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Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2121/97

of 29 October 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

several prices as a basis, provided that this average is representative of actual market trends;

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

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

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

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

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 October 1997.

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

Done at Brussels, 29 October 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	7,93	—	0,28
1703 90 00 ⁽¹⁾	11,08	—	0,00

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

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

COMMISSION REGULATION (EC) No 2122/97
of 29 October 1997
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2066/97 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2066/97 to the informa-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2066/97 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 October 1997.

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

Done at Brussels, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 290, 23. 10. 1997, p. 10.

ANNEX

to the Commission Regulation of 29 October 1997 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	36,00 ⁽¹⁾
1701 11 90 9910	33,94 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,00 ⁽¹⁾
1701 12 90 9910	33,94 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3914
	— ECU/100 kg —
1701 99 10 9100	39,14
1701 99 10 9910	40,56
1701 99 10 9950	40,56
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3914

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 2123/97

of 29 October 1997

fixing the maximum export refund for white sugar for the 13th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas, following an examination of the tenders submitted in response to the 13th partial invitation to

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 13th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 43,790 per 100 kilograms.

Article 2

This Regulation shall enter into force on 30 October 1997.

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

Done at Brussels, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 2124/97
of 29 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⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 October 1997.

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

Done at Brussels, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 29 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	064	59,9
	204	49,0
	999	54,5
0709 90 79	052	66,8
	999	66,8
0805 30 30	052	90,8
	388	53,7
	524	67,8
	528	62,9
0806 10 40	999	68,8
	052	78,1
	400	215,1
0808 10 92, 0808 10 94, 0808 10 98	999	146,6
	060	39,3
	064	40,8
	388	88,0
	400	89,8
	404	87,6
	512	53,1
	528	45,0
	800	135,5
0808 20 57	999	72,4
	052	97,6
	064	81,0
	400	70,4
	999	83,0

(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 2125/97
of 29 October 1997

determining the extent to which applications lodged in October 1997 for import licences for certain poultrymeat sector products pursuant to Regulation (EC) No 509/97 can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 509/97 of 20 March 1997 laying down procedures for applying in the poultrymeat sector the Interim Agreement on trade and accompanying measures between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Slovenia, of the other part⁽¹⁾, as amended by Regulation (EC) No 1514/97⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the fourth quarter of 1997 are for quantities less than the

quantities available and can therefore be met in full; Whereas the surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for the period 1 October to 31 December 1997 submitted pursuant to amended Regulation (EC) No 509/97 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 30 October 1997.

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

Done at Brussels, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 80, 21. 3. 1997, p. 3.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1997
80	—
90	100,00
100	100,00

COMMISSION REGULATION (EC) No 2126/97

of 29 October 1997

establishing the quantity of certain poultrymeat and eggs sector products available for the first quarter of 1998 pursuant to Regulation (EC) No 1866/95

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

Having regard to Commission Regulation (EC) No 1866/95 of 26 July 1995 laying down detailed rules for the application in the poultrymeat and eggs sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part⁽¹⁾, as last amended by Regulation (EC) No 1514/97⁽²⁾, and in particular Article 4 (4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1 October to 31 December 1997 should be added to the

quantities available for the period 1 January to 31 March 1998,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 January to 31 March 1998 pursuant to Regulation (EC) No 1866/95 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 October 1997.

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

Done at Brussels, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 179, 29. 7. 1995, p. 26.

⁽²⁾ OJ L 204, 31. 7. 1997, p. 16.

ANNEX

(tonnes)

Group No	Total quantity available for the period 1 January to 31 March 1998
50	412,50
60	412,50
70	412,50
75	82,50

COMMISSION REGULATION (EC) No 2127/97
of 28 October 1997
establishing unit values for the determination of the customs value of certain
perishable goods

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 82/97 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 1427/97 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 31 October 1997.

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

Done at Brussels, 28 October 1997.

For the Commission
Martin BANGEMANN
Member of the Commission

⁽¹⁾ OJ L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ L 196, 24. 7. 1997, p. 31.

