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Commission

97/284/EC:

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 782/97**of 30 April 1997****fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 3 (3) thereof,

Whereas Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72⁽³⁾, as last amended by Regulation (EEC) No 2962/77⁽⁴⁾;

Whereas Article 3 (3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 3 (4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market; whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period; whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world

market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 3 (3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender; whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 3 (3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

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

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

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

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 1997.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 30 April 1997 fixing the export refunds on olive oil

(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 9100	27,00
1509 10 90 9900	0,00
1509 90 00 9100	30,50
1509 90 00 9900	0,00
1510 00 90 9100	2,00
1510 00 90 9900	0,00

(1) For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 783/97**of 30 April 1997****fixing the maximum export refunds for olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96**

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 2081/96⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 2081/96 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 April 1997.

Article 2

This Regulation shall enter into force on 1 May 1997.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ No L 279, 31. 10. 1996, p. 17.

ANNEX

to the Commission Regulation of 30 April 1997 fixing the maximum export refunds for olive oil for the 11th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96

(ECU/100 kg)	
Product code	Amount of refund
1509 10 90 9100	28,00
1509 10 90 9900	—
1509 90 00 9100	31,80
1509 90 00 9900	—
1510 00 90 9100	2,15
1510 00 90 9900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 784/97

of 30 April 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 May 1997.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 214, 8. 9. 1995, p. 16.

⁽⁴⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁵⁾ OJ No L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 30 April 1997 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 9100	40,06 ⁽²⁾
1702 60 10 9000	40,06 ⁽²⁾
1702 60 90 9200	76,11 ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 9800	0,4006 ⁽¹⁾
	— ECU/100 kg dry matter —
1702 90 30 9000	40,06 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 9000	0,4006 ⁽¹⁾
1702 90 71 9000	0,4006 ⁽¹⁾
1702 90 99 9900	0,4006 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
2106 90 30 9000	40,06 ⁽²⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 9000	0,4006 ⁽¹⁾

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

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

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

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

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

COMMISSION REGULATION (EC) No 785/97

of 30 April 1997

fixing the maximum export refund for white sugar for the 36th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1464/96

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⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1464/96 of 25 July 1996 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar ⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1464/96 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 36th partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 36th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1464/96 the maximum amount of the export refund is fixed at ECU 43,069 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 May 1997.

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

Done at Brussels, 30 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 187, 26. 7. 1996, p. 42.

COMMISSION REGULATION (EC) No 786/97

of 30 April 1997

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽³⁾, as amended by Regulation (EC) No 3290/94⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁸⁾, as last amended by Regulation (EC) No 1482/96⁽⁹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 May 1997.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ No L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 30 April 1997.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 30 April 1997 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	36,85 ⁽¹⁾
1701 11 90 9910	35,10 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,85 ⁽¹⁾
1701 12 90 9910	35,10 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4006
	— ECU/100 kg —
1701 99 10 9100	40,06
1701 99 10 9910	40,06
1701 99 10 9950	40,06
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4006

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

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

COMMISSION REGULATION (EC) No 787/97

of 30 April 1997

fixing the representative prices and the additional import duties for molasses 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 market in sugar ⁽¹⁾, as last amended by Regulation (EC) No 1599/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 May 1997.

⁽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. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,48	—	0,00
1703 90 00 ⁽¹⁾	12,37	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 788/97
of 30 April 1997
fixing the import duties in the cereals sector

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

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as amended by Regulation (EC) No 641/97⁽⁴⁾, and in particular Article 2 (1) thereof,

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 May 1997.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ No L 98, 15. 4. 1997, p. 2.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	4,90	0,00
1001 90 91	Common wheat seed	24,01	14,01
1001 90 99	Common high quality wheat other than for sowing ⁽¹⁾	24,01	14,01
	medium quality	23,03	13,03
	low quality	46,82	36,82
1002 00 00	Rye	78,87	68,87
1003 00 10	Barley, seed	78,87	68,87
1003 00 90	Barley, other ⁽³⁾	78,87	68,87
1005 10 90	Maize seed other than hybrid	83,10	73,10
1005 90 00	Maize other than seed ⁽³⁾	83,10	73,10
1007 00 90	Grain sorghum other than hybrids for sowing	78,87	68,87

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 16 April 1997 to 29 April 1997)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	144,39	153,49	137,03	102,39	177,08 ⁽¹⁾	103,11 ⁽¹⁾
Gulf premium (ECU/tonne)	—	17,65	10,32	8,69	—	—
Great Lakes premium (ECU/tonne)	13,58	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,50 per tonne; Great Lakes — Rotterdam: ECU 24,70 per tonne.

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

COMMISSION REGULATION (EC) No 789/97

of 30 April 1997

altering the corrective amount applicable to the refund on cereals

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

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

Whereas the corrective amount applicable to the refund on cereals was fixed by Commission Regulation (EC) No 682/97⁽³⁾;

Whereas, on the basis of today's cif prices and cif forward delivery prices, taking foreseeable developments on the market into account, the corrective amount at present applicable to the refund on cereals should be altered;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as last

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 May 1997.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 101, 18. 4. 1997, p. 36.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 30 April 1997 altering the corrective amount applicable
to the refund on cereals

(ECU/tonne)

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

(*) The destinations are identified as follows:

01 all third countries.

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

COMMISSION REGULATION (EC) No 790/97
of 30 April 1997
fixing the import duties in the rice sector

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⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, as amended by Regulation (EC) No 703/97 ⁽³⁾, and in particular Article 4 (1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 11 (1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 1 May 1997.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ No L 104, 22. 4. 1997, p. 12.

