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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2071/97

of 23 October 1997

fixing the single reduction coefficient for the determination of the provisional quantity of bananas to be allocated to each operator in categories A and B from the tariff quota for 1998

(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 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas pursuant to Article 6 of Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 1409/96 ⁽⁴⁾, depending on the annual tariff quota and the total reference quantities of operators as referred to in Articles 3 *et seq.* of the said Regulation, the Commission is to fix, where appropriate, a single reduction coefficient for each category of operators to be applied to operators' reference quantities to determine the quantity to be allocated to each for the year in question;

Whereas on 4 April 1995 the Commission transmitted a proposal to the Council for a Regulation adjusting Regulation (EEC) No 404/93 as regards the volume of the annual tariff quota for imports of bananas into the Community following the accession of Austria, Finland and Sweden; whereas, to date, the Council, despite the Commission's efforts, has not taken any decision on increasing the tariff quota on the basis of the abovementioned proposal;

Whereas, without prejudging the measures to be decided by the Council, the reference quantities of category A and

B operators for 1998 should be determined provisionally so that import licences can be issued for the first quarters of the year; whereas the reduction coefficient should be calculated for each category of operators referred to in Article 6 of Regulation (EEC) No 1442/93 on the basis of a tariff quota of 2 200 000 tonnes and of the breakdown provided for in Article 19 (1) of Regulation (EEC) No 404/93;

Whereas the total figure for the reference quantities thus calculated is 2 054 729 tonnes for all category A operators and 1 436 455 tonnes for all category B operators;

Whereas the notifications made by the Member States pursuant to Article 5 (3) of Regulation (EEC) No 1442/93 concerning the total reference quantities calculated for the operators registered with them and the total quantities of bananas marketed in respect of each activity by those operators reveal that the same quantities marketed in respect of the same activity have been counted twice for different operators in several Member States;

Whereas the use of the abovementioned figures as notified by certain Member States would lead, having regard to the quantities counted twice, to the determination of an excessively high single reduction coefficient which would penalize certain categories of operator; whereas, to avoid unfair treatment of certain operators, which would be difficult to rectify, the reduction coefficient should be determined on the basis of the notifications by Member States minus the quantities counted twice as assessed by the Commission;

Whereas provision should be made for the immediate application of the rules laid down in this Regulation so that operators can benefit from them as soon as possible;

Whereas the Management Committee for Bananas has not delivered an opinion within the time limit laid down by its chairman,

⁽¹⁾ OJ L 47, 25. 2. 1993, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ OJ L 181, 20. 7. 1996, p. 13.

HAS ADOPTED THIS REGULATION:

- for each category A operator: 0,712016,
- for each category B operator: 0,459465.

Article 1

The provisional quantity to be allocated to each operator in categories A and B for the period 1 January to 31 December 1998 within the tariff quota referred to in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be calculated by applying to the operator's reference quantity, determined in accordance with Article 5 of Regulation (EEC) No 1442/93, the following single reduction coefficients:

Article 2

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

The provisions of this Regulation shall apply without prejudice to any adjustments resulting from further checks or to any measures to be adopted for the application of subsequent Council decisions.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2072/97

of 23 October 1997

providing for the grant of private storage aid fixed in advance for carcasses and half-carcasses of lamb in Finland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1589/96⁽²⁾, and in particular Article 7 (1) thereof,

Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as last amended by Regulation (EC) No 3533/93⁽⁴⁾, lays down in particular detailed rules where the amount of aid is fixed at a flat rate in advance;

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EC) No 40/96⁽⁶⁾, lays down in particular the minimum quantities per contract;

Whereas the application of Article 7 (1) of Regulation (EEC) No 3013/89 may result in a decision to grant private storage aid; whereas that Article provides for the application of these measures on the basis of the situation of each quotation zone; whereas, in view of the particularly difficult market situation in Finland, it has been judged opportune to initiate such a procedure;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Sheep and Goat Meat,

HAS ADOPTED THIS REGULATION:

Article 1

1. Subject to the provisions of Regulation (EEC) No 3447/90, applications may be submitted in Finland between 27 October and 28 November 1997 for aid for the private storage of carcasses and half carcasses of lamb within the limits of 150 tonnes. Applications submitted on or after the day following that on which the total quantity applied for exceeds 150 tonnes shall not be accepted. Quantities in respect of which applications are lodged on the day the overall limit is exceeded shall be reduced proportionally.

2. The level of aid for the minimum storage period of three months shall be ECU 1 100 per tonne. However, the actual storage period shall be chosen by the storer. This period may extend from a minimum of three months to a maximum of seven months. If the storage period is greater than three months the aid shall be increased on a daily basis by ECU 1,45 per tonne per day.

Article 2

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

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ L 206, 30. 7. 1996, p. 25.

⁽³⁾ OJ L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ L 321, 23. 12. 1993, p. 9.

⁽⁵⁾ OJ L 333, 30. 11. 1990, p. 46.

⁽⁶⁾ OJ L 10, 13. 1. 1996, p. 6.

COMMISSION REGULATION (EC) No 2073/97

of 23 October 1997

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁴⁾, as last amended by Regulation (EC) No 1909/97⁽⁵⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁶⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁷⁾, as last amended by Regulation (EC) No 1516/95⁽⁸⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 136, 31. 5. 1994, p. 5.

⁽⁵⁾ OJ L 268, 1. 10. 1997, p. 20.

⁽⁶⁾ OJ L 275, 29. 9. 1987, p. 36.

⁽⁷⁾ OJ L 159, 1. 7. 1993, p. 112.

⁽⁸⁾ OJ L 147, 30. 6. 1995, p. 49.

