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## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 1948/97****of 7 October 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<sup>(1)</sup>, as last amended by Regulation (EC) No 2375/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, 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 8 October 1997.

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

Done at Brussels, 7 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ L 325, 14. 12. 1996, p. 5.

<sup>(3)</sup> OJ L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 7 October 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

| CN code                            | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------|-----------------------------------|-----------------------|
| 0702 00 40                         | 052                               | 96,8                  |
|                                    | 999                               | 96,8                  |
| 0709 90 79                         | 052                               | 74,3                  |
|                                    | 999                               | 74,3                  |
| 0805 30 30                         | 388                               | 86,6                  |
|                                    | 524                               | 54,0                  |
|                                    | 528                               | 56,0                  |
|                                    | 999                               | 65,5                  |
| 0806 10 40                         | 052                               | 100,1                 |
|                                    | 064                               | 42,1                  |
|                                    | 400                               | 195,4                 |
|                                    | 999                               | 112,5                 |
| 0808 10 92, 0808 10 94, 0808 10 98 | 060                               | 44,9                  |
|                                    | 064                               | 42,5                  |
|                                    | 091                               | 48,2                  |
|                                    | 388                               | 78,7                  |
|                                    | 400                               | 62,0                  |
|                                    | 404                               | 75,2                  |
|                                    | 528                               | 57,7                  |
|                                    | 800                               | 141,5                 |
|                                    | 999                               | 68,8                  |
| 0808 20 57                         | 052                               | 97,7                  |
|                                    | 064                               | 84,9                  |
|                                    | 400                               | 79,0                  |
|                                    | 999                               | 87,2                  |

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

**COMMISSION REGULATION (EC) No 1949/97  
of 7 October 1997**

**determining the world market price for unginned cotton and the rate for the aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95<sup>(1)</sup>,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995<sup>(2)</sup> laying down general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81, as amended by Regulation (EC) No 1584/96<sup>(3)</sup>, and in particular Articles 3, 4 and 5 thereof,

Whereas Article 3 of Regulation (EC) No 1554/95 requires a world market price for unginned cotton to be periodically determined from the world market price determined for ginned cotton, using the historical relationship between the two prices as specified in Article 1 (2) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules for implementing the system of aid for cotton<sup>(4)</sup>, as last amended by Regulation (EC) No 1740/97<sup>(5)</sup>; whereas if it cannot be determined in this way it is to be based on the last price determined;

Whereas Article 4 of Regulation (EC) No 1554/95 requires the world market price for ginned cotton to be determined for a product of specific characteristics using the most favourable offers and quotations on the world market of those considered representative of the real market trend; whereas to this end an average is to be calculated of offers and quotations on one or more European exchanges for a cif product to a North European port from the supplier countries considered most representative as regards international trade; whereas these rules for determination of the world market price for ginned cotton provide for adjustments to reflect dif-

ferences in product quality and the nature of offers and quotations; whereas these adjustments are specified in Article 2 of Regulation (EEC) No 1201/89;

Whereas application of the above rules gives the world market price for unginned cotton indicated hereunder;

Whereas Article 5 (3) of Regulation (EC) No 1554/95 stipulates that the advance payment rate for the aid is to be the guide price less the world market price and less a further amount calculated by the formula applicable when the guaranteed maximum quantity is overrun but with a 15 % increase in the estimate for unginned cotton production; whereas Commission Regulation (EC) No 1670/97<sup>(6)</sup> determined estimated production for the 1997/98 marketing year; whereas application of these rules gives the advance payment rates for each Member State indicated hereunder,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The world market price for unginned cotton as indicated in Article 3 of Regulation (EC) No 1554/95 is set at ECU 37,717 per 100 kilograms.

2. Advance payment of the aid as indicated in Article 5 (3) of Regulation (EC) No 1554/95 shall be at the rate of:

- ECU 29,677 per 100 kilograms in Spain,
- ECU 35,736 per 100 kilograms in Greece,
- ECU 68,583 per 100 kilograms in other Member States.

*Article 2*

This Regulation shall enter into force on 8 October 1997.

<sup>(1)</sup> OJ L 148, 30. 6. 1995, p. 45.

