

COUNCIL OF THE EUROPEAN UNION

COMPILATION OF TEXTS

XXI

**ASSOCIATION
OF THE OVERSEAS COUNTRIES AND TERRITORIES
FRENCH OVERSEAS DEPARTMENTS**

1 January 1997 to 31 December 1997



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Part 1 : OCTs

I. Basic texts

COUNCIL RECOMMENDATION

of 17 March 1997

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1995

(97/190/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,

Having regard to the Third ACP-EEC Convention, signed at Lomé on 8 December 1984,

Having regard to Council Decision 86/283/EEC of 30 June 1986 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽²⁾, signed in Brussels on 19 February 1985, as amended by Decision 86/281/EEC⁽³⁾, and in particular Article 29 (3) thereof,

Having regard to the Financial Regulation of 11 November 1986 applicable to the Sixth European Development Fund⁽⁴⁾, and in particular Articles 66 to 73 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1984) (Sixth EDF) as at 31 December 1995 and the Court of Auditors' report relating to the financial year 1995 together with the Commission's replies⁽⁵⁾,

Whereas, pursuant to Article 29 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1984) (Sixth EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1984) (Sixth EDF) during the financial year 1995 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1984) (Sixth EDF) for the financial year 1995.

Done at Brussels, 17 March 1997.

For the Council

The President

G. ZALM

(1) OJ No L 175, 1. 7. 1986, p. 1.

(2) OJ No L 86, 31. 3. 1986, p. 210.

(3) OJ No L 178, 2. 7. 1986, p. 13.

(4) OJ No L 325, 20. 11. 1986, p. 42.

(5) OJ No C 340, 12. 11. 1996, pp. 290 to 333.

COUNCIL RECOMMENDATION

of 17 March 1997

concerning the discharge to be given to the Commission in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 1995

(97/191/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 206 thereof,

Having regard to the Fourth ACP-EEC Convention, signed at Lomé on 15 December 1989,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to the Internal Agreement on the financing and administration of Community aid⁽²⁾, signed in Brussels on 16 July 1990, and in particular Article 33 (3) thereof,

Having regard to the Financial Regulation of 29 July 1991 applicable to the Seventh European Development Fund⁽³⁾, and in particular Articles 69 to 77 thereof,

Having examined the revenue and expenditure account and the balance sheet relating to the operations of the European Development Fund (1989) (Seventh EDF) as at 31 December 1995 and the Court of Auditors' report relating to the financial year 1995 together with the Commission's replies⁽⁴⁾,

Whereas, pursuant to Article 33 (3) of the Internal Agreement, the discharge for the management of the European Development Fund (1989) (Seventh EDF) must be given to the Commission by the European Parliament on a recommendation from the Council;

Whereas the overall implementation by the Commission of the operations of the European Development Fund (1989) (Seventh EDF) during the financial year 1995 has been satisfactory,

HEREBY RECOMMENDS that the European Parliament give the Commission a discharge in respect of the implementation of the operations of the European Development Fund (1989) (Seventh EDF) for the financial year 1995.

Done at Brussels, 17 March 1997.

For the Council

The President

G. ZALM

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 229, 17. 8. 1991, p. 288.

⁽³⁾ OJ No L 266, 21. 9. 1991, p. 1.

⁽⁴⁾ OJ No C 340, 12. 11. 1996, pp. 290 to 333.

EUROPEAN PARLIAMENT DECISION

of 10 April 1997

giving discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1995

(97/384/EC)

THE EUROPEAN PARLIAMENT,

- **Having regard** to the Treaty establishing the European Community,
 - **Having regard** to the third ACP-EEC Convention ⁽¹⁾,
 - **Having regard** to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds (EDF) for the 1995 financial year (SEC(96) 0989),
 - **Having regard** to the Statement of Assurance and special report of the Court of Auditors concerning the activities of the sixth and seventh European Development Funds for the financial year 1995 together with the Commission's reply (C4-0109/97) ⁽²⁾,
 - **Having regard** to the recommendation of the Council of 17 March 1997 (C4-0147/97),
 - **Having regard** to the report of the Committee on Budgetary Control (A4-0121/97),
1. Gives discharge to the Commission in respect of the financial management of the sixth European Development Fund for the financial year 1995 on the basis of the following amounts:

BALANCE SHEET OF THE SIXTH EDF AT 31 DECEMBER 1995

(ECU 1 000)

ASSETS	SITUATION AS AT 31 DECEMBER 1995
Grants	3 969 214
Loans	890 663
Stabex	1 451 123
Sysmin	91 951
Administrative costs	1 717
SUBTOTAL	6 404 668
Cash at bank	728 203
Other current assets	708 978
Items under verification	41 098
TOTAL	7 882 947
LIABILITIES	
Contributions called up	7 558 866
Other income	504 239
Transfers to the seventh EDF	- 180 158
Amount due to the sixth EDF	—
Other debtors (interest under verification)	—
TOTAL	7 882 947

⁽¹⁾ OJ No L 86, 31. 3. 1986.

⁽²⁾ OJ No C 395, 31. 12. 1996, pp. 87 and 93.

USE OF RESOURCES — SIXTH EDF AT 31 DECEMBER 1995

Breakdown of funds

	Initial appropriation	Resources or reductions at 31 December 1994	Resources or reductions during 1995	New situation
Total ACP	7 400 000 000,00	380 543 664,73	10 706,85	7 780 554 371,58
Total OCT	100 000 000,00	3 526 646,39	0,00	103 526 646,39
Sundry receipts	50 137 221,02	- 50 137 221,02		0,00
Total	7 550 137 221,02	333 933 090,10	10 706,85	7 884 081 017,97

2. Records its observations in the resolution which forms part of this Decision;
3. Instructs its President to forward this Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors, the European Investment Bank and the ACP-EU Assembly and to have them published in the *Official Journal of the European Communities* (L series).

The Secretary-General
Julian PRIESTLEY

The President
José María GIL-ROBLES

EUROPEAN PARLIAMENT DECISION

of 10 April 1997

giving discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1995

(97/385/EC)

THE EUROPEAN PARLIAMENT,

- Having regard to the Treaty establishing the European Community,
 - Having regard to the fourth ACP-EEC Convention ⁽¹⁾,
 - Having regard to the balance sheets and revenue and expenditure accounts of the fifth, sixth and seventh European Development Funds (EDF) for the 1995 financial year (SEC(96) 0989),
 - Having regard to the Statement of Assurance and special report of the Court of Auditors concerning the activities of the sixth and seventh European Development Funds for the financial year 1995 together with the Commission's reply (C4-0109/97) ⁽²⁾,
 - Having regard to the recommendation of the Council of 17 March 1997 (C4-0148/97),
 - Having regard to the report of the Committee on Budgetary Control (A4-0121/97),
1. Gives discharge to the Commission in respect of the financial management of the seventh European Development Fund for the financial year 1995 on the basis of the following amounts:

BALANCE SHEET OF THE SEVENTH EDF AT 31 DECEMBER 1995

(ECU: 1 000)

ASSETS	SITUATION AS AT 31 DECEMBER 1995
Grants	2 682 846
Loans	212 638
Stabex	1 445 570
Sysmin	76 833
Administrative costs	—
SUBTOTAL	4 417 887
Cash at bank	—
Other current assets	—
Items under verification	—
TOTAL	4 417 887
LIABILITIES	
Contributions called up	2 849 888
Other income	884 154
Transfers to the seventh EDF	—
Amount due to the sixth EDF	679 975
Other debtors (interest under verification)	3 871
TOTAL	4 417 887

⁽¹⁾ OJ No L 229, 17. 8. 1991.

⁽²⁾ OJ No C 395, 31. 12. 1996, pp. 87 and 93.

USE OF RESOURCES — SEVENTH EDF AT 31 DECEMBER 1995

Breakdown of funds

	Initial appropriation	Resources or reductions at 31 December 1994	Resources or reductions during 1995	New situation
Total ACP	10 800 000 000,00	815 439 576,80	12 571 700,53	11 628 011 277,33
Total OCT	140 000 000,00	14 800 730,06	0,00	154 800 730,06
Sundry receipts	0,00	45 910 590,30	- 4 568 992,22	41 341 598,08
Total	10 940 000 000,00	876 150 897,16	8 002 708,31	11 824 153 605,47

2. Records its observations in the resolution which forms part of this Decision;
3. Instructs its President to forward this Decision and the resolution containing its observations to the Commission, the Council, the Court of Auditors, the European Investment Bank and the ACP-EU Assembly and to have them published in the *Official Journal of the European Communities* (L series).

The Secretary-General
Julian PRIESTLEY

The President
José María GIL-ROBLES

RESOLUTION

containing the observations which form part of the Decisions granting discharge to the Commission in respect of the financial management of the sixth and seventh European Development Funds for the 1995 financial year

THE EUROPEAN PARLIAMENT,

proposal until after clarification of the legal context in which it will apply;

- Having regard to Articles 137 and 206 of the Treaty establishing the European Community,
- Having regard to Articles 73 and 77 of the financial Regulations applicable respectively to the sixth and seventh European Development Funds (EDF), under which the Commission is required to take all appropriate steps to act on the observations appearing in discharge decisions,
- Having regard to the report of the Committee on Budgetary Control (A4-0121/97),

Budgetary implementation

5. Calls again on the Commission to introduce provisions allowing appropriations under national or regional indicative programmes, which remain unused for defined lengths of time following their transfer to subsequent EDFs, to be re-allocated to non-programmable aid programmes;

Structural Adjustment

Budgetization of the EDFs

1. Continues to endorse the basic concept of the EDFs multilateral development aid, this being the most effective and equitable method for the provision of long-term structural development aid; notes in this context that the current provisions for the financing of the EDFs still do not correspond to this concept, and will not do so until the funds are incorporated within the Community budget;
2. Welcomes the proposal of the Commission to the Intergovernmental Conference that Declaration 12 annexed to the EC Treaty be deleted as a clear step in the direction of budgetizing the EDFs; calls on the Commission to present firm proposals in this regard by the end of 1997 in the context of the forthcoming negotiations on the revision of the financial perspectives;
3. Notes that the democratic accountability of the Commission *vis-à-vis* the European Parliament in managing the EDFs continues to be subverted by the legal framework under which the EDFs operate; believes nonetheless that, in the interests of ensuring the maximum possible ongoing control over the implementations of the EDFs, this should not alone be an impediment to discharge for the 1995 financial year;
4. Notes that the European Parliament has been consulted for an opinion on the Financial Regulation covering the eighth EDF; considers that it would be inappropriate for Parliament to give its view on this

6. Stresses its continued support for the principle that respect for democratic practice be a precondition for the provision of assistance under the structural adjustment facility, and that Community action should aim to alleviate the serious adverse social consequences caused by structural reforms;
7. Calls on the Commission, in consultation with the Bretton Woods institutions and other donors, to formulate fewer, clearer and more realistic conditions to be attached to structural adjustment packages; takes the view that such conditions and criteria must be applied universally and objectively to all beneficiary countries on the same basis; accepts nonetheless the fact that the Commission has to be able to respond flexibly to varying circumstances in ACP countries within the scope of these conditions;
8. Calls on the Commission at the same time increasingly to focus EDF structural adjustment appropriations in countries whose domestic policies allow them to benefit from such assistance, therefore also to stop assistance to countries which are unable or unwilling to apply such policies;
9. Calls on the Commission to focus more on deploying authorized aid for the benefit of the most underprivileged population categories and the sectors in need of assistance in the fairest possible way in accordance with the provisions in order to secure a more efficient distribution of funding (basic education, health service);
10. Calls on the Commission not only to provide finance for aid projects but also, in parallel, to monitor such projects until completion;

Statement of Assurance

11. Welcomes the clearly positive nature of the Statement of Assurance provided by the Court of Auditors, which represents significant progress with respect to the situation in 1994; notes however that the Court repeats its assertion that the legal framework in which the EDFs operate compromises sound financial management in a number of areas;

Delegations

12. Accepts the need to distribute local representation resources between different Community external programmes; does not yet discern, however, any clear, global and coherent policy according to which decisions are taken as to which delegations are required for functional purposes.
-

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 November 1997

amending at mid-term, Decision 91/482/EEC on the association of the overseas countries and territories with the European Economic Community

(97/803/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 240 (3) thereof,

Having regard to the internal Agreement on the financing and administration of Community aid in the framework of the second financial Protocol to the fourth Lomé Convention, signed in Brussels on 20 December 1995,

Having regard to the proposal from the Commission⁽²⁾,

Whereas Article 240 of Decision 91/482/EEC stipulates that before the end of the first five years the Council, acting unanimously on a proposal from the Commission, shall establish the Community's financial assistance for the second five-year period opened by the said Decision and any amendments to its provisions;

Whereas the Council, in adopting Decision 96/109/EC of 29 January 1996 on transitional measures to be applied from 1 March 1995 in the context of the association of the overseas countries and territories with the European Community⁽³⁾, took the necessary steps to ensure the continuity of financial assistance;

Whereas the financial assistance for the second period of application of Decision 91/482/EEC, which amounts to ECU 165 million under the eighth European Development Fund, hereinafter referred to as 'the Fund', and ECU 35 million in loans from the own resources of the European Investment Bank, hereinafter referred to as 'the Bank', may be maintained at unchanged levels in respect of non-programmable aid and increased accordingly in respect of financing for development projects and programmes implemented under the indicative programmes of the OCTs;

Whereas, in accordance with Article 240 (3) of Decision 91/482/EEC, the competent OCT authorities informed the Commission of the amendments or additions they desired through written memoranda and at meetings held in the context of Commission/Member State/OCT partnership; whereas the Commission then sent the Council a communication on the mid-term review of the association of the OCTs with the EC in which it recommended various amendments to the association; whereas these amendments take account, as far as possible, of the desires indicated above, the experience gained by the Commission in the first five years of implementing Decision 91/482/EEC, the new steps taken towards building the European Union since 1991 and the mid-term review negotiations on the fourth ACP-EC Convention;

Whereas by Decision 91/482/EEC the Council introduced the possibility of consultations with the local OCT authorities through creating the Commission/Member State/OCT partnership arrangement; whereas the memo-

⁽¹⁾ OJ L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ C 139, 10. 5. 1996, p. 1.

