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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 953/97**of 27 May 1997****allocating, for 1997, catch quotas between Member States for vessels fishing in the zone of the Russian Federation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 124 of the 1994 Act of Accession, fisheries agreements concluded by the Kingdom of Sweden with third countries are managed by the Community;

Whereas, in accordance with the procedure provided for in Article 3 of the agreement on fisheries of 11 December 1992 concluded between the Government of the Kingdom of Sweden and the Government of the Russian Federation, the Community, on behalf of the Kingdom of Sweden, held consultations with the Russian Federation concerning their mutual fishing rights for 1997;

Whereas, in the course of these consultations, the delegations agreed to recommend to their respective authorities that certain catch quotas for 1997 should be fixed for the vessels of the other Party;

Whereas the necessary measures should be taken to implement, for 1997, the results of the consultations held with the Russian Federation;

Whereas, in order to ensure the efficient management of the catch possibilities available in waters of the Russian Federation, they should be allocated among Member States as quotas in accordance with Article 8 of Regulation (EEC) No 3760/92;

Whereas the fishing activities covered by this Regulation are subject to the relevant control measures provided for by Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽²⁾;

Whereas additional conditions for the year-to-year management of TACs and quotas, in accordance with the provisions laid down in Article 2 of Regulation (EC) No 847/96 ⁽³⁾, were not agreed with the Russian Federation,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1997 vessels flying the flag of a Member State are hereby authorized to make catches in waters falling within the fisheries jurisdiction of the Russian Federation and within the quota limits set out in the Annex.

Article 2

Stocks referred to in the Annex shall not be subject to the conditions stipulated in Articles 2, 3 and 5 (2) of Regulation (EC) No 847/96.

Article 3

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

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 2870/95 (OJ No L 301, 14. 12. 1995, p. 1).

⁽³⁾ OJ No L 115, 9. 5. 1996, p. 3.

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

Done at Brussels, 27 May 1997.

For the Council

The President

H. WIJERS

ANNEX

Allocation of Community catch quotas in the fishing zone of the Russian Federation for 1997

(in tonnes, fresh round weight)

Species	ICES division	Community catch quotas	Quotas allocated to Member States
Cod	IIId	350	Sweden 350 ⁽¹⁾ ⁽²⁾
Sprat	IIId	2 000	Sweden 2 000 ⁽²⁾ ⁽³⁾

⁽¹⁾ A maximum of seven vessels are allowed to fish simultaneously.

⁽²⁾ A maximum of ten vessels are allowed to fish simultaneously.

⁽³⁾ However, not more than ten vessels (for both cod and sprat fisheries) are allowed to fish simultaneously in the Russian area.

COUNCIL REGULATION (EC) No 954/97**of 27 May 1997****laying down, for 1997, certain measures for the conservation and management of fishery resources applicable to vessels flying the flag of the Russian Federation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 124 of the 1994 Act of Accession, fisheries agreements concluded by the Kingdom of Sweden with third countries are managed by the Community;

Whereas, in accordance with the procedure provided for in Article 3 of the agreement on fisheries of 11 December 1992 concluded between the Government of the Kingdom of Sweden and the Government of the Russian Federation, the Community, on behalf of the Kingdom of Sweden, held consultations with the Russian Federation concerning their mutual fishing rights for 1997;

Whereas, in the course of these consultations, the delegations agreed to recommend to their respective authorities that certain catch quotas for 1997 should be fixed for the vessels of the other Party;

Whereas the necessary measures should be taken to implement, for 1997, the results of the consultations held with the Russian Federation;

Whereas it is for the Council to lay down the specific conditions under which catches by vessels flying the flag of the Russian Federation must be taken;

Whereas the fishing activities covered by this Regulation are subject to the relevant control measures provided for by Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽²⁾;

Whereas Article 3 (2) of Commission Regulation (EEC) No 1381/87 of 20 May 1987 establishing detailed rules concerning the marking and documentation of fishing vessels⁽³⁾ provides that all vessels with chilled or refri-

gerated sea-water tanks are to keep on board a document certified by a competent authority and indicating the calibration of the tanks in cubic metres at 10-centimetre intervals,

HAS ADOPTED THIS REGULATION:

Article 1

1. From 1 January to 31 December 1997, vessels flying the flag of the Russian Federation are hereby authorized to fish for the species listed in Annex I, within the geographical and quantitative limits laid down therein and in accordance with this Regulation, in the 200-nautical-mile fishing zone of the Member States in the Baltic Sea.

2. Fishing authorized under paragraph 1 shall be limited to those parts of the 200-nautical-mile fishing zone lying seawards of 12-nautical-miles from the baselines from which the fishing zones of Member States are measured.

3. Notwithstanding paragraph 1, unavoidable by-catches of a species for which no quota is established in a zone shall be permitted within the limits fixed in the conservation measures in force in the zone concerned.

4. By-catches in a given zone of a species for which a quota is established in that zone shall be counted against the quota concerned.

Article 2

1. Vessels fishing within the quotas fixed in Article 1 shall comply with the conservation and control measures and all other provisions governing fishing in the zones referred to in that Article. Vessels fishing within the Baltic Sea shall also comply with the Fishery Rules of the International Baltic Sea Fishery Commission, as amended during the 22nd session.

2. Vessels shall keep a log-book in which the information set out in Annex II shall be entered.

3. Vessels shall transmit to the Commission, in accordance with the rules laid down in Annex III, the information set out in that Annex.

4. Those vessels which have chilled or refrigerated sea-water tanks shall keep on board a document certified by a competent authority and indicating the calibration of the tanks in cubic metres at 10-centimetre intervals.

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 2870/95 (OJ No L 301, 14. 12. 1995, p. 1).

⁽³⁾ OJ No L 132, 21. 5. 1987, p. 9.

5. The registration letters and numbers of the vessels must be clearly marked on the bow of each vessel on both sides.

Article 3

1. Vessels fishing for the species listed in Annex I must hold a licence and special fishing permit issued by the Commission on behalf of the Community and must observe the conditions as established by that licence and special fishing permit.

The Russian authorities shall notify the Commission of the name and characteristics of the vessels for which licences and special fishing permits may be issued.

2. The Commission shall issue the licences and special fishing permits referred to in paragraph 1 to all vessels for which a licence and special fishing permit is required by the Russian authorities.

Requests for amendments to the list of vessels issued with a licence and a special fishing permit may be made at any time and shall be processed expeditiously.

3. When an application for a licence and a special fishing permit is submitted to the Commission, the following information must be supplied:

- (a) name of vessel;
- (b) registration number;
- (c) external identification letters and numbers;
- (d) port of registration;
- (e) name and address of the owner or charterer;
- (f) gross tonnage and overall length;
- (g) engine power;
- (h) call sign and radio frequency;
- (i) intended method of fishing;
- (j) intended area of fishing;
- (k) species for which it is intended to fish;
- (l) period for which a licence and a special fishing permit are requested.

4. Licences and special fishing permits shall be issued provided that the number of licences and special fishing

permits valid at any time during a given month or year does not exceed the amounts mentioned in Annex I.

5. Each licence and special fishing permit shall be valid for one vessel only. Where two or more vessels are taking part in the same fishing operation, each vessel must be in possession of a licence and special fishing permit.

6. Licences and special fishing permits may be cancelled with a view to the issue of new licences and special fishing permits. Such cancellations shall take effect on the day before the date of issue of the new licences and special fishing permits by the Commission. New licences and special fishing permits shall take effect from their date of issue.

7. Licences and special fishing permits shall be wholly or partially withdrawn before the date of expiry if the respective quotas fixed in Article 1 have been exhausted.

8. Licences and special fishing permits shall be withdrawn in the event of any failure to meet the obligations laid down in this Regulation.

9. For a period not exceeding 12 months, no licence and special fishing permit shall be issued for any vessel in respect of which the obligations laid down in this Regulation have not been met.

10. The Commission shall submit, on behalf of the Community, to the Russian authorities the names and characteristics of Russian vessels which will not be authorized to fish in the Community's fishing zone for the ensuing month(s) as a consequence of an infringement of Community rules.

