

Official Journal

of the European Communities

ISSN 0378-6978

L 40

Volume 40

11 February 1997

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 238/97
of 10 February 1997
amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

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

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

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽³⁾, as last amended by Regulation (EC) No 125/97⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

Whereas the application of Article 6 (2), (3) and (4) of Regulation (EEC) No 805/68 and the need to limit intervention to the buying in of the quantities necessary to ensure reasonable support for the market result, on the basis of the prices of which the Commission is aware, in

an amendment, in accordance with the Annex hereto, to the list of Member States or regions of a Member State where buying in is open by invitation to tender, and the list of the quality groups which may be bought in;

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

The Annex to Regulation (EEC) No 1627/89 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 11 February 1997.

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

Done at Brussels, 10 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 22, 24. 1. 1997, p. 23.

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

Estados miembros o regiones de Estados miembros y grupos de calidades previstos en el apartado 1 del artículo 1 del Reglamento (CEE) n° 1627/89

Medlemsstater eller regioner og kvalitetsgrupper, jf. artikel 1, stk. 1 i forordning (EØF) nr. 1627/89

Mitgliedstaaten oder Gebiete eines Mitgliedstaats sowie die in Artikel 1 Absatz 1 der Verordnung (EWG) Nr. 1627/89 genannten Qualitätsgruppen

Κράτη μέλη ή περιοχές κρατών μελών και ομάδες ποιότητας που αναφέρονται στο άρθρο 1 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1627/89

Member States or regions of a Member State and quality groups referred to in Article 1 (1) of Regulation (EEC) No 1627/89

États membres ou régions d'États membres et groupes de qualités visés à l'article 1^{er} paragraphe 1 du règlement (CEE) n° 1627/89

Stati membri o regioni di Stati membri e gruppi di qualità di cui all'articolo 1, paragrafo 1 del regolamento (CEE) n. 1627/89

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde Lid-Statens of gebieden van een Lid-Staat en kwaliteitsgroepen

Estados-membros ou regiões de Estados-membros e grupos de qualidades referidos no n.º 1 do artigo 1.º do Regulamento (CEE) n.º 1627/89

Jäsenvaltiot tai alueet ja asetukset (ETY) N:o 1627/89 1 artiklan 1 kohdan tarkoittamat laaturyhmitt

Medlemsstater eller regioner och kvalitetsgrupper som avses i artikel 1.1 i förordning (EEG) nr 1627/89

Estados miembros o regiones de Estados miembros	Categoría A					Categoría C		
Medlemsstat eller region	Kategori A					Kategori C		
Mitgliedstaaten oder Gebiete eines Mitgliedstaats	Kategorie A					Kategorie C		
Κράτος μέλος ή περιοχή κράτους μέλους	Κατηγορία Α					Κατηγορία Γ		
Member States or regions of a Member State	Category A					Category C		
États membres ou régions d'États membres	Catégorie A					Catégorie C		
Stati membri o regioni di Stati membri	Categoria A					Categoria C		
Lid-Staat of gebied van een Lid-Staat	Categorie A					Categorie C		
Estados-membros ou regiões de Estados-membros	Categoria A					Categoria C		
Jäsenvaltiot tai alueet	Luokka A					Luokka C		
Medlemsstater eller regioner	Kategori A					Kategori C		
	S	E	U	R	O	U	R	O
België/Belgique	×	×						
Danmark				×	×			
Deutschland				×	×			
France				×				×
Ireland						×	×	×
Portugal				×				
Suomi				×	×			
Sweden				×	×			
Great Britain				×	×	×	×	×
Northern Ireland				×	×	×	×	×

COMMISSION REGULATION (EC) No 239/97
of 10 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⁽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 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⁽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,

