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Legislation

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Notice to readers (see page 3 of the cover)

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2611/97
of 15 December 1997
amending Regulation (EEC) No 2390/89 laying down general rules for the import
of wines, grape juice and grape must

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, and in particular Article 70 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Article 1 (2) and Article 2 of Council Regulation (EEC) No 2390/89 ⁽²⁾, provides for import facilities for wine products originating in third countries which offer specific guarantees through the provision of a certificate of origin and conformity and an analysis report; whereas Article 3 (2) of that Regulation limits those facilities to a trial period expiring on 31 December 1997; whereas, taking into account the time necessary to examine the

implementation of future arrangements, the abovementioned period should be extended until 31 December 1998,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 (2) of Regulation (EEC) No 2390/89, the date '31 December 1997' is hereby replaced by '31 December 1998'.

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, 15 December 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 2087/97 (OJ L 292, 25. 10. 1997, p. 1).

⁽²⁾ OJ L 232, 9. 8. 1989, p. 1. Regulation as last amended by Regulation (EC) No 127/97 (OJ L 24, 25. 1. 1997, p. 1).

**COUNCIL REGULATION (EC) No 2612/97
of 15 December 1997**

amending Regulation (EEC) No 1873/84 authorizing the offer or disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, and in particular Article 73 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 70 (1) of Regulation (EEC) No 822/87 provides that the products referred to in Article 1 (2) (a) and (b) of that Regulation may only be imported if accompanied by a certificate attesting that they comply with the provisions on production, release for free circulation and, where appropriate, disposal for direct human consumption applying in the third country in which they originate;

Whereas Article 73 (1) of that Regulation stipulates that if the imported products in question have undergone oenological practices not allowed by Community rules or do not comply with the provisions of that Regulation or of those adopted pursuant thereto, they may not, except by

way of a derogation, be offered or disposed of for direct human consumption; whereas the Council derogated from this principle by Regulation (EEC) No 1873/84 ⁽²⁾; whereas this derogation expires on 31 December 1997; whereas, so that consultations can continue between the Community and the third country concerned with a view to an agreement on this matter, the term of validity for the derogation should be extended until 31 December 1998,

HAS ADOPTED THIS REGULATION:

Article 1

In the second subparagraph of Article 1 (1) of Regulation (EEC) No 1873/84, the date '31 December 1997' is hereby replaced by '31 December 1998'.

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, 15 December 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 2087/97 (OJ L 292, 25. 10. 1997, p. 1).

⁽²⁾ OJ L 176, 3. 7. 1984, p. 6. Regulation as last amended by Regulation (EC) No 128/97 (OJ L 24, 25. 1. 1997, p. 2).

COUNCIL REGULATION (EC) No 2613/97

of 15 December 1997

authorizing Portugal to grant aid to sugar beet producers and abolishing all
State aid from the 2001/2002 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

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

Article 1

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas the production of sugar beet, a new industry to Portugal, will be disadvantaged by natural problems, at least in its start-up phase; whereas, in order to protect it, sugar beet growers should be encouraged to increase production by means of a provision authorizing Portugal to grant temporary and diminishing adjustment aid over a period of the three marketing years from 1998/1999 to 2000/2001;

Whereas Portugal has been allocated by Council Regulation (EC) No 1599/96 ⁽³⁾ a national basic quantity for its continental territory of 70 000 tonnes of sugar for the refining of sugar from sugar beet; whereas a sugar beet refining establishment was recently constructed with Community financial assistance; whereas an appropriate level of aid should be authorized;

Whereas, in addition, it should be stipulated that, with effect from the 2001/2002 marketing year, all State aids authorized by virtue of Article 46 of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽⁴⁾ are abolished,

1. During the 1998/1999 to 2000/2001 marketing years Portugal shall be authorized, under the conditions set out in paragraph 2, to grant adjustment aid to sugar beet producers located in its continental territory.

2. The aid referred to in paragraph 1 may be granted only in respect of the corresponding quantity of sugar produced within the limit of the A and B quotas of the sugar-producing undertaking established in the region referred to in paragraph 1.

For the production referred to in the first subparagraph, the unit amount of aid may not exceed:

- in the 1998/1999 marketing year: ECU 6,21 per 100 kilograms of white sugar,
- in the 1999/2000 marketing year: ECU 4,66 per 100 kilograms of white sugar,
- in the 2000/2001 marketing year: ECU 3,11 per 100 kilograms of white sugar.

3. Portugal shall notify the Commission, in respect of each marketing year, of the measures taken to apply paragraphs 1 and 2.

Article 2

With effect from the 2001/2002 marketing year, the aid referred to in Article 1 and the aids referred to in Article 46 of Regulation (EEC) No 1785/81 are hereby abolished.

Article 3

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

⁽¹⁾ OJ C 263, 29. 8. 1997, p. 12.

⁽²⁾ OJ C 371, 8. 12. 1997.

⁽³⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽⁴⁾ OJ No L 177, 1. 7. 1981, p. 4. Regulation as last amended by Regulation (EC) No 1599/96 (OJ No L 206, 16. 8. 1996, p. 43).

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

Done at Brussels, 15 December 1997.

For the Council

The President

F. BODEN

COUNCIL REGULATION (EC) No 2614/97

of 15 December 1997

on Community financial contributions to the International Fund for Ireland

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 ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

- (1) Whereas the programmes of the International Fund for Ireland (hereinafter 'the Fund') encourage cross-border and cross-community cooperation and thereby promote dialogue and reconciliation between nationalists and unionists;
- (2) Whereas the Fund is an example of successful Anglo-Irish cooperation in promoting reconciliation between the two communities and their economic and social progress;
- (3) Whereas ECU 15 million a year has been provided from the Community budget from 1989 until 1995 to support projects of the Fund which have a genuine additional impact on the areas concerned;
- (4) Whereas pursuant to Council Regulation (EC) No 2687/94 of 31 October 1994 on Community financial contributions to the International Fund for Ireland ⁽³⁾, the amount established as part of the budgetary procedure for each of the years 1995, 1996 and 1997 has been ECU 20 million;
- (5) Whereas the assessments carried out in accordance with Articles 3 and 5 of Regulation (EC) No 2687/94 have confirmed that the Community's contribution has been used in accordance with the objectives of the Fund and the criteria laid down in the first and second paragraphs of Article 2 of the said Regulation;
- (6) Whereas Regulation (EC) No 2687/94 expires on 31 December 1997;
- (7) Whereas the peace process in Northern Ireland requires a continuation of Community support beyond that date;
- (8) Whereas the Commission adopted on 28 July 1995 a decision granting Structural Funds assistance to the Special Support Programme for Peace and Reconcili-

ation in Northern Ireland and in the Border Counties of Ireland;

- (9) Whereas the Community contribution should be used by the Fund in accordance with the Agreement under which it was established and in priority for projects that are consistent with the activities funded by the Special Support Programme for Peace and Reconciliation (PEACE);
- (10) Whereas such support should take the form of financial contributions for a period of two more years;
- (11) Whereas it is vital to ensure proper coordination between the Fund's activities and those financed under Community structural policies;
- (12) Whereas Fund assistance will be effective only insofar as it is additional and not a substitute for other public or private expenditure;
- (13) Whereas an assessment reviewing the Fund's performance and the need for further support should be drawn up before 1 April 1999;
- (14) Whereas the amount deemed necessary for the Community contribution to the Fund is ECU 17 million for each of the years 1998 and 1999, expressed in current values;
- (15) Whereas this support will contribute to reinforcing the solidarity between the Member States and between their peoples;
- (16) Whereas the Treaty does not provide for the adoption of this Regulation, powers other than those in Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

An annual contribution shall be made to the Fund for each of the years 1998 and 1999. The amount of this contribution shall be established as part of the annual budgetary procedure.

Article 2

The contributions shall be used by the Fund, in accordance with the Agreement under which it was established, in priority for projects of a cross-border or cross-community nature, and in particular for those consistent with the objectives of the Special Support Programme for Peace and Reconciliation (PEACE) and the other Structural Fund Programmes.

⁽¹⁾ OJ C 190, 21. 6. 1997, p. 14.

⁽²⁾ OJ C 371, 8. 12. 1997.

⁽³⁾ OJ L 286, 5. 11. 1994, p. 5.

The contributions shall be used in such a way that they have a genuine additional impact on the areas concerned and should not therefore be used as a substitute for other public and private expenditure.

The Commission shall be represented by an observer at the board meetings of the Fund.

Article 3

The Commission shall ensure coordination between the Fund's activities and those financed by Community structural policies. The Commission shall keep the relevant monitoring committees informed of the activities of the Fund.

Article 4

The Commission shall, in cooperation with the board of the Fund, determine appropriate publicity and information procedures in order to publicize the Community's participation in the projects financed by the Fund.

Article 5

The Commission shall administer the contributions.

