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Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EC) No 701/97 of 14 April 1997 amending a programme to promote international cooperation in the energy sector — Synergy programme 1
- ★ Council Regulation (EC) No 702/97 of 14 April 1997 opening and providing for the administration of autonomous Community tariff quotas for certain fishery products 8
- ★ Commission Regulation (EC) No 703/97 of 18 April 1997 introducing for a trial period from 1 July 1997 to 30 June 1998 a cumulative recovery system for determining certain import duties on rice and amending Regulation (EC) No 1503/96 12
- ★ Commission Regulation (EC) No 704/97 of 18 April 1997 laying down detailed rules for the application of Council Regulation (EC) No 537/97 and providing for the partial reimbursement of import duties levied on 30 000 tonnes of barley for malting 20
- Commission Regulation (EC) No 705/97 of 21 April 1997 determining the extent to which applications submitted in March 1997 for import licences for the tariff quota for beef and veal provided for in the Interim Agreement between the Community and the Republic of Slovenia can be accepted 23
- Commission Regulation (EC) No 706/97 of 21 April 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables 24
- Commission Regulation (EC) No 707/97 of 21 April 1997 amending representative prices and additional duties for the import of certain products in the sugar sector 26

Commission

97/259/EC:

- ★ **Commission Decision of 1 April 1997 concerning the tonnage objectives of the multiannual guidance programmes for the Community fishing fleets for the period 1992 to 1996** 28

97/260/EC:

- ★ **Commission Decision of 2 April 1997 on financial assistance for the Community reference laboratory for bivalve mollusc diseases** 31

97/261/EC:

- ★ **Commission Decision of 3 April 1997 repealing Decision 96/662/EC concerning certain protective measures with regard to canned tuna originating in Côte d'Ivoire ⁽¹⁾** 32

97/262/EC:

- ★ **Commission Decision of 4 April 1997 suspending the status of Ireland as regards Newcastle disease ⁽¹⁾** 33

97/263/EC:

- ★ **Commission Decision of 4 April 1997 suspending the status of a region of the United Kingdom as regards Newcastle disease ⁽¹⁾** 34

97/264/EC:

- ★ **Commission Decision of 16 April 1997 on the recognition of certification procedures in accordance with Article 12 of Council Regulation (EEC) No 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme ⁽¹⁾** 35

97/265/EC:

- ★ **Commission Decision of 16 April 1997 on the recognition of the international standard ISO 14001:1996 and the European standard EN ISO 14001:1996, establishing specification for environmental management systems, in accordance with Article 12 of Council Regulation (EEC) No 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme ⁽¹⁾** 37

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 701/97
of 14 April 1997
amending a programme to promote international cooperation in the energy
sector — Synergy programme

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas, for reasons of the competitiveness of the Community's industries, security of supply and the protection of the environment, energy matters must be an important element in the Union's international activities;

Whereas the Community's accession to the Energy Charter Treaty and the Convention on Climate Change commits it to cooperation in the energy field;

Whereas the conclusions of the Council of Ministers for Development and Cooperation of 18 November 1992 on the guidelines for cooperation with the developing countries for clean and efficient energy technology stressed that an essential objective of energy cooperation with all developing countries was the implementation of effective energy policies;

Whereas, as stressed in the Council resolution of 8 July 1996 on the White Paper 'An energy policy for the European Union' ⁽³⁾, energy developments in the Community are increasingly influenced by external developments and efforts must therefore be made to ensure that the Community develops a coherent and consistent approach to energy matters with third countries;

Whereas the Community is engaged in international energy activities under various programmes and whereas, to ensure that these activities are consistent, they should

be coordinated within a programme for energy policy cooperation with non-member States;

Whereas, as part of the Community energy objectives towards non-member States, cooperation can be satisfied by the creation of such a programme; whereas the legal instrument on which this programme is based should allow all international energy activities, particularly those in the fields of renewable energy sources and energy efficiency, to be incorporated into a consistent strategy and adjusted to the various Community policies;

Whereas this programme contributes to the coordination of the Community's other measures in the energy sector; whereas there must therefore be no duplication with other Community programmes, programmes of the Member States, non-member States and international organizations;

Whereas the principal objectives of the programme, particularly the coordination of the various programmes of international measures, by reason of their wide-ranging nature, can be attained in the best possible manner at a Community level;

Whereas it is necessary to establish a legal instrument for the activities of the Community's international cooperation in the field of energy policy;

Whereas according to the Council resolution on the White Paper 'An energy policy for the European Union', political and trade relations are essential components of energy policy, and accordingly the Community's international energy cooperation measures should be integrated more effectively in its external policy as a whole;

Whereas energy cooperation pursuant to the programme should be to improve competitiveness of Community industries, to enhance security of supply, to promote sustainable development and to improve energy efficiency; whereas effect may be given to such cooperation by the provision of cooperation and co-financing of projects;

⁽¹⁾ OJ No C 310, 22. 11. 1995, p. 10 and OJ No C 194, 5. 7. 1996, p. 20.

⁽²⁾ OJ No C 115, 14. 4. 1997.

⁽³⁾ OJ No C 224, 1. 8. 1996, p. 1.

Whereas such cooperation should be anchored in an indicative programme and may be the subject of agreements with the States concerned or with international networks of study and research centres;

Whereas it is appropriate that the Commission be assisted, in the implementation of Community aid co-operation, by a committee made up of Member States' representatives;

Whereas this programme must be subject to an assessment carried out by independent experts;

Whereas, since the cooperation in a question is external cooperation, it is governed by the special provisions laid down in Title IX of the Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities⁽¹⁾;

Whereas a financial reference amount within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995 on the incorporation of financial provisions into legislative acts⁽²⁾, is included in this Regulation, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty;

Whereas it is appropriate to improve the transparency and coordination of Community activities in the energy sector, which are currently placed in separate programmes; to this end a possible presentation of a framework energy programme could follow the presentation by the Commission of a communication on all Community programmes which have an energy component,

HAS ADOPTED THIS REGULATION:

Article 1

A programme of cooperation with non-member States in the field of formulation, elaboration and implementation in fields of mutual benefits of energy policy, hereinafter called 'Synergy', shall be implemented by the Community.

Article 2

Synergy shall be addressed to all States which are not members of the Community and first and foremost those countries and regions included in the priorities of the Community's external relations in terms of its political, security of energy and economic interests.

Article 3

1. Synergy shall be implemented from 1 January 1997 to 31 December 1997.
2. The financial reference amount for the implementation of this programme shall be ECU 7 million. The

appropriation shall be authorized by the budgetary authority within the limits of the financial perspectives.

3. The Commission shall present before the end of 1997 a communication on all the Community programmes which have an energy component and, where appropriate, a proposal aiming at the improvement of transparency and coordination of elements placed in separate programmes as well as a possible presentation of a framework energy programme.

Article 4

1. The programme referred to in Article 1 shall take the form of cooperation for the definition, formulation and implementation of energy policy for non-member States in areas of mutual interest.

2. The programme shall help achieve the Community's main energy objectives as described in the White Paper 'An energy policy for the European Union'.

To the same end, the Community may also maintain relations with international energy organizations.

These measures shall be taken in accordance with the rules set out in Article 6.

No funding may be granted to research, development and demonstration projects.

3. In order to achieve these objectives, the Community shall contribute, in particular, to the financing of activities concerning:

- energy policy advice and training,
- energy analyses and forecasting,
- the organization of conferences and seminars,
- support to regional transboundary cooperation.

4. The cooperation shall also cover costs related to the preparation, implementation, monitoring and evaluation of the execution of these operations, as well as costs concerning information.

Article 5

1. Community contributions may take the form of grants which shall be released in tranches as projects materialize.

2. In principle, Synergy programme funding shall be granted only after consideration of any other funding possibilities from Member States, all cooperating countries and multilateral organizations and shall not co-finance activities funded by other Community programmes.

3. Financing decisions and any contracts resulting therefrom shall expressly provide, *inter alia*, for acceptance by the beneficiaries of supervision by the Commission and the Court of Auditors, to be carried out on the spot if necessary.

⁽¹⁾ OJ No L 356, 31. 12. 1977, p. 1. Regulation as last amended by Regulation (EC, Euratom, ECSC) No 2335/95 (OJ No L 240, 7. 10. 1995, p. 12).

⁽²⁾ OJ No C 293, 8. 11. 1995, p. 4.

Article 6

1. An indicative programme covering the period referred to in Article 3 (1) is established in Annex I, without this being a budget commitment.

This programme defines the principal objectives, guidelines and priorities of Community cooperation in the indicative areas referred to in Article 4.

2. An action programme based on the indicative programme referred to in paragraph (1) shall be adopted in accordance with the procedure provided for in Article 8.

This action programme shall include a list of the main projects to be financed within the indicative areas referred to in Article 4. The content of the programme shall be determined in detail so as to provide Member States with the relevant information to enable the Committee referred to in Article 8 to deliver its opinion.

3. Specific agreements may be concluded with non-member States, in the framework and for the duration of the indicative programme referred to in paragraph (1), in order to define the main lines of cooperation with the countries concerned and the consultation procedures regarding the implementation of the programme.