ANNEX

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a)	131,29	1 823,95	259,13	986,57	40 698,98	21 850,20
		b)	774,92	868,22	99,30	252 896,05	291,98	26 371,17
		c)	1 109,09	5 342,58	88,84			
1.30	Onions (other than seed) 0703 10 19	a)	38,50	534,86	75,99	289,31	11 934,73	6 407,44
		b)	227,24	254,60	29,12	74 160,24	85,62	7 733,19
		c)	325,23	1 566,68	26,05			
1.40	Garlic 0703 20 00	a)	96,45	1 339,93	190,37	724,77	29 898,82	16 051,88
		b)	569,28	637,82	72,95	165 785,85	214,50	19 073,14
		c)	814,77	3 924,84	65,26			
1.50	Leeks ex 0703 90 00	a)	40,69	565,29	80,31	305,76	12 613,62	6 771,91
		b)	240,17	269,08	30,78	78 378,71	90,49	8 173,07
		c)	343,73	1 655,80	27,53			
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a)	75,84	1 053,61	149,69	569,90	23 509,87	12 621,82
		b)	447,64	501,53	57,36	146 086,04	168,66	15 233,37
		c)	640,67	3 086,16	51,32			
1.70	Brussels sprouts 0704 20 00	a)	91,88	1 276,44	181,35	690,43	28 482,16	15 291,31
		b)	542,31	607,60	69,49	176 982,93	204,34	18 455,20
		c)	776,17	3 738,87	62,17			
1.80	White cabbages and red cabbages 0704 90 10	a)	95,66	1 328,96	188,81	718,83	29 653,93	15 920,41
		b)	564,62	632,60	72,35	184 264,12	212,74	19 214,46
		c)	808,10	3 892,69	64,73			
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	a)	105,95	1 471,91	209,12	796,16	32 843,76	17 632,94
		b)	625,36	700,65	80,13	204 085,13	235,63	21 281,33
		c)	895,03	4 311,42	71,69			
1.100	Chinese cabbage ex 0704 90 90	a)	49,40	686,29	97,50	371,21	15 313,65	8 221,49
		b)	291,58	326,68	37,36	95 156,26	109,86	9 922,58
		c)	417,31	2 010,23	33,43			
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a)	87,89	1 221,01	173,47	660,45	27 245,28	14 627,27
		b)	518,76	581,22	66,48	169 297,23	195,46	17 653,76
		c)	742,46	3 576,51	59,47			
1.120	Endives ex 0705 29 00	a)	21,82	303,13	43,07	163,97	6 764,05	3 631,44
		b)	128,79	144,30	16,50	42 030,56	48,53	4 382,81
		c)	184,33	887,92	14,76			
1.130	Carrots ex 0706 10 00	a)	37,45	520,27	73,92	281,42	11 609,24	6 232,69
		b)	221,04	247,66	28,33	72 137,69	83,29	7 522,28
		c)	316,36	1 523,95	25,34			
1.140	Radishes ex 0706 90 90	a)	149,40	2 075,54	294,88	1 122,66	46 312,95	24 864,19
		b)	881,81	987,98	113,00	287 780,26	332,26	30 008,78
		c)	1 262,07	6 079,53	101,09			
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a)	452,80	6 290,52	893,70	3 402,55	140 364,83	75 358,15
		b)	2 672,59	2 994,37	342,47	872 201,47	1 007,00	90 950,31
		c)	3 825,08	18 425,79	306,38			

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	140,79 830,99 1 189,34	1 955,93 931,04 5 729,17	277,88 106,49 95,26	1 057,96 271 195,33	43 643,91 313,11	23 431,26 28 279,36
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	130,11 767,96 1 099,12	1 807,55 860,42 5 294,57	256,80 98,41 88,04	977,71 250 623,09	40 333,19 289,36	21 653,82 26 134,15
1.180	Broad beans ex 0708 90 00	a) b) c)	92,83 547,92 784,19	1 289,64 613,88 3 777,53	183,22 70,21 62,81	697,57 178 812,86	28 776,65 206,45	15 449,42 18 646,02
1.190	Globe artichokes 0709 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	376,94 2 224,84 3 184,25	5 236,64 2 492,70 15 338,82	743,98 285,10 255,05	2 832,50 726 076,91	116 848,76 838,29	62 732,99 75 712,92
1.200.2	— other ex 0709 20 00	a) b) c)	302,92 1 787,95 2 558,95	4 208,32 2 003,21 12 326,72	597,88 229,11 204,97	2 276,28 583 496,62	93 903,08 673,68	50 414,07 60 845,12
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	65,34 385,66 551,97	907,74 432,09 2 658,88	128,96 49,42 44,21	491,00 125 860,52	20 254,94 145,31	10 874,34 13 124,32
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	60,11 354,79 507,79	835,08 397,51 2 446,06	118,64 45,46 40,67	451,69 115 786,29	18 633,68 133,68	10 003,93 12 073,81
1.230	Chantarelles 0709 51 30	a) b) c)	995,51 5 875,87 8 409,69	13 830,12 6 583,31 40 510,29	1 964,87 752,95 673,60	7 480,73 1 917 591,18	308 601,13 2 213,95	165 679,74 199 960,13
1.240	Sweet peppers 0709 60 10	a) b) c)	97,72 576,78 825,50	1 357,58 646,22 3 976,52	192,87 73,91 66,12	734,31 188 232,17	30 292,52 217,32	16 263,25 19 628,23
1.250	Fennel 0709 90 50	a) b) c)	73,55 434,12 621,32	1 021,79 486,39 2 992,97	145,17 55,63 49,77	552,69 141 674,95	22 799,99 163,57	12 240,71 14 773,40
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	85,40 504,06 721,43	1 186,42 564,75 3 475,18	168,56 64,59 57,79	641,74 164 500,90	26 473,40 189,92	14 212,87 17 153,61
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	159,46 941,19 1 347,06	2 215,30 1 054,51 6 488,91	314,73 120,61 107,90	1 198,26 307 158,23	49 431,48 354,63	26 538,45 32 029,45
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	54,26 320,26 458,37	753,81 358,82 2 208,00	107,09 41,04 36,71	407,74 104 517,78	16 820,22 120,67	9 030,33 10 898,77

