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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 907/97

of 20 May 1997

amending Regulation (EEC) No 54/93 imposing a definitive anti-dumping duty on imports of synthetic fibres of polyesters originating in India and the Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 11 (4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Regulation (EEC) No 54/93⁽²⁾, the Council imposed, inter alia, a definitive anti-dumping duty of 7,2 % on imports of synthetic staple fibres of polyesters, not carded, combed or otherwise processed for spinning, commonly referred to as synthetic fibres of polyester (hereinafter referred to as the 'product concerned' of 'PSF'), currently classifiable within CN code 5503 20 00 and originating in India, with the exception of imports from five Indian exporters specifically mentioned, which were subject either to a lesser rate of duty or to no duty at all.

B. PRESENT PROCEDURE

- (2) In January 1996, the Commission received, from the Indian producer Viral Filaments Limited (hereinafter referred to as 'Viral' or the 'company'), an

application for a review of the measures currently in force, i.e. a request to initiate a 'new exporter' review proceeding of Regulation (EEC) No 54/93, pursuant to Article 11 (4) of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation'). Viral claimed that it was not related to any of the exporters or producers in India subject to the anti-dumping measures in force with regard to the product concerned. Furthermore, it claimed that it did not export the product concerned during the period of investigation on which the current measures in force were based with regard to the determination of dumping, i.e. the period from 1 January to 31 August 1990 (hereinafter referred to as the 'original investigation period'). Finally, Viral also claimed that it had actually exported the product concerned to the Community and that it had also entered into irrevocable contractual obligations to export significant quantities of PSF to the Community.

- (3) The Commission, after having verified the evidence submitted by the Indian exporter concerned, which was considered sufficient to justify the initiation of a review in accordance with Article 11 (4) of the Basic Regulation, after consultation of the Advisory Committee and after the Community industry concerned had been given the opportunity to comment, initiated, by Commission Regulation (EC) No 1285/96⁽³⁾, a review of Regulation (EEC) No 54/93 with regard to Viral and commenced its investigation.

In the Regulation initiating the review, the Commission also repealed the anti-dumping duty imposed by Regulation (EEC) No 54/93 with regard to imports of the product concerned, produced and exported to the Community by Viral, and directed customs authorities, pursuant to Article 14 (5) of the Basic Regulation, to take appropriate steps to register such imports.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1. Regulation as amended by Regulation (EC) No 2331/96 (OJ No L 317, 6. 12. 1996, p. 1).

⁽²⁾ OJ No L 9, 15. 1. 1993, p. 2. Regulation as amended by Regulation (EC) No 1489/96 (OJ No L 189, 30. 7. 1996, p. 10).

⁽³⁾ OJ No L 165, 4. 7. 1996, p. 21.

- (4) The product covered by the present review is the same product as the one under consideration in Regulation (EEC) No 54/93.
- (5) The Commission officially advised Viral and the representatives of the exporting country. Furthermore, it gave other parties directly concerned the opportunity to make their views known in writing and to request a hearing. However, no such request has been received by the Commission.

The Commission sent a questionnaire to Viral and received a proper and timely reply.

The Commission sought and verified all information it deemed necessary for the purpose of the investigation.

- (6) The investigation of dumping covered the period from 1 July 1995 to 30 June 1996.
- (7) The same methodology as that used in the original investigation was applied in the present investigation where circumstances had not changed.

C. SCOPE OF THE REVIEW

- (8) As no request for a review of the findings on injury was made in this investigation, this review is limited to dumping.

D. RESULTS OF THE INVESTIGATION

1. New exporter qualification

- (9) The investigation confirmed that Viral had not exported the product concerned during the original investigation period. Production of PSF by Viral and export thereof to the Community started, in fact, only during the second half of 1995.

Furthermore, according to documentary evidence submitted, Viral satisfactorily demonstrated that it did not have any links, either direct or indirect, with any of Indian exporters subject to the anti-dumping measures in force with regard to the product concerned.

Accordingly, it is confirmed that Viral should be considered as a new exporter in accordance with Article 11 (4) of the Basic Regulation, and thus its individual dumping margin should be determined.

2. Dumping

A. Normal value

- (10) In accordance with Article 2 (2) of the Basic Regulation, an examination was conducted to ascertain

whether the volume of Viral's sales of PSF on the Indian domestic market in total reached at least 5 % of the volume of the Indian exports of the product concerned to the Community. It was established, based on the documentary evidence submitted in the company's questionnaire reply, that domestic sales of the like product achieved a level considerably in excess of the aforementioned 5 % threshold.

For each of the types of PSF sold on the domestic market and found to be identical or directly comparable to types sold for export to the Community, the Commission then established whether domestic sales per type were made in sufficient quantities.

Domestic sales of each type were considered to have been made in sufficient quantities within the meaning of Article 2 (2) of the Basic Regulation as the volume of each type of PSF sold in India during the investigation period represented 5 % or more of the quantity of the comparable type of PSF sold for export to the Community.

The Commission subsequently examined whether the domestic sales of each type of PSF exported to the Community could be considered to have been made in the ordinary course of trade.

Whether or not domestic sales were made in the ordinary course of trade was determined pursuant to Article 2 (4) of the Basic Regulation. Since, per product type, the weighted average selling price was equal to, or higher than, the weighted average unit cost and as the volume of sales below unit cost represented less than 20 % of the sales being used to determine normal value, all domestic sales were regarded as having been made in the ordinary course of trade.