<sup>(2)</sup> OJ L 148, 30. 6. 1995, p. 48.

<sup>(3)</sup> OJ L 206, 16. 8. 1996, p. 16.

<sup>(4)</sup> OJ L 123, 4. 5. 1989, p. 23.

<sup>(5)</sup> OJ L 244, 6. 9. 1997, p. 1.

<sup>(6)</sup> OJ L 237, 28. 8. 1997, p. 1.

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

Done at Brussels, 7 October 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## DECISION No 2/97 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE

of 15 September 1997

derogating from the definition of 'originating products' to take account of the special situation of Fiji and Papua New Guinea regarding the production of canned tuna (HS heading ex 16.04)

(97/651/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989 as revised by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 31 (8), (9) and (10) of Protocol 1 thereto,

Whereas the said Protocol provides for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it;

Whereas Article 31 (8) of Protocol 1 lays down a special procedure for derogations in respect of canned tuna and tuna loins, which may be granted automatically within an annual quota of 4 000 tonnes of canned tuna and 500 tonnes of tuna loins;

Whereas on 7 February 1997 the African, Caribbean and Pacific States (ACP States) submitted a request, for the benefit of the Governments of Fiji and of Papua New Guinea, for a derogation from the rule of origin in the Protocol in respect of canned tuna produced by those two countries from 1 January 1997 to 29 February 2000, to be allocated as follows: 1 000 tonnes per year for Fiji and 500 tonnes per year for Papua New Guinea;

Whereas Fiji, Mauritius and Senegal already enjoy a derogation, under Article 31 (8), in respect of a quantity of 2 500 tonnes of canned tuna (Decisions No 2/93 <sup>(1)</sup>, 3/93 <sup>(2)</sup> and 2/96 <sup>(3)</sup>) of the ACP-EC Customs Cooperation

Committee) for 1997, and an annual quantity of 1 500 tonnes, from 1 January 1998 to 29 February 2000; whereas, therefore, the remaining amount of the annual quota currently available under the automatic derogation in 1997 is 1 500 tonnes, and from 1998, 2 500 tonnes per annum;

Whereas those countries should therefore be granted the requested derogation for the period 1 January 1997 to 29 February 2000,

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from the special provisions in the list in Annex II to Protocol 1 of the fourth ACP-EEC Convention, canned tuna of HS heading ex 16.04 manufactured in Fiji or in Papua New Guinea from non-originating fish shall be regarded as originating in those countries in accordance with the terms of this Decision.

*Article 2*

The derogation provided for in Article 1 shall apply to the quantities shown in the Annexes to this Decision which are exported by Fiji and by Papua New Guinea from 1 January 1997 to 29 February 2000.

*Article 3*

The quantities referred to in Article 2 shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management.

<sup>(1)</sup> OJ L 242, 28. 9. 1993, p. 26.

<sup>(2)</sup> OJ L 242, 28. 9. 1993, p. 27.

<sup>(3)</sup> OJ L 243, 24. 9. 1996, p. 41.

Where an importer presents in a Member State a declaration of entry for free circulation including an application for the benefit of this Decision, the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount corresponding to its requirements.

Applications to draw showing the date of acceptance of declarations shall be transmitted to the Commission without delay.

Withdrawals shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities provided that the available balance permits.

If a Member State fails to use a withdrawal it shall return it as soon as possible to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis. The Commission shall inform the Member States of withdrawal on the quotas.

Each Member State shall ensure that importers have continuous and equal access to the amounts available as long as the balance permits.

#### *Article 4*

Box 7 of EUR.1 certificates issued under this Decision shall contain the words:

'Derogation — Decision No 2/97'.