The Commission shall submit, not later than 1 April 1999, a report to the budgetary authority covering *inter alia* the following matters:

- a survey of the Fund's activities,
- a list of projects which have received aid,
- an assessment of the nature and impact of the interventions, in respect, in particular, of the objectives of

the Fund and the criteria laid down in the first and second paragraphs of Article 2,

- an annex containing the results of the verifications and controls carried out by the Commission representative or its agents, particularly as regards coordination of the Fund's activities with those carried out under Community structural policies.

Article 6

The annual contribution shall be paid in two parts as follows:

- (a) an advance of 80 % will be paid after the chairman of the board of the Fund has signed the Commission's standard undertaking relating to grants and has undertaken to use the contribution in accordance with Article 2 and after the Commission has received and accepted the beneficiary's annual activity report and audited accounts in respect of the previous year;
- (b) the remaining 20 % will be paid after the Commission has received and accepted the beneficiary's annual activity report and audited accounts relating to the year for which the Community contribution was made.

Article 7

Before 1 April 1999, the Commission shall present an evaluation report to the European Parliament and the Council assessing the need for continuing contributions beyond 1999.

Article 8

This Regulation shall enter into force on 1 January 1998.

It shall apply until 31 December 1999.

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

Done at Brussels, 15 December 1997.

For the Council

The President

J.-C. JUNKER

COUNCIL REGULATION (EC) No 2615/97

of 18 December 1997

on the conclusion of the Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1997 to 15 June 2001

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas, pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau⁽²⁾, the two Parties have conducted negotiations to determine any amendments and additions to be made to that Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of those negotiations, a new Protocol establishing the fishing possibilities and the financial compensation provided for in the abovementioned Agreement for the period 16 June 1997 to 15 June 2001 was initialled on 4 June 1997;

Whereas it is in the Community's interest to approve that Protocol;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol establishing the fishing possibilities and the financial compensation provided for in the Agreement between the European Economic Community and the

Government of the Republic of Guinea-Bissau on fishing off the coast of Guinea-Bissau for the period 16 June 1997 to 15 June 2001 is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation⁽³⁾.

Article 2

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

(a) shrimps

Italy:	4 000 GRT
Portugal:	3 200 GRT
Spain:	2 400 GRT

(b) cephalopods/fin-fish

Italy:	1 000 GRT
Spain:	2 000 GRT.

If licence applications from those Member States do not exhaust the fishing possibilities provided for in the Protocol, the Commission may consider licence applications from any other Member State.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

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

Done at Brussels, 18 December 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ C 371, 8. 12. 1997.

⁽²⁾ OJ L 226, 29. 8. 1980, p. 33.

⁽³⁾ OJ C 342, 12. 12. 1997.

COMMISSION REGULATION (EC) No 2616/97

of 16 December 1997

amending Regulation (EC) No 1445/95 on rules of application for import and export licences in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2321/97⁽²⁾, and in particular Articles 9 and 13 thereof,

Whereas Article 7 of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽³⁾, as last amended by Regulation (EC) No 2469/97⁽⁴⁾, provides that all exportation of products must, for an export refund to be claimed, require the issuing of an export licence with advance fixing of the refund;

Whereas to ensure the sound management of exports and especially of frozen beef from intervention stocks intended for export to certain third countries without a refund, all exportation of the products referred to in Article 1 (1) (a) of Regulation (EEC) No 805/68 or falling within CN codes 0102 10, 1602 50 31 to 1602 50 80 and 1602 90 69 should be made subject therefore to the issue of an export licence;

Whereas, as a result of this new requirement, certain technical amendments will need to be made in particular as regards the period of validity of licences, the amount of the security and the notifications from the Member States;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1445/95 is hereby amended as follows:

1. Article 7 is replaced by the following:

Article 7

All exportation of products listed in Article 1 (1) (a) of Regulation (EEC) No 805/68 or of CN codes 0102 10, 1602 50 31 to 1602 50 80 and 1602 90 69 shall require the issuing of an export licence with advance fixing of the refund;

2. Article 8 is replaced by the following:

Article 8

1. The period of validity of licences for exports of products for which a refund is claimed and which are subject to the issuing of an export licence with advance fixing of the refund shall be:

- 75 days for products falling within CN codes 0102 and 1602,
- 30 days for other products,

from the date of issue within the meaning of Article 21 (2) of Regulation (EEC) No 3719/88.

The validity of licences for exports of beef and veal issued under the procedure laid down in Article 44 of Regulation (EEC) No 3719/88 shall however expire at the end of the fourth month following the date of issue within the meaning of Article 21 (2) of that Regulation.

2. The period of validity of licences for exports for which no refund is claimed shall be:

- 45 days for exports of frozen beef from intervention,
- 60 days for other products,

from the date of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88.

Licence applications and licences shall contain in box 20 the words:

- 'Intervention products without refund (Regulation (EC) No 2616/97)' in the case of the licences referred to in the first indent,
- 'Without refund' in the case of the licences referred to in the second indent.

3. Licence applications and licences shall contain in box 15 the product description, in box 16 the 12-figure code of the agricultural product export refund nomenclature and in box 7 the country of destination.

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 322, 25. 11. 1997, p. 25.

⁽³⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁴⁾ OJ L 341, 12. 12. 1997, p. 8.

4. The product categories indicated in the second paragraph of Article 13a of Regulation (EEC) No 3719/88 are listed in Annex III¹;

3. Article 9 is replaced by the following:

Article 9

1. The security for licences with advance fixing of the refund shall be:

- (a) ECU 44 per head for live animals;
- (b) ECU 29 per 100 kg for products falling within code 0201 30 00 9100 of the agricultural product export refund nomenclature;
- (c) ECU 16 per 100 kg net weight for other products.

2. The security for licences other than those referred to in paragraph 1 shall be:

- (a) ECU 7 per head for live animals;
- (b) ECU 3 per 100 kg net weight for other products²;

4. Article 10 (1) is replaced by the following:

'1. Export licences with advance fixing of the refund as referred to in Article 8 (1) shall be issued on the fifth working day following that on which the application was lodged provided that no specific action as indicated in paragraph 2 has been taken by the Commission in the meantime. This time lag shall not, however, apply to exports covered by Article 14a of Regulation (EEC) No 3719/88³;

5. Article 11 is replaced by the following:

Article 11

1. Quantities exported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88 shall not confer entitlement to payment of a refund where exportation takes place under a licence as referred to in Article 8 (1) and the licence contains the following entry in box 22:

"Refund valid for ... tonnes (quantity for which licence is issued)."

2. The second indent of Article 20 (3) (b) of Commission Regulation (EEC) No 3665/87^(*) shall not apply to special export refunds granted on boned meat pursuant to Commission Regulation (EEC) No 1964/82^(**) if the products are or have been placed under the procedure specified in Article 5 of Council Regulation (EEC) No 565/80^(***).

(*) OJ L 351, 14. 12. 1987, p. 1.

(**) OJ L 212, 21. 7. 1982, p. 48.

(***) OJ L 62, 7. 3. 1980, p. 5⁴;

6. Article 13 (1) is replaced by the following:

'1. Member States shall notify the Commission:

— on Monday and Thursday of each week by 12 noon at the latest of:

(a) 1.1. applications for licences with advance fixing of the refund as referred to in Article 8 (1) or the fact that no applications have been made;

1.2. applications for licences as referred to in Article 44 of Regulation (EEC) No 3719/88 or the fact that no applications have been made;

1.3. applications for licences as referred to in the first indent of Article 8 (2)

lodged up to the last working day preceding the day of notification;

(b) 1.1. the quantities for which licences have been issued pursuant to Article 10 (5) or the fact that no licences have been issued;

1.2. the quantities for which licences have been issued in response to applications pursuant to Article 44 of Regulation (EEC) No 3719/88 with date of lodgement of application and country of destination

up to the last working day preceding the day of notification;

(c) the quantities for which export licence applications have been withdrawn pursuant to Article 10 (4),

— before the 15th day of each month for the previous month:

(d) applications for licences as referred to in Article 14a of Regulation (EEC) No 3719/88;

(e) the quantities for which licences have been issued pursuant to Article 8 (1) and not used;

(f) the unused balances of the quantities for which licences have been issued under the first indent of Article 8 (2);

(g) applications for licence as referred to in the second indent of Article 8 (2)⁵;

7. Annex IV is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 2 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

ANNEX IV

Application of Regulation (EC) No 1445/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/2 — Beef/veal sector

Export licence notifications — beef/veal

Sender:

Date:

Member State:

Contact official:

Phone:

Fax:

Addressee: DG VI/D/2; Fax: (32 2) 296 60 27

Part A — Monday/Thursday notifications

Period from to

1. Article 13 (1) (a), point 1.1

Category	Quantity requested	Destination (1)

2. Article 13 (1) (a) point 1.2

Category	Quantity requested	Destination (1)

3. Article 13 (1) (a) point 1.3

Category	Quantity requested	Destination (1)

4. Article 13 (1) (b) point 1.1

Category	Quantity issued	Date application lodged	Destination (1)

(1) Use destination codes in the Annex to Regulation (EC) No 3478/93 (OJ L 317, 18. 12. 1993, p. 32). If no code corresponding to the destination is given spell it in full.