In accordance with Article 2 (1) of the Basic Regulation, normal value was therefore based on the weighted average prices of all domestic sales of the corresponding product types exported to the Community.

B. Export price

- (11) Export prices were established on the basis of the prices actually paid or payable for the product concerned when sold for export to the Community, in accordance with Article 2 (8) of the Basic Regulation.

C. Comparison

- (12) In accordance with Article 2 (11) of the Basic Regulation, the weighted average normal value by product type was compared, on an ex-factory basis, to the weighted average export price at the same level of trade.

For the purpose of a fair comparison, due allowance in the form of adjustments was made for differences which were claimed and demonstrated to affect price comparability. These adjustments were made, in accordance with Article 2 (10) of the Basic Regulation, in respect of commissions, transport, insurance, handling and ancillary costs, credit costs, discounts and rebates.

D. Dumping margin

- (13) The above comparison revealed that no dumping existed for exports to the Community of the product concerned made by Viral during the investigation period.

E. AMENDMENT OF THE MEASURES BEING REVIEWED

- (14) Based on the findings of no dumping made during the investigation, it is considered that no anti-dumping measure should be imposed on imports into the Community of PSF, produced and exported by Viral. Regulation (EEC) No 54/93 should therefore be amended accordingly.

F. DISCLOSURE AND DURATION OF THE MEASURE

- (15) Viral was informed of the facts and considerations on the basis of which it is intended to propose the amendment to Regulation (EEC) No 54/93 and was given the opportunity to comment. No comments were received.
- (16) This review carried out does not affect the date on which Regulation (EEC) No 54/93 will expire pursuant to Article 11 (2) of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be added at the end of Article 1 (3) of Regulation (EEC) No 54/93:

‘, as well as Viral Filaments Limited, India (Taric additional code 8642)’.

Article 2

Customs authorities are hereby directed to discontinue registration pursuant to Article 3 of Regulation (EC) No 1285/96.

Article 3

This Regulation shall enter into force on the day following that 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, 20 May 1997.

For the Council

The President

J. VAN AARTSEN

COUNCIL REGULATION (EC) No 908/97
of 20 May 1997

amending Regulation (EEC) No 830/92 imposing a definitive anti-dumping duty on imports of certain polyester yarns (man-made staple fibres) originating in Taiwan, Indonesia, India, the People's Republic of China and Turkey and collecting definitively the provisional duty

THE COUNCIL OF THE EUROPEAN UNION,

B. PRESENT PROCEDURES

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 11 (4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

A. PREVIOUS PROCEDURE

- (1) By Regulation (EEC) No 830/92⁽²⁾, the Council imposed, *inter alia*, a definitive anti-dumping duty of 10,1 % on imports of single and multiple (folded) or cabled yarns containing 85 % or more by weight of polyester staple fibres, not put up for retail sale, and other yarns of polyester staple fibres mixed mainly or solely either with artificial staple fibres or with cotton, not put up for retail sale, commonly referred to as certain polyester yarns (hereinafter referred to as the 'product concerned' or 'yarn'), currently classifiable within CN codes 5509 21 10, 5509 21 90, 5509 22 10, 5509 22 90, 5509 51 00 and 5509 53 00, and originating in Turkey, with the exception of imports from two Turkish exporters specifically mentioned, which were subject to a lesser rate of duty, and of 11,9 % on imports of the product concerned originating in Indonesia, with the exception of those imports from one Indonesian exporter specifically mentioned, which was subject to no duty at all.
- (2) By Regulation (EC) No 1168/95⁽³⁾, the Council amended Regulation (EEC) No 830/92 in further excluding seven Indonesian exporters from any anti-dumping duty.

- (3) In October 1995, the Commission received from the Turkish producer Kipas AS (hereinafter referred to as 'Kipas' or the 'company') an application for a review of the measures currently in force, i.e. a request to initiate a 'new exporter' review proceeding of Regulation (EEC) No 830/92, pursuant to Article 11 (4) of Regulation (EC) No 384/96 (hereinafter referred to as the 'Basic Regulation'). Kipas claimed that it was not related to any of the exporters or producers in Turkey subject to the anti-dumping measures in force with regard to the product concerned.

Furthermore, it claimed that it did not export the product concerned during the period of investigation on which the current measures in force were based with regard to the determination of dumping, i.e. the period from 1 January to 31 December 1989 (hereinafter referred to as the 'original investigation period'). Finally, Kipas also claimed that it had actually exported the product concerned to the Community and that it had also entered into irrevocable contractual obligations to export significant quantities of yarn to the Community.

- (4) In June 1996, an Indonesian manufacturer, PT World Yamatex Spinning Mills, Indonesia (hereinafter referred to as 'Yamatex' or the 'company') submitted a request to initiate a 'new exporter' review proceeding of Regulation (EEC) No 830/92. Yamatex claimed to have no link or relation to any of the Indonesian exporters or producers subject to the anti-dumping measures in force with regard to the product concerned, that it had not exported the product concerned during the original investigation period and that it had entered into irrevocable contractual obligations to export significant quantities of yarns to the Community.
- (5) After having verified the evidence submitted by Kipas and Yamatex, which was in both cases considered sufficient to justify the initiation of a review in accordance with Article 11 (4) of the Basic Regulation, after consultation of the Advisory Committee and after the Community industry

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1. Regulation as amended by Regulation (EC) No 2331/96 (OJ No L 317, 6. 12. 1996, p. 1).