Article 4

Vessels authorized to fish on 31 December may continue fishing as from the beginning of the following year until the lists of vessels permitted to fish during the year in question are submitted to, and approved by, the Commission on behalf of the Community.

Article 5

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, 27 May 1997.

For the Council

The President

H. WIJERS

ANNEX I

Catch quotas allocated to the Russian Federation for 1997

Fishing zone of Sweden ⁽¹⁾

Species	Area within which fishing is authorized	Quantity (tonnes)	Number of licences
Herring	ICES IIIId	4 000	20 ⁽²⁾

⁽¹⁾ Swedish waters south of 59° 30' North in the Baltic Sea

⁽²⁾ A maximum of five non-fishing mother ships may also be used simultaneously

ANNEX II

When fishing within the 200-nautical-mile zone off the coasts of the Member States of the Community which is covered by Community rules on fisheries, the following details are to be entered in the log-book immediately after the following events:

1. After each haul:
 - 1.1. the quantity (in kilograms live-weight) of each species caught;
 - 1.2. the date and the time of the haul;
 - 1.3. the geographical position in which the catches were made;
 - 1.4. the fishing method used.
2. After each transhipment to or from another vessel:
 - 2.1. the indication 'received from' or 'transferred to';
 - 2.2. the quantity (in kilograms live-weight) of each species caught;
 - 2.3. the name, external identification letters and numbers of the vessel to or from which the transhipment occurred;
 - 2.4. transhipment of cod is not allowed.
3. After each landing in a port of the Community:
 - 3.1. name of the port;
 - 3.2. the quantity (in kilograms live-weight) of each species landed.
4. After each transmission of information, via the relevant Swedish Authorities, to the European Commission:
 - 4.1. date and time of the transmission;
 - 4.2. type of message: 'IN', 'OUT' or 'TWO WEEKS';
 - 4.3. in the case of radio transmission: name of the radio station.

ANNEX III

1. The information to be transmitted to the Commission via the relevant Swedish Authorities and the timetable for its transmission is as follows:
- 1.1. On each occasion the vessel enters the 200-nautical-mile zone off the coasts of the Member States of the Community which is covered by Community rules on fisheries:

- (a) the information specified under 1.4;
- (b) the quantity (in kilograms live-weight) of each species of fish in the hold;
- (c) the date and ICES division within which the master intends to commence fishing.

Where the fishing operations necessitate more than one entry into the zone on a given day, one communication shall suffice on first entry.

- 1.2. On each occasion the vessel leaves the zone referred to under 1.1:

- (a) the information specified under 1.4;
- (b) the quantity (in kilograms live-weight) of each species of fish in the hold;
- (c) the quantity (in kilograms live-weight) of each species caught since the previous transmission;
- (d) the ICES division in which the catches were taken;
- (e) the quantity (in kilograms live-weight) of each species transferred to and/or from other vessels since the vessel entered the zone and the identification of the vessel to which the transfer was made.

Where the fishing operations necessitate more than one entry into the zone referred to under 1.1 on any given day, one single communication on the last exit shall suffice.

- 1.3. At fourteen-day intervals, commencing on the fourteenth day after the vessel first enters the zone referred to under 1.1:

- (a) the information specified under 1.4;
- (b) the quantity (in kilograms live-weight) of each species caught since the previous transmission;
- (c) the ICES division in which the catches were made.

- 1.4. (a) The name, call sign, external identification letters and numbers of the vessel;

- (b) the licence number if the vessel is under licence;
- (c) identification of the type of message (IN/OUT/TWO WEEKS);
- (d) the date, time and geographical position of the vessel.

- 2.1. The information specified under point 1 shall be transmitted to the Commission of the European Communities in Brussels (telex 24189 FISEU-B) via one of the radio stations listed under point 3 and in the form specified under point 4.

- 2.2. If it is impossible for reasons of force majeure for the message to be transmitted by the vessel, it may be transmitted on the vessel's behalf by another vessel.

3. Name of radio station	Call sign of radio station
Stockholm	SDJ
Gryt	(no call sign)
Maarianhamina	OHM
Helsinki	OHG.

4. *Form of the communications*

The information specified under point 1 shall contain the following elements which shall be given in the following order:

- name of vessel;
- call sign;
- external identification letters and numbers;
- indication of the type of message according to the following code:
 - message when entering the zone referred to under 1.1: 'IN',
 - message when leaving the zone referred to under 1.1: 'OUT',
 - two weeks message: 'TWO WEEKS';
- the date, time and geographical position;
- the date on which fishing is expected to commence;
- the quantity (in kilograms live-weight) of each species of fish in the hold, using the code mentioned in point 5;
- the quantity (in kilograms live-weight) of each species of fish caught since the previous transmission, using the code mentioned in point 5;
- the ICES division/sub-areas in which the catches were made;
- the quantity (in kilograms live-weight) of each species transferred to and/or from other vessels since the previous transmission;
- the name and call sign of the vessel to and/or from which the transfer was made.

5. The code to be used to indicate the species on board as mentioned in point 4:

- COD — cod (*Gadus morhua*),
 - SAL — salmon (*Salmo salar*),
 - HER — herring (*Clupea harengus*),
 - SPR — sprat (*Sprattus sprattus*),
 - OTH — other.
-

COMMISSION REGULATION (EC) No 955/97

of 29 May 1997

laying down detailed rules for the management of an annual tariff quota of 5 000 tonnes of fish food covered by CN codes ex 2309 90 10, ex 2309 90 31 and ex 2309 90 41 pursuant to Council Decision 97/126/EC originating in the Faeroes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 97/126/EC of 6 December 1996 concerning the conclusion of an agreement between the European Community, of the one part, and the Government of Denmark and the Home Government of the Faeroes, of the other part⁽¹⁾, and in particular Article 2 thereof,

Whereas, pursuant to the abovementioned agreement, all Community importers should be guaranteed access to the annual tariff quota of 5 000 tonnes of fish food originating in the Faeroes provided for in Protocol 4 to the abovementioned agreement and whereas provision should be made for the application of a customs duty of ECU 0 per tonne until such time as that quantity is used up;

Whereas this method of administration calls for close cooperation between the Member States and the Commission and whereas the latter needs in particular to be able to monitor progress in the use of the tariff quotas and to inform the Member States thereof;

Whereas provision should be made for licences covering imports of the products in question to be issued for up to the quantity laid down after a period for reflection and, where appropriate, for the fixing of a single percentage reduction in the quantities applied for;

Whereas the origin of the products should be checked in particular by making the issue of import licences conditional on the presentation of proof of origin issued or compiled in the Faeroes;

Whereas the information to appear in applications and licences should be stipulated notwithstanding Articles 8 and 21 of Commission Regulation (EEC) No 3719/88⁽²⁾, as last amended by Regulation (EC) No 495/97⁽³⁾;

Whereas, with a view to the sound management of the arrangements laid down, provision should be made, notwithstanding Article 10 of Commission Regulation (EC) No 1162/95⁽⁴⁾, as last amended by Regulation (EC) No 1527/96⁽⁵⁾, for the security for import licences under those arrangements to be set at ECU 25 per tonne;

Whereas Decision 97/126/EC ended the previous agreement annexed to Council Decision 91/668/EEC⁽⁶⁾;

whereas therefore Commission Regulation (EEC) No 641/92⁽⁷⁾, as last amended by Regulation (EC) No 1302/96⁽⁸⁾, is obsolete and should 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

Products falling within CN codes ex 2309 90 10, ex 2309 90 31 and ex 2309 90 41 originating in the Faeroes and qualifying under an annual tariff quota of 5 000 tonnes at zero customs duty pursuant to the arrangements laid down in the arrangement concluded between the Community, of the one part, and the Government of Denmark and the Home Government of the Faeroes, of the other part, may be imported into the Community in accordance with the provisions of this Regulation.