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, 10 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⁾: 96/96
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: Côte d'Ivoire
4. **Representative of the recipient**: ELRA 12, BP 1769, Abidjan 12
tel: (225) 26 48 44, fax: 26 48 47
5. **Place or country of destination** ⁽³⁾: Côte d'Ivoire
6. **Product to be mobilized**: maize flour
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B. (1) (b))
8. **Total quantity (tonnes)**: 2 480
9. **Number of lots**: one in three parts (A1: 1 480 tonnes; A2: 700 tonnes; A3: 300 tonnes)
10. **Packaging and marking** ⁽⁵⁾ ⁽⁶⁾:
see OJ No C 267, 13. 9. 1996, p. 1 (2.2 A 1.b), 2.b) and B.3 basket type)
see OJ No C 114, 29. 4. 1991, p. 1 (II.B.(3))
Language to be used for the marking: French
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**: A1: Magasins Décorticaï, Danané;
A2: Magasins Croix-Rouge, Tabou; A3: Magasins Croix-Rouge, Grabo
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 24. 3 to 6. 4. 1997
18. **Deadline for the supply**: 4. 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) on 25. 2. 1997
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 11. 3. 1997
 - (b) 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
 - (c) deadline for the supply: 18. 5. 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** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstaat, 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 21. 2. 1997, fixed by Commission Regulation (EC) No 182/97 (OJ No L 31, 1. 2. 1997, p. 17)

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: see OJ No C 114, 29. 4. 1991, p. 33.
- (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 successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:
 - phytosanitary certificate.
- (⁸) Notwithstanding OJ No C 114, points II. B. 3. (c) is replaced by the following: 'the words "European Community"'.

COMMISSION REGULATION (EC) No 240/97
of 10 February 1997
on the supply of common wheat as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽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, by its Decision of 22 October 1992 on the supply of food aid to Bangladesh, the Commission allocated to this country cereals to be supplied free at port of landing — undischarged;

Whereas it is necessary to provide for the carrying-out of this measure 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,

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of common wheat to Bangladesh in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in Annex I hereto.

The offer submitted shall be deemed to have been drawn up taking account of the charges and constraints resulting from specific clauses set out in the exchange of letters between the Commission and the recipient, published in part in Annex II. In particular, the laydays should be assessed on the basis of an average daily discharge rate of 2 400 tonnes in such a way that dispatch to be paid to the recipient by the Community will be for the account of the successful tenderer.

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, 10 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 I

LOTS A and B

1. **Operation No** ⁽¹⁾: 92/96 (A); 93/96 (B)
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: Bangladesh
4. **Representative of the recipient**: The Secretary, Ministry of Food, Bangladesh Secretariat, Dhaka, Bangladesh
5. **Place or country of destination** ⁽³⁾: Bangladesh
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A. (1) (a))
8. **Total quantity (tonnes)**: 45 000
9. **Number of lots**: two (A: 25 000 tonnes; B: 20 000 tonnes)
10. **Packaging and marking**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — undischarged
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Chittagong
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: A: 10 — 16. 3. 1997; B: 17 — 23. 3. 1997
18. **Deadline for the supply** ⁽⁶⁾: A: 27. 4. 1997; B: 28. 4 — 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**: 25. 2. 1997 (12 noon (Brussels time))
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 11. 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: A: 24 — 30. 3. 1997; B: 31. 3 — 6. 4. 1997
 - (c) deadline for the supply ⁽⁶⁾: A: 11. 5. 1997; B: 12 — 25. 5. 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** ⁽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⁾: refund applicable on 21. 2. 1997, fixed by Commission Regulation (EC) No 182/97 (OJ No L 31, 1. 2. 1997, p. 17)

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) See Annex II point 4, second paragraph.
 - (7) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
 - phytosanitary certificate,
 - fumigation certificate.
-

ANNEX II

The recipient shall unload the 45 000 tonnes of wheat as per the following conditions.

1. Type of vessels to be fixed

It is envisaged that two vessels (self-trimming bulk carriers) will be fixed. The vessels must have at least four hatches. Vessels to be geared and each crane/derrick to serve one or two hatches. The vessels must be capable of entering the Chittagong outer anchorage and, after necessary lighterage, be able to shift and berth at Chittagong jetties. To this end vessels should have a maximum length of 610 feet.

Charterers/shipowners must ensure that all certificated officers carry with them on board the original valid certificate of competency and that all vessels are manned strictly according to the *STCW* Convention 1978, failing which any delay to the vessel will be on owner's account.

2. Discharging facilities

Vessels will furnish at the discharge port, free of expenses to the recipient, winches and/or cranes and the power to drive them, gins and falls in good working condition and will also supply sufficient lights for night work, as on board, on deck and in the holds, if required. Vessels will provide winchmen at load and discharge ports at their own expense.

3. Vessels' ETA information

Master to wireless/cable nominees of the recipient, namely Movements Chittagong — telex 642237 CMS C BJ — (simultaneously informing Bengalship Chittagong — telex 66277 BSC BJ — and Movestore Dhaka — telex 642230 CMS BJ) for orders regarding discharge 10 days prior to their arrival at the discharge port, i.e. Chittagong, and state ETA and draft. Orders for discharging will be transmitted to the vessel within five days of the receipt of master's request.

