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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 515/97

of 13 March 1997

on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 43 and 235 thereof,

Having regard to Council Regulation (EEC) No 729/70 of the Council of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, and in particular Article 8 (3) thereof,

Having regard to the proposal from the Commission⁽²⁾,

Having regard to the opinion of the European Parliament⁽³⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁴⁾,

Whereas combating fraud in the context of the customs union and the common agricultural policy calls for close cooperation between the administrative authorities responsible in each Member State for the application of provisions adopted in those fields; whereas it also calls for appropriate cooperation between these national authorities and the Commission, which is responsible for ensuring the application of the Treaty and the provisions adopted by virtue thereof; whereas effective cooperation in this field strengthens the protection of the financial interests of the Community;

Whereas rules should therefore be drawn up whereby the Member States' administrative authorities assist each other and cooperate with the Commission in order to guarantee the proper application of customs and agricultural regulations and legal protection for the Community's financial interests, in particular by preventing and investigating

breaches of those regulations and by investigating operations which are or appear contrary to those regulations;

Whereas Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters⁽⁵⁾ established close cooperation between the said authorities and the Commission; whereas that system has proved effective;

Whereas it is nevertheless necessary, in the light of the experience gained, to replace Regulation (EEC) No 1468/81 in its entirety with the aim of strengthening cooperation both among the administrative authorities of the Member States responsible for the application of the provisions adopted in the field of customs union and the common agricultural policy and between those authorities and the Commission; whereas, to that end, new rules should be laid down at Community level;

Whereas the introduction of Community provisions on mutual assistance between Member States' administrations and their cooperation with the Commission in order to guarantee the proper application of customs or agricultural regulations is without prejudice to the application of the 1967 Convention for mutual assistance between customs administrations in fields which remain the sole province of the Member States; whereas these Community provisions are not such as to affect the application in the Member States of rules on judicial cooperation in criminal cases;

Whereas, furthermore, the general Community rules establishing a system of mutual assistance and cooperation among the administrative authorities of the Member States and between them and the Commission do not apply where they overlap with those laid down by specific

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No L 185, 15. 7. 1988, p. 1).

⁽²⁾ OJ No C 56, 26. 2. 1993, p. 1; OJ No C 262, 28. 9. 1993, p. 8, and OJ No C 80, 17. 3. 1994, p. 12.

⁽³⁾ OJ No C 20, 24. 1. 1994, p. 85, and Opinion of 16 January 1997 (OJ No C 33, 3. 2. 1997).

⁽⁴⁾ OJ No C 161, 14. 6. 1993, p. 15.

⁽⁵⁾ OJ No L 144, 2. 6. 1981, p. 1. Regulation as amended by Regulation (EEC) No 945/87 (OJ No L 90, 2. 4. 1987, p. 3).

regulations, save where the general rules improve or reinforce administrative cooperation; whereas, in particular, the implementation of the customs information system does not in any way affect the Member States' obligations to provide information to the Commission, laid down *inter alia* under Regulations (EEC, Euratom) No 1552/89 ⁽¹⁾ and (EEC) No 595/91 ⁽²⁾, or the established use of fraud information sheets to circulate information of Community interest;

Whereas greater cooperation between the Member States requires the coordination of enquiries and other activities carried out by the bodies concerned; whereas it is therefore essential that the Commission should be given more detailed information concerning such activities by the Member States;

Whereas the Commission must ensure that economic operators are treated equally and that the application by the Member States of the mutual administrative assistance system does not lead to discrimination between economic operators in different Member States;

Whereas it is appropriate to define the Member States' obligations under the mutual administrative assistance system in respect of cases in which representatives of the Member States' national administrations conduct enquiries concerning the application of customs or agricultural legislation with a mandate from, or under the authority of, the legal authorities;

Whereas the powers of national representatives conducting enquiries in other Member States should be defined; whereas provision should also be made for Commission representatives to be present, where justified, at national enquiries concerning mutual administrative assistance, and for their powers to be defined;

Whereas it is necessary for the successful functioning of administrative cooperation that the Commission be informed of information exchanged between Member States and third countries in cases of particular interest for the Community;

Whereas, with a view to securing the rapid and systematic exchange of information forwarded to the Commission, there is a need to set up a computerized customs informa-

tion system at Community level; whereas in that context sensitive data concerning frauds and irregularities in the customs and agricultural domains should be stored in a central database accessible to the Member States, while ensuring that the confidential nature of the information exchanged, in particular data of a personal nature, is respected; whereas, given the justifiable sensitivity of the issue, there should be clear and transparent rules to protect the freedom of the individual;

Whereas customs authorities have daily to apply both Community and non-Community provisions; whereas it is therefore desirable to have available a single infrastructure for applying these provisions;

Whereas the information exchanged may concern physical persons and this Regulation must therefore implement, in its scope, the principles of protection of persons with regard to processing, by automatic means or otherwise, of personal data; whereas these principles, as set out in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾ should themselves, in compliance with the terms and conditions of this Directive, be specified and supplemented in this Regulation; whereas pending implementation of the national measures transposing that Directive certain Member States which have no protection rules for personal data exchanged by non-automatic means should be exempted from applying the provisions of this Regulation concerning the non-automatic exchange of data;

Whereas, in order to take part in the Customs Information System, the Member States and the Commission must adopt legislation on the rights and freedoms of individuals with regard to the processing of personal data; whereas, pending implementation of the national measures transposing Directive 95/46/EC, it is important that the Member States and the Commission guarantee a level of protection based on the principles contained in that Directive;

Whereas, in order to ensure that the rights of the persons concerned are sufficiently protected, there needs to be a guarantee of independent supervision of the processing of the personal data in the Customs Information System both a Member State level and in respect of the Commission;

Whereas the Commission, in close cooperation with the Member States, should facilitate the installation and management of computer systems in the Member States;

⁽¹⁾ Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources (OJ No L 155, 7. 6. 1989, p. 1). Regulation last amended by Regulation (EC, Euratom) No 2729/94 (OJ No L 293, 12. 11. 1994, p. 5).

⁽²⁾ Council Regulation (EEC) No 595/91 of 4 March 1991 concerning irregularities and the recovery of money wrongly paid in connection with the financing of the common agricultural policy and the organization of an information system in this field and repealing Regulation (EEC) No 283/72 (OJ No L 67, 14. 3. 1991, p. 11).

⁽³⁾ OJ No L 281, 23. 11. 1995, p. 31.

Whereas the Commission should be notified of legal and administrative proceedings brought for infringements of the law on customs or agricultural matters;

Whereas, with the aim of implementing certain provisions of this Regulation, enabling the installation and functioning of the Customs Information System and examining possible problems in connection with the development of administrative cooperation as provided for in this Regulation, it is necessary to establish a Committee;

Whereas the provisions of this Regulation refer both to the application of the rules of the common agricultural policy and to the application of customs legislation; whereas the system set up under this Regulation constitutes an integral Community entity; whereas, since the provisions of the Treaty specifically covering customs matters do not empower the Community to set up such a system, it is necessary to invoke Article 235,

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down the ways in which the administrative authorities responsible for implementation of the legislation on customs and agricultural matters in the Member States shall cooperate with each other and with the Commission in order to ensure compliance with that legislation within the framework of a Community system.

2. The provisions of this Regulation shall not apply where they overlap with the specific provisions of other legislation on mutual assistance between Member States' administrative authorities and cooperation between the latter and the Commission for the application of customs or agricultural legislation.

Article 2

1. For the purposes of this Regulation:

— '*customs legislation*' means the body of Community provisions and the associated implementing provisions governing the import, export, transit and presence of goods traded between Member States and third countries, and between Member States in the case of goods that do not have Community status within the meaning of Article 9 (2) of the Treaty or goods subject to additional controls or investigations for the purposes of establishing their Community status,

— '*agricultural legislation*' means the body of provisions adopted under the common agricultural policy

and the special rules adopted with regard to goods resulting from the processing of agricultural products,

— '*applicant authority*' means the competent authority of a Member State which makes a request for assistance,

— '*requested authority*' means the competent authority of a Member State to which a request for assistance is made,

— '*administrative enquiry*' means all controls, checks and other action taken by the staff of the administrative authorities specified in Article 1 (1) in the performance of their duties with a view to ensuring proper application of customs and agricultural legislation and, where necessary, checking the irregular nature of operations which appear to breach that legislation, except action taken at the request of or under a direct mandate from a judicial authority; the expression '*administrative enquiry*' also covers the Community missions referred to in Article 20,

— '*personal data*' means all information relating to an identified or identifiable individual; an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, psychological, mental, economic, cultural or social identity.

2. Each Member State shall communicate to the other Member States and the Commission a list of the competent authorities it has appointed for the purposes of applying this Regulation.

For the purposes of this Regulation '*competent authorities*' means the authorities appointed in accordance with the preceding subparagraph.

Article 3

Where national authorities decide, in response to a request for administrative assistance or a communication based on this Regulation, to take action involving measures which may be implemented only with the authorization or at the demand of a judicial authority:

— any information thus obtained concerning the application of customs and agricultural legislation, or at least

— that part of the file required to put a stop to a fraudulent practice,

shall be communicated as part of the administrative cooperation provided for by this Regulation.

However, any such communication must have the prior authorization of the judicial authority if the necessity of such authorization derives from national law.

TITLE I

ASSISTANCE ON REQUEST

Article 4

1. At the request of the applicant authority, the requested authority shall transmit to it any information which may enable it to ensure compliance with the provisions of customs or agricultural legislation, and in particular those concerning:

- the application of customs duties and charges having equivalent effect together with agricultural levies and other charges provided for under the common agricultural policy or the special arrangements applicable to certain goods resulting from the processing of agricultural products,
- operations forming part of the system of financing by the European Agricultural Guidance and Guarantee Fund.

2. In order to obtain the information sought, the requested authority or the administrative authority to which it has recourse shall proceed as though acting on its own account or at the request of another authority in its own country.

Article 5

At the request of the applicant authority, the requested authority shall supply it with any attestation, document or certified true copy of a document in its possession or obtained in the manner referred to in Article 4 (2) which relates to operations covered by customs or agricultural legislation.

Article 6

1. At the request of the applicant authority, the requested authority shall, while observing the rules in force in the Member State in which it is based, notify the addressee or have it notified of all instruments or decisions which emanate from the administrative authorities and concern the application of customs or agricultural legislation.

2. Requests for notification, mentioning the subject of the instrument or decision to be communicated, shall be accompanied by a translation in the official language or an official language of the Member State in which the requested authority is based, without prejudice to the latter's right to waive such a translation.

Article 7

At the request of the applicant authority, the requested authority shall as far as possible keep a special watch or arrange for a special watch to be kept within its operational area:

- (a) on persons, and more particularly their movements, where there are reasonable grounds for believing that they are breaching customs or agricultural legislation;
- (b) on places where goods are stored in a way that gives grounds to suspect that they are intended to supply operations contrary to customs or agricultural legislation;
- (c) on the movements of goods indicated as being the object of potential breaches of customs or agricultural legislation;
- (d) on means of transport, where there are reasonable grounds for believing that they are being used to carry out operations in breach of customs or agricultural legislation.

Article 8

At the request of the applicant authority, the requested authority shall make available any information in its possession or obtained in the manner referred to in Article 4 (2), and particularly reports and other documents or certified true copies or extracts thereof, concerning operations detected or planned which constitute, or appear to the applicant authority to constitute, breaches of customs or agricultural legislation or, where applicable, concerning the findings of the special watch carried out pursuant to Article 7.

However, original documents and items shall be provided only where this is not contrary to the legislation in force in the Member State in which the requested authority is based.

Article 9

1. The requested authority shall at the request of the applicant authority carry out, or arrange to have carried out, the appropriate administrative enquiries concerning operations which constitute, or appear to the applicant authority to constitute, breaches of customs or agricultural legislation.

