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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1048/97**of 9 June 1997****amending Regulation (EEC) No 189/92 adopting provisions for the application of certain control measures adopted by the Northwest Atlantic Fisheries Organization**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas Regulation (EEC) No 189/92 ⁽³⁾ requires Community fishing vessels to communicate to the Commission and simultaneously to their competent national authorities, certain information regarding their activities in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area;

Whereas the NAFO Fisheries Commission adopted a recommendation on 13 September 1996 to amend the hail system;

Whereas, pursuant to Article XI of the NAFO Convention, the recommendation became binding on the Community as from 13 November 1996;

Whereas, it is therefore necessary to amend Regulation (EEC) No 189/92, in order to oblige Community fishing vessels to comply with the recommendation,

HAS ADOPTED THIS REGULATION:

Article 1

The following indent shall be added to point 1.1 of the Annex to Regulation (EEC) No 189/92:

‘— target species’.

Article 2

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 Luxembourg, 9 June 1997.

For the Council

The President

G. ZALM

⁽¹⁾ OJ No C 25, 25. 1. 1997, p. 11.

⁽²⁾ OJ No C 167, 2. 6. 1997.

⁽³⁾ OJ No L 21, 30. 1. 1992, p. 4. Regulation as last amended by Regulation (EC) No 3068/95 (OJ No L 329, 30. 12. 1995, p. 3).

COUNCIL REGULATION (EC) No 1049/97

of 9 June 1997

amending Regulation (EC) No 3069/95 establishing a European Community observer scheme applicable to Community fishing vessels operating in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO)

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas Regulation (EC) No 3069/95 ⁽³⁾ adopted provisions for the assignment and the duties of the observers as well as for the obligations of the masters of the Community fishing vessels engaged in, or about to engage in, fishing activities in the Northwest Atlantic Fisheries Organization (NAFO) Regulatory Area;

Whereas the NAFO Fisheries Commission adopted a recommendation on 13 September 1996 to amend the observer scheme;

Whereas, pursuant to Article XI of the NAFO Convention, the recommendation became binding on the Community as from 13 November 1996;

Whereas it is therefore necessary to amend Regulation (EC) No 3069/95, in order to oblige the masters of Community fishing vessels and the observers designated to the scheme to comply with the recommendation,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 3069/95 is hereby amended as follows:

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

Done at Luxembourg, 9 June 1997.

1. The following shall be added to point 2 (e):

'in particular, the observers shall collect the data on discards and retained undersized fish following, whenever circumstances permit, the following sampling scheme:

- (i) for every haul, estimates of the total catch by species in terms of weight and in addition estimates of discards by species in terms of weight should be recorded;
- (ii) every 10th haul should be sampled in detail by species, providing in addition to weights of the sample measured also numbers at length representing the part of the catch to be landed and the part of the catch discarded;
- (iii) whenever the fishing site is changed by a distance of more than 5 nm the cycle described in (i) and (ii) starts again.'

2. The last sentence of point 3 (i) shall be replaced by the following:

'The master of the vessel shall permit the observer to have access to the vessel's documents (logbook, capacity plan, production logbook or stowage plan) and to different parts of the vessel, including, as required, to the retained catch and catch which is intended to be discarded, in order to facilitate the discharge of the observer's duties.'

Article 2

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

For the Council

The President

G. ZALM

⁽¹⁾ OJ No C 25, 25. 1. 1997, p. 12.

⁽²⁾ OJ No C 167, 2. 6. 1997.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 5.

COMMISSION REGULATION (EC) No 1050/97

of 11 June 1997

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 June 1997.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 11 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,29	—	0,00
1703 90 00 ⁽¹⁾	12,12	—	0,00

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

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

COMMISSION REGULATION (EC) No 1051/97

of 11 June 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 June 1997.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 89, 10. 4. 1968, p. 3.

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

⁽⁵⁾ OJ No L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 11 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 11 June 1997 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	36,68 ⁽¹⁾
1701 11 90 9910	35,21 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,68 ⁽¹⁾
1701 12 90 9910	35,21 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3987
	— ECU/100 kg —
1701 99 10 9100	39,87
1701 99 10 9910	39,29
1701 99 10 9950	39,29
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3987

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

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

COMMISSION REGULATION (EC) No 1052/97

of 11 June 1997

fixing the maximum export refund for white sugar for the 42nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1464/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas, following an examination of the tenders submitted in response to the 42nd partial invitation to

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 42nd partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1464/96 the maximum amount of the export refund is fixed at 42,295 ECU per 100 kilograms.

Article 2

This Regulation shall enter into force on 12 June 1997.

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

Done at Brussels, 11 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 187, 26. 7. 1996, p. 42.

COMMISSION REGULATION (EC) No 1053/97**of 10 June 1997****establishing unit values for the determination of the customs value of certain perishable goods**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 June 1997.

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

Done at Brussels, 10 June 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 17, 21. 1. 1997, p. 1.

⁽³⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽⁴⁾ OJ No L 17, 21. 1. 1997, p. 28.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	25,18 148,21 221,51	347,56 166,60 1 018,97	49,38 19,22 17,51	187,99 48 526,14	7 844,53 55,56	4 169,88 4 984,53
1.30	Onions (other than seed) 0703 10 19	a) b) c)	49,32 290,30 433,88	680,76 326,31 1 995,86	96,73 37,65 34,30	368,22 95 048,02	15 365,05 108,82	8 167,54 9 763,19
1.40	Garlic 0703 20 00	a) b) c)	91,45 538,28 804,50	1 262,28 605,05 3 700,75	179,35 69,80 63,59	682,76 176 239,70	28 490,15 201,77	15 144,39 18 103,08
1.50	Leeks ex 0703 90 00	a) b) c)	48,53 285,65 426,93	669,86 321,08 1 963,89	95,18 37,04 33,75	362,32 93 525,56	15 118,94 107,07	8 036,71 9 606,80
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	75,84 446,40 667,18	1 046,82 501,77 3 069,06	148,74 57,89 52,74	566,22 146 156,57	23 627,04 167,33	12 559,33 15 012,98
1.70	Brussels sprouts 0704 20 00	a) b) c)	53,71 316,14 472,50	741,36 355,36 2 173,51	105,33 41,00 37,35	401,00 103 508,30	16 732,71 118,50	8 894,54 10 632,22
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	39,40 231,91 346,61	543,84 260,68 1 594,42	77,27 30,07 27,40	294,16 75 930,50	12 274,60 86,93	6 524,76 7 799,47
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 623,62 932,06	1 462,43 700,99 4 287,53	207,79 80,87 73,68	791,02 204 183,66	33 007,45 233,76	17 545,64 20 973,44
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	46,57 274,11 409,68	642,81 308,12 1 884,57	91,33 35,55 32,38	347,69 89 748,31	14 508,32 102,75	7 712,13 9 218,81
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	87,89 517,32 773,18	1 213,15 581,50 3 556,69	172,37 67,09 61,12	656,18 169 378,97	27 381,07 193,92	14 554,85 17 398,35
1.120	Endives ex 0705 29 00	a) b) c)	21,82 128,43 191,95	301,18 144,37 883,00	42,79 16,66 15,17	162,91 42 050,85	6 797,76 48,14	3 613,46 4 319,40
1.130	Carrots ex 0706 10 00	a) b) c)	45,74 269,23 402,38	631,35 302,63 1 850,98	89,70 34,91 31,81	341,49 88 148,76	14 249,75 100,92	7 574,68 9 054,51
1.140	Radishes ex 0706 90 90	a) b) c)	149,40 879,37 1 314,30	2 062,17 988,46 6 045,84	293,00 114,04 103,89	1 115,41 287 919,20	46 543,78 329,63	24 741,09 29 574,63
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	382,65 2 252,29 3 366,24	5 281,72 2 531,69 15 484,89	750,45 292,08 266,09	2 856,84 737 431,60	119 210,02 844,26	63 367,99 75 747,86

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	98,91 582,19 870,13	1 365,25 654,41 4 002,64	193,98 75,50 68,78	738,46 190 616,38	30 814,22 218,23	16 379,79 19 579,83
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus</i> Savi) ex 0708 20 90 ex 0708 20 20 ex 0708 20 95	a) b) c)	106,43 626,45 936,28	1 469,05 704,16 4 306,96	208,73 81,24 74,01	794,60 205 108,70	33 156,99 234,82	17 625,13 21 068,46
1.180	Broad beans ex 0708 90 00	a) b) c)	92,83 546,40 816,64	1 281,33 614,18 3 756,60	182,06 70,86 64,55	693,06 178 899,19	28 920,07 204,81	15 372,93 18 376,26
1.190	Globe artichokes 0709 10 30	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
1.200	Asparagus:							
1.200.1	— green ex 0709 20 00	a) b) c)	367,47 2 162,94 3 232,70	5 072,19 2 431,26 14 870,59	720,67 280,49 255,53	2 743,51 708 177,16	114 480,87 810,76	60 854,13 72 742,89
1.200.2	— other ex 0709 20 00	a) b) c)	128,33 755,35 1 128,94	1 771,34 849,06 5 193,19	251,68 97,95 89,24	958,10 247 313,73	39 979,67 283,14	21 251,83 25 403,69
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	125,00 735,75 1 099,65	1 725,37 827,03 5 058,44	245,15 95,41 86,92	933,24 240 896,25	38 942,25 275,79	20 700,38 24 744,50
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.) ex 0709 40 00	a) b) c)	78,09 459,64 686,97	1 077,88 516,66 3 160,11	153,15 59,61 54,30	583,01 150 492,71	24 328,00 172,29	12 931,94 15 458,38
1.230	Chantarelles 0709 51 30	a) b) c)	1 317,71 7 756,08 11 592,13	18 188,35 8 718,25 53 324,43	2 584,27 1 005,81 916,31	9 837,93 2 539 451,18	410 516,74 2 907,32	218 216,73 260 848,60
1.240	Sweet peppers 0709 60 10	a) b) c)	176,85 1 040,94 1 555,78	2 441,06 1 170,08 7 156,68	346,83 134,99 122,98	1 320,35 340 820,01	55 095,50 390,19	29 286,89 35 008,52
1.250	Fennel 0709 90 50	a) b) c)	73,55 432,92 647,03	1 015,21 486,62 2 976,38	144,24 56,14 51,15	549,12 141 743,35	22 913,62 162,28	12 180,10 14 559,66
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	61,73 363,34 543,05	852,06 408,42 2 498,06	121,06 47,12 42,93	460,87 118 964,20	19 231,24 136,20	10 222,67 12 219,82
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	159,46 938,59 1 402,80	2 201,03 1 055,02 6 452,95	312,73 121,72 110,89	1 190,52 307 306,53	49 677,85 351,82	26 407,05 31 566,06
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	65,38 384,83 575,16	902,44 432,57 2 645,77	128,22 49,90 45,46	488,12 125 998,37	20 368,35 144,25	10 827,12 12 942,36

