest to approve this Protocol,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Protocol fixing, for the period 1 December 1996 to 30 November 1999, the fishing opportunities and the financial consideration provided for by the Agreement between the European Economic Community and the Government of Mauritius on fishing in Mauritian waters is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation<sup>(3)</sup>.

*Article 2*

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community<sup>(4)</sup>.

*Article 3*

This Regulation shall enter into force on the third 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 Luxembourg, 7 October 1997.

*For the Council*

*The President*

J.-C. JUNCKER

<sup>(1)</sup> OJ C 286, 22. 9. 1997.

<sup>(2)</sup> OJ L 159, 10. 6. 1989, p. 2.

<sup>(3)</sup> OJ L 163, 20. 6. 1997, p. 29.

<sup>(4)</sup> The date of entry into force of the Protocol will be published in the *Official Journal of the European Communities* by the General Secretariat of the Council.

**COMMISSION REGULATION (EC) No 1976/97**  
**of 10 October 1997**

**fixing, for the 1996/97 marketing year, the amount to be paid by the sugar manufacturers to the beet sellers in respect of the difference between the maximum amount of the B levy and the amount of that levy**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96 <sup>(2)</sup>, and in particular Article 29 (5) thereof,

Whereas Article 29 (2) of Regulation (EEC) No 1785/81 provides in particular that when the amount of the B levy is less than the maximum amount referred to in Article 28 (4) of the said Regulation, revised, where necessary, in accordance with paragraph 5 of that same Article, the sugar manufacturers shall be required to pay the beet sellers 60 % of the difference between the maximum amount of the levy in question and the amount of the levy to be charged; whereas Article 8 (1) of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector <sup>(3)</sup>, as last amended by Regulation (EC) No 392/94 <sup>(4)</sup>, provides that the amount referred to in Article 29 (2) of Regulation (EEC) No 1785/81 shall be fixed at the same time as the production levies and in accordance with the same procedure;

Whereas for the 1996/97 marketing year the maximum amount of the B levy has been fixed for sugar at 37,5 % of the intervention price for white sugar; whereas it has

transpired that in so far as sugar is concerned the amount of the B levy to be charged for the said marketing year shall only be 36,5345 % of the intervention price for white sugar; whereas this difference requires, in conformity with Article 29 (2) of Regulation (EEC) No 1785/81, that the amount to be paid by the sugar manufacturers to the beet sellers should be fixed per tonne of beet of the standard quality and at the rate of 60 % of the said difference;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The amount referred to in Article 29 (2) of Regulation (EEC) No 1785/81 to be paid by the sugar manufacturers to the beet sellers in respect of the B levy shall be fixed for the 1996/97 marketing year at ECU 0,48 per tonne of beet of the standard quality.

*Article 2*

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, 10 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ L 158, 9. 6. 1982, p. 17.

<sup>(4)</sup> OJ L 53, 24. 2. 1994, p. 7.

## COMMISSION REGULATION (EC) No 1977/97

of 10 October 1997

fixing the production levies in the sugar sector for the 1996/97 marketing year

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<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup>, and in particular Articles 28 (8) and 28a (5) thereof,

Whereas Article 7 (1) of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector<sup>(3)</sup>, as last amended by Regulation (EC) No 392/94<sup>(4)</sup>, provides that the basic production levy and the B levy together with, if required, the coefficient referred to in Article 28a (2) of Regulation (EEC) No 1785/81 for sugar, isoglucose and inulin syrup are to be fixed before 15 October in respect of the preceding marketing year;

Whereas Commission Regulation (EC) No 1755/96<sup>(5)</sup> increased, for the 1996/97 marketing year, the maximum amount referred to in the first indent of Article 28 (4) of Regulation (EEC) No 1785/81 to 37,5 % of the intervention price for white sugar;

Whereas the estimated total loss recorded in accordance with Article 28 (1) and (2) of Regulation (EEC) No 1785/81 necessitates in respect of the 1996/97 marketing year, the retention of the maximum amounts referred to in Article 28 (3) of the said Regulation in so far as the basic production levy is concerned and the taking into account of an amount equal to 36,5345 % of the intervention price for white sugar for the calculation of the B levy in conformity with Article 28 (4) and (5) of the same Regulation;

Whereas the total uncovered loss recorded on the basis of the known information and in application of Article 28

(1) and (2) of Regulation (EEC) No 1785/81 is covered in its entirety by the receipts from the basic production levy and the B levy; whereas the coefficient referred to in Article 28a (2) of the said Regulation should not as a consequence be fixed for the 1996/97 marketing year;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The production levies in the sugar sector for the 1996/97 marketing year are hereby fixed as follows:

- (a) ECU 1,2638 per 100 kilograms of white sugar as the basic production levy on A sugar and B sugar;
- (b) ECU 23,0862 per 100 kilograms of white sugar as the B levy on B sugar;
- (c) ECU 0,5330 per 100 kilograms of dry matter as the basic production levy on A isoglucose and B isoglucose;
- (d) ECU 9,6892 per 100 kilograms of dry matter as the B levy on B isoglucose;
- (e) ECU 1,2638 per 100 kilograms of dry matter equivalent sugar/isoglucose of the basic production levy on A inulin syrup and B inulin syrup;
- (f) ECU 23,0862 per 100 kilograms of dry matter equivalent sugar/isoglucose as the B levy on B inulin syrup.