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	139,64 824,21 1 179,63	1 939,95 923,44 5 682,37	275,61 105,62 94,49	1 049,32 268 980,15	43 287,42 310,55	23 239,87 26 048,37
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	127,51 752,61 1 077,16	1 772,43 843,22 5 188,76	251,67 96,44 86,28	956,17 245 614,86	39 527,21 283,57	21 221,11 25 611,91
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 42 0805 10 51 0805 10 37	a) b) c)	23,94 141,30 202,24	332,59 158,32 974,19	47,25 18,11 16,20	179,90 46 114,19	7 421,23 53,24	3 984,26 4 808,64
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamou- tis, ovalis, trovita and hamlins 0805 10 44 0805 10 55 0805 10 38	a) b) c)	38,61 227,89 326,16	536,39 255,33 1 571,16	76,21 29,20 26,13	290,13 74 372,13	11 968,83 85,87	6 425,75 7 755,28
2.60.3	— Others 0805 10 39 0805 10 46 0805 10 59	a) b) c)	45,63 269,33 385,46	633,91 301,75 1 856,82	90,06 34,51 30,88	342,89 87 894,33	14 144,98 101,48	7 594,06 9 165,33
2.70	Mandarins (including tangerines and satsu- mas), fresh; clementines, wilkings and simi- lar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 21	a) b) c)	78,92 465,82 666,69	1 096,40 521,90 3 211,49	155,77 59,69 53,40	593,04 152 018,86	24 464,65 175,51	13 134,42 15 852,03
2.70.2	— Monreales and satsumas 0805 20 23	a) b) c)	60,54 357,33 511,42	841,05 400,35 2 463,55	119,49 45,79 40,96	454,93 116 614,57	18 766,98 134,64	10 075,49 12 160,19
2.70.3	— Mandarines and wilkings 0805 20 25	a) b) c)	27,71 163,55 234,08	384,96 183,25 1 127,60	54,69 20,96 18,75	208,23 53 376,11	8 589,91 61,63	4 611,69 5 565,89
2.70.4	— Tangerines and others ex 0805 20 27 ex 0805 20 29	a) b) c)	66,95 395,16 565,57	930,10 442,74 2 724,40	132,14 50,64 45,30	503,09 128 961,77	20 754,03 148,89	11 142,29 13 447,71
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	104,30 615,62 881,09	1 448,99 689,74 4 244,28	205,86 78,89 70,57	783,76 200 906,83	32 332,27 231,96	17 358,34 20 949,91

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.90	Grapefruit, fresh:							
2.90.1	— white ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	50,33 297,07 425,17	699,21 332,83 2 048,08	99,34 38,07 34,06	378,20 96 947,66	15 601,95 111,93	8 376,27 10 109,38
2.90.2	— pink ex 0805 40 90 ex 0805 40 20 ex 0805 40 95	a) b) c)	57,23 337,79 483,46	795,07 378,46 2 328,86	112,96 43,29 38,72	430,05 110 238,72	17 740,90 127,28	9 524,62 11 495,33
2.100	Table grapes 0806 10 21 0806 10 29 0806 10 61 0806 10 30 0806 10 69	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.110	Water melons 0807 11 00	a) b) c)	31,08 183,45 262,55	431,78 205,53 1 264,74	61,34 23,51 21,03	233,55 59 867,54	9 634,58 69,12	5 172,55 6 242,79
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro ex 0807 19 00	a) b) c)	47,46 280,13 400,92	659,34 313,85 1 931,29	93,67 35,90 32,11	356,64 91 419,35	14 712,27 105,55	7 898,63 9 532,91
2.120.2	— other ex 0807 19 00	a) b) c)	118,20 697,66 998,51	1 642,09 781,66 4 809,91	233,29 89,40 79,98	888,21 227 681,57	36 641,17 262,87	19 671,67 23 741,89
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>) ex 0808 20 41	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.140.2	Other ex 0808 20 41	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.150	Apricots 0809 10 10 0809 10 50	a) b) c)	148,11 874,20 1 251,18	2 057,62 979,45 6 027,04	292,33 112,02 100,22	1 112,97 285 295,41	45 913,06 329,39	24 649,50 29 749,67
2.160	Cherries 0809 20 11 0809 20 19 0809 20 21 0809 20 29 0809 20 71 0809 20 79	a) b) c)	146,66 865,64 1 238,93	2 037,47 969,86 5 968,04	289,47 110,93 99,24	1 102,07 282 502,36	45 463,57 326,16	24 408,18 29 458,42
2.170	Peaches 0809 30 19 0809 30 59	a) b) c)	167,87 990,83 1 418,10	2 332,13 1 110,32 6 831,13	331,33 126,97 113,59	1 261,45 323 357,91	52 038,52 373,33	27 938,10 33 718,70
2.180	Nectarines ex 0809 30 11 ex 0809 30 51	a) b) c)	100,60 593,78 849,83	1 397,59 665,27 4 093,72	198,56 76,09 68,07	755,96 193 779,74	31 185,30 223,73	16 742,56 20 206,72

