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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2181/97

of 3 November 1997

amending Regulation (EC) No 577/97 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2991/94 of 5 December 1994 laying down standards for spreadable fats⁽¹⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 1898/87 of 2 July 1987 on the protection of designations used on the marketing of milk and milk products⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 4 (2) thereof,

Whereas Article 2 (1) of Commission Regulation (EC) No 577/97 of 1 April 1997 laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products⁽³⁾, as amended by Regulation (EC) No 1278/97⁽⁴⁾, lays down the rules for the indication of the fat content of spreadable fats; whereas Article 2 (3) of that Regulation provides for the establishment of a method verifying compliance with those rules;

Whereas a suitable procedure for checking the declared fat content of spreadable fats not subject to the provisions of Article 2 (2) of Regulation (EC) No 577/97 has been drawn up and should be adopted; whereas this can most conveniently be achieved by amending Regulation (EC)

No 577/97; whereas the date from which the method is to apply should be deferred to allow time for experience to be obtained in its use;

Whereas the relevant management committees have not delivered opinions within the time limits laid down by their chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 577/97 is hereby amended as follows.

1. Article 2 (3) is replaced by the following:

‘3. The procedure to be applied as from 1 July 1998 to verify compliance with paragraph 1 shall be as set out in Annex II.’;

2. the Annex becomes Annex I;

3. the following Annex is added:

ANNEX II

Verification of the declared fat content of spreadable fats

Five samples are to be taken randomly from the batch to be checked and analysed. The following two procedures are applied:

A. The arithmetic mean of the five results obtained is compared with the declared fat content. The declared fat content is deemed to comply where the arithmetic mean fat content does not differ by more than 0,5 percentage points from the declared fat content.

⁽¹⁾ OJ L 316, 9. 12. 1994, p. 2.

⁽²⁾ OJ L 182, 3. 7. 1987, p. 36.

⁽³⁾ OJ L 87, 2. 4. 1997, p. 3.

⁽⁴⁾ OJ L 175, 3. 7. 1997, p. 6.

B. The five individual results are compared with the tolerance (2 %) shown in Article 2 (1) (b).

If the difference between the maximum value and the minimum value of the five individual results is less than or equal to 2 %, the requirements of Article 2 (1) (b) are deemed to be met.

Where compliance with the conditions set out under A and B is established, the batch being checked is

deemed to comply with the requirements of Article 2 (1) (a) to (c), even where, under the combined test procedure, one of the five values falls outside the tolerance range of ± 1 %.

Article 2

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

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

Done at Brussels, 3 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2182/97
of 3 November 1997

amending Regulation (EEC) No 2729/88 laying down detailed rules for the application of Regulation (EEC) No 1442/88 on the granting, for the 1988/89 to 1997/98 wine years, of permanent abandonment premiums in respect of wine-growing areas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1997/98 wine years, of permanent abandonment premiums in respect of wine-growing areas⁽¹⁾, as last amended by Regulation (EC) No 534/97⁽²⁾, and in particular Article 20 thereof,

Whereas a procedure should be established for application of the prohibition on cumulation of permanent abandonment premiums in respect of wine-growing areas and Community aid for the restructuring of vineyards, introduced into Regulation (EEC) No 1442/88 by Council Regulation (EC) No 1595/96⁽³⁾; whereas Commission Regulation (EEC) No 2729/88⁽⁴⁾, as last amended by Regulation (EC) No 3024/94⁽⁵⁾, should therefore be amended;

Whereas, in order to ensure that the prohibition is effective, checks should be laid down;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2729/88 is hereby amended as follows:

1. the following fourth indent is hereby added to Article 4 (1) (b):
‘— a declaration that the parcels concerned have not received Community aid for the restructuring of vineyards during the past 15 years. Member States may, however, lay down a longer period.’;
2. the following sixth indent is hereby added to Article 4 (2):
‘— Member States shall check a sample of declarations covering a minimum of 15 % of applications. Declarations shall be selected on the basis of a risk analysis.’

Article 2

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

It shall apply to permanent abandonment of wine-growing areas during the 1997/98 wine year.

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

Done at Brussels, 3 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 132, 28. 5. 1988, p. 3.

⁽²⁾ OJ L 83, 25. 3. 1997, p. 2.

⁽³⁾ OJ L 206, 16. 8. 1996, p. 36.

⁽⁴⁾ OJ L 241, 1. 9. 1988, p. 108.

⁽⁵⁾ OJ L 321, 14. 12. 1994, p. 8.

COMMISSION REGULATION (EC) No 2183/97

of 3 November 1997

fixing the minimum yield to be achieved before aid for fibre flax production can be granted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾,

Having regard to Council Regulation (EEC) No 619/71 of 22 March 1971 laying down general rules for granting aid for flax and hemp⁽³⁾, as last amended by Regulation (EC) No 154/97⁽⁴⁾, and in particular the second paragraph of Article 6 thereof,

Whereas the different methods used for harvesting affect yields differently; whereas separate minimum yields should therefore be fixed, according to the harvesting method used;

Whereas, to take account of existing growing methods in certain Member States in particular, a transitional period should be provided for those Member States with a view to the gradual introduction of minimum yields in accordance with good-growing practice;

Whereas the areas and production on the basis of which the yield is to be calculated should be defined;

Whereas a reduction in the aid should be provided for where the minimum yield is not achieved, any such reductions being proportional;

Whereas, in cases of duly recognized exceptional weather conditions, the areas affected must not be disqualified from aid;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Aid for the production of fibre flax shall be granted only in respect of areas whose yield of flax straw is at least equal to the following minimum yields:

- (a) where harvesting is done by pulling: 4 tonnes per hectare for unginning straw and 3 tonnes per hectare for ginned straw;

⁽¹⁾ OJ L 146, 4. 7. 1970, p. 1.

⁽²⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ L 72, 26. 3. 1971, p. 2.

⁽⁴⁾ OJ L 27, 30. 1. 1997, p. 1.

- (b) where harvesting is done by cutting: 2 tonnes per hectare for both ginned and unginning straw.

However, the minimum yield shall be adjusted as follows for areas situated in the United Kingdom, Spain and Portugal:

- (a) for the 1998/99 marketing year:

- in the case of harvesting by pulling: 2 tonnes per hectare for unginning straw and 1,5 tonnes per hectare for ginned straw;
- in the case of harvesting by cutting: 1 tonne per hectare for both unginning and ginned straw;

- (b) for the 1999/2000 marketing year:

- in the case of harvesting by pulling: 3 tonnes per hectare for unginning straw and 2 tonnes per hectare for ginned straw,
- in the case of harvesting by cutting: 1,5 tonnes per hectare for both unginning and ginned straw.

2. The yield to be considered shall be the average straw yield of the areas for which an aid application is made or, where the applicant is a grower within the meaning of Article 3a (b) of Regulation (EEC) No 619/71, the yield from the areas of each owner or farmer with whom a contract for flax growing has been concluded.

The average yield referred to in the first subparagraph shall be equal to the tonnage of straw removed from the field and ready for processing, divided by the area in hectares.

Should be straw be harvested using a machine that separates the fibre from the wood, the competent authority shall determine the straw yield on the basis of the quantity of the product harvested, taking particular account of losses due to the use of such machine.

Article 2

Where the minimum yield referred to in Article 1 is not achieved, the aid payable for the areas in question shall be reduced as set out below, without prejudice to Article 3:

- (a) if the yield is equal to 90 % or more of the minimum, the aid shall be reduced by 10 %;

- (b) if the yield is less than 90 % but equal to or greater than 80 % of the minimum, the aid shall be reduced by 20 %;
- (c) if the yield is less than 80 % but equal to or greater than 70 % of the minimum, the aid shall be reduced by 30 %;
- (d) if the yield is less than 70 % but equal to or greater than 60 % of the minimum, the aid shall be reduced by 40 %;
- (e) if the yield is less than 60 % but equal to or greater than 50 % of the minimum, the aid shall be reduced by 50 %;

- (f) if the yield is less than 50 % of the minimum, no aid shall be granted.

Article 3

Member States are authorized, after Commission approval, to grant aid for the marketing year in question to areas which, because of officially recognized exceptional weather conditions, do not achieve the minimum yield.

Article 4

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

It shall apply from the 1998/99 marketing year.