ANNEX

to the Commission Regulation of 23 October 1997 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases	— — — —
1002 00 00	Rye	2,700
1003 00 90	Barley	0,595
1004 00 00	Oats	1,066
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — in other cases	 1,399 1,751 0,961 1,313 1,751 1,399 1,751
1006 20	Husked rice: — round grain — medium grain — long grain	 17,515 15,594 15,594
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	 22,600 22,600 22,600
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed)	 0,842 1,213 1,213

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	0,595
1101 00	Wheat or meslin flour: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1102 10 00	Rye flour	3,321
1103 11 10	Groats and durum wheat meal: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —
1103 11 90	Common wheat groats and spelt: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	— —

(¹) As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ L 136, 31. 5. 1994, p. 5).

(²) The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ L 159, 1. 7. 1993, p. 112).

(³) For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 2074/97
of 23 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⁽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 Commission 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 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 23 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 ⁽¹⁾	Standard import value
0702 00 40	204	50,3
	999	50,3
0709 90 79	052	158,4
	999	158,4
0805 30 30	052	92,6
	388	54,8
	512	34,9
	524	67,8
	528	54,6
	999	60,9
0806 10 40	052	73,4
	064	53,8
	400	206,8
	504	265,3
	999	149,8
0808 10 92, 0808 10 94, 0808 10 98	052	58,8
	060	52,5
	064	48,7
	388	52,3
	400	89,2
	404	84,9
	512	53,1
	528	45,1
	999	60,6
	052	95,2
0808 20 57	064	87,5
	400	68,2
	999	83,6

⁽¹⁾ 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 2075/97

of 23 October 1997

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁴⁾, as amended by Regulation (EC) No 2993/95⁽⁵⁾, on the import and export system for products processed from cereals and from rice defines the specific

criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

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

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

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

Whereas the Management Committee for Cereals 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 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ L 147, 30. 6. 1995, p. 55.

⁽⁵⁾ OJ L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 23 October 1997 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	24,51	1104 23 10 9100	26,27
1102 20 10 9400 ⁽¹⁾	21,01	1104 23 10 9300	20,14
1102 20 90 9200 ⁽¹⁾	21,01	1104 29 11 9000	0,00
1102 90 10 9100	8,93	1104 29 51 9000	0,00
1102 90 10 9900	6,07	1104 29 55 9000	0,00
1102 90 30 9100	19,19	1104 30 10 9000	0,00
1103 12 00 9100	19,19	1104 30 90 9000	4,38
1103 13 10 9100 ⁽¹⁾	31,52	1107 10 11 9000	0,00
1103 13 10 9300 ⁽¹⁾	24,51	1107 10 91 9000	10,59
1103 13 10 9500 ⁽¹⁾	21,01	1108 11 00 9200	0,00
1103 13 90 9100 ⁽¹⁾	21,01	1108 11 00 9300	0,00
1103 19 10 9000	27,00	1108 12 00 9200	28,02
1103 19 30 9100	9,22	1108 12 00 9300	28,02
1103 21 00 9000	0,00	1108 13 00 9200	28,02
1103 29 20 9000	6,07	1108 13 00 9300	28,02
1104 11 90 9100	8,93	1108 19 10 9200	18,44
1104 12 90 9100	21,32	1108 19 10 9300	18,44
1104 12 90 9300	17,06	1109 00 00 9100	0,00
1104 19 10 9000	0,00	1702 30 51 9000 ⁽²⁾	27,44
1104 19 50 9110	28,02	1702 30 59 9000 ⁽²⁾	21,01
1104 19 50 9130	22,76	1702 30 91 9000	27,44
1104 21 10 9100	8,93	1702 30 99 9000	21,01
1104 21 30 9100	8,93	1702 40 90 9000	21,01
1104 21 50 9100	11,90	1702 90 50 9100	27,44
1104 21 50 9300	9,52	1702 90 50 9900	21,01
1104 22 20 9100	17,06	1702 90 75 9000	28,75
1104 22 30 9100	18,12	1702 90 79 9000	19,96
		2106 90 55 9000	21,01

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ L 281, 1. 11. 1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 2076/97
of 23 October 1997

fixing the export refunds on cereal-based compound feedingstuffs

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

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

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 23 October 1997 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽²⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	17,51
Cereal products ⁽²⁾ excluding maize and maize products	2,98

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

**COMMISSION REGULATION (EC) No 2077/97
of 23 October 1997**

**fixing the maximum export refund on barley in connection with the invitation
to tender issued in Regulation (EC) No 1337/97**

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 Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of barley to all third countries was opened pursuant to Commission Regulation (EC) No 1337/97 ⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 17 to 23 October 1997, pursuant to the invitation to tender issued in Regulation (EC) No 1337/97, the maximum refund on exportation of barley shall be ECU 10,47 per tonne.

Article 2

This Regulation shall enter into force on 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 1.

COMMISSION REGULATION (EC) No 2078/97
of 23 October 1997

**fixing the maximum export refund on common wheat in connection with the
invitation to tender issued in Regulation (EC) No 1339/97**

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 Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States was opened pursuant to Commission Regulation (EC) No 1339/97⁽⁵⁾, as amended by Regulation (EC) No 1884/97⁽⁶⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 17 to 23 October 1997, pursuant to the invitation to tender issued in amended Regulation (EC) No 1339/97, the maximum refund on exportation of common wheat shall be ECU 3,73 per tonne.

Article 2

This Regulation shall enter into force on 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 184, 12. 7. 1997, p. 7.

⁽⁶⁾ OJ L 265, 27. 9. 1997, p. 73.

