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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1348/97
of 15 July 1997**

on applications for import licences for rice and broken rice submitted in the first five working days of July 1997 pursuant to the arrangements provided for in Council Regulation (EC) No 1522/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1522/96 of 24 July 1996 opening and providing for the administration of certain tariff quotas for imports of rice and broken rice ⁽¹⁾, as amended by Commission Regulation (EC) No 112/97 ⁽²⁾, and in particular Article 5 (2) thereof,

Whereas, pursuant to Article 5 (2) of Regulation (EC) No 1522/96, the Commission must decide within 10 days of the closing date for the submission of licence applications the extent to which applications can be granted and must fix the available quantities for the following tranche;

Whereas, in the light of the quantities for which applications are submitted during the first five working days of

July 1997 and the quantities available, licences may be issued for all the quantities applied for,

HAS ADOPTED THIS REGULATION:

Article 1

1. Reduction coefficients to be applied to quantities covered by applications for import licences submitted for rice and broken rice pursuant to the arrangements provided for in Regulation (EC) No 1522/96 in the first five working days of July 1997 and which have been notified to the Commission, shall be as laid down in the Annex hereto.

2. The quantities available under the tranche for September 1997 shall be as laid down in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 1997.

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 190, 31. 7. 1996, p. 1.

⁽²⁾ OJ No L 20, 23. 1. 1997, p. 23.

ANNEX

Article 5 (2) of Regulation (EC) No 1522/96

Reduction coefficient to be applied to the quantities applied for and the quantities available under the following tranche:

- (a) Quota referred to in Article 2 (1) (a), wholly-milled and semi-milled rice falling within CN code 1006 30

Origin	Percentage reduction	Quantity available under the tranche for September 1997 (tonnes)
USA	—	38 721 (1)
Thailand	0	436,081
Australia	0	0
Other countries	0	0

(1) Pursuant to Article 1 (4) of Regulation (EC) No 1522/96, as amended.

- (b) Quota referred to in Article 2 (1) (b), husked rice falling within CN code 1006 20

Origin	Percentage reduction	Quantity available under the tranche for September 1997 (tonnes)
Australia	0	16,9
USA	—	7 642 (1)
Thailand	0	0
Other countries	0	0

(1) Pursuant to Article 1 (4) of Regulation (EC) No 1522/96, as amended.

- (c) Quota referred to in Article 2 (1) (c), broken rice falling within CN code 1006 40 00

Origin	Percentage reduction	Quantity available under the tranche for September 1997 (tonnes)
Thailand	0	12 091,15
Australia	0	0
Guyana	0	8 503
USA	0	0
Other countries	0	9 663

COMMISSION REGULATION (EC) No 1349/97

of 15 July 1997

laying down to what extent applications for issue of export licences submitted during July 1997 for beef and veal products which may benefit from special import treatment in a third country may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽¹⁾, as last amended by Regulation (EC) No 266/97 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas Regulation (EC) No 1445/95 lays down, in Article 12, detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EEC) No 2973/79 ⁽³⁾, as last amended by Regulation (EEC) No 3434/87 ⁽⁴⁾;

Whereas Regulation (EEC) No 2973/79 fixed the quantities of meat which might be exported on special terms for the third quarter of 1997;

Whereas the quantities for which licence applications have been lodged for the third quarter of 1997 are lower than those available; whereas these applications can, therefore, be met in full,

HAS ADOPTED THIS REGULATION:

Article 1

The applications for export licences lodged in July 1997 for the beef and veal referred to in Regulation (EEC) No 2973/79 for the third quarter of 1997 shall be met in full.

Article 2

Applications for licences in respect of the meat referred to in Article 1 may be entered in accordance with Article 12 of Regulation (EC) No 1445/95 during the first 10 days of the fourth quarter of 1997 the total quantity available being 4 918 tonnes.

Article 3

This Regulation shall enter into force on 18 July 1997.

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽²⁾ OJ No L 45, 15. 2. 1997, p. 1.

⁽³⁾ OJ No L 336, 29. 12. 1979, p. 44.

