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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 231/97**of 7 February 1997****on the issue of system B export licences in the fruit and vegetables sector**

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

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables ⁽¹⁾, as amended by Regulation (EC) No 26/97 ⁽²⁾, and in particular Article 5 (5) thereof,

Whereas Commission Regulation (EC) No 27/97 ⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, the indicative quantities laid down for the current export period for walnuts in shell and apples have already been exceeded or there is a risk that these quantities will shortly be exceeded; whereas this overrun prejudices the proper working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for walnuts in shell and apples exported after 2 January 1997 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B licences for walnuts in shell and apples submitted under Article 1 of Regulation (EC) No 27/97, export declarations for which are accepted after 10 February 1997 and before 13 March 1997, are hereby rejected.

Article 2

This Regulation shall enter into force on 8 February 1997.

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

Done at Brussels, 7 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ No L 6, 10. 1. 1997, p. 9.

⁽³⁾ OJ No L 6, 10. 1. 1997, p. 11.

COMMISSION REGULATION (EC) No 232/97

of 7 February 1997

on the issue of import licences for broken rice originating in Thailand

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

Having regard to Council Regulation (EC) No 1522/96 of 24 July 1996 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽¹⁾, as amended by Commission Regulation (EC) No 112/97 ⁽²⁾, and in particular Article 5 (2) thereof,

Whereas Article 2 (3) of Regulation (EC) No 1522/96 provides for the opening of an additional tranche of 12 498,9 tonnes of broken rice for which import licences were not issued under the tranche for September 1996; whereas import licence applications for that additional tranche are to be submitted in accordance with the second subparagraph of Article 4 (1) of Regulation (EC) No 1522/96 in the first three working days following the entry into force of Regulation (EC) No 112/97;

Whereas, pursuant to Article 5 (2) of Regulation (EC) No 1522/96, the Commission must decide within 10 days of the closing date for the submission of licence applications the extent to which applications can be granted;

Whereas, in the light of the quantities for which applications were submitted in the first three working days following the entry into force of Regulation (EC) No 112/97 and the quantities available, licences can be issued for all the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for quantities covered by applications submitted for broken rice originating in Thailand pursuant to the arrangements provided for in Regulation (EC) No 1522/96 in the first three working days following the entry into force of Regulation (EC) No 112/97 and which have been notified to the Commission shall be issued for the full quantity.

Article 2

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

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

Done at Brussels, 7 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 190, 31. 7. 1996, p. 1.

⁽²⁾ OJ No L 20, 23. 1. 1997, p. 23.

COMMISSION REGULATION (EC) No 233/97**of 7 February 1997****on the supply of milk products 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⁽¹⁾, 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 milk powder 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⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for

the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products 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.

For lot G, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

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, 7 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOTS A, B, C, D, E

1. **Operation No** ⁽¹⁾: 84/96 (A); 85/96 (B); 86/96 (C); 87/96 (D); 88/96 (E)
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: UNRWA, Supply division, Amman Office, PO Box 140157, Amman — Jordan
(telex: 21170 UNRWA JC; fax: (962-6) 86 41 27)
4. **Representative of the recipient**: UNRWA Field Supply and Transport Officer
 - A + E: Ashdod: Israel, PO Box 19149, Jerusalem [tel.: (972-2) 589 05 55; telex: 26194 UNRWA IL; telefax: 581 65 64]
 - B: Beirut: Lebanon, PO Box 947, Beirut [tel.: (961-1) 212 478 4291; telex: 00581 150 2564 ULFO; telefax: 212 478 1055]
 - C: Lattakia: Syria, PO Box 4313, Damascus, [tel.: (963-11) 613 30 35; telex: 412006 UNRWA SY; telefax: 613 30 47]
 - D: Amman: Jordan, PO Box 484, Amman [tel.: (962-6) 74 19 14/77 22 26; telex: 23402 UNRWAJFO JO; telefax: 74 63 61]
5. **Place or country of destination** ⁽³⁾: A + E: Israel; B: Lebanon; C: Syria; D: Jordan
6. **Product to be mobilized**: whole milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (I.C.(1))
8. **Total quantity (tonnes)**: 462
9. **Number of lots**: five (lot A: 176 tonnes; lot B: 60 tonnes; lot C: 52 tonnes; lot D: 96 tonnes; lot E: 78 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽¹²⁾: see OJ No C 267, 13. 9. 1996, p. 1 (6.1 A, B and C.2)
see OJ No C 114, 29. 4. 1991, p. 1 (I.C. (3))
Language to be used for the marking: English
Supplementary markings: 'NOT FOR SALE' + D: 'Expiry date: ...' (date of manufacture plus 9 months)
11. **Method of mobilization**: the Community market
The whole milk powder must be manufactured after the award of the tender
12. **Stage of supply**: A, C, E: free at port of landing — landed
B, D: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: A, E: Ashdod; C: Lattakia
16. **Address of the warehouse and, if appropriate, port of landing**:
B: UNRWA warehouse in Beirut, Lebanon;
D: UNRWA warehouse in Amman, Jordan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 7 to 20. 4. 1997
18. **Deadline for the supply**: A, C, E: 4. 5. 1997; B, D: 11. 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**: 24. 2. 1997 [12 noon (Brussels time)]