⁽³⁾ OJ L 26, 2. 2. 1996, p. 27.

randa drawn up preparatory to the mid-term review of that Decision showed the local authorities' enthusiasm for this practice; whereas the partnership arrangement should therefore be strengthened and consultations put on a regular footing;

Whereas the involvement of the Member State responsible for a country or territory remains central to this partnership arrangement and whereas there should therefore be close consultation with the responsible Member State regarding all activities covered by the partnership arrangement;

Whereas the introduction pursuant to Decision 91/482/EEC of free access for all products originating in the OCTs and the maintenance of cumulation for ACP and OCT originating products has given rise to the risk of conflict between two Community policy objectives, namely the development of the OCTs and the common agricultural policy; whereas serious disruption on the Community market for certain products subject to a common organization of the market has led on a number of occasions to the adoption of safeguard measures; whereas fresh disruption should be avoided by taking measures to create a framework conducive to regular trade flows and at the same time compatible with the common agricultural policy;

Whereas the mid-term review of the fourth Lomé Convention has produced a number of improvements designed to make cooperation more coherent and effective, to promote local initiatives through decentralized cooperation, to place a new emphasis on the development of trade and services and to step up dialogue in the context of the programming of EDF resources; whereas these improvements would also be desirable in the case of the OCTs and whereas Decision 91/482/EEC should therefore be amended accordingly, *mutatis mutandis*,

Whereas, lastly, Decision 91/482/EEC should be supplemented by a number of provisions designed to take more account of the human dimension of the association of the OCTs with the Community; whereas this can be done by making citizens of the OCTs eligible for a number of Community programmes open to citizens of the European Union; whereas this can also be done by providing for the recognition, in time, of diplomas acquired in the OCTs in respect of certain professions,

HAS DECIDED AS FOLLOWS:

Article 1

Decision 91/482/EEC shall be amended as follows:

A. THROUGHOUT THE DECISION

1. The words 'European Economic Community' shall be replaced by 'European Community', and the abbreviation 'EEC' by 'EC'.
2. The words 'Council of the European Communities' shall be replaced by 'Council of the European Union'.
3. The word 'Delegate' shall be replaced by 'Head of Delegation'.

B. PART ONE

GENERAL PROVISIONS OF EC-OCT COOPERATION

Article 2

4. In Article 2, the following paragraph shall be added:

'In support of the development strategies of the OCTs, due account shall be taken both of the objectives and priorities of the Community's cooperation and development policy and of the development policies and priorities of the Member States concerned and of the OCTs'.

Articles 7, 8 and 9

5. The chapter heading 'Decentralized cooperation and partnership' shall be replaced by 'Partnership'.
6. Articles 7, 8 and 9 shall be deleted.

C. PART TWO

THE AREAS OF EC-OCT COOPERATION

TITLE I

ENVIRONMENT

Article 16

7. Article 16 shall be replaced by the following:

'Article 16

The Community undertakes, for its part, to make every effort to ensure that international movements of hazardous and non-hazardous waste and radioactive waste are generally controlled, and emphasizes the importance of efficient international cooperation in this area.

With this in view, the Community shall prohibit all direct or indirect export of such waste, with the exception of exports of non-hazardous waste destined for recovery operations, to the OCTs while at the same time the relevant authorities of the OCTs shall prohibit the direct or indirect import into their territory of such waste from the Community or from any other country, without prejudice to specific international undertakings concerning these two areas that have been made, or may be made in future, in the competent international forums.

The relevant authorities of the OCTs undertake to monitor strictly the implementation of the prohibition measure referred to above.

1. These provisions shall not prevent a Member State to which an OCT has chosen to export waste for processing from returning the processed waste to the OCT of origin. In case of re-export to an OCT, a specimen of the consignment note, bearing the stamp of authorization, shall accompany each shipment.
2. As regards the Community, and without prejudice to paragraph 1, Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (*) shall apply.

As regards those OCTs which, due to their constitutional status, are not Party to the Basle Convention, their relevant authorities shall expedite adoption of the necessary internal legislation and administrative regulations to implement this undertaking.

3. As regards imports into the Community from the OCTs of hazardous waste and of non-hazardous waste destined for final disposal, Articles 1 to 12 and 25 to 39 of Regulation (EEC) No 259/93 shall apply
4. The term 'hazardous waste' within the meaning of this Article shall cover categories of products listed

in Annexes 1 and 2 to the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

As regards radioactive waste, the applicable definitions and thresholds shall be those which will be laid down in the framework of the International Atomic Energy Agency (IAEA). In the mean time, the said definitions and thresholds shall be those specified in Annex VI.

(*) OJ L 30, 6. 2. 1993, p. 1.'

TITLE V

INDUSTRIAL DEVELOPMENT, MANUFACTURING AND PROCESSING

Article 48

8. Article 48 shall be replaced by the following:

'Article 48

At the request of their relevant authorities, the OCTs may be eligible for the services of the Centre for the Development of Industry hereinafter referred to as 'the CDI', referred to in Articles 87 to 98 of the fourth Lomé Convention, the objectives and activities of which are described in Chapter 1, or those of the Euro-info Correspondence Centres (EICC) set up pursuant to the Community's business promotion policy, the objectives and activities of which are described in Chapter 2.

Any costs resulting from services provided by the CDI or the EICC for the benefit of the OCTs shall be financed from the funds provided for in Article 154 for whichever of the three groups the OCTs in question belong to.'

9. The following Chapter shall be inserted:

'Chapter 1

The Centre for the Development of Industry (CDI)'

Article 48a

10. The following Article shall be inserted:

'Article 48a

1. The CDI shall help to establish and strengthen industrial enterprises in the OCTs, especially by

encouraging joint initiatives by economic operators of the Community and of the OCTs. The CDI shall exercise selectiveness in undertaking its tasks, laying emphasis on opportunities for joint ventures and subcontracting.

2. The CDI shall:

- (a) with a view to ensuring its effectiveness, focus its efforts on OCTs that have:
 - (i) included support for industrial development, or for the private sector in general, in their indicative programmes, as provided for in Article 187 (3) (b) and (c), and/or
 - (ii) obtained financial contributions and assistance from other Community institutions for the promotion and development of the private and/or the industrial sector;
- (b) carry out its activities in the framework of the implementation of industrial-development or private-sector support projects established by the OCTs referred to in subparagraph (a) for their indicative programmes;
- (c) step up its operational presence in the OCTs referred to in subparagraph (a), particularly with regard to the identification of projects and project promoters and to providing assistance for the presentation of such projects to the financing institutions;
- (d) give priority to the identification of operators with viable small to medium-sized industrial projects and, in the case of those meeting the needs of the OCTs, to assisting them in their promotion and implementation.

3. The Commission, the Bank, and the CDI shall maintain operational cooperation in the context of their respective responsibilities. To this end, and to ensure the consistency of Community operations in support of the private sector in general and the industrial sector in particular in the OCTs referred to in paragraph 2 (a), the Commission shall, in consultation with the Bank and in liaison with the CDI, prepare support programmes for these sectors that incorporate guidelines for the strategy to be pursued.

Article 48b

11. The following Article shall be added:

Article 48b

1. In undertaking the tasks referred to in Article 48a the CDI shall operate by giving priority to viable projects. In particular, it shall:

- (a) identify, appraise, evaluate, promote and assist in the implementation of economically viable, industrial projects of the OCTs;
- (b) carry out studies and appraisals aimed at identifying practical opportunities for industrial cooperation with the Community in order to promote the industrial development of the OCTs and facilitating the implementation of appropriate schemes;
- (c) supply information and also specific advisory services and expertise, including feasibility studies, with a view to expediting the establishment and/or restoration of industrial enterprises;
- (d) identify potential partners of the OCTs and the Community for joint investment operations and assist in the implementation and follow-up;
- (e) identify and provide information on possible sources of financing, assist in the presentation for financing and, where necessary, assist in the mobilization of funds from these sources for industrial projects in the OCTs;
- (f) identify, collect, evaluate and supply information and advice on the acquisition, adaptation and development of appropriate industrial technology relating to specific projects and, where appropriate, assist in the setting up of experimental or demonstration schemes.

2. In order to improve the attainment of its objectives, the CDI, in addition to its main activities, may also pursue the following:

- (a) carry out studies, market research and evaluation work and gather and disseminate all relevant information on the industrial cooperation situation and opportunities and notably on the economic environment, the treatment which potential investors may expect and the potential of viable industrial projects;
- (b) help, in appropriate cases, to promote the marketing of OCT manufactures on their domestic markets and the markets of other OCTs, the ACP States and the Community in order to encourage optimum exploitation of installed or projected industrial capacity;
- (c) identify industrial policy-makers, promoters and economic and financial operators in the Community and the OCTs, and organize and facilitate contacts and meetings of all kinds between them;
- (d) identify, on the basis of needs indicated by the OCT, opportunities in industrial training, chiefly on the job, to meet the requirements of existing and planned industrial undertakings in the OCTs and, where necessary, assist in the implementation of appropriate schemes;

- (e) gather and disseminate all relevant information concerning the industrial potential of the OCTs and trends of industrial sectors in the Community and the OCTs;
- (f) promote the subcontracting and also the expansion and consolidation of regional industrial projects.'

12. The following chapter shall be inserted:

'Chapter 2

Euro-info Correspondence Centres (EICC)

13. The following Article shall be inserted:

'Article 48c

In respect of the OCTs the tasks of the Euro-info Correspondence Centres (EICC) shall be to:

- disseminate Community information to OCT firms,
- gather and transmit to the Euro-info Centres (EIC) information from the OCTs may be of use to European small and medium-sized enterprises,
- answer general, legal, administrative and statistical questions from OCT firms about the European Union,
- answer general, legal, administrative and statistical questions from Community firms about the OCTs.

To achieve the greatest possible reciprocity in the exchange of information, the Commission shall ensure that Community firms have access to the same type of information and the same advisory/support services in relation to the OCTs as those offered by the Community to OCT firms.

Only one Correspondence Centre shall be set up per country or territory and each Centre may develop a sub-net-work to suit its own needs and resources in order to ensure as wide a dissemination of information and services as possible.'

14. The following Article shall be inserted:

'Article 48d

The following tools and services shall be made available to or be acquired by the Correspondence Centres for the proper performance of their work:

- (a) documentation: a list of documents selected to form a basic library collection (to be acquired); terms and cost of acquisition;
- (b) a specific software program (to be acquired) for creating and managing dossiers on specific issues and conducting searches on previous dossiers and existing document and databases;
- (c) databases: a list of accessible databases (for which there is a charge) and terms and cost of connection;
- (d) training: teach yourself courses (to be acquired), timetable of training sessions (specific Community matters, working of the EICs), fee-paying training sessions in database use, and annual conference of all EICs and EICCs (for all these activities, travel and accommodation expenses to be borne by the EICC);

(e) access to information officers of the central administration for replies to requests for information on Community-related matters;

(f) access to the capitalization database via the VANS: this EIC-network database contains questions and answers on mainly Community matters;

(g) electronic mail: the EICCs shall have access to the electronic mail system, in particular the EIC network's own environment.'

15. The following Article shall be inserted:

'Article 48e

1. A request for the establishment of a correspondence centre and the choice of host structure should be addressed to the Commission by the competent authorities of the country or territory through the channels provided for in Article 222.

2. An agreement providing for, *inter alia*, sufficient human, material and financial resources shall be concluded between the EICC and the Commission.

3. At the request of the competent authorities and in accordance with the procedures set out in Part Three, Title III of this Decision, part-financing may be made available to the EICC host structure from the grant aid available under the local or regional indicative programme.

4. The following criteria shall be used to select applicant host structures of the EICCs:

- experience of the applicant structure in assisting and advising businesses and a business-oriented attitude to small and medium-sized enterprises,
- representativeness in respect of the business sector in the applicant country or territory,
- knowledge of European issues,
- the will and the ability to ensure reciprocity of services to OCT and Community firms,
- the potential for financial independence,
- willingness to employ as staff for the Centre, people with a good command of English or French and experience of computers,
- provision of computer and communications equipment that complies with the specifications,
- an undertaking to serve all small and medium-sized enterprises equally without discrimination as to status or sector, where appropriate in liaison with other EICs or EICCs on the network.'

