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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (ECSC, EC, EURATOM) No 2591/97  
of 18 December 1997**

**adjusting with effect from 1 July 1997 the remuneration and pensions of officials and other servants of the European Communities and the weightings applied thereto**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 <sup>(1)</sup>, as last amended by Regulation (ECSC, EC, Euratom) No 2192/97 <sup>(2)</sup>, and in particular Articles 63, 64, 65, 65a and 82 of the Staff Regulations, Annex XI to the Staff Regulations, and the first paragraph of Article 20 and Article 64 of the Conditions of Employment,

Having regard to the proposal from the Commission,

Whereas a review of the remuneration of officials and other servants carried out on the basis of a report by the Commission has shown that the remuneration and pensions of officials and other servants of the Communities should be adjusted under the 1997 annual review;

Whereas, in accordance with Annex XI to the Staff Regulations, the annual adjustment in respect of 1998 will entail the establishment before 31 December 1998 of new weightings with retroactive effect from 1 July 1998;

Whereas these new weightings could lead to retroactive adjustments to remuneration and pensions (positive or negative) in respect of the period of 1998 for which payments have already been made on the basis of this Regulation;

Whereas provision should therefore be made for the payment of arrears in the event of an upward adjustment as a result of these weightings or for the recovery of sums overpaid in the event of a downward adjustment for the period between the effective date and the date of entry into force of the Council's decision on the annual adjustment in respect of 1998;

Whereas provision should be made for the effects of any such recovery to be spread over a period of not more than twelve months following the date of entry into force of the Council's decision on the annual adjustment in respect of 1998,

<sup>(1)</sup> OJ L 56, 4. 3. 1968, p. 1.

<sup>(2)</sup> OJ L 301, 5. 11. 1997, p. 5.

HAS ADOPTED THIS REGULATION:

*Article 1*

With effect from 1 July 1997:

(a) the table of basic monthly salaries in Article 66 of the Staff Regulations shall be replaced by the following:

Grade	Step							
	1	2	3	4	5	6	7	8
A 1	433 876	456 924	479 972	503 020	526 068	549 116		
A 2	385 030	407 023	429 016	451 009	473 002	494 995		
A 3/LA 3	318 876	338 113	357 530	376 587	395 824	415 061	434 298	453 535
A 4/LA 4	267 887	282 903	297 919	312 935	327 951	342 967	357 983	372 999
A 5/LA 5	220 863	233 947	247 031	260 115	273 199	286 283	299 367	312 451
A 6/LA 6	190 865	201 279	211 693	222 107	232 521	242 935	253 349	263 763
A 7/LA 7	164 296	172 471	180 646	188 821	196 996	205 171		
A 8/LA 8	145 305	151 165						
B 1	190 865	201 279	211 693	222 107	232 521	242 935	253 349	263 763
B 2	165 369	173 122	180 875	188 628	196 381	204 134	211 887	219 640
B 3	138 709	145 156	151 603	158 050	164 497	170 944	177 391	183 838
B 4	119 972	125 563	131 154	136 745	142 336	147 927	153 518	159 109
B 5	107 240	111 764	116 288	120 812				
C 1	122 368	127 302	132 236	137 170	142 104	147 038	151 972	156 906
C 2	106 434	110 956	115 478	120 000	124 522	129 044	133 566	138 088
C 3	99 284	103 158	107 032	110 906	114 780	118 654	122 528	126 402
C 4	89 710	93 344	96 978	100 612	104 246	107 880	111 514	115 148
C 5	82 717	86 107	89 497	92 887				
D 1	93 484	97 571	101 658	105 745	109 832	113 919	118 006	122 093
D 2	85 238	88 868	92 498	96 128	99 758	103 388	107 018	110 648
D 3	79 333	82 729	86 125	89 521	92 917	96 313	99 709	103 105
D 4	74 802	77 870	80 938	84 006				

(b) — Bfrs 6 425 shall be replaced by Bfrs 6 566 in Article 1 (1) of Annex VII to the Staff Regulations,

— Bfrs 8 274 shall be replaced by Bfrs 8 456 in Article 2 (1) of Annex VII to the Staff Regulations,

— Bfrs 14 782 shall be replaced by Bfrs 15 107 in the second sentence of Article 69 of the Staff Regulations and in the second subparagraph of Article 4 (1) of Annex VII thereto,

— Bfrs 7 394 shall be replaced by Bfrs 7 557 in the first paragraph of Article 3 of Annex VII to the Staff Regulations.

*Article 2*

With effect from 1 July 1997, the table of basic monthly salaries in Article 63 of the Conditions of Employment of Other Servants is replaced by the following:

Category	Group	Step			
		1	2	3	4
A	I	203 705	228 938	254 171	279 404
	II	147 846	162 252	176 658	191 064
	III	124 241	129 776	135 311	140 846
B	IV	119 350	131 034	142 718	154 402
	V	93 747	99 927	106 107	112 287
C	VI	89 161	94 410	99 659	104 908
	VII	79 802	82 517	85 232	87 947
D	VIII	72 129	76 377	80 625	84 873
	IX	69 462	70 430	71 398	72 366

*Article 3*

With effect from 1 July 1997, the fixed allowance referred to in Article 4a of Annex VII to the Staff Regulations shall be:

- Bfrs 3 941 per month for officials in Grade C 4 or C 5,
- Bfrs 6 042 per month for officials in Grade C 1, C 2 or C 3.

*Article 4*

Pensions for which entitlement has accrued by 1 July 1997 shall be calculated from that date by reference to the table of basic monthly salaries laid down in Article 66 of the Staff Regulations, as amended by Article 1 (a) of this Regulation.

*Article 5*

With effect from 1 July 1997, the date '1 July 1996' in the second paragraph of Article 63 of the Staff Regulations shall be replaced by '1 July 1997'.

*Article 6*

1. With effect from 16 July 1977, the weightings applicable to the remuneration of officials and other servants employed in the countries and places listed below shall be as follows:

Belgium	100,0
Denmark	128,7
Germany	109,7
except: Bonn	101,1
Karlsruhe	98,1
Munich	108,8

Greece	87,6
Spain	90,8
France	118,0
Ireland	104,9
Italy	100,3
except: Varese	94,4
Luxembourg	100,0
Netherlands	108,1
Austria	114,5
Portugal	86,5
Finland	117,4
Sweden	116,6
United Kingdom	142,4
except: Culham	115,0

2. The weightings applicable to pensions shall be determined in accordance with Article 82 (1) of the Staff Regulations. Articles 3 to 10 of Regulation (ECSC, EEC, Euratom) No 2175/88 (1) shall remain in force.

3. In accordance with Annex XI to the Staff Regulations these weightings could be adjusted by a Council regulation before 31 December 1998 establishing new weightings with effect from 1 July 1998. In this event, the institutions shall make the corresponding positive or negative adjustment to the remuneration and pensions of the officials, former officials and other persons concerned with retroactive effect for the period between the effective date and the date of entry into force of the decision on the 1998 adjustment.

(1) OJ L 191, 22. 7. 1988, p. 1.

If this retroactive adjustment necessitates the recovery of sums overpaid, such recovery may be spread over a period of not more than 12 months from the date of entry into force of the decision on the 1998 annual adjustment.

*Article 7*

With effect from 1 July 1997, the table in Article 10 (1) of Annex VII to the Staff Regulations shall be replaced by the following:

	Entitled to household allowance		Not entitled to household allowance	
	1st to 15th day	from 16th day	1st to 15th day	from 16th day
	Bfrs per calendar day			
A 1 — A 3 and LA 3	2 561	1 207	1 759	1 011
A 4 — A 8 and LA 4 — LA 8 and category B	2 486	1 126	1 687	880
Other grades	2 255	1 050	1 451	726

*Article 8*

With effect from 1 July 1997, the allowances for shiftwork laid down in Article 1 of Regulation (ECSC, EEC, Euratom) No 300/76<sup>(1)</sup> shall be Bfrs 11 423, Bfrs 17 241, Bfrs 18 852 and Bfrs 25 701.

*Article 9*

With effect from 1 July 1997, the amounts in Article 4 of Regulation (EEC, Euratom, ECSC) No 260/68<sup>(2)</sup> shall be subject to a weighting of 4,087745.

*Article 10*

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

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

Done at Brussels, 18 December 1997.

*For the Council*

*The President*

F. BODEN

<sup>(1)</sup> OJ L 38, 13. 2. 1976, p. 1. Regulation as supplemented by Regulation (Euratom, ECSC, EEC) No 1307/87 (OJ L 124, 13. 5. 1987, p. 6) and last amended by Regulation (Euratom, ECSC, EC) No 1329/97 (OJ L 183, 11. 7. 1997, p. 1).

<sup>(2)</sup> OJ L 56, 4. 3. 1968, p. 8. Regulation as last amended by Regulation (Euratom, ECSC, EC) No 2190/97 (OJ L 301, 5. 11. 1997, p. 1).

## COUNCIL REGULATION (EC) No 2592/97

of 18 December 1997

correcting with effect from 1 July 1995 the weightings applicable in Ireland to the remuneration and pensions of officials and other servants of the European Communities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>(1)</sup>, as last amended by Regulation (Euratom, ECSC, EC) No 2192/97<sup>(2)</sup>, and in particular Articles 63, 64, 65, 65a and 82 of the Staff Regulations, Annex XI to the Staff Regulations, and the first paragraph of Article 20 and Article 64 of the Conditions of Employment,

Having regard to the proposal from the Commission,

Whereas Eurostat carried out checks on the computer program for calculating the weightings; whereas these checks revealed errors in the weightings applied in Ireland from 1 July 1995 and 1 July 1996;

Whereas the weightings applicable in Ireland, set by Regulations (EC, Euratom, ECSC) No 2963/95<sup>(3)</sup> and (EC, Euratom, ECSC) No 2485/96<sup>(4)</sup>, must be corrected accordingly with effect from 1 July 1995 and 1 July 1996,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. With effect from 1 July 1995, the weighting applicable to the remuneration of officials and other servants employed in the following country shall be as follows:

— Ireland: 89,6.

2. With effect from 1 July 1996, the weighting applicable to the remuneration of officials and other servants employed in the following country shall be as follows:

— Ireland: 93,6.

3. The weightings applicable to pensions of officials and other servants in Ireland shall be determined in accordance with Article 82 (1) of the Staff Regulation with effect from 1 July 1995 and 1 July 1996. Articles 3 to 10 of Council Regulation (ECSC, EEC, Euratom) No 2175/88<sup>(5)</sup> shall remain in force.

*Article 2*

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

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

Done at Brussels, 18 December 1997.

*For the Council*

*The President*

F. BODEN

<sup>(1)</sup> OJ L 56, 4. 3. 1968, p. 1.

<sup>(2)</sup> OJ L 301, 5. 11. 1997, p. 5.

<sup>(3)</sup> OJ L 310, 22. 12. 1995, p. 1.

<sup>(4)</sup> OJ L 338, 28. 12. 1996, p. 1.

<sup>(5)</sup> OJ L 191, 22. 7. 1988, p. 1.



## COUNCIL REGULATION (EC) No 2593/97

of 19 December 1997

**amending Regulation (EEC) No 3482/92 imposing a definitive anti-dumping duty on imports of certain large electrolytic aluminium capacitors originating in Japan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup> and in particular Article 11 (3) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**A. PROCEDURE****1. Measures in force**

- (1) In December 1992, the Council, by Regulation (EEC) No 3482/92<sup>(2)</sup>, imposed a definitive anti-dumping duty on imports of certain large aluminium electrolytic capacitors (hereinafter 'LAECs') originating in Japan. For Rubycon Corporation (hereinafter 'Rubycon'), the rate of the definitive anti-dumping duty amounted to 30,1 % expressed as a percentage of the net, free-at-Community-frontier price, before duty. The investigation that led to the imposition of these measures is hereinafter referred to as 'the initial investigation'.

**2. Request for a review investigation**

- (2) In September 1996, Rubycon lodged a request for an interim review pursuant to Article 11 (3) of Council Regulation (EC) No 384/96 (hereinafter the 'Basic Regulation'). Rubycon alleged that the continued imposition of the anti-dumping duty would no longer be necessary to offset the dumping as established in the initial investigation.

**3. Review investigation**

- (3) The Commission considered that Rubycon had submitted sufficient prima facie evidence to justify an interim review. Consequently, the Commission announced on 17 December 1996, by a notice

published in the *Official Journal of the European Communities*<sup>(3)</sup>, the initiation of a review investigation pursuant to Article 11 (3) of the Basic Regulation and commenced an investigation.

Since no other interested party had submitted sufficient evidence justifying the initiation of a review investigation, the investigation was limited to Rubycon. The investigation solely concerned the dumping aspects.

- (4) The Commission officially advised Rubycon, the representatives of the exporting country, two unrelated importers and the complainant in the initial investigation (hereinafter 'Farad') of the initiation of the review. Interested parties were given the opportunity to make their views known in writing and to request a hearing. All parties who so requested were granted a hearing.
- (5) The investigation covered the period of 1 October 1995 to 30 September 1996 (hereinafter referred to as 'the investigation period'). For the purpose of this investigation, the geographical scope of the investigation was the Community as composed at the time of initiation of this review.
- (6) The Commission sent questionnaires to all parties known to be concerned and received replies from Rubycon, its related importer in the Community (hereinafter 'Rubycon UK') and two unrelated importers in the Community.
- (7) The Commission sought and verified all the information it considered necessary and carried out investigations at the premises of the following companies:
- (a) *producer/exporter in Japan*
- Rubycon Corporation, Tokyo and Ina,
- (b) *importer related to the producer/exporter*
- Rubycon UK, South Ruislip, United Kingdom,
- (c) *importer not related to the producer/exporter*
- Codico Gesellschaft mbH & Co KG, Vienna, Austria (hereinafter Codico).

<sup>(1)</sup> OJ L 56, 6. 3. 1996, p. 1. Regulation as amended by Regulation (EC) No 2331/96 (OJ L 317, 6. 12. 1996, p. 1).

<sup>(2)</sup> OJ L 353, 3. 12. 1992, p. 1.

<sup>(3)</sup> OJ L 381, 17. 12. 1996, p. 7.

During the on-the-spot verification at the premises of Codico, it became apparent that the company had provided misleading information. In particular, the company had not reported a significant number of its import transactions. This and some other deficiencies did cast a serious overall doubt on the reliability of the information provided by the company. Consequently, the Commission decided to base its findings for this company on facts available in accordance with Article 18 of the Basic Regulation and informed the company accordingly.

An investigation at the premises of the other importer were not deemed necessary due to the relatively insignificant importance of its total import transactions relating to LAECs produced by Rubycon.

- (8) Owing to the volume and the complexity of the data gathered and examined, the investigation exceeded the normal time period of 12 months provided for in Article 11 (5) of the Basic Regulation.
- (9) Parties were informed in writing of the essential facts and considerations on the basis of which it was intended to amend Regulation (EEC) No 3482/92. The comments presented by the parties were considered and, where appropriate, the findings were modified to take account of them.

## B. PRODUCT CONCERNED

- (10) The product subject to the definitive anti-dumping duty referred to in recital 1 is large electrical capacitors, aluminium electrolytic, with a CV product (capacitance multiplied by rated voltage) between 18 000 and 310 000  $\mu\text{c}$  (micro-coulombs), at a voltage of 160 V or more and with a diameter of 19 mm or more and at a length of 20 mm or more. The product is classifiable under CN code ex 8532 22 00.

For the purpose of this review investigation which concerned only one of the known Japanese producers/exporters and which was limited to dumping aspects, it was not considered appropriate to extend the like product definition as was done — due to technical developments of the product concerned — in the investigation relating to imports of LAECs originating in the Republic of Korea and Taiwan<sup>(1)</sup>.

<sup>(1)</sup> Regulation (EC) No 1384/94 (OJ L 152, 18. 6. 1994, p. 1) confirming Regulation (EC) No 371/94 (OJ L 48, 19. 2. 1994, p. 10).

## C. DUMPING

### 1. Preliminary remark

- (11) In the initial investigation the dumping margin was calculated on the basis of the best selling models which accounted for more than 70 % of the exporter's total transactions to the Community. Consequently, the calculation in this investigation was also based on best-selling models accounting for more than 70 % of the export volume.