21. **In the case of a second invitation to tender:**
- (a) deadline for the submission of tenders: 10. 3. 1997 [12 noon (Brussels time)]
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 21. 4 to 4. 5. 1997
 - (c) deadline for the supply: A, C, E: 18. 5. 1997; B, D: 25. 5. 1997
22. **Amount of tendering security:** ECU 20 per tonne
23. **Amount of delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 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** ⁽⁴⁾: refund applicable on 23. 1. 1997, fixed by Commission Regulation (EC) No 61/97 (OJ No L 14, 17. 1. 1997, p. 30)

LOT F

1. **Operation No** ⁽¹⁾: 1406/95
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel.: (31-70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: Cuba
6. **Product to be mobilized**: whole milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁶⁾: see OJ No C 114, 29. 4. 1991, p. 1 (I.C. (1))
8. **Total quantity (tonnes)**: 105
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁷⁾ ⁽⁸⁾: see OJ No C 267, 13. 9. 1996, p. 1 (6.3 A and B.2)
see OJ No C 114, 29. 4. 1991, p. 1 (I.C. (3))
Language to be used for the marking: Spanish
11. **Method of mobilization**: the Community market
The whole milk powder must be manufactured after the award of the tender
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 24. 3 to 13. 4. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 24. 2. 1997
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 10. 3. 1997
 - (b) period for making the goods available at the port of shipment: 7 to 27. 4. 1997
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels
telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 23. 1. 1997, fixed by Commission Regulation (EC) No 61/97 (OJ No L 14, 17. 1. 1997, p. 30)

LOT G

1. **Operation No⁽¹⁾:** 1407/95 (G1); 1408/95 (G2); 1409/95 (G3); 95/96 (G4)
2. **Programme:** 1995; 1996
3. **Recipient⁽²⁾:** Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel.: (31-70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient⁽³⁾:** to be designated by the recipient
5. **Place or country of destination:** G1 + G2: Burkina Faso; G3: Madagascar; G4: Angola
6. **Product to be mobilized:** vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods⁽³⁾⁽⁶⁾:** see OJ No C 114, 29. 4. 1991, p. 1 (I.B.(1))
8. **Total quantity (tonnes):** 90
9. **Number of lots:** one in four parts (G1: 15 tonnes; G2: 15 tonnes; G3: 45 tonnes; G4: 15 tonnes)
10. **Packaging and marking⁽⁷⁾⁽⁸⁾:** see OJ No C 267, 13. 9. 1996, p. 1 (6.3 A and B.2)
see OJ No C 114, 29. 4. 1991, p. 1 (I.B.(3))
Language to be used for the marking: G1 — G3: French; G4: Portuguese
11. **Method of mobilization:** the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply:** free at port of shipment⁽¹⁰⁾
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 24. 3 to 13. 4. 1997
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** invitation to tender
20. **Date of expiry of the period allowed for submission of tenders:** 12 noon (Brussels time) on 24. 2. 1997
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 10. 3. 1997
 - (b) period for making the goods available at the port of shipment: 7 to 27. 4. 1997
 - (c) deadline for the supply: —
22. **Amount of tendering security:** ECU 20 per tonne
23. **Amount of delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾:**
Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard
Bâtiment Loi 130, bureau 7/46
Rue de la Loi/Wetstraat 200, B-1049 Brussels
Telex: 2 56 70 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer⁽⁴⁾:** refund applicable on 23. 01. 1997, fixed by Commission Regulation (EC) No 61/97 (OJ No L 14, 17. 1. 1997, p. 30)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

