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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 363/97  
of 28 February 1997  
on the supply of cereals as food aid**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

*Article 2*

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

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 166, 5. 7. 1996, p. 1.

<sup>(2)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(3)</sup> OJ No L 81, 28. 3. 1991, p. 108.

## ANNEX

## LOT A

1. **Operation No** <sup>(1)</sup>: 372/95
2. **Programme**: 1995
3. **Recipient** <sup>(2)</sup>: UNHCR (for the attention of Mme Seinet), case postale 2500, CH-1211 Genève 2 dépôt (tel. (41-22) 739 81 37; fax: 739 85 63)
4. **Representative of the recipient**: UNHCR Nigeria, PO Box 53874, 13 Awolowo Road Ikoyi, Lagos. (Tel: (234-1) 269 27 44; fax: 269 32 97; telex: 23310 HCRL NG)
5. **Place or country of destination** <sup>(3)</sup>: Nigeria
6. **Product to be mobilized**: milled rice (product codes 1006 30 92 900, 1006 30 94 900, 1006 30 96 900, 1006 30 98 900)
7. **Characteristics and quality of the goods** <sup>(4)</sup> <sup>(7)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A. (1) (f))
8. **Total quantity (tonnes)**: 260
9. **Number of lots**: 1
10. **Packaging and marking** <sup>(6)</sup> <sup>(8)</sup>: see OJ No C 267, 13. 9. 1996, p. 1 (1.0 A 1.b, 2.b and B.4) and OJ No C 114, 29. 4. 1991, p. 1 (II.A.(3))  
Language to be used for the marking: English
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: see point 4
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 14 to 27. 4. 1997
18. **Deadline for the supply**: 25. 5. 1997
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: (12 noon (Brussels time)) 18. 3. 1997
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: (12 noon (Brussels time)) 1. 4. 1997
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 28. 4 to 11. 5. 1997
  - (c) deadline for the supply: 8. 6. 1997
22. **Amount of tendering security**: ECU 5 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, 200 Rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively))
25. **Refund payable on application by the successful tenderer** <sup>(4)</sup>: refund applicable on 28. 2. 1997, fixed by Commission Regulation (EC) No 182/97 (OJ No L 31, 1. 2. 1997, p. 17)

*Notes:*

- (<sup>1</sup>) The operation number should be mentioned in all correspondence.
- (<sup>2</sup>) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (<sup>4</sup>) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.  

The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ No L 188, 27. 7. 1996, p. 22) shall not apply to this amount.
- (<sup>5</sup>) Commission delegation to be contacted by the successful tenderer: OJ No C 114, 29. 4. 1991, p. 33.
- (<sup>6</sup>) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (<sup>7</sup>) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
  - phytosanitary certificate (+ expiry date).
- (<sup>8</sup>) Notwithstanding OJ No C 114, point IIA(3)(c) is replaced by the following: 'the words "European Community"'.  

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**COMMISSION REGULATION (EC) No 364/97**  
**of 28 February 1997**  
**amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply**  
**of cereals products from the Community to the French overseas departments**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2598/95 <sup>(2)</sup>, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 219/97 <sup>(4)</sup>; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 356, 24. 12. 1991, p. 1.

<sup>(2)</sup> OJ No L 267, 9. 11. 1995, p. 1.

<sup>(3)</sup> OJ No L 43, 19. 2. 1992, p. 23.

<sup>(4)</sup> OJ No L 36, 6. 2. 1997, p. 13.

## ANNEX

to the Commission Regulation of 28 February 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

*(Ecu/tonnes)*

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	19,00	19,00	19,00	22,00
Barley (1003 00 90)	33,50	33,50	33,50	36,50
Maize (1005 90 00)	39,00	39,00	39,00	42,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00



**COMMISSION REGULATION (EC) No 365/97****of 28 February 1997****amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands**

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands <sup>(1)</sup>, as last amended by Regulation (EC) No 2348/96 <sup>(2)</sup>, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 177/97 <sup>(4)</sup>; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 13.

<sup>(2)</sup> OJ No L 320, 11. 12. 1996, p. 1.

<sup>(3)</sup> OJ No L 185, 4. 7. 1992, p. 26.

<sup>(4)</sup> OJ No L 31, 1. 2. 1997, p. 7.

## ANNEX

to the Commission Regulation of 28 February 1997 amending Regulation (EEC)  
No 1832/92 setting the amounts of aid for the supply of cereals products from the  
Community to the Canary Islands

*(Ecu/tonne)*

Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	16,00
Barley	(1003 00 90)	30,50
Maize	(1005 90 00)	36,00
Durum wheat	(1001 10 00)	9,00
Oats	(1004 00 00)	33,00

**COMMISSION REGULATION (EC) No 366/97  
of 28 February 1997**

**amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply  
of cereals products from the Community to the Azores and Madeira**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2348/96 <sup>(2)</sup>, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 <sup>(3)</sup>, as last amended by Regulation (EC) No 178/97 <sup>(4)</sup>, whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 1.

<sup>(2)</sup> OJ No L 320, 11. 12. 1996, p. 1.

<sup>(3)</sup> OJ No L 185, 4. 7. 1992, p. 28.

<sup>(4)</sup> OJ No L 31, 1. 2. 1997, p. 9.

## ANNEX

to the Commission Regulation of 28 February 1997 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

<i>(Ecu/tonne)</i>			
Product (CN code)		Amount of aid	
		Destination	
		Azores	Madeira
Common wheat	(1001 90 99)	16	16
Barley	(1003 00 90)	30,50	30,50
Maize	(1005 90 00)	36	36
Durum wheat	(1001 10 00)	9	9

**COMMISSION REGULATION (EC) No 367/97**  
**of 28 February 1997**  
**fixing the export refunds on rice and broken rice**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice<sup>(1)</sup>, and in particular the second subparagraph of Article 13 (3) thereof,

Whereas Article 13 of Regulation (EC) No 3072/95 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 (4) of Regulation (EC) No 3072/95, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market with limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Commission Regulation (EEC) No 1361/76<sup>(2)</sup> lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 13 (5) of Regulation (EC) No 3072/95 defines the specific criteria to be taken into account when

the export refund on rice and broken rice is being calculated;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 of Regulation (EC) No 3072/95 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ No L 154, 15. 6. 1976, p. 11.

## ANNEX

## to the Commission Regulation of 28 February 1997 fixing the export refunds on rice and broken rice

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refunds	Product code	Destination (1)	Amount of refunds
1006 20 11 9000	01	197,00	1006 30 65 9900	01	246,00
1006 20 13 9000	01	197,00		04	246,00
1006 20 15 9000	01	197,00	1006 30 67 9100	—	—
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	197,00	1006 30 92 9100	01	246,00
1006 20 94 9000	01	197,00		02	252,00
1006 20 96 9000	01	197,00		03	257,00
1006 20 98 9000	—	—		04	246,00
1006 30 21 9000	01	197,00	1006 30 92 9900	01	246,00
1006 30 23 9000	01	197,00		04	246,00
1006 30 25 9000	01	197,00		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	246,00
1006 30 42 9000	01	197,00		02	252,00
1006 30 44 9000	01	197,00		03	257,00
1006 30 46 9000	01	197,00		04	246,00
1006 30 48 9000	—	—	1006 30 94 9900	01	246,00
1006 30 61 9100	01	246,00		04	246,00
	02	252,00		—	—
	03	257,00	1006 30 96 9100	01	246,00
	04	246,00		02	252,00
1006 30 61 9900	01	246,00		03	257,00
	04	246,00		04	246,00
1006 30 63 9100	01	246,00	1006 30 96 9900	01	246,00
	02	252,00		04	246,00
	03	257,00		—	—
	04	246,00	1006 30 98 9100	—	—
1006 30 63 9900	01	246,00	1006 30 98 9900	—	—
	04	246,00	1006 40 00 9000	—	—
1006 30 65 9100	01	246,00			
	02	252,00			
	03	257,00			
	04	246,00			

(1) The destinations are identified as follows:

01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,

02 Zones I, II, III, VI, Ceuta and Melilla,

03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,

04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87.

