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⁽¹⁾ Text with EEA relevance

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 2621/97
of 19 December 1997**

**adopting autonomous and transitional measures for the free trade agreements
with Lithuania, Latvia and Estonia in certain processed agricultural products**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Article 1

Having regard to the proposal from the Commission,

Whereas, pending adaptation of Protocol 2 of the free trade agreements concluded with Estonia, Latvia, Lithuania⁽¹⁾, Council Regulation (EC) No 1507/97 of 24 July 1997 adopting autonomous and transitional measures for the free trade agreements with Lithuania, Latvia and Estonia in certain processed agricultural products⁽²⁾ was adopted, which maintains until 31 December 1997 the degree of preference granted, thus offsetting possible negative effects the implementation of the results of the Uruguay Round may have on exports of these countries to the Community;

Whereas, pending adoption of improved concessions granted to Estonia, Latvia and Lithuania by the respective Joint Committees, Regulation (EC) No 1507/97 laid down new concessions on a provisional and autonomous basis;

Whereas the negotiations with the countries concerned for the conclusion of Protocols amending the free trade agreements have been, or soon will be, concluded; whereas new Protocols 2 have been or soon will be initiated; whereas procedures for the formal adoption of 'interim' protocols covering solely the trade-related aspects of the amending protocols are underway; whereas the time schedule required for formal adoption may not allow for the entry into force of the 'interim' protocols on 1 January 1998; whereas it is therefore advisable to extend the concessions on an autonomous basis until 31 December 1998,

1. From 1 January to 31 December 1998 the goods originating from Lithuania listed in Annex I to this Regulation shall be subject to the annual tariff quotas and preferential duties mentioned in that Annex. The basic amounts to be taken into consideration in calculating the reduced agricultural components and additional duties applicable to the importation into the Community are given in Annex II.

2. From 1 January to 31 December 1998 the goods originating from Latvia listed in Annex III shall be subject to the annual tariff quotas and preferential duties mentioned in that Annex. The basic amounts to be taken into consideration in calculating the reduced agricultural components and additional duties applicable to the importation into the Community are given in Annex II.

3. From 1 January to 31 December 1998 the goods originating from Estonia listed in Annex IV shall be subject to the annual tariff quotas and preferential duties mentioned in the said Annex. The basic amounts to be taken into consideration in calculating the reduced agricultural components and additional duties applicable to the importation into the Community are given in Annex II.

Article 2

The concessions applying to trade in processed agricultural products provided for in the additional protocols adapting the free trade agreements with the countries referred to in Article 1 shall, from the entry into force of each of those protocols, replace the concessions provided for in the Annexes to this Regulation. The rules implementing the measures provided for in this Regulation shall also apply to the corresponding measures provided in the additional protocols.

⁽¹⁾ OJ L 373, 31. 12. 1994, p. 1 (Estonia).

OJ L 374, 31. 12. 1994, p. 1 (Latvia).

OJ L 375, 31. 12. 1994, p. 1 (Lithuania).

⁽²⁾ OJ L 204, 31. 7. 1997, p. 1.

Article 3

The quotas referred to in Annexes I, III and IV to this Regulation shall be administered by the Commission in accordance with the provisions of Commission Regulation (EC) No 1460/96 of 25 July 1996 establishing the detailed rules for implementing the preferential trade arrangements applicable to certain goods resulting from

the processing of agricultural products, as provided for in Article 7 of Regulation (EC) No 3448/93 ⁽¹⁾.

Article 4

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

It shall apply with effect from 1 January 1998.

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

Done at Brussels, 19 December 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ L 187, 26. 7. 1996, p. 18.

ANNEX I

LITHUANIA

Order number	CN code	Description	1998 quota (tonnes)	Preference	
				from 1. 1 to 30. 6. 1998	from 1. 7 to 31. 12. 1998
	1506 00 00	Other animal fats	unlimited	0 %	0 %
09.6533	1518 00 10	Animal and vegetable fats	360	5,5 %	5 %
	1518 00 31			0 %	0 %
	1518 00 39			3,5 %	3 %
	1518 00 91			5,5 %	5 %
	1518 00 95			0 %	0 %
	1518 00 99			5,5 %	5 %
09.6501	1704 90 71 1704 90 75	Boiled sweets Caramels	480	EAR	EAR
09.6503	1806 90	Chocolate	600	EAR	EAR
09.6528	2203 00	Beer	480	4,4 %	3,5 %
09.6525	2208 60 11	Vodka	390	0,52 ECU/% vol/hl + 2,53 ECU/hl	0,26 ECU/% vol/hl + 1,27 ECU/hl
09.6534	2402 20 90	Cigarettes	48	36,9 %	34,2 %

ANNEX II

BASIC AMOUNTS TO BE TAKEN INTO CONSIDERATION IN CALCULATING
AGRICULTURAL COMPONENTS AND ADDITIONAL DUTIES

	from 1.1. to 30.6.1998	from 1.7. to 31.12.1998
	ecus/ECU/Ecu/écus/ecua/100 kg	
Trigo blando / Blød hvede / Weichweizen / Μαλακό σιτάρι / Common wheat / Blé tendre / Grano tenero / Zachte tarwe / Trigo mole / Tavallinen vehnä / Vete	8,524	7,900
Trigo duro / Hård hvede / Hartweizen / Σκληρό σιτάρι / Durum wheat / Blé dur / Grano duro / Durum tarwe / Trigo duro / Durumvehnä / Durumvete	13,231	12,263
Centeno / Rug / Roggen / Σίκαλη / Rye / Seigle / Segala / Rogge / Centeio / Ruis / Råg	8,306	7,698
Cebada / Byg / Gerste / Κριθάρι / Barley / Orge / Orzo / Gerst / Cevada / Ohra / Korn	8,306	7,698
Maíz / Majs / Mais / Καλαμπόκι / Maize / Maïs / Granturco / Maïs / Milho / Maissi / Majs	7,408	7,408
Arroz descascarillado de grano largo / Ris, afskallet, langkornet / Reis, langkörnig, geschält / Αποφλοιωμένο ρύζι μακρόσπερμο / Long-grain husked rice / Riz décortiqué à grains longs / Riso semigreggio a grani lunghi / Langkorrelige gedopte rijst / Arroz em películas de grãos longos / Pitkäjyväinen esikuorittu riisi / Ris, skalat långkornigt	23,706	21,972
Leche desnatada en polvo / Skummetmælkspulver / Magermilchpulver / Αποδουτυρωμένο γάλα σε σκόνη / Skimmed-milk powder / Lait écrémé en poudre / Latte scremato in polvere / Magere-melkpoeder / Leite desnatado em pó / Rasvaton maitojauhe / Skummjölkspulver	26,730	25,740
Leche entera en polvo / Sødmealkspulver / Vollmilchpulver / Πλήρες γάλα σε σκόνη / Whole-milk powder / Lait entier en poudre / Latte intero in polvere / Vollemelkpoeder / Leite inteiro em pó / Rasvainen maitojauhe / Mjölkspulver	33,423	30,978
Mantequilla / Smør / Butter / Βούτυρο / Butter / Beurre / Burro / Boter / Manteiga / Voi / Smör	48,575	45,021
Azúcar blanco / Hvidt sukker / Weißzucker / Λευκή ζάχαρη / White sugar / Sucre blanc / Zucchero bianco / Witte suiker / Açúcar branco / Valkoinen sokeri / Vitt socker	32,565	31,795

ANNEX III

LATVIA

Order number	CN code	Description	1998 quota (tonnes)	Preference	
				from 1. 1 to 30. 6. 1998	from 1. 7 to 31. 12. 1998
09.6535	1704 90 65 1704 90 71 1704 90 75	Sugar confectionery	300	EAR	EAR
09.6536	1806 31 00 1806 32 10 1806 32 90 1806 90 11 1806 90 19	Chocolate	600	EAR	EAR
09.6537	1901 90 11 1901 90 19 1901 90 91 1901 90 99	Food preparations	240	EAR EAR 8,2 % EAR	EAR EAR 7,6 % EAR
09.6538	1905 30	Biscuits	240	EAR	EAR
09.6527	2104 10	Soups and broths	39	5,7 %	5,3 %
09.6513	2105	Ice-cream	34	EAR	EAR
09.6528	2203 00	Beer	600	4,4 %	3,5 %
09.6525	2208 60 11	Vodka	390	0,52 ECU/% vol/hl + 2,53 ECU/hl	0,26 ECU/% vol/hl + 1,27 ECU/hl
09.6529	2208 70 10	Liqueurs	13	0,64 ECU/% vol/hl + 4,10 ECU/hl	0,32 ECU/% vol/hl + 2,05 ECU/hl