⁽²⁾ OJ No L 88, 3. 4. 1992, p. 1.

⁽³⁾ OJ No L 118, 25. 5. 1995, p. 1.

concerned had been given the opportunity to comment, the Commission initiated two separate reviews of Regulation (EEC) No 830/92 with regard to Kipas, under Regulation (EC) No 1284/96⁽¹⁾, and Yamatex, under Regulation (EC) No 2237/96⁽²⁾, and commenced its investigations.

- (6) In the Regulations initiating the two reviews, the Commission also repealed the anti-dumping duties imposed by Regulation (EEC) No 830/92 with regard to imports of the product concerned, produced and exported by Kipas and Yamatex, and directed customs authorities, pursuant to Article 14(5) of the Basic Regulation, to take appropriate steps to register such imports.

Since both new exporter reviews relate to Regulation (EEC) No 830/92 it was decided to deal with them jointly.

- (7) The product concerned covered by the present reviews is the same product as the one under consideration in Regulation (EEC) No 830/92.
- (8) The Commission officially advised both Kipas and Yamatex as well as the representatives of the respective exporting country. Furthermore, it gave other parties directly concerned the opportunity to make their views known in writing and to request a hearing. However, no such request has been received by the Commission.
- (9) The Commission sent a questionnaire to Kipas and Yamatex and received, in both cases, a proper and timely reply. The commission sought and verified all information it deemed necessary for the purposes of the investigations, and carried out, in the sole case of Kipas, a verification visit at the Kipas premises in Turkey.
- (10) The investigation of dumping covered the periods:
- in the review proceeding carried out for Kipas, Turkey: 1 July 1995 to 30 June 1996;
 - in the review proceeding carried out for Yamatex, Indonesia: 1 November 1995 to 31 October 1996.
- (11) The same methodology as that used in the original investigation was applied in the present investigations where circumstances had not changed.

C. SCOPE OF THE REVIEWS

- (12) No request for a review of the findings on injury was made in any of the investigations. The investigations are therefore limited to dumping.

D. RESULTS OF THE INVESTIGATIONS

1. New exporter qualification

Kipas

- (13) The investigation confirmed that the Turkish exporter had not exported the product concerned during the original investigation period. Production of yarns by Kipas and export thereof to the Community started, in fact, only during the second half of 1994.

Furthermore, it was established during the investigation that the company did not have any links, either direct or indirect, with any of Turkish exporters subject to the anti-dumping measures in force with regard to the product concerned.

Accordingly, it is confirmed that Kipas should be considered as a new exporter in accordance with Article 11(4) of the Basic Regulation, and thus its individual dumping margin should be determined.

Yamatex

- (14) The evidence submitted by the Indonesian exporter confirmed that it had not exported the product concerned during the original investigation period. Production of the product concerned started in 1994. Export activities in the form of irrevocable contractual obligations of Yamatex vis-à-vis Community customers for the product concerned only started, according to the documents provided, during the present investigation period (May 1996).

Furthermore, according to documentary evidence submitted, Yamatex satisfactorily demonstrated that it did not have any links, either direct or indirect, with any of Indonesian exporters subject to the anti-dumping measures in force with regard to the product concerned.

Accordingly, it is confirmed that also Yamatex should be considered as a new exporter in accordance with Article 11(4) of the Basic Regulation, and thus its individual dumping margin should be determined.

⁽¹⁾ OJ No L 165, 4. 7. 1996, p. 19.

⁽²⁾ OJ No L 299, 23. 11. 1996, p. 14.

2. Dumping

A. Normal value

Kipas

- (15) In accordance with Article 2 (2) of the Basic Regulation, an examination was conducted to ascertain whether the volume of Kipas' sales of the like product on the Turkish domestic market in total reached at least 5 % of the volume of its total exports of the product concerned to the Community. It was found that total domestic sales of the like product achieved a level considerably in excess of the aforementioned 5 % threshold.

For each of the types of yarn sold on the domestic market and found to be identical or directly comparable to types sold for export to the Community, the Commission then established whether domestic sales per type were made in sufficient quantities.

Domestic sales of each type were considered to have been made in sufficient quantities within the meaning of Article 2 (2) of the Basic Regulation as the volume of each type of yarn sold in Turkey during the investigation period represented 5 % or more of the quantity of the comparable type of yarn sold for export to the Community.

The Commission subsequently examined whether the domestic sales of each type of the product concerned exported to the Community could be considered to have been made in the ordinary course of trade.

Whether or not domestic sales were made in the ordinary course of trade was determined pursuant to Article 2 (4) of the Basic Regulation. Since, per product type, the weighted average selling price was equal to, or higher than, the weighted average unit cost and as the volume of sales below unit cost represented less than 20 % of the domestic sales, all domestic sales were regarded as having been made in the ordinary course of trade.

In accordance with Article 2 (1) of the Basic Regulation, normal value was therefore based on the weighted average prices of all domestic sales of the corresponding product types exported to the Community.

Yamatex

- (16) When establishing normal value for the Indonesian exporter, the same methodology as described under recital (15) was applied.