*Article 2*

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

<sup>(1)</sup> OJ L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ L 158, 9. 6. 1982, p. 17.

<sup>(4)</sup> OJ L 53, 24. 2. 1994, p. 7.

<sup>(5)</sup> OJ L 230, 11. 9. 1996, p. 4.

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

Done at Brussels, 10 October 1997.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1978/97  
of 10 October 1997**

**issuing a standing invitation to tender in order to determine refunds on exports  
of olive oil for the 1997/98 marketing year**

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

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

Whereas the export refunds for olive oil cannot be fixed solely in accordance with the standard procedure, since there is insufficient information available on the world market situation; whereas provision should therefore be made for issuing a standing invitation to tender so that the refunds can, in the coming months, be determined by tender;

Whereas, in view of the demand for olive oil on the world market in certain special cases, provision should be made for amending certain conditions in the standing invitation to tender;

Whereas, in view of the specific nature of the tendering procedure, detailed rules should be laid down which will enable operators in the various Member States to take part on equal terms, while providing certain guarantees regarding the validity of the tenders;

Whereas, in order to ensure the smooth operation of the tendering procedure, the arrangements for determining the refunds and awarding the contract should be specified;

Whereas decisions fixing refunds are to be made in particular on the basis of information on tenders forwarded by the Member States; whereas, in order to ensure the arrangements are administered properly, the possibility that the award may be made to tenderers whose bids have not been duly communicated should be ruled out;

Whereas Commission Regulation (EEC) No 3665/87<sup>(3)</sup>, as last amended by Regulation (EC) No 815/97<sup>(4)</sup>, lays down common detailed rules for the application of the system of export refunds on agricultural products; whereas Commission Regulation (EEC) No 3719/88<sup>(5)</sup>, as last amended by Regulation (EC) No 1404/97<sup>(6)</sup>, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products; whereas those Regulations apply to olive oil; whereas those common provisions should be supplemented by certain specific provisions;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A standing invitation to tender is hereby issued in order to determine export refunds on olive oil falling within the following CN codes:

- 1509 10 90,
- 1509 90 00,
- 1510 00 90.

2. The standing invitation to tender shall remain open until 31 October 1998. During its period of validity partial invitations to tender shall be issued.

*Article 2*

Pursuant to this invitation to tender the Commission may, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC:

- (a) issue invitations to tender in respect of specific destinations (specific invitations to tender) in response to demand for olive oil in certain third countries;
- (b) impose restrictions on the quantities and qualities of oil for which offers may be submitted;
- (c) cancel one or more partial invitations to tender before the deadline for submitting tenders;
- (d) exclude certain countries of destination from an invitation to tender or differentiate the refund according to the country of destination.

*Article 3*

1. The periods during which tenders may be submitted in response to the partial invitations to tender shall be as follows:

- for January, February, March, April, May, June, July, September, October and November: from the fifth day to 12 noon on the ninth day of each month and from the 19th day to 12 noon on the 23rd day of each month,
- for August: from the 19th day to 12 noon on the 24th day of the month,
- for December: from the 10th day to 12 noon on the 15th day of the month.

That deadline shall be in Belgian time. Where the day on which the deadline expires in a Member State is a holiday for the authority responsible for receiving the tenders, the deadline shall be 12 noon on the last preceding working day.

<sup>(1)</sup> OJ 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 11.

<sup>(3)</sup> OJ L 351, 14. 12. 1987, p. 1.

<sup>(4)</sup> OJ L 116, 6. 5. 1997, p. 22.

<sup>(5)</sup> OJ L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ L 194, 23. 7. 1997, p. 5.

2. Tenders in response to this invitation to tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex, fax or telegram.

Separate tenders must be submitted where they relate to several qualities, presentations or, where applicable, several countries of destination.

3. Tenders must indicate:

- (a) the reference number of the Regulation issuing the invitation to tender, and of the partial or specific invitation to tender in response to which the offer is being made;
- (b) the name and address of the tenderer;
- (c) the quantity, quality and subheadings of the olive oil to be exported and the presentation of the oil, specifying whether it is put up in immediate containers of a net capacity of five litres or less or whether it is otherwise presented;
- (d) the country of destination, where the refund varies with the country of destination;
- (e) the amount of the export refund per 100 kilograms of olive oil, expressed in ecus;
- (f) the minimum amount of the security to be lodged covering the quantity of olive oil indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

4. Tenders shall be valid only if:

- (a) the quantity to be exported is not less than five tonnes of a single quality in the case of olive oil put up in immediate containers of a net capacity of five litres or less, and not less than 20 tonnes of a single quality in the case of olive oil otherwise presented;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;
- (c) it contains all the information required under paragraph 3.

5. Tenders shall be valid in respect of only one partial invitation to tender or, where applicable, one specific invitation to tender. A tender may stipulate that it is to be regarded as having been submitted only if the quantity awarded represents all or a specified part of the tendered quantity.

6. Tenders and the proof and declarations referred to in paragraphs 3 and 4 shall be drafted in the official language or one of the official languages of the Member State to whose competent authority the tender is addressed.

7. Tenders which are not submitted in accordance with this Regulation or which contains terms other than those indicated herein shall not be considered.

8. Once submitted, tenders may not be withdrawn.

#### Article 4

1. A security of ECU 12 per 100 kilograms of olive oil to be exported must be lodged by each tenderer. This security shall in the case of successful tenderers become the security for the export licence.