⁽⁴⁾ OJ No L 327, 18. 11. 1987, p. 7.

**COMMISSION REGULATION (EC) No 1350/97
of 15 July 1997**

**laying down to what extent applications for issue of export licences submitted
during July 1997 for beef and veal products which may benefit from special
import treatment in Canada may be accepted**

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

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽¹⁾, as last amended by Regulation (EC) No 266/97 ⁽²⁾, and in particular Article 12 (a) (8) thereof,

Whereas Regulation (EC) No 1445/95 lays down, in Article 12 (a), detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EC) No 2051/96 ⁽³⁾, laying down certain detailed rules for granting of assistance for the export of beef and veal which may benefit from a special import treatment in Canada, as amended by Regulation (EC) No 2333/96 ⁽⁴⁾;

Whereas Regulation (EC) No 2051/96 fixed the quantities of meat which might be exported on special terms for the year 1997, whereas no applications were submitted for export licences for beef and veal,

HAS ADOPTED THIS REGULATION:

Article 1

No applications for export licences were lodged for the beef and veal referred to in Regulation (EC) No 2051/96 for the month of July 1997.

Article 2

Applications for licences in respect of the meat referred to in Article 1 may be entered in accordance with Article 12a of Regulation (EC) No 1445/95 during the first 5 days of the month of August 1997 the total quantity available being 5 000 tonnes.

Article 3

This Regulation shall enter into force on 18 July 1997.

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽²⁾ OJ No L 45, 15. 2. 1997, p. 1.

⁽³⁾ OJ No L 274, 26. 10. 1996, p. 18.

⁽⁴⁾ OJ No L 317, 6. 12. 1996, p. 13.

COMMISSION REGULATION (EC) No 1351/97

of 15 July 1997

amending Regulation (EEC) No 3388/81 laying down special detailed rules in respect of import and export licences in the wine sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 536/97 ⁽²⁾, and in particular Article 52 (3) thereof,

Whereas Commission Regulation (EEC) No 3388/81 of 27 November 1981 laying down special detailed rules in respect of import and export licences in the wine sector ⁽³⁾, as last amended by Regulation (EC) No 257/96 ⁽⁴⁾, lays down a period of validity for export licences and sets a rate for the security to be lodged when licences are applied for; whereas, in order to ensure better administration of the export licence scheme within the limits imposed by the GATT agreements, it is necessary to shorten the validity of these licences to a reasonable period, but shorter than four months, and to increase the rate of the security to a level sufficiently high to avoid speculative applications which do not correspond to real trade flows;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3388/81 is hereby amended as follows:

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

Done at Brussels, 15 July 1997.

1. Article 3 is replaced by the following:

Article 3

1. Import licences shall be valid from their date of issue as defined in Article 21 (1) of Commission Regulation (EEC) No 3719/88 ^(*) until the end of the fourth month following that date.

2. Export licences shall be valid from their date of issue as defined in Article 21 (2) of Regulation (EEC) No 3719/88 until the end of the second month following that date, but their validity may in no case extend beyond 31 August of the current marketing year.

^(*) OJ No L 331, 2. 12. 1988, p. 1.;

2. Article 4 (2) is replaced by the following:

'2. The security rate for export licences shall be ECU 15 per hectolitre for products falling within CN codes 2009 60 11, 2009 60 19, 2009 60 51, 2009 60 71, 2204 30 92 and 2204 30 96 and ECU 5 per hectolitre for all other products.'

Article 2

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

It shall apply from 1 September 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 5.

⁽³⁾ OJ No L 341, 28. 11. 1981, p. 19.

⁽⁴⁾ OJ No L 34, 13. 2. 1996, p. 11.

**COMMISSION REGULATION (EC) No 1352/97
of 15 July 1997**

**fixing the amount of aid to Portuguese producers of paddy rice for the 1997/98
marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 738/93 of 17 March 1993 amending the transitional measures governing the organization of the market in cereals and rice in Portugal laid down in Regulation (EEC) No 3653/90⁽¹⁾, and in particular Article 2 thereof,

Whereas the special aid for rice producers in Portugal provided for in Article 1 (1) (c) of Regulation (EEC) No 738/93 must be reduced by half for the 1997/98 marketing year; whereas the amount thereof must therefore be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The special aid for Portugal for the 1997/98 marketing year referred to in Article 1 (1) (c) of Regulation (EEC) No 738/93 is hereby fixed at ECU 15,09 per tonne.