Article 2

To qualify for the zero customs duty provided for in this Regulation, when released for free circulation, goods must be accompanied by proof of origin, an EUR.1 certificate or a declaration on an invoice, issued or compiled in the Faeroes in accordance with Annex IV to Protocol 3 to the abovementioned bilateral agreement for the products in question.

Article 3

1. Import licence applications shall be submitted to the competent authorities in a Member State not later than 1 p.m. (Brussels time) on the first working day of the week. Licence applications must cover a quantity equal to or greater than 5 tonnes in product weight but not exceeding 200 tonnes.

2. The Member States shall forward import licence applications to the Commission by telex or fax not later than 6 p.m. (Brussels time) on the day of submission.

⁽¹⁾ OJ No L 53, 22. 2. 1997, p. 1.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽³⁾ OJ No L 77, 19. 3. 1997, p. 12.

⁽⁴⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁵⁾ OJ No L 190, 31. 7. 1996, p. 23.

⁽⁶⁾ OJ No L 371, 31. 12. 1991, p. 1.

⁽⁷⁾ OJ No L 69, 14. 3. 1992, p. 23.

⁽⁸⁾ OJ No L 167, 6. 7. 1996, p. 8.

3. By no later than the Friday following the day of submission of applications, the Commission shall determine the extent to which licence applications may be accepted and shall notify the Member States thereof by telex or fax.

4. On receipt of the Commission's notification, the Member States shall issue the import licences. Notwithstanding Article 21 (1) of Regulation (EEC) No 3719/88, the term of validity of licences shall be calculated from the day of their actual issue.

5. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that indicated in sections 17 and 18 of the import licence. The figure '0' shall be entered to that end in section 19 of the licence.

Article 4

In the case of products to be imported at zero customs duty as provided for in Article 1, import licence applications and licences shall show:

(a) in section 8, the word 'Faeroes'.

Licences shall carry with them an obligation to import from that country;

(b) in section 24, one of the following:

- Derecho de aduana cero [artículo 1 del Reglamento (CE) n° 955/97]
- Toldsatsen 0 ECU/t (artikel 1 i förordning (EF) nr. 955/97)

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

Done at Brussels, 29 May 1997.

- Zollfrei (Artikel 1 der Verordnung (EG) Nr. 955/97)
- Τελωνειακός δασμός «μηδέν» [άρθρο 1 του κανονισμού (ΕΚ) αριθ. 955/97]
- Zero duty (Article 1 of Regulation (EC) No 955/97)
- Droit de douane «zéro» [article 1^{er} du règlement (CE) n° 955/97]
- Dazio doganale «0» [articolo 1 del regolamento (CE) n. 955/97]
- Nuldouanerechten (artikel 1 van Verordening (EG) nr. 955/97)
- Direito aduaneiro zero [artigo 1º do Regulamento (CE) n° 955/97]
- Tulliton/t (asetuksen (EY) N:o 955/97 1 artikla)
- Tullsatsen 0 ecu/t (artikel 1 i förordning (EG) nr 955/97).

Article 5

Notwithstanding Article 10 of Regulation (EC) No 1162/95, the security for import licences pursuant to this Regulation shall be ECU 25 per tonne.

Article 6

Regulation (EEC) No 641/92 is hereby repealed.

Article 7

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

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 956/97
of 29 May 1997

laying down detailed rules for the application of Council Regulation (EC) No 2201/96 with regard to specific measures applicable to processed asparagus

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products⁽¹⁾, and in particular Article 10 (4) thereof,

Whereas Article 10 of Regulation (EC) No 2201/96 provides for specific measures to promote products of importance at local or regional level which face strong international competition; whereas white asparagus for processing meets these criteria; whereas, in addition, in the case of asparagus for processing, Article 10 (3) provides for the grant of a flat-rate aid per hectare to facilitate the introduction of specific measures; whereas detailed rules must therefore be laid down for the application of those provisions;

Whereas, in the interests of efficiency, measures should be implemented to improve the competitiveness of the sector by means of programmes to be proposed and implemented by representative associations consisting of producers' organizations and associations of processors, and the conditions for their representativeness should be defined with reference both to the production region and to Community production;

Whereas, in view of the requirements of the sector, two different rates of Community financing should be fixed, according to the type of measure to be financed, as well as two ceilings on Community financing, depending on how representative the associations are; whereas, in order to facilitate the calculation of the ceiling by the representative associations, it should be laid down that the ceiling is calculated with reference to the value of production of representative associations during the three-year period 1994 to 1996;

Whereas, in the interests of sound management, the information and undertakings to be included in the programmes of specific measures, the measures to be

excluded, the time-limit for approval by the Member States and the procedure for any amendment of the programmes should be defined;

Whereas provision should be made for a single advance payment subject to the appropriate securities and for six-monthly payments restricted to 85 % of the amount of the financial contribution; whereas it should be specified that the security will be released when the balance of the financial contribution is paid; whereas the activities of the associations should be monitored by means of periodical reports;

Whereas, in view of the high degree of responsibility vested in the representative associations, provision should be made for strict control procedures and deterrent penalties in the event of infringements;

Whereas, in order to ensure that the flat-rate aid per hectare is directed to the areas currently facing strong international competition, that aid should be restricted to areas specializing in the production of white asparagus for processing, planted not later than 1996, having a minimum yield and being covered by a contract with a processor;

Whereas, since the aid is granted for three years, provision should be made for the lodging of a single aid application, to be confirmed for subsequent years by a crop declaration; whereas, in order to comply with the restriction of the aid to an area of 9 000 ha, provision should be made for the Commission to be informed of the areas in respect of which aid has been sought, and for a reduction coefficient to be fixed should this maximum area be overrun;

Whereas, in the interests of having an efficient flat-rate aid, provision should be made for control procedures which include the processors and involve deterrent penalties in the event of infringements;

Whereas the Management Committee for Processed Fruit and Vegetables has not delivered an opinion within the time-limit set by its chairman,

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

HAS ADOPTED THIS REGULATION:

CHAPTER I

Programmes of specific measures

Article 1

For the purposes of this Regulation:

(a) 'representative association' means any association, of whatever status, which:

— brings together, on the one hand, producer organizations as referred to in Articles 11 and 13 of Council Regulation (EC) No 2200/96⁽¹⁾ and/or associations of producer organizations as referred to in Article 16 (3) of that Regulation and/or producer groups with preliminary recognition under Article 14 of that Regulation and, on the other, associations of processors recognized by the Member State,

— accounts for at least one third of the production of white asparagus intended for processing, and processed, in any production region and at least 15 % of Community production;

(b) 'programmes of specific measures' means programmes having a duration of four to six years, to be presented before 30 June 1998 by representative associations in the context of the specific measures referred to in Article 10 (1) of Regulation (EC) No 2201/96;

(c) 'value of marketed production' means the average annual value of the white asparagus delivered for processing during 1994, 1995 and 1996 by producers belonging to the producer organizations of a representative association.

Article 2

The programmes of specific measures implemented in accordance with Regulation (EC) No 2201/96 and this Regulation shall be financed by the Community up to 60 % of actual expenditure incurred under the programme for measures as referred to in Article 10 (1) (a), (b) and (d) of Regulation (EC) No 2201/96, and 40 % for the measures set out in points (c) and (e) of that Article.

Total financing for the entire period of application of the programme may not exceed 25 % of the value of marketed production. This percentage shall be increased

to 35 % for a representative association which accounts for more than 50 % of Community production.

Article 3

1. Programmes of specific measures shall concern, in particular, one or more of the measures listed in the second subparagraph of Article 10 (1) of Regulation (EC) No 2201/96. Programmes shall contain the requisite elements to ensure an improvement in the competitiveness of the product by the end of their application.