The requested authority or the administrative authority to which it has recourse shall conduct administrative enquiries as though acting on its own account or at the request of another authority in its own country.

The requested authority shall communicate the results of such administrative enquiries to the applicant authority.

2. By agreement between the applicant authority and the requested authority, officials appointed by the applicant authority may be present at the administrative enquiries referred to in paragraph 1.

Administrative enquiries shall at all times be carried out by staff of the requested authority. The applicant authority's staff may not, of their own initiative, assume powers of inspection conferred on officials of the requested authority. They shall, however, have access to the same premises and the same documents as the latter, through their intermediary and for the sole purpose of the administrative enquiry being carried out.

In so far as national provisions on criminal proceedings reserve certain acts to officials specifically designated by national law, the applicant authority's staff shall not take part in such acts. In any event, they shall not participate in particular in searches of premises or the formal questioning of persons under criminal law. They shall, however, have access to the information thus obtained subject to the conditions laid down in Article 3.

Article 10

By agreement between the applicant authority and the requested authority and in accordance with the arrangements laid down by the latter, officials duly authorized by the applicant authority may obtain, from the offices where the administrative authorities of the Member State in which the requested authority is based exercise their functions, information concerning the application of the law on customs and agricultural matters which is needed by the applicant authority and which is derived from documentation to which the staff of those offices have access. These officials shall be authorized to take copies of the said documentation.

Article 11

Staff of the applicant authority present in another Member State in accordance with Articles 9 and 10 must at all times be able to produce written authority stating their identity and their official functions.

Article 12

Findings, certificates, information, documents, certified true copies and any intelligence obtained by the staff of the requested authority and communicated to the applicant authority in the course of the assistance provided for in Articles 4 to 11 may be invoked as evidence by the competent bodies of the Member States of the applicant authority.

TITLE II

SPONTANEOUS ASSISTANCE

Article 13

The competent authorities of each Member State shall, as laid down in Articles 14 and 15, provide assistance to the

competent authorities of the other Member States without prior request.

Article 14

Where they consider it useful for ensuring compliance with customs or agricultural legislation, each Member State's competent authorities shall:

- (a) as far as is possible keep, or have kept, the special watch described in Article 7;
- (b) communicate to the competent authorities of the other Member States concerned all information in their possession, and in particular reports and other documents or certified true copies or extracts thereof, concerning operations which constitute, or appear to them to constitute, breaches of customs or agricultural legislation.

Article 15

The competent authorities of each Member State shall immediately send to the competent authorities of the other Member States concerned all relevant information concerning operations which constitute, or appear to them to constitute, breaches of customs or agricultural legislation, and in particular concerning the goods involved and new ways and means of carrying out such operations.

Article 16

Information obtained by staff of one Member State and communicated to another Member State in the course of the assistance provided for in Articles 13 to 15 may be invoked as evidence by the competent bodies of the Member State receiving the information.

TITLE III

RELATIONS WITH THE COMMISSION

Article 17

1. The competent authorities of each Member State shall communicate to the Commission as soon as it is available to them:

- (a) any information they consider relevant concerning:
 - goods which have been or are suspected of having been the object of breaches of customs or agricultural legislation,
 - methods or practices used or suspected of having been used to breach customs or agricultural legislation,

- requests for assistance, action taken and information exchanged in application of Articles 4 to 16 which are capable of revealing fraudulent tendencies in the field of customs and agriculture;
- (b) any information on shortcomings or gaps in customs and agricultural legislation that become apparent or may be deduced from the application of that legislation.

2. The Commission shall communicate to the competent authorities in each Member State, as soon as it becomes available, any information that would help them to enforce customs or agricultural legislation.

Article 18

1. Where a Member State's competent authorities become aware of operations which constitute, or appear to constitute, breaches of customs or agricultural legislation that are of particular relevance at Community level, and especially:

- where they have, or might have, ramifications in other Member States, or
- where it appears likely to the above authorities that similar operations have also been carried out in other Member States,

they shall communicate to the Commission as soon as possible, either on their own initiative or in response to a reasoned request from the Commission, any relevant information, be it in the form of documents or copies or extracts thereof, needed to determine the facts so that the Commission may coordinate the steps taken by the Member States.

The Commission shall convey this information to the competent authorities of the other Member States.

2. Where a Member State's competent authorities invoke paragraph 1, they need not communicate information as provided in Articles 14 (b) and 15 to the competent authorities of the other member States concerned.

3. In response to a reasoned request from the Commission, the Member State's competent authorities shall act in the manner laid down in Articles 4 to 8.

4. Where the Commission considers that irregularities have taken place in one or more Member States, it shall inform the Member State or States concerned thereof and that State or those States shall at the earliest opportunity carry out an enquiry, at which Commission officials may be present under the conditions laid down in Articles 9 (2) and 11 of this Regulation.

The Member State or States concerned shall, as soon as possible, communicate to the Commission the findings of the enquiry.

5. Officials of the Commission may collect the information specified in Article 10 under conditions laid down in that Article by common accord.

6. This Article is without prejudice to the Commission's right to information and scrutiny by virtue of other legislation in force.

TITLE IV

RELATIONS WITH THIRD COUNTRIES

Article 19

Provided the third country concerned has given a legal undertaking to provide the assistance required to gather proof of the irregular nature of operations which appear to constitute breaches of customs or agricultural legislation or to determine the scope of operations which have been found to constitute breaches of that legislation, information obtained under this Regulation may be communicated to that third country as part of a concerted action, subject to the agreement of the competent authorities supplying the information, in accordance with their internal provisions concerning the communication of personal data to third countries.

The information shall be communicated either by the Commission or by the Member States as part of the concerted action referred to in the first paragraph; in either case appropriate steps shall be taken in the third country concerned to ensure a degree of protection equivalent to that laid down by Article 45 (1) and (2).

Article 20

1. In pursuit of the objectives of this Regulation, the Commission may, under the conditions laid down in Article 19, conduct Community administrative and investigative cooperation missions in third countries in coordination and close cooperation with the competent authorities of the Member States.

2. The Community missions to third countries referred to in paragraph 1 shall be governed by the following conditions:

- (a) they may be undertaken at the Commission's initiative, where appropriate on the basis of information supplied by the European Parliament, or at the request of one or more Member States;
- (b) they shall be carried out by Commission officials appointed for that purpose and by officials appointed for that purpose by the Member State(s) concerned;

(c) they may also, by agreement with the Commission and the Member States concerned, be carried out on behalf of the Community by officials of a Member State, in particular under a bilateral assistance agreement with a third country; in that event the Commission shall be informed of the results of the mission;

(d) mission expenses shall be paid by the Commission.

3. The Commission shall inform the Member States and the European Parliament of the results of missions carried out pursuant to this Article.

Article 21

1. The findings and information obtained in the course of the Community missions referred to in Article 20 of this Regulation, and in particular documents passed on by the competent authorities of the third countries concerned, shall be handled in accordance with Article 45 of this Regulation.

2. Article 12 shall apply *mutatis mutandis* to the findings and information referred to in paragraph 1.

3. For the purposes of their use pursuant to Article 12, original documents obtained or certified true copies thereof shall be forwarded by the Commission to the competent authorities of the Member States if they so request.

Article 22

Member States shall notify the Commission of information exchanged within the framework of mutual administrative assistance with third countries wherever, within the meaning of Article 18 (1), it is particularly relevant to the effectiveness of customs or agricultural legislation pursuant to this Regulation and the information falls within the scope of this Regulation.

TITLE V

CUSTOMS INFORMATION SYSTEM

Chapter 1

Establishment of a Customs Information System

Article 23

1. An automated information system, the 'Customs Information System', hereinafter referred to as the 'CIS', is hereby established to meet the requirements of the administrative authorities responsible for applying the legislation on customs or agricultural matters, as well as those of the Commission.

2. The aim of the CIS, in accordance with the provisions of this Regulation, shall be to assist in preventing, investigating and prosecuting operations which are in

breach of customs or agricultural legislation, by increasing, through more rapid dissemination of information, the effectiveness of the cooperation and control procedures of the competent authorities referred to in this Regulation.

3. The customs authorities of the Member States may use the technical infrastructure of the CIS in the performance of their duties in the framework of the customs cooperation referred to in Article K.1 (8) of the Treaty on European Union.

In such a case, the Commission shall ensure the technical management of the infrastructure.

4. Those operations in connection with the application of agricultural regulations which require the introduction of information into the CIS shall be determined by the Commission in accordance with the procedure set out in Article 43 (2).

5. The exchange of information provided for under Articles 17 and 18 is not covered by the provisions of this Title.

6. The Member States and the Commission, hereinafter referred to as the 'CIS partners', shall take part in the CIS under the conditions laid down in this Title.

Chapter 2

Operation and use of the CIS

Article 24

The CIS shall consist of a central database facility and it shall be accessible via terminals in each Member State and at the Commission. It shall comprise exclusively data necessary to fulfil its aim as stated in Article 23 (2), including personal data, in the following categories:

- (a) commodities;
- (b) means of transport;
- (c) businesses;
- (d) persons;
- (e) fraud trends;
- (f) availability of expertise.

Article 25

The items to be included in the CIS relating to each of categories (a) to (f) in Article 24 shall be determined in accordance with the procedure provided for in Article 43 (2) to the extent that this is necessary to achieve the aim of the System. No items of personal data shall be included in any event in categories (e) and (f) of Article 24. In categories (a) to (d) of Article 24 the items to be included in respect of personal data shall comprise no more than:

- (a) name, maiden name, forenames and aliases;
- (b) date and place of birth;

- (c) nationality;
- (d) sex;
- (e) any particular objective and permanent physical characteristics;
- (f) reason for inclusion of data;
- (g) suggested action;
- (h) a warning code indicating any history of being armed, violent or escaping;
- (i) registration number of the means of transport.

In all cases, personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership and data concerning the health or sex life of an individual shall not be included.

Article 26

The following principles must be observed in the implementation of the CIS where personal data are concerned:

- (a) collection and any other operation for processing personal data must be carried out fairly and lawfully;
- (b) data must be collected for the purposes defined in Article 23 (2) and not subsequently processed in a manner incompatible with those purposes;
- (c) data must be adequate, relevant and not excessive in relation to the purposes for which they are processed;
- (d) data must be accurate and, where necessary, kept up to date;
- (e) data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes in view.

Article 27

1. Data in categories (a) to (d) of Article 24 shall be included in the CIS only for the purpose of sighting and reporting, discreet surveillance or specific checks.

2. For the purposes of the actions referred to in paragraph 1, personal data within any of categories (a) to (d) of Article 24 may be included in the CIS only if, especially on the basis of prior illegal activities, there is evidence to suggest that the person concerned has committed, is committing or will commit actions which are in breach of customs or agricultural legislation and which are of particular relevance at Community level.

Article 28

1. If the actions referred to in Article 27 (1) are carried out, the following information may, in whole or in part, be collected and transmitted to the CIS partner which suggested the actions:

- (a) the fact that the commodity, means of transport, business or person reported has been found;
- (b) the place, time and reason for the check;
- (c) route and destination of the journey;
- (d) persons accompanying the person concerned or occupants of the means of transport;
- (e) means of transport used;
- (f) objects carried;
- (g) the circumstances under which the commodity, means of transport, business or person was found.

When such information is collected in the course of discreet surveillance, steps must be taken to ensure that the secret nature of the surveillance is not jeopardized.

2. In the context of the specific checks referred to in Article 27 (1), persons, means of transport and objects may be searched to the extent permissible and in accordance with the laws, regulations and procedures of the Member State in which the search takes place. If the specific checks are not permitted by the law of a Member State, they shall automatically be converted by that Member State into sighting and reporting or discreet surveillance.