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.190	Plums 0809 40 10 0809 40 40	a)	139,60	1 939,39	275,53	1 049,02	43 275,02	23 233,21
		b)	823,97	923,17	105,59	268 903,10	310,46	26 040,34
		c)	1 179,29	5 680,74	94,46			
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a)	183,50	2 549,27	362,18	1 378,91	56 883,72	30 539,35
		b)	1 083,08	1 213,49	138,79	353 455,04	408,09	36 858,18
		c)	1 550,14	7 467,17	124,16			
2.205	Raspberries 0810 20 10	a)	1 173,21	16 298,82	2 315,60	8 816,05	363 686,89	195 253,82
		b)	6 924,72	7 758,44	887,35	2 259 884,03	2 609,15	235 653,31
		c)	9 910,83	47 741,43	793,84			
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a)	1 200,19	16 673,64	2 368,85	9 018,79	372 050,50	199 744,02
		b)	7 083,97	7 936,86	907,76	2 311 853,99	2 669,15	241 072,56
		c)	10 138,75	48 839,33	812,10			
2.220	Kiwi fruit (<i>Actinidia chinensis Planch.</i>) 0810 50 10 0810 50 20 0810 50 30	a)	130,25	1 809,50	257,08	978,76	40 376,59	21 677,12
		b)	768,78	861,34	98,51	250 692,76	289,67	26 162,28
		c)	1 100,30	5 300,26	88,13			
2.230	Pomegranates ex 0810 90 85	a)	102,12	1 418,70	201,56	767,38	31 656,49	16 995,53
		b)	602,75	675,32	77,24	196 707,63	227,11	20 512,03
		c)	862,67	4 155,57	69,10			
2.240	Khakis (including sharon fruit) ex 0810 90 85	a)	110,16	1 530,40	217,43	827,79	34 148,83	18 333,60
		b)	650,21	728,49	83,32	212 194,60	244,99	22 126,96
		c)	930,59	4 482,74	74,54			
2.250	Lychees ex 0810 90 30	a)	621,41	8 632,94	1 226,50	4 669,57	192 632,75	103 419,40
		b)	3 667,79	4 109,38	470,00	1 196 984,80	1 381,98	124 817,66
		c)	5 249,44	25 287,04	420,47			

COMMISSION REGULATION (EC) No 2128/97

of 29 October 1997

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (standard) carnations originating in Morocco

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

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

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

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

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

- (a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;
- or
- (b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 989/97⁽⁵⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96⁽¹¹⁾;

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

Whereas the quota for the products in question covers the period 1 November 1996 to 31 October 1997; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Morocco, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 30 October 1997.

It shall apply until 31 October 1997 at the latest.

⁽¹⁾ OJ L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ L 236, 27. 8. 1997, p. 3.

⁽⁵⁾ OJ L 141, 31. 5. 1997, p. 71.

⁽⁶⁾ OJ L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ L 289, 22. 10. 1997, p. 1.

⁽⁸⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2129/97
of 29 October 1997
fixing the import duties in the rice sector

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, as last amended by Regulation (EC) No 1403/97 ⁽³⁾, and in particular Article 4 (1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11 (1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 30 October 1997.

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

Done at Brussels, 29 October 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 2.

ANNEX I

to the Commission Regulation of 29 October 1997 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties (°)			
	Third countries (except ACP and Bangladesh) (°) (°)	ACP Bangladesh (°) (°) (°) (°)	Basmati India and Pakistan (°)	Egypt (°)
1006 10 21	(°)	130,91		202,88
1006 10 23	(°)	130,91		202,88
1006 10 25	(°)	130,91		202,88
1006 10 27	(°)	130,91		202,88
1006 10 92	(°)	130,91		202,88
1006 10 94	(°)	130,91		202,88
1006 10 96	(°)	130,91		202,88
1006 10 98	(°)	130,91		202,88
1006 20 11	309,41	150,37		232,06
1006 20 13	309,41	150,37		232,06
1006 20 15	309,41	150,37		232,06
1006 20 17	255,89	123,61	5,89	191,92
1006 20 92	309,41	150,37		232,06
1006 20 94	309,41	150,37		232,06
1006 20 96	309,41	150,37		232,06
1006 20 98	255,89	123,61	5,89	191,92
1006 30 21	(°)	251,59		399,75
1006 30 23	(°)	251,59		399,75
1006 30 25	(°)	251,59		399,75
1006 30 27	(°)	251,59		399,75
1006 30 42	(°)	251,59		399,75
1006 30 44	(°)	251,59		399,75
1006 30 46	(°)	251,59		399,75
1006 30 48	(°)	251,59		399,75
1006 30 61	(°)	251,59		399,75
1006 30 63	(°)	251,59		399,75
1006 30 65	(°)	251,59		399,75
1006 30 67	(°)	251,59		399,75
1006 30 92	(°)	251,59		399,75
1006 30 94	(°)	251,59		399,75
1006 30 96	(°)	251,59		399,75
1006 30 98	(°)	251,59		399,75
1006 40 00	(°)	78,38		123,00

(°) Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ L 84, 30. 3. 1990, p. 85).

(°) In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(°) The import levy on rice entering the overseas department of Réunion is specified in Article 11 (3) of Regulation (EC) No 3072/95.

(°) The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ L 88, 9. 4. 1991, p. 7).

(°) No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ L 263, 19. 9. 1991, p. 1).

(°) For husked rice of the Basmati variety originating in India and Pakistan, a reduction of ECU 250 per tonne applies (Article 4a of amended Regulation (EC) No 1503/96).

(°) Duties fixed in the Common Customs Tariff.

(°) The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ L 292, 15. 11. 1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ L 31, 1. 2. 1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	255,89	533,00	309,41	533,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	344,32	285,46	317,48	352,52	—
(b) fob price (ECU/tonne)	—	—	—	291,21	326,25	—
(c) Sea freight (ECU/tonne)	—	—	—	26,27	26,27	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2130/97
of 29 October 1997
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

Whereas the 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

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

Article 2

This Regulation shall enter into force on 1 November 1997.

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

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ L 348, 30. 12. 1977, p. 53.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 29 October 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 29 October 1997 fixing the export refunds on olive oil
(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 9100	15,50
1509 10 90 9900	0,00
1509 90 00 9100	14,50
1509 90 00 9900	0,00
1510 00 90 9100	0,00
1510 00 90 9900	0,00

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

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

COMMISSION REGULATION (EC) No 2131/97

of 29 October 1997

fixing the maximum export refunds for olive oil for the 22nd partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EC) No 2081/96⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 2081/96 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

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

Whereas the 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

The maximum export refunds for olive oil for the 22nd partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 October 1997.