4. Contracts may also be concluded within the framework of the indicative programme referred to in paragraph (1) with international networks of study and research centres in order to define the contribution of these networks to the achievement of the objectives described in the said indicative programme.

Article 7

1. The Commission shall implement operations in accordance with the action programme referred to in Article 6 (2).

2. Service contracts shall, as a general rule, be awarded by restricted invitations to tender in conformity with Article 118 of the Financial Regulation applicable to the general budget of the European Communities.

Supply contracts, in the cases where they are needed as a means to supplement service contracts and limited to the objectives of Synergy, shall be awarded by means of open invitations to tender, except in the cases provided for in Article 116 of the said Financial Regulation.

Negotiated contracts may be awarded for operations involving an amount of up to ECU 50 000.

Participation in invitations to tender and contracts shall be open on equal terms to all natural and legal persons in the Member States and in the beneficiary States.

Participation by natural and legal persons from other countries may be authorized by the Commission on a case-by-case basis if the programmes or projects concerned require specific forms of assistance specifically

available in these countries, subject to reciprocity being granted by those countries.

3. Taxes, duties and the purchase of immovable property shall not be funded by the Community.

4. In the case of co-financing, the participation of enterprises from the non-member States concerned in invitations to tender and contracts may be authorized by the Commission on a case-by-case basis. The Commission shall render account thereof in the report referred to in Article 10.

Article 8

1. The Commission shall be assisted by a committee composed 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 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.

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

4. 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 measures to be taken. The Council shall act by a qualified majority.

5. If, on the expiry of a period of three months from referral of the matter to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 9

1. The Commission shall, together with the Member States, ensure the effective coordination of the expert assistance efforts undertaken in the beneficiary States by the Community and individual Member States on the basis of the information supplied by the Member States.

2. Coordination and cooperation with the international financial institutions and other sources of funds shall be encouraged.

3. The Commission shall examine the various ways in which co-financing involving the Synergy programme, the bilateral cooperation of the Member States, the programmes from other international organizations, and other Community programmes might be promoted. It shall, in particular, ensure both coordination and complementarity between the contributions made by Synergy, and the other Community instruments for international

energy cooperation in order to avoid duplication. It shall also ensure that duplication is avoided between the Synergy programme and any other programme or action of other international organizations in the field of energy.

Article 10

The Commission shall present a report by 31 December 1998 on the implementation of the programme in the previous financial year and the impact thereof in non-member States and Member States, accompanied by the

external assessment by independent experts on which it is based. This report shall be addressed to the European Parliament, the Council and the Economic and Social Committee.

Article 11

This Regulation shall enter into force on the 20th 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 Luxembourg, 14 April 1997.

For the Council

The President

J. VAN AARTSEN

ANNEX I

INDICATIVE STRATEGY PROGRAMME

In the implementation of the Synergy programme and in the drawing up of the action programme the following guidelines shall all be taken into account.

The tasks of Synergy are to help achieve the Community's energy objectives as set out in the Council's resolution on the White Paper 'An energy policy for the European Union':

- overall competitiveness,
- security of supply,
- environment protection.

Each of these objectives has a sizeable external component, as is made clear in the White Paper. Synergy will implement energy policy according to its own logic. It also has to be consistent with international cooperation activities being conducted elsewhere in the Community.

The Synergy guidelines have been drawn up on that basis.

I. AREAS OF COOPERATION LINKED TO THE COMMUNITY'S ENERGY OBJECTIVES

(a) Activities pursuant to the three objectives:

- advice on energy policy with countries with whom the European Communities have association agreements,
- encouraging energy efficiency in third countries,
- developing local and, in particular, renewable energy sources,
- encouraging regional energy integration,
- action to promote consistency in the implementation of Community programmes in specific regions (e.g. the Black Sea, the Mediterranean and the Gulf);

(b) Overall competitiveness:

- support for the dissemination of European technology and the penetration of industry in key markets in the energy sector, in particular Asia and Latin America,
- advice concerning the organization of the energy sector of third countries,
- support for the liberalization and opening up of the energy sector, helping draw up third countries' energy policies in this new situation;

(c) Security of supply:

- dialogue with energy producing and exporting countries: Arabian/Persian Gulf, Russia, producer countries in America, Asia and Africa,
- encouraging dialogue between the European Community and the energy transit countries and the transit and producer countries in particular, by helping to implement the provisions of the Energy Charter Treaty,
- participation in and support for the work of international bodies in this sector: ministerial and producer/consumer conferences, International Energy Agency,
- support in creating a favourable environment for investment in third countries in the production and transit of energy;

(d) The environment:

- training decision-makers and staff in the energy industry of third countries in environmental awareness,
- facilitating the dissemination of Community energy and environmental techniques, experience and information,
- encouraging clean technology, in particular for the combustion of coal in major consumers like China, taking the implications for energy policy into account,
- strengthening and supporting efforts to have environmental aspects taken into account in third countries' energy policy and planning,
- encouraging and helping third countries to plan sustainable national energy policies and devising energy supply concepts in keeping with each different environmental situation.

II. GEOGRAPHICAL PRIORITIES AND CONSISTENCY WITH THE COMMUNITY'S INTERNATIONAL COOPERATION PROGRAMMES

(a) *Role and priorities:*

Synergy has a leading role in international relations in the energy field.

It will thus promote energy cooperation in relation with third countries and will have its energy objectives taken into account in the external cooperation activities carried out by other Community programmes. Synergy will also facilitate the emergence and preparation of energy projects financed by other cooperative Community instruments.

(b) *Geographical priority areas*

Synergy will concentrate on the geographical priorities in the Community's external relations and will help achieve certain of the priorities in those relations.

The areas covered by Synergy are listed hereafter:

- Central and Eastern Europe, Cyprus and Malta: emphasis to be placed on the accession process,
- Commonwealth of the Independent States (CIS),
- Mediterranean countries,
- Latin America: emphasis will be placed on Mercosur, Chile, Mexico and Venezuela,
- Asia: China, India and the Asean countries,
- Africa.

III. FUNDING SYNERGY

Apportionment of funds

The table which follows translates into financial terms (percentage) the guidelines described according to the activities corresponding to the objectives set and broken down by geographical priority areas. It is for guidance and does not constitute a commitment in respect of the allocation of funds. Some activities may relate to more than one area: thus energy efficiency and the development of local resources may both involve the promotion of Community undertakings.

The programme should be proposed in light of this table. However, pursuant to the procedure defined in Article 8 of the Regulation, the Committee will have the possibility to define other priorities for the geographical distribution of Synergy action.

If, during the execution of the programme, new actions would require to be implemented on a short-term basis the Commission would have the possibility to consult the Committee by written procedure.

This apportionment is to apply for the entire duration of the programme.

ANNEX II

INDICATIVE APPORTIONMENT OF CREDITS (IN %) BY GEOGRAPHIC AREAS

Type of activity	General or interregional	Central and East European countries	CIS	Mediterranean (including Palestinian territories)	Asia	Latin America	Africa	TOTAL
Energy producer-consumer dialogue	4							4
Energy efficiency and use of renewables		5	5	5	2	2	1	20
Developing local resources and investments	1	4	8	10	3	2	3	31
Preparing for accession		6						6
Integration	3		1	1	2	1	1	9
Promoting technologies and enterprises			4	1	4	2	2	13
Training and advice for decision makers		3	3	3	1	2	2	14
Others: evaluation, etc.	3							3
TOTAL	11	18	21	20	12	9	9	100

COUNCIL REGULATION (EC) No 702/97

of 14 April 1997

opening and providing for the administration of autonomous Community tariff quotas for certain fishery products

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Community supplies of certain species of fish or fish fillets currently depend on imports from third countries; whereas it is in the Community's interest to suspend in part or in whole the customs duties for the products in question, within Community tariff quotas of an appropriate volume; whereas, in order not to jeopardize the development prospects of this production in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to open those quotas, applying customs duties varied accordingly to sensitivity of the different products on the Community market;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import duties on the goods listed in the Annex shall be suspended at the indicated duty rate for the periods and up to the amounts indicated therein.

2. Imports of the products in question shall not be covered by the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined by the Member States in accordance with Article 22 of Council Regulation (EEC) No 3759/92 of 17 December 1992 on

the common organization of the market in fishery and aquaculture products⁽¹⁾, is at least equal to the reference price fixed, or to be fixed, by the Community for the products or categories of products concerned.

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

Article 3

If an importer presents in a Member State an entry for release for free circulation, including a request for preferential benefit for a product covered by this Regulation and if this entry for release is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding quota amount.

The drawing request, with indication of the date of acceptance of the said entries, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the entries for release for free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

If a Member State does not use the quantities drawn, it shall return them as soon as possible to the corresponding quota amount.

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a *pro rata* basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

Article 4

Each Member State shall ensure that importers of the products concerned have equal and uninterrupted access to the quotas for such time as the residual balance of the quota volumes so permits.

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 3318/94 (OJ No L 350, 31. 12. 1994, p. 14).

Article 5

Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

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

It shall apply from 1 March 1997.

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

Done at Luxembourg, 14 April 1997.