Article 29

1. Direct access to data included in the CIS shall be reserved exclusively for the national authorities designated by each Member State and the departments designated by the Commission. These national authorities shall be customs administrations, but may also include other authorities competent, according to the laws, regulations and procedures of the Member State in question, to act in order to achieve the aim stated in Article 23 (2).

2. Each Member State shall send the Commission a list of its designated competent authorities which have direct access to the CIS stating, for each authority, to which data it may have access and for what purposes.

The Commission shall inform the other Member States accordingly. It shall also inform all the Member States of the corresponding details concerning the Commission departments authorized to have access to the CIS.

The list of national authorities and Commission departments thus designated shall be published for information by the Commission in the *Official Journal of the European Communities*.

3. Notwithstanding the provisions of paragraphs 1 and 2, the Council, acting on a proposal from the Commission, may decide to permit access to the CIS by international or regional organizations, provided that, where relevant, a protocol is at the same time concluded with those organizations in conformity with Article 7 (3) of the Convention between Member States of the Community on the use of information technology for customs purposes. In reaching the decision account shall be taken in particular of any existing bilateral or Community arrangements and of the adequacy of the level of data protection.

Article 30

1. CIS partners may use data obtained from the CIS only in order to achieve the aim stated in Article 23 (2); however, they may use it for administrative or other purposes with the prior authorization of the CIS partner which introduced the data into the system subject to conditions imposed by it or, where applicable, the Commission, which included it in the System. Such other use shall be in accordance with the laws, regulations and procedures of the Member State which seeks to use it and, where appropriate, the corresponding provisions applicable to the Commission in this connection and should take into account the principles set out in the Annex.

2. Without prejudice to paragraphs 1 and 4 of this Article and Article 29 (3), data obtained from the CIS shall be used only by national authorities or departments in each Member State and by departments designated by the Commission competent, in accordance with the laws, regulations and procedures applicable to them, to act in order to achieve the aim stated in Article 23 (2).

3. Each Member State shall send the Commission a list of the authorities or departments referred to in paragraph 2.

The Commission shall inform the other Member States accordingly. It shall also inform all the Member States of the corresponding details concerning the Commission departments authorized to have access to the CIS.

The list of the authorities or departments thus designated shall be published for information by the Commission in the *Official Journal of the European Communities*.

4. Data obtained from the CIS may, with the prior authorization of, and subject to any conditions imposed by, the Member State which included them in the System, be communicated for use by national authorities other than those referred to in paragraph 2, third countries and international or regional organizations wishing to make use of them. Each Member State shall take special measures to ensure the security of such data when they

are being transmitted or supplied to departments located outside its territory.

The provisions referred to in the first subparagraph shall apply *mutatis mutandis* to the Commission where it has entered the data in the System.

Article 31

1. The inclusion of data in the CIS shall be governed by the laws, regulations and procedures of the supplying Member State and, where appropriate, the corresponding provisions applicable to the Commission in this connection, unless this Regulation lays down more stringent provisions.

2. The processing of data obtained from the CIS, including their use or performance of any action under Article 27 (1) suggested by the supplying CIS partner, shall be governed by the laws, regulations and procedures of the Member State processing or using such data and the corresponding provisions applicable to the Commission in this connection, unless this Regulation lays down more stringent provisions.

Chapter 3

Amendment of data

Article 32

1. Only the supplying CIS partner shall have the right to amend, supplement, correct or delete data which it has included in the CIS.

2. Should a supplying CIS partner note, or have drawn to its attention, that the data it included are factually inaccurate or were included or are stored contrary to this Regulation, it shall amend, supplement, correct or delete the data, as appropriate, and shall advise the other CIS partners accordingly.

3. If a CIS partner has evidence to suggest that an item of data is factually inaccurate, or was included or is stored in the CIS contrary to this Regulation, it shall advise the supplying CIS partner as soon as possible. The latter shall check the data concerned and, if necessary, correct or delete the item without delay. The supplying CIS partner shall advise the other partners of any correction or deletion affected.

4. If, when including data in the CIS, a CIS partner notes that its report conflicts with a previous report with regard to content or suggested action, it shall immediately advise the partner which made the previous report. The two partners shall then attempt to resolve the matter. In the event of disagreement, the first report shall stand but those parts of the new report which do not conflict shall be included in the System.

5. Subject to the other provisions of this Regulation, where in any Member State a court, or other authority designated for the purpose within that Member State, makes a final decision to amend, supplement, correct or delete data in the CIS, the CIS partners shall align their action thereon.

In the event of conflict between such decisions of courts or other authorities designated for the purpose including those referred to in Article 36 concerning correction or deletion, the Member State which included the data in question shall delete them from the System.

The provisions in the first subparagraph shall apply *mutatis mutandis* where a Commission decision on data contained in the CIS is declared void by the Court of Justice.

Chapter 4

Retention of data

Article 33

1. Data included in the CIS shall be kept only for the time necessary to achieve the purpose for which they were included. The need for their retention shall be reviewed at least annually by the supplying CIS partner.

2. The supplying CIS partner may, within the review period, decide to retain data until the next review if their retention is necessary for the purposes for which they were included. Without prejudice to Article 36, if there is no decision to retain data they shall automatically be transferred to that part of the CIS to which access shall be limited in accordance with paragraph 4.

3. The CIS shall automatically inform the supplying CIS partner of a scheduled transfer of data from the CIS under paragraph 2, giving one month's notice.

4. Data transferred under paragraph 2 shall continue to be retained for one year within the CIS but, without prejudice to Article 36, shall be accessible only to a representative of the Committee referred to in Article 43 in connection with the application of the seventh, eighth and ninth indents of paragraph 4 thereof, and paragraph 5 thereof, or to the supervisory authorities referred to in Article 37. During that period the data may be consulted only for the purposes of checking their accuracy and lawfulness. They must thereafter be deleted.

Chapter 5

Personal-data protection

Article 34

1. Each CIS partner intending to receive personal data from, or include them in, the CIS shall, no later than the

date of application of this Regulation, adopt national legislation, or internal rules applicable to the Commission, guaranteeing the protection of the rights and freedoms of individuals with regard to the processing of personal data.

2. A CIS partner may receive personal data from, or include them in, the CIS only where the arrangements for the protection of such data provided for in paragraph 1 have entered into force. Each Member State shall also have previously designated a national supervisory authority or authorities as provided for in Article 37.

3. In order to ensure the proper application of the personal-data protection provisions in this Regulation, each Member State and the Commission shall regard the CIS as a system for processing personal data subject to the provisions referred to in paragraph 1 and the more stringent provisions contained in this Regulation.

The internal rules applicable to the Commission, as referred to in paragraph 1, shall be published in the *Official Journal of the European Communities*.

Article 35

1. Subject to Article 30 (1), CIS partners shall be prohibited from using personal data from the CIS other than for the purpose stated in Article 23 (2).

2. Data may be duplicated only for technical purposes, provided that such duplication is necessary for searching by the authorities referred to in Article 29. Subject to Article 30 (1), personal data included by other Member States or the Commission may not be copied from the CIS into other data files for which the Member States or the Commission have responsibility.

Article 36

1. The rights of persons with regard to the personal data in the CIS, in particular their right of access, shall be put into effect:

- in accordance with the laws, regulations and procedures of the Member State in which such rights are invoked,
- in accordance with the internal rules applicable to the Commission referred to in Article 34 (1).

If laid down in the laws, regulations and procedures of the Member State concerned, the national supervisory authority provided for in Article 37 shall decide whether information is to be communicated and the procedure for doing so.

2. A CIS partner to which an application for access to personal data is made may refuse access if communication would be likely to prejudice the prevention, investigation and prosecution of operations which are in breach of customs or agricultural legislation. A Member State may also refuse access as provided for in its laws, regulations and procedures in relation to cases where such refusal constitutes a measure necessary to safeguard national security, defence, public safety and the rights and freedoms of others. The Commission may refuse access where such refusal constitutes a measure necessary to safeguard the rights and freedoms of others.

Access shall be refused in any event during the period in which action is taken for the purposes of sighting and reporting or discreet surveillance.

3. If the personal data for which an application for access has been made have been supplied by another CIS partner, access shall be permitted only if the supplying partner has been given the opportunity to state its position.

4. Any person may, in accordance with the laws, regulations and procedures of each Member State or with the internal rules applicable to the Commission, have personal data relating to himself corrected or deleted by each CIS partner if those data are factually inaccurate, or were included or are stored in the CIS contrary to the aim stated in Article 23 (2) or if the principles of Article 26 have not been observed.

5. In the territory of each Member State, any person may, in accordance with the laws, regulations and procedures of the Member State in question, bring an action or, if appropriate, a complaint before the courts or the authority designated for the purpose, in accordance with those laws, regulations and procedures, in connection with personal data relating to himself in the CIS, in order to:

- (a) correct or delete factually inaccurate personal data;
- (b) correct or delete personal data included or stored in the CIS contrary to this Regulation;
- (c) obtain access to personal data;
- (d) obtain compensation under Article 40 (2).

With regard to data included by the Commission, an action may be brought before the Court of Justice in accordance with Article 173 of the Treaty.

The Member States and the Commission undertake mutually to enforce the final decisions taken by a court, the Court of Justice or another authority designated to that end which concern points (a), (b) and (c) of the first subparagraph.

6. The references in this Article and in Article 32 (5) to a 'final decision' do not imply any obligation on the part

of any Member State or the Commission to appeal against a decision taken by a court or other authority designated for the purpose.

Chapter 6

Personal-data protection supervision

Article 37

1. Each Member State shall designate a national supervisory authority or authorities responsible for personal-data protection to carry out independent supervision of such data included in the CIS.

The supervisory authorities, in conformity with their respective national legislations, shall carry out independent supervision and checks to ensure that the processing and use of data held in the CIS do not violate the rights of data subjects. For this purpose the supervisory authorities shall have access to the CIS.

2. Any person may ask any national supervisory authority to check personal data relating to himself in the CIS and the use which has been or is being made of those data. The right shall be governed by the laws, regulations and procedures of the Member State in which the request is made. If the data have been included by another Member State or the Commission, the check shall be carried out in close coordination with that Member State's national supervisory authority or with the authority provided for in paragraph 4.

3. The Commission shall take every step within its departments to ensure personal-data protection supervision which offers safeguards of a level equivalent to that resulting from paragraph 1.

4. Pending the appointment of any authority or authorities set up for the Community institutions and bodies, the Commission's activities as regards the data-protection rules laid down in Article 34 (1), Article 36 (1) and Article 37 (3) shall be supervised by the Ombudsman provided for in Article 138e of the Treaty establishing the European Community in the context of the task allotted to him by that Treaty.

Chapter 7

Security of the CIS

Article 38

1. All appropriate technical and organizational measures necessary to maintain security shall be taken:

- (a) by the Member States and the Commission, each insofar as it concerns them, in respect of the terminals of the CIS located on their respective territories and in the Commission's offices;
- (b) by the Committee referred to in Article 43 in respect of the CIS and the terminals located on the same premises as the CIS and used for technical purposes and the checks required by paragraph 3.

2. In particular, the Member States, the Commission and the Committee referred to in Article 43 shall take measures:

- (a) to prevent any unauthorized person from having access to installations used for the processing of data;
- (b) to prevent data and data media from being read, copied, modified or deleted by unauthorized persons;
- (c) to prevent the unauthorized entry of data and any unauthorized consultation, modification or deletion of data;
- (d) to prevent data in the CIS from being accessed by unauthorized persons by means of data-transmission equipment;
- (e) to guarantee that, with respect to the use of the CIS, authorized persons have right of access only to data for which they have competence;
- (f) to guarantee that it is possible to check and establish to which authorities data may be transmitted by data-transmission equipment;
- (g) to guarantee that it is possible to check and establish *ex post facto* what data have been introduced into the CIS, when and by whom, and to monitor interrogation;
- (h) to prevent the unauthorized reading, copying, modification or deletion of data during the transmission of data and the transport of data media.