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	120,52 709,38 1 060,24	1 663,54 797,39 4 877,14	236,36 91,99 83,81	899,79 232 262,53	37 546,56 265,91	19 958,47 23 857,66
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	75,00 441,45 659,79	1 035,23 496,22 3 035,06	147,09 57,25 52,15	559,94 144 537,75	23 365,35 165,48	12 420,23 14 846,70
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 42 0805 10 51 0805 10 37	a) b) c)	17,65 103,89 155,27	243,62 116,78 714,25	34,61 13,47 12,27	131,77 34 014,55	5 498,65 38,94	2 922,89 3 493,92
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 44 0805 10 55 0805 10 38	a) b) c)	37,56 221,08 330,42	518,44 248,50 1 519,96	73,66 28,67 26,12	280,42 72 384,51	11 701,37 82,87	6 220,05 7 435,23
2.60.3	— Others 0805 10 39 0805 10 46 0805 10 59	a) b) c)	39,42 232,03 346,78	544,11 260,81 1 595,23	77,31 30,09 27,41	294,31 75 969,04	12 280,83 86,97	6 528,07 7 803,43
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 21	a) b) c)	105,30 619,80 926,34	1 453,46 696,69 4 261,23	206,51 80,38 73,22	786,16 202 931,00	32 804,95 232,33	17 438,00 20 844,77
2.70.2	— Monreales and satsumas 0805 20 23	a) b) c)	89,18 524,92 784,53	1 230,95 590,03 3 608,89	174,90 68,07 62,01	665,81 171 865,02	27 782,96 196,76	14 768,48 17 653,72
2.70.3	— Mandarines and wilkings 0805 20 25	a) b) c)	84,92 499,84 747,06	1 172,15 561,85 3 436,50	166,54 64,82 59,05	634,01 163 655,28	26 455,81 187,36	14 063,01 16 810,42
2.70.4	— Tangerines and others ex 0805 20 27 ex 0805 20 29	a) b) c)	74,28 437,21 653,45	1 025,29 491,45 3 005,93	145,68 56,70 51,65	554,57 143 150,19	23 141,04 163,89	12 300,99 14 704,17
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	148,50 874,08 1 306,38	2 049,75 982,51 6 009,42	291,24 113,35 103,26	1 108,69 286 184,74	46 263,39 327,64	24 592,05 29 396,47

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.90	Grapefruit, fresh:							
2.90.1	— white	a)	34,37	474,41	67,41	256,60	10 707,56	5 691,78
	ex 0805 40 90	b)	202,30	227,40	26,23	66 236,83	75,83	6 803,75
	ex 0805 40 20	c)	302,36	1 390,87	23,90			
	ex 0805 40 95							
2.90.2	— pink	a)	46,82	646,26	91,82	349,55	14 586,21	7 753,53
	ex 0805 40 90	b)	275,58	309,77	35,74	90 230,10	103,30	9 268,30
	ex 0805 40 20	c)	411,88	1 894,69	32,56			
	ex 0805 40 95							
2.100	Table grapes	a)	146,69	2 024,76	287,69	1 095,18	45 699,51	24 292,30
	0806 10 21	b)	863,42	970,53	111,97	282 696,57	323,65	29 038,17
	0806 10 29	c)	1 290,46	5 936,18	102,01			
	0806 10 61							
	0806 10 30							
	0806 10 69							
2.110	Water melons	a)	46,75	645,29	91,69	349,03	14 564,40	7 741,94
	0807 11 00	b)	275,17	309,31	35,68	90 095,20	103,15	9 254,44
		c)	411,27	1 891,86	32,51			
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), ontentente, piel de sapo (including verde liso), rochet, tendral, futuro	a)	55,12	760,82	108,10	411,52	17 171,97	9 128,04
	ex 0807 19 00	b)	324,44	364,69	42,07	106 225,61	121,61	10 911,33
		c)	484,90	2 230,57	38,33			
2.120.2	— other	a)	81,31	1 122,32	159,46	607,05	25 331,15	13 465,18
	ex 0807 19 00	b)	478,59	537,96	62,06	156 698,19	179,40	16 095,80
		c)	715,30	3 290,41	56,54			
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>)	a)	186,57	2 575,23	365,90	1 392,92	58 123,64	30 896,55
	ex 0808 20 41	b)	1 098,16	1 234,39	142,41	359 552,11	411,64	36 932,65
		c)	1 641,29	7 550,02	129,74			
2.140.2	Other	a)	67,84	936,40	133,05	506,49	21 134,74	11 234,51
	ex 0808 20 41	b)	399,31	448,84	51,78	130 739,21	149,68	13 429,34
		c)	596,80	2 745,32	47,17			
2.150	Apricots	a)	—	—	—	—	—	—
	0809 10 10	b)	—	—	—	—	—	—
	0809 10 50	c)	—	—	—	—	—	—
2.160	Cherries	a)	—	—	—	—	—	—
	0809 20 11	b)	—	—	—	—	—	—
	0809 20 19	c)	—	—	—	—	—	—
	0809 20 21							
	0809 20 29							
	0809 20 71							
	0809 20 79							
2.170	Peaches	a)	—	—	—	—	—	—
	0809 30 19	b)	—	—	—	—	—	—
	0809 30 59	c)	—	—	—	—	—	—
2.180	Nectarines	a)	—	—	—	—	—	—
	ex 0809 30 11	b)	—	—	—	—	—	—
	ex 0809 30 51	c)	—	—	—	—	—	—

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU FIM SEK	ATS FRF BEF/LUF	DEM IEP GBP	DKK ITL	GRD NLG	ESP PTE
2.190	Plums 0809 40 10 0809 40 40	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.200	Strawberries 0810 10 10 0810 10 05 0810 10 80	a) b) c)	183,50 1 080,09 1 614,28	2 532,85 1 214,07 7 425,79	359,88 140,07 127,60	1 370,00 353 635,70	57 167,22 404,86	30 388,15 36 324,93
2.205	Raspberries 0810 20 10	a) b) c)	1 173,21 6 905,55 10 320,94	16 193,82 7 762,20 47 476,88	2 300,88 895,51 815,83	8 759,10 2 260 975,12	365 499,50 2 588,50	194 287,10 232 243,96
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a) b) c)	1 428,23 8 406,60 12 564,40	19 713,86 9 449,47 57 796,90	2 801,02 1 090,17 993,16	10 663,07 2 752 442,01	444 947,92 3 151,16	236 519,17 282 726,70
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 50 10 0810 50 20 0810 50 30	a) b) c)	96,67 569,00 850,42	1 334,34 639,59 3 911,99	189,59 73,79 67,22	721,73 186 299,52	30 116,38 213,29	16 008,84 19 136,41
2.230	Pomegranates ex 0810 90 85	a) b) c)	124,96 735,52 1 099,30	1 724,82 826,76 5 056,82	245,07 95,38 86,89	932,94 240 819,16	38 929,79 275,70	20 693,75 24 736,58
2.240	Khakis (including sharon fruit) ex 0810 90 85	a) b) c)	394,76 2 323,57 3 472,77	5 448,87 2 611,82 15 974,95	774,20 301,32 274,51	2 947,25 760 769,63	122 982,74 870,97	65 373,44 78 145,11
2.250	Lychees ex 0810 90 30	a) b) c)	553,76 3 259,45 4 871,53	7 643,55 3 663,79 22 409,28	1 086,02 422,69 385,07	4 134,33 1 067 189,66	172 517,28 1 221,78	91 704,32 109 620,11

COMMISSION REGULATION (EC) No 1054/97

of 11 June 1997

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Regulation (EC) No 866/97⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to this Regulation must be classified within the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is appropriate that, subject to the measures in force in the Community relating to double-checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States which do not conform to this Regulation may continue to

be invoked in accordance with the provisions of Article 12 (6) of Council Regulation (EEC) No 2913/92 of 12 October 1992, establishing the Community Customs Code⁽³⁾, as last amended by Regulation (EC) No 82/97⁽⁴⁾, for a period of 60 days by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the tariff and statistical nomenclature section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature within the appropriate CN codes indicated in column 2 of the said table.

Article 2

Subject to the measures in force in the Community relating to double-checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States which no longer conform to this Regulation may continue to be invoked in accordance with the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of 60 days.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 124, 16. 5. 1997, p. 1.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽⁴⁾ OJ No L 17, 21. 1. 1997, p. 1.

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

Done at Brussels, 11 June 1997.

For the Commission

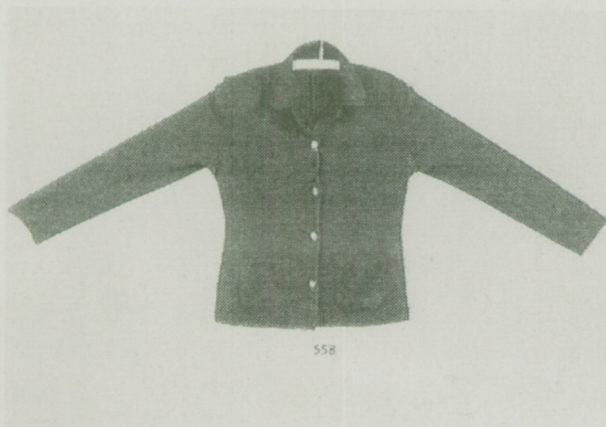
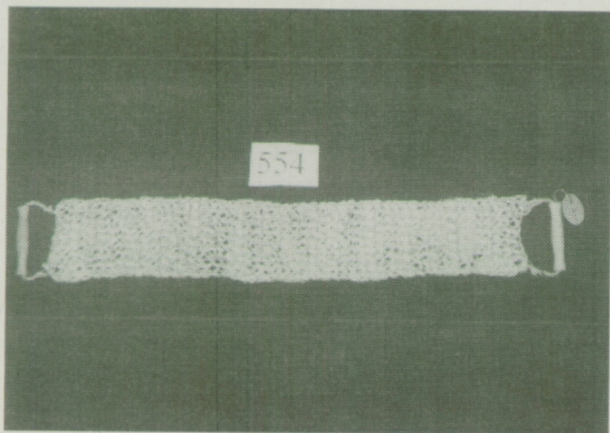
Mario MONTI