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ L 279, 31. 10. 1996, p. 17.

ANNEX

to the Commission Regulation of 29 October 1997 fixing the maximum export refunds for olive oil for the 22nd partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96

(ECU/100 kg)

Product code	Amount of refund
1509 10 90 9100	20,50
1509 10 90 9900	—
1509 90 00 9100	19,49
1509 90 00 9900	—
1510 00 90 9100	—
1510 00 90 9900	—

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

COMMISSION REGULATION (EC) No 2132/97
of 29 October 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 2084/97 ⁽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 30 October 1997.

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

Done at Brussels, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 11.

⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ L 291, 24. 10. 1997, p. 24.

ANNEX

to the Commission Regulation of 29 October 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⁾	24,00	4,30
1701 11 90 ⁽¹⁾	24,00	9,53
1701 12 10 ⁽¹⁾	24,00	4,11
1701 12 90 ⁽¹⁾	24,00	9,10
1701 91 00 ⁽²⁾	25,64	12,46
1701 99 10 ⁽²⁾	25,64	7,89
1701 99 90 ⁽²⁾	25,64	7,89
1702 90 99 ⁽³⁾	0,26	0,39

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ 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 L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 2133/97
of 29 October 1997
amending Regulation (EC) No 1773/97 on a special intervention measure for
cereals in Finland and Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Commission Regulation (EC) No 1773/97⁽⁵⁾, opens an invitation to tender for the refund for the export of oats produced in Finland and Sweden to all third countries; whereas, in the present situation, it is appropriate to increase the quantity put up for tender;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 (1) of Regulation (EC) No 1773/97 is hereby amended as follows:

'1. A special intervention measure in the form of an export refund shall be implemented in respect of 400 000 tonnes of oats produced in Finland and Sweden and intended for export from Finland and Sweden to all third countries.

Article 13 of Regulation (EEC) No 1766/92 and the provisions adopted for the application of that Article shall apply, *mutatis mutandis*, to the said refund.'

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, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 250, 13. 9. 1997, p. 1.

COMMISSION REGULATION (EC) No 2134/97
of 29 October 1997

determining the percentages of quantities which may be allowed in respect of import licence applications lodged in October 1997 under tariff quotas for meat provided for in Regulation (EC) No 1939/97 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Commission Regulation (EC) No 1939/97 of 3 October 1997, laying down for the period 1 July 1997 to 30 June 1998, rules for the application of the tariff quotas for beef and veal provided for by Council Regulation (EC) No 3066/95 for the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania and amending Regulations (EC) No 2512/96 and (EC) No 1441/97⁽¹⁾, and in particular Article 3 (4) thereof,

1. The following percentages of quantities covered by import licence applications submitted in respect of the period 1 October to 31 December 1997 under the quotas referred to in Regulation (EC) No 1939/97 may be allowed:

- (a) 100 % of quantities covered by applications in respect of products falling within CN codes 0201 and 0202 originating in Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria;
- (b) 100 % of quantities covered by applications in respect of products falling within CN codes 1602 50 31 and 1602 50 39 originating in Poland.

Whereas Article 1 (1) and (3) of Regulation (EC) No 1939/97 fixes the quantities of fresh, chilled or frozen beef and veal originating in Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria and, in the case of Poland, the equivalent of the quantity of meat expressed as weight of processed products which may be imported on special terms in respect of the period 1 October to 31 December 1997; whereas the quantities of fresh, chilled or frozen beef and veal originating in Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria and the quantities of processed products originating in Poland covered by the import licence applications submitted are such that the applications may be accepted in full;

2. The quantities available for the period referred to in Article 1 (3) of Regulation (EC) No 1939/97 running from 1 January to 31 March 1998 shall amount to:

- (a) beef and veal falling within CN codes 0201 and 0202:
 - 4 355,4 tonnes for meat originating in Hungary,
 - 2 086,6 tonnes for meat originating in the Czech Republic,
 - 1 353,4 tonnes for meat originating in Slovakia,
 - 207,7 tonnes for meat originating in Bulgaria,
 - 1 369,2 tonnes for meat originating in Romania;
- (b) 6 157,8 tonnes for beef and veal falling within CN codes 0201 and 0202 originating in Poland, or 2 877,5 tonnes for processed products falling within CN codes 1602 50 31 and 1602 50 39 originating in Poland.

Whereas Article 1 (4) of Regulation (EC) No 1939/97 states that if for the quota period the quantities for which applications for import licences have been submitted for the first or second periods specified in paragraph 3 of the Article are less than the quantities available, the remaining quantities are to be added to the quantities in respect of the following period; whereas, in view of the quantities remaining for the first period, the quantities available for the six countries concerned for the second period running from 1 January to 31 March 1998 should accordingly be determined,

Article 2

This Regulation shall enter into force on 30 October 1997.

⁽¹⁾ OJ L 272, 4. 10. 1997, p. 23.