- (⁴) Commission Regulation (EEC) No 2330/87 (OJ 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.

- (⁵) Commission delegation to be contacted by the successful tenderer: OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:

- health certificate,
- lots F, G: veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing,

The veterinary certificate must state the temperature and duration of the pasteurization, the temperature and duration in the spray-drying tower and the expiry date for consumption.

- (⁷) Notwithstanding OJ No C 114, point I. B.3 (c) or I.C.3 (c) is replaced by the following: 'the words "European Community"'.

- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL each containing 15 tonnes net. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.

- (⁹) The supplier should send a duplicate of the original invoice to: Scheuer Assurantie, Postbus 1315, NL-1000 BH Amsterdam.
- (¹⁰) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
- (¹¹) Lot C: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.

- (¹²) Shipment to take place in 20-foot containers: Lots A, C and E: The contracted shipping terms shall be considered full liner terms (liner in/liner out) free port of landing container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15-day period should be clearly marked on the bill of lading. *Bona fide* detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be born by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.

Ashdod: consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net.

COMMISSION REGULATION (EC) No 234/97
of 7 February 1997
on the supply of white sugar as food aid

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

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

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

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

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

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for

the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

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

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

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, 7 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** ⁽¹⁾: 89/96 (A1); 90/96 (A2); 91/96 (A3); 94/96 (A4)
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel.: (31-70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: A1 — A3: Madagascar; A4: Angola
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (V.A. (1))
8. **Total quantity (tonnes)**: 144
9. **Number of lots**: one in four parts (A1: 54 tonnes; A2: 36 tonnes; A3: 36 tonnes; A4: 18 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁹⁾ ⁽¹⁰⁾: see OJ No C 267, 13. 9. 1996, p. 1 ((11.2 A.1.b), 2.b) and B.4)
see OJ No C 114, 29. 4. 1991, p. 1 (V.A. (3))
Language to be used for the marking: A1 — A3: French; A4: Portuguese
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:
A or B sugar (points (a) and (b))
12. **Stage of supply**: free at port of shipment ⁽¹¹⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 17. 3 to 6. 4. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 24. 2. 1997
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 10. 3. 1997
 - (b) period for making the goods available at the port of shipment: 31. 3 to 20. 4. 1997
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 15 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels
Telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04 (exclusively)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: periodic refund applicable to white sugar on 31. 1. 1997, fixed by Commission Regulation (EC) No 156/97 (OJ No L 27, 30. 1. 1997, p. 5)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ 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 abovementioned Regulation is that referred to in point 25 of this Annex.
- The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ 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.
- (⁵) The supplier should send a duplicate of the original invoice to: Scheuer Assurantie, Postbus 1315, NL-1000 BH Amsterdam.
- (⁶) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁷) The rule provided at the second indent of Article 18 (2) (a) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12) is binding for determination of the sugar category.
- (⁸) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:
- health certificate.
- (⁹) Notwithstanding OJ No C 114, point V.A(3)(c) is replaced by the following: 'the words "European Community"'.
- (¹⁰) Shipment to take place in 20-foot containers, condition FCL/FCL, each containing 18 tonnes net.
- The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), the number of which to be provided to the beneficiary's forwarder.
- (¹¹) Notwithstanding Article 7(3)(d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

COMMISSION REGULATION (EC) No 235/97
of 7 February 1997

determining to what extent applications for import rights for calves not exceeding 80 kilograms lodged pursuant to Regulation (EC) No 2501/96 can be met