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

Done at Brussels, 3 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2184/97

of 3 November 1997

concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 1624/97⁽²⁾, and in particular Article 9 thereof,

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

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

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

Whereas it is accepted that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined

nomenclature, and which do not conform to the rights established by this Regulation, can continue to be invoked, pursuant to the provisions in Article 12(6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, for a period of three months by the holder;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12(6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

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

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

Done at Brussels, 3 November 1997.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ L 224, 14. 8. 1997, p. 16.

⁽³⁾ OJ L 302, 19. 10. 1992, p. 1.

ANNEX

Description	Classification CN code	Reason
(1)	(2)	(3)
1. Barbecue for single use in a package for retail sale, consisting of: — an aluminium tray (weight 35 g), — a wire grill and a wire stand made of steel (weight 105 g), — charcoal briquettes and — three firelighters.	7321 13 00	Classification is determined by the provisions of general rules 1, 3b and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 7321 and 7321 13 00.
2. A video conferencing system consisting of the following components, which are linked by cable: — a colour monitor with built-in loud-speakers, — a cabinet designed as a stand for the monitor and containing the telecommunication circuitry for the system, — a video camera with control and zoom functions, — a telephone keypad (with a built-in microphone), which also controls the system.	8517 19 10	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, note 4 to Section XVI and by the wording of CN codes 8517, 8517 19 and 8517 19 10.
3. Multifunction facsimile machine essentially consisting of: — a modem, — a scanner, — a printing device. The apparatus operates either in an autonomous form (fax-transmitting or receiving) or in conjunction with a computer (as printer, scanner or fax machine). The apparatus also includes a document copying function (2 to 3 pages per minute) available in autonomous mode.	8517 21 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, note 3 to Section XVI and by the wording of CN codes 8517 and 8517 21 00. The telecommunication (facsimile) function is the principal function of this item of equipment.
4. Articles, put up in sets for retail sale, enabling an automatic data-processing machine to perform an additional function (video telephony), comprising: (a) the four following components: — an audio unit with telephone handset, — a telecommunication card, — a video camera for connection to a computer, — a network connection unit; (b) two diskettes with video telephony application software.	8517 50 90 8524 91 10	Classification is determined by the provisions of general rules 1, 3b and 6 for the interpretation of the combined nomenclature, note 6 to chapter 85 and by the wording of CN codes 8517, 8517 50, 8517 50 90, 8524, 8524 91 and 8524 91 10. Classification of the four components referred to at (a) is determined by the fact that the essential character of the set is conferred by the telecommunication apparatus (the audio unit and telecommunication card). By virtue of note 6 to chapter 85 the diskettes are to be classified separately.
5. A projector operating by means of a flat panel display (liquid crystal device) for the projection in colour of both data received directly from automatic data-processing machines (e.g. text, graphics) and still or moving images from still image video cameras and other video camera recorders, video recording or reproducing apparatus, television receivers, etc. The apparatus incorporates loud-speakers.	8528 30 05 ⁽¹⁾	Classification is determined by the provisions of general rules 1, 3c and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 8528, 8528 30 and 8528 30 05.

⁽¹⁾ Taric code until 31. 12. 1997: 8528 30 10 91.

Description	Classification CN code	Reason
(1)	(2)	(3)
6. A stuffed article made of pile fabric, representing a dog about 30 cm high. It is decorated with a permanently glued on Santa Claus cap and a red textile ribbon around its neck, the latter is decorated with printed stars and Christmas boots. It also contains a battery-powered music module, which produces a Christmas song after pressing a paw. Simultaneously, a red heart-shaped bulb is illuminated in the dog's chest and the mouth parts move. (See photograph)(*)	9503 41 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 9503 and 9503 41 00. The article can be used as a toy at any time of the year. Although it has certain Christmas features, it does not have the characteristics of festive articles of heading 9505.
7. A plastic toy representing a non-human creature (robot). It contains a battery-powered motor, which enables the robot to move around and to move its arms.	9503 49 30	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 9503, 9503 49 and 9503 49 30.
8. A set for retail sale, consisting of the representation of a mouse made of textile material, six wooden cubes carrying the letters A, B, C, X, Y, Z and a children's picture book made of paperboard.	9503 70 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 9503 and 9503 70 00. The product refers to the sets described in the explanatory notes to the Harmonized System to subheading 9503 70.
9. A plastic picture panel (about 29 × 22 cm) protected by a cover made of paper board. The picture panel with images of animals is fixed on the right inside cover. It contains a battery-powered electronic module, press buttons under the images of the animals, a switch-on-button and a loudspeaker. Pressing the buttons activates the module which produces mainly prerecorded spoken text and only a few bars of music. The left inside cover contains a book with plank pages.	9503 90 32	Classification is determined by the provisions of general rules 1, 3b and 6 for the interpretation of the combined nomenclature and by the wording of CN codes 9503, 9503 90 and 9503 90 32. The picture panel determines the essential character as a toy. The cover only serves as protection.



(*) Photographs are purely for information.

COMMISSION REGULATION (EC) No 2185/97
of 3 November 1997

amending Regulation (EC) No 1959/97 concerning the stopping of fishing for horse mackerel by vessels flying the flag of a Member State except Spain, Portugal, Germany and the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 686/97⁽²⁾, and in particular Article 21 (3) thereof,

Whereas Commission Regulation (EC) No 1959/97⁽³⁾ stops fishing for horse mackerel by vessels flying the flag of a Member State except Spain, Portugal, Germany and the Netherlands;

Whereas on 17 October 1997 Spain transferred to France 4 000 tonnes of horse mackerel and on 21 October 1997 to Ireland 1 650 tonnes of horse mackerel in the waters of ICES divisions V b (EC zone), VI, VII, VIII a, b, d and e, XII and XIV; whereas fishing for horse mackerel in the waters of ICES divisions V b (EC zone), VI, VII, VIII a, b, d and e, XII and XIV by vessels flying the flag of France and Ireland or registered in France or Ireland must therefore be authorized;

Whereas the present state of uptake of the horse mackerel quota allocated to Spain in the waters of ICES divisions V b (EC zone), VI, VII, VIII a, b, d and e, XII and XIV means that the quota transfers in question may be made;

Whereas Regulation (EC) No 1959/97 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1959/97 is hereby amended as follows:

1. in the title of Regulation (EC) No 1959/97, after '...Germany', 'France, Ireland' is inserted;
2. the second paragraph of Article 1 is replaced by the following:

'Fishing for horse mackerel in the waters of ICES divisions V b (EC zone), VI, VII, VIII a, b, d and e, XII and XIV by vessels flying the flag of a Member State except Spain, Portugal, Germany, France, Ireland and the Netherlands or registered in a Member State except Spain, Portugal, Germany, France, Ireland and the Netherlands is prohibited, as well as the retention on board, transshipment and landing of fish from the stock which are taken by the above vessels after the date of entry into force of this Regulation.'

Article 2

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

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

Done at Brussels, 3 November 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ L 102, 19. 4. 1997, p. 1.

⁽³⁾ OJ L 277, 10. 10. 1997, p. 2.

COMMISSION REGULATION (EC) No 2186/97
of 3 November 1997
fixing export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽¹⁾, and in particular Article 35 (11) thereof,

Whereas Commission Regulation (EC) No 2190/96⁽²⁾, as last amended by Regulation (EC) No 610/97⁽³⁾, lays down detailed rules on export refunds on fruit and vegetables;

Whereas Article 35 (1) of Council Regulation (EC) No 2200/96, provides that, to the extent necessary for economically significant quantities of the products listed in that Article to be exported, the difference between the international market prices for those products and their prices in the Community may be covered by export refunds;

Whereas Article 35 (4) of Regulation (EC) No 2200/96 provides that refunds must be fixed in the light of the existing situation or the outlook for fruit and vegetable prices on the Community market and supplies available on the one hand, and prices on the international market on the other hand; whereas account must also be taken of the costs referred to in Article 26 (4) (b) of that Regulation and of the economic aspect of the exports planned;

Whereas, pursuant to Article 35 (1) of Regulation (EC) No 2200/96, refunds are to be set with due regard to the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas, in accordance with Article 35 (5) of Regulation (EC) No 2200/96, prices on the Community market are to be established in the light of the most favourable prices from the export standpoint; whereas international trade

prices are to be established in the light of the prices referred to in the second subparagraph of that paragraph;

Whereas the international trade situation or the special requirements of certain markets may call for the refund on a given product to vary according to its destination;

Whereas tomatoes, lemons, oranges, peaches and nectarines, apples of classes Extra, I and II of the common quality standards, table grapes of classes Extra and I, shelled almonds, hazelnuts and walnuts in shell can currently be exported in economically significant quantities;

Whereas the representative market rates as defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as last amended by Regulation (EC) No 150/95⁽⁵⁾, are used to convert amounts expressed in currencies of third countries and provide the basis for determining the agricultural conversion rates for the Member States' currencies; whereas rules for determining and applying those conversion rates are laid down in Commission Regulation (EEC) No 1068/93⁽⁶⁾, as last amended by Regulation (EC) No 1482/96⁽⁷⁾;

Whereas the application of the abovementioned rules to the present and forecast market situation, and in particular to fruit and vegetable prices in the Community and international trade, gives the refund rates set out in the Annex hereto;

Whereas, pursuant to Article 35 (2) of Regulation (EC) No 2200/96, the resources available should be used as efficiently as possible while avoiding discrimination between traders; whereas, therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements; whereas, for those reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product;

Whereas Commission Regulation (EEC) No 3846/87⁽⁸⁾, as last amended by Regulation (EC) No 1490/97⁽⁹⁾, establishes an agricultural product nomenclature for export refunds;

⁽¹⁾ OJ L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽³⁾ OJ L 93, 8. 4. 1997, p. 16.