5. Article 13 (1) (b) point 1.2

Category	Quantity issued	Date application lodged	Destination (1)

6. Article 13 (1) (c)

Category	Quantity withdrawn	Destination (1)

Part B — Monthly notifications

1. Article 13 (1) (d)

Category	Quantity requested	Destination (1)

2. Article 13 (1) (e)

Category	Unused quantity	Destination (1)	Refund amount

3. Article 13 (1) (f)

Category	Quantity unused	Destination (1)	Refund amount

4. Article 13 (1) (g)

Category	Quantity requested	Destination (1)

(1) Use destination codes in the Annex to Regulation (EC) No 3478/93 (OJ L 317, 18. 12. 1993, p. 32). If no code corresponding to the destination is given spell it in full.

COMMISSION REGULATION (EC) No 2617/97

of 16 December 1997

amending Regulation (EEC) No 1481/86 on the determination of prices of fresh or chilled lamb carcasses on representative Community markets and the survey of prices of certain other qualities of sheep carcasses in the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1589/96⁽²⁾, and in particular Article 4 (5) thereof,

Whereas Commission Regulation (EEC) No 1481/86⁽³⁾, as last amended by Regulation (EC) No 2344/96⁽⁴⁾, lays down the rules for the determination of prices of fresh or chilled lamb carcasses on representative Community markets and the survey of prices of certain other qualities of sheep carcasses in the Community;

Whereas the coefficients used for calculating the price of sheep carcasses on the representative markets of the Community should be adjusted in the light of the figures available with regard to sheep production;

Whereas, on the basis of the experience acquired and in view of the need to make the survey of market prices in the Member States more transparent, this survey should include whenever possible the prices for the different categories in the classification grids laid down in the Annexes to Council Regulation (EEC) No 2137/92⁽⁵⁾, as amended by Regulation (EC) No 1278/94⁽⁶⁾, and which meet the criteria of standard quality laid down by Council Regulation (EEC) No 338/91⁽⁷⁾, as amended by Regulation (EC) No 1278/94;

Whereas, in order to make the prices obtained in accordance with the classification grid used in each Member State as representative as possible, an average price must be established for each Member State and, in the case of the United Kingdom, for Great Britain and Northern Ireland; whereas to that end the price for each category

should be weighted by a coefficient reflecting the relative importance of each category in the quantities coming on to the market in each Member State;

Whereas the average price in accordance with the grid should be included in the list of all the representative markets of each Member State by using a weighting coefficient expressing the relative importance of the grid in the quantities coming on to the market in each Member State;

Whereas the incorporation of the grid into the list of representative markets risks duplicating certain existing markets so that these markets should, as appropriate, be removed from the list or their current weighting in the list reduced in accordance with the degree to which the classification grid has been incorporated;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1481/86 is hereby amended as follows:

1. point (b) of the last subparagraph of Article 2 (1) is deleted;
2. in Article 2 (4), 'regions 5 and 6' is replaced by 'Great Britain and Northern Ireland';
3. Article 3 (2) is deleted;
4. Annex I is replaced by Annex I to this Regulation;
5. Annex II is replaced by Annex II to this Regulation.

Article 2

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

It shall apply from the beginning of the 1998 marketing year.

⁽¹⁾ OJ L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 25.

⁽³⁾ OJ L 130, 16. 5. 1986, p. 12.

⁽⁴⁾ OJ L 319, 10. 12. 1996, p. 3.

⁽⁵⁾ OJ L 214, 30. 7. 1992, p. 1.

⁽⁶⁾ OJ L 140, 3. 6. 1994, p. 5.

⁽⁷⁾ OJ L 41, 14. 2. 1991, p. 1.

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 I

ANNEX I

COEFFICIENTS TO BE USED IN CALCULATING THE PRICE RECORDED ON THE REPRESENTATIVE COMMUNITY MARKETS

Belgium	0,38 %
Denmark	0,19 %
Germany	3,70 %
Spain	21,04 %
France	13,02 %
Greece	7,12 %
Ireland	8,74 %
Italy	4,52 %
Luxembourg	—
Netherlands	2,25 %
Portugal	2,20 %
Great Britain	32,63 %
Northern Ireland	3,17 %
Austria	0,56 %
Finland	0,13 %
Sweden	0,35 %

ANNEX II

ANNEX II

FACTORS ENTERING INTO THE DETERMINATION OF PRICES RECORDED ON THE REPRESENTATIVE MARKETS OF THE COMMUNITY

A. BELGIUM

1. Representative markets	Weighting coefficients
Sint-Truiden	40 %
Anderlecht	40 %
Kleine plaatselijke markten Petits marchés régionaux	20 %
2. Category	Weighting coefficient
Agneaux de boucherie Slachtlammeren	100 %

B. DENMARK

1. Representative markets	
(a) Regional markets	
The price recorded is the weighted average of the prices recorded at the following places of quotation:	
Nørager	40 %
(b) Seurop grid	60 %
2. Categories	Weighting coefficients
(a) Regional markets:	
Lam Ekstra	33,3 %
Lam 1. Kvalitet	66,7 %
(b) Seurop grid (')	

C. FEDERAL REPUBLIC OF GERMANY

1. Representative markets	Weighting coefficients
(a) Regional markets:	97 %
The prices recorded in each Bundesland are to be weighted by means of coefficients which are variable each week and reflect the relative importance of the number of animals slaughtered in each Bundesland compared to the total in the Federal Republic of Germany	
(b) Seurop grid	3 %
2. Categories:	Weighting coefficient
(a) Regional markets:	
Lammfleisch	100 %
(b) Seurop grid (')	

D. SPAIN

1. Representative markets	Weighting coefficients
(a) Regional markets:	
Albacete	12 %
Barcelona	8 %
Madrid	8 %
Medina del Campo	14 %
Talavera de la Reina	14 %
Valencia	3 %
Zafra	20 %
Zaragoza	16 %
(b) "A" grid	5 %

2. Categories

Weighting coefficients

(a) Regional markets:

Corderos I	50 %
Corderos II	50 %

(b) "A" grid:

C1	20 %
C2	80 %

E. FRANCE

1. Representative markets

Weighting coefficients
January to June July to December

(a) Marché de Rungis	25 %	25 %
(b) Regional markets:		
Paris	13 %	13 %
Limoges	20 %	23 %
Toulouse	16 %	13 %
Avignon	16 %	16 %
(c) Seurop grid	10 %	10 %

2. Categories

(a) Marché de Rungis: all categories of domestically produced lambs traded

(b) Regional markets: Agneaux

<i>Weight range</i>	<i>Degree of fattening</i>	<i>Conformation</i>	<i>Weighting coefficients</i>
12 to 16 kg	3	E	3,79 %
		U	4,55 %
		R	7,20 %
		O	3,79 %
	4	E	2,66 %
		U	3,41 %
		R	4,93 %
		O	3,03 %
16 to 19 kg	3	E	3,79 %
		U	4,55 %
		R	7,20 %
		O	3,79 %
	4	E	2,65 %
		U	3,41 %
		R	4,92 %
		O	3,03 %
19 to 22 kg	3	E	3,78 %
		U	4,54 %
		R	7,19 %
		O	3,78 %
	4	E	2,65 %
		U	3,41 %
		R	4,92 %
		O	3,03 %

(c) Seurop grid (1)

F. GREECE

1. Representative markets

Weighting coefficients

(a) Regional markets:

Αθήνα	15 %
Ιωάννινα	22 %
Κομοτηνή	5 %
Λάρισα	35 %
Τρίπολη	15 %
Χανιά	5 %

(b) "A" grid	3 %
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2. Categories

Weighting coefficients

(a) Regional markets:

Αμνοί I	50 %
Αμνοί II	50 %

(b) "A" grid:

C1
C2

The price recorded for each of the two categories are to be weighted by means of coefficients which are variable each week and reflect the relative importance of the number of animals slaughtered in each category compared to the total of the two categories

G. IRELAND

1. Representative markets

Weighting coefficients

(a) Abattoirs:

Ballyhaunis	18,0 %
Dublin	13,5 %
Camolin	8,5 %

(b) Live markets:

Ballina	22,5 %
Enniscorthy	12,0 %
Fermoy	10,5 %

(c) Seurop grid	10,0 %
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2. Categories

Weighting coefficient

(a) and (b) Lambs	100 %
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(c) Seurop grid (1)

H. ITALY

1. Representative markets

Weighting coefficients

(a) Roma	25,0 %
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(b) Other markets:

Avellino	6,0 %
Firenze	5,0 %
Foggia	22,0 %
Nuoro	19,0 %
L'Aquila	11,0 %
Grosseto	6,0 %
Forli	6,0 %

2. Categories

Weighting coefficients

Agnelli I	50 %
Agnelli II	50 %

I. NETHERLANDS

1. Representative markets

Sluis
Kleinere Slachterijen

Weighting coefficients

The prices recorded in each slaughterhouse are to be weighted by means of coefficients which are variable each week and reflect the relative importance of the number of animals slaughtered in each slaughterhouse compared with the national total.