3. In accordance with Article 43, the Committee shall verify that the searches carried out were authorized and were carried out by authorized users. At least 1 % of all searches made shall be verified. A record of such searches and verifications shall be entered into the system and shall be used only for the said verifications. It shall be deleted after six months.

Article 39

1. Each of the Member States shall designate a department which shall be responsible for the security measures set out in Article 38, in relation to the terminals located in its territory, the review functions set out in Article 33

(1) and (2), and, in general, for the proper implementation of this Regulation insofar as is necessary under its laws, regulations and procedures.

2. The Commission, for its part, shall designate those of its departments which are to be responsible for the measures referred to in paragraph 1.

Chapter 8

Responsibilities and publication

Article 40

1. Each CIS partner that has included data in the System shall be responsible for the accuracy, currency and lawfulness of those data. Each Member State or, where applicable, the Commission shall also be responsible for complying with the provisions of Article 26 of this Regulation.

2. Each CIS partner shall be liable, in accordance with national laws, regulations and procedures or the equivalent Community provisions, for injury caused to a person through the use of the CIS in the Member State concerned or at the Commission.

This shall also be the case where the injury was caused by the supplying CIS partner entering inaccurate data or entering data contrary to this Regulation.

3. If the CIS partner against which an action in respect of inaccurate data is brought did not supply them, the partners concerned shall seek agreement as to what proportion, if any, of the sums paid out in compensation shall be reimbursed by the supplying partner to the other partner. Any such sums agreed shall be reimbursed on request.

Article 41

The Commission shall publish a communication in the *Official Journal of the European Communities* concerning the implementation of the CIS.

TITLE VI

PROTECTION OF DATA DURING THE NON-AUTOMATIC EXCHANGE OF DATA

Article 42

The provisions applying to the automatic exchange and processing of data shall apply *mutatis mutandis* to non-automatic exchange and processing of data.

TITLE VII

FINAL PROVISIONS

Article 43

1. The Commission shall be assisted by a Committee made up of representatives of the Member States and chaired by the representative of the Commission.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the provisions to be adopted. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, except in cases where the Council has decided by a simple majority against such measures.

3. The procedure laid down in paragraph 2 shall apply in particular to:

- (a) decisions on items to be included in the CIS as provided for in Article 25;
- (b) determination of operations concerning the application of agricultural legislation in respect of which information is to be entered in the CIS, as provided for in Article 23 (4).

4. The committee shall examine all matters relating to the application of this Regulation which may be raised by its chairman, either on his own initiative or at the request of the representative of a Member State, in particular concerning:

- the general working of the mutual assistance arrangements provided for in this Regulation,

- the adoption of practical arrangements for forwarding the information referred to in Articles 16 and 17,

- the information sent to the Commission pursuant to Articles 17 and 18 to see if anything can be learnt from it, decide on the measures required to put an end to practices found to be in breach of customs or agricultural legislation and, where appropriate, suggest amendments to existing Community provisions or the drafting of additional ones,

- the preparation of enquiries carried out by the Member States and coordinated by the Commission and Community missions as provided for in Article 20,

- measures taken to safeguard the confidentiality of information, in particular personal data, exchanged under this Regulation, other than that provided for in Title V,

- the implementation and proper operation of the CIS and all the technical and operational measures required to ensure the security of the system,

- the necessity of storing information in the CIS,

- the measures taken to safeguard the confidentiality of information entered in the CIS under this Regulation, particularly personal data, and to ensure compliance with the obligations of those responsible for processing,

- the measures adopted pursuant to Article 38 (2).

5. The committee shall examine all problems connected with the operation of the CIS which are encountered by the supervisory authorities referred to in Article 37. In such cases, the committee shall meet in an *ad hoc* formation comprising representatives nominated by each Member State from its national supervisory authority or authorities. The Ombudsman referred to in Article 37 (4) or his representative may also participate, on his own initiative, insofar as he considers it compatible with his duties, in the meetings of the committee in such *ad hoc* formation. The committee shall meet in its *ad hoc* formation at least once a year.

6. For the purposes of this Article the committee shall have direct access to, and may make direct use of, data from the CIS.

Article 44

Without prejudice to the provisions in Title V on the CIS, the documents provided for in this Regulation may be replaced by computerized information produced in any form for the same purpose.

Article 45

1. Regardless of the form, any information transmitted pursuant to this Regulation shall be of a confidential nature, including the data stored in the CIS. It shall be covered by the obligation of professional secrecy and shall enjoy the protection extended to like information under both the national law of the Member States receiving it and the corresponding provisions applicable to Community authorities.

In particular, the information referred to in the first subparagraph may not be sent to persons other than those in the Member States or within the Community institutions whose functions require them to know or use it. Nor may it be used for purposes other than those provided for in this Regulation, unless the Member State, or the Commission, which supplied it or entered it in the CIS has expressly agreed, subject to the conditions laid down by that Member State or by the Commission and insofar as such communication or use is not prohibited by the provisions in force in the Member State in which the recipient authority is based.

2. Without prejudices to the provisions in Title V on the CIS, information concerning natural and legal persons shall be transmitted under this Regulation only where strictly necessary to prevent, investigate or take proceedings in respect of operations in breach of customs or agricultural legislation.

3. Paragraphs 1 and 2 shall not preclude the use of information obtained under this Regulation in any legal action or proceedings subsequently initiated in respect of failure to comply with customs or agricultural legislation.

The competent authority which supplied that information shall be notified of such use forthwith.

4. Where the Commission is notified by a Member State that further enquiries have exonerated from involvement in irregularities a natural or legal person whose name was transmitted under this Regulation, the Commission shall forthwith notify all parties to whom these personal data have been transmitted on the basis of this Regulation. The person concerned shall then cease to be regarded as being involved in the irregularity that gave rise to the initial notification.

Where the personal data relating to the person concerned are in the CIS, they shall be removed from it.

Article 46

For the purposes of applying this Regulation, Member States shall take all necessary steps to:

- (a) ensure effective internal coordination between the administrative authorities referred to in Article 1 (1);
- (b) establish in their mutual relations all necessary direct cooperation between the authorities empowered specifically for that purpose.

Article 47

Member States may decide by common accord whether procedures are needed to ensure the smooth operation of the mutual-assistance arrangements provided for in this Regulation, in particular in order to avoid any interruption of surveillance of persons or goods where this might be prejudicial to the detection of operations in breach of customs and agricultural legislation.

Article 48

1. This Regulation shall not bind Member States' administrative authorities to grant each other assistance where that would be likely to be injurious to public policy (*ordre public*) or other fundamental interests, in particular with regard to data protection, of the Member State in which they are based.

2. Reasons shall be stated for any refusal to grant assistance.

The Commission shall be informed as early as possible of any refusal to grant assistance and the reasons given for refusal.

Article 49

Without prejudice to the Commission's right to be notified under other regulations in force, Member States shall transmit to the Commission administrative or legal decisions or the main elements thereof relating to the application of penalties for breaches of customs or agricultural legislation in cases which have been the subject of communications under Articles 17 or 18.

Article 50

Without prejudice to the expenses associated with the implementation of the CIS or damages under Article 40, Member States and the Commission shall waive all claims for the reimbursement of expenses incurred under this Regulation save, where appropriate, in respect of fees paid to experts.

Article 51

This Regulation shall not affect the application in the Member States of rules on criminal procedure and mutual assistance in criminal matters, including those on secrecy of judicial inquiries.

Article 52

1. Regulation (EEC) No 1468/81 is hereby repealed.
2. References made to the repealed Regulation shall be understood as referring to the present Regulation.

Article 53

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

It shall apply from 13 March 1998.

2. However, Article 42 will not apply to Denmark, Ireland, Sweden or the United Kingdom until Com-

munity rules exist applicable to all the data covered by this Regulation.

As from the date when the rules referred to in the first subparagraph apply in all the Member States, Article 42 will be repealed and the derogation provided for in the first subparagraph will cease to have effect.

If after 5 years the rules in question have not yet become applicable, the Commission shall prepare a report, together with any proposals it deems necessary.

For as long as the four Member States concerned do not apply the provisions of Article 42, the Member States and the Commission may subject the non-automatic processing of personal data which they may communicate to those four Member States to compliance with rules on data protection equivalent to those which they apply themselves to the non-automatic processing of such data.

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

Done at Brussels, 13 March 1997.

For the Council

The President

M. PATIJN

ANNEX

COMMUNICATION OF DATA

*(Article 30 (1))***1. Communication to other public bodies**

Communication of data to public bodies should be permissible only if, in a particular case:

- (a) there exists a clear legal obligation or authorization, or with the authorization of the supervisory authority; or
- (b) these data are essential for the recipient to fulfil his own lawful task, provided that the aim of the collection or processing to be carried out by the recipient is not incompatible with the original aim and that it is not precluded by the legal obligations of the communicating body.

Communication is exceptionally permissible if, in a particular case:

- (a) communication is undoubtedly in the interest of the data subject and the data subject has consented or if circumstances are such as to allow a clear presumption of such consent; or
- (b) communication is necessary so as to prevent a serious and imminent danger.

2. Communication to private individuals

The communication of data to private individuals should be permissible only if, in a particular case, there is a clear legal obligation or authorization, or with the authorization of the supervisory authority.

Communication to private individuals is exceptionally permissible if, in a particular case:

- (a) communication is undoubtedly in the interest of the data subject and the data subject has consented or circumstances are such as to allow a clear presumption of such consent; or
- (b) communication is necessary so as to prevent a serious and imminent danger.

3. International communication

Communication of data to foreign authorities should be permissible only:

- (a) if there exists a clear legal provision under national or international law;
- (b) in the absence of such a provision, if communication is necessary for the prevention of a serious and imminent danger;

and provided that domestic regulations for the protection of the data subject are not prejudiced.

4.1. Requests for communication

Subject to specific provisions contained in national legislation or in international agreements, requests for communication of data should provide indications as to the body or person requesting them as well as the reason for the request and its objective.

4.2. Conditions governing communication

As far as possible, the quality of data should be verified at the latest before their communication. As far as possible, in all communications of data, judicial decisions, as well as decisions not to prosecute, should be indicated and data based on opinions or personal assessments should be checked at source before being communicated and their degree of accuracy or reliability indicated.

If it is discovered that the data are no longer accurate and up-to-date, they should not be communicated; if outdated or inaccurate data have been communicated, the communicating body should inform as far as possible all the recipients of the data of their non-conformity.

4.3. Safeguards for communication

The data communicated to other bodies, private individuals and foreign authorities should not be used for purposes other than those indicated in the request for communication.

Use of the data for other purposes should, without prejudice to paragraphs 1 to 4.2, be made subject to the agreement of the communicating body.

COMMISSION REGULATION (EC) No 516/97
of 21 March 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,

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.