Article 2

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

It shall apply from 1 September 1997.

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 77, 31. 3. 1993, p. 1.

COMMISSION REGULATION (EC) No 1353/97

of 15 July 1997

amending Regulation (EC) No 1324/96 establishing the supply balance for the Azores and Madeira in the rice products sector, and laying down detailed rules for the adjustment of aid for products coming from the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 10 thereof,

Whereas the common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira are laid down in Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾;

Whereas, in order to apply Article 2 of Regulation (EEC) No 1600/92, the forecast supply balance for the Azores and Madeira should be established for rice-sector products on the basis of the requirements of the archipelagos; whereas Commission Regulation (EC) No 1324/96⁽⁵⁾ should therefore be amended;

Whereas the method for calculating aid for products in the rice sector coming from the Community should therefore be amended;

Whereas, pending a communication from the competent authorities updating the needs of regions in question and so as not to interrupt the application of the specific supply arrangements, the balance for the period 1 July to 31 December 1997 should be adopted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1324/96 is hereby amended as follows:

1. Article 2 is replaced by the following:

Article 2

The amount of the aid applicable pursuant to Regulation (EEC) No 1600/92 for products in the rice sector

shall be adjusted in the months from October to July inclusive by an amount equal to the monthly increase applying to the intervention price for paddy rice fixed for the current marketing year, based on the processing stage and the applicable processing coefficient.

Where the term of validity of the licence extends beyond the end of the marketing year, the aid shall be corrected by the break in the intervention price for paddy rice between the two marketing years, based on the processing stage and the applicable processing coefficient.

This price break shall occur on 1 September and shall be defined as:

- (a) the difference between the intervention price for paddy rice without the monthly increase for the previous and the new marketing years;
- (b) the amount equal to the monthly increase multiplied by the number of months elapsing between October and the month of the licence application, inclusive.

These two factors shall be converted using the relevant processing coefficient applicable at the time the product is exported.

The aid shall be reduced by (a) and (b) above on the basis of the milling stage and shall be increased from October of the new marketing year in accordance with the rules set out in the first subparagraph taking account of the amount of the monthly increase applicable during the new marketing year.⁶

2. the Annex is replaced by the Annex hereto.

Article 2

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

It shall apply with effect from 1 July 1997.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 171, 10. 7. 1996, p. 3.

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

Done at Brussels, 15 July 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

SUPPLY BALANCE FOR RICE FOR THE AZORES AND MADEIRA FOR THE MARKETING PERIOD 1 JULY TO 31 DECEMBER 1997

<i>(tonnes)</i>		
Product (CN code)	Azores	Madeira
Milled rice 1006 30	1 250	2 500

COMMISSION REGULATION (EC) No 1354/97
of 15 July 1997
amending Regulation (EC) No 1685/95 on arrangements for issuing export
licences for wine sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 536/97 ⁽²⁾, and in particular Articles 52 (3) and 55 (8) thereof,

Article 1

Regulation (EC) No 1685/95 is hereby amended as follows:

Whereas experience over the last two wine years of the application in practice of Commission Regulation (EC) No 1685/95 of 11 July 1995 on arrangements for issuing export licences for wine sector products ⁽³⁾, last amended by Regulation (EC) No 561/97 ⁽⁴⁾, has shown the need to adjust certain provisions to the reality of the quantitative and budgetary outlay ceilings on exports of these products; whereas a better spread over the year of the available quantities is required in order to avoid their premature exhaustion; whereas the total quantity for the year should be split up and allocated to two-month periods and suitable administrative arrangements introduced, including carryover of unused quantities from one period to the next;

Whereas a period is needed at the beginning of the wine year to allow the market situation to be assessed so that refund rates can be set at an appropriate level; whereas lodging of licence applications should therefore not be permitted until 16 September of each wine year;