**COMMISSION REGULATION (EC) No 2079/97
of 23 October 1997**

**fixing the maximum export refund on oats in connection with the invitation to
tender issued in Regulation (EC) No 1773/97**

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 Regulation (EC) No 923/96 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals ⁽³⁾, as last amended by Regulation (EC) No 2052/97 ⁽⁴⁾,

Having regard to Commission Regulation (EC) No 1773/97 of 12 September 1997 on a special intervention measure for cereals in Finland and Sweden ⁽⁵⁾, and in particular Article 8 thereof,

Whereas an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries was opened pursuant to Regulation (EC) No 1773/97;

Whereas Article 8 of Regulation (EC) No 1773/97 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92,

decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No 1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 17 to 23 October 1997, pursuant to the invitation to tender issued in Regulation (EC) No 1773/97, the maximum refund on exportation of oats shall be ECU 21,50 per tonne.

Article 2

This Regulation shall enter into force on 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 250, 13. 9. 1997, p. 1.

COMMISSION REGULATION (EC) No 2080/97

of 23 October 1997

fixing the maximum export refund on common wheat in connection with the invitation to tender issued in Regulation (EC) No 1883/97

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 Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾, and in particular Article 7 thereof,

Whereas an invitation to tender for the refund and/or the tax for the export of common wheat to Ceuta, Melilla and certain ACP States was opened pursuant to Commission Regulation (EC) No 1883/97⁽⁵⁾;

Whereas Article 7 of Regulation (EC) No 1501/95 provides that the Commission may, on the basis of the tenders notified, in accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, decide to fix a maximum export refund taking account of the criteria referred to in Article 1 of Regulation (EC) No

1501/95; whereas in that case a contract is awarded to any tenderer whose bid is equal to or lower than the maximum refund, as well as to any tenderer whose bid relates to an export tax;

Whereas the application of the abovementioned criteria to the current market situation for the cereal in question results in the maximum export refund being fixed at the amount specified in Article 1;

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

HAS ADOPTED THIS REGULATION:

Article 1

For tenders notified from 17 to 23 October 1997, pursuant to the invitation to tender issued in Regulation (EC) No 1883/97, the maximum refund on exportation of common wheat shall be ECU 10,80 per tonne.

Article 2

This Regulation shall enter into force on 24 October 1997.

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

* Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 265, 27. 9. 1997, p. 69.

**COMMISSION REGULATION (EC) No 2081/97
of 23 October 1997**

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

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾;

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

ANNEX

to the Commission Regulation of 23 October 1997 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	5,00
1001 90 91 9000	—	—	1101 00 15 9130	01	4,75
1001 90 99 9000	03	0	1101 00 15 9150	01	4,25
	02	—	1101 00 15 9170	01	4,00
1002 00 00 9000	03	17,00	1101 00 15 9180	01	3,75
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	1,00	1102 10 00 9500	01	36,50
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	—	—	1103 11 10 9900	—	—
1007 00 90 9000	—	—	1103 11 90 9200	01	0 ⁽²⁾
1008 20 00 9000	—	—	1103 11 90 9800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein.

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

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 2082/97
of 23 October 1997
fixing the export refunds on malt

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 2052/97⁽⁴⁾;

Whereas the refund applicable in the case of malts must be calculated with amount taken of the quantity of cereals required to manufacture the products in question; whereas the said quantities are laid down in Regulation (EC) No 1501/95;

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

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

Done at Brussels, 23 October 1997.

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

Whereas it follows from applying these rules to the present situation on markets in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on malt listed in Article 1 (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ L 287, 21. 10. 1997, p. 14.

⁽⁵⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 23 October 1997 fixing the export refunds on malt

<i>(ECU / tonne)</i>	
Product code	Refund
1107 10 19 9000	5,00
1107 10 99 9000	14,00
1107 20 00 9000	16,00

COMMISSION REGULATION (EC) No 2083/97

of 23 October 1997

determining the extent to which the applications for import licences submitted in October 1997 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 1600/95 can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

the allocation factors should be fixed for the quantities applied for the period 1 October to 31 December 1997,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to Commission Regulation (EC) No 1600/95 of 30 June 1995 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 1873/97⁽²⁾, and in particular Article 14 (4) thereof,

Import licences applied for for products falling within the order numbers in Annex II to Regulation (EC) No 1600/95 listed in the Annex hereto, lodged under Regulation (EC) No 1600/95 for the period 1 October to 31 December 1997, shall be awarded in accordance with the allocation factors indicated.

Article 2

Whereas applications lodged for the products referred to in Annex II of Regulation (EC) No 1600/95 concern quantities greater than those available; whereas, therefore,

This Regulation shall enter into force on 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 151, 1. 7. 1995, p. 12.

⁽²⁾ OJ L 265, 27. 9. 1997, p. 23.

ANNEX

Order number in Annex II to Regulation (EC) No 1600/95	Allocation factor
37	0,0061
38	0,0028
40	0,1107
41	0,0089
42	0,0465
43	0,0097
45	0,0040
48	0,0029

COMMISSION REGULATION (EC) No 2084/97

of 23 October 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 2045/97 ⁽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 24 October 1997.

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

Done at Brussels, 23 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.
⁽³⁾ OJ L 141, 24. 6. 1995, p. 16.
⁽⁴⁾ OJ L 165, 24. 6. 1997, p. 11.
⁽⁵⁾ OJ L 173, 1. 7. 1997, p. 3.
⁽⁶⁾ OJ L 286, 18. 10. 1997, p. 9.