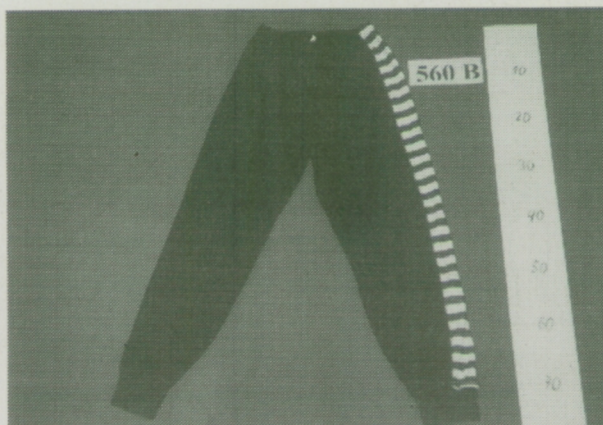
Member of the Commission

ANNEX

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
1. Single-colour, unlined garment of 2,3 mm thick knitted fabric (60 % wool, 40 % polyamide blend) with a collar with lapels, intended to cover the upper part of the body including the hips. Long-sleeved, with a V-shaped neckline, with a complete opening at the front buttoning right over left. It has pockets below the waist and is hemmed at the base of the garment. The garment is made up of six panels (two at the front, four at the back) sewn together lengthways. It also has shoulder pads and two vertical darts starting at the chest (a jacket). (See photograph No 557)(*)	6104 31 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, subheading note 2 (A) to Section XI, note 9 to Chapter 61 and the wording of CN codes 6104 and 6104 31 00. By virtue of its general appearance, and in particular the fact that it has a certain stiffness (thick fabric, six panels and two darts), this garment is to be classified as a jacket of CN code 6104.
2. Single-colour, unlined garment of 2,1 mm thick knitted fabric (70 % acrylic, 30 % wool blend) with turnover collar, intended to cover the upper part of the body reaching down to the waist. Long-sleeved, with a V-shaped neckline, with a complete opening at the front buttoning right over left. It has pockets below the waist and is hemmed at the base of the garment. The garment is made up of six panels (two at the front, four at the back) sewn together lengthways. It also has shoulder pads and two vertical darts starting at the breast (a jacket). (See photograph No 558)(*)	6104 33 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, subheading note 2 (A) to Section XI, note 9 to Chapter 61 and the wording of CN codes 6104 and 6104 33 00. By virtue of its general appearance, and in particular the fact that it has a certain stiffness (thick fabric, six panels and two darts), this garment is to be classified as a jacket of CN code 6104.
3. Lightweight unlined garment of fine T-shirt-like knitted fabric (100 % cotton), with stripes of two colours, straight cut, without collar and intended to cover the upper part of the body reaching down to the hips. It is hemmed at the sleeve ends and at the base of the garment. It has short sleeves and a round close fitting neckline with a complete opening at the front buttoning right over left. It has pockets below the waist. The garment also has shoulder pads (a garment similar to a cardigan). (See photograph No 555)(*)	6110 20 99	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, notes 4 and 9 to Chapter 61 and the wording of CN codes 6110, 6110 20 and 6110 20 99. By virtue of its general appearance, and in particular the fact that it is made of a fabric lacking the stiffness to be regarded as a jacket, this article is to be classified as a cardigan-like garment of CN code 6110.
4. Single-colour, unlined garment of loose-fitting thick-ribbed knitted fabric (60 % cotton, 40 % polyester blend), straight cut, without collar and intended to cover the upper part of the body reaching down to the hips. It is hemmed at the sleeve ends and at the base of the garment. It has long sleeves and a V-shaped neckline with a complete opening at the front buttoning right over left. It has pockets below the waist and side slits. (A garment similar to a cardigan). (See photograph No 556)(*)	6110 20 99	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, subheading note 2 (A) to Section XI, notes 4 and 9 to Chapter 61 and the wording of CN codes 6110, 6110 20 and 6110 20 99. By virtue of its general appearance, and in particular the fact that it is made of a fabric lacking the stiffness to be regarded as a jacket, this article is to be classified as a cardigan-like garment of CN code 6110.

Description	Classification (CN code)	Reasons
(1)	(2)	(3)
5. Set of two garments put up for retail sale, consisting of: (a) a lightweight, single-colour red knitted-pullover (80 % cotton, 20 % polyester), intended to cover the upper part of the body, with no opening, with long sleeves and a close-fitting neckline. This garment has ribbing applied at the neckline, at the sleeve ends and at the bottom of the garment, a decorative motif sewn on the front. It has also a sewn-on element inside at the neckline made of the same fabric as the trousers. (see photograph No 559 A)(*) (b) a pair of lightweight knitted trousers (80 % cotton, 20 % polyester) with multicoloured printed checks, reaching from the waist down to the ankles, without an opening at the waist. This garment is tightened at the waist by an elasticated band and has ribbing at the ends of the trouser legs. It also has two loops at the waist for hanging it up. (See photograph No 559 B)(*)	6110 20 99 6104 62 10	The classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, note 13 to Section XI, subheading note 2 (A) to Section XI, notes 3 (b) and 9 to Chapter 61 and by the wording of CN codes 6104, 6104 62, 6104 62 10, 6110, 6110 20 and 6110 20 99. Taking into account the general appearance of the garments and, in particular, the presence on the top of an excessive sewn-on decoration and an element sewn on inside at the neckline, it is not evident that these garments are to be worn exclusively or mainly as nightwear.
6. Set of two garments put up for retail sale, consisting of: (a) a lightweight knitted pullover (80 % cotton, 20 % polyester) made of two different fabrics (one coloured blue, one red and white striped), intended to cover the upper part of the body, with no opening, with long, single-coloured sleeves. This garment has ribbing applied at the sleeve ends and at the bottom of the garment. It also has a close-fitting neckline with two bands of ribbing in different colours, a printed decorative motif on the front and two decorative seams at the armholes. (see photograph No 560 A)(*) (b) a pair of lightweight knitted trousers (80 % cotton, 20 % polyester) made of the same two fabrics as the upper part, reaching from the waist down to the ankles, without an opening at the waist. This garment is tightened at the waist by an elasticated band and has ribbing at the ends of the trouser legs. It has a strip inserted lengthways down the side of the left leg made of the striped material. It also has two decorative seams along this strip and two loops at the waist for hanging it up. (See photograph No 560 B)(*)	6110 20 99 6104 62 10	The classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, note 13 to Section XI, subheading note 2 (A) to Section XI, notes 3 (b) and 9 to Chapter 61 and by the wording of CN codes 6104, 6104 62, 6104 62 10, 6110, 6110 20 and 6110 20 99. See also the Harmonized System explanatory notes to heading 6112. Taking into account the general appearance of the garments and, in particular, the presence on the top of a printed, very significant decoration, the double band of ribbing at the neckline and the decorative seams, and for the lower part the inserted strip and two decorative seams, it is not evident that these garments are to be worn exclusively or mainly as nightwear.
7. Friction strap (70 × 12 × 1 cm) made of knitted sisal, with a wooden handle at either end enabling it to be used to massage the body. (Toilet linen) (See photograph No 554)(*)	6302 99 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and by the text of CN codes 6302 and 6302 99 00. See also the Harmonized System explanatory notes to heading 6302.





(*) These photographs are purely for illustrative purposes.

COMMISSION REGULATION (EC) No 1055/97**of 11 June 1997****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1036/96 of 10 June 1996 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat for the period 1 July 1996 to 30 June 1997 ⁽¹⁾, as amended by Regulation (EC) No 1737/96 ⁽²⁾, and in particular Article 5 (3) thereof,

Whereas Commission Regulation (EC) No 1036/96 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2 (f);

Whereas Article 2 (f) of Regulation (EC) No 1036/96 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on

special terms for the period 1 July 1996 to 30 June 1997 at 12 250 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

All applications for import licences from 1 until 5 June 1997 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2 (e) of Regulation (EC) No 1036/96 shall be granted in full.

Article 2

This Regulation shall enter into force on 12 June 1997.

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

Done at Brussels, 11 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 138, 11. 6. 1996, p. 1.

⁽²⁾ OJ No L 225, 6. 9. 1996, p. 5.

COMMISSION REGULATION (EC) No 1056/97

of 11 June 1997

adapting to technical progress Council Regulation (EEC) No 3821/85 on
recording equipment in road transport

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport ⁽¹⁾, as last amended by Commission Regulation (EC) No 2479/95 ⁽²⁾, and in particular Article 17 thereof,

Whereas it is necessary to eliminate any possibility of fraud in the use of electronic recording equipment in road transport;

Whereas Regulation (EC) No 2479/95 makes it compulsory to protect the cables connecting the recording equipment to the transmitter unless equivalent protection against manipulation is guaranteed by other means (for example by electronic monitoring such as signal encryption); whereas a joint consisting of sealed connections is deemed to be continuous;

Whereas the recording equipment installed in all new vehicles put into service for the first time after 1 January 1996 has to be in conformity with the present Regulation;

Whereas industry and motor-vehicle manufacturers experienced serious problems with the installation of armoured cables in category M 1 and N 1 vehicles, where the speed/distance impulses are generated by integrated sensors or ABS sensors;

Whereas these sensors are not designed for the installation of an armoured cable; whereas it is necessary to permit that the armoured cable should not be compulsory for the connection between the sensor and the adaptor but only from the adaptor to the recording equipment;

whereas it is consequently necessary to amend the Regulation accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for the adaptation of Regulation (EEC) No 3821/85 to technical progress,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraphs should be added to point 5 of Chapter V, of Annex I to Regulation (EEC) No 3821/85.

'For the purpose of the application of the present point, M 1 and N 1 vehicles are those defined in Part A of Annex II to Council Directive 70/156/EEC ^(*). For those vehicles that are equipped with tachographs in compliance with the Regulation and are not designed to install an armoured cable between the distance and speed sensors and the recording equipment, then an adaptor shall be fitted as close as possible to the distance and speed sensors.

The armoured cable shall be fitted from the adaptor to the recording equipment.

^(*) OJ No L 42, 23. 2. 1970, p. 1.'

*Article 2*This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

It shall apply as from 1 January 1996.

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

Done at Brussels, 11 June 1997.

For the Commission

Neil KINNOCK

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1985, p. 8.