⁽⁴⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ L 188, 27. 7. 1996, p. 22.

⁽⁸⁾ OJ L 366, 24. 12. 1987, p. 1.

⁽⁹⁾ OJ L 202, 30. 7. 1997, p. 24.

Whereas Regulation (EEC) No 3719/88 ⁽¹⁾, as last amended by Commission Regulation (EC) No 1404/97 ⁽²⁾, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products;

Whereas, owing to the market situation, in order to make the most efficient use of the resources available and given the structure of Community exports, the most appropriate method should be selected for export refunds on certain products and certain destinations and consequently refunds under the A1 and A2 licence arrangements referred to in Article 1 of Regulation (EC) No 2190/96 should not be fixed simultaneously for the export period in question;

Whereas the quantities laid down for the various products should be distributed in accordance with the different systems for the grant of the refund, taking account in particular of their perishability;

Whereas account should be taken of the definitive rates under the A2 system fixed for the preceding licence application period;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds on fruit and vegetables shall be as set out in the Annex hereto.
2. Quantities covered by licences issued for food aid as referred to in Article 14a of Regulation (EEC) No 3719/88 shall not count against the eligible quantities covered by paragraph 1.
3. Without prejudice to the application of Article 4 (5) of Regulation (EC) No 2190/96, the term of validity of A1 and A2 licences shall be two months.

Article 2

This Regulation shall enter into force on 12 November 1997.

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

Done at Brussels, 3 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ L 194, 23. 7. 1997, p. 5.

ANNEX

EXPORT REFUNDS ON FRUIT AND VEGETABLES

Product (Full definitions of eligible products are given in the 'Fruit and vegetables' section of Commission Regulation (EEC) No 3846/87 amended)	Product code	A1 applications from 12. 11. 1997 to 12. 1. 1998			A2 applications from 13. 11. 1997 to 17. 11. 1997			B applications from 19. 11. 1997 to 19. 1. 1998		
		Destination or destination group (1)	Refund rate (ECU/tonnes net weight)	Scheduled quantity (tonnes)	Destination or destination group (1)	Indicative refund rate (ECU/tonnes net weight)	Scheduled quantity (tonnes)	Destination or destination group (1)	Indicative refund rate (ECU/tonnes net weight)	Scheduled quantity (tonnes)
Tomatoes	0702 00 15 9100 0702 00 20 9100 0702 00 25 9100 0702 00 30 9100 0702 00 35 9100 0702 00 40 9100 0702 00 45 9100 0702 00 50 9100	F	20		F	20	1 966	F	20	741
Shelled almonds	0802 12 90 9000	F	50	314				F	50	213
Hazelnuts in shell	0802 21 00 9000	F	59	197				F	59	197
Shelled hazelnuts	0802 22 00 9000	F	114	404				F	114	1 076
Walnuts in shell	0802 31 00 9000	F	73	130				F	73	132
Oranges	0805 10 01 9200 0805 10 05 9200 0805 10 09 9200 0805 10 11 9200 0805 10 15 9200 0805 10 19 9200 0805 10 21 9200 0805 10 25 9200 0805 10 29 9200 0805 10 31 9200 0805 10 33 9200 0805 10 35 9200 0805 10 37 9200 0805 10 38 9200 0805 10 39 9200 0805 10 42 9200 0805 10 44 9200 0805 10 46 9200 0805 10 51 9200 0805 10 55 9200 0805 10 59 9200 0805 10 61 9200 0805 10 65 9200 0805 10 69 9200	XYC	45		XYC	45	86 829	XYC	45	84 746
Lemons	0805 30 20 9100 0805 30 30 9100 0805 30 40 9100	F	30		F	30	17 213	F	30	17 746

Product (Full definitions of eligible products are given in the 'Fruit and vegetables' section of Commission Regulation (EEC) No 3846/87 amended)	Product code	A1 applications from 12. 11. 1997 to 12. 1. 1998			A2 applications from 13. 11. 1997 to 17. 11. 1997			B applications from 19. 11. 1997 to 19. 1. 1998		
		Destination or destination group (*)	Refund rate (ECU/tonnes net weight)	Scheduled quantity (tonnes)	Destination or destination group (*)	Indicative refund rate (ECU/tonnes net weight)	Scheduled quantity (tonnes)	Destination or destination group (*)	Indicative refund rate (ECU/tonnes net weight)	Scheduled quantity (tonnes)
Table grapes	0806 10 21 9200 0806 10 29 9200 0806 10 30 9200 0806 10 40 9200 0806 10 50 9200 0806 10 61 9200 0806 10 69 9200	F	25		F	25	4 125	F	25	1 256
Apples	0808 10 51 9910 0808 10 53 9910 0808 10 59 9910 0808 10 61 9910 0808 10 63 9910 0808 10 69 9910 0808 10 71 9910 0808 10 73 9910 0808 10 79 9910 0808 10 92 9910 0808 10 94 9910 0808 10 98 9910	X Y ZD	30 10 54	 5 371	X Y ZD	30 10	3 768 5 659	X Y ZD	30 10 54	2 801 5 888 514
Peaches and nectarines	0809 30 11 9100 0809 30 19 9100 0809 30 21 9100 0809 30 29 9100 0809 30 31 9100 0809 30 39 9100 0809 30 41 9100 0809 30 49 9100 0809 30 51 9100 0809 30 59 9100	E	35		E	35		E	35	

(*) The destination codes are defined as follows:

X: Norway, Iceland, Greenland, Faeroes, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Federal Republic of Yugoslavia (Serbia and Montenegro), Malta.

Y: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended.

Z: African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia.

C: Switzerland, Czech Republic, Slovakia.

D: Hong Kong SAR, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica.

E: All destinations except Switzerland.

F: All destinations.

COMMISSION REGULATION (EC) No 2187/97**of 3 November 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 Regu-
lation (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 multilat-
eral trade negotiations, the criteria whereby the Commis-
sion fixes the standard values for imports from third

countries, in respect of the products and periods stipu-
lated 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 4 November
1997.

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

Done at Brussels, 3 November 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 3 November 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 45	064	57,0
	204	56,7
	999	56,9
0709 90 79	052	69,2
	999	69,2
0805 30 40	052	83,2
	388	53,7
	524	67,8
	528	63,7
	999	67,1
0806 10 50	052	90,6
	064	62,8
	400	222,3
	999	125,2
0808 10 92, 0808 10 94, 0808 10 98	060	42,6
	064	43,0
	388	88,0
	400	86,7
	404	85,0
	528	52,4
	800	135,5
0808 20 67	999	76,2
	052	88,4
	064	80,3
	400	67,9
	999	78,9

⁽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 2188/97
of 3 November 1997
amending the import duties in the cereals sector

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

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2092/97⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2156/97⁽⁵⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2156/97,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2156/97 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 4 November 1997.

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

Done at Brussels, 3 November 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 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ L 292, 25. 10. 1997, p. 10.