ANNEX

to the Commission Regulation of 23 October 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⁾	24,65	3,98
1701 11 90 ⁽¹⁾	24,65	9,21
1701 12 10 ⁽¹⁾	24,65	3,78
1701 12 90 ⁽¹⁾	24,65	8,78
1701 91 00 ⁽²⁾	26,66	11,90
1701 99 10 ⁽²⁾	26,66	7,38
1701 99 90 ⁽²⁾	26,66	7,38
1702 90 99 ⁽³⁾	0,27	0,38

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ 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 L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

DECISION No 2085/97/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 6 October 1997

establishing a programme of support, including translation, in the field of books and reading (Ariane)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 128 thereof,

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

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾ in the light of the joint text approved by the Conciliation Committee on 28 May 1997,

- (1) Whereas, in the age of the information society, books and reading are still one of the most suitable methods of disseminating knowledge, and the complementary relationship between books and audiovisual technology, and multimedia, must be taken into account;
- (2) Whereas any Community programme in the field of books needs to take account of their dual function as economic and cultural objects;
- (3) Whereas reading as a leisure pursuit of particular importance can be encouraged by Community programmes, in particular in the field of education and culture;
- (4) Whereas it is important to distinguish, in the book production chain, between creation, publishing, translation and dissemination; whereas this programme (Ariane) may be viewed as a significant cultural measure to promote books;
- (5) Whereas the Treaty entrusts the Community with the task of:
 - contributing to the flowering of the cultures of the Member States, while respecting their national and regional diversity,
 - encouraging cooperation between Member States and, if necessary, supporting and supplementing their action, particularly as regards artistic and literary creation,

— fostering cooperation with third countries and the competent international organizations in the sphere of culture, in particular the Council of Europe;

- (6) Whereas the promotion of translation and support for targeted initiatives carried out in partnership, particularly between specialist operators in the European books and reading sector, contribute to:

— knowledge and dissemination of the culture and history of the European peoples,

— maintaining the diversity of literary creation and the literary heritage expressed in the various national and regional languages,

— intercultural exchanges and exchanges of know-how

and whereas such promotion favours the access of citizens — including less-favoured ones — to culture;

- (7) Whereas it is necessary to contribute towards encouraging high-quality translation and promotion of literary works within the Community, in particular through improvement of the skills of literary translators as well as of other professionals in the book sector, particularly those who are responsible for the promotion of access by the European citizen to such works;

- (8) Whereas European literary and translation prizes may contribute to the dissemination of literary works of high merit;

- (9) Whereas the Community institutions have recognized the importance of knowledge and dissemination of literary works, by means of translation in particular, as is apparent from:

— the European Parliament Resolution of 10 July 1987 on the Commission communication to the Council on the European dimension with regard to books ⁽⁴⁾,

— the Resolution of the Council and of the Ministers responsible for Cultural Affairs meeting within the Council of 9 November 1987 on the promotion of translation of important works of European culture ⁽⁵⁾,

⁽¹⁾ OJ C 324, 22. 11. 1994, p. 11 and OJ C 279, 25. 10. 1995, p. 7.

⁽²⁾ OJ C 100, 2. 4. 1996, p. 35.

⁽³⁾ Opinion of the European Parliament of 7 April 1995 (OJ C 109, 1. 5. 1995, p. 289), Council Common Position of 27 June 1996 (OJ C 264, 11. 9. 1996, p. 34) and Decision of the European Parliament of 22 October 1996 (OJ C 347, 18. 11. 1996, p. 25). Decision of the European Parliament of 17 July 1997. Council Decision of 24 July 1997.

⁽⁴⁾ OJ C 246, 14. 9. 1987, p. 136.

⁽⁵⁾ OJ C 309, 19. 11. 1987, p. 3.

- the Resolution of the Council and of the Ministers responsible for Cultural Affairs meeting within the Council of 18 May 1989 concerning the promotion of books and reading⁽¹⁾,
 - the Commission communication of 3 August 1989: Books and reading: A cultural challenge for Europe,
 - the conclusions of the Ministers of Culture, meeting within the Council, of 12 November 1992 on guidelines for Community cultural action⁽²⁾,
 - the European Parliament Resolution of 21 January 1993 on promoting books and reading in Europe⁽³⁾,
 - the Resolution of the Council and of the Ministers of Culture, meeting within the Council, of 17 May 1993 on the promotion of the translation of contemporary European dramatic works⁽⁴⁾;
- (10) Having regard to the outcome of the European campaign to promote awareness of books and reading (1993-1994) organized by the Community and the Council of Europe;
- (11) Whereas the Commission communication of 27 July 1994 on 'European Community action in support of culture', which makes books and reading a priority area, sets out the framework for incentive measures to support and complement the efforts of Member States, while respecting the principle of subsidiarity;
- (12) Whereas it is important to implement Community cultural projects with third countries within and outside Europe, and to implement European cultural cooperation with the Council of Europe and other relevant international bodies, such as the United Nations Educational, Scientific and Cultural Organization (Unesco);
- (13) Whereas this Decision lays down, for the entire duration of this programme, a financial framework constituting the principal point of reference, within the meaning of point 1 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995, for the budgetary authority during the annual budgetary procedure;
- (14) Whereas a *modus vivendi* was concluded on 20 December 1994 between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty⁽⁵⁾,

HAVE DECIDED AS FOLLOWS:

Article 1

This Decision establishes the Ariane action programme set out in the Annex, hereinafter referred to as 'this programme', for the period 1 January 1997 to 31 December 1998, intended to increase the knowledge and dissemination of literary works and the history of the European peoples as well as access by the European citizen thereto, notably through support for the translation of literary works, plays and reference works, through support for cooperation projects on books and reading carried out in partnership, as well as through the improvement of the skills of professionals working in this field.

Article 2

This programme shall encourage cooperation at European level between Member States in the field of culture. It shall support and supplement their action in accordance with the principle of subsidiarity by contributing to the flowering of their cultures while respecting their national and regional diversity.

To this end, the aims of this programme shall be as follows:

(a) to encourage, by means of translation:

- a wider dissemination of 20th-century literary works of merit which are representative of the culture of the Member State from which they come and which illustrate, in particular, trends in contemporary European literature in the second half of the century; in this respect, priority will be given to translations of works in less widely used languages of the European Union or translations into such languages,
- the dissemination of contemporary dramatic works in order to present to the European public a varied repertory which is representative of the cultures of the Member States,
- the dissemination of reference works to improve the knowledge of the culture and history of the European peoples, in particular in the areas referred to in Article 128 (2) and (4) of the Treaty;

(b) to encourage, through support for cooperation projects carried out in partnership:

- exchanges of experience and know-how on themes of common interest in the book sector between professionals at European level,
- the development of partnership initiatives which aim to facilitate access to data relevant to the dissemination of books, and the promotion of, and access by the citizen to, reading;

⁽¹⁾ OJ C 183, 20. 7. 1989, p. 1.