For the Council

The President

J. VAN AARTSEN

ANNEX

Series No	CN code	Taric Subdivision	Description of goods	Amount of quota (in tonnes)	Quota duty (%)	Quota period
09.2753	ex 0302 50 10 ex 0302 50 90 ex 0302 69 35 ex 0303 60 11 ex 0303 60 19 ex 0303 60 90 ex 0303 79 41	20 11 91 10 10 10 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), and fish of the genus <i>Boreogadus saida</i> , excluding, livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	50 000	4	1. 4. – 31. 12. 1997
09.2756	ex 0303 60 11 ex 0303 60 19 ex 0303 60 90 ex 0303 79 41	10 10 10 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), and fish of the genus <i>Boreogadus saida</i> , excluding, livers, roes, frozen, for processing (a) (c)	15 000	4	1. 4. – 31. 12. 1997
09.2758	ex 0302 70 00	20	Cod livers (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), and fish liver of the genus <i>Boreogadus saida</i> , for processing (a) (b)	400	0	1. 4. – 31. 12. 1997
09.2765	ex 0305 62 00 ex 0305 69 10	20 25 29 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>), and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing (a) (b)	9 000	4	1. 4. – 31. 12. 1997
09.2773	ex 0306 13 10 ex 0306 23 10	10 11 91	Shrimps and prawns of the species <i>Pandalus borealis</i> , in shell, fresh, chilled or frozen, for processing (a) (b)	6 000	0	1. 3. 1997 – 31. 3. 1998
09.2779	ex 0304 90 05	10	Surimi, frozen, for processing (a) (b)	4 500	6	1. 4. – 31. 12. 1997
09.2780	ex 0304 20 91 ex 0304 90 97	10 60	Blue grenadier fillets (<i>Macruronus novaezelandiae</i>), and other frozen meat of blue grenadier for processing (a) (b)	4 000	6	1. 4. – 31. 12. 1997
09.2785	ex 0307 49 59 ex 0307 99 11	10 10	Tubes of squid (<i>Ommastrephes</i> spp. — excluding <i>Sagittatus</i> , <i>Nototodarus</i> spp. —, <i>Sepioteuthis</i> spp.), and <i>Illex</i> spp., frozen, for processing (a) (b)	7 000	4	1. 4. – 31. 12. 1997
09.2786	ex 0307 49 59 ex 0307 99 11	20 20	Squid (<i>Ommastrephes</i> spp. — excluding <i>Sagittatus</i> , <i>Nototodarus</i> spp. —, <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen whole, tentacles and fins, for processing (a) (b)	500	4	1. 4. – 31. 12. 1997

Series No	CN code	Taric Subdivision	Description of goods	Amount of quota (in tonnes)	Quota duty (%)	Quota period
09.2788	ex 0302 40 05	10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), including flaps, excluding livers and roes, fresh, chilled or frozen, for processing (a) (b)	23 000	0	15. 9. 1997 – 14. 2. 1998
	ex 0302 40 98	10				
	ex 0303 50 05	10				
	ex 0303 50 98	10				
	ex 0304 10 94	10				
	ex 0304 10 96	10				
09.2790	ex 1604 14 16	10	So-called 'loin' fillets of tuna and skip-jack, for processing (a) (b)	1 000	12	1. 4. – 31. 12. 1997

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) This quota is available for products intended to undergo any operation, unless it is solely for one or more of the following operations:

- cleaning, gutting tailing, heading,
- cutting (excluding filleting, production of flaps or cutting of frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The quota is not available for products intended, in addition, to undergo treatment (or operations) which gives quota entitlement, where such treatment (or operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

(c) The quota is available for products destined exclusively for salting and drying.

COMMISSION REGULATION (EC) No 703/97
of 18 April 1997

introducing for a trial period from 1 July 1997 to 30 June 1998 a cumulative recovery system for determining certain import duties on rice and amending Regulation (EC) No 1503/96

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 Articles 11 (4) and 21 thereof,

Whereas Article 11 (2) (a) of Regulation (EC) No 3072/95 establishes the method for calculating the import duty on husked rice falling within CN code 1006 20 and lays down that the duty is equal to the intervention price valid on importation, increased by 80 % or 88 % depending on the type of rice imported, less the import price; whereas, with a view to the application of that provision, Commission Regulation (EC) No 1503/96 of 29 July 1996 on the detailed rules for the application of Council Regulation (EC) No 3072/95 with regard to import duties on rice ⁽²⁾, as amended by Regulation (EC) No 2131/96 ⁽³⁾, lays down that import duties are to be fixed every two weeks on the basis of reference prices established in accordance with Article 5 of Regulation (EC) No 1503/96;

Whereas, as a result of the negotiations with certain third countries as part of negotiations under Article XXIV:6 of GATT, by Council Decision 95/591/EC ⁽⁴⁾, the Community concluded an agreement (hereinafter 'the Agreement') in the form of an exchange of letters with the United States of America on cereals and rice; whereas the Agreement provides, *inter alia*, that a cumulative recovery system for husked rice (brown rice) is to be established by the Commission in consultation with the United States Government and introduced for a 12 month trial period; whereas such a system should therefore be established;

Whereas the import regime established by Regulation (EC) No 1503/96 is based on the periodic fixing by the Commission of reference import prices; whereas, in the light of the commitments entered into by the Community in the aforementioned Agreement, the cumulative recovery system (hereinafter referred to as 'CRS') must in particular be designed to enable an assessment of the operation of the aforementioned arrangements to be made following the trial period, in terms of the levying of duties

on the basis of the actual import prices for consignments imported during that period; whereas it is also necessary to provide that importers may choose, under the CRS, between the definitive levying of duties in accordance with Regulation (EC) No 1503/96 and their adjustment in accordance with actual import prices; whereas, in view of the foregoing, Regulation (EC) No 1503/96 will continue to apply in full; whereas, in order to achieve the objectives pursued and to ensure that the system is applied both reliably and effectively and is fraudproof, the CRS needs to include a number of special features as regards organization, procedure and verification, and a sufficient margin of discretion needs to be granted to the competent national authorities;

Whereas to that end an administrative system should be set up covering all imports effected during the trial period; whereas, for that system to be fully operational, management of the CRS should be concentrated in one single authority in each Member State (hereinafter referred to as 'CRS authority'), and provision should be made for each importer to be registered with the competent CRS authority prior to the issue of import licences and acceptance of customs declarations, and for importers to be obliged to opt irrevocably, over the entire trial period, for or against the adjustment of their duties determined in accordance with Regulation (EC) No 1503/96;

Whereas verification by the CRS authorities of the declared import prices requires each consignment presented for release for free circulation to be homogeneous, requires the relevant customs declarations to contain the information needed for that purpose, and requires consignments imported by importers who have opted for adjustment of their duties (hereinafter referred to as 'CRS importers') to be subject to routine sampling; whereas where one or more items of information required in the customs declaration is missing, the release for free circulation of the consignment in question must be subject to the lodging of a security, to be forfeit where the missing information is not provided within a given time-limit;

Whereas, in order to ensure that each CRS authority is kept informed of imports falling within its field of responsibility throughout the trial period, provision should be made for all importers to submit a monthly declaration comprising certain essential information; whereas for the purposes of subsequent adjustment of their duties, CRS importers must submit additional information; whereas in this context, the criteria and

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ No L 285, 7. 11. 1996, p. 6.

⁽⁴⁾ OJ No L 334, 30. 12. 1995, p. 25.

elements relating to the quality and/or characteristics of the rice imported should be defined, to serve as a point of reference in ascertaining the truthfulness of import prices exceeding by more than 1 % the reference price laid down in Community regulations; whereas, since the assessment of the results of the CRS and the adjustment of import duties for CRS importers must take place every six months, provision should be made for CRS importers to submit two CRS declarations, in particular to summarize details of the consignments which they have imported in each of the two halves of the trial period;

Whereas verification of the declarations submitted by CRS importers means that each CRS authority must make administrative and on-the-spot checks; whereas, as a result, the extent of and methods for such checks must be laid down;

Whereas it is inherent in the system laid down in Article 11 (2) (a) of Regulation (EC) No 3072/95 that the higher the import price to be taken into account is, the lower the import duty to be levied; whereas, unlike *ad valorem* import duties, that mechanism is such as to encourage CRS importers to declare import prices that are as high as possible; whereas this could not only lead to the imposition of import taxes that are too low and even encourage fraudulent manipulations falsifying conditions on the Community rice market, but could also affect the proper functioning of the CRS in general and, as a result, make it impossible to assess the operation of the reference price system; whereas, in those circumstances, application of the provisions relating to the customs value as set out in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽¹⁾, as last amended by European Parliament and Council Regulation (EC) No 82/97⁽²⁾ is not possible; whereas, to prevent declared import prices from being artificially inflated in particular by means of intermediate commercial transactions, the elements which those prices may comprise must be laid down in detail; whereas, furthermore, it is necessary to adopt special additional rules applicable to 'related persons' within the meaning of Article 143 of Commission Regulation (EC) No 2454/93⁽³⁾, as last amended by Regulation (EC) No 89/97⁽⁴⁾;

Whereas, where certain circumstances prevail, the import price should not be determined solely on the basis of information provided by CRS importers; whereas those

circumstances should be specified and discretionary power granted to the CRS authorities to determine that price using other available information; whereas, however, if the import price cannot be determined in accordance with the rules laid down to that end, the reference price fixed under Regulation (EC) No 1503/96 should be used;