It was concluded that comparable types of the product concerned, in relation to those exported to the Community during the investigation period, were sold on the domestic market, and that these sales were made in sufficient quantities in the ordinary course of trade.

In accordance with Article 2 (1) of the Basic Regulation, normal value was therefore based on the weighted average prices of all domestic sales of the corresponding product types exported to the Community.

B. Export prices

- (17) For both companies, Kipas and Yamatex, export prices were established on the basis of the prices actually paid or payable for the product concerned when sold for export to the Community, in accordance with Article 2 (8) of the Basic Regulation.

C. Comparison

Kipas

- (18) In accordance with Article 2 (11) of the Basic Regulation, the weighted average normal value by product type was compared, on an ex-factory basis, to the weighted average export price at the same level of trade.

For the purpose of a fair comparison, due allowance in the form of adjustments was made for differences which were claimed and demonstrated to affect price comparability. These adjustments were made, in accordance with Article 2 (10) of the Basic Regulation, in respect of commissions, transport, insurance, handling and ancillary costs, credit costs, discounts and rebates.

Yamatex

- (19) The same methodology as described in recital 18 was applied for Yamatex.

D. Dumping margin

- (20) The above comparison revealed that no dumping existed for exports to the Community of the product concerned made by both Kipas and Yamatex during the investigation period.

E. AMENDMENT OF THE MEASURES BEING REVIEWED

- (21) Based on the findings of no dumping made during the investigations, it is considered that no anti-dumping measure should be imposed on imports

into the Community of the product concerned, produced and exported by Kipas and Yamatex. Regulation (EEC) No 830/92 should therefore be amended accordingly.

F. DISCLOSURE AND DURATION OF THE MEASURES

- (22) Kipas and Yamatex were informed of the facts and considerations on the basis of which it is intended to propose the amendment to Regulation (EEC) No 830/92 and were given the opportunity to comment. No comments were received.
- (23) The reviews carried out do not affect the date on which Regulation (EEC) No 830/92 will expire pursuant to Article 11 (2) of the Basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The following shall be added at the end of Article 1 (3) of Regulation (EEC) No 830/92:

‘, P.T. World Yamatex Spinning Mills, Indonesia (Taric additional code 8595), as well as Kipas AS, Turkey (Taric additional code 8011)’.

Article 2

Customs authorities are hereby directed to discontinue registration pursuant to Article 3 of Regulations (EC) No 1284/96 and (EC) No 2237/96 respectively.

Article 3

This Regulation shall enter into force on the day following that 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, 20 May 1997.

For the Council

The President

J. VAN AARTSEN

COUNCIL REGULATION (EC) No 909/97
of 14 May 1997

on the conclusion of the Protocol establishing, for the period 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with Article 228 (2) first sentence, and the first subparagraph of Article 228 (3) thereof,

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

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

Whereas pursuant to the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast ⁽³⁾, the two Parties conducted negotiations to determine the amendments or additions to be made to the Agreement at the end of the period of application of the Protocol annexed thereto;

Whereas, as a result of these negotiations, a new Protocol establishing, for the period 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the abovementioned Agreement was initialled on 6 December 1995;

Whereas it is in the Community's interest to approve the new Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol establishing, for the period 1 January 1996 to 31 December 1997, the fishing rights and financial compensation provided for in the Agreement between the European Economic Community and the Government of the Republic of Guinea on fishing off the Guinean coast is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation ⁽⁴⁾.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 3

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

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

Done at Brussels, 14 May 1997.

For the Council

The President

J. RITZEN

⁽¹⁾ OJ No C 165, 8. 6. 1996, p. 7.

⁽²⁾ OJ No C 115, 14. 4. 1997.

⁽³⁾ OJ No L 111, 27. 4. 1983, p. 1.

⁽⁴⁾ OJ No L 157, 29. 6. 1996, p. 3.

COUNCIL REGULATION (EC) No 910/97

of 14 May 1997

on the conclusion of the Protocol defining, for the period from 3 May 1996 to 2 May 1999, the fishing opportunities and the financial contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off the coast of Angola

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof, in conjunction with Article 228 (2) and (3) first subparagraph thereof,

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

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

Whereas, in accordance with the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola ⁽³⁾, the Contracting Parties held negotiations with a view to determining amendments to be made to that Agreement at the end of the period of application of the Protocol attached to the said Agreement;

Whereas, as a result of these negotiations, a new Protocol defining for the period from 3 May 1996 to 2 May 1999 the fishing opportunities and the financial contribution provided for by the abovementioned Agreement was initialled on 2 May 1996; whereas, pending the procedures necessary for its conclusion, this Protocol has been provisionally applied by an Agreement in the form of an Exchange of Letters approved by Decision 96/569/EC ⁽⁴⁾;

Whereas it is in the Community's interest to approve this Protocol;

Whereas the allocation of fishing possibilities among the Member States should be determined on the basis of the traditional allocation of fishing possibilities under the fisheries agreement,

HAS ADOPTED THIS REGULATION:

Article 1

The Protocol defining, for the period from 3 May 1996 to 2 May 1999, the fishing opportunities and the financial

contribution provided for by the Agreement between the European Economic Community and the Government of the People's Republic of Angola on fishing off Angola is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Regulation ⁽⁵⁾.