NB: The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

**COMMISSION REGULATION (EC) No 368/97****of 28 February 1997****setting the amounts of aid for the supply of rice products from the Community  
to the Canary Islands**

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands<sup>(1)</sup>, as last amended by Regulation (EC) No 2348/96<sup>(2)</sup>, and in particular Article 3 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EC) No 2790/94<sup>(3)</sup>, as amended by Regulation (EC) No 2883/94<sup>(4)</sup>, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(5)</sup>, as last amended by Regulation (EC) No 150/95<sup>(6)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural

conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(7)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(8)</sup>;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 13.

<sup>(2)</sup> OJ No L 320, 11. 12. 1996, p. 1.

<sup>(3)</sup> OJ No L 296, 17. 11. 1994, p. 23.

<sup>(4)</sup> OJ No L 304, 29. 11. 1994, p. 18.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(7)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(8)</sup> OJ No L 188, 27. 7. 1996, p. 22.

*ANNEX*

to the Commission Regulation of 28 February 1997 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

Product (CN code)	<i>(ECU/tonne)</i>	
	Amount of aid	
	Canary Islands	
Milled rice (1006 30)	260,00	
Broken rice (1006 40)	57,00	



## COMMISSION REGULATION (EC) No 369/97

of 28 February 1997

**setting the amounts of aid for the supply of rice products from the Community  
to the Azores and Madeira**

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<sup>(1)</sup>, as last amended by Regulation (EC) No 2348/96<sup>(2)</sup>, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92<sup>(3)</sup>, as last amended by Regulation (EEC) No 2596/93<sup>(4)</sup>, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the forecast supply balance for these products<sup>(5)</sup>, as last amended by Regulation (EC) No 1683/94<sup>(6)</sup>, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(7)</sup>, as last amended by Regulation (EC) No 150/95<sup>(8)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(9)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(10)</sup>;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 173, 27. 6. 1992, p. 1.  
<sup>(2)</sup> OJ No L 320, 11. 12. 1996, p. 1.  
<sup>(3)</sup> OJ No L 179, 1. 7. 1992, p. 6.  
<sup>(4)</sup> OJ No L 238, 23. 9. 1993, p. 24.  
<sup>(5)</sup> OJ No L 198, 17. 7. 1992, p. 37.  
<sup>(6)</sup> OJ No L 178, 12. 7. 1994, p. 53.

<sup>(7)</sup> OJ No L 387, 31. 12. 1992, p. 1.  
<sup>(8)</sup> OJ No L 22, 31. 1. 1995, p. 1.  
<sup>(9)</sup> OJ No L 108, 1. 5. 1993, p. 106.  
<sup>(10)</sup> OJ No L 188, 27. 7. 1996, p. 22.

## ANNEX

to the Commission Regulation of 28 February 1997 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

Product (CN code)	<i>(ECU/tonne)</i>	
	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	260,00	260,00

## COMMISSION REGULATION (EC) No 370/97

of 28 February 1997

fixing the refunds applicable to cereal and rice sector products supplied as  
Community and national food aid

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular the third subparagraph of Article 13(2) thereof,

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

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

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

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in

Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

*Article 3*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(4)</sup> OJ No L 288, 25. 10. 1974, p. 1.

## ANNEX

to the Commission Regulation of 28 February 1997 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

<i>(ECU/tonne)</i>	
Product code	Refund
1001 10 00 9400	6,00
1001 90 99 9000	13,00
1002 00 00 9000	30,00
1003 00 90 9000	27,50
1004 00 00 9400	30,00
1005 90 00 9000	33,00
1006 30 92 9100	262,00
1006 30 92 9900	262,00
1006 30 94 9100	262,00
1006 30 94 9900	262,00
1006 30 96 9100	262,00
1006 30 96 9900	262,00
1006 30 98 9100	262,00
1006 30 98 9900	262,00
1006 40 00 9000	—
1007 00 90 9000	33,00
1101 00 15 9100	17,00
1101 00 15 9130	17,00
1102 20 10 9200	48,17
1102 20 10 9400	41,29
1102 30 00 9000	—
1102 90 10 9100	28,79
1103 11 10 9200	9,00
1103 11 90 9200	9,00
1103 13 10 9100	61,94
1103 14 00 9000	—
1104 12 90 9100	47,20
1104 21 50 9100	38,78

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

**COMMISSION REGULATION (EC) No 371/97**  
**of 28 February 1997**  
**fixing the import duties in the cereals sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No

1766/92 for the 1996/97 marketing year as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 161, 29. 6. 1996, p. 125.

## ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports <sup>(2)</sup> (ECU/tonne)
1001 10 00	Durum wheat <sup>(1)</sup>	15,09	5,09
1001 90 91	Common wheat seed	28,96	18,96
1001 90 99	Common high quality wheat other than for sowing <sup>(3)</sup>	28,96	18,96
	medium quality	39,01	29,01
	low quality	64,43	54,43
1002 00 00	Rye	68,22	58,22
1003 00 10	Barley, seed	68,22	58,22
1003 00 90	Barley, other <sup>(3)</sup>	68,22	58,22
1005 10 90	Maize seed other than hybrid	81,55	71,55
1005 90 00	Maize other than seed <sup>(3)</sup>	81,55	71,55
1007 00 90	Grain sorghum other than hybrids for sowing	68,22	58,22

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

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

- ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

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

## ANNEX II

## Factors for calculating duties

(period from 14 February 1997 to 28 February 1997)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	126,17	134,40	116,62	97,75	175,45 <sup>(1)</sup>	122,33 <sup>(1)</sup>
Gulf premium (ECU/tonne)	35,42	17,13	9,49	11,25	—	—
Great Lakes premium (ECU/tonne)	—	—	—	—	—	—

<sup>(1)</sup> Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,73 per tonne; Great Lakes — Rotterdam: ECU 23,94 per tonne.

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

**COMMISSION REGULATION (EC) No 372/97**  
**of 28 February 1997**  
**altering the export refunds on white sugar and raw sugar exported in the natural state**

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 295/97 <sup>(3)</sup>, as amended by Regulation (EC) No 342/97 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 295/97 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 295/97, are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 50, 20. 2. 1997, p. 5.

<sup>(4)</sup> OJ No L 58, 27. 2. 1997, p. 33.



## ANNEX

to the Commission Regulation of 28 February 1997 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	38,15 <sup>(1)</sup>
1701 11 90 9910	36,72 <sup>(1)</sup>
1701 11 90 9950	<sup>(2)</sup>
1701 12 90 9100	38,15 <sup>(1)</sup>
1701 12 90 9910	36,72 <sup>(1)</sup>
1701 12 90 9950	<sup>(2)</sup>
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4147
	— ECU/100 kg —
1701 99 10 9100	41,47
1701 99 10 9910	41,47
1701 99 10 9950	41,47
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4147

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

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

## COMMISSION REGULATION (EC) No 373/97

of 28 February 1997

determining the world market price for unginned cotton and the rate for the aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95<sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995<sup>(2)</sup> laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as amended by Regulation (EC) No 1584/96<sup>(3)</sup>, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton<sup>(4)</sup>, as last amended by Regulation (EC) No 1645/96<sup>(5)</sup>; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect dif-

ferences in product quality and the nature of offers and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1683/96<sup>(6)</sup> determined estimated production for the 1996/97 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 37,579 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3) of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 57,028 per 100 kilograms in Spain,
- ECU 26,520 per 100 kilograms in Greece,
- ECU 68,721 per 100 kilograms in other Member States.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

<sup>(1)</sup> OJ No L 148, 30. 6. 1995, p. 45.