Whereas the proper functioning of the CRS depends to a large extent on strict compliance with this Regulation, in particular by CRS importers, and on their fair conduct; whereas appropriate and effective measures should therefore be laid down to apply where verification or on-the-spot checks cannot be made for reasons for which the CRS importer in question is responsible; whereas the same applies to prevent the CRS provisions from being circumvented by means of legal or economic entities which are essentially artificial;

Whereas, pursuant to Article 4 (a) (1) of Regulation (EC) No 1503/96, certain types of basmati rice originating in India and Pakistan may benefit from a reduction of ECU 250 per tonne in the import duty fixed under that Regulation; whereas, given that the CRS allows importers to choose between definitive application of that reduced duty and adjustment thereof in accordance with the actual import price, it is appropriate to restrict enjoyment of that reduction to importers who do not opt for such adjustment;

Whereas the Agreement provides that the United States of America is to withdraw its request for the establishment of a WTO dispute settlement panel on the Community's import system for rice and cereals; whereas in the light of that undertaking, the applicability of this Regulation as from 15 May 1997 should be made subject to the United States' having definitively withdrawn its request before 1 May 1997; whereas, for the sake of legal clarity, the Commission should publish a notice relating thereto in the *Official Journal of the European Communities* before 15 May 1997;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A cumulative recovery system (hereinafter referred to as 'CRS') is hereby introduced for a trial period from 1 July 1997 to 30 June 1998 as regards full import duties as referred to in Article 11 (2) of Regulation (EC) No 3072/95 on husked rice falling within CN code 1006 20.

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ No L 17, 21. 1. 1997, p. 28.

2. The purpose of the CRS is:

- (a) to determine for each importer who has opted for the adjustment of his import duties in accordance with Article 10 (2) (hereinafter referred to as 'CRS importer'):

- the amount of the import duties on consignments imported during the trial period calculated in accordance with this Regulation on the basis of the import price for each consignment imported,
- the positive or negative balance between the amount referred to in the first indent and the amount of the import duties on those imports, determined and collected in accordance with Article 11 (2) of Regulation (EC) No 3072/95 and with Regulation (EC) No 1503/96,

thus enabling the competent authorities and importers to undertake, as appropriate, the adjustment of the amount of underpayments and overpayments, respectively;

- (b) to provide the information necessary for the proper application of this Regulation.

3. The application of the CRS shall not affect the charging of import duties at the moment of release for free circulation under Article 11 (2) of Regulation (EC) No 3072/95 and under Regulation (EC) No 1503/96.

The import duties shall be those applicable at the time laid down in Article 67 of Regulation (EEC) No 2913/92 (hereinafter referred to as 'the Customs Code').

4. For the purposes of this Regulation:

- (a) 'importer' means a natural or legal person who, as applicant and holder of an import licence, presents a declaration of release for free circulation for the consignment in question;
- (b) 'consignment' means a quantity of rice of uniform quality and price, originating in a given third country, falling within a single combined nomenclature code and sold by a given seller, presented under a single declaration of release for free circulation.

Article 2

1. Member States shall designate by 1 June 1997 an authority responsible for the application of the CRS (hereinafter referred to as the 'CRS authority') and shall vest in it all the powers necessary to that end, in particular for carrying out the checks referred to in this Regulation. Member States shall communicate to the Commission before 17 June 1997 the name and address of the CRS authority.

2. For the whole trial period:

- (a) import licences for imports which may give rise to the levying of import duties as provided for in Article 11 (2) of Regulation (EC) No 3072/95 may be applied for

only in the Member State in which the importer has his registered office;

- (b) the following shall be subject to the prior registration of each importer with the CRS authority in the Member State in which he has his registered office:

- the issue of import licences as referred to under (a).

Box 20 of licence applications and licences shall contain the name and address of the CRS authority with which the importer is registered and his CRS registration number. Applications shall be accompanied by official proof of registration,

- the acceptance of any declaration of release for free circulation of a consignment during the trial period;

- (c) when registering with the CRS authority, each importer shall irrevocably declare, in respect of the whole of the remaining trial period and all the consignments he is going to import, whether or not he opts for the adjustment of his import duties in accordance with Article 10 (2),

- (d) where an import licence is applied for by a CRS importer, applications and licences shall carry in box 20 the entry 'CRS importer';

- (e) indirect representation within the meaning of the second indent of Article 5 (2) of the Customs Code shall not be permitted.

3. Immediately upon issue, the issuing authority shall forward to the CRS authority concerned a copy of each import licence as referred to in point (a) of paragraph 2.

4. By way of derogation from Article 9 (1) of Commission Regulation (EEC) No 3719/88⁽¹⁾, rights arising from import licences issued in accordance with paragraph 2 of this Article shall not be transferable.

Article 3

1. For the purposes of this Regulation, a declaration of release for free circulation shall be presented for each consignment.

2. Without prejudice to the requirements laid down by the Customs Code, Box 44 of the declaration of release for free circulation shall contain the import price for the consignment concerned, broken down into the fob price in the third country of origin and the transport and insurance costs.

3. In the event of importation by a CRS importer, the competent customs authority shall take from the consignment concerned a representative number of samples on which the necessary analyses can be carried out to verify

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

the quality and characteristics of the rice as specified in point (d) of Article 4 (2). Samples shall be taken in accordance with the Annex to Commission Directive 76/371/EEC⁽¹⁾ and be kept by the competent customs authorities for the nine months following that in which the declaration of release for free circulation was accepted.

4. At the request of the CRS authority of the importer concerned, the competent customs authority shall analyse the samples taken in accordance with ISO standards 7301 and, as regards humidity, in accordance with Annex II to Commission Regulation (EEC) No 1908/84⁽²⁾ and send the results to the CRS authority concerned.

Article 4

1. Within the first 10 working days following each month of the trial period, all importers shall submit to the CRS authority with which they are registered a declaration concerning all the consignments which they have imported during the preceding month (hereinafter referred to as the 'monthly declaration'). The monthly declaration shall contain a full list, broken down by customs office of importation, of all the consignments imported during the month. For each consignment imported, the monthly declaration shall be accompanied by originals or photocopies of the following documents:

- (a) the accepted declaration of release for free circulation, together with the accompanying documents;
- (b) the import licence;
- (c) the invoice issued by the seller in the third country of origin, indicating the fob price in the third country of origin for the consignment concerned; and
- (d) a specification of the quality of the rice and, where appropriate, the quality certificate issued by the third country of origin for the consignment concerned.

2. In the case of CRS importers, the monthly declaration shall also be accompanied by:

- (a) a copy of the purchase agreement concluded with the seller in the third country of origin, indicating the fob price in the third country of origin for the consignment concerned;
- (b) a copy of the transport agreement or relevant invoice setting out the actual transport costs and the bill of lading;
- (c) a copy of the insurance policy or relevant invoice setting out the insurance costs and, where necessary, giving details of the actual insurance costs for the carriage of the consignment concerned;
- (d) evidence substantiating the level of the import price where it is more than 1 % above the relevant

reference price expressed in ecus per tonne used to calculate the import duties under Article 11 (2) of Regulation (EC) No 3072/95 and under Regulation (EC) No 1503/96, as published by the Commission.

Where the evidence refers to the quality and/or characteristics of the consignment imported, it:

- shall give reasons for the difference compared with the respective reference quality, namely US long grain 2/4/73 and US long grain parboiled 1/4/88 or US Gulf medium grain, as defined in Annex I to Regulation (EC) No 1503/96,
- may be based solely on the following quality characteristics individually or in combination: aroma (basmati and fragrant rice), milling yield, percentage of broken grains, humidity content, level of impurities, damaged kernels, seeds, chalky grains, red rice,
- must include the results of an analysis confirming the higher quality of the rice as compared with the reference qualities mentioned above;

(e) the certificate of authenticity referred to in Article 4 (a) of Regulation (EC) No 1503/96 for consignments of basmati rice falling within CN codes ex 1006 20 17 and ex 1006 20 98.

3. The CRS importer may supply any other document considered useful to substantiate the declared import price.

The CRS authority concerned may require importers to provide additional information and documents.

Article 5

No later than one month after expiry of each of the first and second halves of the trial period, CRS importers shall present to the CRS authority with which they are registered a monthly declaration concerning all the consignments they have imported during the respective half of the trial period (hereinafter referred to as the 'CRS declaration'). The CRS declaration shall contain:

- a list, broken down by customs office of importation, with references to the respective declarations of the months concerned, of all the consignments imported during the respective half of the trial period together with the relevant import duties calculated in accordance with Regulation (EC) No 1503/96,
- where appropriate, corrections to the declarations presented,
- the sales price on the Community market of consignments or parts of consignments imported, together with agreements, invoices and other commercial documents required to verify those prices.

⁽¹⁾ OJ No L 102, 15. 4. 1976, p. 1.

⁽²⁾ OJ No L 178, 5. 7. 1984, p. 22.

The CRS authority concerned may ask importers to provide additional information and documents.

Article 6

1. The CRS authority shall carry out, in respect of each CRS importer registered with it, administrative and on-the-spot checks necessary to verify the CRS declarations and the monthly declarations and in particular the authenticity and truthfulness of the import prices declared and the relevant documents submitted. Those checks shall be carried out both during and after the end of the first and the second half of the trial period. Article 78 (2) of the Customs Code shall apply by analogy.