Whereas experience over the last two wine years has also shown the advisability of detailing in a better way the action to be taken by the Commission, referred to in Article 3 of Regulation (EC) No 1685/95, in the event of overrun or premature exhaustion of the quantity or budget authorized under the Agreement referred to in Article 1 thereof;

1. the following Article 1a is inserted:

Article 1a

1. The total quantity available for each wine year shall be divided into six parts. Licence applications may be lodged for:

- 25 % of the total quantity, in the period to 15 November each year,
- 25 % in the following period to 15 January,
- 15 % in the following period to 15 March,
- 15 % in the following period to 30 April,
- 10 % in the following period to 30 June,
- 10 % in the following period to 31 August.

2. Unused quantities from one period shall be automatically transferred to the following period within that wine year.

3. Licence applications for the first period may be lodged from 16 September each year⁵;

2. Article 3 (3) and (4) are replaced by:

‘3. If the quantities for which licence applications have been made, as notified to the Commission on the set day pursuant to Article 7 (1), exceed those still available for a period indicated in Article 1a (1), the Commission shall set an acceptance percentage applying to all the applications in question and suspend lodging of licence applications until the beginning of the following period.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 83, 25. 3. 1997, p. 5.

⁽³⁾ OJ No L 161, 12. 7. 1995, p. 2.

⁽⁴⁾ OJ No L 85, 27. 3. 1997, p. 34.

4. If issuing of the licences applied for carries a risk of:

- premature exhaustion of the budget for the wine sector set under the Agreement referred to in Article 1 the Commission may:
- accept the applications pending, or
- reject the applications for which licences have not yet been granted, and
- suspend lodging of applications for at most 10 working days; a decision to extend suspension may be taken by the procedure laid down in Article 83 of Regulation (EEC) No 822/87,

— overrun of the budget for the wine sector set under the Agreement referred to in Article 1 the Commission may:

- set an acceptance percentage applying to all the applications in hand, and
- suspend lodging of applications up to the end of the wine year.'

Article 2

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

It shall apply from 1 September 1997.

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1355/97
of 15 July 1997
establishing the supply balance for the Canary Islands in the rice products sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2348/96⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the common detailed rules for the implementation of the specific arrangements for the supply of certain agricultural products to the Canary Islands are laid down in Commission Regulation (EC) No 2790/94⁽³⁾, as last amended by Regulation (EC) No 2883/94⁽⁴⁾;

Whereas in order to apply Article 2 of Regulation (EEC) No 1601/92 the forecast supply balance for the Canary Islands should be established for rice-sector products; whereas that balance must be established on the basis of the requirements of that region;

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

HAS ADOPTED THIS REGULATION:

Article 1

In application of Article 2 of Regulation (EEC) No 1601/92, the forecast supply balance quantities in the rice sector benefiting from the exemption from import duty or from Community aid for products coming from the rest of the Community shall be as set out 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 with effect from 1 July 1997.

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

ANNEX

**SUPPLY BALANCE FOR RICE FOR THE CANARY ISLANDS FOR THE MARKETING
PERIOD 1 JULY 1997 TO 30 JUNE 1998***(tonnes)*

Product (CN code)		Canary Islands
Milled rice	1006 30	12 600
Broken rice	1006 40	2 600

COMMISSION REGULATION (EC) No 1356/97
of 15 July 1997

amending Regulation (EC) No 1218/96 on partial import duty exemption for certain cereals sector products as provided for in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania

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

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations⁽¹⁾, as last amended by Regulation (EC) No 2490/96⁽²⁾, and in particular Article 8 thereof,

Whereas Commission Regulation (EC) No 1218/96⁽³⁾, as amended by Regulation (EC) No 202/97⁽⁴⁾, introduces rules for the application of partial import duty exemption for certain cereals sector products provided for in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and Romania;

Whereas Regulation (EC) No 1218/96 provides that operators may withdraw their applications where a uniform reduction coefficient is applied; whereas this provision makes it possible to submit import licence

applications for excessively large quantities; whereas, to avoid speculation, it should be stipulated that import licence applications may not be withdrawn;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 2 (3) of Regulation (EC) No 1218/96 is hereby replaced by the following:

‘3. If applications exceed the quantity specified in the Annex the Commission shall, no later than the third working day following that on which the applications were lodged, set a uniform reduction coefficient for the quantities applied for. Applications may not be withdrawn.’