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

Done at Brussels, 29 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

AGREEMENT

for cooperation in the peaceful uses of nuclear energy between the European Atomic Energy Community (Euratom) and the Government of the Argentine Republic

(97/738/Euratom)

THE EUROPEAN ATOMIC ENERGY COMMUNITY (EURATOM),

hereinafter referred to as 'the Community',

of the one part, and

THE GOVERNMENT OF THE ARGENTINE REPUBLIC,

hereinafter referred to as 'Argentina',

of the other part,

both also generally referred to hereinafter as the 'Party' or 'Parties', as appropriate,

WHEREAS the Framework Agreement for Trade and Economic Cooperation between the European Economic Community and Argentina, signed at Luxembourg on 2 April 1990, stipulates that the Parties are committed to foster economic cooperation between themselves, *inter alia*, in the energy sector;

WHEREAS cooperation in the peaceful uses of nuclear energy between the Community and Argentina should further enhance economic cooperation;

WHEREAS peaceful nuclear capabilities and applications and, in particular, nuclear power generation, including related activities, are firmly established in the Community and in Argentina as a competitive industrial sector;

WHEREAS Argentina is a party to the Treaty on the Non-Proliferation of Nuclear Weapons and to the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), and has adhered to the Guidelines for Nuclear Transfers (Nuclear Suppliers' Guidelines); whereas safeguards are applied in Argentina pursuant to the quadripartite agreement between Argentina, the Federative Republic of Brazil, the Brazilian-Argentine Agency for Accounting and Control of Nuclear Material and the International Atomic Energy Agency (IAEA);

WHEREAS all Member States of the Community are Parties to the Treaty on the Non-Proliferation of Nuclear Weapons and have adhered to the Guidelines for Nuclear Transfers (Nuclear Suppliers' Guidelines); whereas safeguards are applied in the Community both under Chapter VII of the Euratom Treaty and under safeguards agreements concluded between the Community, its Member States and the IAEA;

WHEREAS it is appropriate to provide a legal framework for promoting cooperation in all potential peaceful uses of nuclear energy, focusing particularly on present opportunities of mutual benefit,

HAVE AGREED AS FOLLOWS:

Article 1

Objectives and principles

The objective of this Agreement is to re-launch and develop, as appropriate, cooperation between the Parties in the peaceful uses of nuclear energy with a view to strengthening the overall cooperative relationship between the Community and Argentina.

Cooperation shall be conducted on the basis of the following principles:

- (a) mutual benefit and reciprocity;
- (b) within the framework of applicable laws and regulations, effective protection of intellectual property and equitable sharing of intellectual property rights, as set out in the Annexes, which form an integral part of this Agreement.

Article 2

Scope of cooperation

1. Cooperation under this Agreement shall be carried out within the scope of the respective competences of each Party, and shall include, in particular, the following areas:

(a) Reactor safety research

Review and analysis of safety issues and particularly the impact of reactor safety on nuclear power development; identification of appropriate techniques to improve reactor safety through research and development and evaluation studies on nuclear reactors in operation as well as on new types of nuclear reactors and fuel cycles.

(b) Nuclear waste management and disposal

Assessment and optimization of geological disposal, and scientific aspects of the management of long-lived waste.

(c) Radiation protection

Research, regulatory aspects, development of safety standards, training and education, with particular attention to low-dose effects, industrial exposures and post-accident management.

(d) Decommissioning of nuclear installations

Strategies for decommissioning and dismantling nuclear installations, including radiological aspects.

(e) Controlled thermonuclear fusion

Experimental and theoretical activities in plasma physics and fusion research.

(f) Research into nuclear applications in the fields of agriculture, medicine and industry.

(g) Nuclear safeguards

Development and evaluation of nuclear material measurement techniques and characterization of reference materials for safeguards activities, development of systems of accounting for and control of nuclear materials, prevention of illicit trafficking of nuclear material.

(h) Research into interaction between nuclear energy and the environment

Evaluation of the possibilities to minimize impacts on the environment.

(i) Other areas of mutual interest jointly agreed upon by the Parties.

2. The cooperation referred to in this Article, as between the Parties, may also take place between persons and undertakings established in the respective territories of the Parties.

Article 3

Modalities of cooperation

1. Cooperation shall be implemented in particular through:

— participation of Argentinian research entities in research projects carried out in the framework of the relevant Community research programmes and a reciprocal participation of research entities of the Community in Argentinian projects in similar areas of research; as regards Argentinian participation in Community research projects, such participation shall be subject to the rules applicable for the participation of undertakings, research centres and universities in the Community research programmes, as laid down in the Decision of the Council of the European Union of 21 November 1994 concerning the rules for the participation of undertakings, research centres and universities in research and training activities of the European Atomic Energy Community⁽¹⁾;

— exchange of technical information by means of, *inter alia*, reports, visits, seminars, technical meetings;

— exchange of personnel between laboratories and/or bodies involved on both sides, including for training purposes;

— exchange of samples, materials, instruments and apparatus for experimental purposes;

— balanced participation in joint studies and activities.

Joint research projects shall proceed once the participants have concluded a Joint Technology Management Plan (JTMP), as indicated in the Annexes.

⁽¹⁾ OJ L 306, 30. 11. 1994, p. 8.

2. To the extent necessary, the Parties, acting through their appropriate authorities, will conclude specific agreements, in the framework and under the conditions of this Agreement, to set out the scope, terms and conditions to implement cooperation activities that may be entered into by the Parties and/or by bodies which either Party may eventually entrust with such activities.

Such specific agreements may cover, *inter alia*, financing provisions, assignment of management responsibilities and detailed provisions on dissemination of information and intellectual property rights.

3. For the purposes of this Agreement, the appropriate authorities will be, in the case of Argentina, the National Commission for Atomic Energy and the National Board of Nuclear Regulation and, in the case of the Community, the European Commission, or such other authority as the Party concerned may at any time notify to the other Party.