2. Programmes of specific measures shall contain at least the following information:

- (a) the name and address of the organizations which have associated to implement the programme; proof of the representativeness of the association according to point (a) of Article 1 and an undertaking to notify all changes affecting representativeness; the most recent report on the activity of the organizations involved and, where applicable, the articles of association or internal rules of the association; designation of an individual responsible for the presentation and implementation of the programme;
- (b) their duration;
- (c) a description of the initial situation, in particular as regards production processing and equipment;
- (d) the objectives of the programme, bearing in mind the outlook for production and outlets; reference to the quantities covered by the programme;
- (e) the operations to be undertaken and the means to be employed for attaining the objectives;
- (f) financial aspects: the value of marketed production and the estimated amount of the Community's financial contribution; a budget and timetable for implementation of the measures.

3. Programmes of measures may not concern:

- (a) administrative or operating expenditure, except where connected with implementation of the programme;
- (b) raw material produced outside the Community or finished products not produced by the members of the representative association;
- (c) supplements to income or prices;
- (d) operations that could lead to distortion of competition in other business activities undertaken by the organizations belonging to the representative association; operations or measures directly or indirectly benefiting other business activities undertaken by these organizations shall be financed in proportion to their use by the asparagus sector.

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

4. Programmes of specific measures shall be admissible only if accompanied by:

- (a) a written undertaking from the representative association to comply with Regulation (EC) No 2201/96 and with this Regulation, and not to receive, directly or indirectly, duplicate Community or national funding for measures and/or operations qualifying for Community financing under this Regulation;
- (b) evidence of the opening of a bank account with a financial institution in the Member State in which the representative association has its headquarters, to be used solely for all the transactions connected with the implementation of the programme of specific measures.

Article 4

1. The competent national authorities shall take decisions on the programmes of specific measures presented within three months from the date on which the full dossier is presented.

2. The competent national authorities shall verify:

- (a) by all appropriate means, including on-the-spot inspection, the accuracy of information provided under Article 3 (2) (a), (c) and (f);
- (b) compliance of the objectives of the programmes with Article 10 (1) of Regulation (EC) No 2201/96;
- (c) the economic consistency and technical quality of the programmes, the soundness of the estimates and the financing plan and the planning of their implementation.

3. The competent national authorities shall, as appropriate,

- (a) approve programmes which meet the requirements of Article 10 of Regulation (EC) No 2201/96 and those under this Chapter;
- (b) request changes to programmes; only programmes that incorporate the changes requested shall be approved;
- (c) reject the programmes.

The competent national authorities shall notify the representative associations concerned of their decisions. They shall send the Commission a summary of approved programmes.

Article 5

1. The expenditure set out in the approved programme may be exceeded by up to 20 % for each measure, provided that the total amount of expenditure is not exceeded; programmes may continue to be implemented

provided a request for changes is submitted in accordance with paragraph 2 if the deviation is more than 5 % of the foreseeable expenditure under the programme.

2. Representative associations may request changes to programmes of specific measures each year not later than two months before the anniversary of the date of their approval.

Changes may include extending the duration of the programme by one year.

Requests for changes shall be accompanied by all supporting documents.

The competent authorities shall take decisions on requests for changes to programmes within two months after considering the supporting documents provided and with due regard for the criteria in Article 4 (2).

Article 6

1. From the date of approval of a programme of specific measures, representative associations may submit a single application for advance payment.

Advances may not exceed 30 % of the estimated amount of the Community's financial contribution.

Advances shall be paid subject to the lodging of a security equivalent to 110 % of the advance.

2. Securities shall be lodged in accordance with the conditions laid down in Commission Regulation (EEC) No 2220/85⁽¹⁾. Securities shall be released on payment of the balance referred to in Article 7 (2).

The 'primary requirement' within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall cover the performance of the operations set out in the programme of specific measures subject to the undertakings set out in point (a) of Article 3 (4) of this Regulation.

In the event of failure to comply with the primary requirement or of serious failure to meet the obligations referred to in point (a) of Article 3 (4), the security shall be forfeited without prejudice to other penalties to be applied in accordance with Article 25 of Regulation (EC) No 2201/96.

Article 7

1. The Community's financial contribution to the programme shall consist of six-monthly payments plus a balance.

The six-monthly payments shall be made on the basis of an application accompanied by supporting documents showing actual expenditure and an intermediate report on the progress made in implementing the programme. Such

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

payments may not exceed 85 % of the estimated amount of the Community's financial contribution to the programme taking account of the ceilings referred to in Article 2. The first application for a six-monthly payment shall be submitted six months after approval of the programme.

2. The application for payment of the balance shall be submitted to the competent national authority not later than the end of the fourth month following the date of completion of the programme of specific measures. It shall be accompanied by supporting documents showing:

- (a) actual expenditure on the programme and evidence that the association's own contribution has been paid, as well as its origin;
- (b) the programme's achievements in the form of a final report accompanied by an assessment prepared, where applicable, with the assistance of a specialized consultancy office. Such assessments must verify attainment of the objectives pursued by the programmes and, where appropriate, suggest new measures or approaches.

3. The competent national authority shall make the payments referred to in paragraphs 1 and 2 within 30 days from the receipt of an application referred to in the second subparagraph of paragraph 1 or the application for payment of the balance referred to in paragraph 2. However, it may postpone payment if additional verification is required.

Article 8

1. Member States shall carry out checks on the organizations belonging to the representative associations to verify compliance with the conditions for grant of the Community's financial contribution.

2. Checks shall relate to a significant sample of payment applications each year. The sample must represent at least 10 % of representative associations and 30 % of total Community assistance.

Should the checks reveal significant irregularities in a region or part of a region, the competent authorities shall carry out additional checks during the year in question and shall increase the percentage of applications to be checked the following year for that region or part of a region.

3. The competent national authorities shall determine which representative associations to check on the basis in particular of a risk analysis, which shall take account of:

- (a) the amount of the Community's financial contribution;
- (b) the trend of programmes in relation to the previous year;
- (c) the findings of the checks in previous years;
- (d) other parameters to be determined by the Member States.

Article 9

1. The recipient shall be required to reimburse double the amount unduly paid out, plus interest calculated on the basis of the period elapsing between payment and reimbursement by the recipient, where checks carried out in accordance with Article 8 show that:

- (a) actual expenditure is less than the amount indicated in the application for payment of the balance,
- (b) the contribution of the representative association has not been paid, or
- (c) the programme of specific measures has been implemented in a manner which does not comply with the conditions for its approval by the Member State concerned, without prejudice to Article 5.

The rate of interest shall be that applied by the European Monetary Institute to transactions in ecus published in the 'C' series of the Official Journal of the European Communities and in force on the date on which the undue payment is made, plus three percentage points.

2. Where the difference between the Community financial contribution actually paid and that due is greater than 20 % of the contribution due, the recipient shall be required to repay all of the contribution paid, plus the interest referred to in paragraph 1.

3. The sums recovered, with the interest accrued, shall be paid to the responsible paying agency and deducted from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

4. In the event of a false declaration made deliberately or as a result of serious negligence, the representative association concerned shall be disqualified from receipt of the Community financial contribution.

5. Paragraphs 1 to 4 shall apply without prejudice to other penalties to be adopted in accordance with Article 25 of Regulation (EC) No 2201/96.

CHAPTER II

Flat-rate aid

Article 10

The flat-rate aid referred to in Article 10 (3) of Regulation (EC) No 2201/96 shall be granted during 1997, 1998 and 1999 for all areas sown with white asparagus for processing into products falling within CN code ex 2005 60 00, provided that:

- (a) they were planted not later than 1996 or, in case of new plantations, they replace plantations which have existed on the same holding during the past three years;
- (b) they have a yield of at least 2 500 kg/ha, except those planted for less than a year;

- (c) they are the subject of a delivery contract with a processor relating to at least the quantity referred to at point (d) and covering the three-year period referred to above and requiring an undertaking from the processor to submit to the checks needed for implementation of the flat-rate aid;
- (d) at least 90 % of the quantity of white asparagus produced is delivered to the processor and processed.

Article 11

1. The producer shall lodge a single application for flat-rate aid covering the entire three-year period with the competent authority designated by the Member State for the territory in which the areas are located, not later than 31 July 1997.