TITLE IX

DEVELOPMENT OF SERVICES

Chapter 4

Transport, communications and informatics

Article 79

16. In Article 79, the figure '1' shall be inserted at the beginning of the sole paragraph and the following paragraphs 2 and 3 shall be added:

'2. With a view to contributing to the promotion and development of the OCT maritime trade, the Contracting Parties may, in the framework of the implementation of development finance cooperation, give special attention within the existing instruments to the facilitation and encouragement of access for OCT maritime operators to the resources provided for in this Decision, in particular as regards projects and programmes for improving the competitiveness of their maritime services.

3. The Community may give assistance in the form of risk-capital and/or loans by the Bank to finance projects and programmes in the sectors set out in this Article.'

TITLE X

TRADE DEVELOPMENT

Article 84

17. Article 84 shall be replaced by the following:

Article 84

With a view to attaining the objectives set out in Article 100, the Community shall implement measures for the development of trade at all stages up to final distribution of the product.

The object is to ensure that the OCTs derive the maximum benefit from the provisions of this Decision and may participate under the most favourable conditions in the Community, domestic, subregional, regional and international markets by diversifying the range and increasing the value and the volume of the OCTs' trade in goods and services.

To this end the competent OCT and Community authorities undertake to ensure that high priority is given to trade development programmes in the context of establishing national and regional programmes as provided for in Article 187 and other relevant provisions of this Decision.'

Article 85

18. In Article 85, paragraphs 1 and 2 shall be replaced by the following:

'1. In addition to developing trade between the OCTs and the Community, particular attention shall be given to operations designed to increase the OCTs' self-reliance and improve regional cooperation in trade and services.

2. Within the instruments provided for in this Decision and in accordance with the provisions set out in relation thereto, operations shall be undertaken at the request of the competent OCT authorities, particularly in the following areas:

- support for the addition of appropriate macro-economic policies necessary for trade development,
- support for the creation or reform of appropriate legal and regulatory frameworks as well as for the reform of administrative procedures,
- the establishment of coherent trade strategies,
- support for the OCT in developing their internal capacities, information systems and awareness of the role and importance of trade in economic development,

- support for strengthening the infrastructure related to trade and in particular support for the OCTs efforts to develop and improve supportive service infrastructure, including transport and storage facilities, in order to ensure their effective participation in the distribution of goods and services and in order to enhance the flow of exports from the OCTs,
- development of human resources and professional skills in the field of trade and services, in particular in the processing, marketing, distribution and transport sectors for the Community, regional and international markets,
- support to private-sector development and, in particular, to small and medium-sized enterprises for product identification and development, market outlets and export-oriented joint-ventures,
- support for OCT actions aimed at encouraging and attracting private-investment and joint-venture operations,
- the establishment, adaptation and strengthening of organizations in the OCTs dealing with the development of trade and services, particular attention being paid to the special needs of organizations in the least-developed OCTs,
- support for the OCTs efforts to develop and improve the quality of their products, adapt them to market requirements and diversify their outlets,
- support for the OCTs' efforts to penetrate third-country markets more effectively,
- market development measures including increasing contacts and exchanges of information between economic operators in the OCTs, ACP States, the Member States and third countries,
- support for OCTs in the application of modern marketing techniques in production-oriented sectors and programmes, in particular in areas such as rural development and agriculture.'

TITLE XI

CULTURAL AND SOCIAL COOPERATION

19. The title 'Cultural and social cooperation' shall be replaced by 'Cultural and social cooperation, health, combating drug abuse and money laundering'.

Article 88

20. In the last line of Article 88 the words 'and nutrition' shall be replaced by 'and combating drug abuse'.

Article 88a

21. The following Article shall be inserted:

Article 88a

1. The Community recognizes the importance of the health sector in ensuring the sustainable and self-reliant development of the OCTs. The aim of cooperation shall be to facilitate the right of access of the greatest number of people to adequate health care, thus promoting equity and social justice, alleviating suffering, reducing the economic burden of disease and mortality, and promoting the effective participation of the community in operations to improve health and well-being.

The attainment of these aims calls for:

- a systematic, long-term approach to the improvement and strengthening of the health sector,
- the definition of comprehensive national health guidelines and programmes,
- improved management and use of existing human, financial and physical resources.

2. To this end, cooperation in this sector shall seek to support functional and sustainable health services which are financially affordable, culturally acceptable, geographically accessible and technically competent. It shall seek to promote an integrated approach to the creation of health services based on the extension of preventive care, the improvement of curative care and complementarity between hospital-based and basic-level services, in accordance with primary health care policy.

3. Cooperation in the health sector may provide support for:

- the improvement and extension of basic health services and also the strengthening of hospitals and maintenance of equipment, acknowledged as essential for the smooth operation of the health system as a whole,
- health-sector planning and management, including the strengthening of statistical services, and the formulation of health-financing strategies at territorial, regional and district levels, this last level being the focal point for coordination of basic services, provision of specialist services and implementation of programmes to stamp out widespread diseases,
- schemes to integrate traditional medicine in modern health care,

- essential drug programmes and strategies, including local production units for basic drugs and consumables, taking account of traditional pharmacy, in particular the use of medicinal plants, which is something that should be studied and developed,
- training of staff in the context of an overall programme, from public health planners, administrators, management staff and specialists, down to the personnel working in the field, this training being tailored to the actual responsibilities borne at each level,
- support for training and information programmes and campaigns aimed at stamping out endemic diseases, improving environmental hygiene, combating the use of narcotic drugs, the spread of transmitted diseases and other health scourges in the framework of integrated health systems,
- the building up of research institutes, university departments and specialist schools in the OCTs, notably in the field of public health.

4. One of the aims of cooperation is to increase the efficiency of policies and measures to prevent the production and distribution and illicit trafficking of all kinds of drugs, narcotics and psychotropic substances, as well as preventing and reducing drug abuse, taking into account work done in this connection by international bodies.

5. Cooperation shall comprise the following:

- (a) training, education, health promotion and rehabilitation of addicts, including projects for the re-integration of addicts into work and social environments;
- (b) measures to encourage alternative economic opportunities, for example programmes for the alternative development of areas used for the illicit production of narcotic plants, linked to effective enforcement measures;
- (c) technical, financial and administrative assistance relating to the monitoring of precursors trade, and the establishment of standards equivalent to those adopted by the Community and international authorities concerned, notably by the ex-Chemical Action Task Force;
- (d) technical, financial and administrative assistance relating to the prevention, treatment and reduction of drug abuse;

- (e) technical assistance and training, and the establishment of standards to prevent money laundering equivalent to those adopted by the Community and other international bodies, in particular the Financial Action Task Force (FATF);
- (f) exchange of relevant information for the implementation of points (a) to (e).'

TITLE XII

REGIONAL COOPERATION

Article 90

22. In Article 90 (4), the second subparagraph shall be replaced by the following:

'It shall include regional cooperation between OCTs, ACP States, overseas departments, the Canary Islands, the Azores and Madeira, in accordance with Article 98. The funding to cover the participation of ACP States, overseas departments, the Canary Islands, the Azores and Madeira shall be additional to the funds allocated to the OCTs pursuant to this Decision.'

Article 91

23. In Article 91 (1), the third indent shall be replaced by the following:

'— one or more of the OCTs and one or more ACP States, overseas departments, the Canary Islands, the Azores or Madeira.'

Article 92

24. In Article 92 (1), point (d) shall be replaced by the following:

'(d) acceleration of economic diversification in order to stimulate complementary in production and intensification of cooperation and development within and between OCT regions, and between these regions and ACP States, overseas departments, the Canary Islands, the Azores and Madeira.'

25. In Article 92 (1), point (h) shall be replaced by the following:

'(h) expansion of the OCTs' markets by promoting trade among OCTs and between OCTs, ACP

States, neighbouring third countries and overseas departments, the Canary Islands, the Azores and Madeira;

26. In Article 98, paragraph 1 shall be replaced by the following:

'1. Within the context of regional cooperation particular attention shall be given to accelerating economic diversification in order to simulate complementarity in production and intensification of cooperation and development within and between OCT regions and between these regions and the ACP States, the overseas departments and the Canary Islands, the Azores and Madeira.'

In Article 98, the introductory part of paragraph 3 shall be replaced by the following:

'3. In administering the European Development Fund (EDF) and the Structural Funds, and in accordance with the rules on eligibility for the respective Funds, the Commission will ensure that the OCTs (EDF), the overseas departments, the Canary Islands, the Azores and Madeira (Structural Funds) and the ACP States (EDF) may receive financing from Community funds for regional projects or programmes carried out jointly by OCTs, overseas departments and ACP States within the same geographical area subject to the following:'

D. PART THREE

THE INSTRUMENTS OF EC-OCT COOPERATION

TITLE I

TRADE COOPERATION

Chapter 1

General trade arrangements

Article 101

27. Article 101 is hereby amended as follows:

— paragraph 1 shall be replaced by the following:

'1. Products originating in the OCTs shall be imported into the Community free of import duty.'

— in paragraph 3, the first indent shall be replaced by the following:

'— agricultural products listed in Annex II to the Treaty nor to products covered by Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ('),

(¹) OJ L 318, 20. 12. 1993, p. 18.'

— paragraphs 4 and 5 shall be deleted.

Article 102

28. Article 102 shall be replaced by the following:

Article 102

Without prejudice to Articles 108a and 108b, the Community shall not apply to imports of products

originating in the OCTs, any quantitative restrictions or measures having equivalent effect.'

Article 108

29. In Article 108, paragraph 1 shall be replaced by the following:

'1. For the purposes of implementing this Chapter and without prejudice to paragraph 2 or Articles 108a and 108b:

— the concept of originating products and the methods of administrative cooperation relating thereto are laid down in Annex II,

— the conditions for entry, into the Community, of products not originating in the OCTs but in free circulation in an OCT, and the methods of administrative cooperation relating thereto, are laid down in Annex III.'

30. In Article 108, paragraph 2 shall be replaced by the following:

'2. (a) The Council, acting unanimously on a proposal from the Commission, shall decide on the adjustment of the rules of origin set out in Annex II for products of particular interest for the present and future development of the OCTs, in order to meet the specific problems linked to the OCTs' economic and geographical structure, in the light of the objectives set out in Articles 3 (r) and 132 (1) of the Treaty.

(b) Until this Decision expires:

- ACP/OCT cumulation of origin for rice and sugar (HS code 1006, 1701, 1702, 1703 and 1704), as provided for in Articles 108a and 108b, shall apply as soon as the revised Decision enters into force,
- in respect of other products falling within Chapters 1 to 24 of the HS code, ACP/OCT cumulation of origin shall cease to apply as of the date on which the adjustments to the rules of origin made in accordance with the procedure laid down in (a) take effect.

(c) Any other amendments to Annexes II and III shall be adopted by the Council acting unanimously on a Commission proposal.'

Paragraph 3 shall be deleted.

Article 108a

31. The following Article shall be inserted:

Article 108a

1. With regard to products falling within HS code 1006 and without prejudice to the possible increases referred to in paragraphs 2 and 3, the ACP/OCT cumulation of origin referred to in Article 6 of Annex II shall be allowed up to a total annual quantity of 160 000 tonnes expressed as husked rice equivalent, which will include the tariff quota for rice originating in the ACP States provided for in the fourth Lomé Convention.

To that end, the issue of import licences shall be spaced out over the year in a series of periods laid down to ensure balanced market management.

An initial issue of import licences for a quantity of 35 000 tonnes expressed as husked rice equivalent shall be made to the OCTs in January each year. OCT imports may reach the level of 160 000 tonnes referred to in the first paragraph, including the above-mentioned 35 000 tonnes, without prejudice to any increases referred to in paragraphs 2 and 3, in so far as the ACP States do not actually use their direct export possibilities under the quota referred to in the first subparagraph.

2. In accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95, the Commission may increase the quantity referred to in paragraph 1 of this Article by a maximum of 20 000 tonnes expressed as husked rice equivalent if, during April and once it has a sufficiently clear picture of the current Community marketing year, it finds that such an increase will not disrupt the Community market.

3. If the Commission finds, as from 1 August, that there is an established risk of a shortage of Indica rice on the Community market, it may, by way of derogation from paragraphs 1 and 2 and in accordance with normal management procedures, increase the above quantities.

4. For the purposes of implementing the ACP/OCT cumulation rules set out in paragraphs 1, 2 and 3, milling or semi-milling operations shall be considered as sufficient to confer the status of OCT-originating products.

5. The Commission shall adopt the implementing arrangements by the same procedure.

6. The quantities set out in the preceding paragraphs may not be carried over from one year to the next.'

Article 108b

32. The following Article shall be inserted:

Article 108b

1. The ACP/OCT cumulation of origin referred to in Article 6 of Annex II shall be allowed for an annual quantity of 3 000 tonnes of sugar falling within tariff headings HS 1701, 1702, 1703 and 1704.

2. For the purposes of implementing the ACP/OCT cumulation rules referred to in paragraph 1, forming sugar lumps or colouring shall be considered as sufficient to confer the status of OCT-originating products.