⁽²⁾ OJ C 336, 19. 12. 1992, p. 1.

⁽³⁾ OJ C 42, 15. 2. 1993, p. 182.

⁽⁴⁾ OJ C 160, 12. 6. 1993, p. 1.

⁽⁵⁾ OJ C 102, 4. 4. 1996, p. 1.

- (c) to encourage high-quality translation and promotion of works by providing Community support for the improvement of the skills of literary translators, as well as of other professionals in the book sector, and particularly those responsible for improving access by the citizen;
- (d) to accompany and supplement the efforts referred to in (a), (b) and (c) by providing support for innovative study and research projects submitted by networks and professional organizations.

Article 3

The Actions described in the Annex shall be carried out in pursuit of the objectives set out in Article 2. They shall be implemented in accordance with the procedure laid down in Article 5.

Article 4

1. This programme shall be open to participation by the associated countries of central and eastern Europe (ACCEE) in accordance with the conditions laid down in the Additional Protocols to the Association Agreements on participation in Community programmes concluded, or to be concluded, with those countries. This programme shall be open to participation by Cyprus and Malta and to cooperation with other third countries which have concluded association or cooperation agreements containing cultural clauses, on the basis of additional appropriations to be provided according to procedures to be agreed with those countries. Some general rules for such participation are provided for in Action 6 in the Annex.

2. The Community and the Member States shall promote cooperation with the Council of Europe, and with other relevant international organizations in the cultural sector (e.g. Unesco), by ensuring, with due regard for the individual identity and autonomy of each institution and organization, that the instruments adopted are complementary.

Article 5

1. The Commission shall implement this programme in accordance with this Decision.

2. The Commission shall be assisted by a Committee composed of two representatives per Member State and chaired by the Commission representative. Members of the Committee may be assisted by experts or advisers.

3. The representative of the Commission shall submit to the Committee draft measures concerning:

- the priorities and general guidelines for the measures described in the Annex and the annual programme resulting therefrom,

- the general balance between all the Actions,
- the selection rules and criteria for the various types of project described in the Annex (Actions 1, 2, 3, 4 and 6),
- the financial support to be provided by the Community (amounts, duration, distribution and beneficiaries),
- the detailed procedures for monitoring and evaluating this programme, together with the conclusions of the assessment report provided for in Article 8 and any other measure readjusting this programme arising from the assessment report.

The Committee shall deliver its opinion on the draft measures referred to in the first subparagraph within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.

In that event:

- (a) the Commission may defer application of the measures which it has decided for a period of two months from the date of such communication;
- (b) the Council, acting by a qualified majority, may take a different decision within the time limit referred to in (a).

4. The Commission may consult the Committee on any other matter concerning the implementation of this programme not covered by paragraph 3.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken.

The Committee shall deliver its opinion on this draft within a time limit which the Chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the Committee. It shall inform the Committee of the manner in which its opinion has been taken into account.

Article 6

1. The financial framework for the implementation of this programme for the period referred to in Article 1 shall be ECU 7 million.
2. The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

Article 7

The Commission, in collaboration with the Member States, shall seek to ensure that the Actions provided for in this programme and the other cultural programmes such as Kaleidoscope⁽¹⁾ and Raphael, on the one hand, and the Community action programmes, in particular concerning education, such as Socrates⁽²⁾, and training, such as Leonardo da Vinci⁽³⁾, on the other, are complementary.

Article 8

One year after this programme has been in operation, and within the six months following that period, the Commission, after having consulted the Committee, shall present to the European Parliament and the Council a detailed assessment report on the results achieved, accompanied, where necessary, by appropriate proposals, including proposals for the continuation of the programme and the relevant arrangements so as to enable the European Parliament and the Council to take a decision before the end of the period covered by this programme. This report will highlight the added value created, particularly of a cultural nature, including reference to the impact on the dissemination of literature in the less widely-used languages, and the socio-economic consequences brought about by the financial support granted by the Community. The

report is intended to assess, both qualitatively and quantitatively, the extent to which the programme has achieved the objectives referred to in Article 2.

In the light of the assessment report provided for in the previous subparagraph and of the proposals to be made by the Commission, the European Parliament and the Council will consider the possibility of adopting a new programme, worked out and developed taking full account of the fruitful experience gained from this programme.

In this context they will be able to take, where appropriate, any suitable measure to avoid interruption of this programme.

Article 9

This programme, containing practical information on procedure, liaison offices designated by the Member States to provide technical assistance to cultural projects, the closing dates for submission of applications and the documents which must accompany applications, shall be published each year in the 'C' series of the *Official Journal of the European Communities*.

Article 10

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

Done at Brussels, 6 October 1997.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

J. POOS

⁽¹⁾ OJ L 99, 20. 4. 1996, p. 20.

⁽²⁾ OJ L 87, 20. 4. 1995, p. 10.

⁽³⁾ OJ L 340, 29. 12. 1994, p. 8.

ANNEX

ARIANE PROGRAMME

Measures pursuant to this programme are designed to increase the knowledge and dissemination of literary works and the history of the European peoples as well as access by the European citizen thereto, notably through support for the translation of literary works, plays and reference works, through support for cooperation projects on books and reading carried out in partnership, as well as through the improvement of the skills of professionals working in this field.

ACTION 1

Translation grants

1. Grants for the translation of works of 20th-century literature of considerable merit to ensure wider dissemination through publication.