Article 2

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

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 328, 30. 12. 1995, p. 31.

⁽²⁾ OJ No L 338, 28. 12. 1996, p. 13.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 51.

⁽⁴⁾ OJ No L 31, 1. 2. 1997, p. 64.

COMMISSION REGULATION (EC) No 1357/97

of 15 July 1997

fixing representative prices and additional import duties in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Commission Regulation (EC) No 1516/96 ⁽²⁾, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽³⁾, as last amended by Commission Regulation (EC) No 2916/95 ⁽⁴⁾, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁵⁾, as last amended by Commission Regulation (EC) No 2916/95, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 1484/95 ⁽⁶⁾, as last amended by Regulation (EC) No 1099/97 ⁽⁷⁾, fixes detailed rules for implementing the system of additional import duties and fixes additional import duties in the poultrymeat and egg sectors and for egg albumin;

Whereas it results from regular monitoring of the information providing the basis for the verification of the

import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices and additional duties for imports of certain products should be amended taking into account variations of prices according to origin; whereas, therefore, representative prices and corresponding additional duties should be published;

Whereas it is necessary to apply this amendment as soon as possible, given the situation on the market;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to amended Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 16 July 1997.

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 189, 30. 7. 1996, p. 99.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽⁵⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽⁶⁾ OJ No L 145, 29. 6. 1995, p. 47.

⁽⁷⁾ OJ No L 160, 18. 6. 1997, p. 1.

ANNEX

ANNEX I

CN code	Description	Representative price ECU/100 kg	Additional duty ECU/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowls of the species <i>gallus domesticus</i> , frozen	216,6	25	01
		275,5	7	02
		276,2	7	03
		290,0	3	04
1602 32 11	Preparations uncooked of the species <i>gallus domesticus</i>	221,6	20	01
		280,6	2	03
1602 39 21	Preparations uncooked other than turkeys and of the species <i>gallus domesticus</i>	221,6	20	01

(¹) Origin of imports:

01 China

02 Brazil

03 Thailand

04 Argentina.

COMMISSION REGULATION (EC) No 1358/97
of 15 July 1997
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Commission Regulation (EC) No 2916/95⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2777/75 provides that from 1 July 1995 all exports for which refunds are requested, with the exception of exports of day-old chicks, shall be subject to the presentation of an export licence with advance fixing of the refund; whereas the specific implementing rules for these arrangements are laid down in Commission Regulation (EC) No 1372/95⁽³⁾, as last amended by Regulation (EC) No 2370/96⁽⁴⁾;

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

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 it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of product codes for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto for exports to be carried out on the basis of the export licences referred to in Article 2 of Regulation (EC) No 1372/95 or on the basis of the 'ex-post' export licences referred to in Article 9 of the same Regulation.

Article 2

This Regulation shall enter into force on 16 July 1997.

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽⁴⁾ OJ No L 323, 13. 12. 1996, p. 12.

⁽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.

ANNEX

to the Commission Regulation of 15 July 1997 fixing the export refunds on poultrymeat

Product code	Destination of refund ⁽¹⁾	Amount of refund	Product code	Destination of refund ⁽¹⁾	Amount of refund
		ECU/100 units			ECU/100 kg
0105 11 11 9000	01	1,50	0207 25 10 9000	05	7,00
0105 11 19 9000	01	1,50	0207 25 90 9000	05	7,00
0105 11 91 9000	01	1,50	0207 14 20 9900	06	7,00
0105 11 99 9000	01	1,50	0207 14 60 9900	06	7,00
0105 12 00 9000	01	3,50	0207 14 70 9190	06	7,00
0105 19 20 9000	01	3,50	0207 14 70 9290	06	7,00
		ECU/100 kg	0207 27 10 9990	03	5,00
0207 12 10 9900	02	16,00		06	7,00
	03	14,00	0207 27 60 9000	03	5,00
	04	6,00		06	7,00
0207 12 90 9190	02	19,00	0207 27 70 9000	03	5,00
	03	14,00		06	7,00
	04	6,00			

⁽¹⁾ The destinations are as follows:

01 All destinations except the United States of America,

02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon and Iran,

03 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia and Latvia,

04 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Switzerland and those of 02 and 03 above,

05 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic and Switzerland,

06 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Switzerland and those of 03 above.