In their comments to the respective disclosure letters, Rubycon and Farad claimed that it would have been more appropriate to use a different set of transactions. In particular, Rubycon claimed that — instead of relying on quantities — 70 % of the export turnover should have been used, whereas Farad proposed to use a completely different set of transactions in order to avoid the risk that the exporter only increases its export prices for certain best-selling models.

The Council noted, however, that the Commission was neither provided with, nor did it otherwise receive information indicating a 'change of circumstances' within the meaning of Article 11 (9) of the Basic Regulation which would suggest that a change in methodology for the determination of the export prices is warranted. Therefore, it was considered appropriate — as in the initial investigation — to rely on the models accounting for 70 % of Rubycon's export volume.

### 2. Normal value

- (12) As regards the determination of the normal value, two types of best-selling models have been distinguished.

For models which were sold in sufficient quantities and in the ordinary course of trade during the investigation period on the Japanese domestic market, normal values were based on the (profitable) domestic sales prices in accordance with Article 2 (2) and (4) of the Basic Regulation.

- (13) For all other models, for which no or insufficient domestic sales in the ordinary course of trade were made during the investigation period, normal values were constructed in accordance with Article 2 (3) of the Basic Regulation. In this respect, normal values were calculated by adding up cost of manufacturing, selling, general and administrative domestic (SGA) expenses and a reasonable amount of profit, calculated on the basis of the weighted

average profit margin of Rubycon achieved on its profitable domestic sales of LAECs. The cost of manufacturing reported by Rubycon was corrected since it appeared that the company had not provided the actual purchase price for a certain part used in the production of LAECs which was subject to outside processing.

### 3. Export prices

- (14) As regards the determination of the export price, a distinction was drawn between sales to related and unrelated parties in the Community.

In accordance with Article 2 (8) of the Basic Regulation, export prices of sales to unrelated companies were determined on the basis of prices actually paid for the products sold for export to the Community.

- (15) In the case of export sales to Rubycon UK, the related importer, export prices were constructed on the basis of resale prices to the first independent purchaser, duly adjusted to take account of all actual costs incurred between importation and resale. In addition, an adjustment was made for a profit margin of 5 % which was considered a reasonable percentage and which is the same as that used in the initial investigation in accordance with Article 11 (9) of the Basic Regulation. As for the profit margin, it was noted that data received from the two importers that made themselves known in this investigation could not be used since one is a non-cooperating party, whereas the other does not resell the product concerned.
- (16) Anti-dumping duties paid upon importation were deducted as a cost in accordance with Article 2 (9) of the Basic Regulation when constructing the ex works export prices since no conclusive evidence pursuant to Article 11 (10) of the Basic Regulation was provided in the course of the investigation showing that the anti-dumping duties were duly reflected in the subsequent selling prices of the customers of Rubycon UK in the Community.
- (17) Finally, it was noted that part of Rubycon's products were sold to customers in the Community producing under the regime of inward processing relief. These export transactions under inward processing relief were taken into account in the calculation of Rubycon's export price. Rubycon contested this approach.

In this respect, it was considered that the exporter does not necessarily know for all transactions

whether its customers release the models under inward processing relief into free circulation at a later stage or whether finished goods containing Rubycon's LAECs are reimported into the Community at a later stage.

In addition, sales of LAECs to companies using the inward processing relief may well contribute to the injury caused to Community producers as they reduce outlets which could otherwise be available to them. This is not contradicted by the requirements of Article 552 of Commission Regulation (EEC) No 2454/93<sup>(1)</sup> containing provisions operating the inward processing authorization according to the Community Customs Code. In particular, it was found that the 'economic conditions' to be fulfilled when granting the authorization to operate under inward-processing relief can — in a significant number of instances — be satisfied without (in depth) verification of whether comparable goods are actually produced in the Community. In this respect it was also noted that Rubycon had, despite a request from the Commission, not provided sufficient information showing why Rubycon or its customers had received the respective authorization. Consequently, it cannot be excluded that in the present case Community producers were deprived of sales opportunities otherwise available to them.

Finally, it was noted that the inclusion of export transactions relating to inward processing is in line with the Basic Regulation which provides in its Article 1 (2) that a product is considered as being dumped 'if its export price to the Community' (as opposed to its release into free circulation in the Community) is less than its normal value.

Consequently, the Council concluded that the inclusion of export transactions relating to inward processing relief is justified for this investigation.

### 4. Comparison

- (18) Normal values were compared with export prices at an ex-factory level. As far as differences in conditions and terms of sale are concerned, allowances were granted in accordance with Article 2 (10) of the Basic Regulation for delivery and payment terms.

<sup>(1)</sup> OJ L 253, 11. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 1427/97 (OJ L 196, 24. 7. 1997, p. 31).

- (19) Claims for adjustments for salesmen's salaries and advertising costs could not be granted since it was not demonstrated that price comparability of normal value and export price was affected.

#### 5. Dumping margin

- (20) The comparison of weighted average normal values with weighted average export prices showed the existence of dumping. Expressed as a percentage of the free-at-Community-frontier price, the weighted average dumping margin amounted to:

— Rubycon: 4,2 %.

#### D. NEW LEVEL OF DUTY

- (21) The dumping margin established in the current review is lower than the dumping margin found in the initial investigation, which formed the basis of the duty rate. Since no clear indications were received or found showing that dumping would recur at a higher level once the review has been

finalized, the Council concludes that Regulation (EEC) No 3482/92 should be amended in respect of Rubycon Corporation, Ina Nagano. The new duty rates amounts to 4,2 %.

- (22) This review does not affect the date on which Regulation (EEC) No 3482/92 expires, pursuant to Article 11 (2) of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Article 1 (2) of Regulation (EEC) No 3482/92 is hereby amended as follows:

The figure in the rate of duty column of '30,1 %' relating to Rubycon Corporation, Ina Nagano, shall be replaced by '4,2 %'.

#### *Article 2*

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

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

Done at Brussels, 19 December 1997.

*For the Council*

*The President*

F. BODEN

**COUNCIL REGULATION (EC) No 2594/97**  
**of 18 December 1997**  
**amending Regulation (EEC) No 2731/75 fixing standard qualities for common**  
**wheat, rye, barley, maize, sorghum and durum wheat**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Having regard to the proposal from the Commission<sup>(2)</sup>,

Whereas the Annex to Regulation (EEC) No 2731/75<sup>(3)</sup> lays down that barley grains which pass through sieves with apertures of 2,2 millimetres are to be considered as shrivelled grains and, as such, as not being basic cereals of unimpaired quality acceptable for intervention;

Whereas, for climatic reasons, the varieties of barley grown in Finland and Sweden produce smaller grains than those grown in the rest of the Community; whereas, however, that barley is of good quality; whereas, to take account of that situation, the Commission, on the basis of Article 149 of the Act of Accession of Austria, Finland and Sweden, provided for a temporary derogation from the minimum size requirement for barley grains for intervention buying-in in Finland and Sweden; whereas, pursuant to that Article, the said derogation can apply only until 31 December 1997;

Whereas, to enable producers in the two abovementioned Member States to continue to qualify for the support offered by intervention, provision should be made for the possibility of a derogation from the definition of shrivelled barley grains;

Whereas Regulation (EEC) No 2731/75 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The following shall be added to point (a) of Article 6 of Regulation (EEC) No 2731/75:

‘however, for the purposes of the intervention buying-in of barley in Finland and Sweden, a derogation from the definition of shrivelled grains may be provided for in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92’;

*Article 2*

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

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

Done at Brussels, 18 December 1997.

*For the Council*

*The President*

F. BODEN

<sup>(1)</sup> Opinion delivered on 16 December 1997 (not yet published in the Official Journal).

<sup>(2)</sup> OJ C 337, 7. 11. 1997, p. 51.

<sup>(3)</sup> OJ L 281, 29. 10. 1975, p. 22. Regulation as last amended by Regulation (EEC) 2054/93 (OJ L 187, 29. 7. 1993, p. 6).

**COUNCIL REGULATION (EC) No 2595/97  
of 18 December 1997**

**amending Regulation (EEC) No 2075/92 on the common organization of the market in raw tobacco and fixing the guarantee thresholds for leaf tobacco by group of tobacco varieties for the 1998 harvest**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas Article 26 of Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco <sup>(4)</sup>, requires the Commission to submit proposals on the premium and quota arrangements to be used in the organization of this market;

Whereas the market organization arrangements in force since the 1993 crop should apply up to the 1998 crop so that a reform in depth can apply from the 1999 crop,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2075/92 is hereby amended as follows:

1. Article 3 (1) shall be replaced by:

'1. A premium scheme shall apply to tobacco of the 1993 to 1998 crops. Within each variety group the premium rate shall be the same for all varieties.'

2. Article 9 (1) shall be replaced by:

'1. To ensure observance of the guarantee thresholds, production quotas shall be imposed for the 1995 to 1998 crops.'

*Article 2*

For the 1998 harvest, the guarantee thresholds referred to in Articles 8 and 9 of Regulation (EEC) No 2075/92 and fixed by Regulation (EC) No 415/96 <sup>(5)</sup> shall apply by variety group and by Member State for the 1996 and 1997 harvests.

*Article 3*

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, 18 December 1997.

*For the Council*

*The President*

F. BODEN

<sup>(1)</sup> OJ C 350, 19. 11. 1997, p. 25.

<sup>(2)</sup> Opinion delivered on 16 December 1997 (not yet published in the *Official Journal*).

<sup>(3)</sup> Opinion delivered on 10 December 1997 (not yet published in the *Official Journal*).

<sup>(4)</sup> OJ L 215, 30. 7. 1992, p. 70. Regulation as last amended by Regulation (EC) No 2444/96 (OJ L 333, 21. 12. 1996, p. 40).

<sup>(5)</sup> OJ L 59, 8. 3. 1996, p. 3.

**COUNCIL REGULATION (EC) No 2596/97**  
**of 18 December 1997**  
**extending the period provided for in Article 149 (1) of the Act of Accession of**  
**Austria, Finland and Sweden**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Article 149 (2) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas Article 149 (1) of the 1994 Act of Accession provides for a period during which transitional measures may be adopted to facilitate the transition from the regime existing in Austria, Finland and Sweden at the time of Accession to those resulting from the application of the common organization of the market under the conditions set out in the said Act and, in particular, to overcome the serious difficulties in applying the new regime from the date laid down; whereas that period expires on 31 December 1997;

Whereas, in certain sectors, these difficulties cannot be resolved by the date laid down; whereas the period in question should therefore be extended, as provided for in the Act; whereas the said period should be extended by one year;

Whereas in the milk and milk products sector the requirements relating to the fat content of milk for human consumption continue to cause difficulties for Finland and Sweden; whereas those difficulties cannot be resolved by 31 December 1998; whereas the period in question should therefore be extended, as provided for in the 1994 Act of Accession, by two years in this specific case,

HAS ADOPTED THIS REGULATION:

*Article 1*

The period referred to in Article 149 (1) of the 1994 Act of Accession is hereby extended until 31 December 1998.

However, with regard to the requirements relating to the fat content of milk for human consumption produced in Finland and Sweden, the period is hereby extended until 31 December 1999.

*Article 2*

This Regulation shall enter into force on 1 January 1998.

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

Done at Brussels, 18 December 1997.

*For the Council*

*The President*

F. BODEN

<sup>(1)</sup> OJ C 352, 20. 11. 1997, p. 11.

<sup>(2)</sup> Opinion delivered on 17 December 1997 (not yet published in the Official Journal).

**COUNCIL REGULATION (EC) No 2597/97**

of 18 December 1997

**laying down additional rules on the common organization of the market in milk  
and milk products for drinking milk**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(3)</sup>,

Whereas the aim of Council Regulation (EEC) No 1411/71 of 29 June 1971 laying down additional rules on the common organization of the market in milk and milk products for drinking milk <sup>(4)</sup>, is to increase the market for products falling within CN code 0401 as much as possible by providing a guarantee of quality and products which fulfil consumers' needs and wishes; whereas the establishment of marketing standards for the milk products concerned helps to stabilize the market and therefore to ensure a fair standard of living for farmers; whereas it is consequently in the interests of both producers and consumers to maintain such rules;

Whereas, in order to profit from experience and to simplify and clarify the rules so as better to guarantee legal certainty for those concerned, a number of amendments should be made to the said Regulation, and its provisions brought together in a new Regulation;

Whereas, in order to meet the wishes of consumers, who attach increasing importance to the nutritional value of milk proteins, rules should be laid down to ensure that milk products contain at least the natural protein content of milk and to permit the enrichment of drinking milk with milk proteins, mineral salts or vitamins or the reduction of its lactose content;

Whereas Article 5 (9) of Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the

production and placing on the market of raw milk, heat-treated milk and milk-based products <sup>(5)</sup>, lays down certain requirements concerning the composition of drinking milk; whereas, in the interests of consistency, those provisions should be included in the Regulation on marketing standards and at the same time amended to take account of experience;

Whereas Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs <sup>(6)</sup>, and Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs <sup>(7)</sup> apply;

Whereas, in order to ensure consistency, products imported from third countries should be subject to the same rules;

Whereas provision should be made that the Member States must determine the checks and penalties to be applied in the event of infringement of this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. This Regulation lays down standards for products falling within CN code 0401 intended for human consumption within the Community, without prejudice to measures for the protection of public health.
2. For the purposes of this Regulation:
  - (a) 'milk' shall mean the produce of the milking of one or more cows;
  - (b) 'drinking milk' shall mean the products referred to in Article 3 intended for delivery without further processing to the consumer;

<sup>(1)</sup> OJ C 267, 3. 9. 1997, p. 93.

<sup>(2)</sup> OJ C 339, 10. 11. 1997.

<sup>(3)</sup> Opinion delivered on 29 October 1997 (not yet published in the Official Journal).

<sup>(4)</sup> OJ L 148, 3. 7. 1971, p. 4. Regulation as last amended by Regulation (EEC) No 2138/92 (OJ L 214, 30. 7. 1992, p. 6).

<sup>(5)</sup> OJ L 268, 14. 9. 1992, p. 1. Directive as last amended by Directive 96/23/EC (OJ L 125, 23. 5. 1996, p. 10).

<sup>(6)</sup> OJ L 33, 8. 2. 1979, p. 1. Directive as last amended by Directive 97/4/EC (OJ L 43, 14. 2. 1997, p. 21).

<sup>(7)</sup> OJ L 276, 6. 10. 1990, p. 40.



- (c) 'fat content' shall mean the ratio by mass of parts of milk fat per hundred parts of milk in the milk concerned;
- (d) protein content shall mean the ratio by mass of parts of protein per hundred parts of milk in the milk concerned (obtained by multiplying by 6,38 the total nitrogen content of the milk expressed as a percentage by mass).

### Article 2

1. Only milk complying with the requirements laid down for drinking milk may be delivered or sold without processing to the final consumer, either directly or through the intermediary of restaurants, hospitals, canteens or other similar mass caterers.

2. The sales descriptions to be used for those products shall be those given in Article 3. Those descriptions shall be used only for the products referred to in that Article, without prejudice to their use in composite descriptions.

3. Member States shall adopt measures to inform consumers of the nature and composition of the products concerned where the absence of such information is likely to cause confusion.

### Article 3

1. The following products shall be considered as drinking milk:

- (a) raw milk: milk which has not been heated above 40 °C or subjected to treatment having equivalent effect;
- (b) whole milk: heat-treated milk which, with respect to fat content, meets one of the following requirements:
- standardized whole milk: milk with a fat content of at least 3,50 % (m/m). However, Member States may provide for an additional category of whole milk with a fat content of 4,00 % (m/m) or above,
  - non-standardized whole milk: milk with a fat content that has not been altered since the milking stage either by the addition or removal of milk fats or by mixture with milk the natural fat content of which has been altered. However, the fat content may not be less than 3,50 % (m/m);

(c) semi-skimmed milk: heat-treated milk whose fat content has been reduced to at least 1,50 % (m/m) and at most 1,80 % (m/m);

(d) skimmed-milk: heat-treated milk whose fat content has been reduced to not more than 0,50 % (m/m).