2. Commission Regulation (EEC) No 2220/85<sup>(1)</sup> shall apply to the securities referred to in this Regulation. The primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the obligations set out in paragraph 3 (b) and compliance with the time limit set.

3. Except in case of *force majeure*, the security shall be released:

- (a) to tenderers only in respect of the quantity for which no award was made;
- (b) to successful tenderers, only:
  - for the quantity in respect of which they have fulfilled the obligation to export conferred by the licence referred to in Article 9, Article 33 of Regulation (EEC) No 3719/88 remaining applicable,
  - for the quantity relating to applications withdrawn pursuant to Article 8 (3),
  - if proof is furnished that the olive oil has reached its destination, in cases where the refund applicable in respect of the invitation to tender is valid for certain third countries only.

#### Article 5

1. Tenders shall be examined in private by the competent authority of the Member State concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated by telex or by fax to the Commission not later than 24 hours after expiry of the deadline for submission of tenders and in such a manner that the tenderers remain anonymous.

#### Article 6

1. In the light, in particular, of the current situation and foreseeable development of the Community and world olive-oil markets and on the basis of the tenders received, a maximum refund shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, for exports of each of the products falling within the CN codes listed in Article 1. Refunds shall be fixed no later than the eighth working day after the expiry of each deadline for the submission of tenders.

<sup>(1)</sup> OJ L 205, 3. 8. 1985, p. 5.

2. It may also be decided, in accordance with that same procedure:

- to fix a maximum quantity in respect of each partial invitation to tender,
- not to award a contract in response to a partial or specific invitation to tender.

3. The refunds shall vary depending on whether the olive oil is put up in immediate containers of a net capacity of five litres or less or is otherwise presented.

4. Where refunds vary with the destination, they shall be fixed in the light of the specific situation in each country of destination.

5. Without prejudice to the first indent of paragraph 2, in cases where a maximum export refund is fixed, a contract shall be awarded to the tenderer or tenderers whose tender has been communicated in accordance with Article 5 (2) and quotes a rate of refund equal to or less than such maximum refund for the quantity stated in the tender.

#### Article 7

1. The competent authority of the Member State concerned shall immediately notify the applicants of the result of their participation in the invitation to tender. In addition, the competent authority shall issue to the successful tenderers, not later than the third working day following publication of the maximum refund in the *Official Journal of the European Communities*, an export licence for the quantity awarded, indicating in box 22 the export refund quoted in the tender and stating the quality, presentation and, where appropriate, destination of the oil.

2. The export licence shall be valid from the actual date of issue until the end of the third month following the month of publication of the maximum refund in the *Official Journal of the European Communities*.

#### Article 8

1. Where a maximum quantity is fixed in respect of a partial invitation to tender, a contract shall be awarded to the tenderer quoting the lowest export refund and, if necessary, to the tenderer quoting the next lowest refund, and so on until the entire maximum quantity has been accounted for.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenders quote the same refund, and awards to all of them would result in the maximum quantity being exceeded, the quantity available shall be allocated to the tenderers concerned:

- either in proportion to the total quantities in each of their tenders, or
- up to a maximum tonnage to be determined for each of them.

3. Notwithstanding Article 7, where the quantity awarded, pursuant to paragraph 2, is less than 80 % of the quantity applied for, the licence shall be issued not later than the 11th working day following publication of the award in the *Official Journal of the European Communities*. Within 10 working days of publication, applicants may:

- either withdraw the application, in which case the security shall be released immediately,
- or request immediate issue of the licence, in which case the competent authority shall issue it immediately.

#### Article 9

During the term of validity of the export licences awarded to them, successful tenderers shall be under an obligation to export the quantity of olive oil of the quality and presentation specified in the tender, where applicable, to the country indicated in their tenders.

Such rights and obligations are not transferable.

#### Article 10

1. Within 15 days of publication of the award in the *Official Journal of the European Communities*, Member States shall notify the Commission of the quantities covered by export licence applications withdrawn pursuant to Article 8 (3).

2. Each month, following the expiry of the term of validity of export licences, Member States shall notify the Commission of the quantities covered by and the refunds relating to unused exports licences.

3. All notifications referred to in paragraphs 1 and 2, including 'nil' notifications, shall be made in accordance with the model set out in the Annex.

#### Article 11

Additional quantities exported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88 shall not be eligible for the refund.

At least one of the following shall be entered in box 22:

- Restitución válida por ... toneladas (cantidad por la que se expida el certificado)
- Restitutionen omfatter ... tons (den mængde, licensen vedrører)
- Erstattung gültig für ... Tonnen (Menge, für welche die Lizenz ausgestellt wurde)

- Επιστροφή ισχύουσα για ... τόνους (ποσότητα για την οποία έχει εκδοθεί το πιστοποιητικό)
- Refund valid for ... tonnes (quantity for which the licence is issued)
- Restitution valable pour ... tonnes (quantité pour laquelle le certificat est délivré)
- Restituzione valida per ... t (quantitativo per il quale il titolo è rilasciato)
- Restitutie geldig voor ... ton (hoeveelheid waarvoor het certificaat wordt afgegeven)
- Restituição válida para ... toneladas (quantidade relativamente à qual é emitido o certificado)
- Tuki on voimassa ... tonnille (määrä, jolle todistus on myönnetty)

- Ger rätt till exportbidrag för ... ton (den kvantitet för vilken licensen utfärdats).