⁽⁵⁾ OJ L 298, 1. 11. 1997, p. 19.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by air or by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	29,31	19,31
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	29,31	19,31
	medium quality	44,46	34,46
	low quality	57,77	47,77
1002 00 00	Rye	72,06	62,06
1003 00 10	Barley, seed	72,06	62,06
1003 00 90	Barley, other ⁽³⁾	72,06	62,06
1005 10 90	Maize seed other than hybrid	78,26	68,26
1005 90 00	Maize other than seed ⁽³⁾	78,26	68,26
1007 00 90	Grain sorghum other than hybrids for sowing	72,06	62,06

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

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

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

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

ANNEX II

Factors for calculating duties

(for 31 October 1997)

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	130,22	123,71	115,91	96,38	213,53 (¹)	102,13 (¹)
Gulf premium (ECU/tonne)	—	14,72	9,49	8,53	—	—
Great lake premium (ECU/tonne)	14,66	—	—	—	—	—

(¹) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 13,13 per tonne; Great Lakes — Rotterdam: ECU 22,10 per tonne.
3. Subsidy within the meaning of the third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne (HRW2)
: ECU 0,00 per tonne (SRW2).

COMMISSION REGULATION (EC) No 2189/97**of 3 November 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 2180/97⁽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 4 November 1997.

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

Done at Brussels, 3 November 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 298, 1. 11. 1997, p. 68.

ANNEX

to the Commission Regulation of 3 November 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⁾	25,60	3,61
1701 11 90 ⁽¹⁾	25,60	8,73
1701 12 10 ⁽¹⁾	25,60	3,47
1701 12 90 ⁽¹⁾	25,60	8,30
1701 91 00 ⁽²⁾	26,29	12,09
1701 99 10 ⁽²⁾	26,29	7,57
1701 99 90 ⁽²⁾	26,29	7,57
1702 90 99 ⁽³⁾	0,26	0,39

⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 6 October 1997

concerning the conclusion of bilateral agreements between the Community and Cyprus on Cyprus's participation in Community programmes in the fields of education, training and youth

(97/739/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 126 and 127, in conjunction with Article 228 (2) and (3) first paragraph thereof,

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

Whereas the resolution of the EU/Cyprus Association Council of 12 June 1995 established certain elements of a pre-accession strategy which include the participation of Cyprus in Community programmes;

Whereas, pursuant to Council Decision No 94/819/EC ⁽²⁾, Decision No 818/95/EC of the European Parliament and of the Council ⁽³⁾ and Decision No 819/95/EC of the European Parliament and of the Council ⁽⁴⁾, the Community established an action programme for the implementation of a European Community vocational training policy, hereinafter called 'Leonardo da Vinci', adopted the third phase of the 'Youth for Europe' programme and established the Community action programme 'Socrates';

Whereas the abovementioned Decisions provide, in Articles 9 (2), 7 (4) and 7 (3) respectively, that these three programmes shall be open to the participation of Cyprus;

Whereas the Commission has negotiated, on behalf of the European Community, three agreements to enable Cyprus to participate in these programmes;

Whereas these agreements should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The three Agreements between the European Community and the Republic of Cyprus concerning the participation

of the Republic of Cyprus in the Leonardo da Vinci, Youth for Europe and Socrates programmes, are hereby approved on behalf of the European Community.

The texts of the Agreements are attached to this Decision.

Article 2

The Commission shall represent the Community in the Joint Committee provided for in Article 7 of the respective agreements.

Article 3

The President of the Council shall, on behalf of the Community, give the notifications provided for in Article 14 of the agreements.

Article 4

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Luxembourg, 6 October 1997.

For the Council

The President

J. POOS

⁽¹⁾ OJ C 267, 3. 9. 1997, p. 45.

⁽²⁾ OJ L 340, 29. 12. 1994, p. 8.

⁽³⁾ OJ L 87, 20. 4. 1995, p. 1.

⁽⁴⁾ OJ L 87, 20. 4. 1995, p. 10.

AGREEMENT

between the European Community and the Republic of Cyprus establishing cooperation in the field of education within the framework of the Socrates programme

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF CYPRUS,

of the other part,

WHEREAS, pursuant to Decision No 819/95/EC of the European Parliament and of the Council the European Community action programme in the field of education, ('the Socrates programme'), was established;

WHEREAS Decision No 819/95/EC provides, in its Article 7, for the opening of the Socrates programme to Cyprus;

WHEREAS the participation of Cyprus in the Socrates programme constitutes a significant step in the pre-accession strategy of Cyprus;

WHEREAS, in particular, cooperation between the Community and Cyprus, with a view to pursuing the objectives fixed for the Socrates programme, within the context of transnational cooperation activities involving the Community and Cyprus, by its nature enriches the impact of the different actions undertaken pursuant to that programme, and strengthens the skill levels of human resources in the Community and Cyprus;

WHEREAS the Contracting Parties consequently expect to obtain mutual benefits from the participation of Cyprus in the Socrates programme;

WHEREAS a successful cooperation in this field implies a general commitment by the Contracting Parties to make complementary efforts to stimulate the European dimension in the education fields,

HAVE AGREED AS FOLLOWS:

Article 1

Field of cooperation

Cooperation between the Community and Cyprus shall be established in all areas of actions of the Socrates programme as set out in the Annex to Decision No 819/95/EC.

Unless otherwise provided in this Agreement, conditions for participation of Cyprus's organizations or individuals in each of the actions shall be the same as those applicable to organizations or individuals from the Member States of the Community.

Article 2

Objectives and contents of actions

The objectives and contents of the actions to be taken under the Socrates programme are set out in Decision No 819/95/EC, in particular in its Article 3 and its Annex.

Language preparation under Chapters I and II and language training under Chapter III, Action 1, concern

the official languages of the Community. In exceptional circumstances, other languages could be accepted if the implementation of the programme so requires.

Article 3

Eligible institutions, organizations and individuals

The eligibility of institutions, organizations and individuals of Cyprus shall be subject to the rules set out in Decision No 819/95/EC, in particular in Article 2 thereof,

Article 4

Procedures

Eligible institutions, organizations, and individuals of Cyprus shall take part in the Socrates programme according to the conditions and rules set out in Decision No 819/95/EC, and in particular in Article 5 thereof.

The terms and conditions for the submission, evaluation, selection of applications and any other measures, shall be the same as those applicable to the institutions, organizations and individuals of the Community.

To ensure the Community dimension of the Socrates programme, transnational projects and activities proposed by Cyprus will be required to include a minimum number of partners from the Member States of the Community. This minimum number will be decided in the framework of the implementation of the programme, taking into account the nature of the various activities, the number of partners in a given project, and the number of countries participating in the programme. Projects and activities carried out solely between Cyprus and the EFTA-EEA States or any other third country, including those with an association agreement with the Community, to which participation in the Socrates programme is open, shall not be eligible for Community financial support.

Article 5

National structures

Cyprus shall provide the appropriate structures and mechanisms at national level and shall take all other necessary steps to ensure national coordination and organization of the implementation of the Socrates programme, in accordance with Article 5 of Decision No 819/95/EC.

Article 6

Financial conditions

To cover the costs arising from its participation in the Socrates programme, Cyprus shall pay each year a contribution to the general budget of the European Communities, according to the terms and conditions set out in the Annex, which shall constitute an integral part of this Agreement.

Article 7

Joint Committee

1. A Joint Committee is hereby established.
2. The Joint Committee shall consist, on the one hand, of representatives of the Community, and, on the other, of representatives of Cyprus.
3. The Joint Committee shall be responsible for the implementation of this Agreement.
4. At the request of either Party, the Contracting Parties shall exchange information and hold consultations within the Joint Committee on activities covered by this Agreement and related financial aspects.

5. The Joint Committee shall act by agreement.

6. The Joint Committee shall meet at the request of either Contracting Party, in accordance with the conditions to be laid down in its rules of procedure.

Article 8

Coordination meetings

The representatives of the Community in the Joint Committee shall take the appropriate steps to ensure coordination between the implementation of this Agreement and the decisions taken by the Community in respect of the implementation of the Socrates programme. In order to facilitate this coordination and without prejudice to the procedures set forth in Article 4 of Decision No 819/95/EC, representatives of Cyprus shall be invited to coordination meetings prior to the regular Socrates committee meetings. The Commission shall inform Cyprus about the results of such regular meetings.

Article 9

Free movement

The Contracting Parties shall make every effort to facilitate the free movement and residence of students, teachers and other eligible persons moving between Cyprus and the European Community for the purpose of participating in the activities covered by this Agreement.