ANNEX I

to the Commission Regulation of 30 April 1997 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽¹⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁵⁾	Egypt ⁽⁶⁾
1006 10 21	(7)	140,81		217,73
1006 10 23	(7)	140,81		217,73
1006 10 25	(7)	140,81		217,73
1006 10 27	(7)	140,81		217,73
1006 10 92	(7)	140,81		217,73
1006 10 94	(7)	140,81		217,73
1006 10 96	(7)	140,81		217,73
1006 10 98	(7)	140,81		217,73
1006 20 11	(7)	177,31		272,48
1006 20 13	(7)	177,31		272,48
1006 20 15	(7)	177,31		272,48
1006 20 17	252,42	121,87	2,42	189,32
1006 20 92	(7)	177,31		272,48
1006 20 94	(7)	177,31		272,48
1006 20 96	(7)	177,31		272,48
1006 20 98	252,42	121,87	2,42	189,32
1006 30 21	(7)	271,09		429,00
1006 30 23	(7)	271,09		429,00
1006 30 25	(7)	271,09		429,00
1006 30 27	(7)	271,09		429,00
1006 30 42	(7)	271,09		429,00
1006 30 44	(7)	271,09		429,00
1006 30 46	(7)	271,09		429,00
1006 30 48	(7)	271,09		429,00
1006 30 61	(7)	271,09		429,00
1006 30 63	(7)	271,09		429,00
1006 30 65	(7)	271,09		429,00
1006 30 67	(7)	271,09		429,00
1006 30 92	(7)	271,09		429,00
1006 30 94	(7)	271,09		429,00
1006 30 96	(7)	271,09		429,00
1006 30 98	(7)	271,09		429,00
1006 40 00	(7)	84,38		132,00

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11 (3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ No L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ No L 88, 9. 4. 1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of ECU 250 per tonne applies (Article 4b of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ No L 292, 15. 11. 1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ No L 31, 1. 2. 1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	252,42	572,00	363,30	572,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	387,59	320,47	291,57	335,75	—
(b) fob price (ECU/tonne)	—	—	—	261,57	305,75	—
(c) Sea freight (ECU/tonne)	—	—	—	30,00	30,00	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 791/97**of 29 April 1997****establishing unit values for the determination of the customs value of certain perishable goods**

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as last amended by Regulation (EC) No 82/97 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽³⁾, as last amended by Regulation (EC) No 89/97 ⁽⁴⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 May 1997.

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

Done at Brussels, 29 April 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽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.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	37,30 219,49 327,64	513,63 246,44 1 505,92	72,98 27,46 26,20	277,93 72 711,13	11 616,00 82,09	6 154,69 7 325,42
1.30	Onions (other than seed) 0703 10 19	a) b) c)	42,88 252,32 376,66	590,47 283,31 1 731,20	83,89 31,57 30,12	319,50 83 588,56	13 353,73 94,38	7 075,41 8 421,29
1.40	Garlic 0703 20 00	a) b) c)	139,46 820,63 1 225,02	1 920,39 921,42 5 630,45	272,85 102,66 97,96	1 039,13 271 857,75	43 430,77 306,94	23 011,60 27 388,83
1.50	Leeks ex 0703 90 00	a) b) c)	48,53 285,57 426,29	668,27 320,64 1 959,31	94,95 35,72 34,09	361,60 94 602,44	15 113,26 106,81	8 007,69 9 530,90
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 446,27 666,18	1 044,33 501,08 3 061,90	148,38 55,83 53,27	565,09 147 839,46	23 618,17 166,92	12 513,98 14 894,37
1.70	Brussels sprouts 0704 20 00	a) b) c)	53,71 316,05 471,79	739,60 354,87 2 168,44	105,08 39,54 37,73	400,20 104 700,13	16 726,42 118,21	8 862,42 10 548,21
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	48,14 283,27 422,86	662,90 318,06 1 943,57	94,19 35,44 33,81	358,70 93 842,19	14 991,81 105,95	7 943,34 9 454,31
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) <i>Alef</i> var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 623,44 930,67	1 458,95 700,02 4 277,54	207,29 77,99 74,42	789,45 206 534,69	32 995,05 233,19	17 482,28 20 807,73
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	66,61 391,96 585,10	917,23 440,10 2 689,26	130,32 49,03 46,79	496,32 129 846,87	20 743,75 146,60	10 990,98 13 081,67
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	90,53 532,71 795,22	1 246,62 598,14 3 654,99	177,12 66,64 63,59	674,55 176 475,56	28 192,94 199,25	14 937,90 17 779,37
1.120	Endives ex 0705 29 00	a) b) c)	21,82 128,40 191,67	300,47 144,17 880,94	42,69 16,06 15,33	162,58 42 535,04	6 795,21 48,02	3 600,41 4 285,27
1.130	Carrots ex 0706 10 00	a) b) c)	45,74 269,15 401,78	629,85 302,21 1 846,67	89,49 33,67 32,13	340,81 89 163,73	14 244,40 100,67	7 547,33 8 982,97
1.140	Radishes ex 0706 90 90	a) b) c)	149,40 879,12 1 312,33	2 057,27 987,09 6 031,76	292,30 109,98 104,94	1 113,20 291 234,38	46 526,30 328,82	24 651,75 29 340,96
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	440,92 2 594,52 3 873,05	6 071,56 2 913,18 17 801,35	862,66 324,57 309,70	3 285,35 859 511,81	137 311,75 970,43	72 754,00 86 593,16