This Article shall only apply to licences for the export on which a refund is payable.

*Article 12*

The provisions of Commission Regulation (EC) 2543/95 <sup>(1)</sup> shall apply, except where otherwise indicated in this Regulation.

*Article 13*

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

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

Done at Brussels, 10 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ L 260, 31. 10. 1995, p. 33.

ANNEX

Application of Regulation (EC) No 1978/97

COMMISSION OF THE EUROPEAN COMMUNITIES — DG VI/C.4 — olive oil sector

Export licence applications — olive oil sector

Applicant: .....

Date: .....

Member State: .....

Person to contact: .....

Telephone: .....

Fax: .....

Addressee: DG VI/C.4 — Fax: (32 2) 296 60 09 — Telex: 22037 — AGREC B

— Part A: Notification concerning invitation to tender of ...

Category	Total quantities in each category withdrawn pursuant to the first subparagraph of Article 8 (3)

— Part B: Monthly notification

Category	Unused quantities	Date of issue of certificate	Refund fixed in advance	Total amount refunds fixed in advance

COMMISSION REGULATION (EC) No 1979/97  
of 10 October 1997

fixing the estimated production of olive oil and the amount of the unit  
production aid that may be paid in advance for the 1996/97 marketing year

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

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

Having regard to Council Regulation (EEC) No 2261/84  
of 17 July 1984 laying down general rules on the granting  
of aid for the production of olive oil and of aid to olive oil  
producer organizations<sup>(3)</sup>, as last amended by Regulation  
(EC) No 636/95<sup>(4)</sup>, and in particular Article 17a (2)  
thereof,

Whereas Article 5 of Regulation No 136/66/EEC provides  
that the unit production aid must be reduced where the  
actual production in a given marketing year exceeds the  
guaranteed maximum quantity fixed for that marketing  
year; whereas, however, producers whose average produc-  
tion does not amount to 500 kilograms of olive oil per  
marketing year are not affected by such a reduction;

Whereas Article 17a of Regulation (EEC) No 2261/84  
provides that in order to determine the unit amount of  
the production aid for olive oil that can be paid in  
advance, the estimated production for the marketing year  
concerned should be determined; whereas that amount  
must be fixed at a level avoiding any risk of unwarranted  
payment to olive growers;

Whereas, in order to establish the estimated production,  
the Member States must forward to the Commission the

data for the olive oil production estimates for each mar-  
keting year; whereas the Commission may avail itself of  
other sources of information;

Whereas the amount of the advance withheld for the  
establishment of the register of olive cultivation provided  
for in Council Regulation (EEC) No 2159/92<sup>(5)</sup> and the  
amount withheld for measures to improve the quality of  
olive oil provided for in Council Regulation (EC) No  
1583/96<sup>(6)</sup> must be taken into account;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the 1996/97 marketing year the estimated production  
shall be 1 859 400 tonnes, and the unit amount of the  
production aid that may be paid in advance shall be ECU  
90,32 per 100 kilograms.

*Article 2*

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

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

Done at Brussels, 10 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 11.

<sup>(3)</sup> OJ L 208, 3. 8. 1984, p. 3.

<sup>(4)</sup> OJ L 67, 25. 3. 1995, p. 1.

<sup>(5)</sup> OJ L 217, 31. 7. 1992, p. 8.

<sup>(6)</sup> OJ L 206, 16. 8. 1996, p. 14.

**COMMISSION REGULATION (EC) No 1980/97**  
**of 10 October 1997**  
**on the supply of white sugar as food aid**

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security<sup>(1)</sup>, and in particular Article 24 (1) (b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated sugar to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid<sup>(2)</sup>, as amended by Regulation (EEC) No 790/91<sup>(3)</sup>; whereas it is necessary to specify the time limits and conditions of

supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

*Article 1*

White sugar shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

*Article 2*

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

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

Done at Brussels, 10 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 166, 5. 7. 1996, p. 1.

<sup>(2)</sup> OJ L 204, 25. 7. 1987, p. 1.

<sup>(3)</sup> OJ L 81, 28. 3. 1991, p. 108.

## ANNEX

## LOT A

1. **Operation No** (1): 38/97
2. **Programme**: 1997
3. **Recipient** (2): WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (tel.: (39 6) 65 13 29 88; fax: 65 13 28 44/3; telex: 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: Tajikistan
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** (3) (7) (8): see OJ C 114, 29. 4. 1991, p. 1 (V.A(1))
8. **Total quantity (tonnes)**: 200
9. **Number of lots**: one
10. **Packaging and marking** (3) (8): see OJ C 267, 13. 9. 1996, p. 1 (11.2.A(1)(b) and B(4))  
see OJ C 114, 29. 4. 1991, p. 1 (V.A(3))  
Language to be used for the marking: English
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:  
A or B sugar (points (a) and (b))
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 17. 11 — 7. 12. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 27. 10. 1997 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 10. 11. 1997 (12 noon (Brussels time))
  - (b) period for making the goods available at the port of shipment: 1 — 21. 12. 1997
  - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 15 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1):  
Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03/296 70 04 (exclusively))
25. **Refund payable on application by the successful tenderer** (4): periodic refund applicable to white sugar on 7. 10. 1997, fixed by Commission Regulation (EC) No 1914/97 (OJ L 270, 2. 10. 1997, p. 1)