3. The quantity referred to in paragraph 1 may not be carried over from one year to the next.'

33. Chapter 2 shall be repealed.

TITLE II

COOPERATION IN THE FIELD OF COMMODITIES

Chapter 1

Stabilization of export earnings from agricultural commodities (Stabex)

Article 115

34. In Article 115, paragraph 1:

— point 24 shall be replaced by the following:

'24. Fresh bananas 0803 00 11 and 19'

— the following point shall be added:

'50. Karakul skins ex 4301 30 00
 ex 4302 13 00
 ex 4302 30 31'.

Article 121

35. In Article 121, the following paragraph shall be added:

'5. Other than the reduction referred to in paragraph 2, there shall be no further reduction as a result of a shortfall in the resources of the system if, in the case of the least-developed OCTs, the transfer basis reduced in accordance with paragraph 2 is less than ECU 0,5 million.'

Article 129

36. Article 129 shall be replaced by the following:

'Article 129

1. Should the examination of:
 - (a) marketed production in the application year by comparison with the reference period; or
 - (b) total exports as a share of marketed production over the same period; or
 - (c) the share of total exports going to the Community over the same period; or
 - (d) the sum of the figures referred to in (b) and (c)reveal a large decline, consultations shall be held between the Commission and the competent authorities of the country or territory to determine whether the transfer basis is to be maintained or reduced, and if reduced, to what extent.

2. For the purpose of applying paragraph 1, a decline shall be deemed to be large if it is at least 20 %.'

TITLE III

DEVELOPMENT FINANCE COOPERATION

Chapter 1

General provisions

Section 4

Scope of financing

Article 147

37. In Article 147, point (g) shall be replaced by the following:

'(g) the human and material resources, supplementary to those borne by the OCTs which are strictly necessary for efficient and effective administration and supervision of projects and programmes financed by the Fund'.

Section 6

Eligibility for financing

Article 153

38. In Article 153 (2), point (g) shall be replaced by the following:

'(g) agents of decentralized cooperation from OCTs and from the Community, to enable them to undertake economic, cultural, social and educational projects and programmes in the OCTs in the framework of decentralized cooperation.'

Chapter 2

Financial cooperation

Section 1

Financial resources

Article 154a

39. The following Article shall be inserted:

'Article 154a

1. For the purposes set out in Chapter 1 of this Title, and for a period of five years commencing on 1 March 1995, the overall amount of the Community's financial assistance shall be ECU 200 million.

This amount shall comprise:

- (a) ECU 165 million from the Fund, allocated as follows:
 - (i) for the purposes set out in Articles 143, 144 and 147, ECU 127 million in the form of grants;
 - (ii) for the purposes set out in Articles 143, 144 and 147, ECU 30 million in the form of risk capital;
 - (iii) for the purposes set out in Articles 114 to 136, ECU 5,5 million in the form of transfers from the Stabex facility for the stabilization of export earnings;
 - (iv) for the purposes set out in Articles 137 to 142, ECU 2,5 million in the form of grants from the Sysmin facility;

(b) for the purposes set out in Articles 143, 144 and 147, not more than ECU 35 million from the Bank in the form of loans from own resources in accordance with the terms and conditions provided for by its statute. These loans shall be subject to the provisions of Article 157 on interest rate subsidies.

2. The Bank shall administer loans from its own resources, including interest-rate subsidies, and risk capital. All other financial resources provided for in this Decision shall be administered by the Commission.

3. The amount referred to in paragraph 1 (a) (i) shall be allocated as follows:

(a) ECU 10,5 million to finance projects and programmes, which shall be broken down as follows:

(i) United Kingdom OCTs ECU 19,2 million;

(ii) French OCTs ECU 50,3 million;

(iii) Dutch OCTs ECU 35,5 million;

(b) ECU 10 million to finance regional projects and programmes in the OCT, including regional programmes to develop trade and services within the meaning of Article 85 and the partnership arrangements referred to in Articles 234 and 235;

(c) ECU 8,5 million to finance the interest rate subsidies referred to in Article 157;

(d) a special allocation of ECU 3,5 million, of which:

(i) ECU 3 million for emergency aid as provided for in Article 164,

and

(ii) ECU 0,5 million to aid refugees, returnees and displaced persons as provided for in Article 165;

(iii) should the appropriations provided for pursuant to one of the Articles referred to above be exhausted before the expiry of this Decision, transfers may be made from the appropriations provided for in the other Article;

(iv) on the expiry of this Decision, appropriations not committed for emergency assistance or aid for refugees, returnees and displaced persons shall be returned to the Fund for the purpose of financing other operations coming within the scope of development finance cooperation, unless the Council, by a qualified majority, decides otherwise;

(v) Should all the special appropriations be exhausted before the expiry of this Decision,

the Council shall adopt by a qualified majority, on a proposal from the Commission, appropriate measures to deal with the situations referred to in Articles 164 and 165.'

Section 2

Terms and conditions of financing

Article 155

40. In Article 155, paragraph 4 shall be replaced by the following:

'4. Where financial assistance is granted to the final recipient through an intermediary or directly to the final beneficiary in the private sector:

(a) the terms on which the assistance may be made available by the intermediary to the final recipient or directly to the final beneficiary in the private sector shall be laid down in the financing agreement or loan contract, and

(b) any financial benefit accruing to the intermediary from the on-lending transaction, or resulting from direct lending operations to the final beneficiary in the private sector, shall be used for development purposes, on the conditions laid down in the financing agreement or the loan contract, after taking into account administrative costs, exchange and financial risks, and the cost of technical assistance given to the final recipient.'

Article 155a

41. The following Article shall be inserted:

'Article 155a

Any funds remaining from those earmarked for special loans under the fifth and sixth Funds, whether for a country or territory or region, which have not been committed by the date of this Decision, plus any funds decommitted following closures, shall be used for grants.

The Chief Authorizing Officer of the Fund shall implement this conversion.'

Article 156

42. In Article 156:

— the introductory words of paragraph 1 shall be replaced by the following:

'1. Risk capital may be deployed in the form of loans, equity participation or other quasi-capital assistance.'

— in paragraph 1, the following point shall be inserted:

'(ba) Quasi-capital assistance may consist of shareholders' advances, convertible bonds, loans with participating rights or any other similar form of assistance.'

— in paragraph 1, point (c) shall be replaced by the following:

'(c) The terms of risk capital operations shall depend on the characteristics of each project or programme financed and shall in general be more favourable than those of subsidized loans. In the case of loans to the OCTs or to intermediaries the interest rate shall, in any case, be less than 3 %.'

— in paragraph 1 the following points shall be added:

'(d) Risk capital resources may be used in support of pre-investment studies and technical assistance, as provided for in Article 175 (g). In such cases, the loans shall be repaid only if the investment is carried out.

(e) Equity participation or other quasi-capital assistance shall be remunerated on the basis of the performance of the project or programme considered and profits generated shall be shared between the Community and the parties engaged in the said project or programme.'

— in paragraph 2, point (b) shall be replaced by the following:

'(b) in the case of risk capital financing for small and medium-sized enterprises, hereinafter referred to as "SME", the exchange-rate risk shall be shared by the Community, of the one part, and by the other parties involved, of the other. On average, the foreign exchange risk shall be shared equally.'

Article 157

43. In Article 157, the following subparagraph shall be inserted:

'(ba) in the case of direct financing of the private sector for strictly commercial projects, the rate of subsidy referred to in subparagraph (b) shall not apply.'

Article 158

44. In Article 158, point (a) shall be replaced by the following:

'(a) contribute, through the resources it manages, to the economic and industrial development of the OCTs on a national and regional scale; and to this end, finance as a priority productive projects and programmes, or other investments aimed at

promoting the private sector, in industry, agro-industry, tourism, mining, energy and in transport and telecommunications linked to these sectors. These sectoral priorities shall not exclude the possibility of the Bank's financing, from its own resources, productive projects and programmes in other sectors, including commercial agriculture.'

Articles 161a to 161c

45. In Chapter 2 of Title III, the following section shall be inserted:

'Section 3a

Decentralized cooperation

Article 161a

1. With a view to strengthening and diversifying the basis for the long-term development of the OCTs, and in order to encourage all agents from the OCTs and the Community which are in a position to contribute to the autonomous development of the OCTs to put forward and implement initiatives, EC-OCT cooperation shall support, within limits laid down by the country or territory concerned and by Member States responsible for these OCTs, development operations within the framework of decentralized cooperation, in particular where they combine the efforts and resources of organizations from the OCTs and their counterparts from the Community. This form of cooperation shall, in particular, aim at making available for the development of the OCTs, the capabilities, innovative operating methods and resources of the agents of decentralized cooperation.

2. The agents referred to in this Article are decentralized public authorities, rural and village groups, cooperatives, trade unions, teaching and research institutions, non-governmental development organizations, other associations, groups and agents which are able and wish to contribute to the development of the OCTs on their own initiative, provided that these agents and/or operations are non-profit-making.

Article 161b

1. In the framework of EC-OCT cooperation special efforts shall be made to encourage and support the initiatives of OCT agents and, in particular, to reinforce the capabilities of these OCT agents. In this framework, cooperation shall support the activities of OCT agents, either on their own or in association with similar agents from the Community, which make their capabilities, experience, technological and organizational capacities or financial resources available to their OCT counterparts.

2. The cooperation shall encourage agents from the OCTs and from the Community to provide supplementary financial and technical resources for the development effort where appropriate, including encouragement of partnerships between such agents. The cooperation may provide decentralized cooperations with financial and/or technical support drawn from the resources of this Decision under the conditions laid down in Articles 161c, 161d and 161e.

3. This form of cooperation shall be organized in accordance with the role and the prerogative of the public authorities of the OCTs.

Article 161c

1. Decentralized cooperation operations may be supported through the financial resources of the indicative programme or counterpart funds. The extent of the support shall be that which is necessary for the successful implementation of the proposed operations provided that the viability of the proposed operations has been established in accordance with the provisions for development finance cooperation.

2. Projects or programmes under this form of cooperation may or may not be linked to programmes in the sectors of concentration of the indicative programmes, but may be a way of achieving the specific objectives of the indicative programme or the results of initiatives by decentralized agents.

Article 161d

1. Projects and programmes undertaken within the framework of decentralized cooperation shall be subject to the approval of the competent authorities of the country or territory concerned. These operations shall be financed with contributions from:

- (a) the Fund, in which case the contribution shall not normally exceed three-quarters of the total cost of each project, or programme, and may not exceed ECU 300 000. The amount representing the Fund's contribution shall be drawn from the grant allocation of the national or regional indicative programme;
- (b) the agents of decentralized cooperation, provided that the financial, technical, material and other resources brought in by such agents is not, as a general rule, less than 25 % of the estimated cost of the project/programme, and
- (c) exceptionally, by the competent authorities of the country or territory concerned, either in the form of financial contribution or through the use of public equipment or the supply of services.

2. The procedures applicable to projects and programmes financed within the framework of decentralized cooperation shall be those laid down in the development finance cooperation chapter, in particular, those referred to in Article 196.

Article 161e

In addition to the possibilities offered to the agents of decentralized cooperation in this section, in Articles 162 and 163 relating to microprojects and in Article 184 (2) (c) on technical cooperation schemes and Article 206 on emergency assistance, the competent authorities may request or may agree to the participation of agents of decentralized cooperation in the implementation of other Fund projects and programmes, in particular, those performed by direct labour, in conformity with Article 205 and other relevant provisions of this Decision.

Chapter 5

Implementation procedures

Section 1

Programming

Article 187

46. Article 187 is hereby amended as follows:

- the introductory words of paragraph 1, 'At the beginning of the period covered by this Decision' shall be replaced by the words 'At the beginning of the second five-year period covered by this Decision',
- paragraph 3 shall be replaced by the following:

'3. As soon as each country and territory has been notified of the total amount available to it, the competent authorities shall draw up and submit to the Community a draft indicative programme on the basis of, and consistent with, its development objectives and priorities. The draft indicative programme shall contain:

- (a) the priority development objectives of the country or territory concerned at local and regional levels;
- (b) the focal sector or sectors on which support should be concentrated, with emphasis on poverty alleviation and sustainable development, and the resources to be deployed for that purpose;
- (c) the most appropriate measures and operations for attaining the objectives in the focal sector or sectors;
- (d) wherever possible, specific and clearly identified projects and programmes, and especially those which constitute a follow-up to existing projects and programmes;
- (e) where appropriate, the amounts set aside for use by the CDI or for the establishment of an EICC, as provided for in Article 48;
- (f) any proposals for regional projects and programmes;

- (g) a timetable for the implementation of the indicative programme, including commitments and disbursements;
- (h) the reserve set aside for insurance against possible claims, and to cover cost increases and contingencies.'