<sup>(2)</sup> OJ No L 148, 30. 6. 1995, p. 48.

<sup>(3)</sup> OJ No L 206, 16. 8. 1996, p. 16.

<sup>(4)</sup> OJ No L 123, 4. 5. 1989, p. 23.

<sup>(5)</sup> OJ No L 207, 17. 8. 1996, p. 3.

<sup>(6)</sup> OJ No L 217, 28. 8. 1996, p. 1.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 374/97

of 28 February 1997

fixing the export refunds on syrups and certain other sugar products exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 17 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 3 of Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector<sup>(3)</sup>, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 3 of Commission Regulation (EC) No 2135/95;

Whereas Article 17 (6) of Regulation (EEC) No 1785/81 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry<sup>(4)</sup>, last amended by Commission Regulation (EC) No 1126/96<sup>(5)</sup>, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world

market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 17 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article 1 (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 5 of Regulation (EC) No 2135/95; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 6 of Regulation (EC) No 2135/95;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 214, 8. 9. 1995, p. 16.

<sup>(4)</sup> OJ No L 94, 9. 4. 1986, p. 9.

<sup>(5)</sup> OJ No L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 28 February 1997 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	41,47 <sup>(2)</sup>
1702 60 10 9000	41,47 <sup>(2)</sup>
1702 60 90 9200	78,79 <sup>(4)</sup>
	— ECU/1 % sucrose × 100 kg —
1702 60 90 9800	0,4147 <sup>(1)</sup>
	— ECU/100 kg dry matter —
1702 90 30 9000	41,47 <sup>(2)</sup>
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4147 <sup>(1)</sup>
1702 90 71 9000	0,4147 <sup>(1)</sup>
1702 90 99 9900	0,4147 <sup>(1)</sup> <sup>(3)</sup>
	— ECU/100 kg dry matter —
2106 90 30 9000	41,47 <sup>(2)</sup>
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4147 <sup>(1)</sup>

<sup>(1)</sup> The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

<sup>(2)</sup> Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

<sup>(3)</sup> The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

<sup>(4)</sup> Applicable only to products defined under Article 13 (3) of Regulation (EEC) No 394/70.

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

## COMMISSION REGULATION (EC) No 375/97

of 28 February 1997

## fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 13 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals<sup>(3)</sup>, as last amended by Regulation (EC) No 95/96<sup>(4)</sup>, allows for the fixing of a corrective amount for the products listed in Article 1 (1)(c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the corrective amount according to destination;

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

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

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 7.

<sup>(4)</sup> OJ No L 18, 24. 1. 1996, p. 10.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(7)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(8)</sup> OJ No L 188, 27. 7. 1996, p. 22.

## ANNEX

## to the Commission Regulation of 28 February 1997 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination <sup>(1)</sup>	Current 3	1st period 4	2nd period 5	3rd period 6	4th period 7	5th period 8	6th period 9
0709 90 60	—	—	—	—	—	—	—	—
0712 90 19	—	—	—	—	—	—	—	—
1001 10 00 9200	—	—	—	—	—	—	—	—
1001 10 00 9400	01	0	0	0	- 10,00	- 10,00	—	—
1001 90 91 9000	—	—	—	—	—	—	—	—
1001 90 99 9000	01	0	0	0	0	- 10,00	—	—
1002 00 00 9000	01	0	0	0	0	- 10,00	—	—
1003 00 10 9000	—	—	—	—	—	—	—	—
1003 00 90 9000	01	0	0	0	- 20,00	- 20,00	—	—
1004 00 00 9200	—	—	—	—	—	—	—	—
1004 00 00 9400	01	0	0	0	0	- 20,00	—	—
1005 10 90 9000	—	—	—	—	—	—	—	—
1005 90 00 9000	01	0	0	0	0	0	—	—
1007 00 90 9000	—	—	—	—	—	—	—	—
1008 20 00 9000	—	—	—	—	—	—	—	—
1101 00 11 9000	—	—	—	—	—	—	—	—
1101 00 15 9100	01	0	0	0	0	- 10,00	—	—
1101 00 15 9130	01	0	0	0	0	- 10,00	—	—
1101 00 15 9150	01	0	0	0	0	- 10,00	—	—
1101 00 15 9170	01	0	0	0	0	- 10,00	—	—
1101 00 15 9180	01	0	0	0	0	- 10,00	—	—
1101 00 15 9190	—	—	—	—	—	—	—	—
1101 00 90 9000	—	—	—	—	—	—	—	—
1102 10 00 9500	01	0	0	0	0	- 10,00	—	—
1102 10 00 9700	—	—	—	—	—	—	—	—
1102 10 00 9900	—	—	—	—	—	—	—	—
1103 11 10 9200	01	0	0	0	- 15,00	- 15,00	—	—
1103 11 10 9400	—	—	—	—	—	—	—	—
1103 11 10 9900	—	—	—	—	—	—	—	—
1103 11 90 9200	01	0	0	0	0	- 15,00	—	—
1103 11 90 9800	—	—	—	—	—	—	—	—

<sup>(1)</sup> The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).



## COMMISSION REGULATION (EC) No 376/97

of 28 February 1997

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice<sup>(3)</sup> in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of

the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 51.

## ANNEX

**to the Commission Regulation of 28 February 1997 fixing the export refunds on cereal-based compound feedingstuffs**

Product code benefitting from export refund <sup>(1)</sup>:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,  
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,  
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,  
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

*(ECU/tonne)*

Cereal products <sup>(2)</sup>	Amount of refund <sup>(2)</sup>
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	34,41
Cereal products <sup>(2)</sup> excluding maize and maize products	17,17

<sup>(1)</sup> The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p 1), amended.

<sup>(2)</sup> For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

## COMMISSION REGULATION (EC) No 377/97

of 28 February 1997

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 13 (3) thereof,

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

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95<sup>(4)</sup>, as amended by Regulation (EC) No 2993/95<sup>(5)</sup>, on the import and export system for products processed from cereals and from rice defines the specific

criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(4)</sup> OJ No L 147, 30. 6. 1995, p. 55.

<sup>(5)</sup> OJ No L 312, 23. 12. 1995, p. 25.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*ANNEX*

**to the Commission Regulation of 28 February 1997 fixing the export refunds on products processed from cereals and rice**

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 <sup>(1)</sup>	48,17	1104 23 10 9100	51,62
1102 20 10 9400 <sup>(1)</sup>	41,29	1104 23 10 9300	39,57
1102 20 90 9200 <sup>(1)</sup>	41,29	1104 29 11 9000	15,45
1102 90 10 9100	28,79	1104 29 51 9000	15,15
1102 90 10 9900	19,57	1104 29 55 9000	15,15
1102 90 30 9100	42,48	1104 30 10 9000	3,79
1103 12 00 9100	42,48	1104 30 90 9000	8,60
1103 13 10 9100 <sup>(1)</sup>	61,94	1107 10 11 9000	26,97
1103 13 10 9300 <sup>(1)</sup>	48,17	1107 10 91 9000	34,16
1103 13 10 9500 <sup>(1)</sup>	41,29	1108 11 00 9200	30,30
1103 13 90 9100 <sup>(1)</sup>	41,29	1108 11 00 9300	30,30
1103 19 10 9000	32,08	1108 12 00 9200	55,06
1103 19 30 9100	29,74	1108 12 00 9300	55,06
1103 21 00 9000	15,45	1108 13 00 9200	55,06
1103 29 20 9000	19,57	1108 13 00 9300	55,06
1104 11 90 9100	28,79	1108 19 10 9200	37,24
1104 12 90 9100	47,20	1108 19 10 9300	37,24
1104 12 90 9300	37,76	1109 00 00 9100	0,00
1104 19 10 9000	15,45	1702 30 51 9000 <sup>(2)</sup>	61,86
1104 19 50 9110	55,06	1702 30 59 9000 <sup>(2)</sup>	47,36
1104 19 50 9130	44,73	1702 30 91 9000	61,86
1104 21 10 9100	28,79	1702 30 99 9000	47,36
1104 21 30 9100	28,79	1702 40 90 9000	47,36
1104 21 50 9100	38,38	1702 90 50 9100	61,86
1104 21 50 9300	30,70	1702 90 50 9900	47,36
1104 22 20 9100	37,76	1702 90 75 9000	64,82
1104 22 30 9100	40,12	1702 90 79 9000	44,99
		2106 90 55 9000	47,36