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

COMMISSION REGULATION (EC) No 1359/97

of 15 July 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 16 July 1997.

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

Done at Brussels, 15 July 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 15 July 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	98,5
	999	98,5
0805 30 30	388	69,4
	524	49,5
	528	62,2
	999	60,4
0808 10 71, 0808 10 73, 0808 10 79	388	87,3
	400	81,4
	508	88,3
	512	68,7
	524	72,4
	528	62,0
	800	163,8
	804	90,1
	999	89,3
0808 20 51	388	62,6
	512	43,6
	528	66,0
	804	68,2
	999	60,1
0809 20 59	052	243,5
	064	191,0
	068	160,1
	400	239,5
	616	187,1
	999	204,2
0809 40 30	624	270,2
	999	270,2

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

COMMISSION REGULATION (EC) No 1360/97
of 15 July 1997
fixing the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 July 1997.

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

Done at Brussels, 15 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ No L 98, 15. 4. 1997, p. 2.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	37,10	27,10
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	37,10	27,10
	medium quality	61,65	51,65
	low quality	72,08	62,08
1002 00 00	Rye	74,41	64,41
1003 00 10	Barley, seed	74,41	64,41
1003 00 90	Barley, other ⁽³⁾	74,41	64,41
1005 10 90	Maize seed other than hybrid	98,32	88,32
1005 90 00	Maize other than seed ⁽³⁾	98,32	88,32
1007 00 90	Grain sorghum other than hybrids for sowing	86,35	76,35

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

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

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

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

ANNEX II

Factors for calculating duties

(period from 30 June 1997 to 14 July 1997)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	118,01	108,47	106,45	86,72	180,09 ⁽¹⁾	97,96 ⁽¹⁾
Gulf premium (ECU/tonne)	—	11,64	3,23	8,66	—	—
Great Lakes premium (ECU/tonne)	17,27	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,98 per tonne; Great Lakes — Rotterdam: ECU 22,36 per tonne.
3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

COMMISSION REGULATION (EC) No 1361/97**of 15 July 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 1143/97⁽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 1222/97⁽⁵⁾, as last amended by Regulation (EC) No 1318/97⁽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 16 July 1997.

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

Done at Brussels, 15 July 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 165, 24. 6. 1997, p. 11.

⁽⁵⁾ OJ No L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ No L 180, 9. 7. 1997, p. 19.

ANNEX

to the Commission Regulation of 15 July 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⁾	24,30	4,15
1701 11 90 ⁽¹⁾	24,30	9,38
1701 12 10 ⁽¹⁾	24,30	3,96
1701 12 90 ⁽¹⁾	24,30	8,95
1701 91 00 ⁽²⁾	28,68	10,89
1701 99 10 ⁽²⁾	28,68	6,37
1701 99 90 ⁽²⁾	28,68	6,37
1702 90 99 ⁽³⁾	0,29	0,36

⁽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 30 April 1997

requiring the Portuguese Government to suspend the aid in the form of a State guarantee granted to the undertaking EPAC — Empresa Para a Agroalimentação e Cereais SA

(Only the Portuguese text is authentic)

(97/433/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Community, and in particular Article 93 (2) and (3) thereof,

Whereas:

I

The Commission received a complaint dated 15 October 1996 about aid to the public-sector undertaking EPAC (Empresa Para a Agroalimentação e Cereais SA, hereinafter referred to as 'EPAC'), in the form of a State guarantee of Esc 30 billion, accompanied by a supplementary loan of Esc 20 billion on special terms.