2. The administrative check shall include a thorough examination of all the declarations and documents submitted and, in particular, verification of their plausibility and the accuracy of the underlying calculations together with an examination of the import price declared in the light of any price information available and, in particular, of the information referred to in Article 1 (2) (b) and that available on prices in the third countries concerned. The CRS authority shall, if necessary and within eight months following that of the monthly declaration concerned, ask the competent customs authority to analyse the samples taken in accordance with Article 3 (3).

3. During each half of the trial period, the on-the-spot checks to be carried out by each CRS authority shall cover a sample of not less than 50 % of the CRS importers registered with it. However, Member States may limit the number of checks carried out to CRS importers to a maximum of 10 importers. In any case, the consignments imported by those CRS importers shall represent not less than 50 % of all the consignments imported by the CRS importers.

CRS importers which are to undergo an on-the-spot check shall be selected on the basis of a risk analysis and the representativeness of the consignments imported. The risk analysis shall reflect in particular:

- the amount of the import duties concerned,
- the number of consignments imported,
- the differences between the import duties calculated under Regulation (EC) No 1503/96 and those calculated on the basis of the import prices declared,
- any uncertainty arising from the administrative check,
- other factors to be determined by the CRS authority.

4. Each on-the-spot check shall include an in-depth examination of the commercial documents of the CRS importer concerned. 'Commercial documents' means the documents and data referred to in Article 1 (2) of Council

Regulation (EEC) No 4045/89⁽¹⁾, provided that they are directly related to the imports to which this Regulation applies.

5. Member States shall assist each other for the purposes of carrying out the checks provided for in this Article where the documents and information required for checking are to be found in a Member State other than that of the competent CRS authority.

The Commission shall, where necessary, coordinate joint actions involving mutual assistance between two or more Member States.

Article 7

1. The import price of each consignment imported to be taken into consideration in the context of the CRS shall be the fob price for rice in bulk of the consignment concerned in the third country of origin plus:

- the insurance costs,
- the transport costs including loading and handling,

up to the place of first entry into the customs territory of the Community.

2. Without prejudice to Articles 3 (3), 4 (2) (d) and 4 (3), where the seller of the consignment in the third country of origin and/or the buyer and/or the importer are related persons as specified in Article 143 of Regulation (EEC) No 2454/93, the fob price declared by the CRS importer under Articles 3 (2), and 4 (1) (c) or 4 (2) (a) for the consignment concerned shall be accepted wherever the importer demonstrates, or the CRS authority is satisfied by other means, that such price closely approximates to the fob price of sales occurring at or about the same time, between buyers and sellers who are not related in any particular case, of identical or similar rice for export to the Community.

3. If the purchase contract presented to the CRS authority has not been concluded with the seller in the third country of origin and/or if the invoice presented has not been drawn up by the seller in the third country of origin of the consignment or if the CRS authority is not satisfied that the price declared reflects the fob price for bulk rice in the country of origin or if the declared import price is not accepted in accordance with paragraph 2, the CRS authority shall take the necessary measures to determine the import price on the basis of all information available, including that concerning quality, taking into account, where available, the import price of identical or similar rice sold for export to the Community or to other third countries and exported at or about the same time as the consignment in question.

⁽¹⁾ OJ No L 388, 30. 12. 1989, p. 18.

4. If the CRS authority is not satisfied that the transport and/or insurance costs correspond to the costs actually incurred, it shall take the measures required to determine those costs, in particular by taking into account the normal costs for similar imports.

5. Without prejudice to Article 9, where the import price for a consignment cannot be calculated in accordance with paragraphs 1, 2 and 3, the import price to be taken into consideration for that consignment in the context of the CRS shall be that determined in accordance with Regulation (EC) No 1503/96 and applicable on the day the declaration of release for free circulation was accepted.

Article 8

Save in cases of *force majeure*, where the declaration of release for free circulation presented by the importer for a consignment is not accompanied by all the information laid down in this Regulation, the declaration may be accepted in accordance with Article 63 of the Customs Code provided that the importer provides a security of ECU 0,5/tonne. The security shall be released if the missing information is provided within four weeks of acceptance of the declaration. Where this is not done, the security shall be forfeit.

Article 9

1. Where, for one or more consignments, the import price declared by a CRS importer cannot be verified on account of the absence in the monthly declarations and/or CRS declarations of information, documents or other evidence provided for in this Regulation, the import price to be taken into consideration for the consignment concerned in the context of the CRS shall be that determined in accordance with Regulation (EC) No 1503/96 and applicable on the day when the declaration of release for free circulation was accepted.

In addition, except in cases of *force majeure*, an amount of ECU 50 per tonne shall be charged to the CRS importers concerned.

2. Where, in the case of a CRS importer, an on-the-spot check cannot be carried out by virtue of an act or omission attributable to the importer, the latter shall lose the right to the adjustment of import duties for all the consignments declared or to be declared during the relevant half of the trial period. Where this occurs during the first half of the trial period, the importer shall also lose this right for the second half of the trial period.

3. Where a consignment is imported by an importer who did not opt for the adjustment of import duties as provided for under point (c) of Article 2 (2) and:

- the importer concerned has not imported the products referred to in Article 1 (1) into the Community during the 12 months prior to 6 March 1997, or has become a person related to a CRS importer after that date, and
- it has been established that consignments have been imported by the importer in question with the intention of circumventing the assessment of the import price of the consignment concerned using the rules applied to a CRS importer, and the taking into account of this price in the case of a CRS importer at the moment of determining the positive or negative balance referred to in point (d) of Article 10 (1),

the CRS importer concerned shall lose the right to the adjustment of import duties for all the consignments declared or to be declared during the relevant half of the trial period. Where this occurs during the first half of the trial period, the importer shall also lose this right for the second half of the trial period.

Article 10

1. On the basis of the results of the checks carried out in accordance with Article 6, the CRS authority shall determine in respect of all CRS importers registered with it and for the first and second half of the trial period:

- (a) the import prices for each consignment imported during the trial period and the resulting import duties;
- (b) the amount of the import duties referred to in (a);
- (c) the amount of the import duties for the consignments referred to in (a), determined and collected under Article 11 (2) of Regulation (EC) No 3072/95 and Regulation (EC) No 1503/96; and
- (d) the positive or negative balance between the amount referred to in (b) and that referred to in (c).

2. Upon the expiry of the first and the second half of the trial period, each CRS authority shall, in so far as imports of each CRS importer and the imports referred to in Article 9 (3) are concerned, communicate the amounts of the import duties as determined in accordance with point (a) of paragraph 1 to the importers concerned and to the customs authorities of the Member States in which the respective consignments were released for free circulation.

The customs authorities of those Member States shall subsequently determine the definitive customs debt arising from the entry into free circulation of those consignments, using the relevant communications from the CRS authorities, and shall take the necessary measures for adjusting the import duties collected under Article 11 (2) of Regulation (EC) No 3072/95 and Regulation (EEC) No 1503/96.

3. Each CRS authority shall send to the Commission, for the preceding month and on a provisional basis, the table in the Annex, duly completed.

Within two months of the expiry of the first and the second half of the trial period, each CRS authority shall send to the Commission, for the respective period and on a definitive basis, the table in the Annex, duly completed.

4. After the trial period, the Commission shall make an evaluation of the CRS system, based on the results obtained.

Article 11

In Article 4 (a) (1) of Regulation (EC) No 1503/96, the following subparagraph is added:

'However, the first and second subparagraphs shall not apply to rice imported by CRS importers during the trial period in the framework, of the cumulative recovery system provided for in Commission Regulation (EC) No 703/97 (*).

(*) OJ No L 104, 22. 4. 1997, p. 12'

Article 12

The prices and amounts referred to in this Regulation shall be expressed in ecus.

Prices and amounts established in national currencies shall be converted into ecus using the conversion rate published in the 'C' series of the *Official Journal of the European Communities* on the last working day before the date of entry into force of the import duty fixed in accordance with Regulation (EC) No 1503/96 and applied on the date of acceptance of the declaration of release for free circulation of the consignment concerned.

Article 13

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

It shall apply from 15 May 1997 provided that, before 1 May 1997, the United States of America has withdrawn its request of 13 February 1997 for the establishment of a WTO dispute settlement panel on the Community's import system for rice and cereals. The Commission shall publish a notice relating thereto in the *Official Journal of the European Communities* before 15 May 1997.

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

Done at Brussels, 18 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Regulation (EC) No 703/97, Article 10 (3)

CRS authority of (name of Member State):

Date:

(a)	(b)	(c)	(d)	(c)	(f)	(g)	(h)	(i)
Name and address of the CRS importer (Article 2 (2))	Place and date of release for free circulation	Imported product CN code	Quantity tonnes	Declared import price in ecus/t	Duty valid on the day of release for free circulation in ecus/t	Duty calculated on the basis of the accepted import price in ecus/t	Difference (f) - (g) in ecus/t	Justification of difference
						Balance:		

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Name and address of the non-CRS importer	Place and date of release for free circulation	Imported product CN code	Quantity tonnes	Declared import price in ecus/t	Duty valid on the day of release for free circulation in ecus/t	Observations (aromatic rice, etc.)