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	94,00 553,13 825,70	1 294,40 621,06 3 795,08	183,91 69,20 66,03	700,41 183 239,84	29 273,57 206,89	15 510,47 18 460,85
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	101,38 596,55 890,52	1 396,02 669,82 4 093,04	198,35 74,63 71,21	755,40 197 626,12	31 571,86 223,13	16 728,21 19 910,22
1.180	Broad beans ex 0708 90 00	a) b) c)	92,83 546,24 815,42	1 278,29 613,33 3 747,84	181,62 68,33 65,20	691,69 180 959,09	28 909,21 204,31	15 317,41 18 231,07
1.190	Globe artichokes 0709 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	296,91 1 747,12 2 608,06	4 088,51 1 961,70 11 987,21	580,90 218,56 208,55	2 212,32 578 784,48	92 464,01 653,47	48 991,63 58 310,75
1.200.2	— other ex 0709 20 00	a) b) c)	483,21 2 843,37 4 244,53	6 653,90 3 192,60 19 508,73	945,40 355,70 339,41	3 600,46 941 950,25	150 481,74 1 063,50	79 732,07 94 898,58
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	132,72 780,97 1 165,82	1 827,58 876,89 5 358,33	259,67 97,70 93,22	988,91 258 719,06	41 331,80 292,10	21 899,46 26 065,15
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	80,74 475,10 709,22	1 111,81 533,45 3 259,73	157,97 59,44 56,71	601,60 157 391,33	25 144,13 177,70	13 322,50 15 856,69
1.230	Chantarelles 0709 51 30	a) b) c)	1 317,71 7 753,84 11 574,79	18 145,13 8 706,19 53 200,17	2 578,10 970,00 925,56	9 818,43 2 568 691,17	410 362,57 2 900,16	217 428,74 258 787,70
1.240	Sweet peppers 0709 60 10	a) b) c)	203,96 1 200,17 1 791,59	2 808,57 1 347,58 8 234,52	399,05 150,14 143,26	1 519,73 397 591,47	63 517,43 448,90	33 654,42 40 056,11
1.250	Fennel 0709 90 50	a) b) c)	73,55 432,79 646,06	1 012,80 485,95 2 969,45	143,90 54,14 51,66	548,03 143 375,43	22 905,01 161,88	12 136,12 14 444,63
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	40,91 240,73 359,35	563,34 270,29 1 651,67	80,04 30,12 28,74	304,83 79 748,32	12 740,23 90,04	6 750,35 8 034,40
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	159,46 938,32 1 400,70	2 195,80 1 053,56 6 437,91	311,98 117,38 112,00	1 188,16 310 844,95	49 659,19 350,96	26 311,70 31 316,67
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	74,68 439,44 655,99	1 028,36 493,42 3 015,07	146,11 54,97 52,46	556,45 145 578,20	23 256,92 164,36	12 322,57 14 666,55

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	112,93 664,52 991,98	1 555,07 746,14 4 559,35	220,95 83,13 79,32	841,46 220 141,22	35 168,77 248,55	18 634,01 22 178,55
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	96,94 570,43 851,52	1 334,88 640,49 3 913,78	189,66 71,36 68,09	722,31 188 970,96	30 189,15 213,36	15 995,58 19 038,24
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 42 0805 10 51 0805 10 37	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 44 0805 10 55 0805 10 38	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 39 0805 10 46 0805 10 59	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 21	a) b) c)	112,03 659,22 984,07	1 542,68 740,19 4 523,01	219,19 82,47 78,69	834,75 218 386,80	34 888,49 246,57	18 485,51 22 001,80
2.70.2	— Monreales and satsumas 0805 20 23	a) b) c)	67,37 396,43 591,78	927,70 445,12 2 719,94	131,81 49,59 47,32	501,98 131 328,38	20 980,43 148,28	11 116,39 13 230,93
2.70.3	— Mandarines and wilkings 0805 20 25	a) b) c)	52,31 307,81 459,49	720,32 345,62 2 111,92	102,34 38,51 36,74	389,77 101 971,02	16 290,43 115,13	8 631,41 10 273,27
2.70.4	— Tangerines and others ex 0805 20 27 ex 0805 20 29	a) b) c)	49,74 292,69 436,92	684,93 328,64 2 008,16	97,32 36,62 34,94	370,62 96 961,17	15 490,08 109,47	8 207,35 9 768,54
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	155,45 914,72 1 365,48	2 140,58 1 027,07 6 276,01	304,14 114,43 109,19	1 158,28 303 028,01	48 410,39 342,13	25 650,03 30 529,14

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.90	Grapefruit, fresh:							
2.90.1	— white	a)	32,71	450,42	64,00	243,73	10 186,58	5 397,31
	ex 0805 40 90	b)	192,48	216,12	24,08	63 763,57	71,99	6 423,98
	ex 0805 40 20	c)	287,33	1 320,61	22,98			
	ex 0805 40 95							
2.90.2	— pink	a)	43,48	598,73	85,07	323,98	13 540,59	7 174,42
	ex 0805 40 90	b)	255,85	287,27	32,01	84 758,17	95,70	8 539,12
	ex 0805 40 20	c)	381,93	1 755,43	30,54			
	ex 0805 40 95							
2.100	Table grapes	a)	132,49	1 824,41	259,22	987,20	41 260,17	21 861,51
	0806 10 21	b)	779,61	875,37	97,53	258 270,71	291,60	26 019,98
	0806 10 29	c)	1 163,79	5 349,05	93,06			
	0806 10 61							
	0806 10 30							
	0806 10 69							
2.110	Water melons	a)	46,75	643,76	91,47	348,34	14 558,93	7 713,98
	0807 11 00	b)	275,09	308,88	34,41	91 132,58	102,89	9 181,33
		c)	410,65	1 887,45	32,84			
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro	a)	67,97	935,96	132,98	506,45	21 167,29	11 215,39
	ex 0807 19 00	b)	399,96	449,08	50,03	132 498,00	149,60	13 348,76
		c)	597,05	2 744,17	47,74			
2.120.2	— other	a)	158,65	2 184,64	310,40	1 182,12	49 406,94	26 178,04
	ex 0807 19 00	b)	933,55	1 048,21	116,79	309 265,96	349,17	31 157,59
		c)	1 393,58	6 405,21	111,44			
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>)	a)	96,45	1 328,14	188,70	718,66	30 036,56	15 914,73
	ex 0808 20 41	b)	567,54	637,25	71,00	188 015,77	212,28	18 942,01
		c)	847,22	3 894,00	67,75			
2.140.2	Other	a)	68,16	938,58	133,36	507,87	21 226,46	11 246,74
	ex 0808 20 41	b)	401,08	450,34	50,17	132 868,38	150,01	13 386,08
		c)	598,72	2 751,84	47,88			
2.150	Apricots	a)	156,60	2 156,41	306,39	1 166,85	48 768,53	25 839,78
	0809 10 10	b)	921,49	1 034,67	115,28	305 269,78	344,66	30 754,99
	0809 10 50	c)	1 375,58	6 322,44	110,00			
2.160	Cherries	a)	146,66	2 019,54	286,94	1 092,78	45 673,00	24 199,63
	0809 20 11	b)	863,00	968,99	107,96	285 893,14	322,79	28 802,85
	0809 20 19	c)	1 288,26	5 921,13	103,01			
	0809 20 21							
	0809 20 29							
	0809 20 71							
	0809 20 79							
2.170	Peaches	a)	201,16	2 770,01	393,57	1 498,87	62 645,45	33 192,41
	0809 30 19	b)	1 183,69	1 329,08	148,08	392 133,26	442,74	39 506,21
	0809 30 59	c)	1 766,99	8 121,47	141,29			
2.180	Nectarines	a)	105,05	1 446,56	205,53	782,74	32 714,78	17 333,78
	ex 0809 30 11	b)	618,15	694,07	77,33	204 780,27	231,21	20 630,98
	ex 0809 30 51	c)	922,76	4 241,20	73,79			