4. Any transfers of nuclear material or equipment carried out pursuant to the cooperation referred to in Article 2 shall be made in accordance with the relevant international and multilateral commitments of the Parties and of the Member States of the Community in relation to peaceful uses of nuclear energy. Such transfers will not require the Parties to put in place and maintain specific mechanisms to track transfers or other movements of such nuclear material or equipment.

5. In order to achieve maximum synergies, the Parties shall coordinate their activities under this Agreement with other international activities, related to the aforementioned areas of cooperation, in which they are participants.

Article 4

Funding

1. Each Party's obligations under this Agreement are subject to the availability of the required funds.
2. Costs resulting from cooperation activities shall be borne by the Party that incurs them, unless otherwise specifically agreed by the parties.

Article 5

Implementing provisions

1. In so far as the Community is concerned, this Agreement shall apply to the territories in which the Treaty establishing the European Atomic Energy Community applies.
2. Each Party shall use its best efforts, within the applicable laws and regulations, to facilitate the accom-

plishment of formalities involved in the movement of persons, as well as the transfer of instruments and materials coming from the other Party in the framework of this Agreement or of specific agreements entered into by the Parties in accordance with the provisions of Article 3 (2).

3. Compensation for damages incurred during the implementation of this Agreement shall be in accordance with the applicable laws and regulations.

Article 6

Intellectual property rights

Treatment of information, industrial property and copyright connected with the cooperation activities under this Agreement shall take place in accordance with the Annexes.

Article 7

Settlement of disputes

1. Subject to the laws and regulations applicable, the Parties shall endeavour to settle all questions connected with this Agreement through negotiations between themselves.
2. Any dispute arising out of the interpretation of this Agreement, including its Annexes, which is not settled by negotiation between the Parties, shall be submitted, at the request of either of them, to an arbitral tribunal which shall be composed of three arbitrators appointed in accordance with the provisions of this Article.
3. Each Party shall designate one arbitrator, who may be a national of Argentina or of a Member State of the Community. The two arbitrators so designated shall elect a third, who shall be a national of a country other than Argentina or a Member State of the Community, and shall be the Chairman.

If, within thirty days of the request of arbitration, a Party has not designated an arbitrator, the other Party may request the President of the International Court of Justice to appoint an arbitrator. The same procedure shall apply if, within thirty days of the designation of the second arbitrator, the third one has not been designated.

4. The majority of the members of the tribunal shall constitute a quorum. All decisions shall be taken by the affirmative vote of the majority of the members of the tribunal. The decisions of the tribunal, including all its decisions related to its own installation and constitution, procedure, jurisdiction and distribution of the expenses of the arbitration among the Parties, shall be mandatory for both Parties and shall be implemented by them.

*Article 8***Joint meetings**

The Parties shall meet at regular intervals, in order

- to review and assess the state of cooperation under this Agreement and prepare periodic reports thereon,
- to determine by mutual agreement the specific tasks to be undertaken under this Agreement, without prejudice to the taking of autonomous decisions by the Parties on their respective programmes,
- to consult on nuclear questions of mutual interest and on any significant matters relating to the envisaged cooperation.

*Article 9***Final provisions**

1. This Agreement shall enter into force on the date which the Parties shall specify, by an exchange of diplomatic notes, and shall remain in force for an initial period of ten years⁽¹⁾.

2. Thereafter, this Agreement shall be automatically renewed for five-year periods, unless either Party, by written notice, requests its termination or renegotiation not later than six months prior to the expiry date.

3. In the event of termination or renegotiation, this Agreement shall remain in force in its previous form with respect to cooperation activities effectively entered into prior to the requests for termination or renegotiation until the end of such activities and related implementing arrangements or for one calendar year after the expiry of this Agreement in its previous form, whichever is the earlier.

4. Termination of this Agreement shall not affect the rights and obligations under Article 6.

*Article 10***Authentic languages**

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each text being equally authentic.

⁽¹⁾ This Agreement enters into force on 29 October 1997.

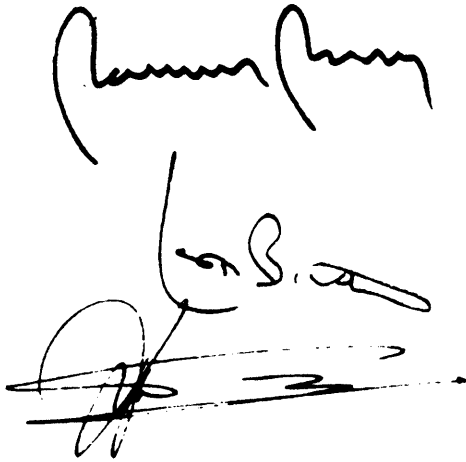
Done at Brussels, 11 June 1996, in duplicate, in the Spanish language,

For the European Atomic Energy Community

For the Government of the Republic of Argentina

and at Brussels, this twenty-seventh day of June 1997, in duplicate, in the Danish, German, Greek, English, French, Italian, Dutch, Portuguese, Finnish and Swedish languages, all eleven languages being equally authentic.

For the European Atomic Energy Community

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

For the Government of the Republic of Argentina

A handwritten signature in black ink, featuring a prominent vertical stroke on the left and a long horizontal stroke extending to the right.