As the Commission had received no notification pursuant to Article 93 (3) of the Treaty from the Portuguese authorities, a letter was sent on 31 October 1996 asking them whether the aid had been granted, and if so, requesting them to notify the Commission accordingly pursuant to Article 93 (3) of the Treaty so that the aid could be examined pursuant to Articles 92 and 93.

In a letter dated 26 November 1996, recorded as received on 29 November 1996, the Portuguese Permanent Representative to the European Union confirmed the existence of a State guarantee for EPAC. However, the Commission received no notification of the aid pursuant to Article 93 (3) of the Treaty. Consequently, the aid was put on the register of non-notified aid.

Before the accession of Portugal to the European Community, the marketing of cereals in Portugal was covered by a public monopoly. EPAC (at that time Empresa Pública de Abastecimento de Cereais) was the public-sector undertaking responsible for managing the market. This public monopoly was gradually dismantled after accession, and EPAC, which was made into a limited company with public capital, became one of a number of operators in the cereals market, which was liberalized in 1991.

By joint decision of the Secretary of State for the treasury and finance and the Secretary of State for food production of 26 July 1996, the board of directors of EPAC was authorized to negotiate the terms of a loan on market conditions up to a total of Esc 50 billion, Esc 30 billion of which would be covered by a State guarantee for a maximum of seven years.

By Finance Ministry Decision No 430/96-XIII of 30 September 1996, the abovementioned guarantee was granted in connection with a loan obtained by EPAC from a group of banks. The loan was equal to EPAC's total debt, which amounted to Esc 48,7 billion on 30 June 1996.

The purpose of the loan is to restructure EPAC's short-term bank debt into medium-term liabilities. The period set is seven years at an interest rate equal to six-month Lisbor for the guaranteed amount and six-month Lisbor + 1,2 % for the remainder (the six-month Lisbor interest rate stood at an annual 5,65 % at the end of

January 1997 according to the information available). Repayments will be made six-monthly in advance as follows: for the amount not guaranteed, in 10 instalments of Esc 1,87 billion, from the fifth half-year onwards; the guaranteed amount will be paid off after repayment of the amount not guaranteed, within seven years at the latest.

III

The Commission decided to initiate the procedure laid down in Article 93 (2) of the Treaty in respect of the aid granted to EPAC; the reasons which led the Commission to take the view that the aid in question did not satisfy the conditions for qualifying as one of the exceptions listed in paragraphs 2 and 3 of Article 92 of the Treaty are set out in the Commission's letter of 27 February 1997 to the Portuguese Government; in the same letter the Commission also required the Portuguese authorities to make all the arrangements necessary to suspend, with immediate effect, the impact of the guarantee on any business EPAC might transact in the cereals market.

The Portuguese Government was given 15 days from receipt of the said letter to inform the Commission of the measures taken to comply with that requirement.

By letter of 21 March 1997 the Portuguese Government stated that the public authorities had not intervened in the negotiation of the loans granted by the banks to EPAC and gave details of some of those loans. The Portuguese Government failed to mention any measure taken to comply with the obligation to suspend the effect of the State guarantee.

IV

The aids granted to EPAC under Ministry of Finance Decision No 430/96-XIII of 30 September 1996 were introduced in contravention of Article 93 (3) of the Treaty, since the Commission was not notified of them in advance at the planning stage; they are therefore illegal since they were granted without the Commission's having had the opportunity of expressing its opinion as to whether they were compatible with the common market.

Pursuant to the conclusions of the Court of Justice in its judgment of 14 February 1990 in Case C-301/87 (Boussac), where an infringement of Article 93 (3) has been committed, the Commission has the right to issue an interim decision requiring Portugal immediately to suspend payment of the aid concerned.

Furthermore, if the Portuguese State does not comply with the decision by suspending implementation of the aid, the Commission may, while continuing the substantive examination of the aid, bring the matter directly before the Court of Justice under the second subparagraph of Article 93 (2) by applying for a declaration that such payment amounts to an infringement of the Treaty.