<sup>(1)</sup> No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

<sup>(2)</sup> Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

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

**COMMISSION REGULATION (EC) No 378/97**  
**of 28 February 1997**

**providing for the rejection of applications for export licences in relation to  
certain products falling within the beef 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 2222/96 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 laying down special rules for the application of the system of import and export licences for beef and repealing Regulation (EEC) No 2377/80 <sup>(3)</sup>, as last amended by Regulation (EC) No 266/97 <sup>(4)</sup>, and in particular Article 10 thereof,

Whereas the quantity covered by applications for advance fixing of refunds for certain prepared and preserved meat products is greater than that normally disposed of;

whereas it has therefore been decided to reject all applications for export licences for these products made after 24 February 1997,

HAS ADOPTED THIS REGULATION:

*Article 1*

In accordance with Article 10 (2) of Regulation (EC) No 1445/95, applications for export licences with advance fixing of refunds for products falling within codes 1602 50 39 9705 and 1602 50 80 9705 made between 24 and 28 February 1997 shall be rejected.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 296, 21. 11. 1996, p. 50.

<sup>(3)</sup> OJ No L 143, 27. 6. 1995, p. 35.

<sup>(4)</sup> OJ No L 45, 15. 2. 1997, p. 1.

**COMMISSION REGULATION (EC) No 379/97**  
**of 28 February 1997**  
**fixing the export refunds on beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by Regulation (EC) No 2222/96<sup>(2)</sup>, and in particular Article 13 thereof,

Whereas Article 13 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 32/82<sup>(3)</sup>, as last amended by Regulation (EEC) No 3169/87<sup>(4)</sup>, Regulation (EEC) No 1964/82<sup>(5)</sup>, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84<sup>(6)</sup>, as amended by Regulation (EEC) No 3169/87<sup>(7)</sup>, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed

in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

Whereas Commission Regulation (EEC) No 3846/87<sup>(8)</sup>, as last amended by Regulation (EC) No 2230/96<sup>(9)</sup>, establishes the agricultural product nomenclature for the purposes of export refunds; whereas, with a view to clarification, the destinations must be identified in a separate Annex;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 296, 21. 11. 1996, p. 50.

<sup>(3)</sup> OJ No L 4, 8. 1. 1982, p. 11.

<sup>(4)</sup> OJ No L 301, 24. 10. 1987, p. 21.

<sup>(5)</sup> OJ No L 212, 21. 7. 1982, p. 48.

<sup>(6)</sup> OJ No L 221, 18. 8. 1984, p. 28.

<sup>(7)</sup> OJ No L 370, 19. 12. 1992, p. 16.

<sup>(8)</sup> OJ No L 366, 24. 12. 1987, p. 1.

<sup>(9)</sup> OJ No L 305, 27. 11. 1996, p. 1.

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products<sup>(1)</sup>, as amended by Regulation (EEC) No 2026/83<sup>(2)</sup>;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the

refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The list of products on which export refunds as referred to in Article 13 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in Annex I.
2. The destinations are identified in Annex II to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 62, 7. 3. 1980, p. 5.

<sup>(2)</sup> OJ No L 199, 22. 7. 1983, p. 12.

## ANNEX I

to the Council Regulation of 28 February 1997 fixing export refunds on beef

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (?)	Product code	Destination	Refund (?)
		— Live weight —			— Net weight —
0102 10 10 9120	01	74,00	0201 20 20 9120	02	102,50
0102 10 10 9130	02	49,00		03	71,50
	03	34,00		04	35,50
	04	17,00			
0102 10 30 9120	01	74,00	0201 20 30 9110 <sup>(1)</sup>	02	101,00
0102 10 30 9130	02	49,00		03	69,50
	03	34,00		04	34,00
	04	17,00			
0102 10 90 9120	01	74,00	0201 20 30 9120	02	74,50
0102 90 41 9100	02	65,50		03	52,50
0102 90 51 9000	02	49,00		04	26,00
	03	34,00	0201 20 50 9110 <sup>(1)</sup>	02	177,00
	04	17,00		03	118,00
0102 90 59 9000	02	49,00		04	58,50
	03	34,00	0201 20 50 9120	02	130,50
	04	17,00		03	90,00
0102 90 61 9000	02	49,00		04	45,00
	03	34,00	0201 20 50 9130 <sup>(1)</sup>	02	101,00
	04	17,00		03	69,50
0102 90 69 9000	02	49,00		04	34,00
	03	34,00	0201 20 50 9140	02	74,50
	04	17,00		03	52,50
0102 90 71 9000	02	65,50		04	26,00
	03	43,00	0201 20 90 9700	02	74,50
	04	21,50		03	52,50
0102 90 79 9000	02	65,50		04	26,00
	03	43,00	0201 30 00 9050	05 <sup>(4)</sup>	108,00
	04	21,50		07 <sup>(4a)</sup>	108,00
		— Net weight —			
0201 10 00 9110 <sup>(1)</sup>	02	101,00	0201 30 00 9100 <sup>(2)</sup>	02	246,50
	03	69,50		03	169,00
	04	34,00		04	84,50
0201 10 00 9120	02	74,50		06	216,50
	03	52,50	0201 30 00 9150 <sup>(6)</sup>	08	131,00
	04	26,00		09	120,00
0201 10 00 9130 <sup>(1)</sup>	02	139,50		03	101,00
	03	93,50		04	51,00
	04	47,00		06	117,50
0201 10 00 9140	02	102,50	0201 30 00 9190 <sup>(6)</sup>	02	103,50
	03	71,50		03	68,00
	04	35,50		04	34,00
0201 20 20 9110 <sup>(1)</sup>	02	139,50		06	83,00
	03	93,50			
	04	47,00			