ANNEX I

Guiding principles on the allocation of intellectual property rights resulting from joint research under the agreement for cooperation in the field of nuclear energy

I. OWNERSHIP, ALLOCATION AND EXERCISE OF RIGHTS

1. All research carried out pursuant to this Agreement shall be 'joint research'. The participants shall jointly develop joint technology management plans (TMPs) in respect of the ownership and use, including publication, of information and Intellectual Property (IP) to be created in the course of joint research. Those plans shall be approved by the Parties before the conclusion of any specific R&D cooperation contracts to which they refer. The TMPs shall be developed taking into account the aims of the joint research, the relative contributions of the participants, the advantages and disadvantages of licensing by territory or for fields of use, requirements imposed by laws applicable and other factors deemed appropriate by the participants. The rights and obligations concerning the research generated by visiting researchers in respect of IP shall also be addressed in the joint technology management plans.
2. Information or IP created in the course of joint research and not addressed in the technology management plan shall be allocated, with the approval of the Parties, according to the principles set out in the technology management plan. In case of disagreement, such information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results. Each participant to whom this provision applies shall have the right to use such information or IP for his own commercial exploitation with no geographical limitation.
3. Each Party shall ensure that the other Party and its participants may have the rights to IP allocated to them in accordance with these principles.
4. While maintaining the conditions of competition in areas affected by the Agreement, each Party shall endeavour to ensure that rights acquired pursuant to this Agreement are exercised in such a way as to encourage in particular:
 - (i) the dissemination and use of information created, disclosed, or otherwise made available, under the Agreement;
 - (ii) the adoption and implementation of international standards.

II. COPYRIGHT WORKS

Copyright belonging to the Parties or to their participants shall be accorded treatment consistent with the Berne Convention (1971 Paris Act).

III. SCIENTIFIC LITERARY WORKS

Without prejudice to Section IV, unless otherwise agreed in the TMP, publication of results of research shall be made jointly by the Parties or participants to that joint research. Subject to the foregoing general rule, the following procedures shall apply:

1. In the case of publication by a Party, or public bodies of that Party, of scientific and technical journals, articles, reports, books, including video and software, arising from joint research pursuant to this Agreement, the other Party shall be entitled to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works.
2. The Parties shall ensure that literary works of a scientific character arising from joint research pursuant to this Agreement and published by independent publishers shall be disseminated as widely as possible.
3. All copies of a copyright work to be publicly distributed and prepared under this provision shall indicate the names of the author(s) of the work unless an author or authors expressly declines or decline to be named. They shall also bear a clearly visible acknowledgement to the co-operative support of the Parties.

IV. UNDISCLOSED INFORMATION

A. Documentary undisclosed information

1. Each Party or its participants, as appropriate, shall identify at the earliest possible moment, and preferably in the technology management plan, the information that it wishes to remain undisclosed in relation to this Agreement, taking account *inter alia* of the following criteria:

- secrecy of the information in the sense that the information is not, as a body or in the precise configuration or assembly of its components, generally known among, or readily accessible by lawful means to, experts in the field,
- the actual or potential commercial value of the information by virtue of its secrecy,
- previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy.

The Parties and the participants may in certain cases agree that, unless otherwise indicated, parts or all of the information provided, exchanged or created in the course of joint research pursuant to the Agreement may not be disclosed.

2. Each party shall ensure that undisclosed information under this Agreement and its ensuing privileged nature is readily recognizable as such by the other Party, for example by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.

A Party receiving undisclosed information pursuant to the Agreement shall respect the privileged nature thereof. These limitations shall automatically terminate when this information is disclosed by the owner without restriction to experts in the field.

3. Undisclosed information communicated under this Agreement may be disseminated by the receiving Party to persons within or employed by the receiving party, and other concerned departments or agencies in the receiving Party authorized for the specific purposes of the joint research under way provided that any undisclosed information so disseminated shall be pursuant to an agreement of confidentiality and shall be readily recognizable as such, as set out above.

4. With the prior written consent of the Party providing undisclosed information under this Agreement, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in paragraph 3. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party shall grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential or privileged information provided in seminars and other meetings arranged under this Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the parties or their participants according to the principle specified for documentary information in the Agreement, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware of the confidential character of the information communicated at the time such communication is made.

C. Control

Each Party shall endeavour to ensure that undisclosed information received by it under this Agreement shall be controlled as provided therein. If one of the parties becomes aware that it will be, or may reasonably be expected to become, unable to meet the non-dissemination provisions of paragraphs A and B, it shall immediately inform the other Party. The parties shall thereafter consult to define an appropriate course of action.

*ANNEX II***DEFINITIONS**

1. 'INTELLECTUAL PROPERTY': shall have the meaning found in Article 2 of the Convention establishing the World Intellectual Property Organization, done at Stockholm on 14 July 1967.
2. 'PARTICIPANT': any natural or legal person, including the parties themselves, participating in a project under this Agreement.
3. 'JOINT RESEARCH': research implemented and/or funded by the joint contributions of the Parties and with collaboration from participants of both Parties, where appropriate.
4. 'INFORMATION': scientific or technical data, results or methods of research and development stemming from the joint research and any other information deemed necessary by the Parties and/or participants engaged in the joint research to be provided or exchanged under this Agreement or research pursuant thereto.

*ANNEX III***INDICATIVE FEATURES OF A TECHNOLOGY MANAGEMENT PLAN (TMP)**

The TMP is a specific agreement to be concluded between the participants, about the implementation of joint research and the respective rights and obligations of the participants. With respect to intellectual property rights, the TMP will normally address, inter alia: ownership, protection, user rights for R&D purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlements procedures. The TMP may also address foreground and background information, licensing and deliverables.