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2501/96 of 23 December 1996 laying down, for 1997, detailed rules of application for a tariff quota for calves weighing not more than 80 kilograms originating in certain third countries⁽¹⁾, and in particular Article 5 (1) thereof,

Whereas Article 2 (4) of Regulation (EC) No 2501/96 provides for the quantities reserved to customary importers to be assigned in proportion to their imports during 1994, 1995 and 1996;

Whereas allocation of the quantities available to operators covered by point (b) in Article 2 (3) is to be made in proportion to the quantities applied for; whereas since the quantities applied for exceed those available, a fixed percentage reduction should be set,

HAS ADOPTED THIS REGULATION:

Article 1

Every application for an import right for live animals of the bovine species not exceeding 80 kilograms shall be granted to the following extent:

- (a) for importers covered by (a) in Article 2 (2) of Regulation (EC) No 2501/96, 25,4875 % of the quantity imported in 1994, 1995 and 1996;
- (b) for importers covered by (b) in Article 2 (3) of Regulation (EC) No 2501/96, 0,1320 % of the quantity applied for.

Article 2

This Regulation shall enter into force on 8 February 1997.

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

Done at Brussels, 7 February 1997.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 338, 28. 12. 1996, p. 65.

COMMISSION REGULATION (EC) No 236/97

of 7 February 1997

determining the loss of income and the premiums applicable per ewe and per female goat in the Member States and the payment of the specific aid for sheep and goat farming in certain less-favoured areas of the Community for the 1996 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1589/96⁽²⁾, and in particular Article 5 (6) thereof,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽³⁾, as last amended by Regulation (EC) No 2348/96⁽⁴⁾, and in particular Article 13 thereof,

Whereas Article 5 (1) and (5) of Regulation (EEC) No 3013/89 provides for a premium to be granted to compensate for any loss of income sustained by producers of sheepmeat and, in certain areas, of goatmeat; whereas those areas are defined in Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Commission Regulation (EEC) No 1065/86 of 11 April 1986 determining the mountain areas in which the premium for goatmeat producers is granted⁽⁵⁾, as amended by Regulation (EEC) No 3519/86⁽⁶⁾;

Whereas, pursuant to Article 5 (6) of Regulation (EEC) No 3013/89, the Member States were authorized by Commission Regulation (EC) No 1138/96⁽⁷⁾ to pay an initial advance and by Commission Regulation (EC) No 2125/96⁽⁸⁾ to pay a second advance to sheepmeat and goatmeat producers; whereas the definitive premiums to be paid in respect of the 1996 marketing year must thus be fixed;

Whereas, pursuant to Article 5 (2) of Regulation (EEC) No 3013/89, the premium payable to producers of heavy lambs in respect of the 1996 marketing year is obtained by multiplying the loss of income by a coefficient expressing the annual average production of heavy lamb meat per ewe producing such lambs, expressed in terms of 100 kilograms carcase weight; whereas, in accordance with the abovementioned Regulation, the premium per ewe for producers of light lambs and per female goat for the 1996

marketing year should be 80 % of the premium for producers of heavy lambs;

Whereas, pursuant to Article 8 of Regulation (EEC) No 3013/89, the premium must be reduced by the impact on the basis price of the coefficient provided for in Article 8 (2) of that Regulation; whereas that coefficient was fixed at 7 % by Council Regulation (EEC) No 2069/92⁽⁹⁾ amending Regulation (EEC) No 3013/89;

Whereas it is opportune to foresee that the aid provided for in Council Regulation (EEC) No 1323/90 of 14 May 1990 instituting specific aid for sheep and goat farming in certain less-favoured areas of the Community⁽¹⁰⁾, as last amended by Commission Regulation (EC) No 40/96⁽¹¹⁾, or the balance of this aid, resulting from the application of Article 4 of Regulation (EC) No 1138/96, should be granted before a certain date and under what conditions;

Whereas Regulation (EEC) No 1601/92 provides for the application from 1 July 1992 of specific measures with regard to agricultural production in the Canary Islands; whereas those measures involve the granting of a supplement to the premium payable to producers of light lambs and female goats on the same terms as those laid down for the granting of the premium provided for in Article 5 of Regulation (EEC) No 3013/89; whereas those terms provided for Spain to be authorized to pay the supplement to the premium;

Whereas the agricultural conversion rate has been frozen until 1 January 1999 for certain currencies by Council Regulation (EC) No 1527/95⁽¹²⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

It is hereby noted that the difference between the basic price less the impact of the coefficient provided for in Article 8 (2) of Regulation (EEC) No 3013/89 and the Community market price during the 1996 marketing year was ECU 105,434 per 100 kilograms.