2. Category

Slachtlammeren

Weighting coefficient

100 %

J. PORTUGAL

1. Representative markets

Alentejo
Ribatejo Oeste
Alentejo

*Categories**Weighting coefficients*

Borrego I	80 %
Borrego I	20 %
Borrego II	100 %

2. Categories

Borregos I
Borregos II

Weighting coefficients

50 %

50 %

K. GREAT BRITAIN

1. Representative markets

Weighting coefficients

(a) Livestock auction markets:

Representative livestock auction markets in regions:

England
Wales
Scotland

The prices recorded in each representative livestock auction market in each region are to be weighted by means of coefficients which are variable each week and reflect the number of lambs sold in these markets compared to the regional total for all such markets. The prices established for each region are also to be weighted by means of coefficients which are variable each week and reflect the number of lambs sold in each region compared with the national total for all such markets.

97 %

(b) Seurop grid

3 %

2. Categories

Weighting coefficients

(a) Livestock auction markets:

New-season lamb
Old-season lamb

The prices recorded for each category are to be weighted by means of coefficients which are variable each week and reflect the relative importance of the total estimated carcase weight of lambs in each category compared with the total estimated carcase weight of all lambs born in the 12-month period prior to marketing.

(b) Seurop grip (')

L. NORTHERN IRELAND

1. Representative markets

Weighting coefficients

(a) Live markets:

Ballymoney
Allams, Belfast
Markethill
Omagh

20 %

20 %

12 %

18 %

(b) Seurop grid (')

30 %

M. AUSTRIA**1. Representative market:** Austria

The prices record on this market are the weighted average of the prices recorded in the following regions:

	<i>Weighted coefficient</i>
Ost	33 %
West	38 %
Sud	29 %

2. Category*Weighting coefficient*

Schlachtlämmer	100 %
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N. FINLAND**1. Representative market:** Finland; Seurop grid*Weighting coefficient*

100 %

2. Category

Seurop grid (1)

O. SWEDEN**1. Representative market:** Sweden; Seurop grid*Weighting coefficient***2. Category**

Seurop grid (1)

(1) Average price on a weight basis for all average prices for each quality of lamb within the Community scale (Seurop grid) recorded in all participating establishments.

Communication of those prices is made in accordance with the dispositions of Article 2 of Regulation (EEC) No 461/93.

COMMISSION DECISION No 2618/97/ECSC

of 23 December 1997

fixing the rate of the levies for the 1998 financial year and amending Decision No 3/52/ECSC on the amount of and methods for applying the levies provided for in Articles 49 and 50 of the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 49 and 50 thereof,

Whereas, in view of the variations in average values recorded during the the reference period, Articles 2 and 4 of Decision No 3/52/ECSC of the High Authority⁽¹⁾, as last amended by Commission Decision No 2286/96/ECSC⁽²⁾, should be amended;

Whereas the requirements of the European Coal and Steel Community are estimated in the operating budget for the 1998 financial year at ECU 219 million; whereas that budget, which was adopted by the Commission on 23 December 1997 in the form shown in the Annex to this Decision, indicated the amount of income to be provided from levies in the course of the financial year 1998, namely ECU 0 million;

Whereas the estimated yield of the levies at a rate of 0,01 % is ECU 5,737 million,

HAS ADOPTED THIS DECISION:

Article 1

The rate of the levies on output from 1 January 1998 shall be 0 % of the figures used as the basis of assessment for such levies.

Article 2

Decision No 3/52/ECSC is hereby amended as follows:

1. Article 2 is replaced by the following:

Article 2

From 1 January 1998 the average value in ecus of the products on which the levies are assessed shall be as follows:

(in ECU)

Product	Average value
Brown coal briquettes and semi-coke derived from brown coal	76,81
Hard coal of all categories	47,83
Pig iron other than that used for making ingots	171,35
Steel in ingots	265,56
Finished products and end products of iron and steel as described in Annex I to the Treaty	442,59'

2. Article 4 is replaced by the following:

Article 4

The scale provided for in Article 2 (4) of Decision No 2/52/ECSC shall be as follows:

(in ECU)

Product	Assessment
Brown coal briquettes and semi-coke derived from brown coal ⁽¹⁾	0
Hard coal of all categories ⁽²⁾	0
Pig iron other than that used for making ingots	0
Steel in ingots	0
Finished products and end products of iron and steel as described in Annex I to the Treaty	0

⁽¹⁾ For purposes of the deductions provided for in Article 3 the levy fixed shall be applied to the net tonnage of brown coal and semi-coke derived from brown coal, less 3 %.

⁽²⁾ For purposes of the deductions provided for in Article 3 the levy fixed above shall be applied to the net tonnage of hard coal as defined in Article 1 of Decision No 2/52/ECSC, less 14 %.

The amount of the levies per tonne to be paid in the currencies of the Member States shall be determined in accordance with Article 3 of Commission Decision No 3289/75/ECSC^(*).

^(*) OJ L 327, 19. 12. 1975, p. 4.'

Article 3

This Decision shall enter into force on 1 January 1998.

⁽¹⁾ OJ of the ECSC No 1, 30. 12. 1952, p. 4.

⁽²⁾ OJ L 311, 30. 11. 1996, p. 10.

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

Done at Brussels, 23 December 1997.

For the Commission

Erkki LIIKANEN

Member of the Commission

ANNEX

ECSC OPERATING BUDGET FOR 1998

(ECU million)

Requirements	Forecast	Resources	Forecast
OPERATIONS TO BE FINANCED FROM RESOURCES FOR THE FINANCIAL YEAR (non-repayable)		RESOURCES FOR THE FINANCIAL YEAR	
1. Administrative expenditure	5,0	1. Current resources:	
		1.1. Yield from levy at the rate of 0,00 %	0,0
2. Aid for redeployment (Article 56)	70,0	1.2. Net balance	55,0
		1.3. Fines and surcharges for late payment	p. m.
3. Aid for research (Article 55)(⁽¹⁾)	84,0	1.4. Miscellaneous	5,0
3.1. Steel	56,0	2. Cancellation of commitments not likely to be implemented	84,0
3.2. Coal	28,0		
3.3. Social	p. m.	3. Unused resources from previous year	p. m.
4. Conversion aid (Article 95)	30,0	4. Drawings on provision for financing ECSC budget	75,0
5. Social measures — steel (Article 56)	p. m.	5. Exceptional resources	p. m.
6. Social measures — coal (Article 56)	30,0		
Total budget	219,0	Total budget	219,0
OPERATIONS FINANCED BY LOANS FROM NON-BORROWED FUNDS		ORIGIN OF NON-BORROWED FUNDS	
Workers' housing	p. m.	Special reserve and former ECSC pension fund	p. m.

(⁽¹⁾) Including projects with an impact on technical measures to combat harmful effects at the workplace and around steel plants (indicative amount of ECU 4 million), industrial hygiene and mine safety (indicative amount of ECU 3 million).

COMMISSION REGULATION (EC) No 2619/97

of 22 December 1997

concerning the stopping of fishing for Greenland halibut by vessels flying the flag of Portugal

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2205/97⁽²⁾, and in particular Article 21 (3) thereof,

Whereas Council Regulation (EC) No 406/97 of 20 December 1996 laying down for 1997 certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation in the North West Atlantic Fisheries⁽³⁾, provides for Greenland halibut quotas for 1997;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of Greenland halibut in the waters of NAFO zone 3LMNO by vessels flying the flag of Portugal or registered in Portugal have reached the

quota allocated for 1997; whereas Portugal has prohibited fishing for this stock as from 24 November 1997; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Greenland halibut in the waters of NAFO zone 3LMNO by vessels flying the flag of Portugal or registered in Portugal are deemed to have exhausted the quota allocated to Portugal for 1997.

Fishing for Greenland halibut in the waters of NAFO zone 3LMNO by vessels flying the flag of Portugal or registered in Portugal is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 24 November 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

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 304, 7. 11. 1997, p. 1.

⁽³⁾ OJ L 66, 6. 3. 1997, p. 119.

COMMISSION REGULATION (EC) No 2620/97
of 23 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⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 December 1997.