Master to give following notice to the recipient's nominees, i.e. Movements Chittagong, Bengalship Chittagong and Movestore Dhaka:

(a) upon sailing from load port vessels must state:

- (i) quantity loaded;
- (ii) arrival draft;
- (iii) TPI (tonnes per inch).

(b) 10 days beforehand ETA Chittagong port,

five days beforehand ETA Chittagong port,

72 hours, 48 hours and 24 hours beforehand ETA Chittagong port.

4. Discharging rate and discharging port time counting

The cargo is to be discharged by the recipient free of risk and expense to the vessel at the rate of 2 400 tonnes at Chittagong per weather working day of 24 consecutive hours. Time from 12 noon on Thursday or 5 p.m. on a day preceding a holiday until 9 a.m. on Saturday or next working day not to count as laytime even if used. The rate of discharge is based on four or more workable hatches. If, however, the number of workable hatches is less than the specified minimum, the discharging rate will be reduced proportionately.

Notice of readiness is to be tendered and accepted after vessel arrives at the Chittagong outer anchorage and laytime to commence 24 hours after NOR tendered during office hours, whether the vessel is in berth or not. However, in case a time period for the supply has been fixed by the Commission, laytime shall not commence before the first day of the said period. At discharge port, cost of shifting from anchorage to anchorage, anchorage to berth and berth to berth on owner's/charterer's account and time used for such shifting not to count as laytime.

Although stevedores appointed by recipients, all discharging operations to be carried out under masters' direction/approval. All necessary trimming will be at owner's time and expense.

At Chittagong anchorage, if a lighter vessel is required to cast off from the mother ship, due to heavy swell and/or bad weather, all time lost will not count as laytime. The time will stop counting from the time the lighter vessel casts off and will start counting again from the time the lighter ship is re-tied alongside the mother ship.

5. Lighterage at discharge port

All necessary lighterage at Chittagong outer anchorage will be carried out by the recipients at their own cost and time. For vessels unable to enter the Chittagong outer anchorage, due to excessive draft, lighterage may be carried out at Kutubdia anchorage by the charterers/owners at their expense and such lighterage to be treated as transshipment and lighters engaged to be discharged on identical terms as the mother vessel, and time used for lighterage at Kutubdia not to count as laytime. Collision damage, if any, during lighterage to be settled directly between the owners of the mother and the lighter vessels (notwithstanding whether engaged by owners/charterers for Kutubdia lighterage, or by the recipients for outer anchorage lighterage). In case of unsafe anchorage at Chittagong outer anchorage, any lighterage at Kutubdia is for recipients account.

Master of the vessel(s) at all times to extend full cooperation to the recipients and/or their nominees/agents/stevedores/lighterage contractors in order to expedite discharge. Lighter vessels to supply suitable fenders to avoid damage.

6. Demurrage/Despatch

Should the vessel(s) not be discharged at the rate herein stipulated, demurrage shall be paid by the recipient at the rate stipulated in the charter party, subject to a maximum of USD 8 000 per day or part thereof.

For working time saved at the port of discharge, despatch money shall be paid to the recipient at the rate of 50 % of the rate of demurrage stipulated in the charter party, subject to a maximum of USD 4 000 per day saved.

Demurrage of despatch at the discharge port, if any, at the amounts specified above, shall be paid, as the case may be, by the recipient to the Commission or by the Commission to the recipient. Afterwards settlement of despatch/demurrage, if any, between the successful tenderer and the Commission will take place.

Laytime at port of discharge to be non-reversible.

7. Miscellaneous

Overtime expenses, if any, on account of port and customs personnel will be for the account of the party (owner/their agents or receiver/their agents) ordering the same, but if ordered by the Port Authorities, to be on the receiver's/owner's account on 50:50 basis. Overtime expenses for vessel's crew always to be on the owner's account.

At the port of discharge opening/closing of hatches on all occasions to be for owner's account and time not to count as laytime.

First opening and last closing of hatches at port of discharge to be done by vessel's crew.

Whatever the respective destination of the goods found damaged, they must be disposed of/destroyed as per port rules prior to sailing out of the vessels.

Dock worker management board's levy or any similar levy is for owner's account.