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, 21 March 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⁾: 139/96
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (tel.: (39 6) 57 971; telex: 62 66 75 WFP I)
4. **Representative of the recipient**: WFP Yemen, Attn. Country Director, Khorashi Building, Siteen Street, Sana'a
5. **Place or country of destination** ⁽³⁾: Yemen
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
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: English
Supplementary markings: 'Expiry date ...'
11. **Method of mobilization**: 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 landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Hodeidah
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**: 28. 4 to 11. 5. 1997
18. **Deadline for the supply**: 1. 6. 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 7. 4. 1997
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 21. 4. 1997
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 12 to 25. 5. 1997
 - (c) deadline for the supply: 15. 6. 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: 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 14. 3. 1997 fixed by Commission Regulation (EC) No 354/97 (OJ No L 59, 28. 2. 1997, p. 12)

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.
 - (⁷) Notwithstanding OJ No C 114, point I.B.3 (c) is replaced by the following: 'the words "European Community"'.
 - (⁸) Placed in 20-foot containers. The free holding period for containers must be at least 15 days.
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COMMISSION REGULATION (EC) No 517/97
of 21 March 1997

on the application of a minimum price for certain soft fruits originating in Poland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1988/93 of 19 July 1993 on the system of minimum import prices for certain soft fruits originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria⁽¹⁾, and in particular Article 2 thereof,

Whereas the Annex to Commission Regulation (EC) No 780/96 of 29 April 1996 fixing minimum import prices for certain soft fruit originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria for the 1996/97 marketing year⁽²⁾ sets out the minimum prices for the products in question which apply as from 1 May 1996;

Whereas Article 4 of Commission Regulation (EEC) No 2140/93 of 28 July 1993 laying down detailed rules for the application of the minimum import price system for certain soft fruits originating in Hungary, Poland, the Czech Republic, Slovakia, Romania and Bulgaria and the minimum prices applicable until 30 April 1994⁽³⁾ provides that the Commission is to adopt any necessary measures if certain criteria are not complied with;

Whereas, on the basis of recent information received by the Commission relating to a two-week period, it is clear that, bearing in mind the quantities imported and the import price, one of the criteria is not being complied with in respect of frozen blackcurrants originating in Poland; whereas, as a matter of urgency, countervailing charges should therefore be imposed on these products from the date of entry into force of this Regulation until the end of the marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

A countervailing charge is hereby introduced, for the periods indicated, on imports into the Community of the products listed in the Annex hereto originating in Poland, equal to the difference between the minimum prices as fixed in the Annex to Regulation (EC) No 780/96 and the actual import price.

⁽¹⁾ OJ No L 182, 24. 7. 1993, p. 4.

⁽²⁾ OJ No L 106, 30. 4. 1996, p. 20.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 98.

1. The minimum import price shall be deemed not to be complied with when the import prices expressed in the currency of the Member State in which the product is released for free circulation is less than the minimum import price applicable on the day on which the declaration of release for free circulation is accepted.

2. The following factors shall constitute the import price:

- (a) the fob price in the country of origin; and
- (b) transport and insurance costs to the point of entry into the customs territory of the Community.

3. For the purposes of paragraph 2, 'fob price' means the price paid or to be paid for the quantity of products contained in a consignment including the cost of loading a consignment into a means of transport at the place of shipment in the country of origin and other costs incurred in that country. The fob price shall not include the cost of any services to be borne by the seller from the time that the products are placed on board the means of transport.

4. Payment of the price to the seller shall be effected not later than three months after the day on which the declaration of the release for free circulation is accepted by the customs authorities.

5. Where the factors referred to in paragraph 2 are expressed in a currency other than that of the importing Member State the provisions on the valuation of goods for customs purposes shall be applied when converting such currency into the currency of the importing Member State.

Article 3

1. At the time of completion of the customs import formalities for release for free circulation, the customs authorities shall compare the import price for each consignment with the minimum import price.

2. The import price shall be indicated on the declaration of release, for free circulation and the declaration shall be accompanied by all the documents required to verify the price.

3. In cases where:

- (a) the invoice presented to the customs authorities has not been drawn up by the exporter in the country in which the products originated;

or

- (b) the authorities are not satisfied that the price declared in the declaration reflects the actual import price;
or
- (c) payment has not been effected within the time limit provided for in Article 2 (4);

the competent authorities shall take the necessary measures to determine the actual import price, in particular by reference to the importer's resale price.

Article 4

The importer shall retain evidence of payment to the seller. That evidence and all commercial documents, in particular invoices, contract and correspondence concerning the purchase and sale of the products, shall be kept available for examination by the customs authorities for a period of three years.

Article 5

1. This Regulation shall not apply to products for which it can be shown that they have left the country of origin before the date on which the minimum price applies.

2. The parties concerned shall provide proof, to the satisfaction of the competent authorities, that the condition set out in paragraph 1 has been complied with.

However, the competent authorities may regard the products as having left the country of origin before the date in question if one of the following documents is submitted:

- in the case of transport by sea over waterway, the bill of loading showing that loading took place before that date,
- in the case of transport by rail, the consignment note accepted by the railways of the expediting country before that day,
- in the case of transport by road, the road carriage contract (CMR) or another transit transport document made out in the country of origin before that date,
- in the case of transport by air, the air consignment note showing that the airline received the products before the day.

3. Paragraphs 1 and 2 shall apply only in so far as the declaration of release for free circulation has been accepted by the customs authorities not later than 25 days from the start of application of the minimum price per consignment of each of the products concerned imported.

Article 6

Commission Regulation (EC) No 1572/96⁽¹⁾ is hereby repealed.

Article 7

This Regulation shall enter into force on 22 March 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 196, 7. 8. 1996, p. 1.

ANNEX

CN code	Description	Taric code	Period of application
ex 0811 20 39	Frozen blackcurrants not containing added sugar or other sweetening matter: without stalks	0811 20 39 10	22 March to 30 April 1997
ex 0811 20 39	Frozen blackcurrants not containing added sugar or other sweetening matter: other	0811 20 39 90	22 March to 30 April 1997

COMMISSION REGULATION (EC) No 518/97

of 21 March 1997

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

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

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

Whereas the amounts of aid for the supply of cereals
products to the French overseas departments (FOD) has
been settled by Commission Regulation (EEC) No
391/92 ⁽³⁾, as last amended by Regulation (EC) No
364/97 ⁽⁴⁾; whereas, as a consequence of the changes of
the rates and prices for cereals products in the European
part of the Community and on the world market, the aid

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ No L 60, 1. 3. 1997, p. 4.

ANNEX

to the Commission Regulation of 21 March 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	15,00	15,00	15,00	18,00
Barley (1003 00 90)	36,00	36,00	36,00	39,00
Maize (1005 90 00)	36,00	36,00	36,00	39,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 519/97

of 21 March 1997

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

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

Having regard to Council Regulation (EEC) No 1600/92
of 15 June 1992 introducing specific measures in respect
of certain agricultural products for the benefit of the
Azores and Madeira ⁽¹⁾, as last amended by Regulation
(EC) No 2348/96 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals
products to the Azores and Madeira has been settled by
Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last
amended by Regulation (EC) No 366/97 ⁽⁴⁾, whereas, as a
consequence of the changes of the rates and prices for
cereals products in the European part of the Community
and on the world market, the aid for supply to the Azores
and Madeira should be set at the amounts given in the
Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ No L 60, 1. 3. 1997, p. 8.

ANNEX

to the Commission Regulation of 21 March 1997 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

<i>(Ecu/tonne)</i>			
Product (CN code)		Amount of aid	
		Destination	
		Azores	Madeira
Common wheat	(1001 90 99)	12	12
Barley	(1003 00 90)	33	33
Maize	(1005 90 00)	33	33
Durum wheat	(1001 10 00)	9	9

COMMISSION REGULATION (EC) No 520/97

of 21 March 1997

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

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

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

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92⁽³⁾, as last amended by Regulation (EC) No 365/97⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 185, 4. 7. 1992, p. 26.

⁽⁴⁾ OJ No L 60, 1. 3. 1997, p. 6.

ANNEX

to the Commission Regulation of 21 March 1997 amending Regulation (EEC) No 1832/92
setting the amounts of aid for the supply of cereals products from the Community to the
Canary Islands

		(Ecu/tonne)
Product (CN code)		Amount of aid
Common wheat	(1001 90 99)	12,00
Barley	(1003 00 90)	33,00
Maize	(1005 90 00)	33,00
Durum wheat	(1001 10 00)	9,00
Oats	(1004 00 00)	30,00

COMMISSION REGULATION (EC) No 521/97

of 21 March 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 10 thereof,

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

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

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1997.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 198, 17. 7. 1992, p. 37.

⁽⁶⁾ OJ No L 178, 12. 7. 1994, p. 53.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 21 March 1997 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

Product (CN code)	<i>(ECU/tonne)</i>	
	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	269,00	269,00

COMMISSION REGULATION (EC) No 522/97

of 21 March 1997

setting the amounts of aid for the supply of rice products from the Community
to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 21 March 1997 setting the amounts of aid for the supply
of rice products from the Community to the Canary Islands

Product (CN code)	<i>(ECU/tonne)</i>	
	Amount of aid	
	Canary Islands	
Milled rice (1006 30)	269,00	
Broken rice (1006 40)	59,00	

COMMISSION REGULATION (EC) No 523/97
of 21 March 1997
fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 154, 15. 6. 1976, p. 11.

ANNEX

to the Commission Regulation of 21 March 1997 fixing the export refunds on rice and broken rice

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refunds	Product code	Destination (1)	Amount of refunds
1006 20 11 9000	01	204,00	1006 30 65 9900	01	255,00
1006 20 13 9000	01	204,00		04	255,00
1006 20 15 9000	01	204,00	1006 30 67 9100	—	—
1006 20 17 9000	—	—	1006 30 67 9900	—	—
1006 20 92 9000	01	204,00	1006 30 92 9100	01	255,00
1006 20 94 9000	01	204,00		02	261,00
1006 20 96 9000	01	204,00		03	266,00
1006 20 98 9000	—	—		04	255,00
1006 30 21 9000	01	204,00	1006 30 92 9900	01	255,00
1006 30 23 9000	01	204,00		04	255,00
1006 30 25 9000	01	204,00		—	—
1006 30 27 9000	—	—	1006 30 94 9100	01	255,00
1006 30 42 9000	01	204,00		02	261,00
1006 30 44 9000	01	204,00		03	266,00
1006 30 46 9000	01	204,00		04	255,00
1006 30 48 9000	—	—	1006 30 94 9900	01	255,00
1006 30 61 9100	01	255,00		04	255,00
	02	261,00		—	—
	03	266,00	1006 30 96 9100	01	255,00
	04	255,00		02	261,00
1006 30 61 9900	01	255,00		03	266,00
	04	255,00		04	255,00
1006 30 63 9100	01	255,00	1006 30 96 9900	01	255,00
	02	261,00		04	255,00
	03	266,00		—	—
	04	255,00	1006 30 98 9100	—	—
1006 30 63 9900	01	255,00	1006 30 98 9900	—	—
	04	255,00	1006 40 00 9000	—	—
1006 30 65 9100	01	255,00			
	02	261,00			
	03	266,00			
	04	255,00			

(1) The destinations are identified as follows:

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

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

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

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

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

COMMISSION REGULATION (EC) No 524/97
of 21 March 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 320/97⁽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 31 March 1997.

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

Done at Brussels, 21 March 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 51, 21. 2. 1997, p. 48.

*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 lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

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

Jäsenvaltiot tai alueet ja asetuksen (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		
Lidstaat of gebied van een lidstaat	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		x						
Danmark				x	x			
Deutschland			x	x				
Spain			x	x				
France				x				x
Ireland						x	x	x
Nederland				x				
Österreich			x	x				
Portugal			x					
Suomi				x	x			
Sweden				x	x			
Great Britain			x	x	x	x	x	x
Northern Ireland			x	x	x	x	x	x

COMMISSION REGULATION (EC) No 525/97
of 21 March 1997

**amending Regulation (EC) No 1487/95 establishing the supply balance for the
Canary Islands for products from the pigmeat sector and fixing the aid for
products coming from the Community**

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

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

Whereas the amounts of aid for the supply of the pigmeat sector to the Canary Islands have been settled by Commission Regulation (EC) No 1487/95 of 28 June 1995 establishing the supply balance for the Canary Islands for products from the pigmeat sector and fixing the aid for products coming from the Community ⁽³⁾, as last amended by Regulation (EC) No 75/97 ⁽⁴⁾; whereas, as a consequence of the changes in the rates and prices for cereal products in the European part of the Community

and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to amended Regulation (EEC) No 1487/95 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 22 March 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 145, 29. 6. 1995, p. 63.