ANNEX IV

ESTONIA

Order number	CN code	Description	1998 quota (tonnes)	Preference	
				from 1. 1 to 30. 6. 1998	from 1. 7 to 31. 12. 1998
09.6515	1704 10 11 1704 10 19 1704 90 71 1704 90 75	Sugar confectionery	180	EAR	EAR
09.6530	1805 00 00	Cocoa powder	34	0 %	0 %
09.6517	ex 1806 1806 10 15	Chocolate confectionery, excluding CN code 1806 10 15	600	EAR 0 %	EAR
09.6519	1905	Bakery goods	130	EAR	EAR
09.6521	2102 10 39	Yeasts	2 400	EAR	EAR
09.6539	2103 90 90	Sauces and preparations	720	5,7 %	5,3 %
09.6523	2105	Ice-creams	13	EAR	EAR
09.6531	2203	Beer	600	4,4 %	3,5 %
09.6525	2208 60 11	Vodka	120	0,52 ECU/% vol/hl + 2,53 ECU/hl	0,26 ECU/% vol/hl + 1,27 ECU/hl
09.6529	2208 70 10	Liqueurs	20	0,64 ECU/% vol/hl + 4,10 ECU/hl	0,32 ECU/% vol/hl + 2,05 ECU/hl
09.6532	2208 90 69	Other spirits	20	0,64 ECU/% vol/hl + 4,10 ECU/hl	0,32 ECU/% vol/hl + 2,05 ECU/hl
09.6534	2402 20 90	Cigarettes	60	36,9 %	34,2 %

**COUNCIL REGULATION (EC) No 2622/97
of 19 December 1997**

**opening and providing for the administration of Community tariff quotas for
certain fishery products originating in Ceuta**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, by virtue of Article 3 (2) of Protocol 2 to the 1985 Act of Accession, certain fishery products originating in Ceuta and Melilla are eligible, as of 1 January 1993, for exemption from customs duties in the customs territory of the Community; whereas that exemption is granted within the limit of tariff quotas calculated by product with reference to the average quantities actually disposed of during 1982, 1983 and 1984 in that part of Spain which is included in the customs territory of the Community or exported to the Community as constituted in 1985;

Whereas the products originating in Ceuta which have enjoyed the benefit of the tariff arrangements set up by Protocol 2 are no longer exported to the Community because of a decrease in volume of fish catches put on to the market; whereas the tariff quotas opened for Ceuta were not extended beyond 31 December 1992 on this account; whereas live fry and juveniles of sea bream and bass, sea bream and sea bass, henceforth replace these products in trade with the Community;

Whereas Ceuta's location as an enclave on the African continent poses specific problems; whereas the lack of both agriculture and industry leaves fishing as Ceuta's primary industry; whereas since the crisis is occurring in that sector, aquaculture has the potential to offer Ceuta's economic operators an alternative source of income to sea fishing;

Whereas the positive role played in the past by the system of preferential tariff treatment in granting access to the Community markets for certain fishery products origination in Ceuta justifies continuation of such treatment alongside other forms of Community action, in particular assistance from the Community structural funds for Objective 1 regions, of which Ceuta is one;

Whereas the preferential tariff treatment granted to fishery products derived from aquaculture in Ceuta should therefore play a greater part in fostering the development of the region;

Whereas the Community accords some third countries, in particular the Maghreb countries, preferential tariff treatment in the form of exemption from customs duties for products of CN codes ex 0301 99 90, 0302 69 94 and 0302 69 95; whereas steps should be taken to ensure that the tariff treatment of such products originating in Ceuta and imported into the Community is comparable to that accorded to these third countries; whereas the tariff arrangements applied to Ceuta need to be adjusted accordingly;

Whereas by Regulation (EC) No 1326/95⁽¹⁾, the Council opened a Community tariff quota (Order No 09.0321) for 1995 for live fry and juveniles of sea bream and bass originating in Ceuta; whereas, by Regulation (EC) No 1822/96⁽²⁾, the Council opened new zero-duty Community tariff quotas for 1996-97 for live fry and juveniles of sea bream and bass, sea bream and sea bass, originating in Ceuta (Order Nos 09.0321 and 09.0322);

Whereas the Kingdom of Spain has asked that the Commission open the quotas referred to in Regulation (EC) No 1822/96 for 1998 and thereafter;

Whereas zero-duty Community tariff quotas should therefore be opened for the products in question and the volumes fixed on the basis of annual production at 3 million individual fish (fry and juveniles of sea bream and sea bass) and 100 tonnes (sea bream and sea bass); whereas the quota period must run from 1 January to 31 December for 1998 and 1999; whereas application of the quota duty is subject to compliance with the rules laid down for the common organization of the markets;

Whereas Commission Regulation (EC) No 1427/97⁽³⁾ amending Regulation (EEC) No 2454/93⁽⁴⁾ laying down provisions for the implementation of the Community Customs Code sets out rules for the management of tariff quotas designed to be used following the chronological order of dates of acceptance of declarations;

Whereas eligibility for the tariff quotas introduced by this Regulation is subject to the definition of preferential origin specified in Article 27 of Regulation (EEC) No 2913/92⁽⁵⁾,

⁽¹⁾ OJ L 128, 13. 6. 1995, p. 6.

⁽²⁾ OJ L 241, 21. 9. 1996, p. 10.

⁽³⁾ OJ L 196, 24. 7. 1997, p. 31.

⁽⁴⁾ OJ L 253, 11. 10. 1993, p. 1.

⁽⁵⁾ OJ L 305, 19. 10. 1992, p. 1. Regulation as last amended by Regulation (EC) No 82/97 (OJ L 17, 21. 1. 1997, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

In 1998 and 1999 from 1 January to 31 December, the customs duties applicable on importation into the Community of the products in question, originating in Ceuta, shall be suspended at the level and within the limits of the Community tariff quotas shown below:

Order number	CN code	Taric sub-division	Description	Amount of quota	Quota duty (%)
09.0321	ex 0301 99 90	* 20	Live fry and juveniles of sea bream (<i>Sparus aurata</i>) and bass (<i>Dicentrarchus labrax</i>)	3 000 000 units	0
09.0322	0302 69 94 0302 69 95		Sea bass (<i>Dicentrarchus labrax</i>), gilt-headed sea bream (<i>Sparus aurata</i>), fresh or chilled	100 tonnes	0

Article 2

Proof of the products' originating status shall be adduced in accordance with Article 6 of Regulation (EEC) No 1135/88 ⁽¹⁾.

(c) of Regulation (EEC) No 2454/93, which may take all appropriate measures to ensure efficient administration thereof.

Article 3

The tariff quota referred to in Article 1 shall be administered by the Commission, pursuant to Article 308 (a) and

Article 4

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

It shall apply from 1 January 1998.

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

Done at Brussels, 19 December 1997.

For the Council

The President

F. BODEN

⁽¹⁾ OJ L 114, 2. 5. 1988, p. 1. Regulation as last amended by Regulation (EEC) No 3902/89 (OJ L 375, 23. 12. 1989, p. 5).

COUNCIL REGULATION (EC) No 2623/97

of 19 December 1997

applying Article 6 of Regulations (EC) No 3281/94 and (EC) No 1256/96 on multiannual generalized tariff preferences schemes in respect of certain industrial and agricultural products originating in developing countries

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas it is laid down in Article 6 of Regulations (EC) No 3281/94⁽³⁾ and (EC) No 1256/96⁽⁴⁾ that the most advanced beneficiary countries shall be excluded from entitlement under those Regulations from 1 January 1998 on the basis of objective, clearly defined criteria;

Whereas the reference threshold for excluding the most advanced countries should be a per capita income equal to the lowest in an EU Member State, adjusted by reference to the development index listed in Part 2 of Annex II to Regulations (EC) No 3281/94 and (EC) No 1256/96 in order to allow for the fact that some countries need to develop their exports of manufactures;

Whereas this approach is objective and clear in that it includes the indicator which is the least controversial and the most representative of the current state of affairs in the beneficiary countries, while at the same time making it possible to maintain one of the objectives of the GSP, namely diversification of the beneficiary countries' exports;

Whereas excluding some countries from benefiting from generalized tariff preferences must not have the effect of depriving members of the regional groupings, of which the excluded countries are also members, from the advantages which they previously obtained through using in their own manufacturing, within the context of regional cumulation, products originating in the said excluded countries; whereas terminating this facility would run counter to the objective of Article 6 of the said Regulations, which is to redistribute the benefits of the system to less developed countries,

HAS ADOPTED THIS REGULATION:

Article 1

The criteria referred to in Article 6 of Regulations (EC) No 3281/94 and (EC) No 1256/96 are as follows:

- a per capita gross national product exceeding US \$ 8 210 for 1995 in accordance with the most recent World Bank figures,
- a development index, calculated in accordance with the formula and on the basis of the figures given in Part 2 of Annex II to Regulations (EC) No 3281/94 and (EC) No 1256/96, greater than -1.