(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (?)	Product code	Destination	Refund (?)
		— Net weight —			— Net weight —
0202 10 00 9100	02	74,50	1602 50 10 9120	02	119,00 (8)
	03	52,50		03	95,50 (8)
	04	26,00		04	95,50 (8)
0202 10 00 9900	02	102,50	1602 50 10 9140	02	105,50 (8)
	03	71,50		03	84,50 (8)
	04	35,50		04	84,50 (8)
0202 20 10 9000	02	102,50	1602 50 10 9160	02	84,50 (8)
	03	71,50		03	68,00 (8)
	04	35,50		04	68,00 (8)
0202 20 30 9000	02	74,50	1602 50 10 9170	02	56,00 (8)
	03	52,50		03	45,00 (8)
	04	26,00		04	45,00 (8)
0202 20 50 9100	02	130,50	1602 50 10 9190	02	56,00
	03	90,00		03	45,00
	04	45,00		04	45,00
0202 20 50 9900	02	74,50	1602 50 10 9240	02	—
	03	52,50		03	—
	04	26,00		04	—
0202 20 90 9100	02	74,50	1602 50 10 9260	02	—
	03	52,50		03	—
	04	26,00		04	—
0202 30 90 9100	05 (4)	108,00	1602 50 10 9280	02	—
	07 (4a)	108,00		03	—
				04	—
0202 30 90 9400 (6)	08	131,00	1602 50 31 9125	01	116,50 (5)
	09	120,00	1602 50 31 9135	01	68,00 (8)
	03	101,00	1602 50 31 9195	01	33,50
	04	51,00	1602 50 31 9325	01	104,50 (5)
	06	117,50	1602 50 31 9335	01	61,00 (8)
0202 30 90 9500 (6)	02	103,50	1602 50 31 9395	01	33,50
	03	68,00	1602 50 39 9125	01	116,50 (5)
	04	34,00	1602 50 39 9135	01	68,00 (8)
	06	83,00	1602 50 39 9195	01	33,50
0206 10 95 9000	02	103,50	1602 50 39 9325	01	104,50 (5)
	03	68,00	1602 50 39 9335	01	61,00 (8)
	04	34,00	1602 50 39 9395	01	33,50
	06	83,00	1602 50 39 9425	01	77,00 (5)
0206 29 91 9000	02	103,50	1602 50 39 9435	01	45,00 (8)
	03	68,00	1602 50 39 9495	01	33,50
	04	34,00	1602 50 39 9505	01	33,50
	06	83,00	1602 50 39 9525	01	77,00 (5)
0210 20 90 9100	02	86,50	1602 50 39 9535	01	45,00 (8)
	04	51,50	1602 50 39 9595	01	33,50
0210 20 90 9300	02	107,00			
0210 20 90 9500 (3)	02	107,00			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Net weight —			— Net weight —
1602 50 39 9615	01	33,50	1602 50 80 9495	01	33,50
1602 50 39 9625	01	15,00	1602 50 80 9505	01	33,50
1602 50 39 9705	01	—	1602 50 80 9515	01	15,00
1602 50 39 9805	01	—	1602 50 80 9535	01	45,00 (8)
1602 50 39 9905	01	—	1602 50 80 9595	01	33,50
1602 50 80 9135	01	68,00 (8)	1602 50 80 9615	01	33,50
1602 50 80 9195	01	33,50	1602 50 80 9625	01	15,00
1602 50 80 9335	01	61,00 (8)	1602 50 80 9705	01	—
1602 50 80 9395	01	33,50	1602 50 80 9805	01	—
1602 50 80 9435	01	45,00 (8)	1602 50 80 9905	01	—

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in amended Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

(4a) Carried out in accordance with amended Commission Regulation (EEC) No 2051/96 (OJ No L 274, 26. 10. 1996, p. 18).

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210 of 1. 8. 1986, p. 39).

(7) Article 13 (10) of amended Regulation (EEC) No 805/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(8) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Commission Regulation (EEC) No 565/80.

NB: The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

## ANNEX II

Zone 01: all third countries

Zone 02: zones 08 and 09

Zone 03	Zone 05	Zone 09
022 Ceuta and Melilla	400 United States of America	224 Sudan
024 Iceland		228 Mauritania
028 Norway	Zone 06	232 Mali
041 Faroe Islands		236 Burkina Faso
043 Andorra	809 New Caledonia	240 Niger
044 Gibraltar	822 French Polynesia	244 Chad
045 Vatican City		247 Cape Verde
053 Estonia	Zone 07	248 Senegal
054 Latvia		252 Gambia
055 Lithuania	404 Canada	257 Guinea-Bissau
060 Poland		260 Guinea
061 Czech Republic	Zone 08	264 Sierra Leone
063 Slovakia		268 Liberia
064 Hungary	046 Malta	272 Côte d'Ivoire
066 Romania	052 Turkey	276 Ghana
068 Bulgaria	072 Ukraine	280 Togo
070 Albania	073 Belarus	284 Benin
091 Slovenia	074 Moldova	288 Nigeria
092 Croatia	075 Russia	302 Cameroon
093 Bosnia-Herzegovina	076 Georgia	306 Central African Republic
094 Serbia and Montenegro	077 Armenia	310 Equatorial Guinea
096 Former Yugoslav Republic of Macedonia	078 Azerbaijan	311 Sao Tome and Principe
109 The communes of Livigno and Campione d'Italia; the island of Helgoland	079 Kazakhstan	314 Gabon
406 Greenland	080 Turkmenistan	318 Congo
600 Cyprus	081 Uzbekistan	322 Zaire
662 Pakistan	082 Tajikistan	324 Rwanda
669 Sri Lanka	083 Kirghistan	328 Burundi
676 Myanmar (Burma)	204 Morocco	329 St Helena and dependencies
680 Thailand	208 Algeria	330 Angola
690 Vietnam	212 Tunisia	334 Ethiopia
700 Indonesia	216 Libya	336 Eritrea
708 Philippines	220 Egypt	338 Djibouti
724 North Korea	604 Lebanon	342 Somalia
740 Hong Kong	608 Syria	350 Uganda
950 Stores and provisions (Destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended)	612 Iraq	352 Tanzania
	616 Iran	355 Seychelles and dependencies
	624 Israel	357 British Indian Ocean Territory
	625 Gaza and Jericho	366 Mozambique
	628 Jordan	373 Mauritius
	632 Saudi Arabia	375 Comoros
	636 Kuwait	377 Mayotte
	640 Bahrain	378 Zambia
	644 Qatar	386 Malawi
	647 United Arab Emirates	388 South Africa
	649 Oman	395 Lesotho
	653 Yemen	
	720 China	
Zone 04		
039 Switzerland		

NB: The countries are those defined by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

## COMMISSION REGULATION (EC) No 380/97

of 28 February 1997

fixing the production refund for olive oil used in the manufacture of certain preserved foods

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats <sup>(1)</sup>, as last amended by Regulation (EC) No 1581/96 <sup>(2)</sup>, and in particular Article 20a thereof,

Whereas Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry; whereas under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months;

Whereas by virtue of Article 20a (2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the

reference period; whereas it is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund; whereas the above amount is to be increased by an amount equal to the consumption aid in force on the day that the said refund is applied;

Whereas the application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

*Article 1*

For the months of March and April 1997, the amount of the production refund referred to in Article 20a (2) of Regulation No 136/66/EEC shall be ECU 67,18 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No 172, 30. 9. 1966, p. 3025/66.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 11.

## COMMISSION REGULATION (EC) No 381/97

of 28 February 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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>, and in particular Article 13 (3) thereof,

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

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds<sup>(4)</sup>, as last amended by Regulation (EC) No 229/96<sup>(5)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC<sup>(6)</sup>, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93<sup>(7)</sup>, as last amended by Regulation (EC) No 1516/95<sup>(8)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(4)</sup> OJ No L 136, 31. 5. 1994, p. 5.

<sup>(5)</sup> OJ No L 30, 8. 2. 1996, p. 24.

<sup>(6)</sup> OJ No L 275, 29. 9. 1987, p. 36.

<sup>(7)</sup> OJ No L 159, 1. 7. 1993, p. 112.

<sup>(8)</sup> OJ No L 147, 30. 6. 1995, p. 49.

## ANNEX

to the Commission Regulation of 28 February 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 <sup>(1)</sup>	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 <sup>(2)</sup> — — in other cases	0,985  0,161 1,515
1002 00 00	Rye	3,208
1003 00 90	Barley	2,750
1004 00 00	Oats	2,360
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> — — 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 <sup>(3)</sup> : — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 <sup>(2)</sup> — — 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 <sup>(2)</sup> — in other cases	  1,748 3,441   1,266 2,960 3,441  1,748 3,441
1006 20	Husked rice: — round grain — medium grain — long grain	 19,375 17,250 17,250
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	 25,000 25,000 25,000
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 <sup>(2)</sup> — — in other cases — other (including unprocessed)	  0,668 2,450 2,450

CN code	Description of products <sup>(1)</sup>	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	2,750
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	1,211
	— in other cases	1,863
1102 10 00	Rye flour	4,395
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	1,398
	— in other cases	2,151

<sup>(1)</sup> 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 No L 136, 31. 5. 1994, p. 5).