⁽⁴⁾ OJ No L 16, 18. 1. 1997, p. 72.

ANNEX

ANNEX II

Amounts of aid granted for products coming from the Community market

<i>(ECU/100 kg net weight)</i>	
Product code	Amount of aid
0203 21 10 9000	10,8
0203 22 11 9100	16,2
0203 22 19 9100	10,8
0203 29 11 9100	10,8
0203 29 13 9100	16,2
0203 29 15 9100	10,8
0203 29 55 9110	18,4
1601 00 91 9100	16,2
1601 00 99 9100	10,8
1602 20 90 9100	5,4
1602 41 10 9210	18,4
1602 42 10 9210	13
1602 49 11 9190	—
1602 49 13 9190	—
1602 49 19 9190	10,8

NB: The product codes as well as the footnotes are defined in Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 526/97
of 21 March 1997

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

Article 3

This Regulation shall enter into force on 1 April 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 21 March 1997 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 00 9400	6,00
1001 90 99 9000	9,00
1002 00 00 9000	35,00
1003 00 90 9000	30,00
1004 00 00 9400	27,00
1005 90 00 9000	30,00
1006 30 92 9100	271,00
1006 30 92 9900	271,00
1006 30 94 9100	271,00
1006 30 94 9900	271,00
1006 30 96 9100	271,00
1006 30 96 9900	271,00
1006 30 98 9100	271,00
1006 30 98 9900	271,00
1006 40 00 9000	—
1007 00 90 9000	30,00
1101 00 15 9100	8,00
1101 00 15 9130	8,00
1102 20 10 9200	42,20
1102 20 10 9400	36,17
1102 30 00 9000	—
1102 90 10 9100	30,12
1103 11 10 9200	9,00
1103 11 90 9200	9,00
1103 13 10 9100	54,25
1103 14 00 9000	—
1104 12 90 9100	43,14
1104 21 50 9100	40,16

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

COMMISSION REGULATION (EC) No 527/97

of 21 March 1997

amending Regulation (EEC) No 1725/92 laying down detailed implementing rules for the specific measures for supplying the Azores and Madeira with products from the pigmeat sector and fixing the aid for products coming from the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 10 thereof,

Whereas the amount of aid for supplying the Azores and Madeira with products from the pigmeat sector have fixed by Commission Regulation (EEC) No 1725/92 of 30 June 1992 laying down detailed implementing rules for the specific measures for supplying the Azores and Madeira with products from the pigmeat sector⁽³⁾, as last amended by Regulation (EC) No 114/97⁽⁴⁾; whereas, in calculating the aid for the pigmeat products intended for the Azores and Madeira, it is necessary to take account of the relationship that exists between the aids for cereals and those for pigmeat; whereas as a result of the changes in quota-

tions and prices for cereal products on the European territory of the Community and on the world market, the amounts of aid for supplying the Azores and Madeira should be fixed again as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to amended Regulation (EEC) No 1725/92 is replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 22 March 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 95.

⁽⁴⁾ OJ No L 20, 23. 1. 1997, p. 28.

ANNEX

ANNEX II

Amounts of aid granted for products referred to in Annex I and coming from the Community market

(ECU/100 kg net)	
Product code	Amount of aid
0203 11 10 9000	10,8
0203 12 11 9100	16,2
0203 12 19 9100	10,8
0203 19 11 9100	10,8
0203 19 13 9100	16,2
0203 19 15 9100	10,8
0203 19 55 9110	18,4
0203 19 55 9310	18,4
0203 21 10 9000	10,8
0203 22 11 9100	16,2
0203 22 19 9100	10,8
0203 29 11 9100	10,8
0203 29 13 9100	16,2
0203 29 15 9100	10,8
0203 29 55 9110	18,4

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

COMMISSION REGULATION (EC) No 528/97

of 21 March 1997

amending Regulation (EEC) No 584/92 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Europe Agreements between the Community and the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic

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

Having regard to Council Regulation (EC) No 3491/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3492/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part⁽²⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3296/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic of the other part⁽³⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3297/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part⁽⁴⁾, and in particular Article 1 thereof,

Whereas Council Decision No 3/96 of the Association Council, association between the European Communities and their Member States, of the one part and of the Czech Republic of the other part⁽⁵⁾ amends Protocol 4 to the

Europe Agreement with effect from 1 January 1997; whereas the new Protocol lays down that the proof of origin of products imported into the Community may be established by a declaration by the exporter under certain conditions as well as by the submission of the EUR. 1 certificate; whereas, therefore, Commission Regulation (EEC) No 584/92⁽⁶⁾, as last amended by Regulation (EC) No 2500/96⁽⁷⁾, should be amended as regards the rules on the release for free circulation of products imported from the Czech Republic;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 8 of Regulation (EEC) No 584/92 is hereby replaced by the following:

'Article 8

The products shall be placed in free circulation on presentation of an EUR. 1 certificate issued by the exporting country in accordance with Protocol 4 to the Europe Agreements concluded with the said countries, or, in the case of products imported from the Czech Republic, of a declaration by the exporter in accordance with the provisions of the said Protocol.'

Article 2

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

It shall apply from 1 January 1997.

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽²⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽³⁾ OJ No L 341, 30. 12. 1994, p. 14.

⁽⁴⁾ OJ No L 341, 30. 12. 1994, p. 17.

⁽⁵⁾ OJ No L 343, 31. 12. 1996, p. 1.

⁽⁶⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽⁷⁾ OJ No L 338, 28. 12. 1996, p. 61.

COMMISSION REGULATION (EC) No 529/97

of 21 March 1997

opening and administering a tariff quota of 300 000 tonnes of quality wheat and
repealing Regulation (EC) No 1854/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽¹⁾, and in particular Article 1 thereof,

Whereas the Community, as parts of its World Trade Organization commitments, undertook to establish for each calendar year a zero-duty tariff quota for 300 000 tonnes of quality wheat falling within CN codes 1001 10 00 and 1001 90 99; whereas these imports have been governed by Commission Regulation (EC) No 1854/94⁽²⁾, as amended by Regulation (EC) No 2547/94⁽³⁾, since the initial introduction of this quota; where this Regulation should be repealed;

Whereas an import licence must be presented for these imports; whereas it is necessary to specify the terms under which these licences are issued;

Whereas in order to ensure the proper administration of the imports, a guarantee system should be introduced; whereas, given the likelihood of speculation inherent in the system because no duty is payable, access to the imports in question should be limited to those who lodge an import guarantee, who provide proof that they have been operating commercially in the cereals sector for twelve months at least and who are registered in the Member State where the application is made;

Whereas, to prevent speculation, the validity of the import licences should be no more than seven days and the plant where the imported wheat is to be processed should be identified;

Whereas the specific provisions governing the organization of the imports, in particular those relating to notices inviting applications for import licences, will be adopted in accordance with the procedure laid down in Article 23 of Council Regulation (EEC) No 1766/92⁽⁴⁾, as last amended by Commission Regulation (EC) No 923/96⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The importation of 300 000 tonnes of quality wheat falling within CN codes 1001 10 00 and 1001 90 99 of a minimum quality satisfying the criteria laid down in Annex I shall be subject to an import licence obtained in accordance with this Regulation.

2. In order to ensure the quality of the imported product, eligibility to import at the zero duty shall be dependent upon the importer lodging with the competent authorities, on the day the declaration of release into free circulation is accepted, an import guarantee equal to the import duty on low-quality common wheat, plus ECU 5 per tonne.

Article 2

1. An application for an import licence in relation to the quantity referred to in Article 1 shall be admissible provided it complies with the following conditions:

- (a) it relates to a quantity of wheat of between 500 tonnes at least and 10 000 tonnes at most;
- (b) where the application is submitted by an agent, it contains the name and address of the principal; and
- (c) it is accompanied by:

— proof that the applicant is a natural or legal person and has been operating commercially in the cereals sector for twelve months at least, and that the applicant is registered in the Member State where the application is made,

— proof that a guarantee has been lodged of ECU 15 per tonne with the competent authority of the Member State concerned guaranteeing good faith on the part of the applicant,

— a written undertaking by the applicant that all the produce imported will be processed within six months of the date of acceptance for free circulation. The importer shall specify where processing is to take place:

⁽¹⁾ OJ No L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ No L 192, 28. 7. 1994, p. 31.

⁽³⁾ OJ No L 270, 21. 10. 1994, p. 7.

⁽⁴⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽⁵⁾ OJ No L 126, 24. 5. 1996, p. 37.

- by naming a processing firm in a Member State, or
- by indicating a maximum of five different processing plants.

2. Any application where one or more of its terms differ from those provided for in the notice inviting applications for import licences shall also be inadmissible.

3. An application may not be withdrawn.

Article 3

1. Member States shall inform the Commission by telex, fax or telegram within two working days from the last day for submitting an application (ending a period of at least 30 days) and in accordance with the model in Annex II:

- of the number of admissible applications submitted,
- of the quantity of wheat in respect of which applications for licences have been submitted.

This information is forwarded even where no application has been submitted.

2. In the event that that quantity exceeds the quantity of one or other type of wheat to be imported during the period concerned, the Commission shall notify the Member States within three working days of the end of the notification period referred to in paragraph 1 by what percentage(s) they must scale down the quantities applied for when issuing licences.

3. The import licences shall be issued immediately upon expiry of the time limit referred to in paragraph 2, and in any event within three working days.

4. Article 6 (1) of Regulation (EC) No 1162/95⁽¹⁾ notwithstanding, the certificates shall be valid for no more than seven days. Validity shall start on the day they are issued, within the meaning of Article 21 (2) of Regulation (EEC) No 3719/88⁽²⁾.

Article 4

The import licence shall contain the following indications and be subject to the following conditions:

- (a) Sections 7 and 8 shall indicate, respectively, the country of provenance and the country of origin of the wheat concerned,
- (b) in Section 9, the indication 'no' shall be marked with a cross,
- (c) by derogation from Article 8 (4) of Regulation (EEC) No 3719/88, the quantity placed in free circulation shall not exceed that stated in Sections 17 and 18, and

the figure 0 shall accordingly be entered in Section 19,

(d) Section 20 shall contain one of the following indications:

- Trigo duro/común, código NC 1001 10 00/ 1001 90 99 cuya calidad cumple con lo dispuesto en el Reglamento (CE) n° 529/97
- Hård/blød hvede, KN-kode 1001 10 00/ 1001 90 99 af kvalitet som fastsat i forordning (EF) nr. 529/97
- Hart-/Weichweizen der KN-Codes 1001 10 00/ 1001 90 99 von einer Qualität gemäß den Bestimmungen der Verordnung (EG) Nr. 529/97
- Σκληρός/μαλακός σίτος, κωδικός ΣΟ 1001 10 00/1001 90 99, του οποίου η ποιότητα είναι σύμφωνη με τις διατάξεις του κανονισμού (ΕΚ) αριθ. 529/97
- Durum/Common wheat CN code 1001 10 00/ 1001 90 99, of which the quality conforms with the provisions of Regulation (EC) No 529/97
- Blé dur/tendre du code NC 1001 10 00/ 1001 90 99, de qualité conforme aux dispositions du règlement (CE) n° 529/97
- Frumento duro/tenero, codice NC 1001 10 00/ 1001 90 99, di qualità conforme a quanto prescritto dal regolamento (CE) n. 529/97
- Harde/zachte tarwe, GN-code 1001 10 00/ 1001 90 99, waarvan de kwaliteit aan de bepalingen van Verordening (EG) nr. 529/97 beantwoordt
- Trigo duro/mole do código NC 1001 10 00/ 1001 90 99, de qualidade conforme às disposições do Regulamento (CE) n° 529/97
- CN-koodiin 1001 10 00/1001 90 99 kuuluva durumvehnä/vehnä, joka on laadultaan asetuksen (EY) N:o 529/97 mukainen
- Durumvete/vete med KN-nummer 1001 10 00/ 1001 90 99 av en kvalitet som överensstämmer med bestämmelserna i förordning (EG) nr 529/97,

(e) Section 24 shall contain one of following indications:

- Derecho cero. Reglamento (CE) n° 1095/96. Contingente arancelario n° 72
- Toldfritagelse. Forordning (EF) nr. 1095/96. Toldkontingent nr. 72
- Nullsatz. Verordnung (EG) Nr. 1095/96. Zollkontingent Nr. 72
- Μηδενικός δασμός. Κανονισμός (ΕΚ) αριθ. 1095/96. Δασμολογική ποσόστωση αριθ. 72
- Zero duty. Regulation (EC) No 1095/96. Tariff quota No 72
- Droit zéro. Règlement (CE) n° 1095/96. Contingent tarifaire n° 72
- Dazio zero. Regolamento (CE) n. 1095/96. Contingente tariffario n. 72
- Nulrecht. Verordening (EG) nr. 1095/96. Tariefcontingent nr. 72

⁽¹⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

- Direito igual a zero. Regulamento (CE) n° 1095/96. Contingente pautal n° 72
 - Tulliton. Asetus (EY) N:o 1095/96. Tariffikiintiö N:o 72
 - Tullrats 0. Förordning (EG) nr 1095/96. Tullkvot nr 72,
- (f) by derogation from Regulation (EEC) No 3719/88, rights deriving from the licence shall not be transferable.