In the case where some extra costs requested by the owner/charterer are to be pre-financed by the recipient, they may be directly paid by the Commission on the recipient's behalf to the successful tenderer.

COMMISSION REGULATION (EC) No 241/97**of 10 February 1997****amending Regulation (EEC) No 1102/89 laying down certain measures for implementing Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport⁽¹⁾, as last amended by Commission Regulation (EC) No 2310/96⁽²⁾, and in particular Articles 4a, 6 and 10 (3) thereof,

Whereas Regulation (EEC) No 1101/89, as amended, provides for the possibility of reducing structural overcapacity in inland waterway transport in the Member States concerned by introducing schemes coordinated at Community level for the scrapping of vessels in 1996, 1997 and 1998, with a view to reducing fleet capacity by some 15 %;

Whereas, pursuant to Commission Regulation (EEC) No 1102/89 of 27 April 1989 laying down certain measures for implementing Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport⁽³⁾, as last amended by Regulation (EC) No 2326/96⁽⁴⁾, the Commission establishes the practical arrangements for these scrapping schemes;

Whereas, in respect of the scrapping scheme for 1997, the total financial contribution payable to the Scrapping Funds by the Member States concerned is estimated at ECU 64 million, to achieve a reduction in capacity of about 5 %; whereas this contribution is calculated in proportion to the size of the active fleet of each Member State concerned, as provided for in Council Regulation (EC) No 2254/96⁽⁵⁾;

Whereas, for 1997, the financial contribution from the Member States concerned and the contribution payable by the trade must be shared between dry cargo vessels, pusher craft and tanker vessels;

Whereas, in order to achieve the objective of reducing overcapacity, the annual contribution payable by the trade

must be maintained and the 50 % rate provided for in Article 3 (4) must be restored to the rates laid down in Article 3 (1);

Whereas the scrapping premiums should also be increased to make the scrapping scheme more attractive; whereas a procedure should also be reintroduced under which priority is given to applications for the lowest premiums within a bracket ranging from 80 % to 100 % of the maximum rates applicable from 1 January 1997, so that as much capacity as possible can be scrapped;

Whereas, in order to improve the operation of the mutual financial support arrangements between the separate national Scrapping Funds, the 'adjusted annual financial commitments' formula established in 1989 by Article 10 (2) of Regulation (EEC) No 1102/89 should be adapted;

Whereas, on a transitional basis, the special contribution payable as part of the measures to avoid increasing existing overcapacity and to prevent the appearance of new overcapacity should be maintained at its 1990 level for vessels, the building of which has passed a certain stage and which are brought into service within six months following into entry into force of this Regulation;

Whereas, to enable the 1997 scrapping scheme to go ahead, between May and December 1997, the lodging of new applications pursuant to Article 6 (6) (a) of Regulation (EEC) No 1102/89 must be suspended so that no vessel can be placed on a quarterly waiting list and at the same time be entered under the 1997 scrapping scheme procedure; whereas the quarterly mechanism for applying for premiums from the Scrapping Funds, as provided for in Article 6 (6) (b) of the Regulation, as amended, must therefore also be suspended;

Whereas the budgetary implications for the Member States concerned and the need to initiate the procedure by introducing national implementing measures from the start of 1997 make it necessary to bring this Regulation into force as a matter of urgency;

Whereas the Member States and the Group of Experts on Structural Improvements in Inland Waterway Transport, set up pursuant to Article 12 of Regulation (EEC) No 1102/89, have been consulted on the proposed amendments,

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 25.

⁽²⁾ OJ No L 313, 3. 12. 1996, p. 8.

⁽³⁾ OJ No L 116, 28. 4. 1989, p. 30.

⁽⁴⁾ OJ No L 316, 5. 12. 1996, p. 13.

⁽⁵⁾ OJ No L 304, 27. 11. 1996, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1102/89 is amended as follows:

1. The following paragraph 6 is added to Article 1:

'6. Without prejudice to the provisions of paragraphs 1 to 5, and in view of the need to reduce the capacity of their inland waterway fleets by some 5 % in 1997, the Member States concerned shall pay to the Scrapping Funds, from 1 January 1997 and from their national budgets, the amounts necessary for scrapping the vessels referred to in Article 2 of Regulation (EEC) No 1101/89, namely ECU 54 million, to supplement the financial resources referred to in paragraph 4. To achieve this aim, a total budget of ECU 64 million is considered necessary for 1997, of which ECU 40 million (*) is for the scrapping of dry cargo vessels and pusher craft and ECU 24 million (*) for the scrapping of tanker vessels. For 1997, each of the Member States concerned shall pay a financial contribution proportional to the capacity of its active fleet, in equivalent tonnage, the national contributions being as follows:

- Austria: ECU 900 000,
- Belgium: ECU 7 920 000,
- Germany: ECU 13 760 000,
- France: ECU 1 260 000,
- The Netherlands: ECU 30 160 000.