2. Without prejudice to the second indent of paragraph 1 (b), only the following modifications shall be allowed:

- (a) in order to meet the fat contents laid down for drinking milk, modification of the natural fat content by the removal or addition of cream or the addition of whole milk, semi-skimmed milk or skimmed milk;
- (b) enrichment of milk with milk proteins, mineral salts or vitamins;
- (c) reduction of the lactose content by conversion to glucose and galactose.

Modifications in the composition of milk referred to in (b) and (c) shall be allowed only if they are indelibly indicated on the packing of the product so that it can be easily seen and read. However, such indication shall not remove the obligation as regards nutrition labelling laid down by Directive 90/496/EEC. Where proteins are added, the protein content of the enriched milk must be 3,8 % (m/m) or more.

However, Member States may limit or prohibit modifications to the composition of milk referred to in points (b) and (c).

### Article 4

Drinking milk must:

- (a) have a freezing point close to the average freezing point for raw milk recorded in the area of origin of the drinking milk collected;
- (b) have a mass of not less than 1 028 grams per litre for milk containing 3,5 % (m/m) of fat at a temperature of 20 °C or the equivalent weight per litre for milk having a different fat content;
- (c) contain a minimum of 2,9 % (m/m) of protein for milk containing 3,5 % (m/m) of fat or an equivalent concentration in the case of milk having a different fat content;
- (d) have a fat-free dry matter content of 8,50 % (m/m) or more for milk containing 3,5 % (m/m) of fat or an equivalent content in the case of milk having a different fat content;

*Article 5*

Products imported into the Community for sale as drinking milk must comply with this Regulation.

*Article 6*

Directive 79/112/EEC shall apply, in particular as regards national provisions on the labelling of drinking milk.

*Article 7*

1. Member States shall adopt all appropriate measures to monitor the application of this Regulation, penalize infringements and prevent and repress fraud.

Such measures and any amendments shall be notified to the Commission during the month following their adoption.

2. The Commission shall adopt detailed rules for the application of this Regulation in accordance with the procedure laid down in Article 30 of Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>.

*Article 8*

Regulation (EEC) No 1411/71 is hereby repealed.

References to Regulation (EEC) No 1411/71 shall be understood to apply to this Regulation.

*Article 9*

This Regulation shall enter into force on 1 January 1998. Article 4 shall, however, apply from January 1999.

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

Done at Brussels, 18 December 1997.

*For the Council*

*The President*

F. BODEN

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<sup>(1)</sup> OJ L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EC) No 1587/96 (OJ L 206, 16. 8. 1996, p. 21).

**COUNCIL REGULATION (EC) No 2598/97**  
**of 18 December 1997**  
**extending the programme to promote international cooperation in the energy**  
**sector — Synergy programme**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas Council Regulation (EC) No 701/97 of 14 April 1997 adopting a programme to promote international cooperation in the energy sector — Synergy programme <sup>(3)</sup> — and in particular Article 3 thereof, provides for implementation of the Synergy programme to start on 1 January 1997 and end on 31 December 1997;

Whereas the Commission communication entitled 'An overall view of energy policy and actions' concludes that an effort is needed to improve the transparency of Community energy policy and marks a first step towards a proposal for a framework energy programme;

Whereas it is necessary to extend the Synergy programme for one year, on a transitional basis, until the programme is incorporated into the new framework energy programme;

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

Done at Brussels, 18 December 1997.

Whereas a financial reference amount within the meaning of point 2 of the declaration by the European Parliament, the Council and the Commission of 6 March 1995 on the incorporation of financial provisions into legislative acts <sup>(4)</sup>, is included in this Regulation, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty;

Whereas the Treaty does not provide, for the adoption of this Regulation, powers other than those of Article 235,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The duration of the Synergy programme shall be extended for one year from 1 January to 31 December 1998.
2. The financial reference amount for the implementation of this programme shall be ECU 5 million. The appropriation shall be authorized by the budgetary authority within the limits of the financial perspectives.

*Article 2*

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

*For the Council*

*The President*

F. BODEN

<sup>(1)</sup> OJ C 337, 7. 11. 1997, p. 57.

<sup>(2)</sup> Opinion delivered on 4 December 1997 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 104, 22. 4. 1997, p. 1.

<sup>(4)</sup> OJ C 293, 8. 11. 1995, p. 4.

**COUNCIL REGULATION (EC) No 2599/97**  
**of 18 December 1997**  
**amending Regulation (EEC) No 2262/84 laying down special measures in respect**  
**of olive oil**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas, in accordance with Article 1 (5) of Regulation (EEC) No 2262/84 <sup>(3)</sup>, the Council, acting by a qualified majority on a proposal from the Commission, is to adopt before 1 January 1998 the method for financing actual expenditure of agencies as from the 1998/99 marketing year;

Whereas work customarily entrusted to the agencies must be carried out during the 1998/99 marketing year; whereas, as a result, provision should be made for a Community contribution to the agencies' expenditure for that period in order to ensure they can operate effectively and in accordance with the rules within the framework of the administrative autonomy provided for in Regulation (EEC) No 2262/84,

HAS ADOPTED THIS REGULATION:

*Article 1*

The last two subparagraphs of Article 1 (5) of Regulation (EEC) No 2262/84 are hereby replaced by the following:

'50 % of the agencies' actual expenditure for the 1998/99 marketing year shall be covered by the general budget of the European Communities.

Before 1 October 1998, the Commission shall consider the need to maintain the Community contribution to the agencies' expenditure and, where appropriate, shall present a proposal to the Council. In accordance with the procedure provided for in Article 43 (2) of the Treaty, the Council shall decide before 1 January 1999 on any financing of the expenditure in question.'

*Article 2*

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

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

Done at Brussels, 18 December 1997.

*For the Council*

*The President*

F. BODEN

<sup>(1)</sup> OJ C 343, 13. 11. 1997, p. 16.

<sup>(2)</sup> Opinion delivered on 17 December 1997 (not yet published in the Official Journal).

<sup>(3)</sup> OJ L 208, 3. 8. 1984, p. 11. Regulation as last amended by Regulation (EC) No 533/97 (OJ L 83, 25. 3. 1997, p. 1).

**COUNCIL REGULATION (EC) No 2600/97**  
**of 19 December 1997**  
**amending Regulation (EC) No 3094/95 on aid to shipbuilding**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 92 (3) (c), 94 and 113 thereof,

Having regard to the proposal from the Commission,

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

Whereas an agreement respecting normal competitive conditions in the commercial shipbuilding and repair industry, concluded between the European Community and certain third countries within the framework of the Organization for Economic Cooperation and Development (OECD)<sup>(2)</sup>, has still not yet entered into force;

Whereas therefore Council Regulation (EC) No 3094/95 of 22 December 1995 on aid to shipbuilding<sup>(3)</sup> has not yet entered into force;

Whereas, in accordance with Article 10 of Regulation (EC) No 3094/95, the relevant rules of Council Directive 90/684/EEC of 21 December 1990 on aid to shipbuilding<sup>(4)</sup> continue to apply *ad interim*, pending the entry into force of the OECD agreement and until 31 December 1997 at the latest;

Whereas, given the continuing uncertainties over entry into force of the OECD agreement, which may be further

delayed beyond 31 December 1997, the Council needs to take appropriate steps pending decisions on possible new arrangements on aid to shipbuilding;

Whereas Regulation (EC) No 3094/95 should therefore be amended,

HAS ADOPTED THIS REGULATION:

*Article 1*

The third subparagraph of Article 10 of Regulation (EC) No 3094/95 shall be replaced by the following:

'Pending the entry into force of the said Agreement, the relevant provisions of Directive 90/684/EEC shall apply until the Agreement enters into force and until 31 December 1998 at the latest.'

*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, 19 December 1997.

*For the Council*

*The President*

F. BODEN

<sup>(1)</sup> Opinion delivered on 17 December 1997 (not yet published in the Official Journal).

<sup>(2)</sup> OJ C 375, 30. 12. 1994, p. 3.

<sup>(3)</sup> OJ L 332, 31. 12. 1995, p. 1. Regulation as amended by Regulation (EC) No 1904/96 (OJ L 251, 3. 10. 1996, p. 5).

<sup>(4)</sup> OJ L 380, 31. 12. 1990, p. 27.

**COMMISSION REGULATION (EC) No 2601/97****of 17 December 1997****establishing, pursuant to Article 30 of Council Regulation (EEC) No 404/93, a  
reserve for 1998 to resolve cases of hardship**

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>, and in particular Articles 18 and 30 thereof,

Whereas, in its judgement of 26 November 1996 in case C 68/95, the Court of Justice ruled that 'Article 30 of Regulation (EEC) No 404/93 authorizes and, depending on the circumstances, requires the Commission to lay down rules catering for cases of hardship arising from the fact that importers of third-country bananas or non-traditional ACP bananas meet difficulties threatening their existence when an exceptionally low quota has been allowed to them on the basis of the reference years to be taken into consideration under Article 19 (2) of that Regulation, where those difficulties are inherent in the transition from the national arrangements existing before the entry into force of the Regulation to the common organization of the market and are not caused by a lack of care on the part of the traders concerned';

Whereas, as a result of this ruling, a number of traders, invoking cases of hardship, have submitted to the Commission applications for additional allocations; whereas to respond positively to the applications which appear justified in the light of the principles set down by

the Court of Justice, a reserve to be counted subsequently against the size of the tariff quota for imports of third-country and non-traditional ACP bananas available pursuant to Article 18 of Regulation (EEC) No 404/93 should be created for 1998; whereas a reserve of 20 000 tonnes is justified in view of the applications submitted to the Commission;

Whereas the Management Committee for Bananas has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

A reserve of 20 000 tonnes is hereby established to allow the adoption of specific measures pursuant to Article 30 of Regulation (EEC) No 404/93 to resolve cases of hardship suffered by some traders as a result of the entry into force of the common organization of the market in bananas. The reserve shall be counted against the tariff quota for imports of third-country and non-traditional ACP bananas available for 1998, pursuant to Article 18 of the above Regulation.

*Article 2*

This Regulation shall enter into force on 1 January 1998.

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

Done at Brussels, 17 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

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

## COMMISSION REGULATION (EC) No 2602/97

of 16 December 1997

amending Regulation (EEC) No 2456/93 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

*Article 1*

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 2321/97<sup>(2)</sup>, and in particular Article 6(7) thereof,

Regulation (EEC) No 2456/93 is hereby amended as follows:

1. Article 4(2)(g) is replaced by the following:

Whereas Commission Regulation (EEC) No 2456/93<sup>(3)</sup>, as last amended by Regulation (EC) No 1956/97<sup>(4)</sup>, defines the eligibility conditions which products bought into intervention must meet; whereas special measures have been adopted in respect of bovines reared in the United Kingdom which are more than 30 months old; whereas those measures consist in the slaughtering and subsequent destruction of such cattle; whereas, therefore, castrated animals exceeding that age are not eligible for public intervention;

'(g) do not, in the case of intervention buying-in in the United Kingdom, come from animals reared in that Member State which are more than 30 months old';

2. the following subparagraph is added to Article 4(2)(h):

Whereas, by way of an exception, the maximum weight provided for in Article 4(2)(h) of Regulation (EEC) No 2456/93 has not applied; whereas there should be a gradual return to the weight limit originally laid down;

'However, in the case of invitations to tender opened during the first half of 1998, the weight of the carcasses referred to in the above provision shall not exceed 350 kilograms';

3. the following subparagraph is added to Article 14(1):

Whereas Regulation (EEC) No 2456/93 makes quality O3 beef carcasses in Ireland but not in Northern Ireland eligible for public intervention; whereas, to avoid deflections of trade that might disturb the market in beef and veal in this part of the Community, the same quality should also be made eligible in Northern Ireland;

'However, in the case of invitations to tender opened during the first half of 1998:

(a) the increase applicable, in accordance with the first sentence of the above subparagraph, to the average market price shall be ECU 14 per 100 kilograms carcass weight;

Whereas, as a result of the ban on any use of specified risk materials, the revised amount of the increase applicable to the average market price used to define the maximum buying-in price should be temporarily maintained;

(b) the increase applicable, in accordance with the second sentence of the above subparagraph, to the average market price shall be ECU 7 per 100 kilograms carcass weight';

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

4. in Annex III, the section 'United Kingdom, B. Northern Ireland' is replaced by the Annex hereto.

*Article 2*

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

<sup>(2)</sup> OJ L 322, 25. 11. 1997, p. 25.

<sup>(3)</sup> OJ L 225, 4. 9. 1993, p. 4.

<sup>(4)</sup> OJ L 276, 9. 10. 1997, p. 34.

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, 16 December 1997.

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

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ANNEX

UNITED KINGDOM

B. Northern Ireland

- Category C, class U3
  - Category C, class U4
  - Category C, class R3
  - Category C, class R4
  - Category C, class O3
-



## COMMISSION REGULATION (EC) No 2603/97

of 16 December 1997

## laying down the detailed implementing rules for imports of rice originating in the ACP countries or the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(1)</sup>, as last amended by Decision 97/803/EC<sup>(2)</sup>, and in particular Article 108a (5) thereof,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT)<sup>(3)</sup>, as last amended by Regulation (EC) No 619/96<sup>(4)</sup>, and in particular Article 13 (1) and (3) thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(5)</sup>, as last amended by Regulation (EC) No 1161/97<sup>(6)</sup>, and in particular Article 3 (1) thereof,

Whereas, by Decision 97/803/EC, the Council adapted the import arrangements for rice originating in the overseas countries and territories (OCTs); whereas the new Article 108a states that the cumulation of ACP/OCT origin referred to in Article 6 of Annex II to Decision 91/482/EEC is permitted up to an overall limit of 160 000 tonnes of husked rice equivalent, including the tariff quota for rice originating in the ACP States under the Fourth Lomé Convention; whereas imports from the OCTs can reach the above level if the ACP States do not make effective use of their direct export options under the above tariff quota; whereas import licences for 35 000 tonnes in husked rice equivalent is initially issued to the OCTs in January each year;

Whereas to ensure balanced management of the Community market in rice, import licences are issued in respect of several periods over the course of a year;

Whereas, to manage the cumulative system, the detailed rules for the import of rice from the ACP States and OCT need to be adopted in a single text; whereas Commission Regulation (EEC) No 999/90 of 20 April 1990 laying down detailed implementing rules for imports of rice originating in the African, Caribbean and Pacific States (ACP) and the overseas countries and territories (OCT)<sup>(7)</sup>, as last amended by Regulation (EC) No 1407/97<sup>(8)</sup>, should therefore be repealed and its appropriate provisions included herein; whereas the provisions governing the reductions in the customs duties applying to imports and the collection of an export charge by the exporting country should be included in particular;

Whereas this Regulation should apply from 1 January 1998; whereas Commission Regulation (EC) No 2352/97 of 27 November 1997 introducing specific measures in respect of imports of rice originating in the overseas countries and territories<sup>(9)</sup> should therefore be repealed;

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

This Regulation lays down the detailed implementing rules for imports of rice originating in the ACP States or in the overseas countries and territories (OCT) pursuant to Article 108a of Decision 91/482/EEC.

## TITLE I

**Imports of rice originating in the ACP States***Article 2*

1. As regards the quantity of 125 000 tonnes or rice, in husked-rice equivalent, falling within CN codes 1006 10 21 to 10006 10 98, 1006 20 and 1006 30 laid

<sup>(1)</sup> OJ L 263, 19. 9. 1991, p. 1.

<sup>(2)</sup> OJ L 329, 29. 11. 1997, p. 50.

<sup>(3)</sup> OJ L 84, 30. 3. 1990, p. 85.

<sup>(4)</sup> OJ L 89, 10. 4. 1996, p. 1.

<sup>(5)</sup> OJ L 349, 31. 12. 1994, p. 105.

<sup>(6)</sup> OJ L 169, 27. 6. 1997, p. 1.

<sup>(7)</sup> OJ L 101, 21. 4. 1990, p. 20.

<sup>(8)</sup> OJ L 194, 23. 7. 1997, p. 13.

<sup>(9)</sup> OJ L 326, 28. 11. 1997, p. 21.

down in Article 13 (1) of Regulation (EEC) No 715/90, licences for imports at a reduced rate of customs duty shall be issued each year under the following tranches:

January:	41 668 tonnes
May:	41 666 tonnes
September:	41 666 tonnes.