(a) Grants are provided for the translation of works of 20th-century literature of considerable merit (novels, short stories, essays, literary histories, biographies, plays, poetry) which are representative of the culture of the Member State from which they come and which illustrate, in particular, trends in contemporary European literature in the second half of the century and are likely to appeal to a broad European audience.

(b) (i) In order to qualify, works must already have been translated and published in two European Union languages (in addition to the original language). The grant is to subsidize translation into at least one other European Union language, with priority being given to translations into less widely used European Union languages.

(ii) In order to give priority to the less widely-used languages of the European Union, works written in these languages may nevertheless be eligible for a translation grant without having been previously translated into other languages of the European Union. Grants are intended to support translation into another European Union language. These provisions also apply to works:

- written in a widely known language, put published in a small Member State,
- written in other languages of the Member States.

(c) Priority should be given to applications from small independent publishing houses.

(d) Grant applications must be sent to the Commission by one or more publishers from a Member State. The application submitted by the publisher(s) must include the agreement of the translator(s). The grant may cover up to 100 % of the translator's fee negotiated according to the usual market practice. The publisher must undertake to give clear prominence to the translator's name and the Community contribution.

The publishers must certify that they hold any rights to the publication and/or translation of the work which is the subject of the application and that, without Community support, they would not have formed a commercial judgment in favour of publishing the translated work in question.

(e) The works will be selected twice a year.

2. Grants for the translation of plays with a view to wider dissemination through public performance.

Grants are awarded for the translation into two European Union languages of plays that have already been performed on stage or broadcast in the audiovisual media and have already received some critical and popular acclaim.

Priority will be given to recent 20th-century works.

The works nominated for translation must be supported by specific plans for their public performance.

The initial application must be submitted by managers, directors or producers from a Member State with a view to staging a public performance of the play. The application must be made simultaneously to the Commission and to the liaison offices designated by the Member States, which must issue an opinion on whether or not the works nominated qualify as priorities.

The final selection of works to be translated will be made on the basis above all of the quality of the works nominated for translation. As concerns the choice of the languages of translation, the competent body will ensure balance between the translations into widely known languages and those into less well-known languages to increase the chances of the works reaching a large and diverse audience.

The subsidy will take the form of a translation grant of up to ECU 3 500, subject to annual revision. The grant in no way affects any royalties that might be due to the authors or translators in connection with the performance, dissemination or publication of the translated work.

The liaison offices will act as the depositaries of the translations completed with the Community's assistance and shall ensure that those interested from a professional standpoint are fully briefed. They may pass the translations only to persons who have obtained the agreement of the rights-holders in accordance with existing national rules or to bodies which have obtained such agreement.

3. Grants for the translation of reference works and studies with a view to wider dissemination of information in the cultural sector.

Grants for the translation of reference works and studies in two European Union languages are intended to:

- improve the knowledge and dissemination of the culture and history of the European peoples,
- facilitate the exchange of information and pooling of experience, thereby fostering cooperation between Member States in the areas referred to in Article 128 of the Treaty, and in particular the areas to which the Community has accorded priority in its cultural policy.

However, given the huge field which this project seeks to cover, grants for the translation of reference works (history, history of art, human sciences, social sciences, etc.) will, at least initially, be organized in the form of an experimental and selective action.

Grants will also be given for the translation of studies and reports dealing with the practices and systems which exist in other Member States in the cultural domain, making it possible to highlight problems of common interest falling in particular within the scope of Article 128 (2) and (4) of the Treaty.

The grant application must be accompanied by the information needed to establish the substantial contribution that the work or study to be translated would make to knowledge of the area in question, an indication of the target languages and the written agreement of the author and translator.

Nominations will be made to the Commission directly or by the competent authorities of the Member States. The works may be translated into as many languages as deemed necessary.

The Community contribution, supplied after the written agreement of the translator has been obtained, may be made in one of two ways, depending on the origin of the work:

- if the work nominated for translation was presented by a publisher, acting through the intermediary of the Member State, with a view to placing it on the European market, Community aid will be provided on terms similar to those laid down for grants to translations of works of contemporary literature (point 1);
- if the work nominated for translation through the intermediary of the Member State is not intended for commercial exploitation (e.g. it is to be translated on behalf of a university, research centre or specialist institute, etc.), Community aid will be provided in the form of a grant to help the translators carry out their work on terms similar to those set out for translation of plays (point 2).

The Commission will distribute an annual list with details of the works translated in accordance with the provisions of points 1, 2 and 3.

The resources to be committed to this action will amount to 50 % of the overall budget allocated to this programme. The exact breakdown between the six Actions making up this programme will be determined in accordance with the procedures laid down in Article 5 (4).

ACTION 2

Support for cooperation projects carried out in partnership which aim to improve the promotion of, and access by the citizen to, books and reading

Support may be given to cooperation projects involving partners from at least three Member States, which must be presented by networks, associations or organizations of professionals (e.g. authors, translators, libraries, small and medium-sized publishing houses, bookshops), non-profit-making foundations working in the field of books, or regional (or local) groups which have developed specific actions or programmes in this field.

Cooperation projects of operators other than those specified in the first subparagraph are not eligible for support in the context of this Action.

Eligible cooperation projects concern any initiative which involves a partnership between the operators mentioned in the first subparagraph (meetings, symposia, events, pilot schemes for cooperation or exchanges) and which aim in particular to promote:

- (a) mutual knowledge of, and access to, the literature or history of the European people;

(b) development of partnership initiatives which aim to facilitate:

- access to data relevant to the dissemination of books, for example, by creating a database containing details of books available on the market, of publishing houses and their specialist fields, with a view to supporting the co-production and co-publication of European works,
- the promotion of books,
- their translation, including the possible setting up of a semantics database (listing semantic difficulties and peculiarities) to help technical and literary translators,
- access by the citizen to reading;

(c) exchange of experience and know-how on themes of common interest between professionals at European level.