(*) Approximate figure at present.'

2. Article 3 (4) is deleted.

3. Article 5 is amended as follows:

- (a) In paragraph 1 '100 %' is replaced by '115 %' and a new subparagraph is added:

'For 1997, the scrapping premium rates shall be as follows:

- *Dry cargo vessels:*
 - Self-propelled barges: ECU 135/tonne
 - Push barges: ECU 60/tonne
 - Lighters: ECU 47/tonne
- *Tanker vessels:*
 - Self-propelled barges: ECU 243/tonne
 - Push barges: ECU 108/tonne
 - Lighters: ECU 43/tonne
- *Pusher craft:*
 - ECU 180/kW with a linear increase to ECU 240/kW where the motive power is equal to or greater than 1 000 kW.'

(b) The following text is added to paragraph 2:

'For vessels with a deadweight capacity of between 650 and 1 650 tonnes, the maximum rates for the scrapping premiums shall show a linear increase from 100 % to 115 % for vessels up to 1 650 tonnes. For vessels with a deadweight capacity of more than 1 650 tonnes, the maximum rates for the scrapping premiums shall remain at 115 %.'

(c) Paragraph 4 is deleted.

4. Article 9 (2) is amended as follows:

The expression 'referred to in Article 2' is replaced by 'of publication of the first *Official Journal of the European Communities* for 1997 in which the interest rates applied by the European Monetary Institute to its operations in ecu for the month of January are specified'.

5. Article 10 (2) (b), the fourth indent is replaced by the following:

'— the adjusted annual financial commitment (P_{nn}) of each Fund, calculated as follows:

$$P_{nn} = \frac{P_t}{(R_{dt} + S_t)} \times (R_{dn} + S_n).'$$

Article 2

For 1997, Article 6 of Regulation (EEC) No 1102/89 is replaced by the following:

'Article 6

1. Applications for scrapping premiums submitted by vessel owners must be received by the authorities of the relevant Fund between 1 May and 31 August 1997. Applications received after this deadline shall not be considered. An application for a scrapping premium, once received by the Fund authorities, may not be withdrawn or modified.

2. Applicants for scrapping premiums shall indicate in their applications the percentage, within the bracket ranging from 80 % to 100 % of the maximum rates set out in Article 5, which they wish to receive as a premium for scrapping their vessels. This percentage is referred to hereinafter as the "premium-rate percentage".

3. Valid applications for scrapping premiums amounting to 80 % of the rates set out in Article 5 (1) and (2) shall be deemed to be accepted by the Fund within the limits of the financial resources available in the various accounts, as provided for in Article 1 (6). The Fund authorities shall confirm their acceptance of applications within two months of receipt.

The authorities of the various Funds shall send to the Commission each month a list of the applications which they have received for scrapping premiums amounting to 80 % of the abovementioned rates. The Commission shall ensure that these applications do not exceed the financial resources referred to in Article 1 (6) and shall keep the Fund authorities informed of the current situation.

4. The Fund authorities shall, before 1 November 1997, notify in writing applicants for scrapping premiums exceeding 80 % of the rates set out in Article 5 (1) and (2) as to whether those applications have been accepted or refused.

Article 3

For 1997, Article 7 of Regulation (EEC) No 1102/89 is amended as follows:

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

Done at Brussels, 10 February 1997.

(a) in paragraph 1, '1 December 1990' is replaced by '1 April 1998'. The final sentence is deleted;

(b) in paragraph 4, '1 December 1992' is replaced by '1 December 1999'.

Article 4

The scrapping premium, where it constitutes the special contribution payable under the system for preventing any increase in existing overcapacity or the appearance of new overcapacity, shall be maintained at its 1990 level for a transitional period of six months from the date of entry into force of this Regulation in respect of vessels which meet the conditions set out in Article 8 (3) (a) of Regulation (EEC) No 1101/89.