⁽²⁾ OJ No L 256, 26. 10. 1995, p. 8.

COMMISSION REGULATION (EC) No 1057/97
of 11 June 1997
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

refund and may be limited to certain countries of destination, quantities, qualities and presentations;

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

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

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

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

Whereas the Management Committee for Oils and Fats has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 June 1997.

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

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 11 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 11 June 1997 fixing the export refunds on olive oil

(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 9100	25,50
1509 10 90 9900	0,00
1509 90 00 9100	29,00
1509 90 00 9900	0,00
1510 00 90 9100	2,00
1510 00 90 9900	0,00

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

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

COMMISSION REGULATION (EC) No 1058/97**of 11 June 1997****fixing the maximum export refunds for olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 June 1997.

Article 2

This Regulation shall enter into force on 12 June 1997.

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

Done at Brussels, 11 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ No L 279, 31. 10. 1996, p. 17.

ANNEX

to the Commission Regulation of 11 June 1997 fixing the maximum export refunds for olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96

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

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

COMMISSION REGULATION (EC) No 1059/97

of 11 June 1997

adjusting the maximum annual fishing effort for certain fisheries

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

Having regard to Council Regulation (EC) No 2027/95 of 15 June 1995 establishing a system for the management of fishing effort relating to certain Community fishing areas and resources ⁽¹⁾, and in particular the second indent of Article 4 thereof,

Whereas the second indent of Article 4 of Regulation (EC) No 2027/95 provides that the Commission, at the request of a Member State, shall take appropriate measures so that the Member State in question can fish its quotas in accordance with the third subparagraph of Article 6 (2) of Council Regulation (EC) No 685/95 of 27 March 1995 on the management of fishing effort relating to certain Community fishing areas and resources ⁽²⁾;

Whereas the Netherlands has asked the Commission to adjust the maximum annual fishing effort granted to its vessels in respect of certain quotas which are allocated to it pursuant to Council Regulation (EC) No 390/97 of 20 December 1996 fixing for certain fish stocks and groups of fish stocks the total allowable catches for 1997 and certain conditions under which they may be fished ⁽³⁾, as last amended by Regulation (EC) No 711/97 ⁽⁴⁾;

Whereas this Regulation shall immediately enter into force in order to allow the Netherlands to fish its quota;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum annual fishing effort for the Kingdom of the Netherlands in respect of demersal species using towed gear, as referred to in Annex I to Regulation (EC) No 2027/95, is amended as laid down in the Annex hereto.

Article 2

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

It shall apply from 9 June 1997.

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

Done at Brussels, 11 June 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 199, 24. 8. 1995, p. 1.

⁽²⁾ OJ No L 71, 31. 3. 1995, p. 5.

⁽³⁾ OJ No L 66, 6. 3. 1997, p. 1.

⁽⁴⁾ OJ No L 106, 24. 4. 1997, p. 1.

ANNEX

Fishery			Fishing effort ^(*)		
Fishing gear	Target species	ICES or Cecaf area	NL		
Towed gear	Demersal species	Vb ⁽¹⁾ , VI, VII, VIII, IX, X and Cecaf 34.1.1, 34.1.2, 34.2.0	4 076		
		of which:	1 000		
		Vb ⁽¹⁾ , VI	0		
		of which:			
		VII	3 076		
		of which:	0		
		VII a	1 089		
		VII f ⁽²⁾	0		
		VIII a, VIII b, VIII d	0		
		VIII c, VIII e, IX, X and Cecaf 34.1.1, 34.1.2 and 34.2.0	0		
		of which:	0		
		VIII c, VIII e, IX ⁽³⁾	0		
		IX ⁽⁴⁾	0		
		X ⁽⁴⁾	0		
		Cecaf 34.1.1 ⁽³⁾	0		
		Cecaf 34.1.2 ⁽³⁾	0		
		Cecaf 34.2.0 ⁽³⁾	0		
		Cecaf 34.1.1 ⁽⁴⁾	0		
		Cecaf 34.1.2 ⁽⁴⁾	0		
		Cecaf 34.2.0 ⁽⁴⁾	0		

(*) Expressed in thousands of kW x fishing days.

(**) Area defined in Article 3 (5) of Regulation (EC) No 685/95. The fishing effort for this area is for both towed and fixed gear.

(1) Except for waters under the sovereignty/jurisdiction of the Faeroes and Iceland.

(2) North of 50° 30' N.

(3) Solely in waters under the sovereignty/jurisdiction of Spain.

(4) Solely in waters under the sovereignty/jurisdiction of Portugal.

COMMISSION REGULATION (EC) No 1060/97
of 11 June 1997
fixing the import duties in the rice sector

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 12 June 1997.

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

Done at Brussels, 11 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ No L 104, 22. 4. 1997, p. 12.

ANNEX I

to the Commission Regulation of 11 June 1997 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽³⁾ ⁽⁴⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁵⁾
1006 10 21	(7)	140,81		217,73
1006 10 23	(7)	140,81		217,73
1006 10 25	(7)	140,81		217,73
1006 10 27	(7)	140,81		217,73
1006 10 92	(7)	140,81		217,73
1006 10 94	(7)	140,81		217,73
1006 10 96	(7)	140,81		217,73
1006 10 98	(7)	140,81		217,73
1006 20 11	(7)	177,31		272,48
1006 20 13	(7)	177,31		272,48
1006 20 15	(7)	177,31		272,48
1006 20 17	264,06	127,69	14,06	198,05
1006 20 92	(7)	177,31		272,48
1006 20 94	(7)	177,31		272,48
1006 20 96	(7)	177,31		272,48
1006 20 98	264,06	127,69	14,06	198,05
1006 30 21	(7)	271,09		429,00
1006 30 23	(7)	271,09		429,00
1006 30 25	(7)	271,09		429,00
1006 30 27	(7)	271,09		429,00
1006 30 42	(7)	271,09		429,00
1006 30 44	(7)	271,09		429,00
1006 30 46	(7)	271,09		429,00
1006 30 48	(7)	271,09		429,00
1006 30 61	(7)	271,09		429,00
1006 30 63	(7)	271,09		429,00
1006 30 65	(7)	271,09		429,00
1006 30 67	(7)	271,09		429,00
1006 30 92	(7)	271,09		429,00
1006 30 94	(7)	271,09		429,00
1006 30 96	(7)	271,09		429,00
1006 30 98	(7)	271,09		429,00
1006 40 00	(7)	84,38		132,00

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

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

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

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

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

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

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

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

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	264,06	572,00	363,30	572,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (ECU/tonne)	—	380,05	339,49	280,07	321,64	—
(b) fob price (ECU/tonne)	—	—	—	250,07	291,64	—
(c) Sea freight (ECU/tonne)	—	—	—	30,00	30,00	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1061/97

of 11 June 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 12 June 1997.

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

Done at Brussels, 11 June 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 11 June 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
0709 90 77	052	68,5
	999	68,5
0805 30 30	388	79,9
	528	65,7
	999	72,8
0808 10 61, 0808 10 63, 0808 10 69	388	86,7
	400	85,4
	404	112,5
	508	86,6
	512	70,5
	524	72,9
	528	73,4
	804	97,0
	999	85,6
0809 10 20	400	278,4
	999	278,4
0809 20 49	052	259,7
	064	213,6
	400	197,4
	999	223,6

⁽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 1062/97

of 11 June 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 1034/97⁽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 12 June 1997.

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

Done at Brussels, 11 June 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 150, 7. 6. 1997, p. 39.

ANNEX

to the Commission Regulation of 11 June 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⁾	24,77	3,91
1701 11 90 ⁽¹⁾	24,77	9,15
1701 12 10 ⁽¹⁾	24,77	3,72
1701 12 90 ⁽¹⁾	24,77	8,72
1701 91 00 ⁽²⁾	27,55	11,46
1701 99 10 ⁽²⁾	27,55	6,94
1701 99 90 ⁽²⁾	27,55	6,94
1702 90 99 ⁽³⁾	0,28	0,37

⁽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 5 February 1997

concerning the financing of shipbuilding in Denmark during 1987 to 1993

(Only the Danish text is authentic)

(Text with EEA relevance)

(97/364/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having, in accordance with Article 93, given notice to the parties concerned to submit their comments, and having regard to those comments,

Whereas:

I

In May 1996 the Ministry for Business and Industry in Denmark published a report containing a study carried out by Coopers & Lybrand, stating that the financing of vessels in Denmark during the period 1987 to 1993 had occurred in some cases on the basis of inflated prices, which could have meant that the aid ceiling applicable during the period might have been exceeded. Thus the purpose of opening the procedure was to investigate whether the maximum aid ceiling, as established by the Commission during the abovementioned period, had been complied with.

The Coopers & Lybrand report clarified the use of a subsidiary model, the so-called mother-daughter company model, which was used when selling vessels. It was explained in the report that the principle of the mother-daughter company model was that a Danish shipyard creates a daughter company. The daughter company thus becomes a Danish shipowner entitled to receive aid in

accordance with the Danish home credit scheme. The daughter company then sells the vessel for cash to the real purchaser. The real purchaser looks after its own financing of the vessel. By setting up the subsidiary the daughter company was able to reduce the price by *inter alia* the amount of aid obtained by financing the vessel via the daughter company.

The use of the mother-daughter arrangement in effect transformed the credit terms available to Danish and EU shipowners into cash payment, and also made these payments available for shipowners from third countries.

In contracts where the mother-daughter company model was used, two prices for the vessel occur: one price paid by the daughter company to the mother company, i.e. the shipyard, and one price paid by the real shipowner to the daughter company. Article 11 of Council Directive 87/167/EEC⁽¹⁾ and Article 12 of Council Directive 90/684/EEC⁽²⁾, require that Member States send 'current reports on each shipbuilding and ship conversion contract by the end of the third month following the month of signing of each contract, containing details of the financial contract support...'. In such reports information on the contract price and the aid granted is required. On the basis of the information communicated to the Commission, the Commission draws up an annual overall report stating *inter alia* the level of contract-related aid and other operating aid granted in each Member State.

⁽¹⁾ OJ No L 69, 12. 3. 1987, p. 55.

⁽²⁾ OJ No L 380, 31. 12. 1990, p. 27.

The Danish Government did report to the Commission upon conclusion of each contract but only notified the price from the yard to the daughter company and not the price paid by the real owner. The Commission therefore was not in a position to establish whether or not the aid ceiling had been complied with. Furthermore, the description of the Danish level of State aid in the annual overall reports drawn up by the Commission in the period in question has turned out not to be fully correct, and thus not comparable with the reporting on other Member States.