2. Without prejudice to Article 7, quantities not covered by import licences issued for the first or second tranche shall be carried over to the following tranche.

For quantities not covered to import licences issued under the September tranche, import licence applications may be submitted under an additional tranche in October, in accordance with Article 8 (1).

#### Article 3

1. As regards the quantity of 20 000 tonnes of broken rice falling within CN code 1006 40 00 laid down in Article 13 (1) of Regulation (EEC) No 715/90, licences for imports at a reduced rate of customs duty shall be issued each year under the following tranches:

January:	10 000 tonnes
May:	10 000 tonnes
September:	—

2. Quantities not covered by import licences issued for the first or second tranches shall be carried over to the following tranche.

For quantities not covered by import licences issued under the September tranche, import licence applications may be submitted under an additional tranche in October, in accordance with Article 8 (1).

#### Article 4

The customs duties shall be calculated weekly but shall be fixed by the Commission every second week in accordance with the following:

- the applicable rate for imports of paddy rice falling within CN codes 1006 10 21 to 1006 10 98 shall be equal to the customs duties fixed in the Common Customs Tariff, less 50 % and ECU 4,34,
- the applicable rate for imports of husked rice falling within CN code 1006 20 shall be equal to the duty fixed in accordance with Article 11 (2) of Council Regulation (EC) No 3072/95<sup>(1)</sup> less 50 % and ECU 4,34,
- the applicable rate for imports of whole-milled rice falling within CN code 1006 30 shall be equal to the

duty fixed in accordance with Article 11 (2) of Regulation (EC) No 3072/95, minus ECU 16,78 and then less 50 % and ECU 6,52,

- the applicable rate for imports of broken rice falling within CN code 1006 40 00 shall be equal to the rate fixed in the Common Customs Tariff, less 50 % and ECU 3,62.

#### Article 5

1. Article 4 shall apply only to imports of rice for which an export charge corresponding to the difference between the applicable customs duties on import of the rice from third countries and the amounts referred to in Article 4 has been collected by the exporting country.

2. Proof that the charge has been collected is provided where the customs authorities of the exporting country enter one of the following in the box marked 'Remarks' of the EUR.1 movement certificate:

Amount in national currency:

- Tasa especial percibida a la exportacion del arroz
- Særafgift, der opkræves ved eksport af ris
- Bei der Ausfuhr von Reis erhobene Sonderabgabe
- Ειδικός φόρος που εισπράττεται κατά την εξαγωγή του ρυζιού
- Special charge collected on export of rice
- Taxe spéciale perçue à l'exportation du riz
- Tassa speciale riscossa all'esportazione del riso
- Bij uitvoer van de rijst opgelegde bijzondere heffing
- Direito especial cobrado na exportação do arroz
- Riisin viennin yhteydessä perittävä erityismaksu
- Särskild avgift för risexport

(Signature and official stamp)

3. Where the charge collected by the exporting country is less than the reduction resulting from the application of Article 4, the reduction shall be limited to the amount collected.

4. If the export charge collected is in a currency other than that of the importing Member State, the exchange rate to be used to calculate the amount of charge actually collected shall be the rate registered on the most representative currency exchange or exchanges in that Member State on the date the customs duty was fixed in advance.

5. The customs duty shall be that applying on the day the licence application is lodged. The duty shall be adjusted in line with the difference between the intervention price valid in the month in which the application for a licence is made and the intervention price valid upon release for free circulation, the difference being increased further, where appropriate, by:

<sup>(1)</sup> OJ L 329, 30. 12. 1995, p. 18.

- 80 % in the case of husked indica rice,
- 163 % in the case of wholly-milled indica rice,
- 88 % in the case of husked japonica rice,
- 167 % in the case of wholly-milled japonica rice.

By indica and japonica are meant the rices referred to in Article 3 of Commission Regulation (EC) No 1503/96<sup>(1)</sup>.

## TITLE II

### Imports of rice originating in the OCT

#### Article 6

1. As regards the quantity of 35 000 tonnes of rice, in husked-rice equivalent, falling within CN code 1006 pursuant to Article 108a of Decision 91/482/EEC, licences for imports exempt from customs duty shall be issued each year under the following tranches:

January:	35 000 tonnes
May:	—
September:	—

2. Quantities not covered by import licences issued for the first or second tranches shall be carried over to the following tranche.

For quantities not covered by import licences issued under the September tranche, import licence applications may be submitted under an additional tranche in October, in accordance with Article 8 (1).

## TITLE III

### Detailed rules common to Titles I and II

#### Article 7

The quantities carried over referred to in Article 2 (2) may be the subject of licence applications for the import of rice originating in the ACP States falling within CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 and rice originating in the OCT falling within CN code 1006.

#### Article 8

1. Licence applications shall be lodged with the competent authority in the Member State concerned during the first five working days in the month corresponding to each tranche.

2. The country of origin shall be entered in Section 8 of licence applications and of the import licences and the word 'yes' shall be marked with a cross.

3. In Section 20 of the import licence application the applicant shall indicate the tranche for which he is submitting the application. One of the following entries shall be made:

- OCT (Article 6 of Regulation (EC) No 2603/97)
- ACP (Article 2 (1) of Regulation (EC) No 2603/97)
- ACP broken rice (Article 3 of Regulation (EC) No 2603/97)
- ACP + OCT (Article 7 of Regulation (EC) No 2603/97)

4. Section 24 of the licences shall bear one of the following entries:

(a) for the OCTs:

- Exención del derecho de aduana hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 2603/97]
- Toldfri op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 2603/97)
- Zollfrei bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 2603/97)
- Ατελώς μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 2603/97]
- Exemption from customs duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 2603/97)
- Exemption du droit de douane jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [Règlement (CE) n° 2603/97]
- Esenzione del dazio doganale limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 2603/97]
- Vrijgesteld van douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 2603/97)
- Isenção de direito aduaneiro até à quantidade indicada nas casas 17 e 18 do presente certificado [Reglamento (CE) n° 2603/97]
- Tullivapaa tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 2603/97)
- Tullfri upp till den mängd som anges i fält 17 och 18 i denna licens (Förordning (EG) nr 2603/97)

(b) for the ACP States:

- Derecho de aduana reducido hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 2603/97]
- Nedsat told op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 2603/97)
- Ermäßigter Zollsatz bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 2603/97)

<sup>(1)</sup> OJ L 189, 30. 7. 1996, p. 71.

- Μειωμένος δασμός μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 2603/97]
- Reduced duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 2603/97)
- Droit réduit jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [Règlement (CE) n° 2603/97]
- Dazio ridotto limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 2603/97]
- Verminderd douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 2603/97)
- Direito reduzido até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n° 2603/97]
- Tulli, joka on alennettu tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 2603/97)
- Tullsatsen nedsatt upp till den mängd som anges i fält 17 och 18 i denna licens (Förordning (EG) nr 2603/97).

5. Import licence applications shall be admissible only where the following conditions are fulfilled:

- applications must be submitted by natural or legal persons who, in a least one of the three years preceding the date of submission of the application, have been engaged in trade in rice and were entered in a public register of a Member State,
- applicants may submit one application only in the Member State where they are entered in a public register. Where several applications are submitted by the same person in one or more Member States, none of those applications shall be admissible,
- applications may be submitted for no more than the maximum quantity laid down for each tranche or origin. However, the quantity applied for under each tranche and origin shall not exceed 5 000 tonnes in husked-rice equivalent.

6. Notwithstanding Article 10 of Commission Regulation (EC) No 1162/95<sup>(1)</sup>, the security for import licences shall be ECU 28 per tonne.

#### Article 9

1. Within two working days of the closing date for the submission of licence applications, the Member States shall notify the Commission, by telex or fax and in ac-

cordance with the Annex to this Regulation, of the quantities covered by import licence applications, broken down by eight-digit CN code per tranche and country of origin, the number of the licence applied for and the name and address of the applicant.

Such notification shall also be made where no application has been submitted in a Member State.

The above information must be notified separately from that relating to other import licence applications covering rice and in accordance with the same procedure.

2. Within 10 days of the final date for notification by Member States, the Commission shall:

- decide to what extent applications may be accepted. Where the quantities applied for exceed those available in respect of the tranche and origin in question, it shall set a percentage reduction to be applied to each application,
- fix the quantities available under the following tranche and, where appropriate, the additional tranche for October.

3. Where the percentage reduction referred to in paragraph 2 is applied, applications for licences may be withdrawn no later than two working days after the date of publication of the Regulation fixing the percentage. The security shall be released immediately.

#### Article 10

1. Within three working days of publication of the Commission decision, import licences shall be issued for the quantities resulting from the application of Article 9 (2).

Where the quantities covered by import licences issued are lower than those applied for, the security fixed in Article 10 of Regulation (EC) No 1162/95 shall be reduced proportionately.

2. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88<sup>(2)</sup>, rights accruing under import licences shall not be transferable.

#### Article 11

1. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

2. The reduction in customs duties for rice originating in the ACP countries and the exemption from duties for rice originating in the OCT provided for respectively in Articles 4 and 6 of this Regulation shall not apply to quantities imported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88.

<sup>(1)</sup> OJ L 117, 24. 5. 1995, p. 2.

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

3. Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

4. Notwithstanding Article 6 of Regulation (EC) No 1162/95, import licences for husked, wholly-milled, semi-milled and broken rice shall be valid from the actual day of issue until the end of the third month following, pursuant to Article 21 (2) of Regulation (EEC) No 3719/88. However, they shall not be valid beyond 31 December of the year of issue.

*Article 12*

The Member States shall notify the Commission by telex or fax in the form set out in Annex I to this Regulation:

- within two working days of their issue, of the quantities, broken down by eight-digit CN code and country of origin, covered by the import licences issued, the date of issue, the number of the licence and the name and address of the holder,
- on the last working day of each month following the month of release for free circulation, of the quantities, broken down by eight-digit CN code and country of

origin, actually released for free circulation, the date of release, the number of the licence and the name and address of the holder.

Such notifications must also be made where no licence has been issued and no imports have taken place.

*Article 13*

Regulation (EEC) No 999/90 is repealed.

*Article 14*

Regulation (EC) No 2352/97 is repealed.

*Article 15*

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

It shall apply from 1 January 1998.

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

Done at Brussels, 16 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

ANNEX

RICE - REGULATION (EC) No 2603/97

Application for an import licence <sup>(1)</sup>

Issue of an import licence <sup>(1)</sup>

Release for free circulation <sup>(1)</sup>

To: DG VI-C-2

Fax: (32 2) 296 60 21

From:

Date	No of licence	Tranche <sup>(2)</sup> — OCT (Article 6) — ACP (Article 2 (1)) — ACP broken rice (Article 3) — ACP + OCT (Article 7)	CN code	Quantity (tonnes)	Country of origin	Name and address of applicant/holder

<sup>(1)</sup> Delete as appropriate.

<sup>(2)</sup> Specify to which of the four possibilities the application/issue/release for free circulation relates.

**COMMISSION REGULATION (EC) No 2604/97**  
of 16 December 1997

**introducing prior Community surveillance of imports of certain iron and steel products covered by the ECSC and EC Treaties originating in certain third countries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on common rules for imports and repealing Regulation (EC) No 518/94<sup>(1)</sup>, as last amended by Regulation (EC) No 2315/96<sup>(2)</sup>, and in particular Article 11 thereof,

Having regard to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83<sup>(3)</sup>, as last amended by Regulation (EC) No 847/97<sup>(4)</sup>, and in particular Article 9 (1) thereof,

Consultations having taken place within the Committees set up under the Regulations referred to above,

Whereas by Commission Regulation (EC) No 2412/96<sup>(5)</sup>, imports into the Community of certain iron and steel products covered by the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Community were subject to *a priori* Community surveillance;

Whereas in accordance with the provisions of Regulations (EC) No 3285/94 and (EC) No 519/94, products covered by the Treaty establishing the European Coal and Steel Community are subject to the common rules for imports and it is therefore necessary that the arrangements for Community surveillance measures in respect of ECSC products be adopted in accordance with the provisions of those Regulations;

Whereas the steel market in the Community has been unstable in recent years, partly due to pressure from imports and notably from regions with excessive production capacity and weak domestic consumption. The steel market was still unstable in early 1996, but stabilized

during that year and has recovered since the first months of 1997. This positive trend is expected to continue into 1998, but this depends on market and exchange rate developments. Available economic indicators show the following trends:

- (a) Production. In 1996, production of crude steel in the Community decreased to 148 million tonnes, 5 % below 1995. During the first eight months of 1997, Community production increased by 7,6 % compared with the same period of 1996. For 1997 as a whole, production is expected to be above the 1995 level of 156 million tonnes;
- (b) Imports. Imports of ECSC products into the Community from all third countries amounted to 13,4 million tonnes in 1996, 65 % of which (8,7 million tonnes) were flat and long products. For 1996 the imports decreased by 25 % for all ECSC products. This drop in imports was preceded by sharp increases of 30 to 35 % in 1995 and 1994. Furthermore, the average 25 % decrease in the level of imports in 1996 reflects decreases of 52 % for semi-finished products and 33 % for long products, whereas imports of flat products decreased by 12 %. Member States are unequally affected by these trends. In some Member States, imports of certain flat or long products have increased by more than 100 % compared with the same period of 1995. During the first six months of 1997, imports of ECSC products amounted to 7,3 million tonnes, an average decrease of 1 % compared with the same period in 1996, which reflects a decrease of 6 % for semi-finished products, a 3 % decrease for flat products and an increase of 22 % for long products. Imports are expected to grow in the remaining months of 1997. Forecasts for 1998 are, however, hard to establish with certainty because of the absence of up-to-date trade statistics for all Member States and important changes in trade structures;
- (c) Exports. Exports of ECSC products increased to 24,5 million tonnes in 1996. The average 24 % increase in the level of exports in 1996 compared with 1995, reflects increases of 70 % for semi-finished products, 19 % for flat products and 13 % for long products. For the first six months of 1997, exports of ECSC products amounted to 10,4 million tonnes, an average decrease

<sup>(1)</sup> OJ L 349, 31. 12. 1994, p. 53.

<sup>(2)</sup> OJ L 314, 4. 12. 1996, p. 1.

<sup>(3)</sup> OJ L 67, 10. 3. 1994, p. 89.

<sup>(4)</sup> OJ L 122, 14. 5. 1997, p. 1.

<sup>(5)</sup> OJ L 329, 19. 12. 1996, p. 11.

of 12 % compared with the same period in 1996, which reflects decreases of 55 % for semi-finished products, 4 % for flat products but an increase of 4 % for long products. This situation is expected to continue in the second semester of 1997;

(d) Similar trends apply to certain steel products covered by the EC Treaty:

- in 1996, production of narrow strip coil decreased by 10 % compared with 1995. Imports decreased by an average of 3,0 % in 1996 compared with 1995. For the first six months of 1997, imports decreased by an average of 8 % compared with the same period in 1996. However, these general trends conceal the pressure of imports in certain regions of the Community,
- in 1996, production of steel tubes and pipes decreased by 3,6 % compared with 1995. During the first six months of 1997, Community production increased by 8,4 % compared with the same period in 1996. Imports of steel tubes and pipes decreased by an average of 4,7 % in 1996 compared with 1995. For the first six months of 1997, imports of steel tubes and pipes increased by an average of 8 % compared with the same period in 1996;

Whereas, therefore, the trends with respect to certain ECSC and EC products originating in third countries covered by this Regulation threaten to cause injury to Community producers;

Whereas the Community's external trade statistics are not available within the periods established by Commission Regulation No 840/96<sup>(1)</sup> and whereas it is necessary that this problem should be addressed urgently in order to be solved, at the latest, during 1998;

Whereas the interests of the Community require that imports of certain steel products should be subject to prior Community surveillance in order to provide statistical information permitting rapid analysis of import trends;

Whereas the completion of the internal market requires that the formalities to be accomplished by Community importers be identical wherever the goods may be cleared;

Whereas release for free circulation of the products covered by this Regulation should be made subject to presentation of a surveillance document meeting uniform criteria;

Whereas that document should on simple application by the importer, be endorsed by the authorities of the Member States within a certain period but without the importer thereby acquiring any right to import; the document should therefore be valid only during such period as the import rules remain unchanged;

Whereas the surveillance documents issued for the purposes of Community surveillance must be valid throughout the Community, regardless of the Member State of issue;

Whereas the Member States and the Commission should exchange the information resulting from Community surveillance as fully as possible;

Whereas the issue of surveillance documents, while subject to standard conditions at Community level, is to be the responsibility of the national authorities;

Whereas it should be recalled that the delivery of a surveillance documentation for certain iron and steel products is subject to presentation of an export document in accordance with arrangements established within the framework of double-checking agreements with certain third countries, and whereas the present Regulation does not apply to the products originating in those countries which are subject to such a double-checking system,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

1. From 1 January 1998, the release for free circulation in the Community of iron and steel products covered by the ECSC and EC Treaties listed in Annex I, originating in non-member countries other than the countries of the European Free Trade Association (EFTA) or countries which are parties to the Agreement on the European Economic Area (EEA), shall be subject to prior Community surveillance in accordance with Articles 11 and 12 of Regulation (EC) No 3285/94 and Articles 9 and 10 of Regulation (EC) No 519/94. However, products which are subject to a double-checking surveillance agreement established between a non-member country and the Community shall be subject to the conditions established by that agreement and not to the present Regulation.