Article 5

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

For the Commission

Neil KINNOCK

Member of the Commission

COMMISSION REGULATION (EC) No 242/97

of 10 February 1997

amending Regulation (EC) No 2368/96 derogating from and amending Regulation (EEC) No 2456/93 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 2222/96 ⁽²⁾, and in particular Articles 6 (7) and 22a (3) thereof,

Whereas Article 1 (1) of Commission Regulation (EC) No 2368/96 ⁽³⁾, as last amended by Regulation (EC) No 205/97 ⁽⁴⁾, lays down the list of additional products that may be bought in; whereas, as a result of the significant fall in prices for the carcasses of young bovine animals in conformation class O in Germany due to the occurrence of new cases of BSE, the list of eligible classes for that Member State should be temporarily extended to include that class;

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

Article 1

Regulation (EC) No 2368/96 is amended as follows:

In Article 1 (1) (a), after the list of additional products eligible in Ireland, the following text is inserted:

'GERMANY

— category A, classes O2 and O3'.

Article 2

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

It shall apply from the first invitation to tender opened in February 1997.

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

Done at Brussels, 10 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 323, 13. 12. 1996, p. 6.

⁽⁴⁾ OJ No L 33, 4. 2. 1997, p. 5.

COMMISSION REGULATION (EC) No 243/97
of 10 February 1997
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

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

Having regard to Commission Regulation (EC) No 1036/96 of 10 June 1996 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat for the period 1 July 1996 to 30 June 1997 ⁽¹⁾, as amended by Regulation (EC) No 1737/96 ⁽²⁾, and in particular Article 5 (3) thereof,

Whereas Commission Regulation (EC) No 1036/96 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2 (f);

Whereas Article 2 (f) of Regulation (EC) No 1036/96 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 1996 to 30 June 1997 at 12 250 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of

validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 until 5 February 1997 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2 (e) of Regulation (EC) No 1036/96 shall be granted in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 1036/96, during the first five days of March 1997 for 3 233 tonnes.

Article 2

This Regulation shall enter into force on 11 February 1997.

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

Done at Brussels, 10 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 138, 11. 6. 1996, p. 1.

⁽²⁾ OJ No L 225, 6. 9. 1996, p. 5.

COMMISSION REGULATION (EC) No 244/97
of 10 February 1997
on the issue of import licences for garlic originating in China

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽¹⁾,

Having regard to Council Regulation (EC) No 885/96 of 15 May 1996 concerning a protective measure applicable to imports of garlic from China⁽²⁾, and in particular Article 1 (3) thereof,

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽³⁾, as amended by Regulation (EC) No 1662/94⁽⁴⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1 (1) of Regulation (EC) No 885/96, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1996 to 31 May 1997;

Whereas, given the criteria laid down in Article 1 (2) of that Regulation and the import licences already issued, the quantity applied for on 5 February 1997 is in excess of the maximum monthly quantity given in the Annex to

that Regulation for the month of February 1997; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to applications lodged after 5 February 1997 and before 5 March 1997 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for on 5 February 1997 under Article 1 of Regulation (EEC) No 1859/93 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,13231 % of the quantity applied for, having regard to the information available to the Commission on 8 February 1997.

For the abovementioned products applications for import licences lodged after 5 February 1997 and before 5 March 1997 shall be refused.

Article 2

This Regulation shall enter into force on 11 February 1997.

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

Done at Brussels, 10 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ No L 119, 16. 5. 1996, p. 12.

⁽³⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁴⁾ OJ No L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 245/97
of 10 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 Commission fixes the standard values for imports from third

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 February 1997.

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

Done at Brussels, 10 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 10 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	42,3
	212	114,0
	624	236,2
	999	130,8
0707 00 10	068	88,5
	999	88,5
0709 10 10	220	168,7
	999	168,7
0709 90 73	052	123,0
	204	132,8
	628	132,7
	999	129,5
0805 10 01, 0805 10 05, 0805 10 09	052	42,5
	204	41,0
	212	38,5
	220	48,3
	448	25,0
	600	52,0
	624	59,2
	999	43,8
805 20 11	204	71,7
	999	71,7
0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	61,4
	204	69,8
	400	104,7
	464	128,7
	600	94,0
	624	81,8
	662	57,7
	999	85,4
	052	68,5
0805 30 20	528	70,8
	600	72,2
	999	70,5
	052	65,0
0808 10 51, 0808 10 53, 0808 10 59	060	57,4
	064	21,7
	068	36,2
	400	82,3
	404	94,1
	720	42,6
	999	57,0
	052	136,0
	400	104,2
0808 20 31	512	95,4
	624	76,8
	999	103,1
	052	136,0