Article 10

Monitoring, evaluation and reports

Without prejudice to the responsibilities of the Commission and the Community's Court of Auditors in relation to the monitoring and evaluation of the programme pursuant to Article 8 of Decision No 819/95/EC, Cyprus's participation in the Socrates programme shall be continuously monitored on a partnership basis involving the Commission and Cyprus. Cyprus shall submit to the Commission of the European Communities, to assist the latter in drafting reports on the experience acquired in the application of the programme, a contribution describing the national measures taken by Cyprus in this regard. It will take part in any other specific activities set out by the Community in this regard.

Article 11

Use of languages

The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the Socrates programme shall be one of the official languages of the Community.

Article 12

Territories

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Cyprus.

*Article 13***Duration**

1. This Agreement is concluded for the duration of the Socrates programme (until 31 December 1999).
2. Should the Socrates programme be revised, this Agreement may be renegotiated or terminated. Cyprus shall be notified of the revised programme within one month of its adoption by the Community. Within a further two months, either Contracting Party may request a renegotiation or termination of this Agreement. In the event of termination, the practical arrangements for dealing with outstanding commitments shall be the subject of negotiations between the Contracting Parties.
3. Either Contracting Party may, at any time, request a revision of this Agreement. To this end, it shall submit a request to the other Contracting Party. The Contracting Parties may instruct the Joint Committee to examine this request and, where appropriate, to make recommenda-

tions to them, particularly with a view to opening negotiations.

*Article 14***Entry into force**

This Agreement shall enter into force on the first day of the month following the notification by the Contracting Parties of the completion of their respective procedures.

*Article 15***Languages of the Agreement**

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, Finnish, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

Hecho en Bruselas, el veinticinco de julio de mil novecientos noventa y siete.

Udfærdiget i Bruxelles, den femogtyvende juli nitten hundrede og syvoghalvfems.

Geschehen zu Brüssel am fünfundzwanzigsten Juli neunzehnhundertsiebenundneunzig.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Ιουλίου χίλια εννιακόσια ενενήντα επτά.

Done at Brussels on the twenty-fifth day of July in the year one thousand nine hundred and ninety-seven.

Fait à Bruxelles, le vingt-cinq juillet mil neuf cent quatre-vingt-dix-sept.

Fatto a Bruxelles, addì venticinque luglio millenovecentonovantasette.

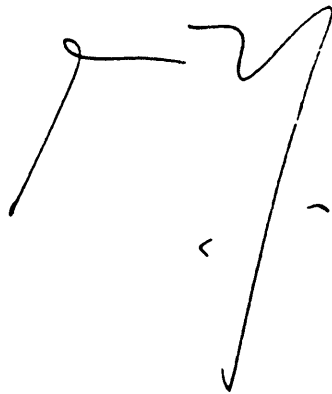
Gedaan te Brussel, de vijfentwintigste juli negentienhonderd zevenennegentig.

Feito em Bruxelas, em vinte e cinco de Julho de mil novecentos e noventa e sete.

Tehty Brysselissä kahdentenakymmenentenäviidentenä päivänä heinäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Som skedde i Bryssel den tjugofemte juli nittonhundranittiosju.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

A handwritten signature in black ink, consisting of a series of loops and a long vertical stroke.

Por la República de Chipre
For Republikken Cypern
Für die Republik Zypern
Για τη Δημοκρατία της Κύπρου
For the Republic of Cyprus
Pour la république de Chypre
Per la Repubblica di Cipro
Voor de Republiek Cyprus
Pela República de Chipre
Kyproksen tasavallan puolesta
På Republiken Cyperns vägnar

A handwritten signature in black ink, starting with a large 'M' and followed by a series of loops and a long horizontal stroke.

ANNEX

Financial conditions

1. Cyprus shall pay each year a contribution to the general budget of the European Communities to cover the subsidies or other financial support to be received by the Cypriot beneficiaries from the Socrates programme. This contribution will be:

- ECU 236 000 in 1997 for participating in Chapter II (school education, Comenius) and Chapter III (horizontal measures);
- ECU 537 000 in 1998 and in 1999 for participating in the entire Socrates programme.

For every budget year, the aggregated amount of subsidies received from the programme by Cypriot beneficiaries may not exceed the above contribution.

Should the aggregated amount be lower than the contribution, the Commission of the European Communities will transfer the balance to the following budgetary exercise, and it will be deducted from the following year's contribution. Should any balance remain on the termination of the programme, the corresponding amount will be reimbursed to Cyprus.

2. In addition to the contribution referred to in point 1, Cyprus will pay ECU 17 000 in 1997, ECU 38 000 in 1998, and ECU 38 000 in 1999 to cover supplementary administrative costs related to the management of the programme by the Commission stemming from Cyprus's participation. These amounts will not be subject to the provisions set out in the third paragraph of point 1.

3. The Financial Regulation applicable to the general budget of the European Community shall apply, notably to the management of the contribution of Cyprus.

At the beginning of each year, from 1997 onwards, or immediately after the entry into force of this Agreement, the Commission shall send to Cyprus a call for funds corresponding to its contribution referred to in points 1 and 2.

This contribution shall be expressed in ecus and paid into an ecu bank account of the Commission.

Cyprus shall pay its contribution at the latest within months of the call for funds. Any delay in the payment of the contribution shall give rise to the payment of interest by Cyprus on the outstanding amount from the due date. The interest rate shall correspond to the rate applied by the European Monetary Cooperation Fund (EMCF), for the month of the due date, for its operations in ecus⁽¹⁾, increased by 1,5 percentage points.

4. If necessary to take into account programme developments, the contribution of Cyprus referred to in points 1 and 2 may be adapted by the Joint Committee.

⁽¹⁾ Rate published monthly in the *Official Journal of the European Communities* — C series.

DECLARATION

Joint declaration in relation to the Annex, point 1

These figures are calculated on the basis of the Commission PDB 1997 for the Socrates programme and the distribution formulas provided in the different chapters of the Annex to Decision No 819/95/EC, taking into consideration statistics available in 1996 for all participating countries including Cyprus.

The Contracting Parties agree that, should the Cypriot contribution to the Socrates budget be insufficient to cover the Cypriot participation in all the projects selected on a qualitative basis, the Joint Committee will have a duty to establish a balance between the two abovementioned elements.

AGREEMENT

between the European Community and the Republic of Cyprus establishing cooperation in the field of vocational training within the framework of the Leonardo da Vinci programme

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF CYPRUS,

of the other part,

WHEREAS, pursuant to Council Decision 94/819/EC, an action programme for the implementation of a European Community vocational training policy, ('the Leonardo da Vinci programme'), was established;

WHEREAS decision 94/819/EC provides, in its Article 9, for the opening of the Leonardo da Vinci programme to Cyprus;

WHEREAS the participation of Cyprus in the Leonardo da Vinci programme constitutes a significant step in the pre-accession strategy of Cyprus;

WHEREAS the Contracting Parties have a common interest in cooperation in vocational training as part of the wider cooperation between the Community and Cyprus and with the aim of contributing to a dynamic and homogeneous development in this field;

WHEREAS, in particular, cooperation between the Community and Cyprus, with a view to pursuing the objectives fixed for the Leonardo da Vinci programme, within the context of transnational cooperation activities involving the Community and Cyprus, by its nature enriches the impact of the different actions undertaken pursuant to that programme, and strengthens the skill levels of human resources in the Community and Cyprus;

WHEREAS the Contracting Parties consequently expect to obtain mutual benefits from the participation of Cyprus in the Leonardo da Vinci programme;

WHEREAS a successful cooperation in this field implies a general commitment by the Contracting Parties to make complementary efforts to stimulate the European dimension in the field of vocational training,

HAVE AGREED AS FOLLOWS:

Article 1

Field of cooperation

Cooperation between the Community and Cyprus shall be established in all the strands and actions of the Leonardo da Vinci programme, as set out in Part A of the Annex to Decision 94/819/EC.

Unless otherwise provided in this Agreement, conditions for participation of Cyprus's organizations or individuals in each of the strands shall be the same as those applicable to organizations or individuals from the Member States of the Community.

Article 2

Objectives and contents of actions

The objectives and contents of the actions to be taken under the Leonardo da Vinci programme are set out in

Decision 94/819/EC, in particular in Article 3 and Part A of the Annex.

Language preparation and training concerns the official languages of the Community. In exceptional circumstances, other languages could be accepted if the implementation of the programme so requires.

Article 3

Eligible organizations and individuals

The eligibility of organizations and individuals of Cyprus shall be subject to the rules set out in Decision 94/819/EC, in particular in Article 2 and Part A and Part C, Section I of the Annex.

*Article 4***Procedures**

Eligible organizations and individuals of Cyprus shall take part in the Leonardo da Vinci programme according to the conditions and rules set out in Decision 94/819/EC, in particular in Part C of the Annex.

The terms and conditions for the submission, evaluation and selection of applications and proposals of pilot projects, programmes and any other measures shall be the same as those applicable to organizations and individuals of the Community.

To ensure the Community dimension of the Leonardo da Vinci programme, transnational projects and activities proposed by Cyprus will be required to include a minimum number of partners from the Member States of the Community. This minimum number will be decided in the framework of the implementation of the programme, taking into account the nature of the various activities, the number of partners in a given project, and the number of countries participating in the programme. Projects and activities carried out solely between Cyprus and the EFTA-EEA States or any other third country, including those with an association agreement with the Community, to which participation in the Leonardo da Vinci programme is open, shall not be eligible for Community financial support.

*Article 5***National structures**

Cyprus shall provide the appropriate structures and mechanisms at national level and shall take all other necessary steps to ensure national coordination and organization of the implementation of the Leonardo da Vinci programme, in accordance with Article 4 (3) of Decision 94/819/EC.

*Article 6***Financial conditions**

To cover the costs arising from its participation in the Leonardo da Vinci programme, Cyprus shall pay each year a contribution to the general budget of the European Communities, according to the terms and conditions set out in the Annex, which shall constitute an integral part of this Agreement.

*Article 7***Joint Committee**

1. A Joint Committee is hereby established.
2. The Joint Committee shall consist, on the one hand, of representatives of the Community, and, on the other, of representatives of Cyprus.

3. The Joint Committee shall be responsible for the implementation of this Agreement,

4. At the request of either Party, the Contracting Parties shall exchange information and hold consultations within the Joint Committee on activities covered by this Agreement and related financial aspects.

5. The Joint Committee shall act by agreement.

6. The Joint Committee shall meet at the request of either Contracting Party, in accordance with the conditions to be laid down in its rules of procedure.

*Article 8***Coordination meetings**

The representatives of the Community in the Joint Committee shall take the appropriate steps to ensure coordination between the implementation of this Agreement and the decisions taken by the Community in respect of the implementation of the Leonardo da Vinci programme. In order to facilitate this coordination and without prejudice to the procedures set forth in Article 6 of Decision 94/819/EC, representatives of Cyprus shall be invited to coordination meetings prior to the regular Leonardo da Vinci committee meetings. The Commission shall inform Cyprus about the results of such regular meetings.

*Article 9***Free movement**

The Contracting Parties shall make every effort to facilitate the free movement and residence of persons moving between Cyprus and the Community for the purpose of participating in the activities covered by this Agreement.

*Article 10***Monitoring, evaluation and reports**

Without prejudice to the responsibilities of the Commission and the Community's Court of Auditors in relation to the monitoring and evaluation of the programme pursuant to Article 10 of Decision 94/819/EC, Cyprus's participation in the Leonardo da Vinci programme shall be continuously monitored on a partnership basis involving the Commission and Cyprus. Cyprus shall submit to the Commission the reports to which reference is made in Article 10 of Decision 94/819/EC. It will take part in any other specific activities set out by the Community in this regard.

*Article 11***Use of languages**

The language to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the Leonardo da Vinci programme shall be one of the official languages of the Community.

*Article 12***Territories**

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Cyprus.

*Article 13***Duration**

1. This Agreement is concluded for the duration of the Leonardo da Vinci programme (until 31 December 1999).

2. Should the Leonardo da Vinci programme be revised, this Agreement may be renegotiated or terminated. Cyprus shall be notified of the revised programme within one month of its adoption. Within a further two months, either Contracting Party may request a renegotiation or termination of this Agreement. In the event of termination, the practical arrangements for dealing with

outstanding commitments shall be the subject of negotiations between the Contracting Parties.

3. Either Contracting Party may, at any time, request a revision of this Agreement. To this end, it shall submit a request to the other Contracting Party. The Contracting Parties may instruct the Joint Committee to examine this request and, where appropriate, to make recommendations to them, particularly with a view to opening negotiations.

*Article 14***Entry into force**

This Agreement shall enter into force on the first day of the month following the notification by the Contracting Parties of the completion of their respective procedures.

*Article 15***Languages of the Agreement**

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, Finnish, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

Hecho en Bruselas, el veinticinco de julio de mil novecientos noventa y siete.

Udfærdiget i Bruxelles, den femogtyvende juli nitten hundrede og syvoghalvfems.

Geschehen zu Brüssel am fünfundzwanzigsten Juli neunzehnhundertsiebenundneunzig.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Ιουλίου χίλια εννιακόσια ενενήντα επτά.

Done at Brussels on the twenty-fifth day of July in the year one thousand nine hundred and ninety-seven.

Fait à Bruxelles, le vingt-cinq juillet mil neuf cent quatre-vingt-dix-sept.

Fatto a Bruxelles, addì venticinque luglio millenovecentonovantasette.

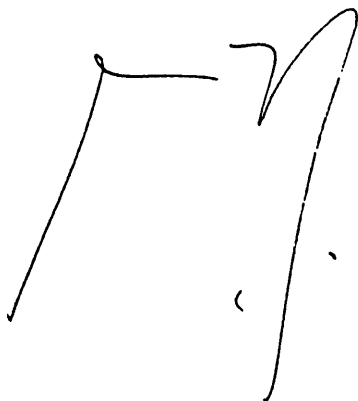
Gedaan te Brussel, de vijfentwintigste juli negentienhonderd zevenennegentig.

Feito em Bruxelas, em vinte e cinco de Julho de mil novecentos e noventa e sete.

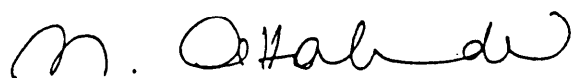
Tehty Brysselissä kahdentenakymmenentenäviidentenä päivänä heinäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Som skedde i Bryssel den tjugofemte juli nittonhundranittiosju.

Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

A handwritten signature in black ink, consisting of a stylized 'M' followed by a large, sweeping flourish that extends downwards and to the right.

Por la República de Chipre
For Republikken Cypern
Für die Republik Zypern
Για τη Δημοκρατία της Κύπρου
For the Republic of Cyprus
Pour la république de Chypre
Per la Repubblica di Cipro
Voor de Republiek Cyprus
Pela República de Chipre
Kyproksen tasavallan puolesta
På Republiken Cyperns vägnar

A handwritten signature in black ink, appearing to read 'M. O'Halloran' with a large, flowing 'O' and a long horizontal stroke at the end.

ANNEX

Financial conditions

1. Cyprus shall pay each year a contribution to the general budget of the European Communities to cover the subsidies or other financial support from the Leonardo da Vinci programme to be received by the Cypriot beneficiaries or by the national agency established by Cyprus in accordance with Article 4 (3) of Decision 94/819/EC. This contribution will be ECU 450 000.

For every budget year, the aggregated amount of subsidies received from the programme by Cypriot beneficiaries and by the national agency of Cyprus may not exceed the above contribution.

Should the aggregated amount be lower than the contribution, the Commission of the European Communities will transfer the balance to the following budgetary exercise, and it will be deducted from the following year's contribution. Should any balance remain on the termination of the programme, the corresponding amount will be reimbursed to Cyprus.

2. In addition to the contribution referred to in point 1, Cyprus will pay annually ECU 32 000 to cover supplementary administrative costs related to the management of the programme by the Commission stemming from Cyprus's participation. This amount will not be subject to the provisions set out in the third paragraph of point 1.

3. The Financial Regulation applicable to the general budget of the European Communities shall apply, notably to the management of the contribution of Cyprus.

At the beginning of each year, from 1997 onwards, or immediately after the entry into force of this Agreement, the Commission shall send to Cyprus a call for funds corresponding to its contribution referred to in points 1 and 2 above.

This contribution shall be expressed in ecus and paid into an ecu bank account of the Commission.

Cyprus shall pay its contribution at the latest within three months of the call for funds. Any delay in the payment of the contribution shall give rise to the payment of interest by Cyprus on the outstanding amount from the due date. The interest rate shall correspond to the rate applied by the European Monetary Cooperation Fund (EMCF), for the month of the due date, for its operations in ecus⁽¹⁾, increased by 1,5 percentage points.

4. If necessary to take into account programme developments, the contribution of Cyprus referred to in points 1 and 2 may be adapted by the Joint Committee.

⁽¹⁾ Rate published monthly in the *Official Journal of the European Communities* — C series.

AGREEMENT

between the European Community and the Republic of Cyprus establishing cooperation in the field of youth within the framework of the third phase of the Youth for Europe programme

THE EUROPEAN COMMUNITY,

of the one part, and

THE REPUBLIC OF CYPRUS,

of the other part,

WHEREAS, pursuant to Decision No 818/95/EC of the European Parliament and of the Council of 14 March 1995⁽¹⁾, the third phase of the Youth for Europe programme ('the Youth for Europe programme'), was adopted;

WHEREAS Decision No 818/95/EC provides, in its Article 7, for the opening of the youth for Europe programme to Cyprus;

WHEREAS the participation of Cyprus in the Youth for Europe programme constitutes a significant step in the pre-accession strategy of Cyprus;

WHEREAS, in particular, cooperation between the Community and Cyprus, with a view to pursuing the objectives fixed for the Youth for Europe programme, within the context of transnational cooperation activities involving the Community and Cyprus, by its nature enriches the impact of the different actions undertaken pursuant to that programme, and widens the horizon of youth exchanges in the Community and Cyprus;

WHEREAS the Contracting Parties consequently expect to obtain mutual benefits from the participation of Cyprus in the Youth for Europe programme;

WHEREAS a successful cooperation in this field implies a general commitment by the contracting Parties to make complementary efforts to stimulate the European dimension in the youth field,

HAVE AGREED AS FOLLOWS:

*Article 1***Field of cooperation**

Cooperation between the Community and Cyprus shall be established in all areas of actions of the Youth for Europe programme, as set out in the Annex to Decision No 818/95/EC, except Action D.

Unless otherwise provided in this Agreement, conditions for participation of Cyprus's organizations or individuals in each of the actions shall be the same as those applicable to organizations or individuals from the Member States of the Community.

*Article 2***Objectives and contents of actions**

The objectives and contents of the actions to be taken under the Youth for Europe programme are set out in Decision No 818/95/EC, in particular in its Articles 3 and 4 and in its Annex.

*Article 3***Eligible organizations and young people**

The eligibility of organizations and young people of Cyprus shall be subject to the rules set out in Decision No 818/95/EC, including its Article 4.

*Article 4***Procedures**

Eligible organizations and young people of Cyprus shall take part in the Youth for Europe programme in accordance with the conditions and rules set out in Decision No 818/95/EC.

The terms and conditions for the submission, evaluation, selection of applications and any other measures, shall be the same as those applicable to the organizations and young people on the Community.

⁽¹⁾ OJ L 87, 20. 4. 1995, p. 1.

To ensure the Community dimension of the Youth for Europe programme, transnational projects and activities proposed by Cyprus will be required to include a minimum number of partners from the Member States of the Community. This minimum number will be decided in the framework of the implementation of the programme, taking into account the nature of the various activities, the number of partners in a given project, and the number of countries participating in the programme. Projects and activities carried out solely between Cyprus and the EFTA-EEA States or any other third country, including those with an association agreement within the Community, to which participation in the Youth for Europe programme is open, shall not be eligible for Community financial support.

Article 5

National structures

Cyprus shall provide the appropriate structures and mechanisms at national level and shall take all other necessary steps to ensure national coordination and organization of the implementation of the Youth for Europe programme, in accordance with Article 5 of Decision No 818/95/EC.

Article 6

Financial conditions

To cover the costs arising from its participation in the Youth for Europe programme, Cyprus shall pay each year a contribution to the general budget of the European Communities, according to the terms and conditions set out in the Annex, which shall constitute an integral part of this Agreement.

Article 7

Joint Committee

1. A Joint Committee is hereby established.
2. The Joint Committee shall consist, on the one hand, of representatives of the Community, and, on the other, of representatives of Cyprus.
3. The Joint Committee shall be responsible for the implementation of this Agreement.
4. At the request of either Party, the Contracting Parties shall exchange information and hold consultations within the Joint Committee on activities covered by this Agreement and related financial aspects.
5. The Joint Committee shall act by agreement.
6. The Joint Committee shall meet at the request of either Contracting Party, in accordance with the conditions to be laid down in its rules of procedure.

Article 8

Coordination meetings

The representatives of the Community in the Joint Committee shall take the appropriate steps to ensure coordination between the implementation of this Agree-

ment and the decisions taken by the Community in respect of the implementation of the Youth for Europe programme. In order to facilitate this coordination and without prejudice to the procedures set forth in Article 6 of Decision No 818/95/EC, representatives of Cyprus shall be invited to coordination meetings prior to the regular Youth for Europe committee meetings. The Commission shall inform Cyprus about the results of such regular meetings.

Article 9

Free movement

The Contracting Parties shall make every effort to facilitate the free movement and residence of young people and other eligible persons moving between Cyprus and the European Community for the purpose of participating in the activities covered by this Agreement.

Article 10

Monitoring, evaluation and reports

Without prejudice to the responsibilities of the Commission and the Community's Court of Auditors in relation to the monitoring and evaluation of the programme pursuant to Article 9 of Decision No 818/95/EC, Cyprus' participation in the Youth for Europe programme shall be continuously monitored on a partnership basis involving the Commission and Cyprus. Cyprus shall submit to the Commission of the European Communities, to assist the latter in drafting reports on the experience acquired in the application of the programme, a contribution describing the national measures taken by Cyprus in this regard. It will take part in any other specific activities set out by the Community in this regard.

Article 11

Use of languages

The languages to be used as regards the application process, contracts, reports to be submitted and other administrative arrangements for the Youth for Europe programme shall be one of the official languages of the Community.

Article 12

Territories

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Cyprus.

Article 13

Duration

1. The Agreement is concluded for the duration of the Youth for Europe programme (until 31 December 1999).

2. Should the Youth for Europe programme be revised, this Agreement may be renegotiated or terminated. Cyprus shall be notified of the revised programme within one month of its adoption. Within a further two months, either Contracting party may request a renegotiation or termination of this Agreement. In the event of termination, the practical arrangements for dealing with outstanding commitments shall be the subject of negotiations between the Contracting Parties.

3. Either Contracting Party may, at any time, request a revision of this Agreement. To this end, it shall submit a request to the other Contracting Party. The Contracting parties may instruct the Joint Committee to examine this request and, where appropriate, to make recommendations to them, particularly with a view to opening negotiations.

Article 14

Entry into force

This Agreement shall enter into force on the first day of the month following the notification by the Contracting Parties of the completion of their respective procedures.

Article 15

Languages of the Agreement

This Agreement is drawn up in duplicate in the Danish, Dutch, English, French, Finnish, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

Hecho en Bruselas, el veinticinco de julio de mil novecientos noventa y siete.

Udfærdiget i Bruxelles, den femogtyvende juli nitten hundrede og syvoghalvfems.

Geschehen zu Brüssel am fünfundzwanzigsten Juli neunzehnhundertsiebenundneunzig.

Έγινε στις Βρυξέλλες, στις είκοσι πέντε Ιουλίου χίλια εννιακόσια ενενήντα επτά.

Done at Brussels on the twenty-fifth day of July in the year one thousand nine hundred and ninety-seven.

Fait à Bruxelles, le vingt-cinq juillet mil neuf cent quatre-vingt-dix-sept.

Fatto a Bruxelles, addì venticinque luglio millenovecentonovantasette.

Gedaan te Brussel, de vijfentwintigste juli negentienhonderd zevenennegentig.

Feito em Bruxelas, em vinte e cinco de Julho de mil novecentos e noventa e sete.

Tehty Brysselissä kahdentenäkymmenentenäviidentenä päivänä heinäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Som skedde i Bryssel den tjugofemte juli nittonhundranittiosju.