2. The classification of the products covered by this Regulation is based on the tariff and statistical nomenclature of the Community (hereinafter called the 'combined nomenclature', or in abbreviated form 'CN'). The origin of the products covered by this Regulation shall be determined in accordance with the rules in force in the Community.

#### *Article 2*

1. The release for free circulation of the products referred to in Article 1 in the Community shall be subject to presentation of a surveillance document issued by the relevant authorities of a Member State.

2. The surveillance document referred to in paragraph 1 shall be issued automatically by the competent authority in the Member States, without charge for any quantities requested, within five working days of presentation of

<sup>(1)</sup> OJ L 114, 8. 5. 1996, p. 7.



an application by any Community importer, wherever established in the Community. This application shall be deemed to have been received by the competent national authority no later than three working days after submission, unless it is proven otherwise.

3. A surveillance document issued by one of the authorities listed in Annex II shall be valid throughout the Community.

4. The surveillance document shall be made out on a form corresponding to the model in Annex III. The importer's application shall include the following elements:

- (a) the name and full address of the applicant (including telephone and telefax numbers, and possible identification number used by the competent national authorities) and VAT registration number, if subject to VAT;
- (b) if applicable, the name and full address of the declarant or representative of the applicant (including telephone and telefax numbers);
- (c) the full name and address of the exporter;
- (d) the exact description of the goods, including:
  - their trade name,
  - the combined nomenclature (CN) code(s),
  - the country of origin,
  - the country of consignment;
- (e) the net weight, expressed in kilograms and also quantity in the unit prescribed where other than net weight, by combined nomenclature heading;
- (f) the cif value of the goods in ecu at the Community frontier by combined nomenclature heading;
- (g) whether the products concerned are seconds or of substandard quality<sup>(1)</sup>;
- (h) the proposed period and place of customs clearance;
- (i) whether the application is a repeat of a previous application concerning the same contract;
- (j) the following declaration, dated and signed by the applicant with the transcription of his name in capital letters:

'I, the undersigned, certify that the information provided in this application is true and given in good faith, and that I am established in the Community.'

The importer shall also submit a copy of the contract of sale or purchase and of the pro forma invoice. If so requested, for example in cases where the goods are not directly purchased in the country of production, the

importer shall present a certificate of production issued by the producing steel mill.

5. Surveillance documents may be used only for such time as arrangements for liberalization of imports remain in force in respect of the transactions concerned. Without prejudice to possible changes in the import regulations in force or decisions taken in the framework of an agreement or the management of a quota:

- the period of validity of the surveillance document is hereby fixed at four months,
- unused or partly used surveillance documents may be renewed for an equal period.

6. The importer shall return surveillance documents to the issuing authority at the end of their period of validity.

7. The competent authorities may, under the conditions fixed by them, allow the submission of declarations or requests to be transmitted or printed by electronic means. However, all documents and evidence must be available to the competent authorities.

8. The surveillance document may be issued by electronic means as long as the customs offices involved have access to this document across a computer network.

### Article 3

1. A finding that the unit price at which the transaction is effected varies from that indicated in the surveillance document by less than 5 % in either direction or that the total quantity of the products presented for import exceeds the quantity given in the surveillance document by less than 5 % shall not preclude the release for free circulation of the products in question.

2. Applications for surveillance documents and the documents themselves shall be confidential. They shall be restricted to the competent authorities and the applicant.

### Article 4

1. The Member States shall communicate to the Commission:

- (a) on as regular and up-to-date a basis as possible and at least by the last day of each month, details of the quantities and values (calculated in ecus) for which surveillance documents have been issued;
- (b) within 6 weeks of the end of each month, details of imports during that month, in accordance with Article 26 of Regulation No 840/96.

The information provided by Member States shall be broken down by product, CN code and by country.

2. The Member States shall give notification of any anomalies or cases of fraud which they discover and, where relevant, the basis on which they have refused to grant a surveillance document.

<sup>(1)</sup> Under the criteria given in OJ C 180, 11. 7. 1991, p. 4.

*Article 5*

Any notices to be given hereunder shall be given to the Commission of the European Communities and shall be communicated electronically within the integrated network set up for this purpose, unless for imperative technical reasons it is necessary to use other means of communication temporarily.

*Article 6*

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

This Regulation shall apply from 1 January to 31 December 1998.

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

Done at Brussels, 16 December 1997.

*For the Commission*

Leon BRITTAN

*Vice-President*

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## ANNEX I

## LIST OF PRODUCTS SUBJECT TO PRIOR SURVEILLANCE (1998)

7208 10 00	7210 12 19	7213 91 10	7225 11 00
7208 25 00	7210 20 10	7213 91 20	7225 19 10
7208 26 00	7210 30 10	7213 91 41	7225 19 90
7208 27 00	7210 41 10	7213 91 49	7225 20 20
7208 36 00	7210 49 10	7213 91 70	7225 30 00
7208 37 10	7210 50 10	7213 91 90	7225 40 80
7208 37 90	7210 61 10	7213 99 10	
7208 38 10	7210 69 10	7213 99 90	7226 11 10
7208 38 90	7210 70 31		7226 11 90
7208 39 10	7210 70 39	7214 20 00	7226 19 10
7208 39 90	7210 90 31	7214 30 00	7226 19 30
7208 40 10	7210 90 33	7214 91 10	7226 19 90
7208 40 90	7210 90 38	7214 91 90	
7208 51 10		7214 99 10	7228 10 10
7208 51 30		7214 99 31	7228 10 30
7208 51 50	7211 13 00	7214 99 39	7228 20 11
7208 51 91	7211 14 10	7214 99 50	7228 20 19
7208 51 99	7211 14 90	7214 99 61	7228 20 30
7208 52 10	7211 19 20	7214 99 69	7228 30 20
7208 52 91	7211 19 90	7214 99 80	7228 30 41
7208 52 99	7211 23 10	7214 99 90	7228 30 49
7208 53 10	7211 23 51		7228 30 61
7208 53 90	7211 23 91	7215 90 10	7228 30 69
7208 54 10	7211 23 99		7228 30 70
7208 54 90	7211 29 20	7216 10 00	7228 30 89
7208 90 10	7211 29 50	7216 21 00	7228 60 10
7209 15 00	7211 29 90	7216 22 00	7228 70 10
7209 16 10	7211 90 11	7216 31 11	7228 70 31
7209 16 90	7211 90 90	7216 31 19	7228 80 10
7209 17 10		7216 31 91	7228 80 90
7209 17 90		7216 31 99	
7209 18 10	7212 10 10	7216 32 11	7301 10 00
7209 18 91	7212 10 91	7216 32 19	
7209 18 99	7212 20 11	7216 32 91	Complete
7209 25 00	7212 30 11	7216 32 99	CN heading 7304
7209 26 10	7212 40 10	7216 33 10	
7209 26 90	7212 40 91	7216 33 90	Complete
7209 27 10	7212 50 31	7216 40 10	CN heading 7306
7209 27 90	7212 50 51	7216 40 90	
7209 28 10	7212 60 11	7216 50 10	7307 93 11
7209 28 90	7212 60 91	7216 50 91	7307 93 19
7209 90 10		7216 50 99	7307 99 30
7210 11 10	7213 10 00	7216 99 10	7307 99 90
7210 12 11	7213 20 00		

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

**LISTA DE LAS AUTORIDADES NACIONALES COMPETENTES  
LISTE OVER KOMPETENTE NATIONALE MYNDIGHEDER  
LISTE DER ZUSTÄNDIGEN BEHÖRDEN DER MITGLIEDSTAATEN  
ΛΙΣΤΗ ΤΩΝ ΑΡΧΩΝ ΕΚΔΟΣΗΣ ΑΔΕΙΩΝ ΤΩΝ ΚΡΑΤΩΝ ΜΕΛΩΝ  
LIST OF THE COMPETENT NATIONAL AUTHORITIES  
LISTE DES AUTORITÉS NATIONALES COMPÉTENTES  
ELENCO DELLE COMPETENTI AUTORITÀ NAZIONALI  
LIJST VAN BEVOEGDE NATIONALE INSTANTIES  
LISTA DAS AUTORIDADES NACIONAIS COMPETENTES  
LUETTELO TOIMIVALTAISISTA KANSALLISISTA VIRANOMAISISTA  
LISTA ÖVER KOMPETENTA NATIONELLA MYNDIGHETER**

**BELGIQUE/BELGIË**

Ministère des affaires économiques  
Administration des relations économiques  
Quatrième division: Mise en œuvre des politiques commerciales  
internationales — Services des licences  
Rue Général Leman 60  
B-1040 Bruxelles  
Télécopieur: (32 2) 230 83 22

Ministerie van Economische Zaken  
Bestuur van de Economische Betrekkingen  
Vierde Afdeling: Toepassing van het Internationaal Handelsbe-  
leid — Dienst Vergunningen  
Generaal Lemanstraat 60  
B-1040 Brussel  
Fax: (32 2) 230 83 22

**DANMARK**

Erhvervsfremme Styrelsen  
Søndergade 25  
DK-8600 Silkeborg  
Fax: (45) 87 20 40 77

**DEUTSCHLAND**

Bundesamt für Wirtschaft, Dienst 01  
Postfach 5171  
D-65762 Eschborn 1  
Fax: 49 (61 96) 40 42 12

**ΕΛΛΑΔΑ**

Υπουργείο Εθνικής Οικονομίας  
Γενική Γραμματεία Δ.Ο.Σ  
Διεύθυνση Διαδικασιών Εξωτερικού  
Εμπορίου  
Κορνάρου 1  
GR-105 63 Αθήνα  
Τέλεφαξ: (301) 328 60 29/328 60 59/328 60 39

**ESPAÑA**

Ministerio de Economía y Hacienda  
Dirección General de Comercio Exterior  
Paseo de la Castellana, 162  
E-28046 Madrid  
Fax: (34 1) 5 63 18 23/349 38 31

**FRANCE**

SERIBE  
3-5, rue Barbet-de-Jouy  
F-75357 Paris 07 SP  
Télécopieur: (33 1) 43 19 43 69

**IRELAND**

Licensing Unit  
Department of Tourism and Trade  
Kildare Street  
IRL-Dublin 2  
Fax: (353 1) 676 61 54

**ITALIA**

Ministero per il Commercio estero  
D.G. Import-export, Divisione V  
Viale Boston  
I-00144 Roma  
Telefax: 39 6-59 93 26 36 / 59 93 26 37

**LUXEMBOURG**

Ministère des affaires étrangères  
Office des licences  
BP 113  
L-2011 Luxembourg  
Télécopieur: (352) 46 61 38

**NEDERLAND**

Centrale Dienst voor In- en Uitvoer  
Postbus 30003, Engelse Kamp 2  
NL-9700 RD Groningen  
Fax (31-50) 526 06 98

**ÖSTERREICH**

Bundesministerium für wirtschaftliche  
Angelegenheiten  
Außenwirtschaftsadministration  
Landstraßer Hauptstraße 55-57  
A-1030 Wien  
Fax: 43-1-715 83 47

## PORTUGAL

Direcção-Geral do Comércio  
Avenida da República, 79  
P-1000 Lisboa  
Telefax: (351-1) 793 22 10

## SUOMI

Tullihallitus  
PL 512  
FIN-00101 Helsinki  
Telekopio: + 358 9 614 2852

## SVERIGE

Kommerskollegium  
Box 6803  
S-113 86 Stockholm  
Fax: (46 8) 30 67 59

## UNITED KINGDOM

Department of Trade and Industry  
Import Licensing Branch  
Queensway House — West Precinct  
Billingham, Cleveland  
UK-TS23 2NF  
Fax: (44 1642) 533 557

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## EUROPEAN COMMUNITY

## SURVEILLANCE DOCUMENT

Holder's copy	1	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue (name, address and telephone number)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
			8. Last day of validity
	1	9. Description of goods	10. CN code and category
			11. Quantity in kilograms (net mass) or in additional units
			12. Value in ecus, cif at Community frontier
		13. Additional remarks	
		14. Competent authority's endorsement	
		Date:	
		Signature:	Stamp

**15. ATTRIBUTIONS**

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract number and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1.			
2.			
1.			
2.			
1.			
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1.			
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2.			
1.			
2.			
1.			
2.			

Extension pages to be attached herein

Copy for the issuing authority	2	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue (name, address and telephone number)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
			7. Country of consignment (and geonomenclature code)
			8. Last day of validity
	2	9. Description of goods	10. CN code and category
			11. Quantity in kilograms (net mass) or in additional units
		12. Value in ecus, cif at Community frontier	
13. Additional remarks			
14. Competent authority's endorsement			
Date:			
Signature:		Stamp	



15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract number and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
1.			
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**COMMISSION REGULATION (EC) No 2605/97**  
**of 22 December 1997**  
**establishing the standard import values for determining the entry price of**  
**certain fruit and vegetables**

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables<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 23 December 1997.

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

Done at Brussels, 22 December 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 22 December 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 50	052	87,9
	204	81,6
	624	200,4
	999	123,3
0707 00 40	624	134,7
	999	134,7
0709 10 40	220	211,5
	999	211,5
0709 90 79	052	99,7
	999	99,7
0805 10 61, 0805 10 65, 0805 10 69	052	27,6
	204	47,5
	388	29,6
	448	27,4
	528	44,4
	999	35,3
0805 20 31	052	58,9
	204	54,2
	999	56,6
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	67,7
	464	156,8
	624	77,3
	999	100,6
0805 30 40	052	88,5
	400	55,5
	528	36,3
	600	86,5
	999	66,7
0808 10 92, 0808 10 94, 0808 10 98	060	45,0
	064	53,3
	400	83,7
	404	90,6
	720	62,8
	804	84,0
	999	69,9
	999	97,6
0808 20 67	052	97,6
	064	88,2
	400	91,4
	999	92,4

<sup>(1)</sup> 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 2606/97**  
**of 22 December 1997**  
**fixing the refunds applicable to cereal and rice sector products supplied as**  
**Community and national food aid**

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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular the third subparagraph of Article 13 (2) thereof,

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

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid<sup>(4)</sup> lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 1 January 1998.

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

Done at Brussels, 22 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 329, 30. 12. 1995, p. 18.

<sup>(4)</sup> OJ L 288, 25. 10. 1974, p. 1.