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 25.

⁽³⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽⁴⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽⁵⁾ OJ No L 97, 12. 4. 1986, p. 25.

⁽⁶⁾ OJ No L 325, 20. 11. 1986, p. 17.

⁽⁷⁾ OJ No L 151, 26. 6. 1996, p. 2.

⁽⁸⁾ OJ No L 284, 6. 11. 1996, p. 13.

⁽⁹⁾ OJ No L 215, 30. 7. 1992, p. 59.

⁽¹⁰⁾ OJ No L 132, 23. 5. 1990, p. 17.

⁽¹¹⁾ OJ No L 10, 13. 1. 1996, p. 6.

⁽¹²⁾ OJ No L 148, 30. 6. 1995, p. 1.

Article 2

The coefficient provided for in Article 5 (2) of Regulation (EEC) No 3013/89 is hereby fixed at 16 kilograms.

Article 3

1. The premium payable per ewe in respect of the 1996 marketing year shall be as follows:

(ECU)

Premium payable per ewe	
Producers of heavy lambs	Producers of light lambs
16,869	13,495

2. The premium payable per female of the caprine species and per region in areas listed in Annex I to Regulation (EEC) No 3013/89 and in Article 1 of Regulation (EEC) No 1065/86 in respect of the 1996 marketing year shall be as follows:

(ECU)

Premium payable per female of the caprine species
13,495

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

Done at Brussels, 7 February 1997.

Article 4

The specific aid which Member States are authorized to pay to producers of sheepmeat and goatmeat in less-favoured areas pursuant to Article 1 (1) of Regulation (EEC) No 1323/90, within the limits and at the rates provided for in Article 5 (7) and the second indent of the second subparagraph of Article 5 (8) of Regulation (EEC) No 3013/89, or, should it be the case, the balance of this aid, in the event of Article 4 of Regulation (EC) No 1138/96 being applied, shall be paid before 15 October 1997. The agricultural conversion rate applicable to the amount of this specific aid is that of the last day of the 1996 marketing year.

Article 5

Pursuant to Article 13 (3) of Regulation (EEC) No 1601/92, the supplement to the premium for the 1996 marketing year to be granted to producers of light lambs and female goats located in the Canary Islands, within the limits and at the rates laid down in Article 5 (7) and the second indent of the second subparagraph of Article 5 (8) of Regulation (EEC) No 3013/89 shall be as follows:

- ECU 5,426 per ewe in the case of producers as referred to in Article 5 (3) of that Regulation,
- ECU 5,426 per female goat in the case of producers as referred to in Article 5 (5) of that Regulation.

Article 6

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

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 237/97**of 7 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⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 8 February 1997.

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

Done at Brussels, 7 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 7 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 ⁽¹⁾	Standard import value
0702 00 15	204	41,9
	212	114,0
	624	189,1
	999	115,0
0707 00 10	068	88,5
	999	88,5
0709 10 10	220	168,7
	999	168,7
0709 90 73	052	122,8
	204	132,8
	628	132,8
	999	129,5
0805 10 01, 0805 10 05, 0805 10 09	052	42,2
	204	41,9
	212	44,7
	220	49,3
	448	26,2
	600	60,5
	624	59,6
	999	46,3
805 20 11	204	69,9
	999	69,9
0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	54,4
	204	76,8
	464	128,7
	600	99,4
	624	88,2
	662	57,7
	999	84,2
	052	67,8
0805 30 20	528	70,8
	600	81,1
	999	73,2
	052	64,8
0808 10 51, 0808 10 53, 0808 10 59	060	55,2
	064	21,7
	068	36,2
	400	88,5
	404	95,2
	720	42,6
	999	57,7
	052	136,0
	400	108,8
0808 20 31	512	95,4
	624	76,8
	999	104,3