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.190	Plums	a)	109,18	1 503,43	213,61	813,51	34 000,94	18 015,25
	0809 40 10	b)	642,45	721,36	80,37	212 831,12	240,30	21 442,08
	0809 40 40	c)	959,04	4 407,95	76,69			
2.200	Strawberries	a)	183,50	2 526,83	359,02	1 367,28	57 145,75	30 278,42
	0810 10 10	b)	1 079,77	1 212,40	135,08	357 707,56	403,87	36 037,93
	0810 10 05	c)	1 611,87	7 408,48	128,89			
2.205	Raspberries	a)	1 150,50	15 842,62	2 250,95	8 572,53	358 289,86	189 838,25
	0810 20 10	b)	6 769,92	7 601,42	846,92	2 242 738,68	2 532,15	225 949,00
		c)	10 106,02	46 449,37	808,11			
2.210	Fruit of the species <i>Vaccinium myrtillus</i>	a)	1 308,84	18 022,99	2 560,75	9 752,34	407 600,26	215 965,14
	0810 40 30	b)	7 701,65	8 647,58	963,48	2 551 400,34	2 880,64	257 045,71
		c)	11 496,88	52 842,06	919,33			
2.220	Kiwi fruit (<i>Actinidia chinensis Planch.</i>)	a)	113,00	1 556,03	221,08	841,98	35 190,57	18 645,56
	0810 50 10	b)	664,93	746,60	83,18	220 277,68	248,70	22 192,30
	0810 50 20	c)	992,59	4 562,17	79,37			
2.230	Pomegranates	a)	124,96	1 720,72	244,48	931,09	38 915,17	20 619,02
	ex 0810 90 85	b)	735,31	825,62	91,99	243 592,03	275,03	24 541,14
		c)	1 097,65	5 045,04	87,77			
2.240	Khakis (including sharon fruit)	a)	257,68	3 548,31	504,15	1 920,01	80 246,96	42 518,49
	ex 0810 90 85	b)	1 516,27	1 702,51	189,69	502 311,08	567,13	50 606,29
		c)	2 263,47	10 403,37	180,99			
2.250	Lychees	a)	702,98	9 680,18	1 375,38	5 238,00	218 922,73	115 995,21
	ex 0810 90 30	b)	4 136,57	4 644,63	517,48	1 370 361,09	1 547,20	138 059,65
		c)	6 174,99	28 381,55	493,77			

COMMISSION REGULATION (EC) No 792/97**of 30 April 1997****fixing the rates of refunds applicable to certain products from the sugar sector
exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 May 1997.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 30 April 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 30 April 1997 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	3,45	3,45
— in all other cases	40,06	40,06
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	3,17	3,17
— in all other cases	36,86	36,86
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{3,45^{(1)} \times S^{(1)}}{100}$	$\frac{3,45^{(1)} \times S^{(1)}}{100}$
— in all other cases	$\frac{40,06^{(1)} \times S^{(1)}}{100}$	$\frac{40,06^{(1)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾ :		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	3,45 ⁽³⁾	3,45 ⁽³⁾
— in all other cases	40,06 ⁽³⁾	40,06 ⁽³⁾

⁽¹⁾ 'S' represents in 100 kilograms of syrup

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

— the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

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

⁽³⁾ Amount of refund per 100 kilograms of dry matter.

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

COMMISSION REGULATION (EC) No 793/97

of 30 April 1997

laying down special measures derogating from Regulations (EEC) No 3665/87
and (EEC) No 3719/88 as regards beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾, and in particular Article 13 (12) thereof,Whereas Council Regulation (EEC) No 565/80 of 4 March 1980⁽³⁾, as amended by Regulation (EEC) No 2026/83⁽⁴⁾, lays down general rules on the advance payment of export refunds in respect of agricultural products;Whereas Commission Regulation (EEC) No 3665/87 of 27 November 1987⁽⁵⁾, as last amended by Regulation (EC) No 495/97⁽⁶⁾, lays down common detailed rules for the application of the system of export refunds on agricultural products;Whereas Commission Regulation (EEC) No 3719/88 of 16 November 1988⁽⁷⁾, as last amended by Regulation (EC) No 2350/96⁽⁸⁾, lays down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products;Whereas Commission Regulation (EC) No 1445/95 of 26 June 1995⁽⁹⁾, as last amended by Regulation (EC) No 266/97⁽¹⁰⁾, lays down rules of application for import and export licences in the beef and veal sector;

Whereas, following the appearance of a case of bovine spongiform encephalopathy in the Netherlands, health measures taken by the authorities of certain third countries in respect of exports of Dutch beef and veal have seriously damaged the economic interests of exporters and whereas the situation thus created has adversely affected export possibilities provided for in Regulations (EEC) No 565/80, (EEC) No 3665/87 and (EEC) No 3719/88;

Whereas it is accordingly necessary to limit such damaging consequences by adopting special measures and extending certain time limits laid down in the regulations

applicable to refunds so that export operations which have not been completed on account of the abovementioned circumstances can be regularized;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation shall apply to the products listed in Article 1 (1) of Regulation (EEC) No 805/68 and to export operations carried out in the Netherlands.