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

<sup>(3)</sup> 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.

**COMMISSION REGULATION (EC) No 382/97****of 28 February 1997****fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products<sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96<sup>(2)</sup>, and in particular Article 17 (3) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds<sup>(3)</sup>, as last amended by Regulation (EC) No 229/96<sup>(4)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced

skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates<sup>(5)</sup>, as last amended by Regulation (EEC) No 1435/90<sup>(6)</sup>;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs<sup>(7)</sup>, as last amended by Regulation (EC) No 531/96<sup>(8)</sup>, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 21.

<sup>(3)</sup> OJ No L 136, 31. 5. 1994, p. 5.

<sup>(4)</sup> OJ No L 30, 8. 2. 1996, p. 24.

<sup>(5)</sup> OJ No L 169, 18. 7. 1968, p. 6.

<sup>(6)</sup> OJ No L 138, 31. 5. 1990, p. 8.

<sup>(7)</sup> OJ No L 55, 1. 3. 1988, p. 31.

<sup>(8)</sup> OJ No L 78, 28. 3. 1996, p. 13.



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

Done at Brussels, 28 February 1997.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

# ANNEX

to the Commission Regulation of 28 February 1997 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)		
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	63,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3):	
	(a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 570/88 are exported	67,23
	(b) On exportation of other goods	108,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	65,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	197,25
	(c) On exportation of other goods	190,00

## COMMISSION REGULATION (EC) No 383/97

of 28 February 1997

fixing the rates of refunds applicable to certain products from the sugar sector  
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup> and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds<sup>(3)</sup> as last amended by Regulation (EC) No 229/96<sup>(4)</sup> specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86<sup>(5)</sup>, as last amended by Commission Regulation (EC) No 1126/96<sup>(6)</sup>, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 136, 31. 5. 1994, p. 5.

<sup>(4)</sup> OJ No L 30, 8. 2. 1996, p. 24.

<sup>(5)</sup> OJ No L 94, 9. 4. 1986, p. 9.

<sup>(6)</sup> OJ No L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

# ANNEX

to the Commission Regulation of 28 February 1997 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	3,84	3,84
— in all other cases	41,47	41,47
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	3,53	3,53
— in all other cases	38,15	38,15
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{3,84^{(1)} \times S^{(1)}}{100}$	$\frac{3,84^{(1)} \times S^{(1)}}{100}$
— in all other cases	$\frac{41,47^{(1)} \times S^{(1)}}{100}$	$\frac{41,47^{(1)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose <sup>(2)</sup> :		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	3,84 <sup>(3)</sup>	3,84 <sup>(3)</sup>
— in all other cases	41,47 <sup>(3)</sup>	41,47 <sup>(3)</sup>

<sup>(1)</sup> 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

<sup>(2)</sup> Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

<sup>(3)</sup> Amount of refund per 100 kilograms of dry matter.

<sup>(4)</sup> The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

## COMMISSION REGULATION (EC) No 384/97

of 28 February 1997

**fixing the maximum buying-in price and the quantities of beef to be bought in under the 177th partial invitation to tender as a general intervention measure pursuant to Regulation (EEC) No 1627/89**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef <sup>(3)</sup>, as last amended by Regulation (EC) No 242/97 <sup>(4)</sup>, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender <sup>(5)</sup>, as last amended by Regulation (EC) No 320/97 <sup>(6)</sup>;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 177th partial invitation to tender have been considered and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughtering, the maximum buying-in price and the quantities which may be bought in should be fixed;

Whereas, following the buying in of forequarters, the price of such products should be defined on the basis of carcass prices;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be

applied to the quantities which may be bought in in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Under the 177th partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price shall be ECU 273 per 100 kg of carcasses or half-carcasses of quality R3,
- the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,
- the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 6 865 tonnes,
- the quantities offered at a price greater than ECU 244 and less than or equal to ECU 262 shall be multiplied by a coefficient of 75 %, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93, and those offered at a price greater than ECU 262 shall be multiplied by a coefficient of 25 %;

(b) for category C:

- the maximum buying-in price shall be ECU 273 per 100 kg of carcasses or half-carcasses of quality R3,
- the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,
- the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 6 654 tonnes,
- the quantities offered at a price greater than ECU 244 and less than or equal to ECU 262 shall be multiplied by a coefficient of 75 % in accordance with Article 13 (3) of Regulation (EEC) No 2456/93 and those offered at a price greater than ECU 262 shall be multiplied by a coefficient of 25 %.

*Article 2*

This Regulation shall enter into force on 3 March 1997.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 296, 21. 11. 1996, p. 50.

<sup>(3)</sup> OJ No L 225, 4. 9. 1993, p. 4.

<sup>(4)</sup> OJ No L 40, 11. 2. 1997, p. 14.

<sup>(5)</sup> OJ No L 159, 10. 6. 1989, p. 36.

<sup>(6)</sup> OJ No L 51, 21. 2. 1997, p. 48.

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

Done at Brussels, 28 February 1997.

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

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## COMMISSION REGULATION (EC) No 385/97

of 28 February 1997

amending Regulation (EC) No 1507/96 opening and providing for the administration of certain tariff import quotas for the supply of raw cane sugar to Community refineries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup>, and in particular Articles 16 (1), 37 (6) and 39 thereof,

Whereas Commission Regulation (EC) No 1507/96<sup>(3)</sup> lays down detailed rules of application for the importation of raw cane sugar under an annual tariff quota for refining in the refineries referred to in the third subparagraph of Article 9 (4) of Regulation (EEC) No 1785/81; whereas the rules provide that entitlement under the tariff quota is conditional on the presentation, at the time of application for the import licence, of a certificate of origin from the third country concerned which meets the requirements of Article 47 of Commission Regulation (EEC) No 2454/93<sup>(4)</sup>, as last amended by Regulation (EC) No 89/97<sup>(5)</sup>;

Whereas certificates of origin are issued by the competent agencies in each exporting country on production of a bill of lading for the transportation of the goods by sea, which is the sole means used for importing the raw sugar in question; whereas these certificates can be obtained by exporters on completion of the loading procedures only and come into the possession of importers finally in the 15 days that follow while in most cases the goods have already reached the port of importation into Europe; whereas importers find themselves in a position, therefore, where they are obliged to store the goods during the intervening period, thus adding unjustifiably to the cost of administering the stocks;

Whereas, on the other hand, for imports of preferential sugar under Protocol 8 to the Lomé Convention and

special preferential raw sugar under Article 37 of Regulation (EEC) No 1785/81, proof of origin of the sugar is provided on the release of the goods for free circulation pursuant to Articles 47 and 56 of Regulation (EEC) No 2454/93;

Whereas imports of the three types of raw sugar concerned should be treated equally by amending Article 5 of Regulation (EC) No 1507/96 accordingly;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 5 of Regulation (EC) No 1507/96 is replaced by the following:

*Article 5*

1. Entitlement under the tariff quota shall be conditional on the presentation, at the time of release for free circulation, of a certificate of origin from the third country concerned which meets the conditions laid down in Articles 47 and 56 of Regulation (EEC) No 2454/93.

2. Applications for the import licence provided for in Article 3 (1) shall be submitted by refiners to the competent agency in the Member State concerned accompanied by a declaration containing the particulars referred to in Article 47 (b) of Regulation (EEC) No 2454/93.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

It shall be applicable to the imports for which the licences are requested as from 1 March 1997.

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 189, 30. 7. 1996, p. 82.

<sup>(4)</sup> OJ No L 253, 11. 10. 1993, p. 1.