## ANNEX

to the Commission Regulation of 22 December 1997 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

<i>(ECU/tonne)</i>	
Product code	Refund
1001 10 00 9400	0
1001 90 99 9000	14,00
1002 00 00 9000	27,00
1003 00 90 9000	15,00
1004 00 00 9400	26,00
1005 90 00 9000	28,00
1006 30 92 9100	178,00
1006 30 92 9900	178,00
1006 30 94 9100	178,00
1006 30 94 9900	178,00
1006 30 96 9100	178,00
1006 30 96 9900	178,00
1006 30 98 9100	178,00
1006 30 98 9900	178,00
1006 40 00 9000	—
1007 00 90 9000	28,00
1101 00 15 9100	19,00
1101 00 15 9130	19,00
1102 20 10 9200	32,10
1102 20 10 9400	27,52
1102 30 00 9000	—
1102 90 10 9100	20,24
1103 11 10 9200	0
1103 11 90 9200	0
1103 13 10 9100	41,27
1103 14 00 9000	—
1104 12 90 9100	28,78
1104 21 50 9100	26,98

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

**COMMISSION REGULATION (EC) No 2607/97**  
**of 22 December 1997**  
**amending Regulation (EC) No 2389/97 on the supply of split peas as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 Commission Regulation (EC) No 2389/97<sup>(2)</sup> issued an invitation to tender for the supply, as food aid, of split peas; whereas some of the conditions specified in the Annex to that Regulation should be altered,

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

Done at Brussels, 22 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*Article 1*

For lot A, point 10 of the Annex to Regulation (EC) No 2389/97 is replaced by the following:

'10. **Packaging and marking** <sup>(5)</sup> <sup>(6)</sup> <sup>(8)</sup>: see OJ C 267, 13. 9. 1996, p. 1 (4.0 A (1)(c), (2)(c) and B(4)) see OJ C 114, 29. 4. 1991, p. 1 (II.A(3))

Language to be used for the marking: English and Korean'.

*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 166, 5. 7. 1996, p. 1.

<sup>(2)</sup> OJ L 330, 2. 12. 1997, p. 9.

**COMMISSION REGULATION (EC) No 2608/97**  
**of 22 December 1997**  
**on the supply of vegetable oil 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 vegetable oil 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;

Whereas, in order to ensure that the supplies are carried out for a given lot, provision should be made for tenderers to be able to mobilize either soya-bean oil or sunflower

oil; whereas the contract for the supply of each such lot is to be awarded to the tenderer submitting the lowest tender,

HAS ADOPTED THIS REGULATION:

*Article 1*

Vegetable oil 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 supply shall cover the mobilization of vegetable oil produced in the Community. In case of mobilization of sunflower oil mobilization may not involve a product manufactured and/or packaged under inward processing arrangements.

Tenders shall cover either soya-bean oil or sunflower oil. Tenders shall be rejected unless they specify the type of oil to which they relate.

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, 22 December 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** <sup>(1)</sup>: 1513/95 (A1); 523/96 (A2); 524/96 (A3); 525/96 (A4)
2. **Programme**: 1995 and 1996
3. **Recipient** <sup>(2)</sup>: Angola
4. **Representative of the recipient**: UTA/ACP/UE, Rua Rainha Jinga No 6, Luanda, Angola tel: (244-2) 39 13 39; fax: 39 25 31; telex: 0991/3397 DELCEE AN
5. **Place or country of destination** <sup>(3)</sup>: Angola
6. **Product to be mobilized**: vegetable oil: refined soya-bean oil or refined sunflower oil
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(7)</sup> <sup>(8)</sup>: see OJ C 114, 29. 4. 1991, p. 1 (IIIA (1) (b))
8. **Total quantity (tonnes)**: 1 800
9. **Number of lots**: one in four parts (A1: 800 tonnes; A2: 200 tonnes; A3: 500 tonnes; A4: 300 tonnes)
10. **Packaging and marking** <sup>(6)</sup>: see OJ C 267, 13. 9. 1996, p. 1 (10.1 A, B and C.2)  
see OJ C 114, 29. 4. 1991, p. 1 (IIIA (3))  
Language to be used for the marking: Portuguese
11. **Method of mobilization**: mobilization of refined vegetable oil produced in the Community. In case of mobilization of sunflower oil, mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Stage of supply**: free at destination <sup>(9)</sup> <sup>(10)</sup>
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**: A1 and A2: Somatrating (off port of Luanda)  
A3: A.M.I (off port of Lobito)  
A4: Socosul, Lubango (180 km from Namibe)
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 9 to 22. 2. 1998
18. **Deadline for the supply**: 22. 3. 1998 <sup>(11)</sup>
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 6. 1. 1998 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 20. 1. 1998 (12 noon (Brussels time))
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 23. 2 to 8. 3. 1998
  - (c) deadline for the supply: 5. 4. 1998 <sup>(11)</sup>
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** <sup>(1)</sup>: 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** <sup>(4)</sup>: —



*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) Article 7 (3) (g) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
  - (5) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a sanitary certificate.
  - (6) Notwithstanding OJ C 114, point IIIA(3)(c) is replaced by the following: 'the words "European Community"'.
    - (7) Tenders shall be rejected unless they specify the type of oil to which they relate.
  - (8) Refined soya-bean oil meeting the following criteria:
    - appearance, at room temperature: clear and brilliant,
    - flavour and odour: bland,
    - free fatty acids: maximum 0,1 %,
    - water and impurities: maximum 0,05 %,
    - colour, Lovibond 5/4" (red/yellow): maximum 1,5/15,
    - peroxide value (meq/kg): maximum 2,0,
    - specific gravity at 20 °C: 0,91 to 0,93 g/cm<sup>3</sup>,
    - refractive index at 20 °C: 1,470 to 1,476,
    - iodine value (Wijs): 125 to 140 g/100 g.
  - (9) In addition to the dispositions of Article 14 (2) of Regulation (EEC) No 2200/87, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7. 7. 1995, p. 1)).
  - (10) The successful tenderer shall bear the port costs and charges (EP-13, EP-14, EP-15 and EP-17, etc.). Notwithstanding the second paragraph of Article 15 (1) of Regulation (EEC) No 2200/87, the costs and charges relating to customs formalities on importation are borne by the successful tenderer and are deemed to be included in the tender.
  - (11) Compliance with the deadline is determined by the proof of arrival at one of the destinations.
-

**COMMISSION REGULATION (EC) No 2609/97**  
**of 22 December 1997**  
**on the supply of cereals 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 cereals 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*

Cereals 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, 22 December 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** <sup>(1)</sup>: 517/96 (A1); 518/96 (A2); 519/96 (A3)
2. **Programme**: 1996
3. **Recipient** <sup>(2)</sup>: Angola
4. **Representative of the recipient**: UTA/ACP/UE, Rua Rainha Jinga No 6, Luanda, Angola  
(tel.: (24 42) 39 13 39; fax: 39 25 31; telex: (0991) 3397 DEL CEE AN)
5. **Place or country of destination**: Angola
6. **Product to be mobilized**: maize flour
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(4)</sup>: see OJ C 114, 29. 4. 1991, p. 1 (II.B (1)(b))
8. **Total quantity (tonnes)**: 2 000
9. **Number of lots**: one in three parts (A1: 800 tonnes; A2: 700 tonnes; A3: 500 tonnes)
10. **Packaging and marking** <sup>(5)</sup> <sup>(7)</sup>: see OJ C 267, 13. 9. 1996, p. 1 (2.2 A. (1) (c), (2) (c) and B. (1))  
see OJ No C 114, 29. 4. 1991, p. 1 (II.B(3))  
Language to be used for the marking: Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination <sup>(8)</sup> <sup>(10)</sup>
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**: A1: Somatraging (off port of Luanda) A2: A.M.I (off port of Lobito) A3: Socosul, Lubango (180 km from Namibe)
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 2 to 15. 2. 1998
18. **Deadline for the supply**: 15. 3. 1998 <sup>(11)</sup>
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 6. 1. 1998
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 20. 1. 1998
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 16. 2 to 1. 3. 1998
  - (c) deadline for the supply: 29. 3. 1998 <sup>(11)</sup>
22. **Amount of tendering security**: ECU 5 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** <sup>(4)</sup>: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04 (exclusively))
25. **Refund applicable on application by the successful tender** <sup>(4)</sup>: refund applicable on 31. 12. 1997, fixed by Commission Regulation (EC) No 2368/97 (OJ L 329, 29. 11. 1997, p. 13)

## LOT B

1. **Operation No** (1): 1512/95 (B1); 514/96 (B2); 515/96 (B3); 516/96 (B4)
2. **Programme**: 1995 and 1996
3. **Recipient** (2): Angola
4. **Representative of the recipient**: UTA/ACP/UE, Rua Rainha Jinga No 6, Luanda, Angola (tel.: (244-2) 39 13 39, fax: 39 25 31; telex: 0991/3397 DELCEE AN)
5. **Place or country of destination**: Angola
6. **Product to be mobilized**: maize
7. **Characteristics and quality of the goods** (3) (4): see OJ C 114, 29. 4. 1991, p. 1 (IIA (1)(d))
8. **Total quantity (tonnes)**: 9 557
9. **Number of lots**: one in four parts (B1: 947 tonnes; B2: 4 553 tonnes; B3: 3 500 tonnes; B4: 557 tonnes)
10. **Packaging and marking** (5) (7) (8): see OJ C 267, 13. 9. 1996, p. 1 (1.0 A 1.a, 2.a and B.3) see OJ C 114, 29. 4. 1991, p. 1 (IIA (3))  
Language to be used for the marking: Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination (9) (10)
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**: B1 and B2: Somatradig (off port of Luanda) B3: A.M.I (off port of Lobito) B4: Socosul, Lubango (180 km from Namibe)
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 26. 1 to 8. 2. 1998
18. **Deadline for the supply**: 8. 3. 1998 (11)
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 6. 1. 1998 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 20. 1. 1998
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 to 22. 2. 1998
  - (c) deadline for the supply: 22. 3. 1998 (11)
22. **Amount of tendering security**: ECU 5 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, 200 rue de la Loi/Wetstraat, 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): refund applicable on 31. 12. 1997, fixed by Commission Regulation (EC) No 2368/97 (OJ L 329, 29. 11. 1997, p. 13)

## LOT C

1. **Operation No** <sup>(1)</sup>: 520/96 (C1); 521/96 (C2); 522/96 (C3)
2. **Programme**: 1996
3. **Recipient** <sup>(2)</sup>: Angola
4. **Representative of the recipient**: UTA/ACP/UE, Rua Rainha Jinga No 6, Luanda, Angola  
(tel.: (244-2) 39 13 39, fax: 39 25 31; telex: 0991/3397 DELCEE AN)
5. **Place or country of destination**: Angola
6. **Product to be mobilized**: milled rice (product code 1006 30 92 9900, 1006 30 94 9900, 1006 30 96 9900, 1006 30 98 9900)
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(5)</sup> <sup>(12)</sup>: see OJ C 114, 29. 4. 1991, p. 1 (II.A (1) (f))
8. **Total quantity (tonnes)**: 2 000
9. **Number of lots**: one in three parts (C1: 1 300 tonnes; C2: 600 tonnes; C3: 100 tonnes)
10. **Packaging and marking** <sup>(6)</sup> <sup>(7)</sup>: see OJ C 267, 13. 9. 1996, p. 1 (1.0 A.1.a, 2.a and B.3)  
see OJ C 114, 29. 4. 1991, p. 1 (II.A (3))  
Language to be used for the marking: Portuguese
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination <sup>(8)</sup> <sup>(10)</sup>
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**: C1: Somatrading (off port of Luanda) C2: A.M.I (off port of Lobito) C3: Socosul, Lubango (180 km from Namibe)
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 2 to 15. 2. 1998
18. **Deadline for the supply**: 15. 3. 1998 <sup>(11)</sup>
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 6. 1. 1998
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 20. 1. 1998
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 16. 2 to 1. 3. 1998
  - (c) deadline for the supply: 29. 3. 1998
22. **Amount of tendering security**: ECU 5 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** <sup>(1)</sup>: Bureau de l'aide alimentaire, Attn Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstraat, 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** <sup>(4)</sup>: refund applicable on 31. 12. 1997, fixed by Commission Regulation (EC) No 2368/97 (OJ L 329, 29. 11. 1997, p. 13)

*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 said 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) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:  
— phytosanitary certificate.
  - (6) Notwithstanding OJ C 114, point II.A (3) (c) or II.B (3) (c) is replaced by the following: 'the words "European Community"'.  
(7) 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'.  
(8) Bagging must be carried out before shipment.
  - (9) In addition to the dispositions of Article 14 (2) of Regulation (EEC) No 2200/87, vessels chartered shall not appear on any of the four most recent quarterly lists of detained vessels as published by the Paris Memorandum of Understanding on Port State Control (Council Directive 95/21/EC (OJ L 157, 7. 7. 1995, p. 1)).
  - (10) The successful tenderer shall bear the port costs and charges (EP-13, EP-14, EP-15 and EP-17, etc.). Notwithstanding the second paragraph of Article 15 (1) of Regulation (EEC) No 2200/87, the costs and charges relating to customs formalities on importation are borne by the successful tenderer and are deemed to be included in the tender.
  - (11) Compliance with the deadline is determined by the proof of arrival at one of the destinations.
  - (12) Broken rice: between 20 % and 30 %.
-

**COMMISSION REGULATION (EC) No 2610/97**  
**of 22 December 1997**  
**amending the import duties in the cereals sector**

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

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

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

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2512/97<sup>(5)</sup>, as amended by Regulation (EC) No 2589/97<sup>(6)</sup>;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2512/97,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to amended Regulation (EC) No 2512/97 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 23 December 1997.

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

Done at Brussels, 22 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ L 161, 29. 6. 1996, p. 125.

<sup>(4)</sup> OJ L 292, 25. 10. 1997, p. 10.

<sup>(5)</sup> OJ L 345, 16. 12. 1997, p. 49.

<sup>(6)</sup> OJ L 350, 20. 12. 1997, p. 83.

## ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports <sup>(2)</sup> (ECU/tonne)
1001 10 00	Durum wheat <sup>(1)</sup>	0,00	0,00
1001 90 91	Common wheat seed	35,51	25,51
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	35,51	25,51
	medium quality	54,09	44,09
	low quality	63,13	53,13
1002 00 00	Rye	73,57	63,57
1003 00 10	Barley, seed	73,57	63,57
1003 00 90	Barley, other <sup>(3)</sup>	73,57	63,57
1005 10 90	Maize seed other than hybrid	79,07	69,07
1005 90 00	Maize other than seed <sup>(3)</sup>	79,07	69,07
1007 00 90	Grain sorghum other than hybrids for sowing	73,57	63,57

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

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

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

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

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



## ANNEX II

## Factors for calculating duties

(period from 15 December 1997 to 18 December 1997)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	123,89	115,71	112,25	98,32	214,81 (1)	100,68 (1)
Gulf premium (ECU/tonne)	—	14,46	8,89	7,14	—	—
Great Lakes premium (ECU/tonne)	14,83	—	—	—	—	—

(1) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 13,58 per tonne; Great Lakes — Rotterdam: ECU 23,61 per tonne.

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

**COMMISSION DIRECTIVE 97/72/EC**  
**of 15 December 1997**  
**amending Council Directive 70/524/EEC concerning additives in feedingstuffs**  
 (Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs<sup>(1)</sup>, as last amended by Directive 97/6/EC<sup>(2)</sup>, and in particular Article 7 thereof,

Whereas Directive 70/524/EEC stipulates that the contents of its Annexes are to be kept up to date with advances in scientific and technical knowledge; whereas the Annexes were consolidated by Commission Directive 91/248/EEC<sup>(3)</sup>;

Whereas for an additive belonging to the group 'Antibiotics', the details in the column 'Chemical formula, description' should be supplemented;

Whereas a new use of an additive belonging to the group 'Coccidiostats and other medicinal substances' and a new use of one belonging to the group 'Binders, anti-caking agents and coagulants' have been widely tested in certain Member States; whereas in the light of the experience gained and research carried out these new uses may be authorized throughout the Community;

Whereas the provisions of the Annexes on one additive of the group 'Emulsifiers, stabilizers, thickeners and gelling agents' require adjustment to the Community provisions adopted on this matter as regards foodstuffs;

Whereas for two additives of the group 'Emulsifiers, stabilizers, thickeners and gelling agents' and for one of the group 'Preservatives' the entry in the 'Other provisions' column should be altered;

Whereas a new use of an additive of the group 'Antibiotics' and of one of the group 'Coccidiostats and other medicinal substances' have been successfully tested in certain Member States; whereas provisional national authorization of these new uses should be permitted pending possible general Community authorization;

Whereas the minimum authorized content of an additive of the 'Micro-organisms' group should be altered;

Whereas research into various additives in Annex II, use of which can accordingly be authorized nationally, has not yet been completed; whereas for each of these this option should therefore be extended by a set period;

Whereas Directive 97/6/EC prohibited use of the glycopeptide antibiotic avoparcin with effect from 1 April 1997 on the grounds that it could not be ruled out that its use in animal feed was liable to induce resistance to glycopeptides used in human medicine;

Whereas another glycopeptide, ardacin, was given provisional authorization by Commission Directive 94/77/EC of 20 December 1994 amending Council Directive 70/524/EEC concerning additives in feedingstuffs<sup>(4)</sup>; whereas although this additive is not at present marketed, as a precautionary measure and in line with the Scientific Committee's recommendations, in the absence of results from the research still to be carried out on avoparcin, its authorization should not be prolonged;

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

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

The Annexes to Directive 70/524/EEC are hereby amended as set out in the Annex to this Directive.

*Article 2*

1. Member States shall bring into force, immediately informing the Commission thereof, the laws, regulations and administrative provisions needed to comply with the Annex to this Directive by 31 March 1998.

These provisions shall contain a reference to this Directive or be accompanied by such a reference on official publication. Details of the reference shall be set by the Member State.

<sup>(1)</sup> OJ L 270, 14. 12. 1970, p. 1.

<sup>(2)</sup> OJ L 35, 5. 2. 1997, p. 11.

<sup>(3)</sup> OJ L 124, 18. 5. 1991, p. 1.

<sup>(4)</sup> OJ L 350, 31. 12. 1994, p. 113.

2. Member States shall send the Commission the text of primary provisions of national law adopted on the matters regulated by this Directive.

*Article 3*

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 15 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

## 1. In Annex I:

1.1. In part A 'Antibiotics', under item E 717 'Avilamycin', the entry in the column 'Chemical formula, description' is replaced by the following:

'C<sub>57</sub>H<sub>62</sub>Cl<sub>2</sub>O<sub>31.32</sub> (mixture of oligosaccharides of the orthosomycin group produced by *Streptomyces viridochromogenes*, NRRL 2860)

Factor composition:

Avilamycin A: not less than 60 %

Avilamycin B: not more than 18 %

Avilamycins A + B: not less than 70 %

Other single avilamycins: not more than 6 %.

1.2. In part D 'Coccidiostats and other medicinal substances', item E 764 'Halofuginone' is supplemented as follows:

EC Number	Additive	Chemical formula (description)	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions
					mg/kg of complete feedingsuff			
			'Chickens reared for laying	16 weeks	2	3		—

1.3. In Part E 'Emulsifiers, stabilizers, thickeners and gelling agents':

1.3.1. Item E 408 'Furcelleran' is deleted.

1.3.2. For items E 418 'Gellan gum' and E 499 'Cassia gum' the entry in the 'Other provisions' column is replaced by 'Feedingsuffs with a moisture content exceeding 20 %'.

1.4. In Part G 'Preservatives', for item E 250 'Sodium nitrite' the entry in the 'Other provisions' column is replaced by 'Feedingsuffs with a moisture content exceeding 20 %'.

1.5. In Part L 'Binders, anti-caking agents and coagulants' item E 598 'Synthetic calcium aluminates' is supplemented as follows:

EC Number	Additive	Chemical formula (description)	Species or category of animal	Maximum age	Minimum content		Maximum content	Other provisions
					mg/kg of complete feedingsuff			
			'Dairy cows, cattle for fattening, calves, lambs, kids	—	—	8 000		All feedingsuffs

## 2. In Annex II:

## 2.1. In Part A 'Antibiotics':

2.1.1. Under item 30 'Virginamycin', for sows, the date '30.11.1997', in the 'Period of authorization' column is replaced by '3.6.1998'.

2.1.2. Under item 31 'Bacitracin zinc', for chickens for fattening and for pigs, the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.

2.1.3. The following item is added:

Number	Additive	Chemical formula (description)	Species or category of animal	Maximum age	Minimum content mg/kg of complete feedingstuff		Maximum content	Other provisions	Period of authorization
					Minimum content mg/kg of complete feedingstuff	Maximum content			
'33	Avilamycin	$C_{57.62}H_{82.90}Cl_{1.2}O_{31.32}$ (mixture of oligosaccharides of the ortho- somyicin group produced by <i>Streptomyces</i> <i>viridochromogenes</i> , NRRL 2860) Factor composition: Avilamycin A: not less than 60 % Avilamycin B: not more than 18 % Avilamycin A + B: not less than 70 % Other single avilamycins: not more than 6 %	Turkeys	—	5	10	—	—	30.11.1998'

2.2. In Part D 'Coccidiostats and other medicinal substances':

2.2.1. Under item 26 'Salinomycin sodium', for rabbits for fattening and chickens reared for laying, the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.

2.2.2. Under item 27 'Diclazuril', for turkeys, the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.

2.2.3. Item 27 'Diclazuril' is supplemented as follows:

Number	Additive	Chemical formula (description)	Species or category of animal	Maximum age	Minimum content mg/kg of complete feedingstuff		Maximum content	Other provisions	Period of authorization
					Minimum content mg/kg of complete feedingstuff	Maximum content			
			'Chickens reared for laying	16 weeks	1	1	—	—	30.11.1998'

- 2.2.4. Under item 28 'Maduramycin ammonium', for turkeys the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.
3. In Part F 'Colouring matters, including pigments', under item 11 '*Astaxanthin-reich Phaffia rhodozyma*', for salmon and trout, the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.
4. In Part L 'Binders, anti-caking agents and coagulants', for item 2 'Natro-lite-phonolite' the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.
5. In Part N 'Enzymes', under item 1 '3-phytase (EC 3.1.3.8)', for pigs (all categories) and chickens (all categories) the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.
6. In Part O 'Micro-organisms':
- 6.1. For item 1 '*Bacillus cereus* var. *toyoi* (CNCM I-1012/NCIB 40112)':
- 6.1.1. For sows the minimum CFU/kg of complete feedingstuff specified is replaced by '0,5 x 10<sup>8</sup>'.
- 6.1.2. For piglets, pigs and sows the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.
- 6.2. Under item 2 '*Bacillus liemiformis* (DSM 5749)/*Bacillus subtilis* (DSM 5750) (in a 1/1 ratio)', for piglets the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.
- 6.3. Under item 3 '*Saccharomyces cerevisiae* (NCYC Sc 47)', for cattle for fattening the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.
- 6.4. Under item 4 '*Bacillus cereus* (ATCC 14893/CIP 5832)', for rabbits for fattening and breeding rabbits the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.
7. In Part P 'Radionuclide binders', under entry 1.1 'Ferric (III) ammonium hexacyanoferrate (II)', for ruminants (domestic and wild), calves prior to the start of rumination, lambs prior to the start of rumination, kids prior to the start of rumination and pigs (domestic and wild) the date '30.11.1997' in the 'Period of authorization' column is replaced by '30.11.1998'.

## II

(Acts whose publication is not obligatory)

## COUNCIL

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE  
MEMBER STATES MEETING WITHIN THE COUNCIL

of 15 December 1997

on certain measures applicable with regard to Kazakhstan concerning trade in  
certain steel products covered by the ECSC Treaty

(97/862/ECSC)

THE REPRESENTATIVES OF THE GOVERNMENTS OF  
THE MEMBER STATES OF THE EUROPEAN COAL AND  
STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

In agreement with the Commission,

HAVE DECIDED AS FOLLOWS:

*Article 1*

During the period 1 January to 30 June 1998, imports into all the Member States of steel products covered by the ECSC Treaty referred to in Annex I originating in Kazakhstan shall be subject to licensing. Licences shall be issued only within the limits defined in Article 2. Steel products originating in Kazakhstan, covered by an import licence or licences issued pursuant to Decision No 90/635/ECSC<sup>(1)</sup>, and which were already sent to the Community before the date of entry into force of this Decision, shall be admitted within the limits applicable for the period from 1 October to 31 December 1997.

*Article 2*

Quantities of authorized imports shall be determined, for each product group and for the whole of the Community, according to the quotas indicated in Annex II.

*Article 3*

Member States shall issue licences and inform the Commission thereof immediately. The Commission shall

keep the Member States regularly informed of the extent to which the quantities have been used up.

The Member States and the Commission shall confer in order to ensure that these quantities are not exceeded.

*Article 4*

Should an agreement between the European Coal and Steel Community and Kazakhstan on trade in certain steel products be concluded and enter into force during the period of application of this Decision, the provisions of that agreement together with any measures taken to give effect to it, shall, as from the date on which the agreement enters into force, replace the provisions of this Decision.

*Article 5*

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

It shall apply from 1 January 1998.

Done at Brussels, 15 December 1997.

*The President*

J.-C. JUNCKER

<sup>(1)</sup> OJ L 268, 1. 10. 1997, p. 28.

## ANNEX I

(1998)

SA. Flat-rolled products	7208 52 91	7210 69 10
	7208 52 99	7210 70 31
SA1. Coils	7208 53 10	7210 70 39
		7210 90 31
7208 10 00	7211 13 00	7210 90 33
7208 25 00		7210 90 38
7208 26 00	SA3. Other flat-rolled	7211 14 90
7208 27 00	products	7211 19 90
7208 36 00		7211 23 10
7208 37 10	7208 40 90	7211 23 51
7208 37 90	7208 53 90	7211 29 20
7208 38 10	7208 54 10	7211 90 11
7208 38 90	7208 54 90	
7208 39 10	7208 90 10	7212 10 10
7208 39 90		7212 10 91
	7209 15 00	7212 20 11
7211 14 10	7209 16 10	7212 30 11
7211 19 20	7209 16 90	7212 40 10
	7209 17 10	7212 40 91
7219 11 00	7209 17 90	7212 50 31
7219 12 10	7209 18 10	7212 50 51
7219 12 90	7209 18 91	7212 60 11
7219 13 10	7209 18 99	7212 60 91
7219 13 90	7209 25 00	
7219 14 10	7209 26 10	7219 21 10
7219 14 90	7209 26 90	7219 21 90
	7209 27 10	7219 22 10
7225 19 10	7209 27 90	7219 22 90
7225 20 20	7209 28 10	7219 23 00
7225 30 00	7209 28 90	7219 24 00
	7209 90 10	7219 31 00
		7219 32 10
SA2. Heavy Plate	7210 11 10	7219 32 90
	7210 12 11	7219 33 10
7208 40 10	7210 12 19	7219 33 90
7208 51 10	7210 20 10	7219 34 10
7208 51 30	7210 30 10	7219 34 90
7208 51 50	7210 41 10	7219 35 10
7208 51 91	7210 49 10	7219 35 90
7208 51 99	7210 50 10	
7208 52 10	7210 61 10	7225 40 80

## ANNEX II

## QUOTAS

	(tonnes)
<i>Flat-rolled products</i>	
SA1 (coils):	14 629
SA2 (heavy plate):	5 123
SA3 (other flat products):	4 140



**COUNCIL DECISION**

of 11 December 1997

**concerning the conclusion of an Additional Protocol to the Agreement between the European Economic Community and the Republic of Slovenia in the field of transport**

(97/863/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 in conjunction with the first sentence of Article 228 (2) and the first subparagraph of Article 228 (3) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas the Agreement between the European Economic Community and the Republic of Slovenia in the field of transport <sup>(3)</sup>, signed on 5 April 1993, and in particular Article 12 (2) thereof, gives unrestricted access for Slovenian heavy goods vehicles for transit through the Community;

Whereas Protocol 9 on road, rail and combined transport in Austria to the Act of Accession of Austria, Finland and Sweden to the European Union, and in particular Articles 11 and 14 thereof, establishes a special regime for Community heavy goods vehicles in transit through Austria;

Whereas it is necessary to ensure non-discriminatory treatment between Community and Slovenian heavy goods vehicles in transit through Austria as from 1 January 1995;

Whereas the Additional Protocol to the Agreement between the European Economic Community and the

Republic of Slovenia in the field of transport should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Additional Protocol to the Agreement between the European Economic Community and the Republic of Slovenia in the field of transport is hereby approved on behalf of the Community.

The text of the Protocol is annexed to this Decision.

*Article 2*

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 3 of the Protocol.

Done at Brussels, 11 December 1997.

*For the Council*

*The President*

M. DELVAUX-STEHRÉS

<sup>(1)</sup> OJ C 369, 7. 12. 1996, p. 5.

<sup>(2)</sup> OJ C 339, 10. 11. 1997.

<sup>(3)</sup> OJ L 189, 29. 7. 1993, p. 161.

**ADDITIONAL PROTOCOL****to the Agreement between the European Economic Community and the Republic of Slovenia in the field of transport**

THE EUROPEAN COMMUNITY

and

THE REPUBLIC OF SLOVENIA,

HAVING REGARD to the Agreement between the European Economic Community and the Republic of Slovenia in the field of transport, signed on 5 April 1993, and in particular Article 12 (2) thereof,

HAVING REGARD to Protocol 9 to the Act of Accession of Austria, Finland and Sweden to the European Union, and in particular Articles 11 and 14 thereof,

CONSIDERING that it is necessary to ensure non-discriminatory treatment between Community and Slovenian heavy goods vehicles in transit through Austria as from 1 January 1995;

CONSIDERING that an appropriate transitional period will allow time for adjustment to new provisions which prove necessary,

HAVE AGREED AS FOLLOWS:

*Article 1*

With regard to Slovenian transit through the Community, the provisions of Article 12 shall be completed by the addition of a new paragraph 2a which shall read as follows:

'2a. By way of derogation from paragraph 2, the following provisions shall apply to Slovenian transit traffic through Austria:

1. For a period from 1 January 1995 to 31 December 1996, a regime for Slovenian transit identical to that resulting from the bilateral agreement between Austria and Slovenia, signed on 4 December 1993, shall be maintained.
2. Notwithstanding paragraph 1, and not later than 31 July 1996, if the Joint Community/Slovenia Transport Committee provided for in Article 22 recognizes that the regime resulting from paragraph 1 leads to discrimination between Slovenian heavy goods vehicles and Community heavy goods vehicles in transit through Austria, appropriate measures will be taken.
3. With effect from 1 January 1997, a system of ecopoints equivalent to that laid down by Article 11 of Protocol 9 to the Act of Accession of Austria, Finland and Sweden to the European Union shall apply. The method of calculation and the detailed rules and procedures for the management and control of the ecopoints will be agreed in good time by means of an exchange of letters between the Contracting Parties and will be in line with the provisions of Articles 11 and 14 (2) of the abovementioned Protocol 9.'

*Article 2*

1. This Protocol shall apply until 31 December 2003.
2. If the Council of the European Union takes a decision on the basis of paragraphs 3 or 4 of Article 11 of the abovementioned Protocol 9, the Joint Community/Slovenia Transport Committee shall decide on the detailed arrangements for applying the regime resulting from this decision to Slovenian transit traffic through Austria.

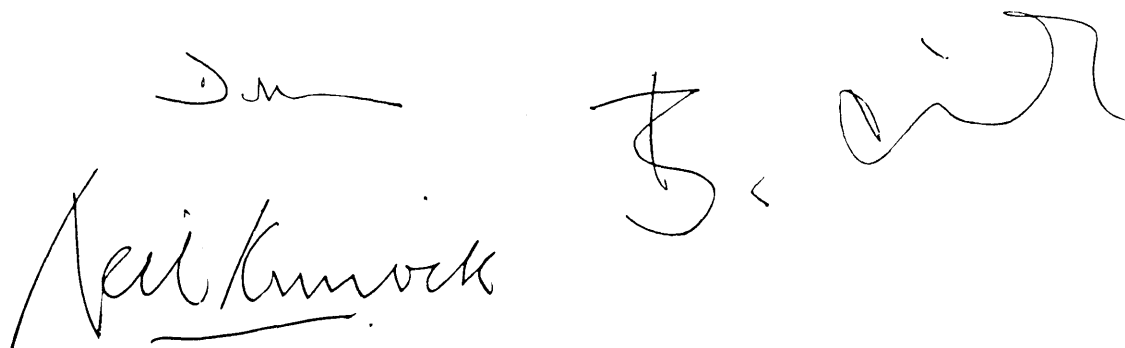
*Article 3*

1. This Protocol is drawn up in two copies in each of the following languages: Danish, Dutch, English, French, Finnish, German, Greek, Italian, Portuguese, Spanish, Swedish and Slovenian, each text being equally authentic.
2. This Protocol shall be concluded in accordance with the Contracting Parties' own procedures. It shall enter into force as soon as the Contracting Parties have notified one another of the completion of the procedures necessary for that purpose.
3. This Protocol shall apply with effect from 1 January 1995.