2. This Regulation shall only apply where the exporters concerned provide proof to the satisfaction of the competent authorities that they have been unable to carry out export operations following the health measures adopted by the authorities of the third countries of destination.

Article 2

On application by the holder, export licences issued pursuant to Regulation (EC) No 1445/95 and valid at 24 March 1997 shall be cancelled and the securities released.

Article 3

Article 20 (3) (a), the 20 % reduction referred to in the second indent of Article 20 (3) (b) and the 15 % and 20 % increases referred to respectively in Article 23 (1) and the second subparagraph of Article 33 (1) of Regulation (EEC) No 3665/87 shall not apply to exports carried out under cover of licences applied for by 24 March 1997 at the latest, provided that customs formalities for release for consumption in the third country are completed after that date.

Article 4

1. On application by the exporter and in respect of products for which by 1 April 1997:

— customs export formalities were completed and which were subsequently re-released for free circulation in the Netherlands following health measures adopted by a third country, the exporter shall reimburse any refund paid in advance and the securities relating to such operations shall be released,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁴⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 77, 19. 3. 1997, p. 12.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁸⁾ OJ No L 320, 11. 12. 1996, p. 4.

⁽⁹⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽¹⁰⁾ OJ No L 45, 15. 2. 1997, p. 1.

— customs export formalities were completed or which were placed under any of the arrangements referred to in Articles 4 and 5 of Regulation (EEC) No 565/80, the 60-day time limit referred to in Article 30 (1) (b) (i) of Regulation (EEC) No 3719/88 and in Articles 4 (1) and 32 (1) of Regulation (EEC) No 3665/87 shall be increased to 150 days.

2. Products for which customs export formalities were completed by 1 April 1997 at the latest may, before reaching their final destination, be reintroduced into the customs territory of the Community and placed under suspension arrangements in a free zone or free warehouse for 120 days without this calling payment of the refund into question.

Article 5

Each Thursday the Netherlands shall notify the quantities of products covered during the preceding week by the measure provided for in Article 2 and in the first indent of Article 4 (1), specifying the date of issue of the licences, the category concerned and the country of destination indicated on the licence.

Article 6

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

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 794/97

of 30 April 1997

amending Regulation (EC) No 1098/94 laying down the regional base areas applicable under the arable support system for producers

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

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽¹⁾, as last amended by Regulation (EC) No 1575/96 ⁽²⁾, and in particular Article 12 thereof,

Whereas Commission Regulation (EC) No 1098/94 ⁽³⁾, as last amended by Regulation (EC) No 1300/96 ⁽⁴⁾, lays down the regional base areas applicable under the support system for producers of certain arable crops;

Whereas, following an application from Spain and Portugal new base areas should be fixed in accordance with their regionalization plan;

Whereas applications for conversion equivalent to 13 200 ha have been submitted under Council Regulation (EC) No 1017/94 of 26 April 1994 concerning the conversion of land currently under arable crops to extensive livestock farming in Portugal ⁽⁵⁾, as amended by Regulation (EC) No 1461/95 ⁽⁶⁾; whereas the basic area should be adjusted accordingly;

Whereas it is therefore necessary to amend Regulation (EC) No 1098/94;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 1098/94 the figures relating to the regions indicated in the sectors headed 'Spain' and 'Portugal' shall be replaced by the figures in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 1.

⁽³⁾ OJ No L 121, 12. 5. 1994, p. 12.

⁽⁴⁾ OJ No L 167, 6. 7. 1996, p. 3.

⁽⁵⁾ OJ No L 112, 3. 5. 1994, p. 2.

⁽⁶⁾ OJ No L 144, 28. 6. 1995, p. 4.

ANNEX

(1 000 ha)

Region	All crops	Maize
SPAIN		
— Regadio	1 371,1	403,4
— Secano	7 848,6	
PORTUGAL		
Açores	9,7	
Madeira		
— Regadio	0,31	0,29
— Other	0,30	
Continental		
— Regadio	275,4	205,0
— Other	755,1	

COMMISSION REGULATION (EC) No 795/97

of 30 April 1997

derogating from Commission Regulation (EC) No 1223/94 laying down special detailed rules for the application of the system of advance-fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and derogating from Commission Regulation (EEC) No 3665/87 laying down common detailed rules for the application of the system of export refunds on agricultural products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Articles 13 (1), the third subparagraph of 13 (8) and 23 thereof,

Whereas Article 4 of Commission Regulation (EC) No 1223/94 of 30 May 1994 laying down special detailed rules for the application of the system of advance-fixing certificates for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty⁽³⁾, as last amended by Regulation (EC) No 2340/96⁽⁴⁾, specifies the period of validity of advance-fixing certificates for refunds;

Whereas the situation on the common wheat and maize (corn) markets makes it necessary to adjust the period of validity of advance-fixing certificates for maize (corn) exported in the form of goods not covered by Annex II to the Treaty in order to prevent applications for advance fixing of refunds for speculative purposes;

Whereas provision should be made that application of the system of prefinancing of export refunds for maize (corn) exported in the form of goods not covered by Annex II, pursuant to Commission Regulation (EEC) No 3665/87 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁵⁾, as last amended by Regulation (EC) No 495/97⁽⁶⁾, should not, because of the current situation on the maize (corn) market, lead to an extension of the period of validity of advance-fixing certificates for maize (corn) exported in the form of goods not covered by Annex II to the Treaty;

Whereas provisions should be made that application of the system for prefinancing should not lead, taking account of the current situation on maize (corn) market, to an extension of the validity of the rate applied on the day of acceptance of the declaration of payment for exports of maize (corn) in the form of goods not covered by Annex II to the Treaty;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. By derogation from Article 4 (1) of Regulation (EC) No 1223/94, the duration of validity of certificates delivered between the date of entry into force of this Regulation and 30 June 1997 of advanced fixing of refunds for maize (corn) exported in the form of goods not covered by Annex II to the Treaty, is limited to 30 June 1997.