These criteria shall be applicable cumulatively.

Article 2

The withdrawal of one country or territory from the list of countries and territories benefiting from generalized preferences by virtue of the criteria set out in Article 1 shall not affect the possibility of using products originating in that country under the regional cumulation mechanism applicable to regional groupings referred to in Article 72 (3) of Commission Regulation (EC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽⁵⁾, provided that the country has been a member of the regional grouping since the multiannual system of preferences applicable to the product concerned entered into force and is not considered to be the country of origin of the final product within the meaning of Article 72a of Regulation (EC) No 2454/93.

Article 3

Under the criteria listed in Article 1, the following countries and territory shall be withdrawn from the list of countries and territories benefiting from the generalized preferences set out in Annex III to Regulations (EC) No 3281/94 and (EC) No 1256/96:

- Hong Kong,
- Singapore,
- South Korea.

Article 4

This Regulation shall enter into force on 1 May 1998.

⁽¹⁾ Opinion delivered on 16 December 1997 (not yet published in the Official Journal).

⁽²⁾ Opinion delivered on 10 December 1997 (not yet published in the Official Journal).

⁽³⁾ OJ L 348, 31. 12. 1994, p. 1. Regulation as last amended by Regulation (EC) No 998/97 (OJ L 144, 4. 6. 1997, p. 13).

⁽⁴⁾ OJ L 160, 29. 6. 1996, p. 1. Regulation as last amended by Regulation (EC) No 2448/96 (OJ L 333, 21. 12. 1996, p. 12).

⁽⁵⁾ OJ L 253, 11. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 89/97 (OJ L 17, 21. 1. 1997, p. 28).

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

Done at Brussels, 19 December 1997.

For the Council

The President

F. BODEN

COMMISSION REGULATION (EC) No 2624/97
of 29 December 1997
establishing the standard import values for determining the entry price of
certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 December 1997.

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

Done at Brussels, 29 December 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 29 December 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 50	204	59,8
	624	201,0
	999	130,4
0707 00 40	052	61,9
	999	61,9
0709 10 40	220	184,4
	999	184,4
0709 90 79	052	96,2
	204	138,3
	999	117,3
0805 10 61, 0805 10 65, 0805 10 69	204	38,8
	448	39,5
	528	44,4
	999	40,9
0805 20 31	052	76,2
	204	51,7
	999	63,9
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	87,2
	624	77,3
	999	82,3
0805 30 40	052	85,5
	400	84,5
	600	86,5
	999	85,5
0808 10 92, 0808 10 94, 0808 10 98	060	47,2
	064	53,3
	400	83,9
	404	84,7
	999	67,3
0808 20 67	064	86,1
	400	76,8
	999	81,5

⁽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 2625/97
of 29 December 1997
suspending the advance fixing of export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 2321/97 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of applications for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 ⁽³⁾, as last amended by Regulation (EC) No 2469/97 ⁽⁴⁾, and in particular Article 10 thereof,

Whereas the quantity covered by applications for advance fixing of refunds on beef and veal is greater than that normally disposed of;

Whereas applications for advance fixing of refunds should accordingly no longer be accepted and no licences should be issued in respect of applications pending,

HAS ADOPTED THIS REGULATION:

Article 1

1. The lodging of applications for export licences with advance fixing of the refund for the beef and veal sector products referred to in Article 1 of Commission Regulation (EC) No 2516/97 ⁽⁵⁾ is hereby suspended during the period 30 December 1997 to 2 January 1998.

2. No further action shall be taken in respect of applications pending for licences with advance fixing of the refund which should have been issued from 31 December 1997.

Article 2

This Regulation shall enter into force on 30 December 1997.

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

Done at Brussels, 29 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ L 322, 25. 11. 1997, p. 25.

⁽³⁾ OJ L 143, 27. 6. 1995, p. 35.

⁽⁴⁾ OJ L 341, 12. 12. 1997, p. 8.

⁽⁵⁾ OJ L 346, 17. 12. 1997, p. 11.

COMMISSION REGULATION (EC) No 2626/97
of 29 December 1997
on the issuing of A1 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 610/97⁽²⁾, and in particular Article 2 (3) thereof,

Whereas Commission Regulation (EC) No 2186/97⁽³⁾ sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;

Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;

Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2 (3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were issued without restriction for shelled almonds in response to applications submitted since 22 December 1997;

whereas, therefore, a percentage should be fixed for the issuing of licences for quantities applied for on 22 December 1997 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for shelled almonds for which applications were submitted on 22 December 1997 pursuant to Article 1 of Regulation (EC) No 2186/97 shall be issued for 68,0 % of the quantities applied for.

Applications for A1 export licences submitted after 22 December 1997 and before 13 January 1998 for that product shall be rejected.

Article 2

This Regulation shall enter into force on 30 December 1997.

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

Done at Brussels, 29 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ L 93, 8. 4. 1997, p. 16.

⁽³⁾ OJ L 299, 4. 11. 1997, p. 10.

**COMMISSION REGULATION (EC) No 2627/97
of 29 December 1997**

**temporarily suspending the issuing of export licences for certain milk products
and determining what proportion of the amounts covered by pending
applications for export licences may be allocated**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 2497/97 ⁽⁴⁾, and in particular Article 8 (3) thereof,

Whereas the market in certain milk products is currently subject to uncertainty; whereas licence applications of a speculative nature should be avoided which may lead to distortions of competition between operators and potentially disrupt the continuity of exports of these products for the remainder of the period in question; whereas the issue of export licences for the products involved should be temporarily suspended and licences for some of these products should not be issued in respect of applications pending,

HAS ADOPTED THIS REGULATION:

Article 1

1. The issue of export licences for milk and milk products referred to in the Annex is hereby suspended for the period 30 to 31 December 1997.
2. Licences shall be issued against applications for milk products referred to in the Annex submitted between 22 and 26 December 1997 which are currently pending and against which licences should have been issued from 30 December 1997.
3. No licences shall be issued for milk products referred to in the Annex for which applications submitted on 29 December 1997 are still pending and against which licences would have been issued from 5 January 1998.

Article 2

This Regulation shall enter into force on 30 December 1997.

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

Done at Brussels, 29 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ L 345, 16. 12. 1997, p. 12.