*Notes:*

- (1) The operation number should be mentioned in all correspondence.
  - (2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
  - (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
  - (4) Commission Regulation (EEC) No 2330/87 (OJ L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.  
The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ L 188, 27. 7. 1996, p. 22), shall not apply to this amount.
  - (5) Notwithstanding OJ C 114, point V.A (3) (c) is replaced by the following: 'the words "European Community"'.  
(6) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
  - (7) The rule provided at the second indent of Article 18 (2) (a) of Commission Regulation (EEC) No 2103/77 (OJ L 246, 27. 9. 1977, p. 12) is binding for determination of the sugar category.
  - (8) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:
    - health certificate.
-

## COMMISSION REGULATION (EC) No 1981/97

of 10 October 1997

on the issuing of import licences for bananas under the tariff quota for the fourth quarter of 1997 (second period)

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94 <sup>(2)</sup>,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community <sup>(3)</sup>, as last amended by Regulation (EC) No 1409/96 <sup>(4)</sup>, and in particular Article 9 (3) thereof,

Having regard to Commission Regulation (EC) No 478/95 of 1 March 1995 on additional rules for the application of Regulation (EEC) No 404/93 as regards the tariff quota arrangements for imports of bananas into the Community and amending Regulation (EEC) No 1442/93 <sup>(5)</sup>, as amended by Regulation (EC) No 702/95 <sup>(6)</sup>, and in particular Article 4 (3) thereof,

Having regard to Commission Regulation (EC) No 1814/97 of 19 September 1997 on the issuing of import licences for bananas under the tariff quota for the fourth quarter of 1997 and on the submission of new applications <sup>(7)</sup>, and in particular Article 3 thereof,

Whereas Regulation (EC) No 1814/97 fixes the quantities available for the fourth quarter of 1997 under the second period for the submission of applications provided for in Article 4 of Regulation (EC) No 478/95; whereas, under that Regulation, import licences are to be issued to category B operators who have submitted applications within the time limit laid down for the quantities available, where applicable at the end of the second period, for imports of bananas originating in Costa Rica, Colombia and Nicaragua under categories A and C;

Whereas Article 9 (3) of Regulation (EEC) No 1442/93 states that, where the quantities covered by import licence applications from one or more of the categories of operators for a given quarter and origin (country or group of

countries referred to in Annex I to Regulation (EC) No 478/95) exceed the quantity available, a reduction percentage is to be applied to applications quoting that origin;

Whereas, as regards Colombia and Costa Rica, the above-mentioned provisions of Article 3 of Regulation (EC) No 1814/97 should be applied and the quantities for which licences may be issued to category B operators should be determined;

Whereas, on the basis of applications submitted during the second period, the quantities for which licences may be issued for the origins concerned should be determined forthwith;

Whereas this Regulation must apply immediately so licences can be issued as quickly as possible,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences shall be issued under the tariff quota for imports of bananas during the fourth quarter of 1997 (second period) in respect of new applications as referred to in Article 4 (1) of Regulation (EC) No 478/95 and those referred to in Article 3 of Regulation (EC) No 1814/97:

1. For the quantity set out in the licence application:
  - (a) multiplied, in respect of the origin 'Colombia', by the reduction coefficient 0,6156 in the case of applications from operators in category B, including applications for up to 150 tonnes;
  - (b) multiplied, in respect of the origin 'Costa Rica', by the reduction coefficient 0,9731 in the case of applications from operators in category B, including applications for up to 150 tonnes;
  - (c) multiplied, in respect of the origin 'Cameroon', by the reduction coefficient 0,9998 in the case of applications from all categories of operators, including applications for up to 150 tonnes;
  - (d) multiplied, in respect of the origin 'Côte d'Ivoire', by the reduction coefficient 0,3591 in the case of applications from all categories of operators, including applications for up to 150 tonnes.
2. For the quantity set out in the licence application in respect of origins other than those mentioned in point 1.

<sup>(1)</sup> OJ L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ L 142, 12. 6. 1993, p. 6.

<sup>(4)</sup> OJ L 181, 20. 7. 1996, p. 13.

<sup>(5)</sup> OJ L 49, 4. 3. 1995, p. 13.

<sup>(6)</sup> OJ L 71, 31. 3. 1995, p. 84.

<sup>(7)</sup> OJ L 257, 20. 9. 1997, p. 9.

*Article 2*

This Regulation shall enter into force on 11 October 1997.

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

Done at Brussels, 10 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 1982/97**  
**of 10 October 1997**  
**determining the extent to which export licence applications for products falling**  
**within the olive oil sector can be accepted**

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

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

Having regard to Commission Regulation (EC) No 2543/95 of 30 October 1995 laying down special detailed rules for the application of the system of export licences for olive oil <sup>(3)</sup>, as last amended by Regulation (EC) No 2126/96 <sup>(4)</sup>, and in particular Article 3 (3) thereof,

Whereas, in view of the limits resulting from the agreements concluded under Article 228 of the Treaty, the issue of the export licences applied for would result in an overrun on the quantities for normal disposal laid down for the 1996/97 marketing year; whereas a percentage of acceptance should be set for the quantities applied for

from 6 to 8 October 1997 and the lodgement of licence applications should be suspended,

HAS ADOPTED THIS REGULATION:

*Article 1*

In accordance with Article 3 (3) of Regulation (EC) No 2543/95:

- the export licence applications submitted from 6 to 8 October 1997 shall be accepted in part at a rate of 50 %,
- the lodgement of export licence applications is hereby suspended from 13 to 17 October 1997.