COMMISSION REGULATION (EC) No 704/97

of 18 April 1997

laying down detailed rules for the application of Council Regulation (EC) No 537/97 and providing for the partial reimbursement of import duties levied on 30 000 tonnes of barley for malting

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 537/97 of 18 March 1997 opening a Community tariff quota for barley for malting falling within CN code 1003 00 ⁽¹⁾, and in particular Article 2 thereof,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽²⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽³⁾, and in particular Article 10 (4) thereof,

Whereas the provisions governing the way imports of cereals into the Community are treated were laid down in Commission Regulation (EC) No 1249/96 of 28 June 1996 on rules of application (cereals sector import duties) for Council Regulation (EEC) No 1766/92 ⁽⁴⁾, as last amended by Regulation (EC) No 641/97 ⁽⁵⁾; whereas Article 2 (5) of Regulation (EC) No 1249/96 provides, under certain conditions, for a flat-rate reduction in the import duty of ECU 8 per tonne in particular on barley for malting; whereas Article 2 (4) of that Regulation also provides for a flat-rate reduction in import duties of ECU 2 or ECU 3 per tonne, depending on the port of unloading in the Community;

Whereas, pursuant to Article 1 of Regulation (EC) No 537/97, a tariff quota has been opened for 30 000 tonnes of high-grade barley covered by CN code 1003 00 for the production of malt to be used in the manufacture of a type of beer aged in vats containing beechwood; whereas the rate of duty applicable to such imports is 50 % of the full rate of duty in force on the day of import; whereas the flat-rate reductions in the import duty provided for in Regulation (EC) No 1249/96 cannot be applied; whereas, as a consequence, the duties applied pursuant to Regulation (EC) No 1249/96 in respect of up to 30 000 tonnes of barley for malting covered by import licence applications submitted from 1 June to 31 December 1996 should be adjusted by reducing the rate of duty in force

on the day of release for free circulation of the imported product by 50 %, the amount thereby obtained being increased by the flat-rate reductions in the import duty which may have been applied on release for free circulation;

Whereas the tariff quota opened by Regulation (EC) No 537/97 only covers the period 1 June to 31 December 1996; whereas notwithstanding Article 2 of that Regulation, no provisions applying retroactively can be laid down to guarantee the type of barley imported or to recognize documents guaranteeing that that type of barley has been imported;

Whereas the implementation of this international commitment should be ensured by providing for the possibility for operators who have imported barley of a particular quality for malting during the period concerned to qualify, on application, for the reduction in the import duty, less any flat-rate reductions; whereas the Member States must accordingly be authorized to reimburse duties levied in excess to operators who can prove that the import duties they paid were reduced by ECU 8 per tonne as laid down for barley of brewery quality for the production of malt from 1 June to 31 December 1996;

Whereas the Management Committee for Cereals has not given an opinion within the period set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Pursuant to Article 1 of Regulation (EC) No 537/97, 50 % of the full import duty in force on quantities actually released for free circulation, less, on the one hand, ECU 8 per tonne and, on the other hand, an amount equal to that of any flat-rate reduction in the import duty applied, depending on the port of unloading in the Community, shall be reimbursed, on application by the importer or his authorized agent, on up to 30 000 tonnes of imports into the Community of barley covered by CN code 1003 00 which was released for free circulation from 1 June to 31 December 1996, which was intended for the production of malt (quota serial number 09.4061) to be used for the manufacture of beer aged in vats containing beechwood and which qualified for a flat-rate reduction of ECU 8 per tonne pursuant to Article 2 (5) of Regulation (EC) No 1249/96.

⁽¹⁾ OJ No L 83, 25. 3. 1997, p. 7.

⁽²⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽³⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽⁴⁾ OJ No L 161, 29. 6. 1996, p. 125.

⁽⁵⁾ OJ No L 98, 15. 4. 1997, p. 2.

2. Within 100 days of the date of application of this Regulation, the parties concerned shall lodge applications for certificates in accordance with the model set out in the Annex with the competent authorities of the Member State which issued the import licence, specifying the quantity which may be covered by the partial reimbursement of the duty as provided for in paragraph 1, in accordance with Article 880 of Commission Regulation (EEC) No 2454/93⁽¹⁾.

Such applications must be accompanied by an extract of the import licence proving that that quantity has been released for free circulation and by proof of processing into malt as provided for in Article 2(5)(c) of Regulation (EC) No 1249/96. An additional certificate issued by the relevant authorities proving that the plant where the malt concerned has been used for the production of beer had vats for ageing containing beechwood at the time processing took place must also be provided by the parties concerned.

3. Within five working days of expiry of the period laid down in the first subparagraph of in paragraph 2, Member States shall forward details of the quantities covered by applications for certificates submitted pursuant to that paragraph to the Commission by telex, fax or telegram.

4. On the basis of the information forwarded by Member States, where the total quantity for which applications for certificates have been lodged exceeds 30 000 tonnes, the Commission shall notify Member States,

within three working days of expiry of the period referred to in paragraph 3, of the percentage reduction to be applied to quantities for which applications for certificates have been lodged.

5. Within two working days of expiry of the period referred to in paragraph 4, the competent authorities of the Member State which issued the import licence shall issue a certificate in accordance with the model set out in the Annex, specifying the quantity which may be covered by partial reimbursement of the duty, in accordance with Article 880 of Regulation (EEC) No 2454/93.

6. Applications for reimbursement must be submitted by the parties concerned to the office where customs clearance took place within 30 days of expiry of the period referred to in paragraph 5. Applications for reimbursement must be accompanied by:

- (a) the import licence or a certified copy thereof,
- (b) the certificate referred to in paragraph 5, and
- (c) the declaration of release for free circulation covering the imports concerned.

Article 2

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

It shall apply from the date of application of Regulation (EC) No 537/97.

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

Done at Brussels, 18 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 253, 11. 10. 1993, p. 1.

*ANNEX***Model for certificate applications and for certificates for reimbursement of duty as referred to in Article 1 (2) and (5)**

Import licence reference number:

Holder (name, full address and Member State):

Body issuing the extract (name and address):

Rights assigned to (name, full address and Member State):

Quantity for which reimbursement may be applied for pursuant to Regulation (EC) No 704/97 (quantity in kilograms):

.....
(Date and signature)

COMMISSION REGULATION (EC) No 705/97

of 21 April 1997

determining the extent to which applications submitted in March 1997 for import licences for the tariff quota for beef and veal provided for in the Interim Agreement between the Community and the Republic of Slovenia can be accepted

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

Having regard to Commission Regulation (EC) No 481/97 of 14 March 1997 laying down for 1997 detailed rules for the application of the tariff quota for beef and veal provided for in the Interim Agreement between the Community and the Republic of Slovenia⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas Article 1 (3) of Regulation (EC) No 481/97 fixes the quantity of fresh or chilled beef and veal originating in Slovenia which may be imported under special conditions from 1 January to 30 June 1997; whereas the quantity of meat for which import licences have been submitted is such that applications may be granted in full;

Whereas Article 1 (4) of Regulation (EC) No 481/97 lays down that if, during 1997, the quantity for which licence applications are submitted for the first period specified in paragraph 3 of that Article is less than the quantity available, the remaining quantity is to be added to the

quantity available for the following period; whereas, in view of the quantity remaining for the first period, the quantity available for the country concerned for the second period, from 1 July to 31 December 1997, should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences shall be granted for the full quantities covered by applications submitted for the quota referred to in Regulation (EC) No 481/97 for the period 1 January to 30 June 1997.
2. The quantity available for the period referred to in Article 1 (3) of Regulation (EC) No 481/97 running from 1 July to 31 December 1997 shall be 6 840 tonnes.

Article 2

This Regulation shall enter into force on 22 April 1997.

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

Done at Brussels, 21 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 75, 15. 3. 1997, p. 24.

COMMISSION REGULATION (EC) No 706/97
of 21 April 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 April 1997.

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

Done at Brussels, 21 April 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 April 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 20	052	123,5
	204	98,4
	212	109,5
	624	125,2
	999	114,1
0707 00 15	052	93,8
	999	93,8
0709 90 75	052	113,5
	999	113,5
0805 10 11, 0805 10 15, 0805 10 19	052	43,7
	204	40,6
	212	64,0
	220	32,9
	400	36,8
	448	26,6
	600	51,2
	624	46,0
	625	36,3
	999	42,0
0805 30 20	400	73,6
	528	66,1
	600	67,3
	999	69,0
0808 10 61, 0808 10 63, 0808 10 69	060	47,3
	388	85,9
	400	93,6
	404	99,2
	508	71,3
	512	73,7
	524	60,2
	528	76,5
	804	110,8
	999	79,8
0808 20 37	388	69,8
	512	71,6
	528	77,8
	999	73,1

⁽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'.

COMMISSION REGULATION (EC) No 707/97
of 21 April 1997

**amending representative prices and additional duties for the import of certain
products in the sugar sector**

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

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

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1195/96⁽⁵⁾, as last amended by Regulation (EC) No 681/97⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 April 1997.

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

Done at Brussels, 21 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 25. 6. 1996, p. 12.

⁽⁵⁾ OJ No L 161, 29. 6. 1996, p. 3.