On 17 July 1996 the Commission decided to initiate the procedure laid down in Article 93 (2) of the Treaty in respect of the aid granted in Denmark for contracts, where the so-called mother-daughter company model, i.e. the creation of a subsidiary when selling vessels, was employed in the period from 1987 to 1993. The Commission focused on the need to be in possession of complete information on all prices paid in each contract as well as the aid granted, i.e. the price paid by the daughter company to the yard and the price paid by the shipowner to the daughter company. In that connection, the Commission emphasized that it would check each contract to see if the cumulation of aid schemes in place at the time did not lead in any single case to the aid ceiling being breached. For these purposes, the Commission would look in particular at:

1. value of all Danish schemes applied;
2. tax-schemes available during the period;
3. advance payment.

By letter of 31 July 1996 the Commission informed the Danish Government of the decision to initiate the procedure provided for in Article 93 (2) of the Treaty⁽¹⁾. Other Member States and interested parties were informed by publication of the letter in the *Official Journal of the European Communities*, inviting them to submit their comments⁽²⁾.

II

During the procedure the Commission has received comments from the Danish Government and the Association of Danish Shipbuilders.

The Danish Government submitted its reply to the Commission's decision to open the procedure on 4 September 1996. On the basis of the reply from the Danish Government the Commission requested further information in its letter of 10 October 1996. The Danish Government answered the Commission's request for further information in a letter dated 11 November 1996. Furthermore, for information, the Government forwarded

to the Commission a letter to the Ministry of Business and Industry from Coopers and Lybrand on 8 November 1996. Also, the Government forwarded on 14 November 1996 a report conducted by a working group on tax and financing in relation to the vessels built at the B&W yard. Following a meeting with the Commission on 4 December, where the Danish authorities distributed a note dated 3 December 1996, the Danish authorities transmitted further information to the Commission dated 19 December 1996.

The comments received from the Danish Government with direct relevance to the examination of the procedure consists of information on all prices relating to the construction of each vessel, i.e. the price paid by the daughter company to the yard and the price paid by the owner to the daughter company and all aid granted for the specific contracts. Moreover, the Danish authorities have informed the Commission of all aid schemes applied for the specific contracts, including information on specific tax advantages applicable to the shipbuilding sector as well as general tax advantages available to industry as whole. Also, the Commission was informed of the aid's expected and factual impact on the Danish Treasury. In addition, the Danish authorities informed the Commission of ten further cases where loans were granted prior to 1987. These are dealt with separately in the subsequent analysis.

Furthermore, the Danish Government provided information of a more general character concerning the national administration of the aid schemes.

The comments from the Association of Danish Shipbuilders were transmitted to the Commission on 10 September 1996. The comments consist of a report carried out by a panel of Danish lawyers on the national administration of the aid schemes applicable to the shipbuilding sector during the period. The Danish authorities had no remarks on the comments.

As the procedure opened by the Commission focuses on Denmark's compliance with the aid ceiling, any information included in the Commission's examination will relate exclusively to that purpose. Consequently, comments from both the Danish authorities and the Association of Danish Shipbuilders on the national administration of the aid schemes are only included in the Commission's analysis to the extent that it is considered of direct relevance to fulfil the purpose of its examination.

From the information received from the Danish authorities it is clear that the daughter company model was used in only 58 of 65 contracts. In the remaining seven cases it was intended to use the daughter company model, but the plan was actually never carried out. Accordingly, this examination covers the cases where the daughter company model was used for selling vessels, i.e. 58 instead of the initial 65 cases.

⁽¹⁾ SG (96) D/6954.

⁽²⁾ OJ No C 232, 10. 8. 1996, p. 6.

III

When initiating the procedure the Commission noted that there were indications that vessels for which the daughter company model was used were financed on the basis of inflated prices. It was known that the price of which the Commission was informed was the one that the daughter company paid to the yard. However, the main issue is to determine what was the real price of the vessel so as to establish whether or not the total amount of aid was in conformity with the ceiling then in place.

To that extent, the Commission agreed with the Danish authorities that it could not take the price paid by the daughter company to the shipyard as reflecting the real price of the ship concerned. This price was not an arm's-length price and had not been market tested. It was a price established by the yard itself in order to transform a credit scheme into an aided cash price from which the clients outside the EU could also benefit. In that sense the price in this contract could not be taken as representing the real price of the vessel. Instead, the Commission accepted that the price paid by the real shipowner to the daughter company, as set down in the contract between these parties, should be considered the real contract price for the vessel. This is the amount actually paid by the owner and as such is the only valid basis on which calculation for payment of aid can be based. This is considered to be the price set down in the contract for the purposes of Directives 87/167/EEC and 90/684/EEC on aid to shipbuilding.

Therefore, in its examination of this case the Commission set about the examination of each of the 58 cases and the total aid actually approved by the Danish authorities for any single contract, on the basis of the price paid by the real owner to the daughter company. It must be noted that while the purpose of the daughter company was to create a Danish shipowner who could sell the vessel for cash to the real client, apart from obtaining the aid amounts available to owners, the daughter company did not in any other respects act as a shipowner. From the examination of the contracts between the shipyard, daughter company and owner it is clear that all the usual responsibilities of an owner were passed on to the real owner.

IV

The Danish Government has provided information on all schemes applicable during the period. Furthermore, the Danish Government has provided information enabling the Commission to identify which aid schemes were used in each specific contract and the aid percentage granted.

During the period under investigation there were two general financing schemes applicable ('the home-market

scheme' and 'the indexed-financing scheme') and three tax schemes which were specific to the shipbuilding sector.

(i) Indexed-financing scheme

The Danish authorities informed the Commission that although it was possible for owners to choose between two different financing schemes only one scheme was applied in the cases under investigation, namely the indexed-financing scheme. The indexed-financing scheme was used in all the 58 cases. The Commission approved the indexed-financing scheme by its letters of 15 April 1987, 19 January 1988 and 30 March 1989⁽¹⁾ pursuant to the provision of Directive 87/167/EEC on aid to shipbuilding. The scheme was also approved pursuant to 90/684/EEC on aid to shipbuilding, in the Commission's letters of 20 June 1991 and 5 August 1992⁽²⁾. On the basis of the information of the application of the indexed-financing scheme in each contract the Commission has established that the aid granted was in accordance with the Commission's approval. The indexed-financing scheme was applied until 1993, whereafter the Danish Government converted their financing scheme into an interest scheme whose conditions, i.e. that it is possible to receive the aid as a cash grant, are similar to the schemes in other Member States.

(ii) Use of funds from company start-up accounts and investment funds⁽³⁾

The tax scheme was applicable until end 1987 and consists of the possibility to use money from company start-up accounts and investment funds for buying shares in a vessel. Money invested in 1985 could benefit from the schemes and the contract for the vessel had to be signed before end 1988 and delivered before end 1990. Either private persons or companies could use the money invested as described above to buy ship-shares without being taxed on the money used for such investment. The Commission established that the aid element of this scheme should be calculated at 9 %. The scheme was used in two of the 58 contracts.

(iii) Advanced write-off⁽³⁾

The tax scheme was applicable for contracts concluded before 31 December 1987 for vessels to be delivered until end 1990. The buyer of the vessel could start writing off of the vessel upon conclusion of the contract, if the buyer did not have shipping as his main business. The Commission approved the aid and established that it should be calculated as 2 %. The advanced write-off was used in two of the 58 contracts.

⁽¹⁾ SG (87) D/4996, SG (88) D/625 and SG (89) D/3952.

⁽²⁾ SG (91) D/12117 and SG (92) D/10731.

⁽³⁾ The Danish Government was informed of the Commission's decision in its letter of 15 April 1987, SG (87) D/4996.

(iv) Scheme for limited partnerships⁽¹⁾

Until 1993 a tax-exemption rule allowed a write-off for small private investors who invested in shipbuilding by buying a share in a limited partnership. Initially the tax credit was general and therefore not considered to be State aid. From 1989 the scheme applied only to the shipbuilding sector. When the Commission approved the scheme by a letter of 20 September 1990 it was decided that the scheme should be calculated at 5,4 % under the ceiling. In a letter of 20 June 1991 this decision was revised; thus the scheme should be calculated at 4,3 % under the ceiling. The scheme was used in 11 of the 58 contracts.

V

Referring to the above description it can be established that there were three tax schemes applicable to the sector during the period. All schemes have been approved by the Commission and an aid element has been established for all schemes that should be counted under the ceiling.

During the procedure the Danish authorities have informed the Commission of the general possibility in Denmark for all companies to benefit from corporate taxation. The advantage was that a company, in establishing a daughter company, could offset losses in the daughter company against any tax liabilities in the mother company. Although this possibility was a general measure and therefore not as such to be regarded as State aid, it is of interest to the present case to know whether the general tax rule could be of specific benefit to the shipbuilding sector for yards creating daughter companies. If the latter was the case there might be an element of indirect State aid that could distort competition.

From the information received from the Danish authorities, although there was a general opportunity to benefit from the treatment of losses under corporate taxation rules using the mother-daughter company model, none of the yards included in the examination of the present case actually took advantage of that opportunity.

VI

In their reply dated 11 September to the opening of the procedure the Danish authorities drew attention to the

fact that in 27 of the 58 cases under examination the real owner pre-paid a large proportion of the cost of the ship. Subsequently, in their further submission dated 11 November the Danish authorities said that in 57 of the 58 contracts the whole amount or a substantial amount was paid in advance.

The Danish authorities consider that the prepayment price should be adjusted by the value of prepayment which was made. They insist that the incentive for a shipowner to pay in advance occurs if he can get a higher interest by placing his money in long-term bonds. The yard cannot use the money to finance the construction of the vessel, and does therefore not benefit from the money in that respect. The bonds deposit is the owner's security that the yard will fulfil its obligations as to the construction of the vessel. Thus the Danish Government claims that the shipowner is paying today (the date of signing the contract), the future value of his prepayment price. (The future value of the prepayment price is equal to the price that will be paid for the vessel by an owner who wishes to pay cash on delivery, when the vessel is constructed). Because the owner pays in advance, he is benefiting from the higher interest rate accumulated during the construction time obtained via the bonds.

The Danish authorities insist that the value (the interest benefit) is to be added to the advance paid price when calculating the aid eligible for the contract.