2. The provisions in the last subparagraph of Article 27 (5) of Regulation (EEC) No 3665/87 shall not apply to the certificates referred to in the previous paragraph.

3. In any case, the export declaration must be accepted by 30 June 1997 at the latest.

Article 2

By derogation from Article 27 (5) of Regulation (EEC) No 3665/87 the acceptance of a declaration of payment cannot take place, in cases where an export refund advance fixing certificate is not presented, unless a declaration of exportation of the goods is accepted by 30 June 1997 at the latest.

Article 3

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 2.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 33.

⁽⁴⁾ OJ No L 318, 7. 12. 1996, p. 9.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 77, 19. 3. 1997, p. 12.

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

Done at Brussels, 30 April 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

COMMISSION REGULATION (EC) No 796/97**of 30 April 1997****derogating temporarily from Regulation (EC) No 1445/95 on rules of application
for import and export licences in the beef and veal sector**

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

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 2222/96 ⁽²⁾, and in particular Articles 9 and 13 thereof,

Whereas Article 10 (5) of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EC) No 266/97 ⁽⁴⁾, provides that, notwithstanding paragraph 1 of that Article, export licence applications for a quantity not exceeding 22 tonnes of products covered by CN codes 0201 and 0202 are not to be subject, at the applicant's request, to the five-day time lag;

Whereas for some time licence applications covering such small quantities have made up an abnormally high

proportion of total licence applications; whereas, with a view to better management of the quantities still available for export until 30 June 1997, those arrangements should accordingly be suspended provisionally until that date pursuant to the second subparagraph of Article 10 (5) of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The application of Article 10 (5) of Regulation (EC) No 1445/95 is hereby suspended until 30 June 1997.

Article 2

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

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁴⁾ OJ No L 45, 15. 2. 1997, p. 1.

COMMISSION REGULATION (EC) No 797/97**of 30 April 1997****repealing Regulation (EC) No 675/97 suspending advance fixing of export refunds on certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty**

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

Having regard to Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽¹⁾, as last amended by Regulation (EC) No 229/96⁽²⁾, and in particular the first subparagraph of Article 5 (3) thereof,

Whereas Article 5 (3) of Regulation (EC) No 1222/94 makes provision for advance fixing of the refund to be suspended for basic products exported in the form of certain goods;

Whereas Commission Regulation (EC) No 675/97⁽³⁾ has suspended the advance fixing of the refund for maize exported in the form of goods listed in Annex B to

Council Regulation (EEC) No 1766/92⁽⁴⁾, as last amended by Commission Regulation (EC) No 923/96⁽⁵⁾; whereas, under present circumstances, suspension of advance fixing is no longer necessary; whereas Regulation (EC) No 675/97 should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 675/97 is hereby repealed.

Article 2

This Regulation shall enter into force on 2 May 1997.

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

Done at Brussels, 30 April 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽²⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽³⁾ OJ No L 101, 18. 4. 1997, p. 24.

⁽⁴⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽⁵⁾ OJ No L 126, 24. 5. 1996, p. 37.

COMMISSION REGULATION (EC) No 798/97**of 30 April 1997****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 1 May 1997.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

COMMISSION REGULATION (EC) No 799/97

of 30 April 1997

re-establishing the preferential customs duty on imports of small-flowered roses
originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco ⁽¹⁾, as last amended by Regulation (EC) No 539/96 ⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94 ⁽³⁾, as last amended by Commission Regulation (EC) No 592/97 ⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EC) No 1985/96 ⁽⁵⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88 ⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93 ⁽⁷⁾, laid

down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁸⁾, as last amended by Regulation (EC) No 150/95 ⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96 ⁽¹¹⁾;

Whereas the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 462/97 ⁽¹²⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for small-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

Article 2

This Regulation shall enter into force on 1 May 1997.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 89, 4. 4. 1997, p. 1.

⁽⁵⁾ OJ No L 264, 17. 10. 1996, p. 14.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 188, 27. 7. 1996, p. 22.

⁽¹²⁾ OJ No L 70, 12. 3. 1997, p. 1.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 800/97
of 30 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 1 May 1997.

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

Done at Brussels, 30 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 30 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 25	052	90,5
	204	84,2
	212	95,3
	999	90,0
ex 0707 00 20	052	93,9
	068	123,8
	999	108,9
0709 90 75	052	90,7
	999	90,7
0805 10 21, 0805 10 25, 0805 10 29	052	64,9
	204	41,0
	212	58,1
	400	57,1
	448	26,0
	600	56,7
	624	45,1
	625	36,7
	999	48,2
	600	62,9
0805 30 20	999	62,9
	600	62,9
0808 10 61, 0808 10 63, 0808 10 69	060	49,4
	388	77,9
	400	93,9
	404	103,2
	508	77,6
	512	77,1
	524	69,9
	528	80,6
	804	101,1
	999	81,2

⁽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 801/97**of 30 April 1997****providing for the rejection of applications for export licences in relation to
cereal products**

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

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

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾, as last amended by Regulation (EC) No 1527/96⁽⁴⁾, and in particular Article 7 (3) thereof,

Whereas the quantity covered by applications for advance fixing of refunds common wheat, flour of common wheat and spelt and flour of meslin, groats and meal of common wheat and spelt, as well as durum wheat, flour of durum wheat and groats and meal of durum wheat could give rise

to speculation; whereas it has therefore been decided to reject all applications for export licences of such products made on 28, 29 and 30 April 1997,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 7 (3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN codes 1001 10 00, 1001 90 99, 1101 00 11, 1101 00 15, 1101 00 90, 1103 11 10 and 1103 11 90 made on 28, 29 and 30 April 1997 shall be rejected.