ANNEX

Product code	Product code	Product code	Product code
0401 10 10 9000	0402 21 99 9700	0402 99 39 9300	0404 90 23 9917
0401 10 90 9000	0402 21 99 9900	0402 99 39 9500	0404 90 23 9919
0401 20 11 9100	0402 29 15 9200	0402 99 91 9000	0404 90 23 9931
0401 20 11 9500	0402 29 15 9300	0402 99 99 9000	0404 90 23 9933
0401 20 19 9100	0402 29 15 9500	0403 10 11 9400	0404 90 23 9935
0401 20 19 9500	0402 29 15 9900	0403 10 11 9800	0404 90 23 9937
0401 20 91 9100	0402 29 19 9200	0403 10 13 9800	0404 90 23 9939
0401 20 91 9500	0402 29 19 9300	0403 10 19 9800	0404 90 29 9110
0401 20 99 9100	0402 29 19 9500	0403 10 31 9400	0404 90 29 9115
0401 20 99 9500	0402 29 19 9900	0403 10 31 9800	0404 90 29 9120
0401 30 11 9100	0402 29 91 9100	0403 10 33 9800	0404 90 29 9130
0401 30 11 9400	0402 29 91 9500	0403 10 39 9800	0404 90 29 9135
0401 30 11 9700	0402 29 99 9100	0403 90 11 9000	0404 90 29 9150
0401 30 19 9100	0402 29 99 9500	0403 90 13 9200	0404 90 29 9160
0401 30 19 9400	0402 91 11 9110	0403 90 13 9300	0404 90 29 9180
0401 30 19 9700	0402 91 11 9120	0403 90 13 9500	0404 90 81 9100
0401 30 31 9100	0402 91 11 9310	0403 90 13 9900	0404 90 81 9910
0401 30 31 9400	0402 91 11 9350	0403 90 19 9000	0404 90 81 9950
0401 30 31 9700	0402 91 11 9370	0403 90 31 9000	0404 90 83 9110
0401 30 39 9100	0402 91 19 9110	0403 90 33 9200	0404 90 83 9130
0401 30 39 9400	0402 91 19 9120	0403 90 33 9300	0404 90 83 9150
0401 30 39 9700	0402 91 19 9310	0403 90 33 9500	0404 90 83 9170
0401 30 91 9100	0402 91 19 9350	0403 90 33 9900	0404 90 83 9911
0401 30 91 9400	0402 91 19 9370	0403 90 39 9000	0404 90 83 9913
0401 30 91 9700	0402 91 31 9100	0403 90 51 9100	0404 90 83 9915
0401 30 99 9100	0402 91 31 9300	0403 90 51 9300	0404 90 83 9917
0401 30 99 9400	0402 91 39 9100	0403 90 53 9000	0404 90 83 9919
0401 30 99 9700	0402 91 39 9300	0403 90 59 9110	0404 90 83 9931
0402 21 11 9200	0402 91 51 9000	0403 90 59 9140	0404 90 83 9933
0402 21 11 9300	0402 91 59 9000	0403 90 59 9170	0404 90 83 9935
0402 21 11 9500	0402 91 91 9000	0403 90 59 9310	0404 90 83 9937
0402 21 11 9900	0402 91 99 9000	0403 90 59 9340	0404 90 89 9130
0402 21 17 9000	0402 99 11 9110	0403 90 59 9370	0404 90 89 9150
0402 21 19 9300	0402 99 11 9130	0403 90 59 9510	0404 90 89 9930
0402 21 19 9500	0402 99 11 9150	0403 90 59 9540	0404 90 89 9950
0402 21 19 9900	0402 99 11 9310	0403 90 59 9570	0404 90 89 9990
0402 21 91 9100	0402 99 11 9330	0403 90 61 9100	2309 10 70 9100
0402 21 91 9200	0402 99 11 9350	0403 90 61 9300	2309 10 70 9200
0402 21 91 9300	0402 99 19 9110	0403 90 63 9000	2309 10 70 9300
0402 21 91 9400	0402 99 19 9130	0403 90 69 9000	2309 10 70 9500
0402 21 91 9500	0402 99 19 9150	0404 90 21 9100	2309 10 70 9600
0402 21 91 9600	0402 99 19 9310	0404 90 21 9910	2309 10 70 9700
0402 21 91 9700	0402 99 19 9330	0404 90 21 9950	2309 10 70 9800
0402 21 91 9900	0402 99 19 9350	0404 90 23 9120	2309 90 70 9100
0402 21 99 9100	0402 99 31 9110	0404 90 23 9130	2309 90 70 9200
0402 21 99 9200	0402 99 31 9150	0404 90 23 9140	2309 90 70 9300
0402 21 99 9300	0402 99 31 9300	0404 90 23 9150	2309 90 70 9500
0402 21 99 9400	0402 99 31 9500	0404 90 23 9911	2309 90 70 9600
0402 21 99 9500	0402 99 39 9110	0404 90 23 9913	2309 90 70 9700
0402 21 99 9600	0402 99 39 9150	0404 90 23 9915	2309 90 70 9800

COMMISSION REGULATION (EC) No 2628/97

of 29 December 1997

laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards transitional provisions for the start-up period of the system for the identification and registration of bovine animals

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products⁽¹⁾, and in particular Article 10 (f) thereof,

Whereas it is appropriate to authorize Member States to continue for a limited period to use existing eartags and passports in order to allow the existing stocks to be used up; whereas the competent authority of each Member State should approve, for a certain period ending not later than 31 December 1999, the use of eartags already purchased by keepers or already in the possession of the veterinary services; whereas the Member States concerned should notify to the Commission the size of the existing stocks and the period foreseen for their use;

Whereas in order to ensure a smooth transition to the new identification and registration system provided for by Regulation (EC) No 820/97, Germany and Portugal should be authorized for a limited period to make the necessary arrangements regarding the provision and use of the second eartags; whereas until 30 June 1998 Italy may apply its national rules providing for double eartagging of bovine animals;

Whereas it is also appropriate to authorize Germany, Spain, Portugal and the United Kingdom to maintain until 30 June 1998 their current system of issuing animal passports;

Whereas in view of the timetable for the application of Regulation (EC) No 820/97, this Regulation should enter into force as a matter of urgency;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

1. Member States may continue for a limited period to use existing eartags and passports in order to allow the existing stocks to be used up.

2. The competent authority of each Member State shall authorize, for a period ending not later than 31 December 1999, the use of eartags already purchased by keepers or already in the possession of the veterinary services.

3. The Member States concerned shall notify to the Commission the size of the stocks referred to in paragraph 1 and the period foreseen for their use.

4. Within the limits of the existing stocks referred to in paragraph 1, until 30 June 1998, Germany and Portugal may make the necessary arrangements so that the second eartag is provided by the competent authority and can be hand-written provided that the hand-written mark is legible and indelible. Specific indication shall be given in the register of animals so identified, and keepers shall notify the competent authorities in writing if making use of this facility. If the first eartag is lost, the competent authority shall make the necessary arrangements for appropriate identification as provided for by Regulation (EC) No 820/97.

5. Until 30 June 1998, Italy may apply its national rules providing for double eartagging of bovine animals.

Article 2

Germany, Spain, Portugal and the United Kingdom may maintain until 30 June 1998 their current system of issuing animal passports, provided that the necessary measures are taken by their respective competent authorities to ensure reliability during that transitional period.

Article 3

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

It shall apply from 1 January 1998.

⁽¹⁾ OJ L 117, 7. 5. 1997, p. 1.

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

Done at Brussels, 29 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2629/97

of 29 December 1997

laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards eartags, holding registers and passports in the framework of the system for the identification and registration of bovine animals

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products⁽¹⁾, and in particular Article 10 (a), (b) and (c) thereof,

Whereas eartags should include information on the Member State of origin together with information on the individual animal; whereas the most appropriate codified form of such information is the two-letter country code together with a maximum of 12 digits; whereas certain Member States should be authorized to maintain their current system during a transitional period;

Whereas bar codes may be authorized in addition to the country code and up to 12 digits;

Whereas it is appropriate to define certain minimum uniform rules for the design and lay-out of eartags;

Whereas the provisions concerning the content of the eartags should be reviewed in the light of the establishment of the computerized database provided for in Article 5 of Regulation (EC) No 820/97;

Whereas that information contained in the passport and the register must be in a form which allows animals to be traced;

Whereas that information must be consistent with that to be included in the computerized database provided for in Council Directive 64/432/EEC of 26 June 1964 on health problems affecting intra-Community trade in bovine animals and swine⁽²⁾, as last amended by Directive 97/12/EC⁽³⁾;

Whereas in view of the control measures relating to Community aid schemes, it is necessary to include in the passport certain information relating to the premiums, as provided in Article 4 (b) of Council Regulation (EEC) No 805/68 of 27 June 1968, on the common organization of

the market in beef and veal⁽⁴⁾, as last amended by Regulation (EC) No 2321/97⁽⁵⁾;

Whereas in view of the timetable for the application of Regulation (EC) No 820/97, this Regulation should enter into force as a matter of urgency;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Eartags

Article 1

1. Eartags shall contain at least the name, the code or the logo of the competent authority or of the central competent authority of the Member State which allocated the eartags, and the characters provided for in paragraph 2.
2. The characters on the eartags shall be as follows:
 - (a) the first two positions shall identify the Member State of the holding where the animal is first identified. For this purpose the two-letter country code set out in the Annex shall be used;
 - (b) the characters following the country code shall be numeric and shall not exceed 12. However, Ireland, Italy, Spain, Portugal and the United Kingdom may maintain their current system of an alpha-numeric code for the 12 digits following the country code until 31 December 1999.
3. In addition to the information provided for in paragraph 1, a bar code may be authorized by the central competent authorities of the Member States.

Article 2

Eartags shall meet the following requirements:

- (a) they shall be of flexible plastic material;

⁽¹⁾ OJ L 117, 7. 5. 1997, p. 1.

⁽²⁾ OJ L 21, 29. 7. 1964, p. 1977/64.

⁽³⁾ OJ L 109, 25. 4. 1997, p. 1.

⁽⁴⁾ OJ L 148, 26. 6. 1968, p. 24.

⁽⁵⁾ OJ L 322, 25. 11. 1997, p. 25.

- (b) they shall be tamper-proof and easy to read throughout the lifetime of the animal;
- (c) they shall not be re-usable;
- (d) they shall be of a design which will remain attached to the animal without being harmful to it;
- (e) they shall carry only non-removable inscriptions, as provided for in Article 1.

Article 3

The model of the eartag shall be as follows:

- (a) each eartag shall consist of two parts, a male part and a female part;
- (b) each part of the eartag shall contain only the information provided for in Article 1;
- (c) the length of the eartag shall be at least 45 mm for each part;
- (d) the width of the eartag shall be at least 55 mm for each part;
- (e) the characters shall have a minimum height of 5 mm.