The application shall contain at least the following:

- (a) the areas covered by the application for flat-rate aid, with cadastral references;
- (b) the quantities harvested in 1997;
- (c) proof that the conditions referred to in Article 10 have been met.

2. For 1998 and 1999, the information referred to in the second subparagraph of paragraph 1 shall be updated by means of a crop declaration to be submitted not later than 31 July.

Article 12

Member States shall communicate to the Commission the area for which flat-rate aid has been applied for not later than 15 September 1997.

The Commission shall inform the Member States of the overall area covered by aid applications throughout the Community and, if the maximum area referred to in Article 10 (3) of Regulation (EC) No 2201/96 is exceeded, shall fix the reduction coefficient for the areas for which aid will be granted under each application so that the total area eligible for aid is kept at the abovementioned maximum level.

For 1997, Member States shall pay the aid within one month from the date on which this information is given or, as the case may be, the date of publication in the *Official Journal of the European Communities* of the coefficient referred to in the second paragraph. Payments for 1998 and 1999 shall be made before 30 September.

Article 13

Member States shall carry out checks on a significant sample of the aid applications or, where applicable, crop declarations presented, determined with due regard to the average area of holdings, the areas under white asparagus for processing, and the geographical distribution of such areas.

The sample must represent at least 10 % of aid applications or, where applicable, crop declarations, and 30 % of total flat-rate aid. These percentages shall be increased to 15 % and 40 % respectively from the current year if a significant number of irregularities is found.

Where an aid application or, where applicable, a crop declaration has been selected for verification, such verification shall include not only a detailed documentary check but also verification on the holding, including where necessary the measurement of the areas concerned, and verification at the premises of the processor, particularly of the stock records.

Where holdings also have areas under asparagus intended for sale as fresh products, Member States shall take the necessary steps to ensure that Article 10 (d) is complied with.

Article 14

1. The recipient shall be required to reimburse double the amount overpaid plus interest calculated on the basis of the period elapsing between payment and reimbursement by the recipient, where checks carried out in accordance with Article 13 show that the application or, where applicable, the crop declaration and the accompanying supporting documents are fraudulent. The producer and processor involved shall be disqualified from receipt of Community financing under Article 10 of Regulation (EC) No 2201/96.

The rate of interest shall be that applied by the European Monetary Institute to transactions in ecus published in the 'C' series of the *Official Journal of the European Communities* and in force on the date on which the overpayment is made, plus three percentage points.

2. Where the difference between the flat-rate aid actually paid and the aid due is greater than 20 % of the aid due, the recipient shall be required to repay all of the aid paid, plus the interest referred to in paragraph 1.

3. The sums recovered, with the interest accrued, shall be paid to the responsible paying agency and deducted from expenditure financed by the European Agricultural Guidance and Guarantee Fund.

4. Paragraphs 1, 2 and 3 shall apply without prejudice to other penalties to be adopted in accordance with Article 25 of Regulation (EC) No 2201/96.

CHAPTER III

Final provisions

Article 15

This Regulation shall enter into force on the seventh 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, 29 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 957/97

of 29 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 30 May 1997.

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

Done at Brussels, 29 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 29 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	61,9
	999	61,9
0709 90 75	052	66,1
	999	66,1
0805 10 31, 0805 10 33, 0805 10 35	052	65,1
	204	42,1
	448	29,0
	600	47,0
	624	40,7
	625	39,1
	999	43,8
	388	76,5
0805 30 20	528	61,5
	999	69,0
	060	53,0
0808 10 61, 0808 10 63, 0808 10 69	388	84,4
	400	78,3
	404	112,7
	508	88,6
	512	77,2
	528	71,2
	804	99,1
	999	83,1
0809 20 39	400	246,7
	999	246,7

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 958/97

of 29 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 26 to 29 May 1997 at ECU 394 per tonne.

Article 2

This Regulation shall enter into force on 30 May 1997.

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

Done at Brussels, 29 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 959/97

of 29 May 1997

fixing the maximum subsidy on exports of husked long grain rice to Réunion
pursuant to the invitation to tender referred to in Regulation (EC) No 531/97

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 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽²⁾, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 531/97 ⁽³⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 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 subsidy;

Whereas the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into

account when fixing this maximum subsidy; whereas successful tenderers shall be those whose bids are at or below the level of the maximum subsidy;

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

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 26 to 29 May 1997 at ECU 314 per tonne pursuant to the invitation to tender referred to in Regulation (EC) No 531/97.

Article 2

This Regulation shall enter into force on 30 May 1997.

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

Done at Brussels, 29 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 261, 7. 9. 1989, p. 8.

⁽³⁾ OJ No L 82, 22. 3. 1997, p. 50.

COMMISSION REGULATION (EC) No 960/97
of 29 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 26 to 29 May 1997 at ECU 315 per tonne.

Article 2

This Regulation shall enter into force on 30 May 1997.

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

Done at Brussels, 29 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 961/97**of 29 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 26 May to 29 May 1997 at ECU 300 per tonne.

Article 2

This Regulation shall enter into force on 30 May 1997.

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

Done at Brussels, 29 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 962/97**of 29 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 26 to 29 May 1997 at ECU 330 per tonne.

Article 2

This Regulation shall enter into force on 30 May 1997.

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

Done at Brussels, 29 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 963/97

of 29 May 1997

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

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 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products in the Community may be covered by an export refund;

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

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

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

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds 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 Cereals,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 May 1997.

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

Done at Brussels, 29 May 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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

ANNEX

to the Commission Regulation of 29 May 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
0709 90 60	—	—	1101 00 11 9000	—	—
0712 90 19	—	—	1101 00 15 9100	—	—
1001 10 00 9200	—	—	1101 00 15 9130	—	—
1001 10 00 9400	—	—	1101 00 15 9150	—	—
1001 90 91 9000	—	—	1101 00 15 9170	—	—
1001 90 99 9000	—	—	1101 00 15 9180	—	—
1002 00 00 9000	—	—	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	—	—	1102 10 00 9500	01	30,00
1004 00 00 9200	—	—	1102 10 00 9700	—	—
1004 00 00 9400	—	—	1102 10 00 9900	—	—
1005 10 90 9000	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 90 00 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1007 00 90 9000	—	—	1103 11 10 9900	—	—
1008 20 00 9000	—	—	1103 11 90 9200	—	— ⁽²⁾
			1103 11 90 9800	—	—

⁽¹⁾ The destinations are identified as follows:

01 All third countries.

⁽²⁾ No refund is granted when this product contains compressed meal.

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 964/97**of 29 May 1997****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

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

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1195/96 ⁽⁵⁾, as last amended by Regulation (EC) No 808/97 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 May 1997.

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

Done at Brussels, 29 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 25. 6. 1996, p. 12.

⁽⁵⁾ OJ No L 161, 29. 6. 1996, p. 3.

⁽⁶⁾ OJ No L 115, 3. 5. 1997, p. 20.

ANNEX

to the Commission Regulation of 29 May 1997 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,07	4,26
1701 11 90 ⁽¹⁾	24,07	9,50
1701 12 10 ⁽¹⁾	24,07	4,07
1701 12 90 ⁽¹⁾	24,07	9,07
1701 91 00 ⁽²⁾	27,41	11,53
1701 99 10 ⁽²⁾	27,41	7,01
1701 99 90 ⁽²⁾	27,41	7,01
1702 90 99 ⁽³⁾	0,27	0,38

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

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

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 26 February 1997

concerning closure aid which Italy plans to grant to Mini Acciaieria Odolese as part of the restructuring of the private steel industry

(Only the Italian text is authentic)

(Text with EEA relevance)

(97/332/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 2496/96/ECSC of 18 December 1996 establishing Community rules for State aid to the steel industry ⁽¹⁾, and in particular Article 4 thereof,

Having given the interested parties notice to submit their comments ⁽²⁾, and having regard to those comments,

Whereas:

I

By letter dated 15 December 1995, the Commission informed the Italian authorities of its decision to initiate proceedings pursuant to Article 6 (4) of Commission Decision No 3855/91/ECSC, then in force, concerning aid to be granted under the programme for the restructuring of Italy's private steel industry, in particular to Mini Acciaieria Odolese (hereinafter MAO).