⁽¹⁾ 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'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 January 1997

authorizing methods for grading pig carcasses in Belgium

(Only the French and Dutch texts are authentic)

(97/107/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3220/84 of 13 November 1984 determining the Community scale for grading pig carcasses ⁽¹⁾, as last amended by Regulation (EC) No 3513/93 ⁽²⁾, and in particular Article 5 (2) thereof,

Whereas Article 2 (3) of Regulation (EEC) No 3220/84 provides that the grading of pig carcasses must be determined by estimating the content of lean meat in accordance with statistically proven assessment methods based on the physical measurement of one or more anatomical parts of the pig carcass; whereas the authorization of grading methods is subject to compliance with a maximum tolerance for statistical error in assessment; whereas this tolerance was defined in Article 3 of Commission Regulation (EEC) No 2967/85 of 24 October 1985 laying down detailed rules for the application of the Community scale for grading pig carcasses ⁽³⁾, as amended by Regulation (EC) No 3127/94 ⁽⁴⁾;

Whereas by Decision 88/184/EEC ⁽⁵⁾, amended by Decision 93/703/EC ⁽⁶⁾, the Commission authorized a method for grading pig carcasses in Belgium;

Whereas the Government of Belgium has requested the Commission to authorize two new methods for grading

pig carcasses and has submitted the details required by Article 3 of Regulation (EEC) No 2967/85; whereas an examination of this request has revealed that the conditions for authorizing the two grading methods are fulfilled;

Whereas Article 2 of Regulation (EEC) No 3220/84 authorizes the Member States to provide for a presentation different from the one specified in that Article if commercial practice or technical requirements so warrant;

Whereas in Belgium technical requirements, relating to the use of the method of grading and thus, commercial practice, result in the flare fat, kidneys and diaphragm being left attached to the carcass; whereas this should be taken into account in adjusting the weight to the standard presentation;

Whereas, for the sake of clarity, a new Decision should be adopted; whereas Decision 88/184/EEC should therefore be repealed;

Whereas no alteration to methods may be authorized except by Commission Decision adopted in the light of experience;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Management Committee for Pigmeat,

⁽¹⁾ OJ No L 301, 20. 11. 1984, p. 1.

⁽²⁾ OJ No L 320, 22. 12. 1993, p. 5.

⁽³⁾ OJ No L 285, 25. 10. 1985, p. 39.

⁽⁴⁾ OJ No L 330, 21. 12. 1994, p. 43.

⁽⁵⁾ OJ No L 83, 29. 3. 1988, p. 40.

⁽⁶⁾ OJ No L 328, 29. 12. 1993, p. 57.

HAS ADOPTED THIS DECISION:

Article 1

Use of the following methods is hereby authorized for grading pig carcasses pursuant to Regulation (EEC) No 3220/84 in Belgium:

- the apparatus called 'Capteur Gras/Maigre - Sydel' (CGM) and assessment methods related thereto, details of which are given in Part 1 of the Annex,
- the apparatus called 'Giralda Choirometer PG 200' and assessment methods related thereto, details of which are given in Part 2 of the Annex.

Article 2

Notwithstanding the standard presentation set out in Article 2 of Regulation (EEC) No 3220/84, pig carcasses shall be presented for weighing and grading with flare fat, kidneys and diaphragm attached. In order to establish quotations for pig carcasses on a common basis, the hot weight shall be reduced by 2,6 %.

Article 3

No modifications of assessment methods (apparatus, measuring points and formulas) shall be authorized.

Article 4

Decision 88/184/EEC is hereby repealed.

However, until 31 October 1997, Belgium may continue to apply the method of grading pig carcasses set out in Decision 88/184/EEC instead of the method set out in this Decision.