Article 4

Member States may choose other material or model for the second eartag and may decide to add further information provided that the provisions of Article 1 (1) and (2) are complied with.

Article 5

Member States shall communicate to each other and to the Commission the models of the first and the second eartag referred to in Articles 3 and 4.

CHAPTER II

Passports and registers

Article 6

1. The passport shall contain at least the following:
 - (a) the information referred to in Article 14 (3) C (1), first to seventh indents of Directive 64/432/EEC;
 - (b) the information referred to in:
 - Article 14 (3) C (2), second indent of Directive 64/432/EEC, or
 - Article 14 (3) C (2), first indent if the database provided for by Article 5 of Regulation (EC) No 820/97 is fully operational;
 - (c) the signature of the keeper(s), with the exception of the transporter. When the database is fully operational

as provided for in Article 6 (3), first indent, of Regulation (EC) No 820/97, only the signature of the last keeper shall be provided;

- (d) the name of issuing authority;
- (e) the date of issue of the passport.

2. Without prejudice to the provisions of Chapter I.A.1 of the Annex to Council Directive 91/628/EEC⁽¹⁾, if a calf under four weeks of age is moved, Member States may provide for it to be accompanied by a temporary document containing at least the information set out in paragraph 1 in the format approved by the competent authority.

The temporary document shall be issued by the first keeper of the calf and shall be completed by each subsequent keeper with the exception of transporters. The keeper shall submit the temporary document to the competent authority before the animal is four weeks old, or within seven days if the animal dies or is slaughtered before it is four weeks old. Where the calf is still alive, the competent authority shall issue a passport within 14 days of receipt of the temporary document. Such passports must show details of all movements made by the calf as recorded on the temporary document.

Provided that the navel is healed, the calf may not move more than twice between holdings, accompanied by the temporary document. For the purpose of this paragraph, movement between two holdings through a market or calf collection centre shall count as one movement, provided that the market or the calf collection centre can provide, upon request, to the competent authorities a full record of the transactions carried out within the framework of that market or centre.

3. In respect of the requirement for each keeper of animals to notify the movement, birth and death of the animal in accordance with the second indent of Article 7 (1) of Regulation (EC) No 820/97, the relevant period shall be determined by the Member State but in the case of births shall not in any case exceed 15 days from the date when the animal is tagged and as from 1 January 2000 shall not exceed seven days from the date when the animal is tagged.

Article 7

In addition to the information referred to in Article 6, the following information concerning the premium situation of the male animal, as provided for in Article 4 (b) of the Council Regulation (EC) No 805/68, shall be added to the passport:

- (a) application or grant: first-age bracket;
- (b) application or grant: second-age bracket.

⁽¹⁾ OJ L 340, 11. 12. 1991, p. 17.

Article 8

The register shall contain at least the following:

- (a) the up-to-date information provided for in Article 14 (3) C (1), first to fourth indents of Directive 64/432/EEC;
- (b) the date of death of the animal on the holding;
- (c) in the case of animals departing from the holding, the name and address of the keeper, with the exception of the transporter, or the identification code of the holding, to whom/which the animal was transferred, as well as the date of departure;
- (d) in the case of animals arriving on the holding, the name and address of the keeper, with the exception of the transporter, or the identification code of the holding, from whom/which the animal was transferred, as well as the date of arrival;
- (e) the name and signature of the representative of the competent authority who has checked the register and the date on which the check was carried out.

Article 9

Member States shall communicate to each other and to the Commission the model of the passport and the holding register used within their territory.

CHAPTER III

General*Article 10*

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

It shall apply from 1 January 1998.

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

Done at Brussels, 29 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Austria	AT
Belgium	BE
Denmark	DK
Finland	FI
France	FR
Germany	DE
Greece	EL
Ireland	IE
Italy	IT
Luxembourg	LU
Netherlands	NL
Portugal	PT
Spain	ES
Sweden	SE
United Kingdom	UK

COMMISSION REGULATION (EC) No 2630/97

of 29 December 1997

laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the minimum level of controls to be carried out in the framework of the system for the identification and registration of bovine animals

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 820/97 of 21 April 1997 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products⁽¹⁾, and in particular Article 10 (d) thereof,

Whereas it is appropriate to define the minimum level of controls to be carried out in order to ensure proper implementation of the identification and registration system for bovine animals;

Whereas the competent authority of each Member State should carry out controls based on a risk analysis; whereas the risk analysis should take into account all relevant factors, including in particular public and animal health considerations;

Whereas in principle all the animals on a holding should be covered by the controls; whereas, however, where for practical reasons it is not possible to assemble the animals on the holding within 48 hours, the competent authority may provide for an appropriate sampling system;

Whereas the competent authority of each Member State should carry out on-the-spot inspections, which should in general be unannounced, as provided for by Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes⁽²⁾, as last amended by Regulation (EC) No 820/97;

Whereas Member States should make an annual report to the Commission giving details of the implementation of the controls;

Whereas the Commission should provide the Member States with a model of such a report;

Whereas in view of the timetable for the application of Regulation (EC) No 820/97, this Regulation should enter into force as a matter of urgency;

Whereas the measures provided for in this Regulation are in conformity with the opinion of the Committee for the European Agricultural Guidance and Guarantee Fund,

HAS ADOPTED THIS REGULATION:

Article 1

The controls provided for in the system for the identification and registration of bovine animals shall at least comply with the minimum levels set out in Articles 2 to 5.

Article 2

1. In each Member State the competent authority shall carry out on-the-spot inspections, which may be carried out in conjunction with any other inspections provided for by Community legislation. Those inspections shall each year cover at least 10 % of holdings situated in the territory of each Member State. That minimum rate of control shall be increased immediately where it is established that Community legislation regarding identification has not been complied with.
2. By way of derogation from paragraph 1, where a Member State has in place a fully operational database in accordance with Article 5 of Regulation (EC) No 820/97 which provides effective cross-checking facilities, a rate of 5 % may be envisaged.
3. The selection of holdings to be inspected by the competent authority shall be made on the basis of risk analysis.
4. The risk analysis for each holding shall take into account in particular the following:
 - (a) the number of animals on the holding, including details of all the animals present and animals identified on the holding;
 - (b) public and animal health considerations, and in particular the existence of previous outbreaks of disease;
 - (c) the amount of annual bovine premium claimed and/or paid to the holding, compared with the amount paid the previous year;
 - (d) significant changes in comparison with situations in previous years;

⁽¹⁾ OJ L 117, 7. 5. 1997, p. 1.

⁽²⁾ OJ L 355, 5. 12. 1992, p. 1.

(e) results of checks conducted in earlier years, in particular:

- the proper keeping of the holding register, as provided for by Commission Regulation (EC) No 2629/97 on implementing rules for Regulation (EC) No 820/97 as regards eartags, holding registers and passports ⁽¹⁾,
- the proper keeping of passports of the animals present in the holding, as provided for by Regulation (EC) No 2630/97;

(f) proper communication of the data to the competent authority;

(g) other criteria to be defined by the Member States.

5. Each inspection shall be subject of a report standardized at national level setting out the results of the controls and any unsatisfactory findings, the reason for the control and the persons present. The keeper or his representative shall be given the opportunity to sign the report and, as appropriate, to give his observations on its content.

Article 3

1. The control shall cover all the animals on the holding for which identification is provided for by Regulation (EC) No 820/97.

2. By way of derogation from paragraph 1, if for practical reasons it is not possible to assemble the animals on the holding within a period of 48 hours, the competent

authority may provide for a sampling system provided that a reliable level of control is ensured.

Article 4

On-the-spot checks shall in general be unannounced. Where advance warning is given, it shall be limited to the strict minimum necessary and as a general rule shall not exceed 48 hours.

Article 5

1. Each Member State shall make an annual report to the Commission, before 1 July each year, commencing in 1999, giving details of the following:

- (a) the number of holdings in the Member State concerned;
- (b) the number of inspections made pursuant to Article 2;
- (c) the number of animals which have been inspected;
- (d) any breach found;
- (e) any sanction imposed in accordance with Article 10 of Commission Regulation (EC) No 820/97.

2. The Commission shall provide the Member States with a model showing how the information referred to in paragraph 1 is to be presented.

Article 6

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

It shall apply from 1 January 1998.