In a Decision of December 1994, the Commission authorized the aid provided for in Italian Law No 481 of 3

August 1994 (hereinafter Law No 481/94) on plant closures in the Italian private steel industry, having checked that the Law complied with Decision No 3855/91/ECSC, and in particular with Article 4, and required the Italian authorities to give it prior notification of individual aid grants under the Law. The Decision provided that, in order to benefit from closure aid, a firm must have been in production for on average at least one shift per day, i.e. at least eight hours per day, for five days per weeks for the whole of 1993 and up to February 1994, when Decree Law No 396/94, subsequently converted into Law No 481/94, was notified to the Commission.

According to the information in the Commission's possession, MAO, while fulfilling the other requirements of Article 4 of the Decision on aid to closures, was not in regular production at the time of closure.

As the Commission had serious difficulty in determining whether the aid in question was compatible with the common market, it decided to initiate proceedings under Article 6 (4) of Decision No 3855/91/ECSC.

II

As part of the proceedings, the Commission invited the Italian Government to submit its comments, and informed the other Member States and interested parties by publishing the Decision initiating the proceedings.

⁽¹⁾ OJ No L 338, 28. 12. 1996, p. 42.

⁽²⁾ OJ No C 101, 3. 4. 1996, p. 4.

In two letters dated 22 August 1996, the German Government and Wirtschaftsvereinigung Stahl sent comments to the Commission, which forwarded them to the Italian authorities on 16 September 1996. In their comments, those parties expressed support for the Commission's decision to initiate proceedings.

In response to the initiation of the procedure and to the comments of the other interested parties, the Italian Government argued *inter alia* as follows:

- while referring back to the Decision of December 1994, which allowed the Italian authorities to put forward objective criteria whereby plants that had operated at less than 25 % capacity could still be eligible for closure aid, the Commission Decision initiating proceedings merely stated that the criteria put forward by Italy as an alternative to the principle of 'regular production' were unsuitable,
- the criteria the Italian authorities submitted to the Commission for consideration were based on the view that the low or zero output recorded by some firms in 1993 and early 1994 was indicative not of a desire to abandon the steel market or of obsolescent or uncompetitive plant but of unfavourable cyclical conditions in connection with financial difficulties and a market crisis,
- the case submitted to the Commission for assessment concerns plant that is not experiencing any productivity problems due to technical factors. Some have recently benefited under major modernization schemes designed to increase efficiency and, since they have all been regularly maintained, each one could still, at little cost, resume regular production within a short space of time.

III

By virtue of its production, the undertaking in question is subject to the rules of the ECSC Treaty, Article 4 (c) of which stipulates that subsidies or aid granted by States in any form whatsoever are recognized as incompatible with the common market for coal and steel and are accordingly abolished and prohibited within the Community. The only possible exceptions to this general prohibition are set out explicitly and restrictively in Decision No 2496/96/ECSC, in Article 2 (aid for research and development), Article 3 (aid for environmental protection) and Article 4 (aid for closures). The Decision (hereinafter the 'Steel Aid Code') entered into force on 1 January 1997.

It is pointed out that the exceptions to the general ban on aid to the steel industry set out in Article 4 (c) of the

ECSC Treaty are not intended in any way to make the Community rules governing aid to the steel industry less strict, since those rules are justified by the serious distortion of competition that might be caused by aid that is incompatible with the common market in a sector that continues to be very sensitive. It is therefore necessary for those rules to be strictly adhered to, which means that aid to a steel undertaking may be authorized only if the Commission has been able to determine that the conditions provided for in the Steel Aid Code have effectively been complied with.

In the present case, all the conditions are met, including the one concerning regularity of production which had led to the initiation of proceedings.

In this connection, although it provides that, in order to be eligible for aid, an undertaking must have been in regular production up to the date of notification of the closure aid, the Steel Aid Code does not give a precise definition of regular. Accordingly, in its Decision of December 1994, the Commission stated that the requirement concerned would be deemed met if the undertaking receiving the aid had been in production for on average at least one shift per day, i.e. at least eight hours per day, for five days per week for the whole of 1993 and up to 28 February 1994, when Decree Law No 396/94, converted by the Italian Parliament into Law No 481/94, was notified to the Commission. The latter decided, moreover, that the Italian authorities should be allowed to demonstrate on the basis of objective criteria that an undertaking which did not satisfy this requirement had regularly produced ECSC iron and steel products. In that case the Commission was to examine the aid on the basis of its specific circumstances in order to determine whether the condition relating to regularity of production had been fulfilled.

The purpose of Article 4 of the Steel Aid Code and of the Commission Decision of December 1994 is clear: aid for closures may be granted only to undertakings that are significantly active on the steel market, specifically as a result of regular production. The Community legislator did not, however, feel it necessary or advisable to allow an exception to the general ban in Article 4 (c) of the ECSC Treaty, since the closure of a firm that is not in regular production does not have significant effects on the market. Accordingly, criteria which demonstrate regularity of production could be accepted as an alternative to the one provided for by the Commission in its Decision.

The greater part of the criteria put forward by the Italian Government demonstrate not that the undertaking in question was in regular production but that it was capable

of producing on a regular basis. The wording of Article 4 of the Steel Aid Code rules out a broad interpretation which would allow aid to go to firms which, although they had not been in regular production, were capable of producing ECSC products on a regular basis.

From the additional information sent by the Italian authorities, however, the Commission concludes that:

- on the basis of a maximum possible production of 139 000 tonnes in 1993, MAO's capacity utilization rate is 22,3 %,
- in July and August 1993, MAO invested heavily in its plant (construction of a new cooling bed for the cold-rolling mill) which involved an almost total shutdown of production during those two months,
- on the basis of the average monthly output for 1993 alone, lost output due to the building of the new cooling bed can be estimated at 5 166 tonnes⁽¹⁾,
- thus the capacity utilization rate amounts to 26 % compared with its maximum possible production.

Accordingly, in view of the capacity take-up which the undertaking could have achieved without the major work on its rolling mill, it must be concluded that the undertaking was in regular production (i.e. in production for at least one shift per day, five days per week) at the time of its closure.

IV

In the light of the foregoing, in particular the end of Part III, it must be concluded that the closure aid of Lit 5 437

million which Italy plans to grant to MAO may be declared compatible with the common market, since it satisfies the requirements of Article 4 of the Steel Aid Code. Accordingly, the proceedings relating to the aid in question may be declared closed,

HAS ADOPTED THIS REGULATION:

Article 1

The State aid envisaged by Italy for Mini Acciaieria Odolese in the context of the restructuring of the Italian private steel industry is compatible with the common market. The grant of such aid totalling Lit 5 437 million is accordingly authorized.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 26 February 1997.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ 31 000 tonnes (annual output)/12 months × 2 (July and August). Before 1993 the firm in fact continued to produce in August (August 1992: 7 034 tonnes; August 1991: 4 500 tonnes; August 1990: 5 993 tonnes).