Article 5

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 16 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

PART 1

CAPTEUR GRAS/MAIGRE — SYDEL (CGM)

1. Grading of pig carcasses is carried out by means of the apparatus known as 'Capteur Gras/Maigre — Sydel (CGM)'.
2. The apparatus shall be equipped with a high-definition Sydel probe 8 mm in width, a light-emitting infra-red diode (Honeywell) and two light sensors (Honeywell). The operating distance is between 0 and 105 mm.

The values measured will be converted into estimated lean meat content by the CGM itself.

3. The lean meat content of the carcase shall be calculated according to the following formula:

$$\hat{y} = 59,902386 - 1,060750 x_1 + 0,229324 x_2$$

where:

$\hat{y}$ = the estimated lean meat of the carcase

x_1 = the thickness of backfat (including rind) in millimetres measured at 6 cm off the midline of the carcase between the third and fourth last rib

x_2 = the thickness of the muscle in millimetres measured at the same time and in the same place as x_1

This formula shall be valid for carcasses weighing between 60 and 120 kilograms.

PART 2

GIRALDA CHOIROMETER PG 200

1. Grading of pig carcasses is carried out by means of the apparatus known as a 'GIRALDA CHOIROMETER PG 200'.
2. The apparatus shall be equipped with a probe (Siemens KOM 2110) 6 mm in width, a light diode (LED Siemens F 28) and a light sensor (Siemens F 232). The operating distance is between 0 and 125 mm. The values measured will be converted into estimated lean meat content by the PG 200 itself.

3. The lean meat content of the carcase shall be calculated according to the following formula:

$$\hat{y} = 48,605031 - 0,822075 x_1 + 0,378669 x_2$$

where:

$\hat{y}$ = the estimated lean meat of the carcase

x_1 = the thickness of backfat (including rind) in millimetres measured at 6 cm off the midline of the carcase between the third and fourth last rib

x_2 = the thickness of the muscle in millimetres measured at the same time and in the same place as x_1

This formula shall be valid for carcasses weighing between 60 and 120 kilograms.

COMMISSION DECISION

of 17 January 1997

deferring, as regards the importation of ornamental plant propagating material and ornamental plants from third countries, the date referred to in Article 16 (2) of Council Directive 91/682/EEC

(97/108/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/682/EEC of 19 December 1991 on the marketing of ornamental plant propagating material and ornamental plants⁽¹⁾, as last amended by Commission Decision 95/19/EC⁽²⁾, in particular Article 16 (2) thereof,

Whereas, by virtue of Decision 95/19/EC the date in Article 16 (2) of the said Directive was deferred until 31 December 1996;

Whereas the Commission is required pursuant to Article 16 (1) of Directive 91/682/EEC to decide whether propagating material and ornamental plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to propagating material and ornamental plants produced in the Community and complying with the requirements and conditions of the Directive;

Whereas, however, the information presently available on the conditions applying in third countries is still not sufficient to enable the Community to make any such decision in respect of any third country at this stage;

Whereas it is known that Member States have imported propagating material and ornamental plants produced in certain third countries; whereas, in order to prevent trade patterns from being disrupted Member States should be allowed to continue to apply to the import of propagating material and ornamental plants from third countries conditions equivalent to those applicable to the produc-

tion and marketing of products obtained in the Community, in accordance with Article 16 (2) of the said Directive;

Whereas propagating material and ornamental plants imported by a Member State in accordance with a decision taken by that Member State pursuant to the first subparagraph of Article 16 (2) of the said Directive should be subject to no marketing restrictions as regards the matters referred to in Article 16 (1) of the said Directive in other Member States;

Whereas accordingly the date referred to in Article 16 (2) of the said Directive should be further deferred;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee for Propagating Materials and Ornamental Plants,

HAS ADOPTED THIS DECISION:

Article 1

The date referred to in Article 16 (2), first subparagraph of Directive 91/682/EEC is hereby deferred until 31 December 1998.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 376, 31. 12. 1991, p. 21.

⁽²⁾ OJ No L 28, 7. 2. 1995, p. 10.