The Commission cannot accept the arguments put forward by the Danish authorities as regards the prepayments. As mentioned earlier, the only basis on which the Commission can establish the real price of the vessels concerned is to take the price as set down in the contract between the real owner and the daughter company. It should be recalled that in both Directive 87/167/EEC and Directive 90/684/EEC on aid to shipbuilding the aid ceiling is set by reference to 'the contract value before aid'. This term is in turn defined as the 'price laid down in the contract plus any aid, etc.'. Since the contracts between the daughter company and owner are presumed to be freely negotiated contracts between independent entities, the price as set down must be taken on the sole basis for the calculation of aid allowable.

Furthermore, it must be noted that the financing arrangements that may be put in place with regard to the construction and purchase of vessels varies enormously and that there is no such thing as a standard formula in

⁽¹⁾ The Danish Government was informed of the Commission's decision in its letter of 20 September 1990, SG (90) D/27292 and in a letter of 20 June 1991, SG (91) D/12117.

the industry. The financing package that is put together for any particular vessel will have an influence on the price of that vessel, as will other factors such as the competitiveness of the yard in question, interest rates, price of raw materials, labour, etc.

Since only one price appears in the contracts between the owner and the daughter company, this must be considered the 'price laid down in the contract' for the purposes of Directive 87/167/EEC and Directive 90/684/EEC on aid to shipbuilding. It cannot be subsequently adjusted to take account of what would have been only one element influencing the price of the vessel.

The Danish authorities have drawn attention to the budgetary consequences of the aid schemes in operation at the time (tax schemes excluded). While a total of ECU 890 million (December 1996) of aid was approved during the period, the actual amount of aid paid was ECU 9 million (December 1996). The Danish authorities argue that this element must be taken into account in calculating the levels of aid in the various contracts.

The Commission rejects this contention, since it is the act of making aid available that is likely to cause distortion of competition⁽¹⁾. The particularities of the financing of Danish aid schemes were such that the ultimate cost to the Danish Treasury of the schemes was considerably lower than had been budgeted, owing largely to unexpected changes in interest rates and inflation. This does not diminish the effect of the aid actually approved for each contract since in determining their costs of construction the yards were able to discount the value of the aid as it was estimated, based on the assumptions at the time about likely future interest rates and inflation. The fact that this ultimately cost the Danish Treasury less than anticipated changes nothing as regards its potentially distorting effects.

VII

The information from the Association of Danish Shipbuilders relates very closely to the national administration of the aid schemes applicable during the period, and more specifically to the opportunities for granting aid as credit facilities instead of direct grants to the constructing yard.

The report from the lawyers which is attached to the letter sent to the Commission is therefore merely a

contribution to the parallel Danish debate on the national administration of aid to shipbuilding during the period, and has no relevance to the Commission's inquiry as to whether the aid ceiling has been complied with.

VIII

It should be recalled that during the period under consideration a total of 308 contracts were concluded in Denmark. Of the total number of cases, only 58 used the daughter-company model, and those cases are the subject of this examination. However, the Danish authorities have, in their reply to the opening of the procedure, informed the Commission that in 1986 10 cases were concluded with the financing via indexed loans to owners in Sweden and Norway.

The Danish Government notified the indexed-loan scheme to the Commission on 22 September 1986, and the Commission approved the scheme on 15 April 1987⁽²⁾.

As regards the possible breach of the aid ceiling, it is recalled that until the implementation of Directive 87/167/EEC there was no ceiling on State aid granted to the shipbuilding sector, and that the 10 contracts were all concluded in 1986 before the entry into force of that Directive.

While this is not the subject of the present procedure, it can be stated that although the Danish authorities applied the aid option in the form of indexed loans before they got approval of the aid scheme from the Commission, since the Commission approved the scheme at a later stage, and as there was no aid ceiling at the time, there is no need for a formal investigation of these cases.

IX

At the time the procedure was commenced, the Commission thought that there were 65 cases where the mother-daughter model had been used. In the course of the procedure, it transpired that only 58 cases were involved.

The mother-daughter model was created by the shipyards concerned essentially as a means to transform the credit schemes into a cash payment and to enable non-EU owners to benefit from schemes available to EU nationals.

⁽¹⁾ SG (89) D/5521 of 27 April 1989.

⁽²⁾ SG (87) D/4996.

On the basis of the very complete information provided by the Danish authorities the Commission is able to ascertain for each of the 58 cases the totality of the aid schemes that applied to each contract and the total aid provided in favour of each of them.

As was stated earlier, each of the aid schemes had at the time been approved by the Commission and an aid value calculated within the ceiling on aid had been assigned to each.

In order to assess whether the aid ceiling has been exceeded the amount paid out for each contract is compared with what was allowed. A major difficulty has been to ascertain what the real price of the vessel concerned was. For the reasons outlined above the Commission accepted the Danish Government's contentions that the price set down in the contract between the owner and the daughter company should be the price used as the basis of calculating aid levels in accordance with Directive 87/167/EEC and Directive 90/684/EEC on aid to shipbuilding. For reasons stated above the price in the contract cannot be adjusted to take account of any prepayment.

On that basis the Commission concludes that for 53 of the 58 cases the aid ceiling in force at the time the contract was signed was observed. In those cases the aggregate of the various aid schemes that applied to each individual case was below the prevailing ceiling. In five cases for vessels built at Odense Staalskibsværft A/S (shipbuilding Nos L 148, L 149, L 150, L 151 and L 152) the aggregated aid schemes exceeded the ceiling. The total amount of aid which the Commission considers incompatible with Directive 90/684/EEC on aid to shipbuilding and thereby the common market is Dkr 1,018 million (ECU 137 000, January 1997) in regard to the above-mentioned cases,

HAS ADOPTED THIS DECISION:

Article 1

The Danish Government did not adequately fulfil its obligations under Articles 11 and 12 of Directive 87/167/EEC and Directive 90/684/EEC on aid to shipbuilding respect-

ively, namely to inform the Commission about the price paid by the real shipowner as regards the 58 cases under examination.

Article 2

The aid measures adopted as regards contracts for shipbuilding Nos L 148, L 149, L 150, L 151 and L 152 at Odense Staalskibsværft A/S exceeded the ceiling set down in Directive 90/684/EEC on aid to shipbuilding and are hereby declared unlawful, since they were granted in breach of the provisions of the Directive and are therefore incompatible with the common market.

Article 3

Denmark shall require the shipyard concerned to repay the excess aid granted amounting to Dkr 1,018 million (ECU 137 000, January 1997) in accordance with the procedures and provisions laid down by Danish law relating to interest on arrears for debts to the State, with interest running from the date on which the unlawful aid was paid at an interest rate equal to the reference rate that was used at the time to calculate the net grant equivalent of the various types of aid in Denmark.

Article 4

Denmark shall inform the Commission, within two months of the date of notification of this Decision, of the measures taken to comply therewith.

Article 5

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 5 February 1997.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 26 March 1997

drawing up provisional lists of third country establishments from which the Member States authorize imports of products prepared from meat of bovine animals, swine, equidae and sheep and goats

(Text with EEA relevance)

(97/365/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs ⁽¹⁾, as amended by Decision 97/34/EC ⁽²⁾, and in particular Article 2 (1) thereof,

Whereas Council Decision 79/542/EEC ⁽³⁾, as last amended by Commission Decision 97/160/EC ⁽⁴⁾, draws up a list of third countries from which the Member States authorize imports of meat products;

Whereas, for many of the countries on that list the animal health and veterinary certification requirements for importation of meat products have been laid down in Commission Decision 91/449/EEC ⁽⁵⁾, as last amended by Decision 96/92/EC ⁽⁶⁾;

Whereas the Commission has received from certain third countries lists of establishments, with guarantees that they fully meet the appropriate Community health requirements and that should an establishment fail to do so its export activities to the European Community will be suspended;

Whereas the Commission has been unable to ascertain in all the third countries concerned the compliance of their establishments with the Community requirements and the validity of the guarantees provided by the competent authorities;

Whereas, to prevent the interruption of trade in meat products from those countries, it is necessary to grant them a further period during which Member States will

be able to continue to import meat products from the establishments they have recognized; whereas during that further period the Commission will collect from those countries the guarantees needed in order to be able to add them to the list in accordance with the procedure laid down in Decision 95/408/EC;

Whereas on the expiry of that period third countries which have not transmitted their lists of establishments in accordance with the Community rules will no longer be permitted to export meat products to the Community;

Whereas Member States will be responsible therefore for satisfying themselves that the establishments from which they import meat products meet requirements for production and placing on the market which are no less stringent than the Community requirements;

Whereas provisional lists of establishments producing meat products can thus be drawn up in respect of certain countries;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States shall authorize imports of products prepared from meat of bovine animals, swine, equidae and sheep and goats from the establishments listed in the Annex hereto.

2. Up to 31 July 1997 the Member States may authorize imports of products prepared from meat of bovine animals, swine, equidae and sheep and goats from establishments in third countries other than those listed in the Annex hereto.

3. Imports of meat products shall remain subject to the Community veterinary provisions adopted elsewhere.

⁽¹⁾ OJ No L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ No L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽⁴⁾ OJ No L 62, 4. 3. 1997, p. 39.

⁽⁵⁾ OJ No L 240, 29. 8. 1991, p. 28.

⁽⁶⁾ OJ No L 21, 27. 1. 1996, p. 71.