#### *Article 5*

The African, Caribbean and Pacific States (ACP States) and the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

#### *Article 6*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 15 September 1997.

*For the ACP-EC  
Customs Cooperation Committee*

J. CURRIE  
A. NTIM ABANKWA  
*The Joint Chairmen*

## ANNEX I

## FIJI

| Order No | HS heading | Description of goods | Period                     | Quantities (tonnes) |
|----------|------------|----------------------|----------------------------|---------------------|
| 09.1661  | ex 16.04   | Canned tuna          | 1. 1. 1997 to 31. 12. 1997 | 1 000               |
|          |            |                      | 1. 1. 1998 to 31. 12. 1998 | 1 000               |
|          |            |                      | 1. 1. 1999 to 31. 12. 1999 | 1 000               |
|          |            |                      | 1. 1. 2000 to 29. 2. 2000  | 166                 |

## ANNEX II

## PAPUA NEW GUINEA

| Order No | HS heading | Description of goods | Period                     | Quantities (tonnes) |
|----------|------------|----------------------|----------------------------|---------------------|
| 09.1657  | ex 16.04   | Canned tuna          | 1. 1. 1997 to 31. 12. 1997 | 500                 |
|          |            |                      | 1. 1. 1998 to 31. 12. 1998 | 500                 |
|          |            |                      | 1. 1. 1999 to 31. 12. 1999 | 500                 |
|          |            |                      | 1. 1. 2000 to 29. 2. 2000  | 83                  |

**DECISION No 3/97 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE****of 15 September 1997****derogating from the definition of 'originating products' to take account of the special situation of Fiji regarding the production of canned tuna (HS heading ex 16.04)**

(97/652/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989 as revised by the Agreement signed in Mauritius on 4 November 1995, and in particular Article 31 (1) to (10) of Protocol 1 thereto,

Whereas the said Protocol for derogations from the rules of origin to be granted whenever the development of an existing industry or the establishment of a new one warrants it;

Whereas Article 31 (8) of Protocol 1 lays down a special procedure for derogations in respect of canned tuna and tuna loins, which may be granted automatically within an annual quota of 4 000 tonnes of canned tuna and 500 tonnes of tuna loins;

Whereas Fiji, Mauritius, Senegal and Papua New Guinea already enjoy a derogation, under Article 31 (8), in respect of a quantity of 4 000 tonnes of canned tuna (Decisions No 2/93 <sup>(1)</sup>, 3/93 <sup>(2)</sup>, 2/96 <sup>(3)</sup> and 2/97 <sup>(4)</sup> of the ACP-EC Customs Cooperation Committee) for 1997, and an annual quantity of 3 000 tonnes, from 1 January 1998 to 29 February 2000; whereas, therefore, the remaining amount of the annual quota available under the automatic derogation as from 1998, is 1 000 tonnes per annum;

Whereas on 29 April 1997 the African, Caribbean and Pacific States (ACP States) submitted a request, on behalf of the Government of Fiji, for a derogation from the rule of origin in the Protocol, in respect of canned tuna produced by this country from 1 June 1997 to 29 February 2000, for 3 000 tonnes per year;

Whereas the request is more than the quantity remaining on the quota of 4 000 tonnes to which the automatic procedure applies; the procedure laid down in paragraphs 1 to 7 of the abovementioned Article 31 is therefore applicable; whereas, in particular, under that procedure laid down in paragraphs 1 to 7, no derogation may be granted which may cause serious damage to an industry established in the Community; whereas that would be the case of an additional derogation going beyond the quant-

ities covered by the automatic derogation provisions were granted; whereas the Community canning industry is extremely sensitive; whereas, in particular, labour costs are elementary to the pricing; whereas any additional exposure of the market to products from countries with low labour costs would distort competition and cause serious damage to Community industries producing canned tuna; whereas this is particularly true at present where the Community market is stagnating, with some Member States more badly affected than others;

Whereas therefore, pursuant to Article 31 (8), only a derogation can be granted to Fiji in respect of 1 000 tonnes per year from 1 January 1998 to 31 December 1999, and 167 tonnes for the period from 1 January 2000 to 29 February 2000,

HAS DECIDED AS FOLLOWS:

*Article 1*

By way of derogation from the special provisions in the list in Annex II to Protocol 1 of the fourth ACP-EEC Convention, canned tuna of HS heading ex 16.04 manufactured in Fiji from non-originating fish shall be regarded as originating in this country in accordance with the terms of this Decision.

*Article 2*

The derogation provided for in Article 1 shall apply to the quantities shown in the annex to this Decision which are exported by Fiji from 1 January 1998 to 29 February 2000.