Article 2

The fishing possibilities provided for in the Protocol shall be allocated among the Member States as follows:

- Shrimp vessels: 6 550, per month, as an annual average, Spain,
- Demersal trawlers: 2 000, per month, as an annual average, Spain,
- Bottom longliners: 1 750, per month, as an annual average, Portugal,
- Freezer tuna seiners: nine vessels France,
- Surface longliners: two vessels Portugal, 10 vessels Spain.

If licence applications from these Member States do not exhaust the fishing possibilities provided for in the Protocol the Commission may entertain licence applications from any other Member State.

Article 3

The President of the Council is hereby authorized to designate the persons empowered to sign the Protocol in order to bind the Community.

Article 4

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

⁽¹⁾ OJ No C 278, 24. 9. 1996, p. 5.

⁽²⁾ OJ No C 115, 14. 4. 1997.

⁽³⁾ OJ No L 341, 3. 12. 1987, p. 2.

⁽⁴⁾ OJ No L 250, 2. 10. 1996, p. 14.

⁽⁵⁾ OJ No L 46, 17. 2. 1997, p. 57.

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

Done at Brussels, 14 May 1997.

For the Council

The President

J. RITZEN

COMMISSION REGULATION (EC) No 911/97

of 22 May 1997

on import licences for milk and milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended by Regulation (EC) No 619/96 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 ⁽³⁾, as last amended by Regulation (EC) No 1220/96 ⁽⁴⁾, provides that if the total quantity for which applications have been submitted is less than that available the Commission is to calculate the quantity remaining, which is to be added to that available for the following half year; whereas under these circumstances the

quantity available for the second half of 1997 of the products referred to in Article 7 of Regulation (EEC) No 715/90 should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Further licence applications may be lodged during the first 10 days of July 1997 for the following quantities:

- 500 tonnes of products falling within CN code 0402,
- 500 tonnes of products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 26 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 89, 10. 4. 1996, p. 1.

⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁴⁾ OJ No L 161, 29. 6. 1996, p. 57.

COMMISSION REGULATION (EC) No 912/97
of 22 May 1997
fixing the export refunds on eggs

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

Whereas it follows from applying these rules and criteria to the present situation on the market in eggs that the

refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 189, 30. 7. 1996, p. 99.

ANNEX

to the Commission Regulation of 22 May 1997 fixing the export refunds on eggs

Product code	Destination (1)	Amount of refund
		ECU/100 units
0407 00 11 9000	02	3,50
0407 00 19 9000	02	1,60
		ECU/100 kg
0407 00 30 9000	03	15,00
	04	8,00
	05	18,00
0408 11 80 9100	01	53,00
0408 19 81 9100	01	24,00
0408 19 89 9100	01	24,00
0408 91 80 9100	01	41,00
0408 99 80 9100	01	10,50

(1) The destinations are as follows:

- 01 All destinations except Switzerland,
- 02 All destinations except the United States of America,
- 03 Kuwait, Bahrain, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong and Russia,
- 04 All destinations except Switzerland and those of 03 and 05,
- 05 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt.

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

**COMMISSION REGULATION (EC) No 913/97
of 22 May 1997**

adopting exceptional support measures for the pigmeat market in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 and the second paragraph of Article 22 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Spain, protection and surveillance zones have been established by the Spanish authorities pursuant to Article 9 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 Directive 93/384/EEC ⁽⁴⁾; whereas, consequently, in those zones trade in live pigs, fresh pigmeat and pigmeat products which have not been subjected to heat treatment is temporarily prohibited;

Whereas restrictions on the free movement of goods resulting from the application of veterinary measures are likely to bring about a serious disturbance of the pigmeat market in Spain; whereas exceptional market support measures, to apply for no longer than is strictly necessary, must accordingly be adopted with respect solely to live animals from the directly affected areas;

Whereas, with the aim of preventing a further spread of the disease, the pigs produced in the said zones should be separated from normal trade in products intended for human consumption and processed into products intended for uses other than human consumption, in accordance with Article 3 of Council Directive 90/667/EEC ⁽⁵⁾, as amended by Directive 92/118/EEC ⁽⁶⁾;

Whereas it is appropriate to grant aid for the delivery to the competent authorities of pigs for fattening and piglets coming from the affected zones;

Whereas in view of the extent of the disease and, in particular, of its duration, and consequently of the magnitude of the efforts needed to support the market, it is appropriate for the costs to be shared by the Community and the Member State concerned;

Whereas provision should be made for the Spanish authorities to adopt all necessary control and surveillance measures and to inform the Commission accordingly;

Whereas the restrictions on the free movement of live pigs have been operative for several weeks in the zones in question, resulting in a substantial increase in the weight of the animals and consequently an intolerable situation as regards the welfare of the animals; whereas application of this Regulation from 6 May 1997 is therefore justified;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 6 May 1997 producers shall be eligible, on request, for aid granted by the competent Spanish authorities for delivery to them of pigs for fattening falling within CN code 0103 92 19 weighing 110 kilograms or more on average per batch.
2. From 6 May 1997 producers shall be eligible, on request, for aid granted by the competent Spanish authorities for delivery to them of piglets falling within CN code 0103 91 10 weighing 8 kilograms or more on average per batch.
3. 70 per cent of the expenditure relating to this aid shall be financed by the Community budget, for a total maximum number of animals as laid down in Annex I.