Article 5

1. Representative samples of each import shall be taken by the customs authorities under Article 6 (1) and (2) of Regulation (EC) No 1249/96 ⁽¹⁾, with a view to carrying out the necessary tests to establish that the quality imported conforms to specifications.

The representative samples shall be kept by the customs authorities for six months.

2. Before the goods are moved for processing, a control copy T5 shall be prepared by the customs clearance office in accordance with the detailed rules laid down in Commission Regulation (EEC) No 2454/93 ⁽²⁾. The name of the factory and the place of processing shall be entered in Section 104 of the T5 document. However, if the results of the test referred to in paragraph 1 are known before the departure of the goods and demonstrate that the quality is not conform but is instead below the quality required of high standard common wheat in the second subparagraph of Article 6 (1) of Regulation (EC) No 1249/96, no T5 document shall be issued and Article 6 (1) shall apply.

Article 6

1. On presentation of the proof certifying that the wheat was processed within six months of the date the licence was issued in one of the places stipulated in

the applicant's written undertaking and if the quality of the product import conforms to the criteria referred to in Article 1 (1), the import security referred to in Article 1 (2) shall be released for the quantity in respect of which proof has been supplied. Should the tests referred to in Article 5 show that the quality of the imported product is below the required quality, the wheat in question shall be classified in accordance with Regulation (EC) No 1249/96. In such cases the import duty in force for wheat of the quality in question, plus ECU 5 per tonne, shall be held back out of the amount of the guarantee referred to in Article 1. The balance shall be released.

2. The guarantee of good faith referred to in the third indent of Article 2 (1) (c) shall be released upon presentation of proof that the declaration of release into free circulation has been accepted.

Article 7

At the latest within two working days following the issue of import licences, Member States shall use the model in Annex II to inform the Commission by telex, fax or telegram of the quantity of wheat for which licences have been issued and the country of origin of the product.

The notifications referred to in paragraph 1 shall be made even where no application has been submitted, no licence has been issued or no imports have taken place.

Article 8

Regulation (EC) No 1854/94 is hereby repealed.

Article 9

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

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

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 161, 29. 6. 1996, p. 125.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

ANNEX I

Minimum quality criteria for wheat imported under the tariff quota opened by Council Regulation (EC) No 1095/96

Quality criteria	Type of wheat	
	Durum wheat	Common wheat
	CN code 1001 10 00	CN code 1001 90 99
Specific weight greater than or equal to	80 kg/hl	78 kg/hl
Maximum percentage of grains which have lost their vitreous aspect	20,0 % maximum	—
Grains of less than irreproachable quality, of which:	10,0 % maximum	10,0 % maximum
— broken and/or overheated grains	7,0 % maximum	7,0 % maximum
— grains attacked by predators	2,0 % maximum	2,0 % maximum
— grains affected with fusariosis and/or by maggots	5,0 % maximum	—
— sprouted grains	0,5 % maximum	0,5 % maximum
Various impurities (Schwarzbesatz)	1,0 % maximum	1,0 % maximum
Habsberg falling number	at least 250	at least 230
Protein content (at 13,5 % humidity)	—	at least 14,6 %

ANNEX II

The model for the notifications referred to in Articles 3 and 7

Product	Application No	Quantity (tonnes)	Quantity/ country of origin
Common wheat CN 1001 90 99	1		
	2		
	...		
Durum wheat CN 1001 10 00	1		
	2		
	...		

COMMISSION REGULATION (EC) No 530/97

of 21 March 1997

on an invitation to tender for the refund on export of wholly milled long grain rice to certain third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas examination of the balance sheet shows that exportable amounts of rice are currently held by producers; whereas this situation could affect the normal development of producer prices during the 1996/97 marketing year;

Whereas, in order to remedy this situation, it is appropriate to make use of export refunds to zones which may be supplied by the Community; whereas the special situation of the rice market makes it necessary to limit the quantities of rice benefiting from the refunds, and therefore to apply Article 13 of Regulation (EC) No 3072/95 enabling the amount of refund to be fixed by tendering procedure;

Whereas it should be stated that the provisions of Commission Regulation (EEC) No 584/75 of 6 March 1975 laying down detailed rules for the application of the system of tendering for export refunds on rice ⁽²⁾, as last amended by Regulation (EC) No 299/95 ⁽³⁾, apply to this invitation to tender;

Whereas, in order to avoid disturbances on the markets of the producing countries, the markets of destination should be limited to Zones I to VI and Zone VIII, excluding Guyana, Madagascar and Suriname, noted in the Annex to Commission Regulation (EEC) No 2145/92 ⁽⁴⁾, as amended by Regulation (EC) No 3304/94 ⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. An invitation to tender is hereby opened, for the refund on export of wholly milled long grain rice falling within CN code 1006 30 67 referred to in Article 13 of

Regulation (EC) No 3072/95, for Zones I to VI and Zone VIII excluding Guyana, Madagascar and Suriname, as specified in the Annex I to Regulation (EEC) No 2145/92.

2. The invitation to tender shall be open until 26 June 1997. During that period weekly invitations to tender shall be issued and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The invitation to tender shall take place in accordance with the provisions of Regulation (EEC) No 584/75 and with the following provisions.

Article 2

A tender shall be valid only if it covers a quantity for export of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 3 of Regulation (EEC) No 584/75 shall be ECU 20 per tonne.

Article 4

1. Notwithstanding the provisions of Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽⁶⁾, export licences issued within this invitation to tender shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

2. The licences shall be valid from their date of issue, within the meaning of paragraph 1, until the end of the third month following.

Article 5

Tenders submitted must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, the Member States shall inform the Commission accordingly within the same time limit as that given in the above subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽³⁾ OJ No L 35, 15. 2. 1995, p. 8.

⁽⁴⁾ OJ No L 214, 30. 7. 1992, p. 20.

⁽⁵⁾ OJ No L 341, 30. 12. 1994, p. 48.

⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure referred to in Article 22 of Regulation (EC) No 3072/95

— either to fix a maximum export refund, taking account of the criteria laid down in Article 13 of Regulation (EC) No 3072/95,

— or not to take any action on the tenders.

2. Where a maximum export refund is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum export refund level.

Article 8

The time limit for submission of tenders for the first partial invitation to tender shall expire on 3 April 1997 at 10 a.m.

The final date for submission of tenders is hereby fixed at 26 June 1997.

Article 9

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, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Weekly invitation to tender for the refund on export of wholly milled long grain rice to certain third countries

(Closing date for the submission of tenders (date/time))

1	2	3
Serial number of tenderers	Quantities in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 531/97

of 21 March 1997

on a tendering procedure for the subsidy on the export of husked long grain rice to Réunion

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾ and in particular Article 10 (1) thereof,

Whereas Commission Regulation (EEC) No 2692/89 of 6 September 1989 ⁽²⁾ lays down detailed rules for exports of rice to Réunion;

Whereas examination of the supply situation on the island of Réunion shows a shortage of rice; whereas, in view of the availability of rice on the Community market, Réunion should be allowed to obtain supplies on the Community market; whereas, because of the special situation of Réunion, it is appropriate to limit the quantities to be exported and, therefore, to fix the amount of the subsidy by tendering procedure;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A tendering procedure is hereby opened for the subsidy for the export of husked long grain rice falling within CN code 1006 20 98 referred to in Article 10 (1) of Regulation (EC) No 3072/95, for Réunion.

2. The tendering procedure referred to in paragraph 1 shall be open until 26 June 1997. During that period weekly awards of contract shall be made and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The tendering procedure shall take place in accordance with the provisions of Regulation (EEC) No 2692/89 and this Regulation.

Article 2

A tender shall be valid only if it covers a quantity of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 7 (3) (a) of Regulation (EEC) No 2692/89 shall be ECU 20 per tonne.

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 261, 7. 9. 1989, p. 8.

Article 4

Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 ⁽³⁾, the subsidy documents issued in the context of this tendering procedure shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

Article 5

Tenders must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, Member States shall inform the Commission accordingly within the same time limit as that given in the preceding subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95

— either to fix a maximum subsidy,

— or not to take any action on the tenders.

2. Where a maximum subsidy is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum subsidy level.

Article 8

The time limit for submission of tenders for the first partial award shall expire on 3 April 1997 at 10 a.m.

The final date for submission of tenders is hereby fixed at 26 June 1997.

Article 9

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

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

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

Done at Brussels, 21 March 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

Weekly award for the subsidy for the export of husked long grain rice to Réunion

Closing date for the submission of tenders (date/time)

1	2	3
Serial numbers of tenderers	Quantities (tonnes)	Amount of subsidy (ECU/tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 532/97

of 21 March 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 22 March 1997.

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

Done at Brussels, 21 March 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 21 March 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	56,3
	212	102,9
	624	129,8
	999	96,3
0707 00 15	052	161,8
	999	161,8
0709 10 10	220	138,2
	999	138,2
0709 90 73	052	122,1
	204	86,0
	999	104,0
0805 10 01, 0805 10 05, 0805 10 09	052	48,3
	204	45,3
	212	42,7
	448	24,7
	600	40,4
	624	53,8
	999	42,5
0805 30 20	052	56,4
	600	83,7
	999	70,0
0808 10 51, 0808 10 53, 0808 10 59	060	57,4
	388	97,1
	400	96,1
	404	97,4
	508	84,5
	512	87,1
	524	80,1
	528	84,3
	999	85,5
	052	108,5
0808 20 31	388	64,4
	400	82,0
	512	64,7
	528	68,8
	999	77,7

⁽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 4 March 1997

recognizing that the production of certain quality wines in specified regions and of certain 'local wines' in Greece is, by reason of their qualitative characteristics, far from able to satisfy demand

(Only the Greek text is authentic)

(97/194/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1592/96 ⁽²⁾, and in particular Article 6 (4) thereof,

Whereas, in accordance with Article 6 (1) of Regulation (EEC) No 822/87, all new planting of vines is prohibited until 31 August 1998; whereas, however, there is provision for Member States to grant authorization for new vine planting for the 1996/97 and 1997/98 wine years for areas intended for the production of:

- quality wines produced in specified regions (quality wines psr),
- and
- table wines designated as one of the following: *Landwein*, *vin de pays*, *indicazione geografica tipica*, *vin de la tierra*, *vinho regional*, regional wine, etc.,

for which the Commission has recognized that production, by reason of its qualitative characteristics, is far from able to satisfy demand;

Whereas requests for the application of that provision as regards certain regions were submitted by Greece on 27 January 1997;

Whereas examination of those requests have revealed that the regions concerned producing quality wines psr and local wines meet the requisite conditions; whereas the limit of 208 ha (2 080 stremme) laid down in the Regulation has not been exceeded;

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

HAS ADOPTED THIS DECISION:

Article 1

The quality wines psr and local wines in the regions listed in the Annex meet the requirements of the second subparagraph of Article 6 (1) of Regulation (EEC) No 822/87, provided that the increase in surface area listed in that Annex is complied with for all quality wines psr and local wines of the same region.