<sup>(5)</sup> OJ No L 17, 21. 1. 1997, p. 28.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 386/97

of 28 February 1997

correcting the English and Swedish language versions of Regulation (EC) No 2257/94 laying down quality standards for bananas and the Spanish language version of Regulation (EC) No 2898/95 concerning verification of compliance with quality standards for bananas

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

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Article 4 thereof,

Whereas the English and Swedish language versions of Commission Regulation (EC) No 2257/94 <sup>(3)</sup> and the Spanish language version of Commission Regulation (EC) No 2898/95 <sup>(4)</sup>, amended by Regulation (EC) No 465/96 <sup>(5)</sup>, differ from the texts in the other official Community languages; whereas, therefore, the necessary corrections should be made to those language versions;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The English language version of Regulation (EC) No 2257/94 is amended as follows:

In Point III of Annex I, the first indent concerning sizing is replaced by the following:

‘— the length of the fruit expressed in centimetres and measured along the convex face, from the blossom end to the point where the peduncle joins the crown,’.

*Article 2*

A correction is hereby made to Article 7 of Regulation (EC) No 2898/95.

This correction concerns only the Spanish language version of the Regulation.

*Article 3*

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

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ No L 245, 20. 9. 1994, p. 6.

<sup>(4)</sup> OJ No L 304, 16. 12. 1995, p. 17.

<sup>(5)</sup> OJ No L 65, 15. 3. 1996, p. 5.



## COMMISSION REGULATION (EC) No 387/97

of 28 February 1997

on the issuing of export licences for products processed from 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 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars<sup>(1)</sup>, as amended by Regulation (EC) No 341/96<sup>(2)</sup>, and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EC) No 315/97<sup>(3)</sup>, specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

Whereas Article 4 of Regulation (EC) No 1429/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted;

Whereas, in view of the information available to the Commission as of today, the quantity of 45 762 tonnes of peeled tomatoes in the Annex to Regulation (EC) No 315/97, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1429/95, would be

exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 24 February 1997; whereas a reducing factor should accordingly be applied to the quantities applied for on 24 February 1997, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

*Article 1*

Export licences with advance fixing of the refund for peeled tomatoes, for which applications have been submitted on 24 February 1997 under Article 1 of Regulation (EC) No 315/97 shall be issued for 75,11 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above product submitted after 24 February 1997 and before 24 June 1997 shall be rejected.

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 141, 24. 6. 1995, p. 28.

<sup>(2)</sup> OJ No L 48, 27. 2. 1996, p. 8.

<sup>(3)</sup> OJ No L 51, 21. 2. 1997, p. 37.

**COMMISSION REGULATION (EC) No 388/97****of 28 February 1997****establishing the standard import values for determining the entry price of  
certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 2375/96<sup>(2)</sup>, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the 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 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 325, 14. 12. 1996, p. 5.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 28 February 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

*(ECU/100 kg)*

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 15	204	58,1
	212	113,8
	624	227,4
	999	133,1
0707 00 15	068	94,2
	999	94,2
0709 10 10	220	192,0
	999	192,0
0709 90 73	052	124,1
	204	95,0
	999	109,5
0805 10 01, 0805 10 05, 0805 10 09	052	50,6
	204	42,0
	212	49,0
	220	28,7
	448	25,6
	600	48,9
	624	54,2
	999	42,7
0805 30 20	052	63,4
	600	75,6
	999	69,5
0808 10 51, 0808 10 53, 0808 10 59	052	62,1
	060	58,5
	400	83,0
	404	91,3
	508	87,8
	512	94,8
	528	101,0
	720	96,9
	999	84,4
	039	106,6
0808 20 31	388	73,2
	400	114,0
	512	71,0
	528	72,0
	999	87,4

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

**COMMISSION REGULATION (EC) No 389/97****of 28 February 1997****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses<sup>(3)</sup>, as last amended by Regulation (EC) No 1127/96<sup>(4)</sup>, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1195/96<sup>(5)</sup>, as last amended by Regulation (EC) No 347/97<sup>(6)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 141, 24. 6. 1995, p. 16.

<sup>(4)</sup> OJ No L 150, 25. 6. 1996, p. 12.

<sup>(5)</sup> OJ No L 161, 29. 6. 1996, p. 3.

<sup>(6)</sup> OJ No L 58, 27. 2. 1997, p. 42.

## ANNEX

to the Commission Regulation of 28 February 1997 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 <sup>(1)</sup>	23,41	4,59
1701 11 90 <sup>(1)</sup>	23,41	9,83
1701 12 10 <sup>(1)</sup>	23,41	4,40
1701 12 90 <sup>(1)</sup>	23,41	9,40
1701 91 00 <sup>(2)</sup>	25,44	12,60
1701 99 10 <sup>(2)</sup>	25,44	7,99
1701 99 90 <sup>(2)</sup>	25,44	7,99
1702 90 99 <sup>(3)</sup>	0,25	0,40

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

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

<sup>(3)</sup> By 1 % sucrose content.

# DIRECTIVE 96/100/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 17 February 1997

amending the Annex to Directive 93/7/EEC on the return of cultural objects unlawfully removed from the territory of a Member State

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

works of major significance unlawfully removed from the territory of a Member State can be returned,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

HAVE ADOPTED THIS DIRECTIVE:

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

## Article 1

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

The Annex to Directive No 93/7/EEC shall be amended as follows:

Acting in accordance with the procedure laid down in Article 189b of the Treaty <sup>(3)</sup>,

1 in heading A:

(a) point 3 shall be replaced by:

'3. Pictures and paintings, other than those included in Category 3A or 4, executed entirely by hand on any material and in any medium <sup>(4)</sup>;

(b) the following point shall be inserted:

'3A. Water-colours, gouaches and pastels executed entirely by hand on any material <sup>(4)</sup>;

(c) point 4 shall be replaced by the following:

'4. Mosaics in any material executed entirely by hand, other than those falling in Categories 1 or 2, and drawings in any medium executed entirely by hand on any material <sup>(4)</sup>;

2 in heading B:

The following Category shall be inserted:

'30 000

— 3A. (Water colours, gouaches and pastels)'.  
  
*Article 2*

Whereas according to different artistic traditions within the Community water-colour, gouache and pastel pictures are variously regarded as being either paintings or drawings; whereas Category 4 of the Annex to Directive No 93/7/EEC <sup>(4)</sup> includes drawings executed entirely by hand on any medium in any material, and Category 3 includes pictures and paintings executed entirely by hand on any medium in any material; whereas the financial thresholds which apply to these two categories are different; whereas in the internal market this could lead to serious differences of treatment for water-colour, gouache and pastel pictures depending upon the Member State in which they are situated; whereas it is necessary to decide for the purposes of the application of the Directive into which category they shall fall to ensure that the financial thresholds applied shall be the same throughout the Community;

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive within six months of the date of its publication in the *Official Journal of the European Communities*. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

<sup>(1)</sup> OJ No C 6, 11. 1. 1996, p. 15.

<sup>(2)</sup> OJ No C 97, 1. 4. 1996, p. 28.

<sup>(3)</sup> Opinion of the European Parliament of 21 May 1996 (OJ No C 166, 10. 6. 1996, p. 38), Council Common Position of 8 July 1996 (OJ No C 264, 11. 9. 1996, p. 66) and Decision of the European Parliament of 13 November 1996 (OJ No C 362, 2. 12. 1996). Council Decision of 20 December 1996.

<sup>(4)</sup> OJ No L 74, 27. 3. 1993, p. 74.

*Article 3*

This Directive is addressed to the Member States.

Done at Brussels, 17 February 1997.