⁽⁶⁾ OJ No L 101, 18. 4. 1997, p. 34.

ANNEX

to the Commission Regulation of 21 April 1997 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,28	4,16
1701 11 90 ⁽¹⁾	24,28	9,39
1701 12 10 ⁽¹⁾	24,28	3,97
1701 12 90 ⁽¹⁾	24,28	8,96
1701 91 00 ⁽²⁾	26,32	12,07
1701 99 10 ⁽²⁾	26,32	7,55
1701 99 90 ⁽²⁾	26,32	7,55
1702 90 99 ⁽³⁾	0,26	0,39

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

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

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 April 1997

concerning the tonnage objectives of the multiannual guidance programmes for the Community fishing fleets for the period 1992 to 1996

(97/259/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products ⁽¹⁾, as last amended by Regulation (EC) No 25/97 ⁽²⁾, and in particular Article 6 (5) and (6) thereof,

Whereas in the application of the provisions of Article 11 of Council Regulation (EEC) No 3760/92 the Council adopted Decision 94/15/EC ⁽³⁾ relating to the objectives and detailed rules for restructuring the Community fisheries sector over the period 1 January 1994 to 31 December 1996 with a view to achieving a lasting balance between the resources and their exploitation;

Whereas Commission Decisions 92/588/EEC to 92/598/EEC inclusive ⁽⁴⁾ established multiannual guidance programmes fixing capacity objectives in gross registered tonnes (GRT) for the fishing fleets of the Member States for the period 1992 to 1996 and Council Regulation (EEC) No 2930/86 ⁽⁵⁾ required Member States to measure part of their fleet in units of gross tonnes (GT) before 18 July 1994;

Whereas the use of the formulae described in Article 1 (3) of Commission Decisions 95/238/EC to 95/248/EC ⁽⁶⁾ to convert the objectives of the programmes to units of GT could result in certain Member States being penalized for having begun the measurement of vessels in their fleets in units of GT prior to 1992 with a view to fulfilling with their obligations under Regulation (EEC) No 2930/86;

Whereas for some Member States the definition of the GRT referred to in their multiannual guidance programmes was based on national units of tonnage;

Whereas the tonnage of any vessel not measured in the units that were used to define the objectives of the programme must be estimated in this unit with the sole purpose of calculating on a consistent basis the situation of each segment of the fleets of the Member States with respect to the final objectives of their multiannual guidance programmes for the period 1992 to 1996;

Whereas the formulae used to estimate missing tonnage values should be based on the data available in the fishing vessel register of the Community with regard to those vessels in each Member State that have been measured in both GT and in the units that were used to define the objectives of the programme; whereas these formulae may differ between Member States in consequence of differences in the composition of the fleets;

Whereas for Sweden and Finland the objectives of the multiannual guidance programmes are expressed in GT and for Germany, Greece, Spain, France and Portugal, values of GRT have been declared to the fishing vessel

⁽¹⁾ OJ No L 346, 31. 12. 1993, p. 1.

⁽²⁾ OJ No L 6, 10. 1. 1997, p. 7.

⁽³⁾ OJ No L 10, 14. 1. 1994, p. 20.

⁽⁴⁾ OJ No L 401, 31. 12. 1992, p. 3.

⁽⁵⁾ OJ No L 274, 25. 9. 1986, p. 1.

⁽⁶⁾ OJ No L 166, 15. 7. 1995, p. 1.

register of the Community for all vessels in their fleets, and therefore no formulae to estimate GRT are required for these Member States;

Whereas the data on the fishing fleet are gathered according to the procedures laid down by Commission Regulation (EC) No 109/94⁽¹⁾ as amended by Commission Regulation (EC) No 493/96⁽²⁾;

Whereas the measures provided for in the present Decision are in accordance with the opinion of the Management Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of the present Decision 'GRT' is defined according to the Oslo Convention of 10 June 1947 or according to national units of tonnage, depending on the definition used to formulate the objectives of the multiannual guidance programme of the Member State concerned for the period 1992 to 1996.

Article 2

The results of the multiannual guidance programmes of each Member State will be assessed by comparing the tonnage objectives in GRT for 31 December 1996 set by these programmes for each segment of the fleet with the

situation in GRT, as defined in Article 1, of the vessels in each segment of the fleet as at 31 December 1996.

Article 3

1. The GRT, as defined in Article 1, of vessels for which this measurement has not at the time of the adoption of the present Decision been declared to the fishing vessel register of the Community according to the procedures of Regulation (EC) No 109/94 will be estimated using the formulae specified in the Annex to the present Decision. These estimates are considered to be definitive for the purpose of assessing the results of the multiannual guidance programmes for the period 1992 to 1996.

2. Using the data in the fishing vessel register of the Community, the estimated GRT values in each segment of the fleet will be calculated by the Commission and transmitted to the Member States concerned within one month of the adoption of this Decision so that the provisions of Article 6 of Regulation (EC) No 3699/93, in particular paragraph 1 thereof, can be applied.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 1 April 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 19, 22. 1. 1994, p. 5.

⁽²⁾ OJ No L 72, 21. 3. 1996, p. 12.

ANNEX

For the Member States concerned, values of GRT that are not available in the fishing vessel register are estimated as follows:

Country	Length class ⁽¹⁾	Formula by which to estimate the GRT of each vessel
Belgium	0 - <15 m	$0,904 \times GT + 2,9$
	$\geq 15 - < 24$ m	$0,768 \times GT + 9,7$
	≥ 24 m	$0,865 \times GT + 6,3$
Denmark	Dredgers	$0,692 \times GT$
	0 - <15 m	$0,852 \times GT + 2,2$
	$\geq 15 - < 24$ m	$0,593 \times GT$
	≥ 24 m	$0,731 \times GT$
Ireland	> 24 m	$0,63 \times GT$
Italy	0 - <15 m	$0,863 \times GT + 1,4$
	$\geq 15 - < 24$ m	$0,840 \times GT + 3,0$
Netherlands	0 - <15 m	$1,060 \times GT + 2,3$
	$\geq 15 - < 24$ m	$0,644 \times GT + 15,5$
	≥ 24 m - <50 m	$0,821 \times GT + 21,2$
	> 50 m	$0,537 \times GT + 90,1$
United Kingdom	> 15 m	$0,67 \times GT$

⁽¹⁾ 15 metres refers to overall length, 24 metres refers to length between perpendiculars.

COMMISSION DECISION

of 2 April 1997

on financial assistance for the Community reference laboratory for bivalve mollusc diseases

(Only the French text is authentic)

(97/260/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 94/370/EC ⁽²⁾, and in particular Article 28 (2) thereof,Whereas in Annex A to Council Directive 95/70/EC of 22 December 1995 introducing minimum Community measures for control of certain diseases affecting bivalve molluscs ⁽³⁾, Ifremer at La Tremblade in France is designated Community reference laboratory for bivalve mollusc diseases;

Whereas its functions and duties are set out in Annex B to Directive 95/70/EC; whereas Community aid must be conditional on accomplishment of these;

Whereas financial aid should be given to this Community reference laboratory to assist it in the execution of these functions and duties;

Whereas for budget reasons Community financial aid is granted for a period of one year;

Whereas for supervisory purposes Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on financing of the common agricultural policy ⁽⁴⁾, as last amended by Regulation (EEC) No 1287/95 ⁽⁵⁾, should apply;

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

HAS ADOPTED THIS DECISION:

Article 1

The Community shall grant financial aid to France for discharge of the functions and duties, as set out in Annex

B to Directive 95/70/EC, of the Community reference laboratory for bivalve mollusc diseases.

Article 2

The Ifremer laboratory at La Tremblade in France shall discharge the functions and duties referred to in Article 1.

Article 3

The aid is set at a maximum of ECU 90 000 for the period 1 January to 31 December 1997.

Article 4

The aid shall be paid as follows:

- 70 % in advance on request from France,
- the balance following presentation of supporting technical (report) and financial documents by France. These documents must be presented before 1 March 1998.

*Article 5*Articles 8 and 9 of Regulation (EEC) No 729/70 shall apply *mutatis mutandis*.*Article 6*

This Decision is addressed to France.

Done at Brussels, 2 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.⁽³⁾ OJ No L 332, 30. 12. 1995, p. 33.⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.⁽⁵⁾ OJ No L 125, 8. 6. 1995, p. 1.

COMMISSION DECISION

of 3 April 1997

repealing Decision 96/662/EC concerning certain protective measures with regard to canned tuna originating in Côte d'Ivoire

(Text with EEA relevance)

(97/261/EC)

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

Having regard the Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by Directive 96/43/EC⁽²⁾, and in particular Article 19 thereof,

Whereas Commission Decision 96/662/EC of 25 November 1996 concerning certain protective measures with regard to canned tuna originating in the Côte d'Ivoire⁽³⁾ bans imports of canned tuna from a factory located there because of the presence of the botulinus toxin;

Whereas a Commission expert inspected the factory and suggested ways to improve canning hygiene;

Whereas the competent authorities gave official guarantees that the improvements called for would be introduced after the Commission expert's visit;

Whereas the cans that caused the botulism outbreak were produced and imported before the entry into force of Commission Decision 96/609/EC of 14 October 1996 laying down special conditions governing imports of fishery and aquaculture products originating in Côte d'Ivoire⁽⁴⁾;

Whereas the measures taken to protect public health are no longer justified; whereas Decision 96/662/EC should therefore be repealed;

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

Decision 96/662/EC concerning certain protective measures with regard to canned tuna originating in Côte d'Ivoire is hereby repealed.