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

Done at Brussels, 29 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ See page 19 of this Official Journal.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 16 December 1997

on a Community action programme promoting non-governmental organizations primarily active in the field of environmental protection

(97/872/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s (1) thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure laid down in Article 189c of the Treaty ⁽³⁾,

(1) Whereas the Treaty provides for the development and the implementation of a Community environment policy and sets out the objectives and principles which should guide that policy;

(2) Whereas the resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council, of 1 February 1993 ⁽⁴⁾ established a Community programme of policy and action in relation to the environment and sustainable development (fifth action programme);

(3) Whereas, according to the joint declaration by the European Parliament, the Council and the Commis-

sion of 30 June 1982 on various measures to improve the budget procedure ⁽⁵⁾, a legal instrument has to be adopted before appropriations entered in the budget for any new significant Community action can be implemented;

(4) Whereas the Commission, in its communication to the budgetary authority concerning legal bases and maximum amounts, undertook to propose a legal base to cover the subsidies accorded under budget article 'B4-306 — awareness and subsidies';

(5) Whereas non-governmental organizations (NGOs), active in the field of environmental protection, can contribute to the environment policy of the Community, as laid down in Article 130r of the Treaty;

(6) Whereas NGOs' activities of concrete environmental protection measures and of increasing the general awareness of the need for the protection of the environment should be encouraged;

(7) Whereas the capacity of the national, regional and local environmental NGOs to exchange perspectives, problems and possible solutions relating to environmental problems having a Community dimension, should be enhanced;

(8) Whereas the fifth action programme recognizes that all relevant actors, the Commission and environmental organizations included, working in partnership should undertake concerted actions and share responsibility for achieving the goal of sustainable development;

⁽¹⁾ OJ C 104, 3. 4. 1997, p. 11 and

OJ C 104, 3. 4. 1997, p. 15.

⁽²⁾ OJ C 204, 15. 7. 1996, p. 1.

⁽³⁾ Opinion of the European Parliament of 13 November 1996 (OJ C 362, 2. 12. 1996, p. 130), Council common position of 24 April 1997 (OJ C 188, 19. 6. 1997, p. 1) and Decision of the European Parliament of 18 September 1997 (OJ C 304, 6. 10. 1997, p. 107).

⁽⁴⁾ OJ C 138, 17. 5. 1993, p. 1.

⁽⁵⁾ OJ C 194, 28. 7. 1982, p. 1.

- (9) Whereas the European environmental NGOs are essential to coordinate and channel to the Commission information and views on the new and emerging perspectives, such as on nature protection and transboundary environmental problems, which cannot be, or are not being, fully dealt with at the Member State or subordinate level;
- (10) Whereas, therefore, in conformity with the principle of subsidiarity, an action programme encouraging the activities of European environmental NGOs should be established;
- (11) Whereas environmental NGOs often use voluntary labour and often receive donations in kind; whereas account (up to 10 % of total eligible costs) may be taken of this special feature of their accounting systems when their revenue and costs, as well as their applications for financial assistance, are considered;
- (12) Whereas financial support should be designed in such a way as to take account of the need for openness concerning the use of this support;
- (13) Whereas it is important to define the priority areas of activity which the Community programme might support;
- (14) Whereas it is necessary to specify the detailed rules for Community financial support under the programme;
- (15) Whereas provision should be made for the continuation or discontinuation of the programme, after 31 December 2001;
- (16) Whereas a mechanism should be established so that Community assistance may be adapted to the particular features of the measures to be supported;
- (17) Whereas it is necessary to establish effective methods of monitoring, assessment and evaluation as well as to ensure adequate information for potential beneficiaries and for the public;
- (18) Whereas, in the light of the experience gained in the first three years of implementation, an assessment of the operation of the programme should be undertaken in order to decide on its continuation;
- (19) Whereas, a financial reference amount within the meaning of point 2 of the declaration by the European Parliament, the Council and the Commission of 6 March 1995, is included in this Decision for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

A Community action programme promoting NGOs to protect the environment is hereby established. The general objective of this programme shall be to promote activities of NGOs which are primarily active in the field of environmental protection at a European level by contributing to the development and implementation of Community environmental policy and legislation.

For the purposes of this Decision, environmental NGOs are independent and non-profit-making organizations primarily active in the field of environmental protection, with an environmental objective aimed at the public good.

Article 2

1. The areas of activity eligible for Community financial assistance are defined in the Annex.

2. Community financial assistance may be provided for activities which are of Community interest, contribute significantly to the further development and implementation of Community environmental policy and legislation and meet the principles underlying the fifth action programme.

The assistance referred to in the first subparagraph shall cover, in particular, the awareness campaigns and activities, information and documentation infrastructure, demonstration projects and coordination activities of environmental NGOs initiated by the organizations themselves.

Article 3

1. The Commission shall establish the priority activities to be implemented within the areas of activity defined in the Annex.

2. The activities referred to in paragraph 1 shall be selected on the basis of general criteria, such as:

- a sound cost-benefit ratio,
- a lasting multiplier effect at European level,
- an effective and balanced cooperation among any partners with regard to: planning of activities, carrying out of activities and financial participation,
- a contribution to a multinational approach, and in particular to cross-border cooperation within the Community and, if appropriate, beyond its frontiers with neighbouring countries.

3. The Commission shall specify the additional criteria to be used for selecting the activities to be financed.

Article 4

Financial assistance shall consist of a financial contribution by the Community towards activities of environmental NGOs. A financial contribution to compensate for administrative costs will be considered only for NGOs working at a European level in the context of their general working programme.

Article 5

The Commission shall ensure the coherence, consistency and complementarity between the Community activities and projects implementing this programme and other Community programmes and initiatives.

Article 6

1. This programme shall start on 1 January 1998 and shall end on 31 December 2001.

The financial reference amount for the implementation of this programme for the period 1998 to 2001 shall be ECU 10,6 million.

The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

2. The rate of overall Community assistance shall, in principle, not exceed 50 % of the budgeted activities and administrative costs as mentioned in Article 4.

3. The Community assistance shall be for activities which are to take place in the current, or a subsequent, year of the financial contribution.

Unpaid work or donation in kind, if properly documented, may be taken into account, up to a level of 10 % of total eligible costs, when assessing environmental NGOs' revenue and costs.

4. In order to receive a grant in excess of ECU 150 000, a non-governmental organization's accounts for the preceding two years must be certified by a registered auditor, as must also the accounts for the period in which the grant is used. To receive a grant of less than ECU 150 000, a non-governmental organization's accounts must be available in a form recognized by the Commission for the preceding two years and maintained in this form for the period in which the grant is used.

Article 7

1. The Commission shall publish a notice in the *Official Journal of the European Communities*, outlining the priority activities to be financed and detailing the selection and award criteria and the application and approval procedure.

2. Proposals for activities to be financed shall be submitted to the Commission by environmental NGOs operating at European level and promoting environmental

protection measures of particular interest to the Community.

3. The call for proposals for activities under this programme shall be announced in the *Official Journal of the European Communities* every year before 31 January. After an assessment of the proposals, the Commission shall decide before 31 May which activities it will finance. The decision shall give rise to an agreement, governing the rights and obligations of partners, concluded with the beneficiaries responsible for implementation.

4. The amount of financial assistance, financial procedures and controls, as well as all technical conditions necessary for granting the assistance shall be determined on the basis of the general working programme of the beneficiary and, in particular, of the nature and form of the approved activity and shall be laid down in the agreement concluded with the beneficiaries.

Article 8

1. In order to ensure the success of the activities carried out by environmental NGOs receiving Community financial assistance, the Commission shall take the necessary measures to:

- verify that activities proposed to the Commission have been carried out properly,
- prevent, and take action against, irregularities,
- recover sums improperly received, owing to abuse or negligence.

2. Without prejudice to the audits carried out by the Court of Auditors, pursuant to Article 188c of the Treaty, or any inspection carried out pursuant to Article 209 (c) of that Treaty, officials and other staff of the Commission may carry out on-the-spot checks, including sample checks, on activities financed under this programme.

The Commission shall inform the beneficiary in advance of any on-the-spot check, unless there are good reasons to suspect fraud and/or improper use.

3. The beneficiary of financial assistance shall keep available for the Commission all the supporting documents regarding expenditure on the activity for a period of five years following the last payment in respect of an activity.

Article 9

1. The Commission may reduce, suspend or recover the amount of financial assistance granted for an activity if it finds irregularities or if it transpires that, without Commission approval having been sought, the activity has been subject to a major change which conflicts with the objective of the implementing conditions of the activity.

2. If the deadlines have not been observed or in only part of the allocated financial assistance is justified by the progress in implementation of an activity, the Commission shall request the beneficiary to submit its observations within a specified period. If the beneficiary does not provide a satisfactory answer, the Commission may cancel the remaining financial assistance and demand prompt repayment of sums already paid.

3. Any undue payment must be repaid to the Commission. Interest may be added to sums not repaid in good time. The Commission shall lay down detailed rules for the implementation of this paragraph.