Partnership projects submitted in the context of this Action must be of European interest and of an innovative or exemplary nature. They must demonstrate that Community support for the project will provide real added value.

Extra support will be given to projects which include measures to disseminate the results obtained.

Community funding shall not cover:

- actions or events which are covered by other Community programmes (in the fields of cinema and television (MEDIA II) ⁽¹⁾), cultural heritage (Raphael) and artistic and cultural activities (Kaleidoscope),
- cultural cooperation projects from different regions within the same Member State or which are of a purely national or bilateral culture,
- the production of material and publications for commercial purposes; nevertheless, consideration shall be given to monographs, collections, reviews, records, CDs, videos, CD-Is and CD-ROMs forming an integral part of a project,
- investment or operating costs of the cultural organizations which do not form an integral part of the project in question.

The case for renewal of Community support from year to year will be assessed by independent experts, nominated by the Commission acting on a proposal from the Member States, on the basis of the activity report for the project submitted by the organizers. The independent experts may recommend changes to the project.

Projects must have a balanced financial plan indicating the financial requirements for the realization of the actions presented. The financial contribution towards a project in the context of this Action may not as a general rule exceed 25 % of the total cost of the project and in no case may it exceed ECU 50 000. In the case of projects which include elements intended to further the dissemination of the results to the public or professionals, a further Community contribution may be awarded, up to 50 % of the costs corresponding to this element, but not exceeding a maximum of ECU 20 000.

Projects involving a Community contribution of less than ECU 5 000 shall not, in principle, be eligible under this programme in the context of this Action.

Projects shall be the subject of an individual application to the Community. The application shall include:

- a detailed description of the actions to be carried out, describing in particular the added value at the Community level,
- a detailed estimated budget for these actions.

ACTION 3

Improvement of the skills of professionals working towards the knowledge and dissemination of European literature

The Community will complement the efforts of the competent authorities of the Member States by providing specific support for the improvement of the skills of professionals, particularly literary translators, with a view to contributing to the improvement of the quality of translation of works, as well as other professionals in the field of books and reading covered by Action 2, with a view to contributing to the promotion of, and access by the citizen to, the different cultures of the Member States.

⁽¹⁾ OJ L 321, 30. 12. 1995, p. 25.

Community support will be provided in the form of grants and allowances to cover the costs of travel and training courses to improve skills.

Grants and other forms of Community aid provided for under this action will be awarded for educational projects presented by networks, organizations, associations, foundations, specialized colleges and institutes (particularly, for example, library networks, translation colleges, etc.) after consulting the competent authorities of the Member States.

ACTION 4

Support measures

A. Specific measures

1. To bring about an improvement in cultural cooperation in the field of books and reading, assistance could be granted in limited individual cases to projects involving meetings organized at European level or to studies and research in the field covered by this programme, provided that such meetings and studies have not received any Community support under the programme.
 2. Applications must offer the financial guarantees required to carry them out. The Community contribution under this Action may not in any circumstances exceed 50 % of the total cost of the meeting or the study nor exceed ECU 50 000.
- B. The Commission, in collaboration with the liaison offices, will take the necessary measures to ensure publicity and the dissemination of information on this programme so that cultural operators and networks are informed of actions relevant to them and are made aware accordingly.

ACTION 5

Aristeion Prizes, synergy with translation grants

The Community makes an annual contribution for the Aristeion Prizes (European literature prize and European translation prize).

The six months nominated for the European literature prize are automatically eligible for a grant towards the cost of their translation into at least two additional languages, on similar terms to those applying to literary works (Action 1, 1 (a)), provided an application to this effect is submitted directly to the Commission by a publisher.

ACTION 6

Participation by third countries

The third countries referred to in Article 4 shall participate in this programme in accordance with the conditions set out in that Article. Participation or cooperation shall take into account the following objectives:

- wider dissemination of the literature of the Member States throughout the third countries concerned and better knowledge of the literature of the third countries concerned within the Member States,
 - promotion of schemes for improving the professional skills of professionals working towards mutual knowledge and the dissemination of European literature, notably literary translators and translators of the works under Action 1, points 2 and 3, and other professionals in the field of books and reading,
 - improvement of synergies to foster projects submitted by professional organizations of authors and translators, libraries, small and medium-sized publishing companies, bookshops and non-profit-making associations and foundations concerned with books and literature.
-

Commission Statement

Re Article 5 (Committee procedure)

In compliance with interinstitutional procedures and agreements, the Commission will inform the Committee of the Ariane Decision, as regards the financial support to be supplied by the Community, of all projects which it intends to finance under this Decision.

European Parliament Statement

Re Article 5 (committee procedure)

The European Parliament, while noting that Article 5 (3) of the Ariane programme does not allow the Committee to take a decision on the selection of individual projects, is not opposed to the Committee being informed of all the projects which the Commission intends to finance.

The Parliament wishes to receive the same information from the Commission.