Article 188

47. Article 188 shall be replaced by the following:

Article 188

1. The draft indicative programme shall be the subject of an exchange of views between the relevant authorities of the country or territory concerned and the Community, due regard being given to the local needs of the country or territory; the indicative programme shall then be adopted by agreement between the Community and the relevant authorities of the country or territory concerned on the basis of the draft indicative programme proposed by those authorities.
2. The indicative programme shall specify all the elements referred to in Article 187 (3) and, where the country or territory has a sufficiently large indicative amount, shall allocate 70 % of the indicative amount.
3. The indicative programme shall be sufficiently flexible to ensure that operations are kept constantly in line with the objectives and to take account of any changes occurring in the economic situation, priorities and objectives of the country or territory concerned. It may be revised at the request of the country or territory.

In the case of OCTs referred to in paragraph 2, it shall be reviewed when the country or territory concerned has achieved a high level of commitments in the implementation of the programme and, in any case not later than three years after the entry into force of the second five years of application of this Decision.

4. At the end of the review referred to in the second subparagraph of paragraph 3, the resources required for completing the implementation of the indicative programme may be allocated giving due consideration to:

- (a) the indicative allocation;
- (b) progress made in the implementation of the elements of the programme referred to in Article 187 (3) and the agreed timetable of commitments and disbursements, in the light of the annual reports of the head of delegation and of the Local Authorizing Officer referred to in Article 190 (3);
- (c) the state of preparation of the activities the competent authorities of the country or territory concerned intend to undertake within the framework of the second phase of the indicative programme, and

(d) the specific situation of the country or territory concerned.

5. Following the review referred to in paragraphs 3 and 4 above and, in any case, not later than the end of the period laid down in Article 154a, any unallocated resources remaining from the programmable resources shall be used for financing operations falling within the scope of development finance cooperation, notably those relating to programmable assistance.'

Article 189

48. Article 189 shall be replaced by the following:

Article 189

The Community and the competent authorities of the OCT shall take all necessary measures to ensure that indicative programmes are adopted in the shortest possible time and, save in exceptional circumstances, within one year of the entry into force of this revised Decision.'

Section 2

Identification, preparation and appraisal of projects

Article 193

49. In Article 193 (2), the following point shall be added:
'(i) the compatibility with the OCTs' trade policies and trade development programmes and the impact on their competitiveness in the domestic, regional, international and Community markets.'

Section 3

Financing proposals and decisions

Article 196

50. Article 196 shall be replaced by the following:

Article 196

1. With a view to expediting procedures and in derogation from the provisions set out in Articles 194 and 195, financing decisions may deal with multi-annual programmes where financing concerns:

- (a) training;
- (b) decentralized operations;
- (c) microprojects;
- (d) trade promotion and trade development;
- (e) sets of operations of a limited scale in a specific sector;
- (f) project/programme management support;
- (g) technical cooperation;
- (h) use of the services of the CDI or the establishment of an EICC;
- (i) implementation of the Commission/Member State/OCT partnership arrangement.

2. In cases referred to in paragraph 1, the competent authorities of the OCT concerned may submit to the head of delegation a multiannual setting out the broad outlines, the types of actions envisaged and the financial commitment proposed.

The financing decision on each multiannual programme shall be taken by the Chief Authorizing Officer. The letter from the Chief Authorizing Officer to the Local Authorizing Officer notifying such a decision shall constitute the financing agreement within the meaning of Article 197.

Within the framework of multiannual programmes thus adopted, the OCT Authorizing Officer or, when the case arises, the agent of decentralized cooperation which has been delegated functions for this purpose or, in appropriate cases, other eligible beneficiaries shall implement each individual action in accordance with the relevant provisions of this Decision and the terms of the financing agreement referred to in the second subparagraph. Where the implementation is to be carried out by decentralized agents or other eligible beneficiaries, the Local Authorizing Officer

and the Head of Delegation shall maintain financial responsibility and monitor the operations regularly with a view to enabling them, *inter alia*, to carry out their obligations pursuant to paragraph 3.

3. At the end of each year, the Local Authorizing Officer in consultation with the Head of Delegation, shall forward a report to the Commission on the implementation of the programmes.'

TITLE IV

GENERAL PROVISIONS FOR THE LEAST-DEVELOPED OCTS

Article 230

51. In Article 230 (1), the following shall be added:
'— Saint-Pierre-et-Miquelon.'

Article 231

52. In Article 231, the following point shall be inserted:
'7a. Stabex — Article 121 (5).'

E. PART FOUR

PROVISIONS RELATING TO ESTABLISHMENT AND SERVICES

Article 232

53. Article 232 shall be replaced by the following text:

Article 232

1. As regard the arrangements applicable to establishment and provision of services, in line with Article 132 (5) of the Treaty and subject to paragraphs 2 and 3 of this Article:

— each Member State shall treat nationals and companies or enterprises of the OCTs for which it does not have responsibility on a non-discriminatory basis,

— the relevant authorities of the OCTs shall treat nationals and companies or enterprises of Member States on a non-discriminatory basis.

2. The relevant authorities of a country or territory may, however, adopt regulations to aid their inhabitants and local activities in derogation from the rules normally applicable to nationals, companies or enterprises of all Member States as long as such derogations are confined to sensitive sectors of the OCTs' economy and are intended to promote or support local employment.

- (a) Such derogations may be granted by the Commission at the request of the relevant authorities of the country or territory concerned and after

consultation within the framework of the partnership provisions of Articles 234 to 236.

- (b) Such a request must be accompanied by reasons indicating in particular the sectors concerned, the duration and other procedures envisaged. It shall be notified to the Commission, which shall inform the Member States and take a decision within three months. If the Commission has not acted within that period, the derogation shall be deemed to have been approved.

- (c) Such derogations shall be published in the *Official Journal of the European Communities*.

3. If a Member State is not bound under Community law, or else national law, to accord non-discriminatory treatment for a given activity to inhabitants of a country or territory who are nationals of a Member State or enjoy a legal status specific to a country or territory, or for companies or enterprises established in a country or territory and covered by the definition in Article 233, the authorities of that country or territory shall not be bound to accord such treatment.'

54. The following Article shall be inserted:

Article 233a

1. The Community shall apply to the OCTs the undertakings under the General Agreement on Trade in Services (GATS) under the conditions laid down in the said Agreement and in accordance with this Decision.

2. As regards the arrangements governing trade in services, the OCTs shall afford nationals, companies or enterprises of the Member States treatment that is no less favourable than that which they extend to nationals, companies or enterprises of third countries.

55. The following Article shall be inserted:

Article 233b

1. With a view to the ultimate recognition of professional qualifications acquired in the OCTs, the Commission and the Member States concerned shall start work with a view to producing a list of profes-

sional qualifications acquired in the OCTs by OCT nationals that could be recognized in the Member States as long as these qualifications comply with the minimum training levels required by the Community.

The qualifications in question concern only the professions of doctor, dentist, midwife, general nurse, pharmacist and veterinary surgeon.

2. The list of professional qualifications referred to in paragraph 1 shall be established by the Council, acting unanimously on the basis of a Commission proposal in respect of a future Decision on the association of the OCTs with the European Community.

F. PART FOUR a

COMMUNITY PROGRAMMES FOR INDIVIDUALS

56. The following Article shall be inserted:

Article 233c

The following programmes shall apply to OCT nationals, within the framework of the quota of their Member State:

1. Education and training programmes:

- (a) Leonardo, set up by Council Decision 94/819/EC of 6 December 1994⁽¹⁾,
- (h) Socrates, set up by Decision No 819/95/EC of the European Parliament and of the Council of 14 March 1995⁽²⁾,
- (c) Youth for Europe III, set up by Decision No 818/95/EC of the European Parliament and of the Council of 14 March 1995⁽³⁾.

2. Business programmes:

- (a) Interprise,
- (b) Europartenariat,
- (c) BC-NET (Business Cooperation Network),
- (d) BCC (Business Cooperation Centre),
- (e) Artisanat,
- (f) Euromanagement,
- (g) Seed capital, set up by Council Decision 97/15/EC of 9 December 1996⁽⁴⁾.

3. Research, development and innovation programmes:

- (a) INFO 2000, set up by Council Decision 96/339/EC of 20 May 1996⁽⁵⁾,

(b) telematic applications, set up by Council Decision 94/801/EC of 23 November 1994 adopting a specific programme for research and technological development, including demonstration, in the field of telematics applications of common interest (1994 to 1998)⁽⁶⁾,

(c) innovation, set up by Council Decision 94/917/EC of 15 December 1994⁽⁷⁾.

4. Cultural and audiovisual programmes:

(a) MEDIA II, development and distribution, set up by Council Decision 95/563/EC of 10 July 1995⁽⁸⁾ and MEDIA II, training set up by Decision 95/564/EC of 22 December 1995⁽⁹⁾,

(b) Kaleidoscope, set up by Decision No 719/96/EC of the European Parliament and of the Council of 29 March 1996⁽¹⁰⁾,

(c) film festivals⁽¹¹⁾.

5. The H RTP Japan programme (human resources training programme in Japan) and topical missions, set up by Council Decision of 18 May 1992⁽¹²⁾.

⁽¹⁾ OJ L 340, 29. 12. 1994, p. 8.

⁽²⁾ OJ L 87, 20. 4. 1995, p. 10.

⁽³⁾ OJ L 87, 20. 4. 1995, p. 1.

⁽⁴⁾ OJ L 6, 10. 1. 1997, p. 25.

⁽⁵⁾ OJ L 129, 30. 5. 1996, p. 24.

⁽⁶⁾ OJ L 334, 22. 12. 1994, p. 1.

⁽⁷⁾ OJ L 361, 31. 12. 1994, p. 101.

⁽⁸⁾ OJ L 321, 30. 12. 1995, p. 25.

⁽⁹⁾ OJ L 321, 30. 12. 1995, p. 33.

⁽¹⁰⁾ OJ L 99, 20. 4. 1996, p. 20.

⁽¹¹⁾ OJ C 176, 10. 6. 1997, p. 40. Established for the current year by the call for proposals of 15 October 1997.

⁽¹²⁾ OJ L 144, 26. 5. 1992, p. 19.

G. PART FIVE

COMMISSION/MEMBER STATE/OCT PARTNERSHIP

Article 234

57. Article 234 shall be replaced by the following:

'Article 234

Community action shall be based on close consultation between the Commission, the Member State responsible for a country or territory and the relevant local authorities of such countries or territories. Such consultations shall hereinafter be referred to as "partnership".

Article 235

58. Article 235 shall be replaced by the following:

'Article 235

1. Partnership shall cover the programming, preparation, financing, monitoring and evaluation of operations carried out by the Community pursuant to this Decision, and any problem arising in relations between the OCTs and the Community.

2. To this end, working parties of the OCT association, of an advisory nature and made up of the three partners referred to in Article 234, shall be set up either on the basis of geographical area or by group of OCTs under the responsibility of a single Member State, notably at the request of the OCT concerned. These working parties shall be set up:

- on an *ad hoc* basis to deal with specific problems, or
- on a permanent basis, if possible annual, for the remainder of the period covered by this Decision.

3. The Commission shall chair the working parties. A representative of the Bank shall be present at meetings when matters concerning it are on the agenda.

The expenses incurred by the OCTs in attending partnership meetings may be covered by a financial contribution under the territorial or regional programmes of the European Development Fund at the request of the relevant authorities of the OCTs concerned, in accordance with the procedures laid down in Title III of this Decision concerning development financing cooperation.'

H. ANNEX II

CONCERNING THE DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS AND METHODS OF ADMINISTRATIVE COOPERATION

59. In Article 3 (2), point (d) shall be replaced by the following:

'(d) "customs value" shall be understood as meaning the value established in accordance with the 1994 Agreement on the implementation of Article VII of the General Agreement on Tariffs and Trade (World Trade Organization Agreement on customs value).'

60. In Article 6, paragraph 4 shall be replaced by the following:

'4. Without prejudice to Articles 108a and 108b, paragraphs 2 and 3 shall apply to any working or processing carried out in the OCTs, including the operations listed in Article 3 (3).'

61. In Article 13, the following terms shall be added to paragraph 3:

'ANNETTU JÄLKIKÄTEEN', 'UTFÄRDAT I EFTERHAND'.

Article 14

Issue of a duplicate certificate EUR. 1

62. In Article 14, the following term shall be added:

'KAKSOISKAPPALE'.

Article 21

Form EUR.2

63. In Article 21 (2), first line, the date '30 April 1991' shall be replaced by '30 April 1997'.

64. In Article 21 (2), fourth line, the date '1 October 1988' shall be replaced by '1 October 1994'.

Article 30

Derogations

65. In Article 30 (8), point (a) shall be replaced by the following:

'(a) The Council and the Commission shall take all the necessary measures to ensure that a decision is taken promptly and in any case not later than 60 working days after receipt of the request by the chairman of the Customs Code Committee — Origin Section. In this context, Decision 90/523/EEC shall apply *mutatis mutandis* to the OCTs.'

66. In Article 30, paragraph 10 shall be replaced by the following:

'10. Should a derogation cause serious disturbance in sectors of activity of some regions of the Community, it shall be re-examined in accordance with the procedure set out in Article 249 of Council Regulation (EEC) No 2513/92 (*), without prejudice to the emergency measures that the Commission is authorized to take.

Following this examination, the decision may be amended or revoked.

(*) OJ L 302, 19. 10. 1992, p. 1.'