*Article 2*

This Regulation shall enter into force on 11 October 1997.

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

Done at Brussels, 10 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ L 206, 16. 8. 1996, p. 11.

<sup>(3)</sup> OJ L 260, 31. 10. 1995, p. 33.

<sup>(4)</sup> OJ L 284, 6. 11. 1996, p. 15.

**COMMISSION REGULATION (EC) No 1983/97**  
**of 10 October 1997**  
**amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by Regulation (EC) No 2222/96 <sup>(2)</sup>, and in particular Article 6 (7) thereof,

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender <sup>(3)</sup>, as last amended by Regulation (EC) No 1815/97 <sup>(4)</sup>, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 October 1997.

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

Done at Brussels, 10 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ L 296, 21. 11. 1996, p. 50.

<sup>(3)</sup> OJ L 159, 10. 6. 1989, p. 36.

<sup>(4)</sup> OJ L 257, 20. 9. 1997, p. 12.

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE — ANEXO — LIITE — BILAGA*

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1 i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 τον κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1<sup>er</sup> paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde Lid-Staten of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n° 1 do artigo 1º do Regulamento (CEE) n° 1627/89

Jäsenvaltiot tai alueet ja asetuksen (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmit

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89.

Estados miembros o regiones de Estados miembros	Categoría A			Categoría C		
Medlemsstat eller region	Kategori A			Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A			Kategorie C		
Κράτος μέλος ή περιοχές κράτους μέλους	Κατηγορία Α			Κατηγορία Γ		
Member States or regions of a Member State	Category A			Category C		
États membres ou régions d'États membres	Catégorie A			Catégorie C		
Stati membri o regioni di Stati membri	Categoria A			Categoria C		
Lid-Staat of gebied van een Lid-Staat	Categorie A			Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A			Categoria C		
Jäsenvaltiot tai alueet	Luokka A			Luokka C		
Medlemsstater eller regioner	Kategori A			Kategori C		
	U	R	O	U	R	O
België/Belgique		x				
Danmark		x	x		x	x
Deutschland	x	x			x	x
España		x				
Ireland				x	x	x
Nederland		x				
Österreich	x					
Portugal	x					
Suomi		x	x			
Sweden		x	x			
Great Britain				x	x	
Northern Ireland				x	x	x

**COMMISSION REGULATION (EC) No 1984/97**  
**of 10 October 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<sup>(1)</sup>, as last amended by Regulation (EC) No 2375/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, and in particular Article 3 (3) thereof,

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 11 October 1997.

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

Done at Brussels, 10 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ L 325, 14. 12. 1996, p. 5.

<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 10 October 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 40	052	93,0
	999	93,0
0709 90 79	052	118,8
	999	118,8
0805 30 30	052	80,2
	388	71,5
	524	57,5
	528	54,6
	999	65,9
0806 10 40	052	95,8
	064	55,5
	400	219,7
	999	123,7
0808 10 92, 0808 10 94, 0808 10 98	060	57,5
	064	44,6
	091	48,2
	400	63,8
	404	75,2
	528	57,7
	800	141,5
	999	69,8
	0808 20 57	052
064		87,1
400		79,0
999		88,1

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



**COMMISSION REGULATION (EC) No 1985/97**  
**of 10 October 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<sup>(1)</sup>, as last amended by Regulation (EC) No 150/95<sup>(2)</sup>, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 1651/97<sup>(3)</sup>;

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<sup>(4)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(5)</sup>; 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 1 to 10 October 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 (2) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

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

*Article 3*

Regulation (EC) No 1651/97 is hereby repealed.

*Article 4*

This Regulation shall enter into force on 11 October 1997.

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

Done at Brussels, 10 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ L 22, 31. 1. 1995, p. 1.

<sup>(3)</sup> OJ L 230, 21. 8. 1997, p. 6.

<sup>(4)</sup> OJ L 108, 1. 5. 1993, p. 106.

<sup>(5)</sup> OJ L 188, 27. 7. 1996, p. 22.

## ANNEX I

## Agricultural conversion rates

ECU 1 =	40,9321	Belgian and Luxembourg francs
	7,54917	Danish kroner
	1,98243	German marks
	312,011	Greek drachmas
	200,321	Portuguese escudos
	6,68769	French francs
	6,02811	Finnish marks
	2,23273	Dutch guilders
	0,759189	Irish punt
	1 973,93	Italian lire
	13,9485	Austrian schillings
	167,153	Spanish pesetas
	8,65258	Swedish kroner
	0,695735	Pound sterling

## ANNEX II

## Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	39,3578	Belgian and Luxembourg francs	ECU 1 =	42,6376	Belgian and Luxembourg francs
	7,25882	Danish kroner		7,86372	Danish kroner
	1,90618	German marks		2,06503	German marks
	300,011	Greek drachmas		325,011	Greek drachmas
	192,616	Portuguese escudos		208,668	Portuguese escudos
	6,43047	French francs		6,96634	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,14686	Dutch guilders		2,32576	Dutch guilders
	0,729989	Irish punt		0,790822	Irish punt
	1 898,01	Italian lire		2 056,18	Italian lire
	13,4120	Austrian schillings		14,5297	Austrian schillings
	160,724	Spanish pesetas		174,118	Spanish pesetas
	8,31979	Swedish kroner		9,01310	Swedish kroner
	0,668976	Pound sterling		0,724724	Pound sterling