Article 2

Only animals raised in the protection and surveillance zones located within the administrative regions listed in Annex II to this Regulation may be delivered, provided that the veterinary provisions laid down by the Spanish authorities apply in those zones on the day the animals are delivered.

Article 3

On the day they are delivered, the animals shall be weighed and killed in such a way as to prevent the disease from spreading.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ No L 166, 8. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 363, 27. 12. 1990, p. 51.

⁽⁶⁾ OJ No L 62, 15. 3. 1993, p. 49.

They shall be transported without delay to a rendering plant and processed into products falling within CN codes 1501 00 11, 1506 00 00 and 2301 10 00, in accordance with Article 3 of Council Directive 90/667/EEC.

However, pigs for fattening may be transported to a slaughterhouse where they are slaughtered immediately and may be stored in a cold store before transport to the rendering plant. Slaughter and storage shall be carried out in accordance with Annex III.

These operations shall be carried out under the permanent supervision of the competent Spanish authorities.

Article 4

1. For pigs for fattening weighing 110 kilograms or more on average per batch, the aid referred to in Article 1 (1), at farm gate, shall be equal to the market price for slaughtered pigs of grade E within the meaning of Article 4 (2) of Regulation (EEC) No 2759/75, of Commission Regulation (EEC) No 3537/89 ⁽¹⁾ and Commission Regulation (EEC) No 2123/89 ⁽²⁾, recorded in Spain during the week preceding the delivery of the pigs for fattening to the competent authorities, less transport costs of ECU 1,3 per 100 kilograms carcass weight.

2. For pigs for fattening weighing less than 110 kilograms but more than 100 kilograms on average per batch, the aid fixed pursuant to paragraph 1 shall be reduced by 15 %.

3. The aid shall be fixed on the basis of the established slaughter weight. If, however, the animals are only weighed live, a coefficient of 0,81 shall be applied to the aid.

4. The aid referred to in Article 1 (2), at farm gate, shall be:

- ECU 69 per head for piglets weighing 21 kilograms or more on average per batch,
- ECU 60 per head for piglets weighing more than 15 kilograms on average per batch, but less than 21 kilograms,
- ECU 50 per head for young piglets weighing 8 kilograms or more on average per batch.

Article 5

The competent Spanish authorities shall adopt all measures necessary to ensure compliance with the provisions of this Regulation and in particular with Article 2 thereof. They shall inform the Commission accordingly as soon as possible.

Article 6

The competent Spanish authorities shall send the Commission each Wednesday the following information concerning the previous week:

- number and total weight of pigs for fattening delivered,
- number and total weight of piglets delivered.

Article 7

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

It shall apply from 6 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 347, 28. 11. 1989, p. 20.

⁽²⁾ OJ No L 203, 15. 7. 1989, p. 23.

ANNEX I

Fattening pigs	132 000 head
Piglets	60 000 head

ANNEX II

In the province of Lerida, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Generalitat di Catalunya* dated 29 April 1997.

ANNEX III

1. The controls currently laid down are to apply to the transport of the animals from the farm and their slaughter. On the day of delivery, the animals are to be weighed by load and slaughtered in a slaughterhouse.
2. Pigs for fattening are to be slaughtered and the blood and offal discarded. The latter are to be transported immediately and separately from the slaughterhouse to the rendering plant. Transport must take place in sealed lorries, which are to be weighed on departure from the slaughterhouse and on arrival at the rendering plant.
3. Carcasses and half-carcasses may be cut into several parts to allow appropriate storage. Each part is to be sprayed with a denaturing product (methylene blue) to ensure that the meat is not used for human consumption.
4. Slaughter, transport to cold stores, freezing and storage, including removal from storage and transport to the rendering plant, are to be carried out under the permanent supervision of the competent Spanish authorities.
5. Transport from the slaughterhouse to the cold store is to take place in lorries sealed and disinfected under the permanent supervision of the competent Spanish authorities.
The lorries are to weighed both empty and loaded, at the slaughterhouse and at the cold store.
6. Storage is to take place in cold stores closed and sealed by the competent Spanish authorities. No other products may be stored in such stores.
7. As soon as capacity becomes available at the rendering plant, the carcasses are to be transported to the latter. This is to take place in lorries sealed under the permanent supervision of the competent Spanish authorities or on their behalf. The lorries are to be weighed both empty and loaded, at the cold store and at the rendering plant.

COMMISSION REGULATION (EC) No 914/97

of 22 May 1997

fixing the rates of the refunds applicable to eggs and egg yolks 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 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 (1) of Regulation (EEC) No 2771/75 provides that the difference between prices in international trade for the products listed in Article 1 (1) of that Regulation and prices within the Community may be covered by an export refund where these goods 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 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 ⁽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 the Annex to Regulation (EEC) No 2771/75;

Whereas, in accordance 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 a period of the same duration as that for which refunds are fixed for the same products exported unprocessed;

Whereas Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lays 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 measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Poultrymeat and Eggs,

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) of Regulation (EEC) No 2771/75, exported in the form of goods listed in the Annex I to Regulation (EEC) No 2771/75, are hereby fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 23 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 189, 30. 7. 1996, p. 99.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 30, 8. 2. 1996, p. 24.