Article 10

1. The Commission shall ensure effective monitoring of the implementation of Community-financed activities. This monitoring shall take place on the basis of reports using the procedures agreed by the Commission and the beneficiary and shall also involve sample checks.

2. For each activity, the beneficiary shall submit a report to the Commission within three months of completion of the activity. The Commission shall determine the form and content of this report.

Article 11

A list of the beneficiaries and activities to be financed under this programme, together with the amount al-

located, shall be published each year in the *Official Journal of the European Communities*.

Article 12

1. Every year the Commission shall report on the state of implementation of this programme to the European Parliament and the Council.

2. No later than 31 December 2000, the Commission shall submit a report to the European Parliament and the Council on the implementation of this programme covering the first three years and shall, if appropriate, make proposals for any adjustment to be made with a view to continuing or not continuing the programme.

The Council, in accordance with the Treaty, shall decide on the continuation of the programme as from 1 January 2002.

Article 13

This Decision shall apply with effect from 1 January 1998 and cover a four-year period.

Done at Brussels, 16 December 1997.

For the Council

The President

J. LAHURE

ANNEX

COMMUNITY ACTION PROGRAMME PROMOTING NGOs PRIMARILY ACTIVE IN THE
FIELD OF ENVIRONMENT PROTECTION

Breakdown of areas of activity eligible for Community financial assistance	Allocation of resources 100 %
A. Information on the environment — facilitate a dialogue and an exchange of information between environment organizations operating at European level and Community institutions, — develop information and documentation infrastructures on environment protection for use by professionals and policy makers and for diffusion of information to pre-identified target groups.	40 %
B. Analysis of environmental activities — support and coordinate environmental projects increasing the multiplier effect of the project results, — reports on the level, extent and nature of environmental problems which could be treated at Community level and with regard to which the Community could be more active, — undertake analytical reviews on the penetration of environmental dimension in other areas covered by Community policies.	40 %
C. Cooperation between actors in the environment and NGOs active at European level — promote cooperation between partners identified by the fifth action programme for the environment, — encourage a multisectoral approach to environment protection, — in the framework of the principle of subsidiarity, complement the Community programmes with the national, regional and local environmental activities operating in the not-for-profit sector.	20 %
<i>Operational activities</i>	70 %
<i>Administrative support</i>	30 %
	<u>100 %</u>

COMMISSION

COMMISSION DECISION

of 12 December 1997

relating to a procedure in application of Article 83 of the Euratom Treaty

(XVII-06 — Enusa Juzbado)

(Only the Spanish text is authentic)

(97/873/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 83 thereof,

Having given the Empresa Nacional del Uranio, SA (Spain) the opportunity to express its point of view on the objections raised by the Commission,

Whereas:

I. THE FACTS

This Decision concerns the undeclared export of nuclear material from Spain to the United States of America by Empresa Nacional del Uranio, SA, hereinafter referred to as 'Enusa', during the month of February 1997.

Enusa is the operator of a nuclear fuel fabrication plant, 'Fábrica de Elementos Combustibles de Juzbado', located in Juzbado, Salamanca (Spain). The nuclear material required for this industrial activity is purchased in the form of uranium dioxide powder which is transported from its suppliers to Juzbado in drums which, after having been emptied, are shipped back to the supplier. A regular supplier of this uranium dioxide is, among others, General Electric in Wilmington, North Carolina (USA), hereinafter referred to as 'GE'.

Following a letter of 19 March 1997 from Enusa to the Euratom Safeguards Directorate of the Commission to which was attached a report made by Enusa relating to the incident which is the subject of this Decision, and the hearing held in Luxembourg in the offices of the Commission on 16 April 1997, the following facts were established and are agreed between Enusa and the Commission:

- during December 1996, six drums containing 13 kilograms of natural uranium, 65 826 grams of uranium enriched to 3,95 %, and 3 675 grams of uranium enriched to 4,4 % needed to be stored on the premises of the installation. The selected storage area was the same hall as that in which Enusa routinely stored full drums received from their uranium dioxide suppliers, and where also such drums are collected after being emptied for shipping back to the original supplier,
- since this storage area was located outside the controlled area, the six drums needed packaging, which was done in a way very similar to the way empty drums are conditioned for shipments as well: the same type of transport containers (three in total) were used for that purpose,
- according to internal procedures, these three full transport containers should have been properly labelled and sealed in order to indicate clearly that they contained nuclear material and were not empty. Also, the transfer to that storage area should have been registered in the plant computer. In this case however, seals were correctly applied but no labels were attached on the transport containers and also the transfer to that storage area was not booked in,
- as a result, the three full transport containers stood in the same room as the empty containers, and this was also the room from where shipments of empty containers were organized. The three abovementioned full containers could therefore only be distinguished from the empty one by the existence of a tiny seal; otherwise the outward appearance was identical,
- during this time a control of the physical existence of articles containing nuclear material was carried out in accordance with internal control procedures. This control revealed that the six drums in question were missing from the process area. Thereupon the

employee in charge deleted all six items from the inventory list, an action for which he had the appropriate access rights. He did not report his findings any further,

- when a routine return shipment of 150 containers with empty drums to GE was prepared on 20 January 1997, it passed unnoticed that three of these containers were not empty. The internal procedures required a radiological check of each container but this measurement action of the operator did not reveal the presence of any nuclear material. It was not noticed that the phenomenon of sealed containers without labels was a procedurally incorrect situation, and the seal number on the seals were not checked or reported,
- the three filled containers were shipped together with the empty ones to GE on 5 February 1997.
- following receipt of them, on 7 March 1997 GE noticed that some of the containers were not empty and notified Enusa of its findings. Enusa started an immediate investigation; a first result confirmed the existence of a shipment error,
- on 8 March 1997 Enusa notified the Safeguards Directorate of the Commission of the occurrence,
- on 19 March 1997 Enusa submitted to the Safeguards Directorate of the Commission a special report as provided for by Article 4 (2) of the Particular Safeguards Provisions.

II. LEGAL ASSESSMENT

A. The legal provisions

By virtue of its activities, Enusa is an undertaking falling within the terms of Article 196 (b) of the Treaty. It is therefore subject to the provisions of Chapter 7, Title II, of the Treaty; to Commission Regulation (Euratom) No 3227/76 of 19 October 1976 concerning the application of the provisions on Euratom safeguards⁽¹⁾, as last amended by Regulation (Euratom) No 2130/93⁽²⁾; and to the Commission Decision of 23 March 1995 laying down the Particular Safeguards Provisions for this undertaking.

Under Article 77 of the Treaty, the Commission must satisfy itself that, in the territories of the Member States:

- (a) ores, source materials and special fissile materials are not diverted from their intended uses as declared by the users;
- (b) the provisions relating to supply and any particular safeguarding obligations assumed by the Community

under an agreement concluded with a third State or an international organization are complied with.

In addition, the Commission also requires, in accordance with Article 79 of the Treaty, that operating records be kept and produced in order to permit accounting for ores, source materials and special fissile materials used or produced. The same requirement applies in the case of the transport of source materials and special fissile materials.

Under Article 10 of Regulation (Euratom) No 3227/76, the undertaking must keep accounting records which show, amongst other information, all inventory changes for each material balance area, so as to permit a determination of the book inventory at any time.

Thus, for all inventory changes, the accounting records must show, in respect of each batch of nuclear material, material identification, batch data and source data. These records must account separately for uranium, thorium and plutonium in each batch of nuclear material. Moreover for each inventory change, the date of the inventory change and, when appropriate, the dispatching material balance area and the receiving material balance area or the recipient, must be indicated.

Article 11 of Regulation (Euratom) No 3227/76 lays down that, for each material balance area, the operating records shall include, amongst other information, those operating data which are used to establish changes in the quantities and composition of the nuclear material.

Finally, for export activities, Article 24 of Regulation (Euratom) No 3227/76 lays down that:

- (a) persons and undertakings must give advance notification to the Commission of each export of source or special fissile materials. However, advance notification is required only:
 - (i) where the consignment exceeds one effective kilogram⁽³⁾;
 - (ii) where the Particular Safeguards Provisions so specify, in the case of installations habitually transferring large total quantities of materials to the same State, even though no single consignment exceeds one effective kilogram;
- (b) such notification must be given after the conclusion of the contractual arrangements leading to the transfer and in any case in time to reach the Commission eight working days before the material is to be prepared for shipment;
- (c) such notification must be given in accordance with the form set out in Annex V to the said Regulation.

⁽¹⁾ OJ L 363, 31. 12. 1976, p. 1.

⁽²⁾ OJ L 191, 31. 7. 1993, p. 75.

⁽³⁾ See Article 36 (o) of Regulation (Euratom) No 3227/76.