DIRECTIVE 97/50/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 6 October 1997

amending Directive 93/16/EEC to facilitate the free movement of doctors and the mutual recognition of their diplomas, certificates and other evidence of formal qualifications

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 49, 57 (1) and (2), first and third sentences, and 66 thereof,

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

Having consulted the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾ in the light of the joint text approved on 28 May 1997 by the Conciliation Committee,

Whereas it is necessary to introduce appropriate procedures for updating Articles 5 (3), 7 (2), 26 and 27 of Directive 93/16/EEC ⁽⁴⁾ to take into account the frequent changes in the training and designations of medical specializations in the various Member States;

Whereas use of these procedures which are set out in Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission ⁽⁵⁾ would make it possible to improve the efficiency of the Community's decision making in order to facilitate the effective exercise of the right of establishment of, and freedom to provide services by, those medical specialists whose rights are dependent on the updating of the said provisions;

Whereas the procedures laid down in Decision 87/373/EEC will be applied on the basis of the *modus vivendi* ⁽⁶⁾ relating to the committee procedure as agreed by the European Parliament, the Council and the Commission until such time as a revision of the Treaties is carried out pursuant to Article N (2) of the Treaty on European Union;

Whereas it is necessary to update Articles 5 (3) and 7 (2) in relation to medical specializations as and when they are recognized by two or more Member States and to add those Member States to the relevant lists of designations of specializations as and when the training in those

Member States complies with the minimum requirements set out in Directive 93/16/EEC;

Whereas it is necessary to set in Articles 26 and 27 of the said Directive the minimum length of the training courses for the specializations when they are introduced and to update others as and when necessary;

Whereas the Commission assisted by the Committee of Senior Officials on Public Health set up by Decision 75/365/EEC ⁽⁷⁾ in an advisory capacity will be able to carry out the necessary changes to Articles 5 (3) and 7 (2);

Whereas it is appropriate that in assisting the Commission to carry out those changes to Articles 26 and 27, the said Committee should be acting as a management committee;

Whereas the Advisory Committee on Medical Training established within the Commission by virtue of Decision 75/364/EEC ⁽⁸⁾ communicates to the Commission and to the Member States its opinion and recommendations in the framework of the application of Directive 93/16/EEC;

Whereas for the nationals of Member States who hold qualifications awarded in third countries, relevant problems in the context of the application of the sectoral Directives should be addressed in the framework of the general system of recognition of higher education diplomas awarded on completion of professional education and training,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 93/16/EEC shall be amended as follows:

1. the following paragraph 4 shall be added in Article 5:

'4. The list of designations in paragraph 3 shall be amended in accordance with the procedure laid down in Article 44a (2).';

2. the following paragraph 3 shall be added to Article 7:

'3. The list of designations in paragraph 2 shall be amended in accordance with the procedure laid down in Article 44a (2).';

⁽¹⁾ OJ C 389, 31. 12. 1994, p. 19 and OJ C 28, 1. 2. 1996, p. 7.

⁽²⁾ OJ C 133, 31. 5. 1995, p. 10.

⁽³⁾ Opinion of the European Parliament of 29 June 1995 (OJ C 183, 17. 7. 1995, p. 24), Council common position of 18 June 1996 (OJ C 248, 26. 8. 1996, p. 71) and Decision of the European Parliament of 22 October 1996 (OJ C 347, 18. 11. 1996, p. 31). Decision of the European Parliament of 17 July 1997. Council Decision of 24 July 1997.

⁽⁴⁾ OJ L 165, 7. 7. 1993, p. 1. Directive as amended by the 1994 Act of Accession.

⁽⁵⁾ OJ L 197, 18. 7. 1987, p. 33.

⁽⁶⁾ OJ C 102, 4. 4. 1996, p. 1.

⁽⁷⁾ OJ L 167, 30. 6. 1975, p. 19. Decision as last amended by Decision 80/157/EEC (OJ L 33, 11. 2. 1980, p. 15).

⁽⁸⁾ OJ L 167, 30. 6. 1975, p. 17.

3. the following paragraph shall be added to Articles 26 and 27:

'The list of the minimum lengths of the specialized training courses referred to in this Article shall be amended in accordance with the procedure laid down in Article 44a (3).';

4. the following Article shall be added:

Article 44a

1. Where the procedure laid down in this Article is to be followed, the Commission shall be assisted by the Committee of Senior Officials on Public Health, set up under Decision 75/365/EEC (*).

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

3. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives

of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith.

In that event:

- (a) the Commission shall defer application of the measures which it has decided for a period of two months from the date of such communication;
- (b) the Council, acting by a qualified majority, may take a different decision within the time limit referred to in point (a).

(*) OJ L 167, 30. 6. 1975, p. 19. Decision as last amended by Decision 80/157/EEC (OJ L 33, 11. 2. 1980, p. 15).'

Article 2

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 6 October 1997.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

J. POOS

Commission Statement

Re recital 7b (new)

The Commission stresses that the need to establish the equivalence of diplomas awarded to doctors outside the European Union is one of the relevant problems to be tackled.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 October 1997

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(97/687/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 589/96 of 2 April 1996 laying down detailed rules for the application in the beef and veal sector of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽³⁾, and in particular Article 4 thereof,

Whereas Article 1 of Regulation (EC) No 589/96 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 October 1997, expressed in terms of boned meat, in accordance with Regulation (EC) No 589/96, do not exceed, in respect of products originating

in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia, the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 November 1997, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems on importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽⁴⁾, as last amended by Directive 96/91/EC⁽⁵⁾,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 October 1997 import licences for beef and veal products, expressed as boned meat, originating in certain African, Caribbean and Pacific States, in respect of the following quantities and countries of origin:

United Kingdom:

- 600,000 tonnes originating in Botswana,
- 1 620,000 tonnes originating in Zimbabwe,
- 392,000 tonnes originating in Namibia,
- 5,000 tonnes originating in Swaziland.

⁽¹⁾ OJ L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ L 89, 10. 4. 1996, p. 1.

⁽³⁾ OJ L 84, 3. 4. 1996, p. 22.

⁽⁴⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽⁵⁾ OJ L 13, 16. 1. 1997, p. 26.

Article 2

Licence applications may be submitted, pursuant to Article 3 (3) of Regulation (EC) No 589/96 during the first 10 days of November 1997 for the following quantities of boned beef and veal:

— Botswana:	9 176,000 tonnes,
— Kenya:	142,000 tonnes,
— Madagascar:	7 144,000 tonnes,
— Swaziland:	3 163,000 tonnes,
— Zimbabwe:	2 974,659 tonnes,
— Namibia:	7 957,000 tonnes.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 20 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission