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

Done at Brussels, 23 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 23 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 ⁽¹⁾	Standard import value
0702 00 50	052	87,9
	204	74,9
	624	201,0
	999	121,3
0707 00 40	052	61,9
	999	61,9
0709 10 40	220	184,4
	999	184,4
0709 90 79	052	98,3
	204	124,6
	999	111,5
0805 10 61, 0805 10 65, 0805 10 69	052	27,6
	204	43,3
	388	29,6
	448	29,8
	528	44,4
	999	34,9
0805 20 31	052	76,2
	204	55,2
	999	65,7
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	83,4
	464	156,8
	624	77,3
	999	105,8
0805 30 40	052	83,3
	400	55,5
	528	36,3
	600	83,1
	999	64,6
0808 10 92, 0808 10 94, 0808 10 98	060	47,2
	064	53,3
	400	85,2
	404	84,7
	720	62,8
	999	66,6
0808 20 67	052	97,6
	064	92,2
	400	82,6
	999	90,8

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

COMMISSION DIRECTIVE 97/73/EC

of 15 December 1997

including an active substance (imazalil) in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market

(Text with EEA relevance)

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⁽¹⁾, as last amended by Directive 97/57/EC⁽²⁾, and in particular Article 6 (1) and the fourth subparagraph of Article 8 (2) thereof,

Whereas Commission Regulation (EEC) No 3600/92⁽³⁾, as last amended by Regulation (EC) No 1199/97⁽⁴⁾, has laid down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8 (2) of Directive 91/414/EEC (hereinafter referred to as 'the Directive'); whereas, pursuant to that Regulation, Commission Regulation (EC) No 933/94⁽⁵⁾, as last amended by Regulation (EC) No 2230/95⁽⁶⁾, laid down the list of active substances of plant protection products to be assessed, with a view to their possible inclusion in Annex I to the Directive;

Whereas those active substances should be included in that Annex when it may be expected that there will not be any harmful effects on human or animal health or on groundwater or any unacceptable influence on the environment;

Whereas such inclusion should be made for a period not exceeding 10 years;

Whereas the Directive, at Article 8 (2), provides that after inclusion of an active substance in Annex I to the Directive, Member States shall, within a prescribed period, grant, vary or withdraw, as appropriate, the authorizations of the plant protection products containing the active substance; whereas, in particular, Articles 4 (1) and 13 (1) of the Directive require that plant protection products are not authorized unless account is taken of the conditions associated with the inclusion of the active substance in Annex I and the uniform principles laid down in Annex VI on the basis of a dossier satisfying the data requirements laid down in Article 13;

Whereas for imazalil the effects on human health and the environment have been assessed in accordance with the

provisions laid down in Regulation (EEC) No 3600/92, for a number of uses proposed by the notifiers; whereas Belgium, acting on behalf of Luxembourg as designated rapporteur Member State pursuant to Regulation (EC) No 933/94, has submitted to the Commission on 15 July 1996 the relevant assessment report;

Whereas the submitted report has been reviewed by the Member States and the Commission within the Standing Committee on Plant Health; whereas this review has been finalized on 11 July 1997 in the format of the Commission review report for imazalil, in accordance with the provisions of Article 7 (6) of Regulation (EEC) No 3600/92; whereas it may be necessary to update this report from time to time to take into account technical and scientific developments; whereas in such case the conditions for the inclusion of imazalil in Annex I to Directive 91/414/EEC will also need to be amended pursuant to Article 6 (1) of that Directive;

Whereas it has appeared from the assessments made that plant protection products containing the active substance concerned may be expected to satisfy in general the requirements laid down in Article 5 (1) (a) and (b) of the Directive, in particular with regard to the uses which were examined; whereas therefore it is necessary to include the active substance concerned in Annex I, in order to ensure that, in all Member States, the granting, varying or withdrawing, as appropriate, of the authorizations of plant protection products containing the active substance concerned can be organized in accordance with the provisions of the Directive, and to ensure that this activity is not further delayed;

Whereas before inclusion a reasonable deadline is necessary to permit Member States and the interested parties to prepare themselves to the new requirements which will result from the inclusion; whereas moreover after inclusion a reasonable period is necessary for the Member States to implement the Directive and in particular to vary or withdraw, as appropriate, existing authorizations or grant new authorizations in accordance with the provisions of Directive 91/414/EEC; whereas a longer period should be provided for the submission and assessment of the complete Annex III dossier of each plant protection product in accordance with the uniform principles laid down in Annex VI to the Directive; whereas, however, for plant protection products containing several active substances, the complete evaluation on the basis of the uniform principles can only be carried out when all the active substances concerned have been included in Annex I to the Directive;

⁽¹⁾ OJ L 230, 19. 8. 1991, p. 1.

⁽²⁾ OJ L 265, 27. 9. 1997, p. 87.

⁽³⁾ OJ L 366, 15. 12. 1992, p. 10.

⁽⁴⁾ OJ L 170, 28. 6. 1997, p. 19.

⁽⁵⁾ OJ L 107, 28. 4. 1994, p. 8.

⁽⁶⁾ OJ L 225, 22. 9. 1995, p. 1.

Whereas the periods laid down for implementation of this Directive do not prejudice the periods which will be established for the inclusion of other active substances in Annex I to the Directive;

Whereas the review report is required for the proper implementation by the Member States of several sections of the uniform principles laid down in Annex VI to the Directive, where these principles refer to the evaluation of the Annex II data which were submitted for the purpose of the inclusion of the active substance in Annex I to the Directive;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

Imazalil is hereby designated as an active substance in Annex I to Directive 91/414/EEC, as set out in the Annex hereto.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive, not later than 30 June 1999⁽¹⁾; in particular they shall, in accordance with the provisions of Directive 91/414/EEC, where necessary, vary or withdraw existing authorizations for plant protection products containing imazalil as active substance within such period.

However, with regard to evaluation and decision-making pursuant to the uniform principles provided for in Annex VI to Directive 91/414/EEC, on the basis of a dossier satisfying the requirements of Annex III thereto, the period laid down in the first subparagraph is extended:

- for plant protection products containing only imazalil, and not intended for outdoor foliar uses, to four years from the entry into force of this Directive,
- for plant protection products containing imazalil and other active substances not yet included in Annex I, and not intended for outdoor foliar uses, to four years from the entry into force of such Directive as shall include the last of those substances in Annex I.

2. When Member States adopt the provisions referred to in paragraph 1, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 3

This Directive shall enter into force on 1 January 1999⁽²⁾.

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

⁽¹⁾ In principle six months from the date of entry into force of the present Directive.

⁽²⁾ In principle 12 months from the date of adoption of the present Directive.

ANNEX

IMAZALIL

1. Identity:
(Iupac name) (\pm) -1-(β -allyloxy-2,4-dichlorophenylethyl) imidazole
or
 (\pm) -allyl 1-(2,4-dichlorophenyl)-2-imidazol-1-ylethyl ether
 2. Particular conditions to be fulfilled:
 - 2.1. Purity of the active substance as manufactured shall satisfy the specification established by FAO for this active substance.
 - 2.2. Only uses as fungicide may be authorized.
 - 2.3. For the following uses the following particular conditions apply:
 - post harvest fruit, vegetable and potato treatments may only be authorized when an appropriate decontamination system is available or a risk assessment has demonstrated to the authorizing Member State that the discharge of the treatment solution does not have an unacceptable risk to the environment and in particular to aquatic organisms,
 - post harvest treatment of potatoes may only be authorized when a risk assessment has demonstrated to the authorizing Member State that the discharge of the processing waste from treated potatoes does not have an unacceptable risk to aquatic organisms,
 - outdoor foliar uses may only be authorized when a risk assessment has demonstrated to the authorizing Member State that the use has no unacceptable effects on human and animal health and the environment.
 - 2.4. For the implementation of the uniform principles of Annex VI, the conclusions of the review report on imazalil, and in particular Appendixes I and II thereof, as finalized in the Standing Committee on Plant Health on 11 July 1997 shall be taken into account.
 3. Expiry date of the inclusion: 31 December 2008.
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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 December 1997

on the Community financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 1997

(Only the French text is authentic)

(97/867/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular the first subparagraph of Article 11 (3) thereof,

Whereas Commission Decision 93/522/EEC⁽³⁾, as last amended by Decision 96/633/EC⁽⁴⁾, defines the measures eligible for Community financing under programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira;

Whereas specific growing conditions in the French overseas departments call for particular attention; whereas measures concerning crop production, in particular plant health measures, must be adopted or strengthened in those regions;

Whereas the plant health measures to be adopted or strengthened are particularly costly;

Whereas a programme of measures has been presented to the Commission by the competent French authorities; whereas the programme specifies the objectives to be achieved, the operations to be carried out, their duration and their cost with a view to a possible Community financial contribution;

Whereas the Community's financial contribution may cover up to 60 % of eligible expenditure, protective measures for bananas being excluded;

Whereas the plant protection operations in the French overseas departments provided for in the single programming documents for the period 1994 to 1999 and financed from the Structural Funds cannot be the same as those contained in this programme;

Whereas the operations provided for in the European Community Framework Programme for Research and Technological Development cannot be the same as those contained in this programme;

Whereas the technical information provided by France has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively;

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

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 251, 8. 10. 1993, p. 35.

⁽⁴⁾ OJ L 283, 5. 11. 1996, p. 58.

HAS ADOPTED THIS DECISION:

Article 1

A Community financial contribution to the official programme for the control of organisms harmful to plants and plant products in the French overseas departments presented by France for 1997 is hereby approved.

Article 2

The official programme shall consist of four subprogrammes:

1. a subprogramme drawn up for the department of Guadeloupe in two parts:
 - structures for the evaluation, analysis and diagnosis of plant health risks,
 - control of the principal harmful organisms;
2. a subprogramme drawn up for the department of French Guiana in three parts:
 - structures for the evaluation, analysis and diagnosis of plant health risks,
 - development of control methods for the principal harmful organisms,
 - study and control of rice pests and diseases;
3. a subprogramme drawn up for the department of Réunion in three parts:
 - structures for the evaluation, analysis and diagnosis of plant health risks,
 - development of control methods for the principal harmful organisms,
 - study of fruit and market garden crop pests and their auxiliaries (predators and parasitoids);
4. a subprogramme drawn up for the department of Martinique in three parts:
 - structures for the evaluation, analysis and diagnosis of plant health risks,
 - control of the principal harmful organisms,
 - development of integrated pest control for market garden crops.

Article 3

The maximum Community financial contribution to the programme in 1997 shall be ECU 750 000 for expenditure related to eligible measures as defined by Commission Decision 93/522/EEC out of a total expenditure of ECU 1 326 374 (excluding VAT).

The financing plan for the programme, showing the costs and their financing, is set out in Annex I hereto. If the total eligible expenditure for 1997, as presented by France, is less than ECU 576 374, the Community contribution shall be reduced in proportion.

The Community shall reimburse expenditure up to the amount given in the first paragraph at the accounting rate for the ecu on 1 September 1997, namely ECU 1 = FF 6,634630.

Article 4

An advance of ECU 300 000 shall be paid to France.

Article 5

The Community assistance shall relate to expenditure on eligible measures associated with the operations covered by the programme for which provisions are adopted by France and for which the necessary financial resources are committed between 1 October and 31 December 1997. The final date for payments in connection with the operations shall be 30 September 1998; unjustified delay shall entail loss of entitlement to Community financing.

Should an extension of the deadline for payment become necessary, the competent official authorities shall submit a request, along with the necessary justification, before the final date laid down.

Article 6

Provisions on the financing of the programme, compliance with Community policies and the information to be supplied to the Commission by France are set out in Annex II.

Article 7

Any public contracts connected with investments covered by this Decision shall be subject to Community law.

Article 8

This Decision is addressed to the French Republic.

Done at Brussels, 5 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

FINANCIAL BREAKDOWN FOR 1997

(in ecus)(¹)

	Eligible expenditure 1997		
	EC	National	Total
Guadeloupe	170 455	130 994	301 449
French Guiana	102 530	78 791	181 321
Martinique	223 295	171 603	394 898
Réunion	253 720	194 986	448 706
Total	750 000	576 374	1 326 374

⁽¹⁾ ECU 1 = FF 6,634630 (1 September 1997)

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitments and payments

2. France shall guarantee that all public and private bodies involved in the management and implementation of all operations part-financed by the Community will keep suitable accounting records of all transactions in order to facilitate the verification of expenditure by the Community and the national inspection authorities.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The commitment shall be made when the decision approving assistance is adopted by the Commission under the procedure provided for in Article 16a of Council Directive 77/93/EEC⁽¹⁾, as last amended by Commission Directive 97/14/EC⁽²⁾.
5. Following commitment, an initial advance of ECU 300 000 shall be paid.
6. The balance of the amount committed shall be paid as two equal payments of ECU 225 000. The first instalment of the balance shall be paid upon presentation to and approval by the Commission of an interim activity report. The second and final instalment of the balance shall be paid upon presentation to and approval by the Commission of a final activity report and a detailed breakdown of the total expenditure incurred.

Authorities responsible for the implementation of the programme

— Central administration:

Ministère de l'agriculture et de la pêche
Direction générale de l'alimentation
Sous-direction de la protection des végétaux
175 rue du Chevaleret
F-75646 PARIS CEDEX 13

— Local administration:

— Guadeloupe:

Ministère de l'agriculture et de la pêche
Direction de l'agriculture et de la forêt
Jardin Botanique
F-97109 BASSE TERRE CEDEX

— Martinique:

Ministère de l'agriculture et de la pêche
Direction de l'agriculture et de la forêt
Jardin Desclieux
BP 642
F-97262 FORT DE FRANCE CEDEX

— French Guiana:

Ministère de l'agriculture et de la pêche
Direction de l'agriculture et de la forêt
Cité Rebard
Route de Baduel
BP 746
F-97305 CAYENNE CEDEX

— Réunion:

Ministère de l'agriculture et de la pêche
Direction de l'agriculture et de la forêt
Parc de la Providence
F-97489 SAINT DENIS DE LA REUNION.

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 87, 2. 4. 1997, p. 17.

7. The actual expenditure incurred shall be notified to the Commission broken down by type of action or sub-programme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If France keeps suitable computerized accounts this will be acceptable.
8. All payments of aid granted by the Community pursuant to this Decision shall be made to the authority designated by France, which will also be responsible for repayment to the Community of any excess amount.
9. All commitments and payments shall be made in ecus.
Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in ecus at the rate fixed by this Decision. Payment shall be made to the following account:
Ministère du budget
Direction de la comptabilité publique
Agence comptable centrale du Trésor
139 rue de Bercy
F-75572 PARIS CEDEX 12
No E 478 98 Divers

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. France and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment France shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. France shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case, asking France or the other authorities designated by France for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, France shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by France in order to ensure that any irregularity in the provision of assistance programme is detected. France shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment

I. Monitoring committee

1. Establishment

Independent of the financing of this action, a monitoring committee for the programme shall be set up, composed of representatives of France and the Commission. It shall review implementation of the programme and, where appropriate, propose any adjustments required.

2. The committee shall establish its own internal procedures within one month of the notification of this Decision to France.

3. Competence of monitoring committee

The committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch with respect to the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme should the information furnished periodically by the interim monitoring and assessment indicators reveal a delay,
- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a sub-programme or measure for the entire period, and 20 % for any financial year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the programme,
- shall give its opinion on the final draft report,
- shall report regularly and at least twice during the period concerned, to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred.

II. *Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)*

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. By continuous monitoring is meant an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realization.
3. Continuous assessment of the programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. France shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

The final report on the present programme will be presented by the competent authority to the Commission by 31 December 1998 at the latest and shall thereafter be presented to the Standing Committee on Plant Health as soon as possible after that date.

5. The Commission may jointly with France call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment referred to in point 3. He may submit proposals for adjusting the subprogrammes and/or measures and amending the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall give an opinion on administrative measures to be taken.

C. Information and publicity

In the framework of this action, the agency appointed as responsible for the programme shall ensure that it is adequately publicized.

It shall in particular take action to:

- make potential recipients and professional organizations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

France and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the monitoring committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the monitoring committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by France.

1. Award of public contracts

The 'public contracts' ⁽¹⁾ questionnaire must be completed for:

- public contracts above the ceilings set by the 'supplies' and 'works' directives that are awarded by contract-awarding authorities as defined in these directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The thresholds will be those in force on the date of notification of this Decision.

2. Protection of the environment

(a) General information

- description of the main environmental features and problems of the region concerned, giving, *inter alia*, a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry for the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) Description of planned activities

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Commission notification to the Member States C (88) 2510 (OJ C 22, 28. 1. 1989, p. 3) on monitoring of compliance with public procurement rules in the projects and programmes financed by the structural funds and financial tools.

COMMISSION DECISION

of 5 December 1997

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in Madeira for 1997

(Only the Portuguese text is authentic)

(97/868/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Commission Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 33 (3) thereof,

Whereas Commission Decision 93/522/EEC ⁽³⁾, as amended by Decision 96/633/EC ⁽⁴⁾, defines what measures are eligible for Community financing as regards programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira;

Whereas specific agricultural production conditions in Madeira call for particular attention, and action must be taken or reinforced as regards crop production, in particular the phytosanitary aspects for this region;

Whereas the action to be taken or reinforced on the phytosanitary side is particularly costly;

Whereas the programme of action is to be presented to the Commission by the relevant Portuguese authorities; whereas this programme specifies the objectives to be achieved, the measures to be carried out, their duration and their cost so that the Community may contribute to financing them;

Whereas the Community's financial contribution may cover up to 75 % of eligible expenditure, protective measures for bananas excluded;

Whereas the plant protection operations in Madeira provided for in the Operational Programme and the Community Initiative REGIS II for the period 1994 to 1999 and financed from the Structural Funds cannot be the same as those contained in this programme;

Whereas the operations provided for in the European Community Framework Programme for Research and Technological Development cannot be the same as those contained in this programme;

Whereas the measures foreseen in the environmental programme approved for the Region of Madeira in the framework of Council Regulation (EEC) No 2078/92 ⁽⁵⁾, as amended by Regulation (EC) No 2772/95 ⁽⁶⁾, cannot be the same as those contained in this programme;

Whereas the technical information provided by Portugal has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively;

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 Community's financial contribution to the official programme for the control of organisms harmful to plants and plant products on the Island of Madeira presented for 1997 by the relevant Portuguese authorities is hereby approved.

Article 2

The official programme is made up of three sub-programmes:

1. a sub-programme for the autocidal control of the fruit fly (*Ceratitis capitata* Wied);
2. a sub-programme for the control of the white citrus fly (*Aleurothrixus floccosus* Maskell);
3. a sub-programme for the control of *Trialeurodes vaporariorum* Westwood.

⁽¹⁾ OJ L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ L 251, 8. 10. 1993, p. 35.

⁽⁴⁾ OJ L 283, 5. 11. 1996, p. 58.

⁽⁵⁾ OJ L 215, 30. 7. 1992, p. 85.

⁽⁶⁾ OJ L 288, 1. 12. 1995, p. 35.

Article 3

The Community contribution to financing the programme is limited to 75 % maximum of expenditure on eligible measures as defined by Commission Decision 93/522/EEC, and is set for 1997 at ECU 650 000 out of total expenditure of ECU 1 066 666 (VAT excluded).

The schedule of programme costs and their financing is set out as Annex I to this Decision. In the case when the total eligible expenditure for 1997 presented by Portugal would be less than the forecast amount of ECU 1 066 666, the Community's contribution would be reduced in proportion.

The Community reimbursement will be made in accordance with the provisions of the first paragraph of this Article and the financial rate of the ecu on 1 February 1997, i.e. ECU 1 = Esc 195,106.

Article 4

A first instalment of ECU 300 000 shall be paid to Portugal immediately after the official notification of the present Decision.

Article 5

The Community assistance shall relate to the eligible measures associated with the operations covered by the programme set up in Portugal by provisions for which the necessary financial resources have been committed between 1 December 1996 and 30 September 1997. The final date for payments in connection with the operations shall be 31 December 1997, and non-compliance without

justification of delay shall entail loss of entitlement to Community financing.

In the case where a request for extension of the final date for payment is necessary, the responsible official authorities have to introduce this request before the final date and present the justification concerning this request.

Article 6

Specific provisions relating to the financing of the programme, provisions on compliance with Community policies and the information to be provided to the Commission by Portugal are set out in Annex II.

Article 7

Any public contracts in connection with investments covered by this Decision shall be subject to Community law.

Article 8

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 5 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 1997

(in ECU) ⁽¹⁾

	Eligible expenditure 1997		
	EC	Madeira	Total
<i>Ceratitis capitata</i>	542 750	380 917	923 667
<i>Aleurothrixus floccosus</i>	56 893	18 964	75 857
<i>Trialeurodes vaporariorum</i>	50 357	16 785	67 142
Total	650 000	416 666	1 066 666

⁽¹⁾ ECU 1 = Esc 195,106 (1 February 1997).

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on the financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitment and payments

2. Portugal guarantees that, for all action co-financed by the Community, all public and private bodies involved in its management and implementation shall keep accounts in standard form of all transactions in order to facilitate monitoring of expenditure by the Community and the national authorities responsible for surveillance.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The commitment will be made when the decision approving assistance is adopted by the Standing Committee on Plant Health under procedure 16a of Council Directive 77/93/EEC⁽¹⁾, as last amended by Commission Directive 97/14/EC⁽²⁾.
5. Following commitment a first advance of not more than ECU 300 000 shall be paid.
6. The balance of the amount committed of 350 000 is paid upon presentation to the Commission the final activity report and the detailed total expenditure incurred and after it has been approved by the Commission.

Authorities responsible for the implementation of the programme

— Central administration:

Direcção-Geral de Protecção das Culturas
Quinta do Marquês
P-2780 Oeiras

— Local administration:

Região Autónoma da Madeira
Secretaria Regional da Agricultura, Florestas e Pescas
Direcção Regional da Agricultura
Av. Arriaga, 21 A
Edifício Golden Gate, 4.º piso
P-9000 Funchal

7. The actual expenditure incurred shall be notified to the Community broken down by type of action or sub-programme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If Portugal keeps suitable computerized accounts this will be acceptable.
8. All payments of aid granted by the Community under this Decision shall be made to the authority designated by Portugal, which will also be responsible for repayment to the Community of any excess amount.
9. All commitments and payments shall be made in ecu.

Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in ecu at the rate fixed by this Decision. Payment shall be made to the following account:

Banco de Fomento Exterior
No de conta 70/30/005156/0
NIB 000900700.00.0005156002
Titular: Governo da Região Autónoma da Madeira
Endereço: Av. de Zarco
P-9000 Funchal

⁽¹⁾ OJ L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ L 87, 2. 4. 1997, p. 17.

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. Portugal and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment Portugal shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. Portugal and the recipients of aid shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case within the partnership framework, asking Portugal or the other authorities designated by Portugal for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, Portugal shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by Portugal in order to ensure that any irregularity in the provision of the assistance programme is detected. Portugal shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment*1. Monitoring Committee***1. Establishment**

Independent of the financing of this action, a monitoring committee for the programme shall be set up by Portugal and the Commission. It shall regularly review implementation of the programme and, in appropriate cases, propose any adjustments required.

2. The Committee shall establish its own internal procedures within one month of the notification of the present decision to Portugal.

3. Competence of Monitoring Committee

The Committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch on respect for the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme in the light of the information furnished periodically by the interim monitoring and assessment indicators,

- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a sub-programme or measure for the entire period, or 20 % for any year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the operational programme,
- shall give its opinion on draft annual implementation reports,
- shall report regularly to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred, at least twice during the relevant period.

II. *Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)*

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. Continuous monitoring means an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realization.
3. Continuous assessment of the programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. Portugal shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

The final report on the present programme will be presented by the competent authority to the Commission before 31 March 1998 and shall thereafter be presented to the Standing Committee on Plant Health within six weeks.

5. The Commission may jointly with Portugal call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment defined at 3. He may submit proposals for adjustment of the sub-programmes and/or measures, modification of the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall issue an opinion on the administrative measures to be taken. To guarantee the assessor's impartiality the Commission will not pay the entire cost of employing him.

C. **Information and publicity**

In the framework of this programme, the agency appointed as responsible for the programme shall ensure that it is adequately publicized.

It shall in particular take action to:

- make potential recipients and professional organizations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

Portugal and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the Monitoring Committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the Monitoring Committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by Portugal.

1. Award of public contracts

The 'public contracts' ⁽¹⁾ questionnaire must be completed for:

- public contracts above the ceilings set by the 'supplies' and 'works' Directives that are awarded by contract-awarding authorities as defined in these Directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The ceilings in force are the ones at the date of the notification of this Decision.

2. Protection of the environment

(a) *General information*

- description of the main environmental features and problems of the region concerned, giving a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry of the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) *Description of planned activities*

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Notice C(88) 2510 to the Member States, on monitoring of compliance with procurement rules in the case of projects and programmes financed by the Structural Funds and financial instruments (OJ C 22, 28. 1. 1989, p. 3).

COMMISSION DECISION

of 11 December 1997

amending Decision 97/467/EC on drawing up provisional lists of third-country establishments from which the Member States authorize imports of rabbit meat and farmed game meat

(Text with EEA relevance)

(97/869/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as last amended by Council Decision 97/34/EC⁽²⁾, and in particular Article 2 (4) thereof,

Whereas provisional lists of establishments producing rabbit meat and farmed game meat have been drawn up by Commission Decision 97/467/EC⁽³⁾;

Whereas negotiations are under way to conclude an agreement with the United States on health measures to protect public health in the context of trade in livestock and products of animal origin;

Whereas the United States have sent a list of establishments producing rabbit meat and farmed game meat and for which the responsible authorities certify that the establishments are in accordance with Community rules;

Whereas Argentina and Canada have sent a list of establishments producing rabbit meat and farmed game meat and for which the responsible authorities certify that the establishments are in accordance with the Community rules;

Whereas a provisional list of establishments producing rabbit meat and farmed game meat can thus be drawn up for the United States of America, Argentina and Canada;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to this Decision is added to the Annex of Decision 97/467/EC.

Article 2

This Decision shall apply from 15 December 1997.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 11 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 199, 26. 7. 1997, p. 57.