Article 2

This Regulation shall enter into force on 1 May 1997.

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

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ No L 190, 31. 7. 1996, p. 23.

COMMISSION DIRECTIVE 97/18/EC

of 17 April 1997

postponing the date after which animal tests are prohibited for ingredients or combinations of ingredients of cosmetic products

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/768/EEC of 27 July 1996 on the approximation of the laws of the Member States relating to cosmetic products⁽¹⁾, as last amended by Commission Directive 97/1/EC⁽²⁾, and in particular Article 4 (1) (i) thereof;

After consulting the Scientific Committee on Cosmology,

Whereas the main objective of Directive 76/768/EEC is to protect public health; whereas, to this end, it is indispensable to carry out the certain toxicological tests to evaluate the safety for human health of ingredients and combinations of ingredients used in cosmetic product formulations,

Whereas pursuant to Article 4 (1) (i) of Directive 76/768/EEC Member States must ban the placing on the market of cosmetic products containing ingredients or combinations of ingredients tested on animals after 1 January 1998 in order to meet the requirements of the Directive;

Whereas the second sentence of this provision provides that the Commission shall submit draft measures to postpone the date of implementation if there has been insufficient progress in developing satisfactory methods to replace animal testing, and in particular in those cases where alternative methods of testing, despite all reasonable endeavours, have not been scientifically validated as offering an equivalent level of protection for the consumer, taking into account OECD toxicity test guidelines;

Whereas progress has been made in research into alternative methods of testing, in particular in the fields of percutaneous absorption and local risks to the eyes and skin; whereas it has not yet been possible to validate scientifically any alternative testing method; whereas the OECD has not yet adopted pertinent guidelines for toxicity tests in the field of alternative testing methods;

Whereas it is unlikely that the state of the art will change before 1 January 1998; whereas, therefore, the date provided for in Article 4 (1) (i) of Directive 76/768/EEC

should be postponed, in compliance with the second sentence of this provision;

Whereas Directive 76/768/EEC provides that the date be postponed for a sufficient period, and in any case for no less than two years; whereas, therefore, it is necessary to stipulate a date later than 1 January 2000; whereas at this stage it is extremely difficult to foresee the date by which certain alternative methods for testing certain ingredients or combinations of ingredients for the presence of certain risks for human health will have been scientifically validated;

Whereas, however, it can be foreseen that alternative methods will progressively become available in regard to percutaneous absorption, photoirritation, eye irritation and skin irritation;

Whereas, likewise, taking into account the provision's objective, scientific reassessment should not be excessively delayed; whereas, therefore, it is necessary to lay down at this stage a date before which it can be foreseen that no alternative method of testing will have been adequately scientifically validated;

Whereas it is therefore appropriate to postpone the date to 30 June 2000;

Whereas, in these circumstances, it is not possible to lay down a time limit offering the certainty that it will be possible to implement the ban on animal experiments on a specified date; whereas, therefore, the Commission is not in a position to exercise its powers under Article 4 (1) (i) of the Directive except in part;

Whereas it is therefore necessary to provide that the Commission shall submit new draft measures under the conditions provided for in this Article;

Whereas postponement of the date shall not be prejudicial to the objective of reducing the number of test animals and their suffering wherever possible, notably through the use of screening tests;

Whereas everything must be done to ensure that alternative methods to animal experiments are developed, validated and accepted; whereas, pursuant to the provisions of Article 130f (3) of the Treaty and the Fourth Framework Programme for Research, the Commission must take the necessary measures to promote research into and the validation of alternative methods to animal experiments in the field of ingredients and combinations of ingredients used in cosmetic product formulations;

⁽¹⁾ OJ No L 262, 27. 9. 1976, p. 169.

⁽²⁾ OJ No L 16, 18. 1. 1997, p. 85.

Whereas the measures provided for in this Directive are in accordance with the opinion of the Committee on the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Cosmetic Products Sector,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The date of '1 January 1998' shall be replaced by '30 June 2000' in the first sentence of Article 4 (1) (i) of Directive 76/768/EEC.

Article 2

If there has been insufficient progress in developing satisfactory methods to replace animal testing, and in particular in those cases where alternative methods of testing, despite all reasonable endeavours, have not been scientifically validated as offering an equivalent level of protection for the consumer, taking into account OECD toxicity test guidelines, the Commission shall, by 1 January 2000, submit draft measures to postpone the date referred to in Article 1 for those testing methods in respect of which there has been insufficient progress in developing alternative methods, in accordance with the procedure laid down in Article 10 of Directive 76/768/EEC. Before submitting such measures, the Commission will consult the Scientific Committee on Cosmetology.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 31 December 1997. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the provisions of national law which they adopt in the field covered by this Directive.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 17 April 1997.

For the Commission

Emma BONINO

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 April 1997

replacing Commission Decision 96/536/EC of 29 July 1996 establishing the list of milk-based products in respect of which Member States are authorized to grant individual or general derogations pursuant to Article 8 (2) of Directive 92/46/EEC and the nature of the derogations applicable to the manufacture of such products

(97/284/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of whole milk, heat-treated milk and milk-based products⁽¹⁾, as last amended by Council Directive 96/23/EC⁽²⁾, and in particular Article 8 (2) thereof;

Whereas the first subparagraph of Article 8 (2) of Council Directive 92/46/EEC provides for the possibility of authorizing Member States to grant individual or general derogations from certain provisions of that Directive;

Whereas Commission Decision 96/536/EC⁽³⁾ authorizes Member States to grant derogations from certain provisions of Article 7 (A) (1) to (4) of Directive 92/46/EEC and defines the nature of those derogations;

Whereas the text of the abovementioned Decision must be adapted in order to make it clearer; whereas, furthermore, a list of milk-based products for which Member States grant individual or general derogations authorized under Article 8 (2) of Directive 92/46/EEC should not be published;

Whereas the fact that a Member State grants a derogation under Decision 96/536/EC does not confer upon the producers of the products concerned the right to market them using a designation reserved under Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽⁴⁾, as last amended by Regulation (EC) No 535/97⁽⁵⁾;

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 text of Decision 96/536/EC is replaced by the following:

Article 1

For the purposes of Article 8 (2) of Directive 92/46/EEC and of this Decision, milk-based products with traditional characteristics shall mean milk-based products which are:

⁽¹⁾ OJ No L 268, 14. 9. 1992, p. 1.