*For the European Parliament*

*The President*

J. M. GIL-ROBLES

*For the Council*

*The President*

G. ZALM

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 24 February 1997

appointing a member of the Economic and Social Committee

(97/155/EC, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 194 and 195 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 166 and 167 thereof,

Having regard to the Council Decision 94/660/EC, Euratom of 26 September 1994 appointing the members of the Economic and Social Committee for the period from 21 September 1994 to 20 September 1998 <sup>(1)</sup>,

Whereas a seat as a member of that Committee has fallen vacant following the resignation of Mr Gian Paolo Carrozza, of which the Council was notified on 18 October 1996;

Having regard to the nominations submitted by the Italian Government on 21 January 1997,

Having obtained the opinion of the Commission of the European Communities,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Maurizio Angelo is hereby appointed a member of the Economic and Social Committee in place of Mr Gian Paolo Carrozza for the remainder of the latter's term of office, which runs until 20 September 1998.

Done at Brussels, 24 February 1997.

*For the Council*

*The President*

H. VAN MIERLO

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<sup>(1)</sup> OJ No L 257, 5. 10. 1994, p. 20.



**COUNCIL DECISION****of 24 February 1997****appointing two members and two alternate members of the Committee of the Regions**

(97/156/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Council Decisions 94/65/EC of 26 January 1994 <sup>(1)</sup> and 95/15/EC of 23 January 1995 <sup>(2)</sup> appointing members and alternate members of the Committee of the Regions,

Whereas two seats as members and two seats as alternate members of the Committee have become vacant following the resignations of Mr Bengt Holgersson and Mr Alberto Romão Madruga da Costa, members, and Mr Sture Sandberg and Mrs Berta Maria Cabral, alternate members, notified to the Council on 5 December 1996, 29 October 1996, 17 October 1996, 20 November 1996 and 18 February 1997 respectively;

Having regard to the proposals from the Swedish and Portuguese Governments,

HAS DECIDED AS FOLLOWS:

*Sole Article*

1. Mr Bernth Johnson is hereby appointed a member of the Committee of the Regions in place of Mr Bengt Holgersson for the remainder of the latter's term of office, which runs until 25 January 1998.
2. Mr Carlos Manuel Martins do Vale Cesar is hereby appointed a member of the Committee of the Regions in place of Mr Alberto Romão Madruga da Costa for the remainder of the latter's term of office, which runs until 25 January 1998.
3. Mr Per-Olof Svensson is hereby appointed an alternate member of the Committee of the Regions in place of Mr Sture Sandberg for the remainder of the latter's term of office, which runs until 25 January 1998.
4. Mr Roberto de Sousa Rocha Amaral is hereby appointed an alternate member of the Committee of the Regions in place of Mrs Berta Maria Cabral for the remainder of the latter's term of office, which runs until 25 January 1998.

Done at Brussels, 24 February 1997.

*For the Council**The President*

H. VAN MIERLO

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<sup>(1)</sup> OJ No L 31, 4. 2. 1994, p. 29.

<sup>(2)</sup> OJ No L 25, 2. 2. 1995, p. 20.

# COMMISSION

## COMMISSION DECISION

of 12 February 1997

**defining the treatment of the income of undertakings for collective investment (UCIs) for the purpose of the implementation of Council Directive 89/130/EEC, Euratom on the harmonization of the compilation of gross national product at market prices**

(Text with EEA relevance)

(97/157/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonization of the compilation of gross national product at market prices<sup>(1)</sup>,

Whereas for the purpose of the definition of gross national product at market prices (GNPmp) pursuant to Article 1 of Directive 89/130/EEC, Euratom, which, in virtue of Article 8 (1) of Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community<sup>(2)</sup>, is applicable while Decision 94/728/EC, Euratom<sup>(3)</sup> remains in force, it is necessary to clarify the treatment of the income of undertakings for collective investment (UCIs) according to the European system of integrated economic accounts (ESA) in force;

Whereas the ESA second edition does not contain explicit provisions for the recording of the income of UCIs, in particular their undistributed income;

Whereas it is therefore necessary to interpret the rules of the ESA second edition, according to these underlying principles, in order to indicate a method of recording this income;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 6 of Directive 89/130/EEC, Euratom,

### *Article 1*

For the purpose of the implementation of Directive 89/130/EEC, Euratom, the UCIs' income consists of the interest received on the deposits and other investments acquired on the one hand, and of the dividends earned on the shares held by the UCIs, on the other. These interest and dividends may be paid out to investors, or added to the capital.

When distributed, this income is recorded in the Distribution of income account of the shareholders, within property and entrepreneurial income (Code R40 of the ESA, currently in force).

When this income is not distributed, it must be treated as an income paid out by the UCI to its shareholders, which the latter reinvest immediately in the UCI. This means that this income must be recorded within property and entrepreneurial income like in the case of distributed income. Moreover, the same amount will be classified as part of shares, in the Financial account of the shareholders.

### *Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 12 February 1997.

*For the Commission*

Yves-Thibault DE SILGUY

*Member of the Commission*

<sup>(1)</sup> OJ No L 49, 21. 2. 1989, p. 26.

<sup>(2)</sup> OJ No L 310, 30. 11. 1996, p. 1.

<sup>(3)</sup> OJ No L 293, 12. 11. 1994, p. 9.

**COMMISSION DECISION****of 13 February 1997****amending the boundaries of the mountain and hill areas in France within the meaning of Council Directive 75/268/EEC****(Only the French text is authentic)**

(97/158/EC)

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

Having regard to Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 2 (3) thereof,

Whereas Council Directive 75/271/EEC <sup>(2)</sup>, as last amended by Commission Decision 93/238/EEC <sup>(3)</sup>, identifies the areas in France defined as mountain and hill areas within the meaning of Article 3 (3) of Directive 75/268/EEC and the specific criteria which resulted in their being so defined;

Whereas the French Government notified the Commission, in accordance with Article 2 (1) of Directive 75/268/EEC of new areas likely to be included on the Community list of mountain and hill areas and information on the characteristics of these areas; whereas, furthermore, the special aid scheme existing in the mountain and hill areas will be extended to the new areas;

Whereas, as the above notification indicates, the areas meet the criteria and indices in Council Directive 76/401/EEC <sup>(4)</sup> used to identify the areas covered by Article 3 (3) of Directive 75/268/EEC; whereas the said areas should therefore be included in the Community list of mountain and hill areas within the meaning of Article 3 (3) of Directive 75/268/EEC;

Whereas these amendments do not increase the utilized agricultural area of the less-favoured areas by more than 1,5 % of the utilized agricultural area of France;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

*Article 1*

The Community list of mountain and hill areas of France, which appears in the Annex to Directive 75/271/EEC, is hereby supplemented by the list in the Annex to this Decision.

*Article 2*

This Decision is addressed to the French Republic.

Done at Brussels, 13 February 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 128, 19. 5. 1975, p. 1.

<sup>(2)</sup> OJ No L 128, 19. 5. 1975, p. 33.

<sup>(3)</sup> OJ No L 108, 1. 5. 1993, p. 134.

<sup>(4)</sup> OJ No L 108, 24. 4. 1976, p. 22.

## ANNEX

## Mountain and hill areas under Article 3 (3) of Directive 75/268/EEC

Region	Department	Canton	Municipality	Total areas (ha)	Utilized agricultural area (ha)
Aquitaine	Pyrénées-Atlantiques	Iholdy	— Arhansus	532	332
			— Juxue	1 517	728
Languedoc-Roussillon	Gard	Anduze Saint-Hippolyte Dufort	— Anduze (partie)	1 460	289
			— La Cadière-et-Cambo	1 197	88
Midi-Pyrénées	Hautes-Pyrénées	Lannemezan	— Capvern (partie)	482	320
Provence — Alpes — Côte d'Azur	Alpes-de-Haute-Provence	Forcalquier	— Forcalquier	2 422	800
		Forcalquier	— Mane	1 842	500
		Manosque nord	— Saint-Martin-les-Eaux	915	194
Rhône-Alpes	Ardèche	Largentièrre	— Chassiers	1 226	167
		Joyeuse	— Paysac	1 370	163
		Vals-les-Bains	— Saint-Julien-du-Serre	978	169
		Vals-les-Bains	— Vesseaux	1 871	275