ANNEX

País: USA / Land: USA / Land: USA / Χώρα: ΗΠΑ / Country: USA / Pays: USA / Paese:
USA / Land: USA / País: USA / Maa: USA / Land: USA

1	2	3	4	5	6
7041/P-7041	Beltex Corporation	Forth Worth	Texas	SH-CP	b
4816/P-4816	Frontier Game Company	Whiteface	Texas	SH-CP	b
13517/P-13517	Southern Wild Game/Intergame USA	Devine	Texas	SH-CP	b
18859/P-18859	Denver Buffalo Company	New Rockford	North Dakota	SH-CP	b
18859/P-18859	North American Bison Cooperative	New Rockford	North Dakota	SH-CP	b

País: ARGENTINA / Land: ARGENTINA / Land: ARGENTINIEN / Χώρα: ΑΡΓΕΝΤΙΝΗ /
Country: ARGENTINA / Pays: ARGENTINE / Paese: ARGENTINA / Land: ARGEN-
TINIË / País: ARGENTINA / Maa: ARGENTIINA / Land: ARGENTINA

1	2	3	4	5	6
1425	Infriaba SA	Batán	Buenos Aires	SH-CP	b
3502	Ciervos Pampeanos SA	Santa Rosa	La Pampa	SH-CP	b

País: CANADÁ / Land: CANADA / Land: KANADA / Χώρα: ΚΑΝΑΔΑΣ / Country:
CANADA / Pays: CANADA / Paese: CANADA / Land: CANADA / País: CANADÁ / Maa:
KANADA / Land: KANADA

1	2	3	4	5	6
287	Canadian Emu Products International Inc.	Niagara	Ontario	SH-CP	b

COMMISSION DECISION

of 16 December 1997

amending Decision 96/385/EC approving the plan for the control and eradication of bovine spongiform encephalopathy in the United Kingdom

(Text with EEA relevance)

(97/870/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⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, 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⁽³⁾, as last amended by Directive 92/118/EEC, and in particular Article 10 (4) thereof,

Whereas according to the second subparagraph of Article 9 (1) of Directive 89/662/EEC and the second subparagraph of Article 10 (1) of Directive 90/425/EEC, the Member State of origin or dispatch is required to implement on its territory the appropriate measures to prevent all situations likely to constitute a serious hazard to animals or to human health;

Whereas the plan for the control and eradication of bovine spongiform encephalopathy (BSE) in the United Kingdom presented to the Commission by the United Kingdom on 3 June 1996, as amended on 19 June 1996, was approved by Commission Decision 96/385/EC⁽⁴⁾;

Whereas the United Kingdom, in the abovementioned plan, proposed that the actions of the selective culling programme should consist in essence of:

- (a) identifying cases of BSE in cattle born in the period from 1 July 1989 to June 1993;

- (b) tracing all other cattle born on the same farms as those cattle in the same period (birth cohort) and slaughtering those animals;

Whereas in some instances calves are separated from their dams and moved from the herd in which they were born (natal herd) to rearing premises before they receive solid feed; whereas the most likely source of infection is contaminated feed; whereas, therefore, those calves, if they later contract bovine spongiform encephalopathy, are most likely to have become infected on the rearing premises and not in their natal herd;

Whereas an inspection mission on the assessment of the progress made in the implementation of the programme to eradicate BSE in the United Kingdom was conducted by the Food and Veterinary Office of the Commission from 3 to 6 March 1997 and from 9 to 13 June 1997; whereas it was observed that in Great Britain cohorts were only being generated from animals in the herds in which a BSE case was born; whereas it was, for epidemiological reasons, recommended that the generation of cohorts should not be limited to animals born in those natal herds but should be extended to other herds where the BSE case was first exposed to potentially contaminated feed and to animals which were moved into those natal herds;

Whereas Article 3 of Decision 96/385/EC requires the United Kingdom to notify the Commission of any intentions to modify the plan; whereas according to the same Article, that Decision should be re-examined as soon as possible following such notification;

Whereas the United Kingdom notified the Commission on 4 June 1997 of some operational changes which they proposed to make to the selective culling programme; whereas the United Kingdom on 17 October 1997 formally submitted to the Commission an amendment to insert the following new paragraph 10.10A in the selective culling programme:

'In some cases the BSE case received no solid feed in its natal herd. In operating the cull it will be assumed, unless there is strong evidence to the contrary, that infection took place on the first premises on which the BSE case received solid feed; and that other calves reared with it on those premises, irrespective of their

⁽¹⁾ OJ L 395, 30. 12. 1989, p. 13.

⁽²⁾ OJ L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ L 224, 18. 8. 1990, p. 29.

⁽⁴⁾ OJ L 151, 26. 6. 1996, p. 39.

herd of birth, may be exposed. A veterinary investigation will be carried out and a cohort will be formed by reference to the feeding, management and movement records at those premises;

Whereas the proposed amendment will further reduce the number of BSE cases, and it should therefore be approved by means of an amendment to Decision 96/385/EC;

Whereas the Commission, in accordance with point 9 of the conclusions of the Council meeting of 1 to 3 April 1996, has adopted Commission Regulation (EC) No 1484/96⁽¹⁾, in order to provide market support;

Whereas further amendments to the programme to eradicate BSE in the United Kingdom are anticipated, in particular in the light of new scientific evidence on maternal transmission; whereas the United Kingdom submitted on 2 October 1997 a proposal with regard to the compulsory slaughter of all offspring of BSE cases born after 1 August 1996 in conjunction with a proposal for a date-based export scheme, to the Commission; whereas this proposal has been submitted to the appropriate scientific committee for evaluation;

Whereas, for the avoidance of doubt, it should be provided that animals that have been culled under a similar extension of the selective culling programme before this Decision takes effect are covered by the programme;

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 1 of Decision 96/385/EC, the phrase 'as amended on 19 June 1996' is replaced by 'as last amended on 17 October 1997'.

Article 2

Animals that have been culled after 1 February 1997 under a similar extension shall be covered by the eradication programme as approved by this Decision.

Article 3

The United Kingdom shall alter the eradication measures it applies to eradicate BSE in order to bring them into line with the Decision. It shall immediately inform the Commission thereof.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 188, 27. 7. 1996, p. 25.

COMMISSION DECISION

of 16 December 1997

amending Decision 97/467/EC on drawing up provisional lists of third-country establishments from which the Member States authorize imports of rabbit meat and farmed game meat

(Text with EEA relevance)

(97/871/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third-country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as amended by Council Decision 97/34/EC⁽²⁾, and in particular Article 2 (1) thereof,

Whereas provisional lists of establishments producing rabbit meat and farmed game meat have been drawn up by Commission Decision 97/467/EC⁽³⁾ as last amended by Commission Decision 97/869/EC⁽⁴⁾;

Whereas the People's Republic of China has sent a list of establishments producing rabbit meat and farmed game meat and for which the responsible authorities certify that the establishments are in accordance with Community rules;

Whereas a Community veterinary mission has shown that the structure and organization of the competent authority responsible for the approval of the establishments are sufficient and that the powers available to that competent authority guarantees that it can provide the implementation of Community rules; whereas these checks included on-the-spot inspection in establishments appearing on the list which have shown that the hygiene standards of these establishments are sufficient;

Whereas a provisional list of establishments producing rabbit meat can thus be drawn up for the People's Republic of China;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to this Decision is added to the Annex of Decision 97/467/EC.

Article 2

This Decision shall apply from 1 January 1998.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 16 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 199, 26. 7. 1997, p. 57.

⁽⁴⁾ See page 43 of this Official Journal.

ANNEX

País: República Popular de China / Land: Folkerepublikken Kina / Land: Volksrepublik China / Χώρα: Λαϊκή Δημοκρατία της Κίνας / Country: People's Republic of China / Pays: République populaire de Chine / Paese: Repubblica popolare cinese / Land: China (Volksrepubliek) / País: República Popular da China / Maa: Kiinan kansantasavalta / Land: Folkrepubliken Kina

1	2	3	4	5	6
3700/03067	Weifang Rabbit Slaughterhouse	Weifang	Shandong	SH-CP	a
3700/03136	Junan Ruijing Foodstuffs Co. Ltd, Rabbit Slaughterhouse	Junan	Shandong	SH-CP	a
3700/03175	Cangshan Rabbit Slaughterhouse	Shenshan	Shandong	SH-CP	a

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2568/97 of 18 December 1997 fixing the rates of the refunds applicable to certain cereal and rice products exported in the form of goods not covered by Annex II to the Treaty

(Official Journal of the European Communities L 349 of 19 December 1997)

On page 64, the Annex is replaced by the following Annex:

ANNEX

to the Commission Regulation of 18 December 1997 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases	0,433 0,563 0,666
1002 00 00	Rye	3,401
1003 00 90	Barley	1,349
1004 00 00	Oats	1,439
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — in other cases	2,164 2,293 1,757 1,886 2,293 2,164 2,293
1006 20	Husked rice: — round grain — medium grain — long grain	12,245 10,902 10,902
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	15,800 15,800 15,800
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed)	2,064 2,200 2,200

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	1,349
1101 00	Wheat or meslin flour:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,532
	— in other cases	0,819
1102 10 00	Rye flour	3,650
1103 11 10	Groats and durum wheat meal:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	—
	— in other cases	—
1103 11 90	Common wheat groats and spelt:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,532
	— in other cases	0,819

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1. 7. 1993, p. 112).

⁽³⁾ For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

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