⁽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 22 January 1997

authorizing the Member States exceptionally to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Latvia

(97/111/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Commission Directive 96/78/EC⁽²⁾, and in particular Article 14 (1) thereof,

Having regard to the request made by Sweden,

Whereas, under the provisions of Directive 77/93/EEC, plants of *Vitis* L., other than fruits, originating in third countries, may, in principle, not be introduced into the Community;

Whereas, the growing in Sweden of plants of *Vitis* L., other than fruits, imported from Latvia had become an established practice before Sweden's accession to the Community; whereas those plants were not intended for commercial growing but for private gardens for ornamental use;

Whereas, in respect of the said imports into the Community of the said plants, on the basis of the information supplied by the relevant Member State, it appears that in Latvia, plants of *Vitis* L. can be grown under adequate

health conditions and that there are no sources for the introduction of exotic diseases affecting plants of *Vitis* L.;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorised to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4 (1) of Directive 77/93/EEC, with regard to the prohibitions referred to in Part A, point 15 of Annex III thereto for plants of *Vitis* L., other than fruits, originating in Latvia.

2. The following specific conditions shall be satisfied:

- (a) the plants shall be Labrusca-hybrids of *Vitis*, belonging to one or more of the following varieties bred in Latvia: Supaga, Sukribe, Veldze and Zilga;
- (b) the plants shall be one year old bare-rooted cuttings, unrooted woody cuttings, or planted in pots with peat, not grafted and intended to be grown on without further multiplication for one or two years before selling, at the premises referred to in point (g);
- (c) the plants intended for the Community shall be accompanied by a phytosanitary certificate issued in Latvia in accordance with Article 7 of Directive 77/93/EEC, on the basis of the examination laid down in Article 6 thereof related to the conditions laid down therein, in particular freedom from the following harmful organisms:

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 321, 12. 12. 1996, p. 20.

- *Daktulosphaira vitifoliae* (Fitch),
- *Xylophilus ampelinus* (Panagopoulos) Willems et al.,
- Grapevine *Flavescence dorée* MLO.

The certificate shall state under 'Additional Declaration', the indication 'this consignment meets the conditions laid down in Decision 97/111/EC';

- (d) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by the responsible official bodies, referred to in the said Directive, of the Member States making use of this derogation, and where appropriate, in cooperation with the said bodies of the Member State in which the plants will be planted. Without prejudice to the monitoring referred to in Article 19a (3) second indent, first possibility, the Commission shall determine to which extent the inspections referred to in Article 19a (3) second indent, second possibility of the said Directive shall be integrated into the inspection programme in accordance with Article 19a (5) (c) of that Directive;
- (e) the plants shall be introduced through points of entry situated within the territory of a Member State making use of this derogation and designated for the purpose of this derogation by that Member State;
- (f) prior to introduction into the Community, the importer shall notify each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State shall convey the details of the notification to the Commission, indicating:
 - the type of material,
 - the quantity,
 - the declared date of introduction and confirmation of the point of entry,
 - the names and addresses of the premises referred to in point (g) where the plants will be planted.

At the time of import the importer shall provide confirmation of the details of the abovementioned advance notification.

The importer shall be officially informed, prior to the introduction, of the conditions laid down in points (a), (b), (c), (d), (e), (f), (g), (h) and (i);

- (g) the plants shall be planted or grown on prior to selling only at premises the names and addresses of which have been notified by the person who intends to plant or grow on the plants imported pursuant to this Decision, to the said responsible official bodies of the Member State in which the premises are situated; in those cases where the place of planting or growing on is situated in a Member State other than the Member State making use of this derogation, the said responsible official bodies of the Member State making use of this derogation, at the moment of receipt of the abovementioned advance notification from the importer, shall inform the said responsible

official bodies of the Member State in which the plants will be planted or grown on giving the name and addresses of the premises where the plants will be planted;

- (h) in the growing period(s) following importation, the plants shall be inspected before selling by the said responsible official bodies of the Member State in which the plants are planted or grown on, at appropriate times, at the premises referred to in point (g);
- (i) the plants shall be intended for ornamental use and for sale to final consumers not involved in professional plant production and there shall be evidence by their packaging that they are intended for such sale.