Article 2

This Decision shall apply with effect from 1 April 1997.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 26 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANEXO / BILAG / ANHANG / ΠΑΡΑΡΤΗΜΑ / ANNEX / ANNEXE / ALLEGATO / BIJLAGE /
ANEXO / LIITE / BILAGA

LISTA DE LOS ESTABLECIMIENTOS / LISTE OVER VIRKSOMHEDER / VERZEICHNIS DER
BETRIEBE / ΠΙΝΑΚΑΣ ΤΩΝ ΕΓΚΑΤΑΣΤΑΣΕΩΝ / LIST OF ESTABLISHMENTS / LISTE DES
ÉTABLISSEMENTS / ELENCO DEGLI STABILIMENTI / LIJST VAN BEDRIJVEN / LISTA
DOS ESTABELECIMENTOS / LUETTELO LAITOKSISTA / FÖRTECKNING ÖVER
ANLÄGGNINGAR

Producto: productos cárnicos / Produkt: kødprodukter / Erzeugnis: Fleischerzeugnisse / Προϊόν:
νωπό κρέας πουλερικών / Product: meat products / Produit: Produits à base de viandes / Prodotto:
prodotti a base di carne / Product: vleesproducten / Produto: produtos à base de carne / Tuote:
lihatuotteet / Varuslag: köttvaror

- 1 = Referencia nacional / National reference / Nationaler Code / Εθνικός αριθμός έγκρισης / National
reference / Référence nationale / Riferimento nazionale / Nationale code / Referência nacional /
Kansallinen referenssi / Nationell referens
- 2 = Nombre / Navn / Name / Τίτλος εγκατάστασης / Name / Nom / Nome / Naam / Nome / Nimi /
Namn
- 3 = Ciudad / By / Stadt / Πόλη / Town / Ville / Città / Stad / Cidade / Kaupunki / Stad
- 4 = Región / Region / Region / Περιοχή / Region / Région / Regione / Regio / Região / Alue / Region
- 5 = Menciones especiales / Særlige bemærkninger / Besondere Bemerkungen / Ειδικές παρατηρήσεις /
Special remarks / Mentions spéciales / Note particolari / Bijzondere opmerkingen / Menções
especiais / Erikoismainintoja / Anmärkningar
- 6 = * Países y establecimientos que cumplen todos los requisitos del apartado 1 del artículo 2 de la
Decisión 95/408/CE del Consejo.
* Lande og virksomheder, der opfylder alle betingelserne i artikel 2, stk. 1, i Rådets beslutning
95/408/EF.
* Länder und Betriebe, die alle Anforderungen des Artikels 2 Absatz 1 der Entscheidung 95/408/EG
des Rates erfüllen.
* Χώρες και εγκαταστάσεις που πληρούν τις προϋποθέσεις του άρθρου 2 παράγραφος 1 της
απόφασης 95/408/EK του Συμβουλίου.
* Countries and establishments complying with all requirements of Article 2 (1) of Council Decision
95/408/EC.
* Pays et établissements remplissant l'ensemble des dispositions de l'article 2 paragraphe 1 de la
décision 95/408/CE du Conseil.
* Paese e stabilimenti che ottemperano a tutte le disposizioni dell'articolo 2 paragrafo 1 della decisione
95/408/CE del Consiglio.
* Landen en inrichtingen die voldoen aan al de voorwaarden van artikel 2, lid 1, van Beschikking
95/408/EG van de Raad.
* Países e estabelecimentos que respeitam todas as exigências do No 1 do artigo 2º da Decisão
95/408/CE do Conselho.
* Neuvoston päätöksen 95/408/EY 2 artiklan 1 kohdan kaikki vaatimukset täyttävät maat ja laitokset.
* Länder och anläggningar som uppfyller alla krav i artikel 2.1 i rådets beslut 95/408/EG.

País: AUSTRALIA / Land: AUSTRALIEN / Land: AUSTRALIEN / Χώρα: ΑΥΣΤΡΑΛΙΑ /
Country: AUSTRALIA / Pays: AUSTRALIE / Paese: AUSTRALIA / Land: AUSTRALIË / País:
AUSTRÁLIA / Maa: AUSTRALIA / Land: AUSTRALIEN

1	2	3	4	5
39	Southern Country Foods Pty Ltd	WAGGA WAGGA		6
85	Nestlé Australia Ltd	PAKENHAM		6

País: CANADÁ / Land: CANADA / Land: KANADA / Χώρα: ΚΑΝΑΔΑΣ / Country: CANADA /
 Pays: CANADA / Paese: CANADA / Land: CANADA / País: CANADÁ / Maa: KANADA / Land:
 CANADA

1	2	3	4	5
1	Maple Leaf Meats Inc./Les viandes Maple Leaf Inc.	WINNIPEG	MANITOBA	6
32	Lest Foods Canada (1991) Inc. Bovril Canada Inc.	MONTRÉAL	QUÉBEC	6
35	J. M. Schneider Inc.	KITCHENER	ONTARIO	6
55	Campbell Soup Company Ltd/Les Soupes Campbell Ltée	TORONTO	ONTARIO	6
63	Northern Goose Processors Ltd	TEULON	MANITOBA	6
170	Wing Wing Company Limited	VANCOUVER	BRITISH COLUMBIA	6
233	Starmax Foods Inc./Aliments Starmax Inc.	MONTRÉAL	QUÉBEC	6
246	Salaison G. Lauzon Inc.	MONTRÉAL	QUÉBEC	6
265	J.R. Ouimet Inc.	VILLE D'ANJOU	QUÉBEC	6
268	Les produits d'alimentation Bologna Ltée/Bologna Food Products Co. Ltd	MONTRÉAL	QUÉBEC	6
298	Les Produits de Viande Kasher Glatt Ltée/ Glatt's Kosher Meat Products Limited	MONTRÉAL	QUÉBEC	6
334	Continental Casing (1976) Inc.	SAINTE-MADELEINE	QUÉBEC	6
375	171047 Canada Inc.	SAINT-LEONARD	QUÉBEC	6
449	Le Naturel Foods Skoulakis Inc./Aliments Le Naturel Skpoulakis Inc.	SAINT-EUSTACHE	QUÉBEC	6
457	Salaison Levesque Inc.	MONTRÉAL	QUÉBEC	6
459	Maple Leaf Foods Inc./Les Aliments Maple Leaf Inc.			6
495	Olymel Société en commandite	GRANBY	QUÉBEC	6
501	155635 Canada Ltée	SAINT-LOUIS-DE-TERREBONNE	QUÉBEC	6
508	Viandes Seflico Inc.	VILLE DE RECAN COURT	QUÉBEC	6
55B	Campbell Soup Company Ltd/ Les Soupes Campbell Ltée	LISTOWEL	ONTARIO	6

País: SUIZA / Land: SCHWEIZ / Land: SCHWEIZ / Χώρα: ΕΛΒΕΤΙΑ / Country: SWITZERLAND / Pays: SUISSE / Paese: SVIZZERA / Land: ZWITSERLAND / País: SUÍÇA /
 Maa: SVEITSI / Land: SCHWEIZ

1	2	3	4	5
25	Hero Konserven	LENZBURG		6
38	Frisco-Findus AG	RORSCHACH		6
49	Dyna SA	FRIBOURG		6
61	Knorr AG	THAYNGEN		6
201	Gurtner AG	TRIN		6
202	Bündner Fleisch Mani AG	CHURWALDEN		6
205	Albert Spiess AG	FRAUENKIRCH		6

1	2	3	4	5
213	Lucul SA	PAYERNE		6
214	Maggi AG	KEMPTTHAL		6
215	Fleischrocknerei Churwalden AG	CHURWALDEN		6
216	Hugli SA	STEINACH		6
224	Hilcona AG	SCHAAN		6
225	Haco AG	GUMLIGEN		6
227	Gustav Spiess AG	BERNECK		6
228	E. Sutter AG	GOSSAU		6
229	Kocherhans & Schar AG	CHURWALDEN		6
239	Gehrig AG	KLUS		6
242	Sirpig SA	BRUSIO		6
254	Herbert Ospelt Anstalt	BENDERN		6
275	Albert Spiess AG	SCHIERS		6
288	Frigemo Produktion Chur, J. Caprez-Danuser AG	CHUR		6
293	Salumi San Pietro SA	STABIO		6
294	Natura Fleischrocknerei	TINIZONG		6
299	F + B. Meinen	BERN		6
301	Pizoler AG	SARGANS		6
302	Gautschi AG	UTZENSTORF		6
303	Oswald AG	STEINHAUSEN		6
304	Cambio Fleischwaren AG	ST. GALLEN		6
305	Morgia AG	LYSS		6
306	Fleischrocknerei Churwalden AG	CHUR		6
309	Gemperli AG	ST. GALLEN		6
311	Fredag AG	ROOT		6
312	Konservenfabrik Bischofszell AG	BISCHOFSZELL		6

País: HUNGRÍA/ Land: UNGARN / Land: UNGARN / Χώρα: ΟΥΓΓΑΡΙΑ / Country:
HUNGARY / Pays: HONGRIE / Paese: UNGHERIA / Land: HONGARIJE / País: HUNGRIA /
Maa: UNKARI / Land: UNGERN

1	2	3	4	5
2	Herz Szalamigyar	BUDAPEST	FOVAROS	6
5	Gyulai Huscombinat Rt	GYULA	CSONGRAD MEGYE	6
6	Papai Hus Rt	PAPA	VESZPRÉM MEGYE	6
7	Pick Szeged Rt Szalamigyar és Husuzem	SZEGED	CSONGRAD MEGYE	6
10	Ringa Husipari RT Kapuvari Gyara	KAPUVAR	GYOR SOPRON MEGYE	6

1	2	3	4	5
56	Landhof-Budapest Hus Kft	BUDAPEST	FOVAROS	6
61	Delhus Rt Bajai Gyara	BAJA	BACS-KISKUN MEGYE	6
62	Pini Hungary	KAPOSVAR	SOMOGY MEGYE	6
64	Szekzardi Husipari Rt	SZEKSZARD	TOLNA MEGYE	6
67	Andreoli Kft Gastrofol Uzeme	MISKOLC	BORSOD MEGYE	6
86	Delhus Rt Alsomocsoladi Gyaregysege Husuzem	ALSOMOC SOLAD	BARANYA MEGYE	6
88	Solami Husipari Rt Husfeldolgozo Uzem	SZOLNOK	SZOLNOK MEGYE	6
135	D-Back Kft	NAGYATAD	SOMOGY MEGYE	6
137	Korcsork Bt. Husdarabolo Uzeme	UJKIGYOS	BEKES MEGYE	6
147	2 B.Kereskedelmi és Szolgáltató Kft Ceglédhus	CEGLED	PEST MEGYE	6
159	Gool-Roll Puskas Kft	SZENTENDRE	PEST MEGYE	6
169	Mirelite Budapest Hutoipari Rt. Pizza gyara	BUDAPEST	FOVAROS	6
171	C.P.C Hungary Magyarorszoag Kft Huusgranulalo Uzeme	ROSZKE	CSONGRAD MEGYE	6

País: NUEVA ZELANDA / Land: NEW ZEALAND / Land: NEUSEELAND / Xópa: NEA
 ZHAANIA / Country: NEW ZEALAND / Pays: NOUVELLE-ZÉLANDE / Paese: NUOVA
 ZELANDA / Land: NIEUW-ZEELAND / País: NOVA ZELÂNDIA / Maa: UUSI-SEELANTI /
 Land: NYA ZEELAND