*Article 3*

The quantities referred to in Article 2 shall be managed by the Commission, which shall take all administrative action it deems advisable for their efficient management.

Where an importer presents in a Member State a declaration of entry for free circulation including an application for the benefit of this Decision, the Member State shall, if the declaration has been accepted by the customs authorities, notify the Commission of its wish to draw the amount corresponding to its requirements.

<sup>(1)</sup> OJ L 242, 28. 9. 1993, p. 26.

<sup>(2)</sup> OJ L 242, 28. 9. 1993, p. 27.

<sup>(3)</sup> OJ L 243, 24. 9. 1996, p. 41.

<sup>(4)</sup> See page 5 of this Official Journal.

Applications to draw showing the date of acceptance of declarations shall be transmitted to the Commission without delay.

Withdrawals shall be granted by the Commission in order of date of acceptance of declarations of entry for free circulation by the Member States' customs authorities provided that the available balance permits.

If a Member State fails to use a withdrawal it shall return it as soon as possible to the appropriate quota.

If requests exceed the available balance of a given quota, quantities shall be allocated on a pro rata basis. The Commission shall inform the Member States of withdrawal on the quotas.

Each Member State shall ensure that importers have continuous and equal access to the amounts available as long as the balance permits.

#### *Article 4*

Box 7 of EUR.1 certificates issued under this Decision shall contain the words:

'Derogation — Decision No 3/97'.

#### *Article 5*

The African, Caribbean and Pacific States (ACP States) and the Member States and the European Community shall take the measures necessary on their part to implement this Decision.

#### *Article 6*

This Decision shall enter into force on the date of its adoption.

This Decision shall apply as from 1 January 1998.

Done at Brussels, 15 September 1997.

*For the ACP-EC  
Customs Cooperation Committee*

J. CURRIE  
A. NTIM ABANKWA  
*The Joint Chairmen*

### *ANNEX*

#### **FIJI**

| Order No | HS heading | Description of goods | Period                     | Quantities (tonnes) |
|----------|------------|----------------------|----------------------------|---------------------|
| 09.1661  | ex 16.04   | Canned tuna          | 1. 1. 1998 to 31. 12. 1998 | 1 000               |
|          |            |                      | 1. 1. 1999 to 31. 12. 1999 | 1 000               |
|          |            |                      | 1. 1. 2000 to 29. 2. 2000  | 167                 |

**DECISION No 4/97 OF THE ACP-EC CUSTOMS COOPERATION COMMITTEE****of 15 September 1997****amending Decision No 1/97 of the ACP-EC Customs Cooperation Committee of 21 February 1997 derogating from the definition of 'originating products' to take account of the special situation of Lesotho regarding the production of preserved asparagus (HS heading 2005.60)**

(97/653/EC)

THE ACP-EC CUSTOMS COOPERATION COMMITTEE,

Having regard to the fourth ACP-EEC Convention signed at Lomé on 15 December 1989, and in particular Article 31 (9) and (10) of Protocol 1 thereto,

Having regard to Decision No 1/97 of the ACP-EC Customs Cooperation Committee of 21 February 1997 derogating from the definition of 'originating products' to take account of the special situation of Lesotho regarding the production of preserved asparagus (HS heading 2005.60) <sup>(1)</sup>,

Whereas this derogation was granted for the period from 1 November 1996 to 31 October 1999; whereas for each of the three periods starting on 1 November of each year and ending on 31 October of the following year, the amounts granted for the products covered by the derogation are respectively 330, 280 and 300 tonnes;

Whereas, on 29 April 1997, the African, Caribbean and Pacific States (ACP States) submitted a request on behalf of the Government of Lesotho for a prolongation of Decision No 1/97 of the ACP-EC Customs Cooperation Committee of 21 February 1997, until 29 February 2000 for a quantity of 266 tonnes in order to cover the totality of the period of validity of the fourth ACP-EEC Convention;

Whereas the derogation requested is in compliance with the conditions laid down in the Protocol; whereas Lesotho is land-locked and is one of the least-developed countries; whereas such a derogation is of importance for the social and economic situation of the people of Lesotho and of

their asparagus industry; whereas Lesotho is unable to operate cumulation of origin with other ACP countries or with the Community in the short term;

Whereas, in view of the low volume of imports involved and the limited duration of the derogation, it is not likely to cause serious injury to any industry established in the Community,

HAS DECIDED AS FOLLOWS:

*Article 1*

Decision No 1/97 is amended as follows:

1. in Article 2, the period from '1 November 1996 to 31 October 1999' is replaced by '1 November 1996 to 29 February 2000';
2. the Annex is replaced by the Annex to this Decision.