As regards the conditions under which advance notification is required for entry and exit operations, the Particular Safeguards Provisions for Enusa established by the Decision of 23 March 1995 lay down that advance notification is also required for exports of less than one effective kilogram.

In addition to this notification, and to allow cross-checks to be carried out, Article 32 of Regulation (Euratom) No 3227/76 lays down that any person or undertaking engaged, within the territories of the Member States, in carrying or temporarily storing source or special fissile materials during shipment may accept them, or hand them over only against a duly signed and dated receipt. This must state the names of the parties handing over and receiving the materials and the quantities carried, together with the nature, form and compositions of the materials.

B. The infringements established

Following an examination of the facts acknowledged by Enusa, it has been established that the undeclared export of nuclear material to the United States led to the following infringements being committed:

1. breach of the provisions on the recording of inventory changes laid down in Article 10 (a) of Regulation (Euratom) No 3227/76;
2. breach of the provisions on operating records laid down in Article 11 (a) of that Regulation, particularly as regards those operating data which are used to establish changes in the quantities and composition of the nuclear material;
3. failure to give advance notification of export as laid down in Article 24 of that Regulation, in conjunction with code 1.3.2 of the Particular Safeguards Provisions.

Lastly, there has also been a breach of Article 32 of the Regulation. Since it was not notified by Enusa of the quantity, nature and composition of the nuclear material, the carrier was not able to issue the acceptance receipt by means of which verification is possible.

C. The sanction to be applied

Under the terms of Article 83 (1) of the Treaty, in the event of an infringement on the part of persons or undertakings of the obligations imposed on them, the Commission may impose sanctions on such persons or undertakings.

These sanctions are in order of severity:

- (a) a warning;
- (b) the withdrawal of special benefits such as financial or technical assistance;

(c) the placing of the undertaking for a period not exceeding four months under the administration of a person or board appointed by common accord of the Commission and the State having jurisdiction over the undertaking;

(d) total or partial withdrawal of source materials or special fissile materials.

Given that the determining criterion for application of this Article is the seriousness of the infringement committed, it is first necessary to carry out both an objective and a subjective analysis of the nature of the offences.

From an objective point of view, it appears that the provisions breached are essential elements of Community legislation in the field of safeguards, and that observance of them is essential if the aim set out in Article 77 of the Treaty is to be attained.

Moreover, the facts established made it impossible for the Commission to carry out the task assigned to it in Article 2 (e) of the Treaty, namely to 'make certain, by appropriate supervision, that nuclear materials are not diverted to purposes other than those for which they are intended'.

It should be noted here that the Commission attaches particular importance to the control of exports of nuclear materials, especially in cases where they could be enriched to levels where it would be of strategic value.

From a subjective point of view, it seems that there was no ulterior motive behind the actions and that these should not be seen as a form of diversion. Also, the inspectors of the Commission established that the facts occurred primarily as a result of non-compliance with internal working procedures due to human error of individual employees of Enusa. These working procedures can be improved further. However, it is observed that had they been followed correctly, the facts could not have occurred.

Moreover, there have been no problems of substance since the Commission started applying safeguards in the installation in 1986. At each annual inventory verification of materials held, only minimal differences between the physical inventory and the book inventory were determined. The operator consistently showed an attitude of attention and awareness of matters concerning the safeguards.

In assessing both the objective and the objective factors set out above the Commission considers that the infringement committed by Enusa is such that a sanction is warranted.

Given the circumstances, in particular that there are no special benefits to Enusa such as financial or technical assistance, the Commission is of the view that the appropriate sanction to impose is that laid down in Article 83 (1) (a) of the Treaty.

Finally, the warning of the Commission should set out the action to be taken by Enusa to preclude events of this nature in the future, all the more so since Enusa carries out such container transfer operations on a regular basis, and intends to continue doing so.

To this end Enusa shall provide the Commission within three months following this warning with a report on the actions it has undertaken in the following fields:

1. the procedures of personnel training;
2. the definition of access rights in the computer system used for nuclear materials accountancy;
3. the internal provisions that influence how to make the proper distinction between empty and full containers;
4. the procedures and practical tools used for physical verifications of incoming/outgoing material;
5. the documentation and proper application of any modifications and improvements on points 1 to 4.

Moreover, the Commission's inspectors should be enabled to verify their implementation by one or more inspections of the situation of all five abovementioned points so that they may draw up an assessment report,

HAS ADOPTED THIS DECISION:

Article 1

Empresa Nacional del Uranio, SA has infringed Article 79 of the Euratom Treaty as implemented by Articles 10, 11 and 24 of Regulation (Euratom) No 3227/76 and in code 3.1.2. of the Commission Decision of 23 March 1995 on Particular Safeguards Provisions, through:

- (a) its failure to give advance notification of an export;
- (b) its breach of the regulations on recording inventory changes;
- (c) its breach of the regulations applicable to those operating data which are used to establish changes in the quantities and composition of the nuclear material.

Article 2

1. The Commission issues a warning to Empresa Nacional del Uranio, SA.

2. The warning is imposed with the requirement that the infringements listed in Article 1 be rectified so that they do not recur during future operations.

3. Based on the report referred to in Article 3 and its own verifications the Commission will assess the compli-

ance of Empresa Nacional del Uranio, SA with the requirement set out in paragraph 2.

4. If Empresa Nacional del Uranio, SA does not provide the Commission with the report referred to in Article 3 (1) or if any of the infringements listed in Article 1 are not rectified, the Commission will consider imposing a further sanction.

Article 3

1. Empresa Nacional del Uranio, SA shall provide the Commission within three months of the date of notification of this Decision with an implementation report describing the measures taken to rectify the infringements listed in Article 1, and this in the following fields:

- (a) the procedures of personnel training;
- (b) the definition of access rights in the computer system used for nuclear materials accountancy;
- (c) the internal provisions that influence how to make the proper distinction between empty and full containers;
- (d) the procedures and practical tools used for physical verifications of incoming/outgoing material;
- (e) the documentation and proper application of any modifications and improvements on points (a) to (d).

2. Following receipt of the report, the Commission's inspectors will verify the implementation of points (a) to (e) mentioned in paragraph 1 in Empresa Nacional del Uranio, SA. The Commission's assessment referred to in Article 2 (3) will be based on these verifications.

3. Empresa Nacional del Uranio, SA will grant the Commission's inspectors, in addition to their rights set out in the Treaty, access to all documents, offices and staff, in order to ensure that the verification as mentioned in paragraph 2 can be completed.

Article 4

1. This Decision is addressed to Empresa Nacional del Uranio, SA, Ctra. Salamanca-Ledesma Km. 26, Apdo. Correos 328, E-37080 Juzbado (Salamanca).

2. This Decision shall be communicated to the Kingdom of Spain.

Done at Brussels, 12 December 1997.

For the Commission

Christos PAPOUTSIS

Member of the Commission

COMMISSION DECISION

of 16 December 1997

amending Decision 94/204/EC, Euratom relating to the creation of the European
Science and Technology Assembly

(Text with EEA relevance)

(97/874/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS DECIDED AS FOLLOWS:

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Whereas in its Decision 94/204/EC, Euratom⁽¹⁾ the Commission instituted an Advisory Committee called the European Science and Technology Assembly, hereinafter referred to as 'the Assembly';

Whereas Article 3 (1) and (2) of the said Decision provides that the Assembly shall have, at most, 100 members, and shall consist of high-level personalities from the European circles that represent the exact and natural, economic, social and human sciences in proportions and areas affected by Community research, technology and industry;

Whereas Article 5 of that Decision states that the Assembly shall be provided with a Bureau of 20 members comprising on the one hand, a representative of the Commission and nine members appointed by the Commission from the representatives of the organizations referred to in Article 3 (3), and, on the other hand 10 members elected by the Assembly from its own members;

Whereas the text of Article 5 should be amended so as to adapt the composition of the Bureau to the actual composition of the Assembly,

Article 1

Paragraph 1 of Article 5 of Decision 94/204/CE, Euratom is hereby replaced by the following text:

'The Assembly shall be provided with a Bureau with a maximum of 20 members comprising, on the one hand, up to 10 members elected by the Assembly from its own members — election being by two-thirds majority of the members present — and, on the other hand, one representative of the Commission and up to 9 members appointed by the Commission from the representatives of the organizations referred to in Article 3 (3). The exact number of members elected by the Assembly and members appointed by the Commission shall be determined in accordance with the Rules of Procedure of the Assembly referred to in Article 7.'

Article 2

The Decision presented is applicable from 17 December 1997.

Done at Brussels, 16 December 1997.

For the Commission

Édith CRESSON

Member of the Commission

⁽¹⁾ OJ L 98, 16. 4. 1994, p. 34.

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