Article 2

Member States shall amend the measures that they apply to imports to comply with this Decision. They shall inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 3 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ No L 304, 27. 11. 1996, p. 25.

⁽⁴⁾ OJ No L 269, 22. 10. 1996, p. 37.

COMMISSION DECISION
of 4 April 1997
suspending the status of Ireland as regards Newcastle disease
(Text with EEA relevance)

(97/262/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-community trade in and imports from third countries of poultry and hatching eggs⁽¹⁾ as last modified by the Act of Accession of Austria, Finland and Sweden, and in particular Article 12(3) thereof,

Whereas Commission Decision 92/339/EEC of 2 June 1992 establishing the status of Ireland as regards Newcastle disease⁽²⁾ fixed the status of Ireland as Newcastle disease non-vaccinating;

Whereas, however, the legislative restrictions prohibiting the systematic recourse to routine vaccination against Newcastle disease have now been removed in relation to Ireland; whereas it is therefore appropriate to suspend the status of Ireland as Newcastle disease non-vaccinating;

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

HAS ADOPTED THIS DECISION:

Article 1

The status of Ireland as Newcastle disease non-vaccinating is suspended.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 303, 31. 10. 1990, p. 6.

⁽²⁾ OJ No L 188, 8. 7. 1992, p. 33.

COMMISSION DECISION
of 4 April 1997
suspending the status of a region of the United Kingdom as regards Newcastle
disease
(Text with EEA relevance)

(97/263/EC)

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

Having regard to Council Directive 90/539/CEE of 15 October 1990 on animal health conditions governing intra-community trade in and imports from third countries of poultry and hatching eggs⁽¹⁾ as last modified by the Act of Accession of Austria, Finland and Sweden, and in particular Article 12 (3) thereof,

Whereas Commission Decision 92/381/EEC of 3 July 1992 establishing the status of a region of the United Kingdom as regards Newcastle disease⁽²⁾ fixed the status of Northern Ireland as Newcastle Disease non-vaccinating;

Whereas, however, the legislative restrictions prohibiting the systematic recourse to routine vaccination against Newcastle disease have now been removed in Northern Ireland; whereas it is therefore appropriate to suspend the status of Northern Ireland as Newcastle Disease non-vaccinating;

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

HAS ADOPTED THIS DECISION:

Article 1

The status of Northern Ireland as Newcastle disease non-vaccinating is suspended.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 4 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 303, 31. 10. 1990, p. 6.

⁽²⁾ OJ No L 198, 17. 7. 1992, p. 56.

COMMISSION DECISION

of 16 April 1997

on the recognition of certification procedures in accordance with Article 12 of Council Regulation (EEC) No 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme

(Text with EEA relevance)

(97/264/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme⁽¹⁾, and in particular Article 12 thereof,

Whereas Article 12 of Regulation (EEC) No 1836/93 establishes that companies implementing national, European or international standards for environmental management systems and audits and certified, according to appropriate certification procedures, as complying with those standards shall be considered as meeting the corresponding requirements of Regulation (EEC) No 1836/93, provided that, in particular, the standards and procedures are recognized by the Commission acting in accordance with the procedures laid down in Article 19 of the same Regulation;

Whereas Article 12 of Council Regulation (EEC) No 1836/93 states that the references of the recognized standards and criteria shall be published in the *Official Journal of the European Communities*;

Whereas the Commission has been requested to recognize that accreditation according to the criteria laid down in any one of the following approaches to the accreditation of certification bodies in the field of environmental management systems will ensure that appropriate certification procedures are employed by certification bodies, acting within the scope of their accreditation, who have been accredited according to these requirements and guidelines:

1. the approach based on the following Austrian legislation: 622nd Federal Law of 1995 — Environmental Verifiers and List of Sites Act, 549th Ordinance of 1996 — Ordinance on assessment of competence, EAC Guide 5 of June 1996;

2. Guidelines for accreditation of certification bodies for environmental management systems (EMS) and certification procedures for EMS — issued September 1996 by the German Federal Ministries of Environment, Nature Conservation and Nuclear Safety and for Economics and approved by the Environmental Verification Committee pursuant to Article 21 of the German EMAS Act (Umweltauditgesetz);

3. European accreditation of certification (EAC) guidelines for the accreditation of certification bodies for environmental management systems — EAC Guide 5 of June 1996;

Whereas the criteria established by the three approaches, mentioned above, for the accreditation of certification bodies ensure that the internal audit addresses environmental performance and are appropriate for the purposes of Regulation (EEC) No 1836/93;

Whereas the measures set out in this Decision are in accordance with the opinion of the Committee established pursuant to Article 19 of Regulation (EEC) No 1836/93,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 12 of Regulation (EEC) No 1836/93, the Commission hereby recognizes that accreditation according to the criteria laid down in any one of the following approaches to the accreditation of certification bodies will ensure that appropriate certification procedures are employed by certification bodies, acting within the scope of their accreditation, who have been accredited according to these requirements and guidelines:

1. the approach based on the following Austrian legislation: 622nd Federal Law of 1995 — Environmental Verifiers and List of Sites Act, 549th Ordinance of 1996 — Ordinance on assessment of competence, EAC Guide 5 of June 1996;

⁽¹⁾ OJ No L 168, 10. 7. 1993, p. 1.

2. Guidelines for accreditation of certification bodies for environmental management systems (EMS) and certification procedures for EMS — issued September 1996 by the German Federal Ministries of Environment, Nature Conservation and Nuclear Safety and for Economics and approved by the Environmental Verification Committee pursuant to Article 21 of the German EMAS Act (Umweltauditgesetz);

environmental management systems — EAC Guide 5 of June 1996.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 April 1997.

For the Commission

Ritt BJERREGAARD

Member of the Commission

3. European accreditation of certification (EAC) guidelines for the accreditation of certification bodies for
-

COMMISSION DECISION

of 16 April 1997

on the recognition of the international standard ISO 14001:1996 and the European standard EN ISO 14001:1996, establishing specification for environmental management systems, in accordance with Article 12 of Council Regulation (EEC) No 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme

(Text with EEA relevance)

(97/265/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme⁽¹⁾, and in particular Article 12 thereof,

Whereas Article 12 of Regulation (EEC) No 1836/93 establishes that companies implementing national, European or international standards for environmental management systems and audits and certified, according to appropriate certification procedures, as complying with those standards shall be considered as meeting the corresponding requirements of Regulation (EEC) No 1836/93, provided that, in particular, the standards and procedures are recognized by the Commission acting in accordance with the procedures laid down in Article 19 of the same Regulation;

Whereas Article 12 of Regulation (EEC) No 1836/93 states that the references of the recognized standards and criteria shall be published in the *Official Journal of the European Communities*;

Whereas the Commission has been requested to recognize the international standard ISO 14001:1996 and the European standard EN ISO 14001:1996, establishing specification for environmental management systems;

Whereas the international standard ISO 14001:1996 and the European standard EN ISO 14001:1996 are identical and include specification for environmental management systems and audit corresponding to certain requirements of Council Regulation (EEC) No 1836/93;

Whereas recognition can only be granted in this Decision where the requirements of Regulation (EEC) No 1836/93 are covered explicitly in the international standard ISO 14001:1996 and the European standard EN ISO 14001:1996;

Whereas the use of the specification of the international standard ISO 14001:1996 or the European standard EN ISO 14001:1996 together with their associated guidance

may lead to greater degree of correspondence with the requirements of Regulation (EEC) No 1836/93;

Whereas the accredited environmental verifier will continue to check compliance with those elements of Council Regulation (EEC) No 1836/93 which are not covered explicitly in the international standard ISO 14001:1996 and the European standard EN ISO 14001:1996, in particular at the document review stage, the accredited environmental verifier should confirm that the elements of Article 3 and Annex I, not mentioned in the Annex of this Decision, are covered;

Whereas certification undertaken according to certification procedures recognized, by the Commission, will ensure that the requirements of Regulation (EEC) No 1836/93 Annex II-A to G will have been met;

Whereas the measures set out in this Decision are in accordance with the opinion of the Committee set under Article 19 of Council Regulation (EEC) No 1836/93,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 12 of Regulation (EEC) No 1836/93 the Commission hereby recognises that the international standard ISO 14001:1996 and the European standard EN ISO 14001:1996, establishing specification for environmental management systems, contain requirements corresponding to those of the above mentioned Regulation, as specified in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 April 1997.

For the Commission

Ritt BJRREGAARD

Member of the Commission

⁽¹⁾ OJ No L 168, 10. 7. 1993, p. 1.

ANNEX

Requirements of Council Regulation (EEC) No 1836/93 for which there are corresponding requirements in the international standard ISO 14001:1996 and the European standard EN ISO 14001:1996:

Article 3 — Participation in the scheme

Paragraphs (c), (d) & (e).

Annex I

Part A: Paragraphs 1 to 5

Part B: Paragraphs 1, 2 and 4 to 6