1	2	3	4	5
PH 3	Waitaki Biosciences International Ltd	CHRISTCHURCH		6
PH 5	Healtheries of New Zealand Ltd	AUCKLAND		6
PH 14	Richmond Limited	HASTINGS		6
PH 16	Prepared Foods Processing Ltd	PALMERSTON NORTH		6
PH 23	Mair Venison - Rotorua	ROTORUA		6
PH 26	McFarlane Laboratories, New Zealand Limited	AUCKLAND		6
PH 31	Advanced Foods of New Zealand Ltd	WAIPIKURAU		6
PH 58	PPCS Mossburn	MOSSBURN		6
PH 68	Primex Meats (NZ) Ltd	TAWA		6
PH 88	Auckland Casing Co	TE PAPAPA	AUCKLAND	6
PH 108	Fendalton Fish Supply	CHRISTCHURCH		6
PH 109	Independent Casing Company Limited	STOKE	NELSON	6
PH 114	Southland Casing Company Limited	INVERCARGILL		6
PH 134	McCallum Industries Limited	AUCKLAND		6
PH 149	Waikiwi Casing Company Limited	WAIKIWI	INVERCARGILL	6
PH 170	AFFCO Shortland Cannery Ltd	AUCKLAND		6
PH 173	Asian New Zealand Meat Co Ltd	DUNEDIN		6

1	2	3	4	5
PH 213	Rapa Casings Ltd	AUCKLAND		6
PH 214	Garret International Meats Ltd	AUCKLAND		6
PH 261	Levin Casing Co Ltd	LEVIN		6
PH 416	Bakels Edible Oils (NZ) Ltd	MT MAUNGANUI		6
ME 50	Alliance Group Ltd Lorneville	SOUTHLAND		6

País: POLONIA / Land: POLEN / Land: POLEN / Χώρα: ΠΟΛΩΝΙΑ / Country: POLAND / Pays: POLOGNE / Paese: POLONIA / Land: POLEN / País: POLÓNIA / Maa: PUOLA / Land: POLEN

1	2	3	4	5
3	Zakłady Miesne Pamso	PABIANICE		6
7	Zakłady Miesne	GRUDZIADZ		6
8	Zakłady Miesne	POZNAN		6
26	Zakłady Miesne	SOPOT		6
30	KRP Igloopol	DEBICA		6
33	Constar Spolka Akcyjna	STARACHOWICE		6
45	Zakłady Miesne Farm Food	CZYZEW		6
46	Zakłady Miesne Polish Farm Meat	MALSZEWICZE		6
58	Zakłady Miesne	SZCZECIN		6
65	Zakłady Miesne	NISKO		6
67	Zakłady Miesne w KOLE SA	KOLO		6
73	Zakłady Miesne	DEBICA		6
86	Alima-Gerber	RZESZOW		6
101	Przedsiębiorstwo Przemysłu Miesnego	JAROSLAW		6
104	Zakłady Miesne	RZESZOW		6
106	Zakłady Miesne	TARNOWSKIE GORY		6
131	Zakłady Miesne	OSTRODA		6
139	Zakłady Miesne ELK SA	ELK		6
140	Zakłady Miesne	BIALYSTOK		6
145	Zakłady Miesne	PIN ZAMOSC		6
161	Zakłady Miesne	KALISZ		6
201	Przedsiębiorstwo Przemysłu Miesnego	TARNOW		6
258	Zakład Przetworstwa Miesnego Lange	KOSZALIN		6
267	Zakłady Miesne	RAWA MAZOWIECKA		6
268	Sokolowskie Zakłady Miesne S.A	SOKOLOW PODLASKI		6

País: RUMANIA / Land: RUMÆNIEN / Land: RUMÄNIEN / Χώρα: ΡΟΥΜΑΝΙΑ / Country: ROMANIA / Pays: ROUMANIE / Paese: ROMANIA / Land: ROEMENIË / País: ROMÉNIA / Maa: ROMANIA / Land: RUMÄNIEN

1	2	3	4	5
A1	S.C Carne SA	ARAD		6
A2	SC Agricola International S.A	BACAU		6
A8	S.C Comtom S.A	IASI		6
A12	SC Salcrud SA	SALONTA		6
A13	SC Facos SA	SUCEAVA		6
A32	SC Scandia SA	SIBIU		6
A33	S.C Carial S.A	SLOBOZIA		6
A37	S.C Galco S.A	GALATI		6
A60	S.C Cicalex SA	ALEXANDRIA		6
A68	S.C Comtim Carnex S.A	TIMISOARA		6

País: SINGAPUR / Land: SINGAPORE / Land: SINGAPUR / Χώρα: ΣΙΓΚΑΠΟΥΡΗ / Country: SINGAPORE / Pays: SINGAPOUR / Paese: SINGAPORE / Land: SINGAPORE / País: SINGAPURA / Maa: SINGAPORE / Land: SINGAPORE

1	2	3	4	5
VPH-ME-001	Effort Holdings Pte Ltd	SINGAPORE		6
VPH-ME-002	Yeo Hiap Seng Ltd	SINGAPORE		6
VPH-ME-003	Amoy Canning Corporation (Singapore) Ltd	SINGAPORE		6

País: ESLOVENIA / Land: SLOVENIEN / Land: SLOWENIEN / Χώρα: ΣΛΟΒΕΝΙΑ / Country: SLOVENIA / Pays: SLOVÉNIE / Paese: SLOVENIA / Land: SLOVENIË / País: ESLOVÉNIA / Maa: SLOVENIA / Land: SLOVENIEN

1	2	3	4	5
22	Pomurka, Mesna industrija	MURSKA SOBOTA		
31	MIP Salami	TOLMIN		
35	Alcisa - Kras	SEPULJE		
45	Kolinska	LJUBLJANA		
47	Droga PC Argo	IZOLA		
86	Emona, Mesna industrija Zalog	LJUBLJANA		
119	Emona	LOKEV		
126	MIP	NOVA GORICA		
194	Kras Sezana	SECOVLJE		
208	Kras Sezana	SEPULJE		
224	Mercator, ETA	KAMNIK		

País: ESTADOS UNIDOS DE AMÉRICA / Land: AMERIKAS FORENEDE STATER / Land: VEREINIGTE STAATEN VON AMERIKA / Χώρα: ΗΝΩΜΕΝΕΣ ΠΟΛΙΤΕΙΕΣ ΤΗΣ ΑΜΕΡΙΚΗΣ / Country: UNITED STATES OF AMERICA / Pays: ÉTATS-UNIS D'AMÉRIQUE / Paese: STATI UNITI / Land: VERENIGDE STATEN VAN AMERIKA / País: ESTADOS UNIDOS DA AMÉRICA / Maa: AMERIKAN YHDYSVALLAT / Land: FÖRENTA STATERNA

1	2	3	4	5
511	Rocco Further Processing	TIMBERVILLE	VA	
1554	Henningsen Foods	NORFOLK		
4058	Fiorucci Foods Inc.	COLONIAL HGT.	VA	
5850	Ora Corporation	SAN DIEGO	CA	
6899	AMPC Inc.	LYTTON	IA	
6911	Bill-Mar Foods	ZEELAND	MI	
7211	Tyson Foods	BARRYVILLE	AR	
7827	Wampler-Longacre Inc.	FRANCONIA	PA	
8984	Provimi Veal Corp.	SEYMOUR	WI	
18297	Luigino's Inc.	JACKSON		
18638	Van Den Berg Foods	OWENSBORO	KY	
18806	Rocking JC SW Foods	SCOTTSDALE	AZ	

País: SUDÁFRICA / Land: SYDAFRIKA / Land: SÜDAFRIKA / Χώρα: ΝΟΤΙΑ ΑΦΡΙΚΗ / Country: SOUTH AFRICA / Pays: AFRIQUE DU SUD / Paese: SUDAFRICA / Land: ZUID-AFRIKA / País: ÁFRICA DO SUL / Maa: ETELÄ-AFRIKKA / Land: SYDAFRIKA

1	2	3	4	5
ZA21	Finlar Foods	STICKLAND		
ZA23	Finlar Foods	JOHANNESBURG		
ZA43	Eskort Bacon Co	ESTCOURT		
ZA47	Bull Brand Foods	KRUGERSDORP		

COMMISSION DECISION

of 4 June 1997

suspending the buying-in of butter in certain Member States

(Only the Danish, German, Greek, French, English, Dutch, Finnish and Swedish texts are authentic)

(97/366/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular the first subparagraph of Article 7a (1) and Article 7a (3) thereof,

Whereas Council Regulation (EEC) No 777/87 ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, sets out the circumstances under which the buying-in of butter and skimmed-milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken;

Whereas Commission Regulation (EEC) No 1547/87 ⁽⁴⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁵⁾, lays down the criteria for opening and suspending the buying-in of butter by invitation to tender in the Member States or, in the case of the United Kingdom and Germany, in a region thereof;

Whereas Commission Decision 97/243/EC ⁽⁶⁾ suspends the buying-in of butter in certain Member States; whereas information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is no longer met in Great Britain; whereas the list of Member States in which that suspension applies must be adjusted accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, Greece, France, Luxembourg, the Netherlands, Austria, Finland, Sweden and Northern Ireland.

Article 2

Decision 97/243/EC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 4 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 78, 20. 3. 1987, p. 10.

⁽⁴⁾ OJ No L 144, 4. 6. 1987, p. 12.

⁽⁵⁾ OJ No L 174, 26. 7. 1995, p. 27.

⁽⁶⁾ OJ No L 96, 11. 4. 1997, p. 37.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1044/97 of 10 June 1997 amending Regulation (EC) No 2498/96 establishing Community tariff quotas for 1997 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and derogating from Regulation (EC) No 1439/95 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector

(Official Journal of the European Communities No L 152 of 11 June 1997)

On page 8 and in the table of contents, the title is modified as follows:

for: 'Commission Regulation (EC) No 1044/97 of 10 June 1997 amending Regulation (EC) No 2498/96 establishing Community tariff quotas for 1997 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and derogating from Regulation (EC) No 1439/95 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector',

read: 'Commission Regulation (EC) No 1044/97 of 10 June 1997 amending Regulation (EC) No 2498/96 establishing Community tariff quotas for 1997 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204'.

* Corrigendum to Commission Regulation (EC) No 1044/97 of 10 June 1997 amending Regulation (EC) No 2498/96 establishing Community tariff quotas for 1997 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and derogating from Regulation (EC) No 1439/95 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector (OJ No L 152 of 11. 6. 1997) 51