Article 2

Member States shall inform the other Member States and the Commission of any use of the authorization. They shall provide the Commission and the other Member States, before 1 December 1997, with the information on amounts imported pursuant to this Decision and with a detailed technical report of the official examination referred to in Article 1 (2) (h). Furthermore any other Member State in which the plants are planted, immediately after the import, shall also provide the Commission and the other Member States, before 1 December 1997, with a detailed technical report of the official examination referred to in Article 1 (2) (h).

Article 3

Without prejudice to the provisions laid down in Article 14 (3) of Directive 77/93/EEC, the Member States concerned shall notify the Commission and the other Member States of all cases of consignments introduced pursuant to this Decision which do not comply with the conditions laid down herein.

Article 4

This Decision shall apply during the period from 1 March to 31 October 1997. It shall be revoked if it is established that the conditions laid down in Article 1 (2) are not sufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 22 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 22 January 1997

authorizing the Member States to permit temporarily the marketing of vine propagating material not satisfying the requirements of Council Directive 68/193/EEC

(97/112/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 68/193/EEC of 9 April 1968 on the marketing of material for the vegetative propagation of the vine⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 14 thereof,

Having regard to the request submitted by Italy,

Whereas in the Community and Italy in particular the production of certain vine propagating materials, i.e. slips and cuttings satisfying the requirements of Directive 68/193/EEC as regards variety, has been insufficient in 1996 and is therefore not adequate to meet that country's needs;

Whereas it is not possible to cover this demand satisfactorily with slips and cuttings satisfying all the requirements laid down in the said Directive;

Whereas Italy should therefore be authorized to permit the marketing, for a period expiring on 28 February 1997, of slips and cuttings of a category to which less stringent requirements apply;

Whereas other Member States likely to supply Italy with such material should furthermore be authorized to permit its marketing to this end;

Whereas this authorization may only be used in accordance with the plant health conditions and requirements laid down by Council Directive 77/93/EEC⁽²⁾, as last amended by Commission Directive 96/78/EC⁽³⁾, and in particular Commission Decision 97/78/EC of 14 January 1997, authorizing the Member States exceptionally to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of plants of *Vitis* L., other than fruits, originating in Croatia and Slovenia⁽⁴⁾;

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

Article 1

Italy is authorized to permit, for a period expiring on 28 February 1997, the marketing on its territory of a maximum of 1 300 000 vine slips or cuttings of varieties harvested in Croatia or Slovenia which do not satisfy the requirements laid down in Directive 68/193/EEC as regards certification and inspection of standard propagation material, provided that:

- (a) the conditions and requirements of Commission Decision 97/78/EC are met;
and
- (b) the official label is brown and bears the words 'less stringent requirements'.

Article 2

Member States other than the applicant Member State are also authorized to permit, on the terms set out in Article 1 and for the purposes intended by the applicant Member State, the marketing in their territories of the vine slips and cuttings authorized to be marketed under this Decision.

Article 3

Member States shall immediately notify the Commission and the other Member States of the quantities of propagating material permitted to be marketed in their territories under this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 22 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 93, 17. 4. 1968, p. 15.

⁽²⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽³⁾ OJ No L 321, 12. 12. 1996, p. 20.

⁽⁴⁾ OJ No L 22, 24. 1. 1997, p. 35.

COMMISSION DECISION

of 22 January 1997

suspending the buying-in of butter in certain Member States

(Only the Danish, German, Greek, French, Dutch, Finnish, Swedish and English texts are authentic)

(97/113/EC)

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 ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 ⁽⁴⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁵⁾, lays down the criteria for opening and suspending the buying-in of butter by invitation to tender in the Member States or, in the case of the United Kingdom and Germany, in a region thereof;

Whereas Commission Decision 96/574/EC ⁽⁶⁾ suspends the buying-in of butter in certain Member States; whereas information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently met in Belgium, Denmark, Germany, Greece, France, Luxembourg, the Netherlands, Austria, Finland, Sweden and Northern Ireland; whereas the list of Member States in which that suspension applies must be adjusted accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, Greece, France, Luxembourg, the Netherlands, Austria, Finland, Sweden and Northern Ireland.

Article 2

Decision 96/574/EC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 22 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 12.

⁽⁵⁾ OJ No L 174, 26. 7. 1995, p. 27.

⁽⁶⁾ OJ No L 252, 4. 10. 1996, p. 22.