TITLE IV

CEUTA AND MELILLA

67. In Title IV of Annex II, 'Canary Islands, Ceuta and Melilla', and in Article 31, of which this Title consists, all references to the 'Canary Islands' shall be deleted.

J. ANNEX V

on rum

68. Annex V shall be deleted.

Article 2

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

However the commitments provided for in Article 154a shall not apply before the date of the entry into force of the Internal Agreement.

Article 3

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

Done at Brussels, 24 November 1997.

For the Council

The President

J. POOS

Part 1 : OCTs

II. Implementing texts

A. Trade

a) Agricultural products

NOTICE

Imports of rice originating in overseas countries and territories

(97/6/EC)

The Commission would inform the trade that on 4 December 1996 it decided that safeguard measures pursuant to Article 109 of Decision 91/482/EEC should be taken for imports of rice originating in the overseas countries and territories (OCT).

The Committee, duly consulted in accordance with the procedure laid down in Annex IV of that Decision, expressed a preference for measures limiting the quantities of rice eligible for exemption from customs duties.

Applications for import licences lodged from the date of publication of this notice may be affected by these measures.

COMMISSION REGULATION (EC) No 21/97
of 8 January 1997

introducing safeguard measures in respect of imports of rice originating in the
overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 109 thereof,

Having consulted the Committee set up by Article 1 (2) of Annex IV to that Decision,

Whereas on 29 November and 10 December 1996 the Italian and Spanish Governments respectively applied to the Commission, pursuant to Article 109 of Decision 91/482/EEC, for safeguard measures to be introduced in respect of imports of rice from the overseas countries and territories (OCTs);

Whereas the Italian and Spanish Governments have pointed out that increased imports of cheap rice from the OCTs have caused serious disruption in the Community rice sector and may cripple this sector of the Community economy;

Whereas on 4 December 1996 the Commission decided that safeguard measures should be introduced;

Whereas this rice, which is exempt from the levy on import into the Community in accordance with Article 101 (1) of Decision 91/482/EEC, is sold on the Community market at a much lower price than that at which Community rice can be sold given the level of processing involved;

Whereas the combined effect of the quantities and low prices of those imports is causing a disturbance on the Community market in rice, which has experienced a normal harvest of Indica rice in 1996/97 after two years of drought;

Whereas the Community has provided aid per hectare on a temporary basis to encourage Community producers to grow more Indica rice; whereas imports of cheap rice from the OCTs may undermine these attempts to diversify production, leading European producers initially to

put enormous quantities into intervention and subsequently to return to growing Japonica rice, for which there is already a surplus;

Whereas the quantities of rice imported from the OCTs are likely to increase still further owing to the region's unrealized potential;

Whereas, consequently, the threat of damage to a sector of the Community economy exists; whereas safeguard measures should therefore, as noted by the Commission in its Decision of 4 December 1996, be applied to imports into the Community of rice from the OCTs pursuant to Article 109 of Decision 91/482/EEC;

Whereas priority should be given to measures which would least disturb the functioning of the association and the Community, in accordance with Article 109 (2) of Decision 91/482/EEC; whereas such measures must, moreover, be limited to what is strictly necessary to remedy the difficulties that have arisen;

Whereas the introduction of a tariff quota would guarantee OCT rice access to the Community market within the limits compatible with the stability of that market while preserving the greatest possible degree of preferential treatment for that product consistent with the objectives of Decision 91/482/EEC;

Whereas the quota should be opened for a period sufficient to monitor trends on the Community market and long enough to be compatible with the stability and predictability of trade; whereas a period of four months from 1 January 1997 would meet those requirements; whereas prior to the end of that period there should be an evaluation of the situation to determine whether the measures need to be extended or adjusted;

Whereas the quota should be opened for a quantity of 42 650 tonnes of husked rice equivalent originating in the OCTs, corresponding to the quantities imported over the last four years for which statistics are available; whereas, in accordance with Article 110 of Decision 91/482/EEC, particular attention should be paid to the interests of the least-developed OCTs listed in Article 230 of that Decision; whereas, for those territories, reference should therefore be made to the period during which imports took place for which statistics are actually available, namely the first four months of 1995;

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

Whereas the total available quantities should be allocated among the interested importers and speculation should be prevented; whereas the number of licence applications made daily by each importer for each origin should be restricted and measures should be adopted to facilitate the transition between the current arrangements and the arrangements introduced by this Regulation; whereas the transitional measures can apply from 4 January since importers were informed on that date by a notice published in Official Journal No L 2 of 4 January 1997;

Whereas, with a view to guaranteeing proper administration of the measures, special rules should be laid down regarding the submission of applications and the issuing of licences; whereas those rules will either supplement or derogate from the provisions of Commission Regulation (EEC) No 3719/88 (⁽¹⁾), as last amended by Regulation (EC) No 2402/96 (⁽²⁾); whereas this Regulation should enter into force on the day of its publication so as to prevent speculation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Community of rice originating in the OCTs falling within CN code 1006 and benefiting from exemption from customs duties shall be restricted during the period of 1 January to 30 April 1997 to the following quantities of husked rice equivalent:

- (a) 4 594 tonnes for rice originating in Montserrat;
- (b) 1 328 tonnes for rice originating in the Turks and Caicos Islands;
and
- (c) 36 728 tonnes for rice originating in the other OCTs.

2. The quantity of rice originating in the regions referred to in paragraph 1 for which import licences have been issued since 1 January 1997 shall be allocated from the quotas specified in paragraph 1.

3. Licences shall be issued for applications for import licences for rice originating in the regions referred to in paragraph 1 submitted between 1 and 3 January 1997 in accordance with the provisions applicable when the applications were submitted.

4. Applications for import licences for rice originating in the regions referred to in paragraph 1 submitted between 4 January 1997 and the date of entry into force of this Regulation for which licences have not been issued shall be deemed admissible under this Regulation provided that:

- they concern a quantity not greater than 1 000 tonnes per application and per origin, or the quantity applied for is reduced to 1 000 tonnes per origin,
- the applicant has submitted no more than one application per origin per day or, if he has submitted more than one application per day, the other applications have been rejected and
- the importer lodges an additional security to ensure compliance with the obligation referred to in Article 3 (4).

Admissible applications shall be treated as applications submitted pursuant to Articles 2 and 3. For the purpose of applying Article 4 (3), such applications shall be considered admissible on the date of their submission.

5. Within five working days following the date of entry into force of this Regulation, the Member States shall inform the Commission of:

- (a) the quantity of rice originating in the regions referred to in paragraph 1 for which import licences have been issued in accordance with paragraph 2;
- (b) the quantity for which licences have been applied for pursuant to paragraph 3 as well as the quantity for which licences have actually been issued;
- (c) the quantity for which applications have been accepted pursuant to paragraph 4, broken down by date of submission of the application.

Article 2

1. Applications for import licences shall be for a quantity not less than 100 tonnes and not more than 1 000 tonnes of rice.

2. Applications for import licences shall be accompanied by:

- proof that the applicant is a natural or legal person who has carried out a commercial activity in the rice sector for at least 12 months and who is registered in the member state in which the application is submitted,
- a written declaration by the applicant stating that he has not submitted more than one application on the day in question for each of the origins referred to in Article 1. Where an applicant submits more than one application for an import licence, all his applications shall be rejected.

Article 3

1. The licence application and the import licence shall contain the following indications:

- (a) in box 8, the country of origin must be indicated and 'yes' must be marked with a cross;

(⁽¹⁾) OJ No L 331, 2. 12. 1988, p. 1.

(⁽²⁾) OJ No L 327, 18. 12. 1996, p. 14.

(b) in box 24 of the licence, one of the following entries must be made:

- Exención del derecho de aduana (Decisión 91/482/CEE; artículo 101))
- Toldfri (artikel 101 i Rådets afgørelse 91/482/EØF)
- Zollfrei (Ratsbeschluss Nr. 91/482/EEG, Artikel 101)
- Απαλλαγή από τους δασμούς (Απόφαση αριθ. 91/482/ΕΟΚ του Συμβουλίου άρθρο 101)
- Exemption from customs duty (Council Decision No 91/482/EEC; Article 101)
- Exemption du droit de douane (Décision du Conseil n° 91/482/CEE; article 101)
- Esenzione dal dazio doganale (Decisione del Consiglio n. 91/482/CEE, articolo 101)
- Vrijgesteld van douanerecht (Besluit van de Raad nr. 91/482/EEG; Artikel 101)
- Isenção de direito aduaneiro (Decisão do Conselho n° 91/482/CEE; artigo 101))
- Tullfri (rådets beslut nr 91/482/EEG, artikel 101)
- Tullivapaa (neuvoston päätöksen No 91/482/ETY; Artikla 101).

2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity entered for free circulation may not exceed that entered in boxes 17 and 18 of the import licence. The figure '0' shall accordingly be entered in box 19 of the licence.

3. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, the rights arising from import licences shall not be transferable.

4. Notwithstanding Article 10 of Commission Regulation (EC) No 1162/95⁽¹⁾, the amount of the security in respect of the import licences shall be equal to the customs duty calculated in accordance with Article 11 of Council Regulation (EC) No 3072/95⁽²⁾ applicable on the date on which the application was lodged.

5. The concept 'originating products' for the purposes of applying this Decision and the methods of administrative cooperation relating to it shall be as defined in Annex 11 to Decision 91/482/EEC.

Article 4

1. On the day on which licence applications are lodged, the Member States shall inform the Commission's departments by telex or fax of the quantities, by CN code

and by country of origin, for which import licences have been applied for and the names and addresses of the applicants.

2. Without prejudice to paragraph 3, import licences shall be issued on the 11th working day following that on which the application was lodged.

3. If the quantities applied for exceed the quantities still available for one or more of the quotas specified in Article 1, the Commission shall, within 10 working days following the date on which the licence applications were lodged, set a single percentage reduction to be applied to the quantities for which applications were lodged on the day on which the quotas were exceeded.

4. If the quantity for which the import licence is issued is less than the quantity applied for, the amount of the security referred to in Article 3 (4) shall be reduced proportionately.

Article 5

Member States shall notify the Commission by telex or fax:

(a) within two working days following issue, of the quantities for which licences have been issued, specifying date, CN code, country of origin and name and address of holder;

(b) on the last working day of the following month, of the quantities by CN code and by country of origin actually entered for free circulation during each month.

The above information must be notified in the same way but separately from information on other import licence applications in the rice sector.

Article 6

1. Regulation (EEC) No 719/88 shall apply, including Article 33 (5) thereof.

2. Regulation (EC) No 1162/95 shall apply without prejudice to this Regulation.

Article 7

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 to 30 April 1999.

(¹) OJ No L 117, 24. 5. 1995, p. 2.

(²) OJ No L 329, 30. 12. 1995, p. 18.

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

Done at Brussels, 8 January 1997.

For the Commission
Franz FISCHLER
Member of the Commission

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 304/97
of 17 February 1997
introducing safeguard measures in respect of imports of rice originating in the
overseas countries and territories

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 109 thereof in conjunction with Annex IV, Article 1 (7) thereof,

Whereas, on 29 November and 10 December 1996, the Italian and Spanish Governments respectively applied to the Commission, pursuant to Article 109 of Decision 91/482/EEC, for safeguard measures to be introduced in respect of imports of rice from the overseas countries and territories (OCT);

Whereas the Italian and Spanish Governments have pointed out that increased imports of cheap rice from the OCT have caused serious disruption in the Community rice sector and may cripple this sector of the Community economy;

Whereas on 8 January 1997 the Commission adopted Regulation (EC) No 21/97 introducing safeguard measures in respect of imports of rice originating in the overseas countries and territories⁽²⁾;

Whereas the Government of the United Kingdom referred that Commission Decision to the Council in accordance with Article 1 (5) of Annex IV to Decision 91/482/EEC;

Whereas, pursuant to paragraph 7 of that Article, the Council may adopt a different decision within the period indicated therein;

Whereas rice originating in the OCT, which is exempt from the levy on import into the Community in accordance with Article 101 (1) of Decision 91/482/EEC, is sold on the Community market at a lower price than that

at which Community rice can be sold, given the level of processing involved;

Whereas the combined effect of the quantities and low prices of those imports is causing a disturbance on the Community market in rice, which has experienced a normal harvest of Indica rice in 1996/97 after two years of drought;

Whereas the Community has provided aid per hectare on a temporary basis to encourage Community producers to grow more Indica rice; whereas imports of cheap rice from the OCT may undermine these attempts to diversify production, leading European producers initially to put enormous quantities into intervention and subsequently to return to growing Japonica rice, for which there is already a surplus;

Whereas the quantities of rice imported from the OCT are likely to increase still further owing to the region's unrealized potential;

Whereas, consequently, the threat of damage to a sector of the Community economy exists; whereas safeguard measures should therefore be applied to imports into the Community of rice from the OCT pursuant to Article 109 of Decision 91/482/EEC;

Whereas priority should be given to measures which would least disturb the functioning of the association and the Community, in accordance with Article 109 (2) of Decision 91/482/EEC; whereas such measures must, moreover, be limited to what is strictly necessary to remedy the difficulties that have arisen;

Whereas the introduction of a tariff quota would guarantee OCT rice access to the Community market within the limits compatible with the stability of that market while preserving the greatest possible degree of preferential treatment for that product consistent with the objectives of Decision 91/482/EEC;

Whereas the quota should be opened for a period sufficient to monitor trends on the Community market and long enough to be compatible with the stability and

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 5, 9. 1. 1997, p. 24.

predictability of trade; whereas a period of four months from 1 January 1997 would meet those requirements; whereas, before that period expires, there should be an evaluation of the situation to determine whether the measures need to be extended or adjusted;

Whereas the quota should be opened for a quantity of 36 728 tonnes of husked rice equivalent originating in the OCT, other than the least-developed OCT, corresponding to the quantities imported over the last four years for which statistics are available;

Whereas, in accordance with Article 110 of Decision 91/482/EEC, particular attention should be paid to the interests of the least-developed OCT listed in Article 230 of that Decision, amongst which appear Montserrat and the Turks and Caicos Islands;

Whereas, moreover, as a result of major volcanic activity on Montserrat, rice-milling is the most significant source of employment for that island apart from Government service,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Community of rice originating in the OCT falling within CN code 1006 and benefiting from exemption from customs duties shall be restricted during the period of 1 January to 30 April 1997 to the following quantities of husked rice equivalent:

(a) 8 000 tonnes for rice originating in Montserrat and in the Turks and Caicos Islands, made up of:

- 4 594 tonnes originating in Montserrat, and
- 3 406 tonnes originating in Montserrat or the Turks and Caicos Islands;

and

(b) 36 728 tonnes for rice originating in the other OCT.