Done at Brussels, 11 December 1997.

*For the European Community*

*For the Republic of Slovenia*



The image shows two handwritten signatures. On the left, a signature in cursive script reads "Neil Kinnock". Above it is a shorter, more stylized signature. On the right, there is a signature in cursive script that appears to be "J. K." followed by a flourish.

*Declaration on Part 3 of Article 12 (2a)*

The Community delegation undertook to associate Slovenia closely with the work being undertaken in the Community, in accordance with Article 11 of Protocol 9 to the Act of Accession of Austria, Finland and Sweden to the European Union, to implement an electronic control system for the ecopoints system.

Both delegations agreed that, in calculating Slovenia's ecopoints, while 1991 shall be the base year, due account will be taken of the particular circumstances which affected Slovenian transit traffic in that year. Technical meetings between the parties will be held as early as possible in 1996 in order to begin work on this issue.

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# COMMISSION

## COMMISSION DECISION

of 5 December 1997

modifying Decision 96/304/EC of 22 April 1996 establishing ecological criteria for the award of the Community eco-label to bed linen and T-shirts

(Text with EEA relevance)

(97/864/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 880/92 of 23 March 1992 on a Community eco-label award scheme<sup>(1)</sup>, and in particular the second subparagraph of Article 5 (1) thereof,

Whereas the first subparagraph of Article 5 (1) of Regulation (EEC) No 880/92 provides that the conditions for the award of the Community eco-label shall be defined by product group;

Whereas Commission Decision 96/304/EC of 22 April 1996 establishing ecological criteria for the award of the Community eco-label to bed linen and T-shirts<sup>(2)</sup> needs to be modified in order to clarify the meaning of the terms '100 % cotton' and 'blends of cotton and polyester';

Whereas in accordance with Article 6 of Regulation (EEC) No 880/92 the Commission has consulted the principal interest groups within a consultation forum;

Whereas the measures set out in this Decision are in accordance with the opinion of the Committee set up pursuant to Article 7 of Regulation (EEC) No 880/92,

HAS ADOPTED THIS DECISION:

### *Article 1*

In Article 1 of Decision 96/304/EC the second paragraph shall be deleted and replaced by the following text:

'In all cases, the fibre materials for the final fabric must be 100 % cotton or blends of cotton and polyester. Up to 5 % of natural or synthetic elastic fibres may be allowed if justified on technical grounds.'

### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 5 December 1997.

*For the Commission*

Ritt BJERREGAARD

*Member of the Commission*

<sup>(1)</sup> OJ L 99, 11. 4. 1992, p. 1.

<sup>(2)</sup> OJ L 116, 11. 5. 1996, p. 30.

## COMMISSION DECISION

of 5 December 1997

recognising in principle the completeness of the dossier submitted for detailed examination in view of the possible inclusion of CGA 245 704, flazasulfuron, *Spodoptera exigua* nuclear polyhedrosis virus, imazosulfuron, pymetrozine and sulfosulfuron in Annex I of Council Directive 91/414/EEC concerning the placing of plant protection products on the market

(Text with EEA relevance)

(97/865/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market<sup>(1)</sup>, as last amended by Directive 97/57/EC<sup>(2)</sup>, and in particular Article 6 (3) thereof,

Whereas Directive 91/414/EEC (hereinafter 'the Directive') has provided for the development of a Community list of active substances authorized for incorporation in plant protection products;

Whereas applicants have submitted dossiers for six active substances to Member States' authorities in view of obtaining the inclusion of the active substances in Annex I of the Directive;

Whereas a dossier for the active substance CGA 245 704 was submitted by Novartis Crop Protection AG to the French authorities on 15 October 1996;

Whereas a dossier for the active substance flazasulfuron was submitted by ISK Biosciences to the Spanish authorities on 16 December 1996;

Whereas a dossier for the active substance *Spodoptera exigua* nuclear polyhedrosis virus was submitted by Biosys to the Dutch authorities on 12 July 1996;

Whereas a dossier for the active substance imazosulfuron was submitted by Urania Agrochem GmbH to the German authorities on 27 June 1996;

Whereas a dossier for the active substance pymetrozine was submitted by Novartis Crop Protection AG to the German authorities on 4 September 1996;

Whereas a dossier for the active substance sulfosulfuron was submitted by Monsanto to the Irish authorities on 24 April 1997;

Whereas the said authorities indicated to the Commission the results of a first examination of the completeness of

the dossier with regard to the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III of the Directive; whereas subsequently, in accordance with the provisions of Article 6 (2), the dossier was submitted by the applicants to the Commission and other Member States;

Whereas the dossiers for flazasulfuron, *Spodoptera exigua* nuclear polyhedrosis virus and pymetrozine were referred to the Standing Committee on Plant Health on 29 May 1997;

Whereas the dossier the CGA 245 704 was referred to the Standing Committee on Plant Health on 19 June 1997;

Whereas the decision for imazosulfuron and sulfosulfuron were referred to the Standing Committee on Plant Health on 11 July 1997;

Whereas Article 6 (3) of the Directive requires it being confirmed at the level of the Community that each dossier is to be considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III of the Directive;

Whereas such confirmation is necessary in order to pursue the described examination of the dossier as well as in order to open to Member States the possibility of granting provisional authorization for plant protection products containing this active substance in due respect of the conditions laid down in Article 8 (1) of the Directive, and in particular the condition to make a detailed assessment of the active substances and the plant protection products with regard to the requirements of the Directive;

Whereas such decision does not prejudice that further data or information may be requested from the applicant where it would appear during the detailed examination that such information or data are required for a decision to be taken;

Whereas it is understood between the Member States and the Commission that France will pursue the detailed examination for the dossier for CGA 245 704, that Spain will pursue the detailed examination for the dossier for

<sup>(1)</sup> OJ L 230, 19. 8. 1991, p. 1.

<sup>(2)</sup> OJ L 265, 27. 9. 1997, p. 87.

flazasulfuron, that the Netherlands will pursue the detailed examination for the dossier for *Spodoptera exigua* nuclear polyhedrosis virus, that Germany will pursue the detailed examination for the dossiers for imazosulfuron and pymetrozine and that Ireland will pursue the detailed examination for the dossier for sulfosulfuron;

Whereas France, Spain, the Netherlands, Germany and Ireland will report the conclusions of their examinations accompanied by any recommendations on the inclusion or non inclusion and any conditions related thereto to the Commission as soon as possible and at the latest within a period of one year; whereas on receipt of this report the detailed examination will be continued with the expertise from all Member States within the framework of the Standing Committee on Plant Health;

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

HAS ADOPTED THIS DECISION:

#### *Article 1*

The following dossiers satisfy in principle the data and information requirements provided for in Annex II and, for a plant protection product containing the active substance concerned, in Annex III of the Directive, taking into account the uses proposed:

1. The dossier submitted by ISK Biosciences to the Commission and the Member States with a view to the inclusion of flazasulfuron as an active substance in Annex I of Directive 91/414/EEC and referred to the Standing Committee on Plant Health on 29 May 1997.
2. The dossier submitted by Biosys to the Commission and the Member States with a view to the inclusion of *Spodoptera exigua* nuclear polyhedrosis virus as an

active substance in Annex I of Directive 91/414/EEC and referred to the Standing Committee on Plant Health on 29 May 1997.

3. The dossier submitted by Novartis Crop Protection AG to the Commission and the Member States with a view to the inclusion of CGA 245 704 as an active substance in Annex I of Directive 91/414/EEC and referred to the Standing Committee on Plant Health on 19 June 1997.
4. The dossier submitted by Urania Agrochem GmbH to the Commission and the Member States with a view to the inclusion of imazosulfuron as an active substance in Annex I of Directive 91/414/EEC and referred to the Standing Committee on Plant Health on 11 July 1997.
5. The dossier submitted by Novartis Crop Protection AG to the Commission and the Member States with a view to the inclusion of pymetrozine as an active substance in Annex I of Directive 91/414/EEC and referred to the Standing Committee on Plant Health on 29 May 1997.
6. The dossier submitted by Monsanto to the Commission and the Member States with a view to the inclusion of sulfosulfuron as an active substance in Annex I of Directive 91/414/EEC and referred to the Standing Committee on Plant Health on 11 July 1997.

#### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 5 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION DECISION**

of 16 December 1997

**amending Decision 97/534/EC on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies**

(Text with EEA relevance)

(97/866/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market<sup>(1)</sup>, as last amended by Directive 92/118/EEC<sup>(2)</sup>, and in particular Article 9 (4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market<sup>(3)</sup>, as last amended by Directive 92/118/EEC, and in particular Article 10 (4) thereof,Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries<sup>(4)</sup>, last amended by Directive 96/43/EC<sup>(5)</sup>, and in particular Article 19 thereof,Whereas the Commission adopted on 30 July 1997 Decision 97/534/EC on the prohibition of the use of material presenting risks as regards transmissible spongiform encephalopathies<sup>(6)</sup>; whereas that Decision is to apply from 1 January 1998;

Whereas, however, more time is needed to review the implications of that Decision for a wide range of products and to review new scientific advice; whereas, therefore, the date from which Decision 97/534/EC is to apply should be deferred;

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*

In Article 10 of Decision 97/534/EC, the date of '1 January 1998' is hereby replaced by that of '1 April 1998'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 16 December 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ L 395, 30. 12. 1989, p. 13.<sup>(2)</sup> OJ L 62, 15. 3. 1993, p. 49.<sup>(3)</sup> OJ L 224, 18. 8. 1990, p. 29.<sup>(4)</sup> OJ L 373, 31. 12. 1990, p. 1.<sup>(5)</sup> OJ L 162, 1. 7. 1996, p. 1.<sup>(6)</sup> OJ L 216, 8. 8. 1997, p. 95.



# COMMITTEE OF THE REGIONS

## DECISION OF THE COMMITTEE OF THE REGIONS

of 17 September 1997

### concerning public access to documents of the Committee of the Regions

THE BUREAU OF THE COMMITTEE OF THE REGIONS,

Having regard to the Treaty on European Union, and in particular Declaration 17 attached to the Final Act thereof,

Whereas provisions should be adopted governing public access to documents of the Committee of the Regions (hereinafter 'the Committee');

Whereas these measures should be in harmony with the code of conduct agreed and adopted by the Commission and the Council in this area on 6 December 1993, in order to ensure the consistency and continuity of the activities if the institutions in accordance with Article C of the Treaty on European Union;

Whereas these provisions are applicable to any document held by the Committee, whatever its medium, excluding documents written by a person, body or institution outside the Committee;

Whereas the principle of allowing the public wide access to the Committee's documents, as part of greater transparency in the Committee's work, must however be subject to exceptions, particularly as regards protection of the public interest, the individual and privacy;

Whereas this Decision must apply with due regard for provisions governing the protection of classified information,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

1. The public shall have access to Committee documents under the conditions laid down in this Decision.
2. 'Committee document' means any written text, whatever its medium, containing existing data and held by the Committee, subject to Article 2 (2).

#### *Article 2*

1. An application for access to a Committee document shall be sent in writing to the Secretary-General of the

Committee<sup>(1)</sup>. It must be made in a sufficiently precise manner and must contain information enabling the document or documents requested to be identified. Where necessary, the applicant shall be asked for further details.

2. Where the requested document was written by a natural or legal person, a Member State, another Community institution or body, or any other national or international body, the application must not be sent to the Committee, but direct to the author.

#### *Article 3*

1. The applicant shall have access to a document of the Committee either by consulting it on the spot or by having a copy sent at his own expense. A fee of ECU 10, plus ECU 0,036 per sheet of paper, may be charged by the General Secretariat of the Committee for copies of printed documents exceeding 30 pages. Charges for information in other formats shall be set on a case-by-case basis but shall not exceed what is reasonable.
2. The relevant departments of the General Secretariat shall endeavour to find a fair solution to deal with repeat applications and/or those which relate to very large documents.
3. Anyone given access to a document of the Committee may not reproduce or circulate the document for commercial purposes through direct sale without prior authorization from the Secretary-General.

#### *Article 4*

1. Access to a document of the Committee shall not be granted where its disclosure could undermine:
  - the protection of the public interest (public security, international relations, monetary stability, court proceedings, inspections and investigations),

<sup>(1)</sup> The Secretary-General of the Committee of the Regions of the European Union, 79 Rue Belliard, 1040 Brussels, Belgium.

- the protection of the individual and of privacy,
- the protection of commercial and industrial secrecy,
- the protection of the Community's financial interests,
- the protection of confidentiality as requested by the natural or legal person who supplied any of the information contained in the document or as required by the legislation of the Member State which supplied any of that information.

2. Access to a document of the Committee may be refused in order to protect the confidentiality of the Committee's proceedings.

#### *Article 5*

Any application for access to a Committee document shall be examined by the relevant departments of the General Secretariat, which shall suggest what action is to be taken on it.

#### *Article 6*

1. The relevant director or head of department, or an official acting on their behalf, shall inform the applicant in writing, within one month, whether the application has been approved or whether it intends to reject it. In the latter case, the applicant shall also be notified of the reasons for this intention and that he has one month to make a confirmatory application to the Secretary-General for that position to be reconsidered, failing which he will be deemed to have withdrawn his original application.

2. Failure to reply to an application for access to a document within one month of submission shall constitute an intention to refuse access.

3. The President shall be empowered to decide on confirmatory applications. He may delegate this authority to the Secretary-General.

4. Any decision to reject a confirmatory application, which shall be taken within a month of submission of

such application, shall state the grounds on which it is based. The applicant shall be notified of the decision in writing as soon as possible and at the same time informed of the content of Articles 138e and 173 of the Treaty establishing the European Community, relating respectively to the conditions for referral to the Ombudsman by natural persons and review by the Court of Justice of the legality of acts of the Committee.

5. Failure to reply to a confirmatory application within one month of submission shall constitute a refusal.

6. Exceptionally, the Secretary-General, having notified the applicant in advance, may extend by one month the time limits laid down in the first sentence of paragraph 1 and in paragraph 4.

#### *Article 7*

This Decision shall apply with due regard for provisions governing the protection of classified information.

#### *Article 8*

Every two years, the Secretary-General shall submit a report to the Bureau on the implementation of this Decision.

#### *Article 9*

This Decision shall take effect from the date of its signature.

Done at Brussels, 17 September 1997.

*For the Bureau*

Pasqual MARAGALL i MIRA

*President*

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**CORRIGENDA****Corrigendum to the Amendments to the Rules of Procedure of the Court of Justice of the European Communities**

*(Official Journal of the European Communities L 103 of 19 April 1997)*

Page 2, Article 29 (2) (c):

- for:* '(c) at the request of one of the parties, and after the opposite party and the Advocate-General have been heard, the use of another of the languages mentioned in paragraph 1 as the language of the case for all or part of the proceedings may be authorized by way of derogation from subparagraphs (a) and (b).'
- read:* '(c) at the request of one of the parties, and after the opposite party and the Advocate-General have been heard, the use of another of the languages mentioned in paragraph 1 as the language of the case for all or part of the proceedings may be authorized by way of derogation from subparagraphs (a) and (b); such a request may not be submitted by an institution of the European Communities.'
- 

**Corrigendum to the Amendments to the Rules of Procedure of the Court of First Instance of the European Communities**

*(Official Journal of the European Communities L 103 of 19 April 1997)*

Page 7, Article 35 (2) (b):

- for:* '(b) at the request of one of the parties, and after the opposite party and the Advocate-General have been heard, the use of another of the languages mentioned in paragraph 1 as the language of the case for all or part of the proceedings may be authorized by way of derogation from subparagraph (a).'
- read:* '(b) at the request of the one of the parties, and after the opposite party and the Advocate-General have been heard, the use of another of the languages mentioned in paragraph 1 as the language of the case for all or part of the proceedings may be authorized by way of derogation from subparagraph (a); such a request may not submitted by an institution.'
-