By reason of the direct effect of Article 93 (3) and the clear and unconditional order to suspend payment of the aid immediately, this decision must be fully applied in the Portuguese legal system.

The Commission has already initiated the Article 93 (2) procedure in respect of the aids granted by Portugal to EPAC since it takes the view that on the basis of the information available the aids are not compatible with the common market.

Whilst continuing its substantive examination of the aids, the Commission, by letter of 27 February 1997, requested Portugal to suspend the impact of the State guarantee granted to EPAC and to inform the Commission within 15 days of the measures taken to comply with that obligation imposed by Article 93 (2). Portugal has failed to comply with the said obligation,

HAS ADOPTED THIS DECISION:

Article 1

Portugal is hereby required to suspend with immediate effect the State guarantee to the undertaking EPAC — Empresa Para a Agroalimentação e Cereais SA — provided for by Finance Ministry Decision No 430/96-XIII of 30 September 1996, granted in contravention of Article 93 (3), and to notify the Commission within 15 days of the measures it has taken to comply with this Decision.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 30 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

DECISION No 1/97 OF THE EC/EFTA JOINT COMMITTEE ON COMMON TRANSIT**of 4 July 1997****relating to the renewal of the ban on use of the comprehensive guarantee, made by Decisions No 1/96 and No 2/96 of the Joint Committee**

(97/434/EC)

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure ⁽¹⁾, and in particular Article 34 A of Appendix II thereof ⁽²⁾,

Whereas under the provisions of Article 34 A of Appendix II, the use of the comprehensive guarantee may be temporarily forbidden at the request of one or more Contracting Parties, with regard to goods which present an exceptional risk of fraud;

Whereas by Decisions No 1/96 ⁽³⁾ and No 2/96 ⁽⁴⁾, renewed by Decision No 5/96 ⁽⁵⁾, the Joint Committee has adopted measures to temporarily forbid the use of the comprehensive guarantee for the transport of cigarettes of sub-heading 24.02.20 of the harmonized system and for certain other sensitive goods, because of the exceptional risk of fraud affecting those operations;

Whereas the goods set out in the abovementioned Decisions have been examined again by the Contracting Parties and it has been concluded that some goods listed in the Annex to Decision No 2/96 no longer present an exceptional risk of fraud sufficient to justify a ban on use of the comprehensive guarantee;

Whereas, however, that risk remains for the other goods set out in that Annex as well as for cigarettes referred to in Decision No 1/96; whereas the Joint Committee considers it necessary to renew the ban in question concerning those goods for a period of five months,

HAS DECIDED AS FOLLOWS:

Article 1

The measures taken by Decision No 1/96 of the EC/EFTA Joint Committee on Common Transit are renewed for a period of five months.

Article 2

The measures taken by Decision No 2/96 of the EC/EFTA Joint Committee on Common Transit are renewed for a period of five months for the goods listed in the Annex to this Decision.

Article 3

This Decision shall enter into force on 1 August 1997.

Done at Brussels, 4 July 1997.

*For the Joint Committee**The chairman*

Sigurgeir A. JÓNSSON

⁽¹⁾ OJ No L 226, 13. 8. 1987, p. 2.

⁽²⁾ OJ No L 12, 15. 1. 1994, p. 33.

⁽³⁾ OJ No L 226, 7. 9. 1996, p. 20.

⁽⁴⁾ OJ No L 226, 7. 9. 1996, p. 22.

⁽⁵⁾ OJ No L 43, 14. 2. 1997, p. 44.

ANNEX

Column 1	Column 2	Column 3
HS Code	Description	Quantity
01.02	Live bovine animals	4 000 kg
02.02	Meat of bovine animals, frozen	3 000 kg
04.02	Milk and cream, concentrated or containing added sugar or other sweetener	2 500 kg
ex 04.05	Butter and other fats and oils derived from milk	3 000 kg
08.03	Bananas, including plantains, fresh or dried	8 000 kg
17.01	Cane or beet sugar and chemically pure sucrose, in solid form	7 000 kg
ex 22.07	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % or higher	3 hl
ex 22.08	Spirits, liqueurs and other spirituous beverages	5 hl