Article 2

This Decision is addressed to the Greek Republic.

Done at Brussels, 4 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 31.

ANNEX

Directorate of agricultural development	Quality wines psr		Local wines (T.O.)	
	Zone	Area (Stremme) (¹)	Name	Area (Stremme) (¹)
Attikis			Anavyssiotikos T.O. T.O.V. Plag. Pentelikou Attikos T.O. T.O. Yeranion	40 5 10 15
Arkadias	Mantinia	15	T.O. Teyas T.O. Arkadias	30 15
Achaïas	Mavrodafni P. Mosch. Riou P.	80 40	T.O. Playon Eyialias	60
Viotias			Thivaïkos T.O. T.O. Playon Kitherona	40 20
Dramas			T.O. Dramas Andrianiotikos T.O. Agorianos T.O.	20 70 70
Dodekanissou	Mosch. Rodou	30	Dodekanisiakos	50
Evias			Karystinos T.O.	10
Thessalonikis			Epanomitikos T.O. Messimvriotikos T.O.	70 20
Ioanninon	Zitsa	100	Metsovitikos T.O. T.O. Ioanninon	20 20
Karditsas	Messenikola	60		
Kerkyras			T.O. Kerkyras	10
Kilkis	Goumenissa	100		
Korinthias			T.O. Klimenti	50
Kykladon	Paros	130		
Larissas	Rapsani	60	T.O. Tyrnavou	50
Lassithiou			Lassithiotikos T.O.	170
Magnissias	Agchialos	20		
Messinias			T.O. Pylas T.O. Trifylias	20 20
Xanthis			T.O. Avdiron	50
Pellas (Yan)			T.O. Pellas	50
Rodopis			Ismarikos T.O.	150
Samou	Mosch. Samou	160		
Serron			T.O. Serron	30
Fthiotidas			T.O. Opountias Lokridos T.O. Kiladas Atalantis	20 20
Chalkidikis			T.O. Chalkidikis Ayioritikos T.O.	30 30
Total		795		1 285
Overall total				2 080

(¹) 1 ha = 10 stremme.

COMMISSION DECISION

of 19 March 1997

on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC concerning the Netherlands

(Text with EEA relevance)

(97/195/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 (6) (g) thereof,

Whereas in February 1997 outbreaks of classical swine fever in the Netherlands was declared by the Dutch Veterinary Authorities;

Whereas pursuant to Article 9 (1) of Directive 80/217/EEC a surveillance zone was immediately established around outbreak sites;

Whereas the surveillance zone for an outbreak confirmed in Rijsbergen in *RVV Kring Breda* on 15 February was established;

Whereas all pig holdings in the established surveillance zone have been subject to a regular inspection by a veterinarian. During this inspection samples for laboratory examination are collected if deemed necessary. No evidence of classical swine fever in the zone has been detected;

Whereas the provisions for the use of a health mark on fresh meat are given in Council Directive 64/433/EEC⁽²⁾ on health conditions for the production and marketing of fresh meat, as last amended by Directive 95/23/EEC⁽³⁾;

Whereas the Netherlands have submitted a request for the adoption of a specific solution concerning marking and use of pigmeat coming from pigs kept on holdings situated in an established surveillance zone and slaughtered subject to a specific authorization issued by the competent authority;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice for the provisions of Directive 80/217/EEC, in particular, Article 9 (6), the Netherlands are authorized to apply the mark described in Article 3 (1) (A) (e) of Directive 64/433/EEC to pigmeat obtained from pigs originating from holdings situated in Rijsbergen surveillance zone in the Netherlands established in accordance with the provisions of Article 9 (1) of Directive 80/217/EEC on the condition that the pigs in question:

- (a) originate from a holding to which, following the epidemiological inquiry, no contact has been established with an infected holding;
- (b) originate from a holding which for a period of at least three weeks has been subject to a regular inspection by a veterinarian. The inspection has included all pigs kept on the holding;
- (c) have been subject to protection measures established on 15 February 1997 in accordance with the provisions of Article 9 (6) (f) and (g) of Directive 80/217/EEC;
- (d) have been included in a programme for monitoring body temperature and clinical examination. The programme shall be carried out as given in Annex I;
- (e) have been slaughtered within 12 hours of arrival at the slaughterhouse.

2. The Netherlands shall ensure that a certificate as given in Annex II is issued in respect of meat referred to in paragraph 1.

Article 2

Pigmeat which complies with the conditions of Article 1 (1) and enters into intra-Community trade must be accompanied by the certificate referred to in Article 1 (2).

⁽¹⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽²⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽³⁾ OJ No L 243, 11. 10. 1995, p. 7.

Article 3

The Netherlands shall ensure that abattoirs designated to receive the pigs referred to in Article 1 (1) do not on the same day accept pigs for slaughter other than the pigs in question.

Article 4

The Netherlands shall provide Member States and the Commission with:

- (a) the name and location of slaughterhouses designated to receive pigs for slaughter referred to in Article 1 (1),
- (b) a monthly report which contains information on:
 - the area to which the provisions of Article 1 apply,
 - number of pigs slaughtered at the designated slaughterhouses,
 - identification system and movement controls applied to slaughter pigs, as required pursuant to Article 9 (6) (f) (i) of Directive 80/217/EEC,

- instructions issued concerning the application of the programme for monitoring body temperature referred to in Annex I.

Article 5

This Decision is applicable until 1 May 1997.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 19 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

MONITORING OF BODY TEMPERATURE

The programme for monitoring body temperature and clinical examination referred to in Article 1 (1) (b) shall include the following:

1. Within the 24-hour period before loading a consignment of pigs intended for slaughter, the competent veterinary authority shall ensure that the body temperature of a number of pigs of the said consignment is monitored by an official veterinarian inserting a thermometer into the rectum. The number of pigs to be monitored for temperature shall be as given below:

Number of pigs in consignment	Number of pigs to be monitored
0 to 25	all
26 to 30	26
31 to 40	31
41 to 50	35
51 to 100	45
101 to 200	51
200 +	60

At the time of examination, the following information shall be recorded for each pig on a table issued by the competent veterinary authorities: number of eartag, time of examination and temperature.

In cases where the examination shows a temperature of 40 °C or above, the official veterinarian shall immediately be informed. A disease investigation shall be initiated and take into account the provisions of Article 4 of Council Directive 80/217/EEC introducing Community measures for the control of classical swine fever.

2. Shortly (0 to 3 hours) before loading of the consignment examined as described under 1 above, a clinical examination shall be carried out by an official veterinarian designated by the competent veterinary authorities.
3. At the time of loading of the consignment of pigs examined as described under 1 and 2 above, the official veterinarian shall issue a health document, which shall accompany the consignment to the designated slaughterhouse.
4. At the slaughterhouse of designation the results of the temperature monitoring shall be made available to the veterinarian who performs the *ante-mortem* examination.

ANNEX II

CERTIFICATE

for fresh meat referred to in Article 1 (1) of Commission Decision 97/195/EC

No (1):

Place of loading:

Ministry:

Department:

I. Identification of meat

Meat of pigs

Nature of cuts:

Number of cuts or packages:

Net weight:

II. Origin of meat

Address and veterinary approval number of the approved slaughterhouse:

.....

.....

III. Destination of meat

The meat will be sent

from:

(place of loading)

to:

(place of destination)

by the following means of transport (2):

Name and address of consignee:

.....

(1) Serial No issued by the official veterinarian.

(2) In the case of rail trucks and lorries, state the registration number and in the case of boats, name and, where necessary, the number of the container.

IV. Health attestation

I, the undersigned official veterinarian, certify that the meat described above was obtained under the conditions governing production and control laid down in Directive 64/433/EEC and is in conformity with the provisions of Commission Decision 97/195/EC on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC.

Done at, on

.....
(name and signature of the official veterinarian)

COMMISSION DECISION

of 20 March 1997

amending Decision 97/116/EC concerning certain protection measures relating to classical swine fever in Germany

(Text with EEA relevance)

(97/196/EC)

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

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 10 (4) thereof,

Whereas a number of outbreaks of classical swine fever have occurred in different areas of Germany;

Whereas in view of the trade in live pigs, these outbreaks are liable to endanger the herds of other Member States;

Whereas Germany has taken measures within the framework of Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

Whereas, as a result of the disease situation, the Commission adopted Decision 97/116/EC of 11 February 1997 concerning certain protection measures relating to classical swine fever in Germany⁽⁴⁾;

Whereas in the light of the evolution of the disease it is possible to amend measures adopted as regards the conditions for movement of pigs;

Whereas, since it is possible to identify geographically areas which present a particular risk, the restrictions on trade can apply on a regional basis;

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

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and II to Decision 97/116/EC are replaced by Annexes I and II respectively to this Decision.

Article 2

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision. They shall immediately inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ No L 42, 13. 2. 1997, p. 28.

ANNEX I

<i>Land</i> Mecklenburg-Western Pomerania:	all <i>Kreise</i> and <i>kreis</i> -free towns, except the <i>Kreis</i> Nordwestmecklenburg and the <i>kreis</i> -free towns Schwerin and Wismar
<i>Land</i> Lower Saxony:	<i>Kreise</i> Lüneburg, Uelzen and Lüchow-Dannenberg
<i>Land</i> North Rhine-Westphalia:	<i>Kreise</i> Höxter, Lippe, Paderborn, Hamm Stadt, Hochsauerlandkreis, Märkischer <i>Kreis</i> , Soest, Unna, Warendorf, Bielefeld Stadt and Gütersloh
<i>Land</i> Freistaat Bayern:	<i>Kreise</i> Dachau, Freising, Fürstenfeldbruck, München, Neuburg-Schrobenhausen, Pfaffenhofen a. d. Ilm and Aichach-Friedberg
<i>Land</i> Brandenburg:	<i>Kreise</i> Prignitz and Ostprignitz-Ruppin
<i>Land</i> Sachsen-Anhalt:	Altmarkkreis Salzwedel

ANNEX II

All affected *Kreise*, i. e. all *Kreise* where outbreaks have been recorded or where protection or surveillance zones have been established:

Mecklenburg-Western Pomerania:	all <i>Kreise</i> and <i>kreis</i> -free towns, except the <i>Kreise</i> Ludwigslust and Nordwestmecklenburg and the <i>kreis</i> -free towns Schwerin and Wismar
Lower Saxony:	the <i>Kreise</i> Lüchow-Dannenberg, Lüneburg (except the Amt Neuhaus) and Uelzen
North Rhine-Westphalia:	the <i>Kreise</i> Gütersloh, Lippe-Detmold, Paderborn, Soest and the <i>kreis</i> -free town Bielefeld
Sachsen-Anhalt:	<i>Kreis</i> Altmark-Salzwedel
Bavaria:	<i>Kreise</i> Dachau and Fürstenfeldbruck

CORRIGENDA

Corrigendum 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

(Official Journal of the European Communities No L 292 of 15 November 1996)

Page 15, Article 3 (2), eighth indent:

for: '... die niet lager is dan ... (door de ...',

read: '... die niet lager is dan ... ecu/ton (door de ...'.