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 6 October 1997

appointing a member and an alternate member of the Committee of the Regions

(97/657/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to Council Decisions 94/65/EC <sup>(1)</sup>, and 95/15/EC <sup>(2)</sup>, appointing members and alternate members of the Committee of the Regions,

Whereas a seat as a member of the Committee has become vacant following the resignation of Mr Leonidas Kouris, notified to the Council on 1 September 1997, and a seat as an alternate member has become vacant following the resignation of Mr Evangelos Kouloumbis, notified to the Council on 24 September 1997;

Having regard to the proposal from the Greek Government,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Evangelos Kouloumbis is hereby appointed a member of the Committee of the Regions in place of Mr Leonidas Kouris and Mr Panaghiotis Rigas is appointed an alternate member in place of Mr Evangelos Kouloumbis for the remainder of their term of office, which runs until 25 January 1998.

Done at Luxembourg, 6 October 1997.

*For the Council*

*The President*

J. POOS

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<sup>(1)</sup> OJ L 31, 4. 2. 1994, p. 29.

<sup>(2)</sup> OJ L 25, 2. 2. 1995, p. 20.

# COMMISSION

## COMMISSION DECISION

of 1 October 1997

concerning financial contribution by the Community towards the eradication of sheep pox in Greece

(Only the Greek text is authentic)

(97/658/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field<sup>(1)</sup>, as last amended by Decision 94/370/EC<sup>(2)</sup> and, in particular, Article 3 (3) thereof,

Whereas outbreaks of sheep pox have occurred in Greece in the period November 1995 to 31 December 1996;

Whereas the appearance of this disease is a serious danger to the Community's sheep and goat population and, in order to help eradicate the disease as rapidly as possible, the Community can participate with financial assistance;

Whereas, when the presence of sheep pox was officially confirmed the Greek authorities established measures within the framework of the provisions of Article 3 (2) of Decision 90/424/EEC and the provisions of Council Directive 92/119/EEC of 17 December 1992 introducing general Community measures for the control of certain animal diseases and specific measures relating to swine vesicular disease<sup>(3)</sup> as last amended by the Act of Accession of Austria, Finland and Sweden; whereas such measures were notified by the Greek authorities;

Whereas for the purpose of disease eradication, a village may be considered as an epidemiological unit in so far as sheep and goat farms are concerned;

Whereas the conditions for Community financial assistance have been met;

Whereas, in order to carry out good financial management, it is necessary that Greece should send the necessary supporting documents to the Commission;

Whereas it is necessary to fix in advance the maximum level of Community financial aid for this action;

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*

For the eradication of sheep pox in the period November 1995 to December 1996, Greece may obtain Community financial assistance. The financial contribution by the Community shall be 50 % of the cost of compensating owners for:

- the slaughter and destruction of animals,
- the destruction of milk, wool, and of contaminated feedingstuffs, and where it cannot be disinfected, contaminated equipment,
- the cleaning and disinfection of holdings.

Compensations for the measures referred to in the third indent may be made to other than owners.

<sup>(1)</sup> OJ L 224, 18. 8. 1990, p. 19.

<sup>(2)</sup> OJ L 168, 2. 7. 1994, p. 31.

<sup>(3)</sup> OJ L 62, 15. 3. 1993, p. 69.

*Article 2*

1. The Community financial contribution referred to at Article 1 shall be granted after the supporting documents have been submitted.

2. The documents referred to in paragraph 1 shall, as regards the compensation mentioned at Article 1, include:

(a) an epidemiological report covering each holding or epidemiological unit on which animals have been slaughtered. The report shall contain information on the subjects given below:

(i) Infected holdings and epidemiological units

- location and address,
- date and suspicion of disease and date of confirmation,
- number and date of animals slaughtered and destroyed,
- method of killing and destruction,
- type and number of samples collected and examined at the time of suspicion of the disease; results of examinations performed,
- source of infection as assumed on the basis of a completed epidemiological investigation;

(ii) Contact holdings and contact epidemiological units

- as listed at (i), indents 1, 3 and 4,
- infected holding (outbreak) with which contact has been confirmed or assumed; nature of contact.

(b) Financial report including list of the beneficiaries and their location, number of animals slaughtered, date of slaughter and amount paid.

3. The Community financial participation is limited to ECU 1 750 000. Furthermore, it is also limited to the actions for which documentation has been submitted in accordance with paragraph 2 and for which compensation has been paid to the owners within 90 days of confirmation of disease on the holding concerned.

*Article 3*

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 1 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION DECISION**

of 1 October 1997

**on financial contributions from the Community for the eradication of Newcastle disease in Germany**

(Only the German text is authentic)

(97/659/EC)

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

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field<sup>(1)</sup>, as amended by Decision 94/370/EC<sup>(2)</sup> and in particular Articles 3 (3) and 4 (2) thereof,

Whereas 28 outbreaks of Newcastle disease occurred in Germany in 1995; whereas the appearance of this disease is a serious danger to the Community's poultry and, in order to help eradicate the disease as rapidly as possible, the Community can compensate for the losses suffered;

Whereas, as soon as the presence of Newcastle disease was officially confirmed the national authorities took appropriate measures which included the measures as listed in Article 3 (2) of Decision 90/424/EEC; whereas such measures were notified by Germany;

Whereas the conditions for Community financial assistance have been met;

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*

Germany may obtain Community financial assistance for outbreaks of Newcastle disease which occurred during 1995. The financial contribution by the Community shall be:

- 50 % of the costs incurred by Germany in compensating the owner for the slaughter, destruction of poultry and poultry products as appropriate,
- 50 % of the costs incurred by Germany for the cleaning and disinfection of holdings and equipment,
- 50 % of the costs incurred by Germany in compensating the owner for the destruction of contaminated feedingstuffs and contaminated equipment.