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar



Por la República de Chipre

For Republikken Cypern

Für die Republik Zypern

Για τη Δημοκρατία της Κύπρου

For the Republic of Cyprus

Pour la république de Chypre

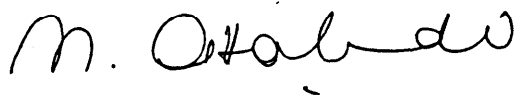
Per la Repubblica di Cipro

Voor de Republiek Cyprus

Pela República de Chipre

Kyproksen tasavallan puolesta

På Republiken Cyperns vägnar



ANNEX

Financial conditions

1. Cyprus shall pay each year a contribution to the general budget of the European Communities to cover the subsidies or other financial support from the Youth for Europe programme to be received by the Cypriot beneficiaries or by the national agency established by Cyprus in conformity with Article 5 of Decision No 818/95/EC. This contribution will be:

ECU 130 000 in 1997 for participating in Action A1 (youth exchange and mobility) and B1 (support for Action A1);

ECU 230 000 in 1998 and ECU 280 000 in 1999 for participating in all the actions of the programme, except Action D.

For every budget year, the aggregated amount of subsidies received from the programme by Cypriot beneficiaries and by the national agency of Cyprus may not exceed the above contribution.

Should the aggregated amount be lower than the contribution, the Commission of the European Communities will transfer the balance to the following budgetary exercise, and it will be deducted from the following year's contribution. Should any balance remain on the termination of the programme, the corresponding amount will be reimbursed to Cyprus.

2. In addition to the contribution referred to in point 1, Cyprus will pay ECU 9 000 in 1997, ECU 16 000 in 1998, and ECU 20 000 in 1999 to cover supplementary administrative costs related to the management of the programme by the Commission stemming from Cyprus' participation. These amounts will not be subject to the provisions set out in the third paragraph of point 1.

3. The Financial Regulation applicable to the general budget of the European Communities shall apply, notably to the management of the contribution of Cyprus.

At the beginning of each year, from 1997 onwards, or immediately after the entry into force of this Agreement, the Commission shall send to Cyprus a call for funds corresponding to its contribution referred to in points 1 and 2.

This contribution shall be expressed in ecus and paid into an ecu bank account of the Commission.

Cyprus shall pay its contribution at the latest within three months of the call for funds. Any delay in the payment of the contribution shall give rise to the payment of interest by Cyprus on the outstanding amount from the due date. The interest rate shall correspond to the rate applied by the European Monetary Cooperation Fund (EMCF), for the month of the due date, for its operations in ecus⁽¹⁾, increased by 1,5 percentage points.

4. If necessary to take into account programme developments, the contribution of Cyprus referred to in points 1 and 2 may be adapted by the Joint Committee.

⁽¹⁾ Rate published monthly in the *Official Journal of the European Communities* — C series.

Information regarding the entry into force of the Agreements between the European Community and the Republic of Cyprus establishing cooperation in the field of education within the framework of the Socrates programme, in the field of vocational training within the framework of the Leonardo da Vinci programme and in the field of youth within the framework of the third phase of the Youth for Europe programme

The exchange of instruments notifying completion of the procedures needed for the entry into force of the Agreements, signed in Brussels on 25 July 1997, between the European Community and the Republic of Cyprus establishing cooperation in the field of education within the framework of the Socrates programme, in the field of vocational training within the framework of the Leonardo da Vinci programme and in the field of youth within the framework of the third phase of the Youth for Europe programme, took place on 10 October 1997. These Agreements will enter into force, in accordance with Article 14 thereof, on 1 November 1997.

COMMISSION

COMMISSION DECISION

of 14 October 1997

on the procedure for attesting the conformity of construction products pursuant to Article 20 (2) of Council Directive 89/106/EEC as regards masonry and related products

(Text with EEA relevance)

(97/740/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/106/EEC of 21 December 1988 on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 13 (4) thereof,

Whereas the Commission is required to select, as between the two procedures pursuant to Article 13 (3) of Directive 89/106/EEC for attesting the conformity of a product, the 'least onerous possible procedure consistent with safety'; whereas this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the responsibility of the manufacturer is a necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to compliance with the criteria mentioned in Article 13 (4), the intervention of an approved certification body is therefore required;

Whereas Article 13 (4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications;

Whereas the two procedures provided for in Article 13 (3) are described in detail in Annex III to Directive 89/106/EEC; whereas it is necessary therefore to specify clearly the methods by which the two procedures must be

implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems;

Whereas the procedure referred to in point (a) of Article 13 (3) corresponds to the systems set out in the first possibility, without continuous surveillance, and the second and third possibilities of point (ii) of Section 2 of Annex III, and the procedure referred to in point (b) of Article 13 (3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility, with continuous surveillance, of point (ii) of Section 2 of Annex III;

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

HAS ADOPTED THIS DECISION:

Article 1

The products and families of products set out in Annex I shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

Article 2

The products set out in Annex II shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in assessment and surveillance of the production control or of the product itself.

⁽¹⁾ OJ L 40, 11. 2. 1989, p. 12.

⁽²⁾ OJ L 220, 30. 8. 1993, p. 1.

Article 3

The procedure for attesting conformity as set out in Annex III shall be indicated in mandates for harmonized standards.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 14 October 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

*ANNEX I***Masonry and related products**

- Masonry units of category II to be used in walls, columns and partitions,
- special masonry units of category II with incorporated thermal insulating materials to be used in walls and partitions and not included in Annex II,
- factory-made prescribed masonry mortars to be used in walls, columns and partitions,
- factory-made rendering/plastering mortars to be used in wall, column, partition and ceiling finishes, and
- ties, tension straps, joist hangers, brackets, support angles, bed joint reinforcement and lintels to be incorporated in masonry walls, columns and partitions.

*ANNEX II***Masonry and related products**

- Masonry units of category I to be used in walls, columns and partitions,
 - special masonry units of category I or II with incorporated thermal insulating materials classified under one of the Euroclasses A, B or C for which the reaction to fire performance either is susceptible to change during the production process (in general, those made with combustible raw materials) or is altered by means of incorporation of certain agents, like fire retardants, to be used in walls and partitions subject to reaction to fire regulations, but only where this material is susceptible to be exposed to fire in its end situation, and
 - factory-made designed masonry mortars to be used in walls, columns and partitions.
-

ANNEX III

PRODUCT FAMILY

MASONRY AND RELATED PRODUCTS (1/3)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Masonry units category I ⁽¹⁾	in walls, columns and partitions	—	2 +
Factory-made, designed masonry mortars ⁽²⁾			
Masonry units category II	in walls, columns and partitions	—	4
Factory-made, prescribed, masonry mortars ⁽³⁾			
Factory-made rendering/ plastering mortars	in wall, column, partition and ceiling finishes		

System 2 +: See Annex III (2) (ii) to Directive 89/106/EEC, first possibility, including certification of the factory production control by an approved body.

System 4: See Annex III (2) (ii) to Directive 89/106/EEC, third possibility.

⁽¹⁾ Units with a specified mean compressive strength with a probability of failure to reach it not exceeding 5 %.

⁽²⁾ Mortars designed and manufactured to achieve specific performance requirements.

⁽³⁾ Mortars manufactured from specific proportion of constituents which may be assumed to achieve associated performance requirements.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

MASONRY AND RELATED PRODUCTS (2/3)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

Product(s)	Intended use(s)	Level(s) or class(es)	Attestation of conformity system(s)
Ties, tension straps, joist hangers, brackets, support angles, bed joint reinforcement and lintels	in walls and partitions	—	3

System 3: See Annex III 2 (ii) Directive 89/106/EEC, second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY

MANSONRY AND RELATED PRODUCTS (3/3)

Systems of attestation of conformity

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s)

Product(s)	Intended use(s)	Level(s) or class(es) (Reaction to fire) ⁽¹⁾	Attestation of conformity system(s)
Masonry units incorporating thermal insulating materials placed on a face susceptible to be exposed to fire	in walls and partitions subject to reaction to fire regulations	A, B or C ⁽²⁾	1
		A, B or C ⁽³⁾	3
		D, E or F	4

System 1: See Annex III (2) (i) to Directive 89/106/EEC, without audit-testing of samples.

System 3: See Annex III (2) (ii) to Directive 89/106/EEC, second possibility.

System 4: See Annex III (2) (ii) to Directive 89/106/EEC, third possibility.

⁽¹⁾ For reaction to fire, see Commission Decision 94/611/EC (OJ No L 241, 16. 9. 1994, p. 25).

⁽²⁾ Materials for which the reaction to fire performance either is susceptible to change during the production process (in general, those made with combustible raw materials) or is altered by means of incorporation of certain agents, like fire retardants.

⁽³⁾ Materials for which the reaction to fire performance is not susceptible to change during the production process (in general, those made with non-combustible raw materials).

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of Directive 89/106/EEC and, where applicable, clause 1.2.3 of the interpretative documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.