COMMISSION DECISION

of 23 April 1997

on the clearance of the accounts presented by the Member States in respect of the expenditure for 1993 on the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF)

(Only the Spanish, Danish, German, Greek, English, French, Italian, Dutch and Portuguese texts are authentic)

(97/333/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾, as last amended by Regulation (EC) No 1287/95⁽²⁾, and in particular Article 5 (2) thereof,

After consulting the Fund Committee,

Whereas, pursuant to Article 5 (2) of Regulation (EC) No 729/70, the Commission, on the basis of the annual accounts presented by the Member States, clears the accounts relating to the expenditure of the paying agencies referred to in Article 4 of that Regulation;

Whereas the Member States have transmitted to the Commission the documents required to clear the accounts for 1993; whereas having regard to Article 5 (2) of Regulation (EEC) No 729/70, the 1993 financial year, having begun on 16 October 1992, ended on 15 October 1993;

Whereas the Commission has carried out the verifications provided for in Article 9 (2) of Regulation (EEC) No 729/70;

Whereas Article 8 of Commission Regulation (EEC) No 1723/72 of 26 July 1972 on making up accounts for the European Agricultural Guidance and Guarantee Fund, Guarantee Section⁽³⁾, as last amended by Regulation (EEC) No 295/88⁽⁴⁾, provides that the decision to clear the accounts must include the determination of the amount of expenditure incurred in each Member State during the financial year in question recognized as chargeable to the Guarantee Section of the Fund; whereas Article 102 of the Financial Regulation of 21 December 1977⁽⁵⁾, as last amended by Regulation (EC, Euratom,

ECSC) No 2335/95⁽⁶⁾, provides that the outcome of the clearance decision, that is to say, any discrepancy which may exist between the total expenditure booked to the accounts for a financial year pursuant to Articles 100 and 101 and the total expenditure recognized by the Commission when clearing the accounts is to be booked, under a single article, as additional expenditure or a reduction in expenditure;

Whereas, under Articles 2 and 3 of Regulation (EEC) No 729/70, only refunds on exports to third countries and intervention to stabilize agricultural markets, respectively granted and undertaken according to Community rules within the framework of the common organization of the agricultural markets, may be financed; whereas the inspections carried out show that a part of the expenditure declared by the Member States does not meet these conditions and therefore must be disallowed; whereas the amounts declared by each of the Member States concerned, those recognized as chargeable to the EAGGF Guarantee Section and the difference between the two amounts and the difference between the expenditure recognized as chargeable to the EAGGF Guarantee Section and that charged in respect of the year are shown in the Annex to this Decision;

Whereas certain expenditure declared in the financial year 1993 by Italy in respect of export refunds for durum wheat and by France for consumption aid subsidy for olive oil is not covered by this Decision, since it was covered by Commission Decision 96/311/EC⁽⁷⁾, as amended by Decision 96/701/EC⁽⁸⁾; whereas the amounts involved have, therefore, been deducted from the expenditure declared by those Member States for 1993;

Whereas the expenditure declared by Belgium, Denmark, Germany, Spain, France, Ireland, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom as support for producers of certain arable crops, amounting respectively to Bfrs 37 610 355, Dkr 261 991 880,28, DM 600 977 770,84, Pta 72 776 981 668, FF 2 572 344 612,45, £ Irl 458 554,44, Lit 110 362 227 405, Lfrs 14 188 574, Fl 1 178 066,51, Esc 3 562 835 605 and £ 85 024 800,11 is

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽²⁾ OJ No L 125, 8. 6. 1995, p. 1.

⁽³⁾ OJ No L 186, 16. 8. 1972, p. 1.

⁽⁴⁾ OJ No L 30, 2. 2. 1988, p. 7.

⁽⁵⁾ OJ No L 356, 31. 12. 1977, p. 1.

⁽⁶⁾ OJ No L 240, 7. 10. 1995, p. 12.

⁽⁷⁾ OJ No L 117, 14. 5. 1996, p. 19.

⁽⁸⁾ OJ No L 323, 13. 12. 1996, p. 26.

not covered by this Decision because final payments for oilseeds were not made until 1994 and the results of EAGGF inquiries cover all spending in respect of the 1993 harvest and not only the advances paid during 1993; whereas, therefore, these amounts have been deducted from the expenditure declared by those Member States for 1993 and will be cleared later;

Whereas the expenditure declared by Spain in respect of the olive-oil register, amounting to Pta 600 038 445, by France in respect of the cessation and reduction of milk production, amounting to FF 531 272 940,06, and by Italy for public storage of olive oil, amounting to Lit 142 558 268 250, is not covered by this Decision since further investigations are necessary; whereas, therefore, these amounts have been deducted from the expenditure declared by those Member States for 1993 and will be cleared later;

Whereas, before a financial correction that is eligible for the conciliation procedure set up by Commission Decision 94/442/EC⁽¹⁾ is fixed by the Commission, it is necessary that the Member State be given an opportunity, if it so wishes, of availing itself of that procedure, and should this occur, it is essential that the Commission study the report drawn up by the conciliation body; whereas the period set for the procedure will not have expired, in respect of all the eligible corrections, by the date of adoption of this Decision; whereas the clearance decision should not, however, be delayed further; whereas the corresponding amounts have therefore been deducted from the expenditure declared by the Member States concerned in respect of 1993 and will be cleared later;

Whereas Article 8 of Regulation (EEC) No 729/70 provides that the financial consequences arising from irregularities or negligence are not to be borne by the Community if they are the result of irregularities or negligence attributable to administrative authorities or other bodies of the Member States; whereas some of those financial consequences which cannot be borne by the Community budget should be included within the scope of this Decision;

Whereas this Decision is without prejudice to any financial consequences which may be determined in any subsequent clearance of accounts in respect of State aid or infringements for which the procedures initiated pursuant to Articles 93 and 169 of the Treaty are now being implemented or were terminated after 31 December 1996;

Whereas this Decision is without prejudice to any financial consequences drawn by the Commission, during a subsequent accounts clearance procedure, from investiga-

tions under way at the time of this Decision, from irregularities referred to in Article 8 of Regulation (EEC) No 729/70 or from judgments of the Court of Justice of the European Communities in cases now pending and relating to matters covered by this Decision;

Whereas, since the amounts chargeable to Spain and Italy under this Decision are large in comparison with monthly expenditure, they should be taken into account in three equal parts in the expenditure of three successive months,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the Member States concerning expenditure financed by the EAGGF Guarantee Section in respect of 1993 are hereby cleared as shown in the Annex.

Article 2

The amounts set out in point 3 of the Annex concerning Belgium, Denmark, Germany, Greece, France, Ireland, the Netherlands, Portugal and the United Kingdom are to be booked as part of the expenditure referred to in Article 4 (1) of Commission Regulation (EC) No 296/96⁽²⁾ in respect of the second month after the date of notification of this Decision.

Article 3

The amounts set out in point 3 of the Annex concerning Spain and Italy are to be booked in three equal amounts to be booked under the expenditure referred to in Article 4 (1) of Regulation (EC) No 296/96 in respect of the second, third and fourth months respectively after the date of notification of this Decision.

Article 4

This Decision is addressed to the Member States of the Community as constituted on 31 December 1994.

Done at Brussels, 23 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 182, 16. 7. 1994, p. 45.

⁽²⁾ OJ No L 39, 17. 2. 1996, p. 5.

ANNEX

BELGIUM

EAGGF Guarantee Section expenditure Financial year: 1993	Bfrs
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	52 862 648 168
(b) Expenditure declared during the preceding year but excluded from that clearance	0
(c) Expenditure declared, excluded from the present clearance	— 37 610 355
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	52 825 037 813
(f) Expenditure disallowed	— 413 024 238
(g) Total expenditure recognized (e + f)	52 412 013 575
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	52 862 243 237
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 37 610 355
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a previous exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	52 824 632 882
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	412 619 307

DENMARK

EAGGF Guarantee Section expenditure Financial year: 1993	Dkr
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	10 087 269 851,58
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00
(c) Expenditure declared, excluded from the present clearance	- 261 991 880,28
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	9 825 277 971,30
(f) Expenditure disallowed	- 725 432,65
(g) Total expenditure recognized (e + f)	9 824 552 538,65
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	10 083 412 634,85
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	- 261 991 880,28
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a previous exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	9 821 420 754,57
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	- 3 131 784,08

GERMANY

EAGGF Guarantee Section expenditure Financial year: 1993	DM
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	9 942 819 672,07
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00
(c) Expenditure declared, excluded from the present clearance	600 977 770,84
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	9 341 841 901,23
(f) Expenditure disallowed	- 50 942 320,49
(g) Total expenditure recognized (e + f)	9 290 899 580,74
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	9 908 874 302,58
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	600 977 770,84
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a previous exercise	37 823 106,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	9 345 719 637,74
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	54 820 057,00

GREECE

EAGGF Guarantee Section expenditure Financial year: 1993	Dr
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	711 866 777 004
(b) Expenditure declared during the preceding year but excluded from that clearance	0
(c) Expenditure declared, excluded from the present clearance	0
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	711 866 777 004
(f) Expenditure disallowed	- 17 790 908 216
(g) Total expenditure recognized (e + f)	694 075 868 788
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	711 172 830 165
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	0
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a previous exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	711 172 830 165
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	17 096 961 377

SPAIN

EAGGF Guarantee Section expenditure Financial year: 1993	Pta
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	611 742 036 608
(b) Expenditure declared during the preceding year but excluded from that clearance	0
(c) Expenditure declared, excluded from the present clearance	— 82 583 779 994
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	529 158 256 614
(f) Expenditure disallowed	— 16 765 516 175
(g) Total expenditure recognized (e + f)	512 392 740 439
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	611 686 080 892
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	— 82 583 779 994
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a previous exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	529 102 300 898
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f — 1g)	16 709 560 459

FRANCE

EAGGF Guarantee Section expenditure Financial year: 1993	FF
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	54 495 129 338,97
(b) Expenditure declared during the preceding year but excluded from that clearance	9 568 000,00
(c) Expenditure declared, excluded from the present clearance	– 3 265 331 728,97
(d) Expenditure declared, which is already subject to a clearance decision	– 104 383 500,81
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	51 134 982 109,19
(f) Expenditure disallowed	378 547 021,71
(g) Total expenditure recognized (e + f)	50 756 435 087,48
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	54 527 022 456,01
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	9 568 000,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	– 3 265 331 728,97
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	– 104 383 500,81
(e) Expenditure charged to a previous exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	51 166 875 226,23
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f – 1g)	410 440 138,75

IRELAND

EAGGF Guarantee Section expenditure Financial year: 1993	£ Ir£
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	1 285 644 052,87
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00
(c) Expenditure declared, excluded from the present clearance	- 458 554,44
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	1 285 185 498,43
(f) Expenditure disallowed	- 2 179 205,03
(g) Total expenditure recognized (e + f)	1 283 006 293,40
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	1 292 388 723,73
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	- 458 554,44
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a previous exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	1 291 930 169,29
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	8 923 875,89

ITALY

EAGGF Guarantee Section expenditure Financial year: 1993	Lit
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	8 704 290 574 322
(b) Expenditure declared during the preceding year but excluded from that clearance	77 298 063 824
(c) Expenditure declared, excluded from the present clearance	– 355 634 675 897
(d) Expenditure declared, which is already subject to a clearance decision	– 439 137 242 666
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	7 986 816 719 583
(f) Expenditure disallowed	– 487 278 017 519
(g) Total expenditure recognized (e + f)	7 499 538 702 064
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	8 696 337 781 627
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	77 298 063 824
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	– 355 634 675 897
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	– 439 137 242 666
(e) Expenditure charged to a previous exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	7 978 863 926 888
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f – 1g)	479 325 224 824

LUXEMBOURG

EAGGF Guarantee Section expenditure Financial year: 1993	Lfrs
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	300 851 128
(b) Expenditure declared during the preceding year but excluded from that clearance	0
(c) Expenditure declared, excluded from the present clearance	- 14 188 574
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	286 662 554
(f) Expenditure disallowed	0
(g) Total expenditure recognized (e + f)	286 662 554
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	300 851 128
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	- 14 188 574
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a previous exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	286 662 554
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	0

NETHERLANDS

EAGGF Guarantee Section expenditure Financial year: 1993	Fl
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	5 126 263 870,44
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00
(c) Expenditure declared, excluded from the present clearance	- 1 178 066,51
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	5 125 085 803,93
(f) Expenditure disallowed	- 16 914 890,16
(g) Total expenditure recognized (e + f)	5 108 170 913,77
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	5 122 954 982,87
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	- 1 178 066,51
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a previous exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	5 121 776 916,36
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	13 606 002,59

PORTUGAL

EAGGF Guarantee Section expenditure Financial year: 1993	Esc
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	86 253 691 968
(b) Expenditure declared during the preceding year but excluded from that clearance	0
(c) Expenditure declared, excluded from the present clearance	- 3 562 835 605
(d) Expenditure declared, which is already subject to a clearance decision	0
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	82 690 856 363
(f) Expenditure disallowed	- 904 088 718
(g) Total expenditure recognized (e + f)	81 786 767 645
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	86 642 129 245
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	- 3 562 835 605
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0
(e) Expenditure charged to a previous exercise	0
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	83 079 293 640
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	1 292 525 995

UNITED KINGDOM

EAGGF Guarantee Section expenditure Financial year: 1993	£
1. Expenditure recognized	
(a) Expenditure declared by the Member State in respect of the present clearance	2 161 082 289,98
(b) Expenditure declared during the preceding year but excluded from that clearance	0,00
(c) Expenditure declared, excluded from the present clearance	- 100 371 061,11
(d) Expenditure declared, which is already subject to a clearance decision	0,00
(e) Expenditure declared, coming under the present clearance (a + b + c + d)	2 060 711 228,87
(f) Expenditure disallowed	- 13 921 324,19
(g) Total expenditure recognized (e + f)	2 046 789 904,68
2. Expenditure charged	
(a) Expenditure charged in respect of the present year	2 158 899 474,68
(b) Expenditure charged in respect of the preceding year, but excluded from that clearance	0,00
(c) Expenditure charged in respect of the present year, but excluded from the present clearance	- 100 371 061,11
(d) Expenditure charged in respect of the present year, which is already subject to a clearance decision	0,00
(e) Expenditure charged to a previous exercise	0,00
(f) Total expenditure charged, coming under the present clearance (a + b + c + d + e)	2 058 528 413,57
3. Expenditure chargeable to or payable to the Member State following clearance of the accounts (2f - 1g)	11 738 508,89

COMMISSION DECISION

of 28 May 1997

concerning certain protective measures with regard to certain fishery products
originating in India

(Text with EEA relevance)

(97/334/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽¹⁾, as last amended by Directive 96/43/EC ⁽²⁾, and in particular Article 19 (7) thereof,

Whereas, upon importation of peeled cooked shrimps originating in a processing establishment in India, the presence of vibrio cholera has been detected;

Whereas the presence of vibrio cholera on food is a result of bad hygienic practices before and/or after processing of food;

Whereas the presence of vibrio cholera on food presents a potential risk for human health;

Whereas imports of products from the establishment concerned in India must not therefore be further allowed;

Whereas Community inspections in India and the results of checks at the Community border inspection posts have shown that potential health risks with regard to the production and processing of crustaceans and cephalopods exists;

Whereas all fresh crustaceans and cephalopods in fresh form should not be allowed pending a Community inspection on spot verifies the situation;

Whereas the processed and frozen crustaceans and cephalopods products from India should therefore, upon presentation for importation at the Community border inspection posts, be sampled in order to demonstrate their wholesomeness;

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

HAS ADOPTED THIS DECISION:

Article 1

This Decision shall apply to crustaceans and cephalopods, fresh, frozen or processed, originating in India.

Article 2

1. Member States shall ban the imports of fresh crustaceans and cephalopods originating in India.
2. Member States shall, in addition to point 1, ban the imports of crustaceans, in all forms, originating in the following establishment in India: Ocean Bounty Ltd. — plant code No 674.

Article 3

Member States shall, using appropriate sampling plans and detection methods, subject each consignment of frozen or processed crustaceans and cephalopods originating in India to a microbiological test in order to ensure that the products concerned do not present a hazard to human health. This test must be carried out with a view to detect the presence of salmonellae and *vibrio* spp.

Article 4

Member States shall not authorize the importation into their territory or the consignment to another Member State of the products referred to in Article 1 unless the results of the checks referred to in Article 3 confirm the absence of salmonellae and *vibrio* spp.

Article 5

All expenditure incurred by the application of this Decision shall be chargeable to the signer, the consignee or their agent.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 28 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 162, 1. 7. 1996, p. 1.