2. The quantity of rice originating in the regions referred to in paragraph 1 for which import licences have been issued since 1 January 1997 shall be allocated from the quotas specified in paragraph 1.

3. Licences shall be issued for applications for import licences for rice originating in the regions referred to in paragraph 1 submitted between 1 and 3 January 1997 in accordance with the provisions applicable when the applications were submitted.

4. Applications for import licences for rice originating in the regions referred to in paragraph 1 submitted between 4 January 1997 and the date of entry into force of this Regulation for which licences have not been issued shall be deemed admissible under this Regulation provided that:

- they concern a quantity not greater than 1 000 tonnes per application and per origin, or the quantity applied for is reduced to 1 000 tonnes per origin,

- the applicant has submitted no more than one application per origin per day or, if he has submitted more than one application per day, the other applications have been rejected

and

- the importer lodges an additional security to ensure compliance with the obligation referred to in Article 3 (4).

Admissible applications shall be treated as applications submitted pursuant to Articles 2 and 3. For the purpose of applying Article 4 (3), such applications shall be considered admissible on the date of their submission.

5. Within five working days following the date of entry into force of this Regulation, the Member States shall inform the Commission of:

- (a) the quantity of rice originating in the regions referred to in paragraph 1 for which import licences have been issued in accordance with paragraph 2;
- (b) the quantity for which licences have been applied for pursuant to paragraph 3 as well as the quantity for which licences have actually been issued;
- (c) the quantity for which applications have been accepted pursuant to paragraph 4, broken down by date of submission of the application.

Article 2

1. Applications for import licences shall be for a quantity not less than 100 tonnes and not more than 1 000 tonnes of rice.

2. Applications for import licences shall be accompanied by:

- proof that the applicant is a natural or legal person who has carried out a commercial activity in the rice sector for at least 12 months and who is registered in the Member State in which the application is submitted,

- a written declaration by the applicant stating that he has not submitted more than one application on the day in question for each of the origins referred to in Article 1. Where an applicant submits more than one application for an import licence, all his applications shall be rejected.

Article 3

1. The licence application and the import licence shall contain the following indications:

- (a) in box 8, the country of origin must be indicated and 'yes' must be marked with a cross;
- (b) in box 24 of the licence, one of the following entries must be made:

- Exención del derecho de aduana (Decisión 91/482/CEE, artículo 101)
- Toldfri (artikel 101 i afgørelse 91/482/EØF)

- Zollfrei (Beschluss 91/482/EWG, Artikel 101)
- Απαλλαγή από τους δασμούς (Απόφαση 91/482/EOK, άρθρο 101)
- Exemption from customs duty (Decision 91/482/EEC, Article 101)
- Exemption du droit de douane (Décision 91/482/CEE, article 101)
- Esenzione dal dazio doganale (Decisione 91/482/CEE, articolo 101)
- Vrijgesteld van douanerecht (Besluit 91/482/EEG, artikel 101)
- Isenção de direito aduaneiro (Decisão 91/482/CEE, artigo 101⁽¹⁾)
- Tullivapaa (päätös 91/482/ETY, artikla 101)
- Tullfri (beslut 91/482/EEG, artikel 101).

2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity entered for free circulation may not exceed that entered in boxes 17 and 18 of the import licence. The figure '0' shall accordingly be entered in box 19 of the licence.

3. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, the rights arising from import licences shall not be transferable.

4. Notwithstanding Article 10 of Commission Regulation (EC) No 1162/95⁽¹⁾, the amount of the security in respect of the import licences shall be equal to the customs duty calculated in accordance with Article 11 of Council Regulation (EC) No 3072/95⁽²⁾ applicable on the date on which the application was lodged.

5. The concept 'originating products' for the purposes of applying this Regulation and the methods of administrative cooperation relating to it shall be as defined in Annex II to Decision 91/482/EEC.

Article 4

1. On the day on which licence applications are lodged, the Member States shall inform the Commission's departments by telex or fax of the quantities, by CN code and by country of origin, for which import licences have been applied for and the names and addresses of the applicants.

2. Without prejudice to paragraph 3, import licences shall be issued on the 11th working day following that on which the application was lodged.

3. If the quantities applied for exceed the quantities still available for one or more of the quotas specified in Article 1, the Commission shall, within 10 working days following the date on which the licence applications were

lodged, set a single percentage reduction to be applied to the quantities for which applications were lodged on the day on which the quotas were exceeded.

4. If the quantities for which the import licence is issued is less than the quantity applied for, the amount of the security referred to in Article 3 (4) shall be reduced proportionately.

Article 5

Member States shall notify the Commission by telex or fax:

(a) within two working days following issue, of the quantities for which licences have been issued, specifying date, CN code, country of origin and name and address of holder;

(b) on the last working day of the following month, of the quantities by CN code and by country of origin actually entered for free circulation during each month.

The above information must be notified in the same way but separately from information on other import licence applications in the rice sector.

Article 6

1. Regulation (EEC) No 3719/88 shall apply, including Article 33 (5) thereof.

2. Regulation (EC) No 1162/95 shall apply without prejudice to this Regulation.

Article 7

1. Commission Regulation (EC) No 21/97⁽¹⁾ is hereby repealed.

2. Any reference to Regulation (EC) No 21/97, in particular with regard to applications for import licences, import licences issued and Commission Regulation (EC) No 115/97⁽²⁾, shall be deemed to be a reference to this Regulation.

Article 8

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 to 30 April 1997, except for the second indent of Article 1 (1) (a), which shall apply from the date of entry into force of this Regulation.

Any application for an import licence for rice originating in the Turks and Caicos Islands shall be deemed to have been made under the terms of this Regulation.

(¹) OJ No L 117, 24. 5. 1995, p. 2.

(²) OJ No L 329, 30. 12. 1995, p. 18.

(¹) OJ No L 5, 9. 1. 1997, p. 24.

(²) OJ No L 20, 23. 1. 1997, p. 30.

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

Done at Brussels, 17 February 1997.

For the Council

The President

G. ZALM

COMMISSION REGULATION (EC) No 764/97

of 23 April 1997

introducing safeguard measures in respect of imports of rice originating in the overseas countries and territories (OCTs)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community (1), and in particular Article 109 thereof,

Having consulted the Committee set up by Article 1 (2) of Annex IV to Decision 91/482/EEC,

Whereas Council Regulation (EC) No 304/97 (2) introduces safeguard measures in respect of imports of rice originating in the overseas countries and territories for the period from 1 January to 30 April 1997;

Whereas, at the end of the period of application of those measures, the serious disruption in the Community rice sector and the risk of a significant deterioration in that sector of economic activity have not been eliminated, in particular with regard to the level of Community prices, the need for significant amounts to be bought into intervention and the risk of a great reduction in land under Indica rice;

Whereas on 9 April 1997 the Commission accordingly decided that safeguard measures should be introduced;

Whereas, on the same date, the Italian Government applied to the Commission, pursuant to Article 109 of Decision 91/482/EEC for the extension of the safeguard measures in respect of imports of rice originating in the overseas countries and territories (hereinafter referred to as OCTs);

Whereas this rice, which is exempt from customs duty on import into the Community in accordance with Article 101 (1) of Decision 91/482/EEC is, as a result of the quantities involved, causing a disturbance on the Community market in rice, which has experienced a normal harvest of Indica rice in 1996/97 after two years of drought;

Whereas the Community has provided aid per hectare on a temporary basis to encourage Community producers to grow more Indica rice; whereas massive imports of rice from the OCTs under preferential conditions may undermine these attempts to diversify production, leading

European producers initially to put large quantities into intervention and subsequently to return to growing Japonica rice, for which there is already a surplus; whereas, under those conditions, it is important to maintain producers' confidence during the sowing period;

Whereas the quantities of rice imported from the OCTs are likely to increase still further owing to the producer regions' unrealized potential;

Whereas, consequently, the threat of damage to a sector of the Community economy persists; whereas the application of safeguard measures to imports into the Community of rice from the OCTs should therefore be extended;

Whereas priority should be given to measures which would least disturb the functioning of the association of the OCTs and the Community, in accordance with Article 109 (2) of Decision 91/482/EEC; whereas such measures must, moreover, be limited to what is strictly necessary to remedy the difficulties that have arisen;

Whereas the maintenance of a tariff quota would guarantee OCT rice access to the Community market within limits compatible with the stability of that market while preserving preferential treatment for that product consistent with the objectives of Decision 91/482/EEC;

Whereas the quota should be opened for a period sufficient to achieve those objectives; whereas a period of application of five months from 1 May 1997, which would cover the last month of the current marketing year and the first month of the next, would meet those requirements; whereas interrupting those measures before the start of the new marketing year could gravely affect the stability of trade in products from the previous harvest and create a great deal of uncertainty at a time when the marketing forecasts for the new marketing year are being prepared; whereas a premature interruption of the measures would endanger the results achieved up to now;

Whereas the quota should be opened for a quantity of 59 610 tonnes of husked rice equivalent originating in the OCTs other than the least-developed OCTs, corresponding to the quantities imported over the years 1992 to 1995;

Whereas, in accordance with Article 110 of Decision 91/482/EEC, particular attention should be paid to the interests of the least-developed OCTs listed in Article 230 of that Decision; whereas those territories include Montserrat and the Turks and Caicos Islands;

(1) OJ No L 263, 19. 9. 1991, p. 1.

(2) OJ No L 51, 21. 2. 1997, p. 1.

Whereas the total available quantities should be allocated among the interested importers and speculation should be prevented; whereas the number of licence applications made daily by each importer for each origin should be restricted and provision should be made for the lodging by the importer concerned of an appropriate security so as to ensure correct performance of the import;

Whereas, with a view to guaranteeing proper administration of the measures, special rules should be laid down regarding the submission of applications and the issuing of licences; whereas those rules will either supplement or derogate from the provisions of Commission Regulation (EEC) No 3719/88 (*), as last amended by Regulation (EC) No 2350/96 (**);

Whereas, in the light of the experience obtained and the assessment made at the end of the period of application of the measures introduced in January 1997, it seems possible to extend, by derogation from Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice (*), as last amended by Regulation (EC) No 1527/96 (**), the period of validity of import licences until the end of the third month following that in which they were actually issued, so as to allow importers better to organise their imports and avoid concentrating them too much, and to reduce the amount of the security applying to the certificate guaranteeing that importers' obligations are met;

Whereas this Regulation should enter into force on the day of its publication so as to prevent speculation,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports into the Community of rice originating in the OCTs falling within CN code 1006 and benefiting from exemption from customs duties shall be restricted during the period 1 May to 30 September 1997 to the following quantities of husked rice equivalent:

- (a) 10 000 tonnes for rice originating in Montserrat and the Turks and Caicos Islands;
- (b) 59 610 tonnes for rice originating in the other OCTs.

Article 2

1. Applications for import licences shall be lodged with the competent authorities of the Member States from 2 May 1997.

2. Applications for import licences shall be for a quantity not less than 100 tonnes and not more than 2 000 tonnes of rice.

3. Applications for import licences shall be accompanied by:

- proof that the applicant is a natural or legal person who has carried out a commercial activity in the rice sector for at least 12 months and is registered in the Member State in which the application is submitted,
- a written declaration by the applicant stating that he has not submitted more than one application on the day in question for each of the origins referred to in Article 1. Where an applicant submits more than one application for an import licence, all his applications shall be rejected.