*Article 2*

1. The Community financial contribution shall be granted after supporting documents have been submitted.
2. The documents referred to in paragraph 1 shall be submitted by Germany no later than three months from the notification of this Decision.

*Article 3*

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 1 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 224, 18. 8. 1990, p. 19.

<sup>(2)</sup> OJ L 168, 2. 7. 1994, p. 31.

## COMMISSION DECISION

of 2 October 1997

**adopting the plan allocating to the Member States resources to be charged to the 1998 budget year for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community**

(97/660/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3730/87 of 10 December 1987 laying down the general rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community <sup>(1)</sup>, as amended by Regulation (EC) No 2535/95 <sup>(2)</sup>, and in particular Article 6 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(4)</sup>, and in particular Articles 3 (4) and 6 (2) thereof,

Whereas Commission Regulation (EEC) No 3149/92 <sup>(5)</sup>, as last amended by Regulation (EC) No 267/96 <sup>(6)</sup>, lays down detailed rules for the supply of food from intervention stocks for the benefit of the most deprived persons in the Community; whereas, in accordance with Article 2 of the abovementioned Regulation, in order to implement the scheme for the supply of such food to the most deprived section of the population, the Commission must adopt a plan to be financed from resources available in the 1998 budget year; whereas this plan should indicate in particular the quantity of products by type that may be withdrawn from intervention stock for distribution in each Member State and the financial resources made available to implement the plan in each Member State; whereas this plan should also indicate the level of appropriations to be reserved to cover costs of intra-Community transport of intervention products as referred to in Article 7 of Regulation (EEC) No 3149/92;

Whereas the Member States involved in the plan have supplied the information required in accordance with Article 1 of Regulation (EEC) No 3149/92;

Whereas, to implement the plan, the conversion rates to be applied to the funds allocated to the Member States should be specified and Article 3 (4) of Regulation (EEC) No 3813/92 should be applied;

Whereas, to ensure that the budget appropriations are fully used, account must be taken of the degree to which the Member States used the resources allocated to them in previous years;

Whereas in accordance with the provisions of Article 2 (2) of Regulation (EEC) No 3149/92 the Commission has sought the advice of major organizations familiar with the problems of the most deprived persons in the Community when drawing up this plan;

Whereas the measures provided for in this Decision are in accordance with the opinions of all the relevant management committees,

HAS ADOPTED THIS DECISION:

*Article 1*

For the 1998 financial year, foodstuffs for distribution to the most deprived persons in the Community, pursuant to Regulation (EEC) No 3730/87, shall be supplied in accordance with the annual distribution plan set out in the Annex.

*Article 2*

The amounts in ecus shall be converted into national currencies using the rates applicable on 1 October 1997 and published in the *Official Journal of the European Communities*, Series C.

<sup>(1)</sup> OJ L 352, 15. 12. 1987, p. 1.

<sup>(2)</sup> OJ L 260, 31. 10. 1995, p. 3.

<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

<sup>(5)</sup> OJ L 313, 30. 10. 1992, p. 50.

<sup>(6)</sup> OJ L 36, 14. 2. 1996, p. 2.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 2 October 1997.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

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## ANNEX

## Annual distribution plan for 1998

(a) *Financial resources available to carry out the plan in each Member State*

(Ecus)

Member State	Allocation
Belgium	3 296 000
Denmark	1 192 000
Greece	14 927 000
Spain	41 813 000
France	29 185 000
Ireland	2 031 000
Italy	49 615 000
Luxembourg	44 000
Portugal	15 844 000
Finland	1 863 000
United Kingdom	29 190 000
<b>Total</b>	<b>189 000 000</b>

(b) *Quantity of each type of product to be withdrawn from intervention stocks for distribution in each Member State up to the maximum amounts indicated in point (a)*

(in tonnes)

Member State	Products					
	Cereals	Rice	Olive oil	Milk powder	Butter	Beef/veal
Belgium	3 500				300	500
Denmark						327
Greece		9 000			1 617	1 700
Spain	29 550	4 000			5 000	5 340
France	15 000	2 000		5 567		4 000
Ireland					60	500
Italy	31 600	3 000	3 000		6 000	5 000
Portugal	5 690		1 830		2 590	750
Finland	11 390					120
United Kingdom						8 000
<b>Total</b>	<b>96 730</b>	<b>18 000</b>	<b>4 830</b>	<b>5 567</b>	<b>15 567</b>	<b>26 237</b>

(c) and (d) *Allocation for Luxembourg with a view to making purchases on the Community market*

Beef/veal: ECU 17 375.

Milk powder: ECU 24 662.

In accordance with Articles 2 (3) and 5 (1) of Regulation (EEC) No 3149/92, these amounts shall be converted into national currency using the agricultural conversion rate in force on 1 October 1997.

The appropriations needed to cover the intra-Community transfer costs of the intervention products are fixed at ECU 1 million.