COMMISSION DECISION

of 17 January 1997

deferring, as regards the importation of vegetable propagating and planting material, other than seed, from third countries, the date referred to in Article 16 (2) of Council Directive 92/33/EEC

(97/109/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/33/EEC of 28 April 1992 on the marketing of vegetable propagating and planting material other than seed ⁽¹⁾, as last amended by Commission Decision 95/25/EC ⁽²⁾, and in particular Article 16 (2) thereof,

Whereas, by virtue of Decision 95/25/EC the date in Article 16 (2) of the said Directive was deferred until 31 December 1996;

Whereas the Commission is required pursuant to Article 16 (1) of Directive 92/33/EEC to decide whether vegetable and planting material other than seed produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to vegetable propagating and planting material other than seed produced in the Community and complying with the requirements and conditions of the Directive;

Whereas, however, the information presently available on the conditions applying in third countries is still not sufficient to enable the Community to make any such decision in respect of any third country at this stage;

Whereas it is known that, Member States have imported vegetable propagating and planting material other than seed produced in certain third countries; whereas, in order to prevent trade patterns from being disrupted Member States should be allowed to continue to apply to the importation of vegetable propagating and planting material other than seed from third countries conditions

equivalent to those applicable to the production and marketing of products obtained in the Community, in accordance with Article 16 (2) of the said Directive;

Whereas vegetable propagating and planting material other than seed imported by a Member State in accordance with a decision taken by that Member State pursuant to the first subparagraph of Article 16 (2) of the said Directive should be subject to no marketing restrictions as regards the matters referred to in Article 16 (1) of the said Directive in other Member States;

Whereas accordingly the date referred to in Article 16 (2) of the said Directive should be further deferred;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Materials for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The date referred to in Article 16 (2), first subparagraph of Directive 92/33/EEC is hereby deferred until 31 December 1998.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 157, 10. 6. 1992, p. 1.

⁽²⁾ OJ No L 36, 16. 2. 1995, p. 34.

COMMISSION DECISION

of 17 January 1997

deferring, as regards the importation of fruit plant propagating material and fruit plants intended for fruit production from third countries, the date referred to in Article 16 (2) of Council Directive 92/34/EEC

(97/110/EC)

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

Having regard to Council Directive 92/34/EEC of 28 April 1992 on the marketing of fruit plant propagating material and fruit plants, intended for fruit production⁽¹⁾, as last amended by Commission Decision 95/26/EC⁽²⁾, and in particular Article 16 (2) thereof,

Whereas, by virtue of Decision 95/26/EC the date in Article 16 (2) of the said Directive was deferred until 31 December 1996;

Whereas the Commission is required pursuant to Article 16 (1) of Directive 92/34/EEC to decide whether propagating material and fruit plants produced in a third country and affording the same guarantees as regards obligations on the supplier, identity, characteristics, plant health, growing medium, packaging, inspection arrangements, marking and sealing, are equivalent in all these respects to propagating material and fruit plants produced in the Community and complying with the requirements and conditions of the Directive;

Whereas, however, the information presently available on the conditions applying in third countries is still not sufficient to enable the Community to make any such decision in respect of any third country at this stage;

Whereas it is known that, Member States have imported propagating material and fruit plants produced in certain third countries; whereas, in order to prevent trade patterns from being disrupted Member States should be allowed to continue to apply to the import of propagating material and fruit plants from third countries conditions equivalent to those applicable to the production and marketing of products obtained in the Community, in accordance with Article 16 (2) of the said Directive;

Whereas propagating material and fruit plants imported by a Member State in accordance with a decision taken by that Member State pursuant to the first subparagraph of Article 16 (2) of the said Directive should be subject to no marketing restrictions as regards the matters referred to in Article 16 (1) of the said Directive in other Member States;

Whereas accordingly the date referred to in Article 16 (2) of the said Directive should be further deferred;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Propagating Material and Plants of Fruit Genera and Species,

HAS ADOPTED THIS DECISION:

Article 1

The date referred to in Article 16 (2), first subparagraph of Directive 92/34/EEC is hereby deferred until 31 December 1998.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 157, 10. 6. 1992, p. 10.

⁽²⁾ OJ No L 36, 16. 2. 1995, p. 36.