ANNEX

to the Commission Regulation of 22 May 1997 fixing the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

(ECU / 100 kg)			
CN code	Description	Destination ⁽¹⁾	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	– Of poultry:		
0407 00 30	– – Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	15,00
		03	18,00
		04	8,00
	b) On exportation of other goods	01	8,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	– Egg yolks:		
0408 11	– – Dried:		
ex 0408 11 80	– – – Suitable for human consumption: not sweetened	01	53,00
0408 19	– – Other:		
	– – – Suitable for human consumption:		
ex 0408 19 81	– – – – Liquid: not sweetened	01	24,00
ex 0408 19 89	– – – – Frozen: not sweetened	01	24,00
	– Other:		
0408 91	– – Dried:		
ex 0408 91 80	– – – Suitable for human consumption: not sweetened	01	41,00
0408 99	– – Other:		
ex 0408 99 80	– – – Suitable for human consumption: not sweetened	01	10,50

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong and Russia,

03 South Korea, Japan, Malaysia, Thailand, Taiwan, the Philippines and Egypt,

04 All destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 915/97**of 22 May 1997****on the issue of system B export licences in the fruit and vegetables sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 610/97⁽²⁾, and in particular Article 5 (5) thereof,

Whereas Commission Regulation (EC) No 687/97⁽³⁾ fixes the indicative quantities for system B export licences other than those sought in the context of food aid;

Whereas, in the light of the information available to the Commission today, the indicative quantities laid down for the current export period for lemons, peaches and nectarines indicate there is a risk that these quantities will shortly be exceeded; whereas this overrun will prejudice the proper working of the export refund scheme in the fruit and vegetables sector;

Whereas, to avoid this situation, applications for system B licences for lemons, peaches and nectarines exported after 25 May 1997 should be rejected until the end of the current export period,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for system B licences for lemons, peaches and nectarines submitted pursuant to Article 1 of Regulation (EC) No 687/97, export declarations for which are accepted after 25 May 1997 and before 1 July 1997, are hereby rejected.

Article 2

This Regulation shall enter into force on 23 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ No L 93, 8. 4. 1997, p. 16.

⁽³⁾ OJ No L 102, 19. 4. 1997, p. 4.

COMMISSION REGULATION (EC) No 916/97

of 22 May 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 23 May 1997.

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

Done at Brussels, 22 May 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 22 May 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 30	212	52,2
	999	52,2
0709 90 75	052	72,8
	999	72,8
0805 10 31, 0805 10 33, 0805 10 35	052	64,6
	204	40,3
	448	28,1
	600	51,0
	624	40,2
	625	39,1
	999	43,9
	388	67,5
0805 30 20	528	67,1
	999	67,3
0808 10 61, 0808 10 63, 0808 10 69	060	47,9
	388	81,1
	400	79,7
	404	104,0
	442	83,8
	508	89,7
	512	79,8
	528	69,2
	804	98,6
	999	81,5

⁽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 917/97
of 22 May 1997**

**fixing the maximum export refund on wholly milled long grain rice in
connection with the invitation to tender issued in Regulation (EC) No 530/97**

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

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

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 530/97 ⁽²⁾;

Whereas, Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question

results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled long grain rice falling within CN code 1006 30 67 to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 530/97 is hereby fixed on the basis of the tenders submitted from 19 to 22 May 1997 at ECU 394 per tonne.

Article 2

This Regulation shall enter into force on 23 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 82, 22. 3. 1997, p. 48.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 918/97

of 22 May 1997

fixing the maximum export refund on wholly milled round grain rice in
connection with the invitation to tender issued in Regulation (EC) No 1629/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1629/96 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question

results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled round grain rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1629/96 is hereby fixed on the basis of the tenders submitted from 19 to 22 May 1997 at ECU 315 per tonne.

Article 2

This Regulation shall enter into force on 23 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 204, 14. 8. 1996, p. 6.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

**COMMISSION REGULATION (EC) No 919/97
of 22 May 1997**

**fixing the maximum export refund on wholly milled medium grain and long
grain A rice in connection with the invitation to tender issued in Regulation (EC)
No 1630/96**

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

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

Whereas an invitation to tender for the export refund on
rice was issued pursuant to Commission Regulation (EC)
No 1630/96 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No
584/75 ⁽³⁾, as last amended by Regulation (EC) No
299/95 ⁽⁴⁾, allows the Commission to fix, in accordance
with the procedure laid down in Article 22 of Regulation
(EC) No 3072/95 and on the basis of the tenders
submitted, a maximum export refund; whereas in fixing
this maximum, the criteria provided for in Article 13 of
Regulation (EC) No 3072/95 must be taken into account;
whereas a contract is awarded to any tenderer whose
tender is equal to or less than the maximum export
refund;

Whereas the application of the abovementioned criteria to
the current market situation for the rice in question

results in the maximum export refund being fixed at the
amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium
grain and long grain A rice to be exported to certain third
countries pursuant to the invitation to tender issued in
Regulation (EC) No 1630/96 is hereby fixed on the basis
of the tenders submitted from 19 May to 22 May 1997 at
ECU 305 per tonne.