*Article 2*

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 15 September 1997.

*For the ACP-EC Customs Cooperation Committee*

J. CURRIE  
A. NTIM ABANKWA  
*The Joint Chairmen*

<sup>(1)</sup> OJ L 91, 5. 4. 1997, p. 31.

## ANNEX

| Order<br>No | HS<br>code | Goods<br>description | Period                      | Quantities<br>(tonnes) |
|-------------|------------|----------------------|-----------------------------|------------------------|
| 09.1655     | 2005.60    | Preserved asparagus  | 1. 11. 1996 to 31. 10. 1997 | 330                    |
|             |            |                      | 1. 11. 1997 to 31. 10. 1998 | 280                    |
|             |            |                      | 1. 11. 1998 to 31. 10. 1999 | 300                    |
|             |            |                      | 1. 11. 1999 to 29. 2. 2000  | 266                    |

## COMMISSION DECISION

of 29 September 1997

amending Decision 97/280/EC recognizing that the production of certain quality wines produced in specified regions in Austria, by reason of their qualitative characteristics, is far from able to satisfy demand

(Only the German text is authentic)

(97/654/EC)

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1417/97 <sup>(2)</sup>, and in particular Article 6 (4) thereof,

Whereas, in accordance with Article 6 (1) of Regulation (EEC) No 822/87, all new planting of vines is prohibited until 31 August 1998; whereas, however, there is provision for Member States to grant authorization for new vine planting for the 1996/97 and 1997/98 wine years for areas intended for the production of:

- quality wines produced in specified regions (quality wines psr), and
- table wines designated as one of the following: 'Landwein', 'vin de pays', 'indicazione geografica tipica', 'vino de la tierra', 'vinho regional', 'regional wine', etc.,

for which the Commission has recognized that production, by reason of their qualitative characteristics, is far from able to satisfy demand;

Whereas requests for the application of that provision in certain regions were submitted by Austria on 6 December 1996 and 22 January and 10 March 1997; whereas Commission Decision 97/280/EC <sup>(3)</sup> of 17 April 1997 was adopted in response to those requests;

Whereas a further request was made on 8 July 1997 for 82 ha; whereas that request exhausts the authorized area available for new planting;

Whereas examination of the latest request has shown that the quality wines psr in question meet the necessary conditions; whereas the limit of 139 ha laid down in the Regulation (EEC) No 822/87 has not been exceeded;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The Annex to Decision 97/280/EC is hereby replaced by the Annex to this Decision.

*Article 2*

This Decision is addressed to the Republic of Austria.

Done at Brussels, 29 September 1997.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ L 196, 24. 7. 1997, p. 10.

<sup>(3)</sup> OJ L 112, 29. 4. 1997, p. 54.

## ANNEX

| <i>Land</i>      | Specified region | New planting<br>(ha) |
|------------------|------------------|----------------------|
| Burgenland       | Südburgenland    | 48,0000              |
| Steiermark       | Südsteiermark    | 5,0000               |
|                  | Weststeiermark   | 1,0000               |
|                  | Südoststeiermark | 3,0000               |
| Niederösterreich | Wachau           | 2,6197               |
|                  | Kremstal         | 4,3794               |
|                  | Kamptal          | 2,1428               |
|                  | Donauland        | 9,9024               |
|                  | Traisental       | 4,0301               |
|                  | Carnuntum        | 10,2134              |
|                  | Weinviertel      | 46,7318              |
|                  | Thermenregion    | 1,9784               |
|                  | Total Austria    | 139,0000             |