⁽²⁾ OJ No L 125, 23. 5. 1996, p. 10.

⁽³⁾ OJ No L 230, 11. 9. 1996, p. 12.

⁽⁴⁾ OJ No L 208, 24. 7. 1992, p. 1.

⁽⁵⁾ OJ No L 83, 25. 3. 1997, p. 3.

- recognized historically, or
- manufactured according to technical references or production methods codified or registered in the Member State in which they are traditionally manufactured, or
- protected by a national, regional or local law in the Member State in which they are traditionally manufactured.

Article 2

Member States are hereby authorised to grant to establishments manufacturing certain milk-based products with traditional characteristics as defined in Article 1 individual or general derogations from the requirements set out:

- (a) in Annex B, Chapter I, point 6 and Annex C, Chapter III, point 2 to Directive 92/46/EEC as regards the nature of the materials composing the instruments and the equipment specific to the preparation, packaging and wrapping of these products;

such instruments and equipment must, however, be constantly maintained in a satisfactory state of cleanness and be regularly cleaned and disinfected;

- (b) in Annex B, Chapter I, point 2 (a), (b), (c) and (d) to Directive 92/46/EEC as regards ripening cellars or rooms for such products;

such ripening cellars or rooms may comprise natural geological walls and walls, floors, ceilings and doors that are not smooth, impermeable, durable, covered with a light-coloured coating or of non-corrodible material. The frequency and nature of cleaning and disinfecting measures in such cellars and rooms will be adjusted to this type of activity in order to take account of their specific ambient flora.'

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 25 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 30 April 1997

concerning certain protection measures relating to classical swine fever in Spain

(Text with EEA relevance)

(97/285/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas outbreaks of classical swine fever have occurred in Spain;

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

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

Whereas the epidemiological situation is not completely clear; whereas therefore certain special movement control measures are necessary;

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

Whereas, however, in order to prevent the spread of disease to other parts of its territory, it is necessary that Spain should introduce appropriate measures of an equivalent level;

Whereas pig embryos and ova in accordance with the provisions of Annex IV of Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community

rules referred to in Annex A (I) to Directive 92/425/EEC⁽⁴⁾, as last amended by Commission Decision 95/176/EC⁽⁵⁾ are subject to the same restrictions as live pigs and therefore their movement from Spain to other Member States are subject to certain protection measures;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Spain shall not send pigs to other Member States unless the pigs come from an area outside the areas described in Annex I.
2. Spain shall not send pigs to other Member States from the areas outside the areas described in Annex I unless the pigs come from a holding where no live pigs have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question.
3. Movements of pigs to other Member States coming from areas outside the areas described in Annex I shall only be allowed following three days' advance notification to the central and local veterinary authorities in the Member State of destination and dispatched by the local competent veterinary authority.
4. Spain shall not send pigs from the areas described in Annex I to other parts of its territory, unless they are for direct slaughter and are slaughtered at slaughterhouses in Spain designated by the competent veterinary authorities. The means of transport shall be officially sealed.

Article 2

Spain shall not send to other Member States porcine semen unless the semen originates from boars kept at a collection centre referred to in Article 3 (a) of Council Directive 90/429/EEC⁽⁶⁾ and situated outside the areas described in the Annex I.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ No L 268, 14. 9. 1992, p. 54.

⁽⁵⁾ OJ No L 117, 24. 5. 1995, p. 23.

⁽⁶⁾ OJ No L 224, 18. 8. 1990, p. 62.

Article 3

1. The health certificate provided for in Council Directive 64/432/EEC⁽¹⁾ accompanying pigs sent from Spain must be completed by the following:

'Animals in accordance with Commission Decision 97/285/EC of 30 April 1997 concerning certain protection measures relating to classical swine fever in Spain'.

2. The health certificate provided for in Council Directive 90/429/EEC accompanying boar semen sent from Spain must be completed by the following:

'Semen in accordance with Commission Decision 97/285/EC of 30 April 1997 concerning certain protection measures relating to classical swine fever in Spain.'

Article 4

Spain shall ensure that vehicles which have been used for the transport of pigs are cleaned and disinfected after each operation and the transporter shall furnish proof of such disinfection.

Article 5

1. Spain shall at 8 day intervals present data on the classical swine fever situation in the format indicated in Annex II.

2. This Decision shall be reviewed before 15 May 1997.

Article 6

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

Article 7

This Decision is addressed to Member States.

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

*ANNEX I***Comarcas**

Pla d'Urgell

Urgell

Noguera

Segrià

Garrigues

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*ANNEX II***Classical swine fever report**

Province:

Reporting period:

Province ⁽¹⁾	Pigs ⁽²⁾	Outbreaks		Susp. herd ⁽³⁾	Serology ⁽⁶⁾	
		Total ⁽³⁾	Last ⁽⁴⁾		Positive	Negative

⁽¹⁾ Province: name and Animal Disease Notification System code.⁽²⁾ Pigs: total pig population in Province.⁽³⁾ Total: total number of outbreaks recorded since 1 April 1997.⁽⁴⁾ Last: date of last outbreak recorded in 1997.⁽⁵⁾ Susp. herd: number of suspected herds in accordance with the provisions of Article 4 of Directive 80/217/EEC in reporting period.⁽⁶⁾ Serology: number of positive and negative samples examined during the reporting period.