Article 2

This Regulation shall enter into force on 23 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 204, 14. 8. 1996, p. 9.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 920/97
of 22 May 1997

fixing the maximum export refund on wholly milled medium grain and long grain A rice in connection with the invitation to tender issued in Regulation (EC) No 1631/96

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

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

Whereas an invitation to tender for the export refund on rice was issued pursuant to Commission Regulation (EC) No 1631/96 ⁽²⁾;

Whereas Article 5 of Commission Regulation (EEC) No 584/75 ⁽³⁾, as last amended by Regulation (EC) No 299/95 ⁽⁴⁾, allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum export refund; whereas in fixing this maximum, the criteria provided for in Article 13 of Regulation (EC) No 3072/95 must be taken into account; whereas a contract is awarded to any tenderer whose tender is equal to or less than the maximum export refund;

Whereas the application of the abovementioned criteria to the current market situation for the rice in question

results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refund on wholly milled medium grain and long grain A rice to be exported to certain third countries pursuant to the invitation to tender issued in Regulation (EC) No 1631/96 is hereby fixed on the basis of the tenders submitted from 19 to 22 May 1997 at ECU 330 per tonne.

Article 2

This Regulation shall enter into force on 23 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 204, 14. 8. 1996, p. 12.

⁽³⁾ OJ No L 61, 7. 3. 1975, p. 25.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 8.

COMMISSION REGULATION (EC) No 921/97

of 22 May 1997

amending Regulation (EEC) No 1627/89 on the buying in of beef by invitation to tender

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

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

Whereas Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽³⁾, as last amended by Regulation (EC) No 826/97⁽⁴⁾, opened buying in by invitation to tender in certain Member States or regions of a Member State for certain quality groups;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁴⁾ OJ No L 119, 8. 5. 1997, p. 5.

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

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

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

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

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

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

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

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

In artikel 1, lid 1, van Verordening (EEG) nr. 1627/89 bedoelde lidstaten of gebieden van een lidstaat en kwaliteitsgroepen

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

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

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 May 1997

on the appointment of members of the European Consultative Forum on the environment and sustainable development

(Text with EEA relevance)

(97/307/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Decision 97/150/EC of 24 February 1997 on the setting up of a European Consultative Forum on the environment and sustainable development ⁽¹⁾, and in particular Articles 4 and 7 (1) thereof,

Whereas the members of the European Consultative Forum on the environment and sustainable development are to be appointed by the Commission in the light of recommendations from organizations representing each sector concerned at Community level;

Whereas it is necessary to appoint 32 Members of the Forum for a period of four years;

Whereas it is necessary that the Commission designate a chairman from among the members of the Forum for a period of two years,

HAS DECIDED AS FOLLOWS:

Article 1

The following are appointed as members of the European Consultative Forum on the environment and sustainable development:

Maria Buitenkamp	Per Kågeson	Giorgio Porta
Willy Buschak	Jens Kampmann	Teresa Presas
Margarida Cancela d'Abreu	Klaus Kohlhase	Fiona Reynolds
Carmen de Andrés	Jacques Kummer	Jean Salmon
Oliver Doubleday	Arunas Kundrotas	Thorvald Stoltenberg
Brigitte Ederer	Bedrich Moldan	Uno Svedin
John Elkington	Armando Montanari	Margaret Sweeney
Sylvie Faucheux	Joaquín Nieto Sainz	Laurence Tubiana
Marco Gaasch	Hannu Nilsen	Silvia Zamboni
Ralph Hallo	Thymio Papayannis	Tomasz Zylicz
Thomas Immelmann	Ingolf Pernice	

⁽¹⁾ OJ No L 58, 27. 2. 1997, p. 48.

Article 2

Thorvald Stoltenberg is designated as chairman of the European Consultative Forum on the environment and sustainable development for a period of two years.

Done at Brussels, 16 May 1997.

For the Commission

Ritt BJERREGAARD

Member of the Commission

COMMISSION DECISION

of 22 May 1997

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

(Text with EEA relevance)

(97/308/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

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

Whereas in February 1997 outbreaks of classical swine
fever in the Netherlands were declared by the Dutch Vet-
erinary Authorities;

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

Whereas the surveillance zone for an outbreak confirmed
in Baarle Nassau on 10 April was established;

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

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

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

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

HAS ADOPTED THIS DECISION:

Article 1

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

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

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

Article 2

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

⁽¹⁾ OJ No L 47, 21. 2. 1980, p. 11.

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

⁽³⁾ OJ No L 243, 11. 10. 1995, p. 7.

Article 3

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

Article 4

The Netherlands shall provide Member States and the Commission with:

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

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

Article 5

This Decision is applicable until 1 July 1997.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

MONITORING OF BODY TEMPERATURE

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

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

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

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

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

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

ANNEX II

CERTIFICATE

for fresh meat referred to in Article 1 (1) of Commission Decision 97/308/EC

No ⁽¹⁾:

Place of loading:

Ministry:

Department:

I. Identification of meat

Meat of pigs

Nature of cuts:

Number of cuts or packages:

Net weight:

II. Origin of meat

Address and veterinary approval number of the approved slaughterhouse:

.....
.....

III. Destination of meat

The meat will be sent

from:
(place of loading)to:
(place of destination)by the following means of transport ⁽²⁾:

Name and address of consignee:

.....

⁽¹⁾ Serial No issued by the official veterinarian.⁽²⁾ In the case of rail trucks and lorries, state the registration number and in the case of boats, name and, where necessary, the number of the container.

IV. Health attestation

I, the undersigned official veterinarian, certify that the meat described above was obtained under the conditions governing production and control laid down in Directive 64/433/EEC and is in conformity with the provisions of Commission Decision 97/308/EC on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC.

Done at, on

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