Article 3

1. The licence application and the import licence shall contain the following indications:

- (a) in box 8, the country of origin must be indicated and 'yes' must be marked with a cross;
- (b) in box 20 of the licence, one of the following entries must be made:
 - Exención del derecho de aduana (Decisión 91/482/CEE, artículo 101)
 - Toldfri (artike! 101 i afgørelse 91/482/EØF)
 - Zollfrei (Beschluss 91/482/EEG, Artikel 101)
 - Απαλλαγή από τους δασμούς (Απόφαση 91/482/ΕΟΚ του Συμβουλίου, άρθρο 101)
 - Exemption from customs duty (Decision 91/482/EEC, Article 101)
 - Exemption du droit de douane (Décision 91/482/CEE, article 101)
 - Esenzione dal dazio doganale (Decisione 91/482/CEE, articolo 101)
 - Vrijgesteld van douanerecht (Besluit 91/482/EEG, artikel 101)
 - Isenção de direito aduaneiro (Decisão 91/482/CEE, artigo 101^o)
 - Tullivapaa (päätös 91/482/ETY, artikla 101)
 - Tullfri (beslut 91/482/EEG, artikel 101).

2. Notwithstanding Article 8(4) of Regulation (EEC) No 3719/88, the quantity entered for free circulation may not exceed that entered in boxes 17 and 18 of the import licence. The figure '0' shall accordingly be entered in box 19 of the licence.

3. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, the rights arising from import licences shall not be transferable.

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

(**) OJ No L 320, 11. 12. 1996, p. 4.

(*) OJ No L 117, 24. 5. 1995, p. 2.

(*) OJ No L 190, 31. 7. 1996, p. 23.

4. Notwithstanding Article 10 of Regulation (EEC) No 1162/95, the amount of the security in respect of the import licences shall be equal to 50 % of the customs duty calculated in accordance with Article 11 of Regulation (EC) No 3072/95 (*) applicable on the date on which the application was lodged.

5. The concept 'originating products' for the purposes of applying this Regulation and the methods of administrative cooperation relating to it shall be as defined in Annex II to Decision 91/482/EEC.

Article 4

1. On the day on which licence applications are lodged, the Member States shall inform the Commission's departments by telex or fax of the quantities, by CN code and by country of origin, for which import licences have been applied for and the names and addresses of the applicants.

2. Without prejudice to paragraph 3, import licences shall be issued on the 11th working day following that on which the application was lodged.

3. If the quantities applied for exceed the quantities still available for one or more of the quotas specified in Article 1, the Commission shall, within 10 working days following the date on which the licence applications were lodged, set a single percentage reduction to be applied to the quantities for which applications were lodged on the day on which the quotas were exceeded.

4. If the quantity for which the import licence is issued is less than the quantity applied for, the amount of the security referred to in Article 3(4) shall be reduced proportionately.

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

Done at Brussels, 23 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

Article 5

Member States shall notify the Commission by telex or fax:

- (a) within two working days following issue, of the quantities for which import licences have been issued, specifying date, CN code, country of origin and name and address of holder,
- (b) on the last working day of the following month, of the quantities by CN code and by country of origin actually entered for free circulation during each month.

The above information must be notified in the same way but separately from information on other import licence applications in the rice sector.

Article 6

1. Regulation (EEC) No 3719/88 shall apply, including Article 33(5) thereof.

2. Regulation (EC) No 1162/95 shall apply without prejudice to this Regulation. However, by derogation from Article 6 of Regulation (EC) No 1162/95, import licences for husked, wholly-milled, semi-milled rice and broken rice shall be valid from the date on which they were actually issued until the end of the third month following that date, pursuant to Article 21(2) of Regulation (EEC) No 3719/88.

Article 7

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 May to 30 September 1997.

(*) OJ No L 329, 30. 12. 1995, p. 18.

COUNCIL REGULATION (EC) No 1036/97

of 2 June 1997

introducing safeguard measures in respect of imports of rice originating in the overseas countries and territories (OCTs)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 109 thereof, in conjunction with Annex IV, Article 1 (7),

Whereas Council Regulation (EC) No 304/97⁽²⁾ introducing safeguard measures in respect of imports of rice originating in the overseas countries and territories for the period from 1 January to 30 April 1997;

Whereas, at the end of the period of application of those measures, the serious disruption in the Community rice sector and the risk of a significant deterioration in that sector of economic activity have not been eliminated, in particular with regard to the level of Community prices, the need for significant amounts to be bought into intervention and the risk of a great reduction in land under indica rice;

Whereas, on 9 April 1997 the Italian Government applied to the Commission, pursuant to Article 109 of Decision 91/482/EEC for the extension of the safeguard measures in respect of imports of rice originating in the overseas countries and territories (hereinafter referred to as OCTs);

Whereas the Commission adopted on 23 April 1997 Regulation (EC) No 764/97⁽³⁾ introducing safeguard measures for a period of five months in respect of imports of rice originating in the overseas countries and territories;

Whereas the governments of the United Kingdom and Spain have referred the said Decision from the Commission to the Council in accordance with Article 1 (5) of Annex IV of Decision 91/482/EEC;

Whereas pursuant to paragraph 7 of that Article, the Council may adopt a different decision within the time limit indicated;

Whereas the rice originating from the OCTs which is exempt from customs duty on import into the Community in accordance with Article 101 (1) of Decision 91/482/EEC is, as a result of the quantities involved, causing a disturbance on the Community market in rice,

which has experienced a normal harvest of indica rice in 1996/97 after two years of drought;

Whereas the Community has provided aid per hectare on a temporary basis to encourage Community producers to grow more indica rice; whereas massive imports of rice from the OCTs under preferential conditions may undermine these attempts to diversify production, leading European producers initially to put large quantities into intervention and subsequently to return to growing japonica rice, for which there is already a surplus; whereas, under those conditions, it is important to maintain producers' confidence during the sowing period;

Whereas the quantities of rice imported from the OCTs are likely to increase still further owing to the producer regions' unrealized potential;

Whereas the first safeguard measures have had a favourable effect on the rice market situation in the Community; whereas, nevertheless, the market price in the Community remains considerably under the intervention price fixed for rice in the Community;

Whereas quantities of rice in excess of 70 000 tonnes have been offered at the end of April 1997 for intervention and significant supplementary amounts will be offered for intervention in the weeks and months to come;

Whereas, consequently, the threat of damage to a sector of the Community economy persists; whereas the application of safeguard measures to imports into the Community of rice from the OCTs should therefore be extended;

Whereas priority should be given to measures which would least disturb the functioning of the association of the OCTs and the Community, in accordance with Article 109 (2) of Decision 91/482/EEC; whereas such measures must, moreover, be limited to what is strictly necessary to remedy the difficulties that have arisen;

Whereas the maintenance of a tariff quota would guarantee OCT rice access to the Community market within limits compatible with the stability of that market while preserving preferential treatment for that product consistent with the objectives of Decision 91/482/EEC;

Whereas, under these conditions, the limitation of imports to 10 000 tonnes of rice originating from Montserrat and the Turks and Caicos Islands and 59 610 tonnes of rice originating from other OCTs for a period of five months, as provided for by Commission Regula-

(1) OJ No L 263, 19. 9. 1991, p. 1.

(2) OJ No L 51, 21. 2. 1997, p. 1.

(3) OJ No L 112, 29. 4. 1997, p. 3.

tion (EC) No 764/97, is insufficient to compensate for the serious disturbances caused to the rice production sector in the Community by imports free of customs duties from the OCTs;

Whereas the quota should be opened for a period sufficient to achieve the abovementioned objectives; whereas a period of application of seven months from 1 May 1997, which would cover the last month of the current marketing year and the first month of the next, would meet those requirements; whereas interrupting those measures before the start of the new marketing year could gravely affect the stability of trade in products from the previous harvest and create a great deal of uncertainty at a time when the marketing forecasts for the new marketing year are being prepared; whereas a premature interruption of the measures would endanger the results achieved up to now;

Whereas in accordance with Article 110 of Decision 91/482/EEC, particular attention should be paid to the interests of the least-developed OCTs listed in Article 230 of that Decision; whereas those territories include Montserrat and the Turks and Caicos Islands;

Whereas, following major volcanic activity at Montserrat, rice growing represents for that island the most important source of employment apart from government services;

Whereas this situation should be closely studied and as a result the portion relating to Montserrat and the Turks and Caicos Islands of the overall quota should be increased in relation to the quantity laid down for that island in Commission Regulation (EC) No 764/97;

Whereas under those conditions, the quota should be opened for a period running from 1 May to 30 November 1997 for a quantity of 13 430 tonnes of husked rice equivalent originating in Montserrat and the Turks and Caicos Islands and 56 180 tonnes originating in the other OCTs;

Whereas the total available quantities should be allocated among the interested importers and speculation should be prevented; whereas the number of licence applications made daily by each importer for each origin should be restricted and provision should be made for the lodging by the importer concerned of an appropriate security so as to ensure correct performance of the import;

Whereas, with a view to guaranteeing proper administration of the measures, special rules should be laid down regarding the submission of applications and the issuing of licences; whereas those rules will either supplement or derogate from the provision of Commission Regulation (EEC) No 3719/88⁽¹⁾;

Whereas, in the light of the experience obtained and the assessment made at the end of the period of application of the measures introduced in January 1997, it seems

possible to extend, by derogation from Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽²⁾, the period of validity of import licences until the end of the third month following that in which they were actually issued, so as to allow importers better to organize their imports and avoid concentrating them too much, and to reduce the amount of the security applying to the certificate guaranteeing that importers' obligations are met,

HAS ADOPTED THIS REGULATION:

Article 1

Imports into the Community of rice originating in the OCTs falling within CN code 1006 and benefiting from exemption from customs duties shall be restricted during the period 1 May to 30 November 1997 to the following quantities of husked rice equivalent:

- (a) 13 430 tonnes for rice originating in Montserrat and the Turks and Caicos Islands; and
- (b) 56 180 tonnes for rice originating in the other OCTs.

Article 2

1. Applications for import licences shall be lodged with the competent authorities of the Member States from 2 May 1997.

2. Applications for import licences shall be for a quantity not less than 100 tonnes and not more than 2 000 tonnes of rice.

3. Applications for import licences shall be accompanied by:

- proof that the applicant is a natural or legal person who has carried out a commercial activity in the rice sector for at least 12 months and is registered in the Member State in which the application is submitted,
- a written declaration by the applicant stating that he has not submitted more than one application on the day in question for each of the origins referred to in Article 1. Where an applicant submits more than one application for an import licence, all his applications shall be rejected.

Article 3

1. The licence application and the import licence shall contain the following indications:

- (a) in box 8, the country of origin must be indicated and 'yes' must be marked with a cross;

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1. Regulation as last amended by Regulation (EC) No 2350/96 (OJ No L 320, 11. 12. 1996, p. 4).

⁽²⁾ OJ No L 117, 24. 5. 1995, p. 2. Regulation as last amended by Regulation (EC) No 1527/96 (OJ No L 190, 31. 7. 1996, p. 23).

(b) in box 20 of the licence, one of the following entries must be made:

- Exención del derecho de aduana (Decisión 91/482/CEE, artículo 101)
- Toldfri (artikel 101 i afgørelse 91/482/EØF)
- Zollfrei (Beschluss 91/482/EWG, Artikel 101)
- Απαλλαγή από τους δασμούς (απόφαση 91/482/ΕΟΚ, άρθρο 101)
- Exemption from customs duty (Decision 91/482/EEC, Article 101)
- Exemption du droit de douane (Décision 91/482/CEE, article 101)
- Esenzione dal dazio doganale (Decisione 91/482/CEE, articolo 101)
- Vrijgesteld van douanerecht (Besluit 91/482/EEG, artikel 101)
- Isenção de direito aduaneiro (Decisão 91/482/CEE, artigo 101^(*))
- Tullivapaa (päätös 91/482/ETY, artikla 101)
- Tullfri (beslut 91/482/EEG, artikel 101).

2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity entered for free circulation may not exceed that entered in boxes 17 and 18 of the import licence. The figure '0' shall accordingly be entered in box 19 of the licence.

3. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, the rights arising from import licences shall not be transferable.

4. Notwithstanding Article 10 of Regulation (EEC) No 1162/95, the amount of the security in respect of the import licences shall be equal to 50 % of the customs duty calculated in accordance with Article 11 of Regulation (EC) No 3072/95 (*) applicable on the date on which the application was lodged.

5. The concept 'original products' for the purposes of applying this Regulation and the methods of administrative cooperation relating to it shall be as defined in Annex II to Decision 91/482/EEC.

Article 4

1. On the day on which licence applications are lodged, the Member States shall inform the Commission's departments by telex or fax of the quantities, by CN code and by country of origin, for which import licences have been applied and the names and addresses of the applicants.

2. Without prejudice to paragraph 3, import licences shall be issued on the 11th working day following that on which the application was lodged.

3. If the quantities applied for exceed the quantities still available for one or more of the quotas specified in Article 1, the Commission shall, within 10 working days following the date on which the licence applications were lodged, set a single percentage reduction to be applied to the quantities for which applications were lodged on the day on which the quotas were exceeded.

4. If the quantity for which the import licence is issued is less than the quantity applied for, the amount of the security referred to in Article 3 (4) shall be reduced proportionately.

Article 5

Member States shall notify the Commission by telex or fax:

(a) within two working days following issue, of the quantities for which import licences have been issued, specifying date, CN code, country of origin and name and address of holder,

(b) on the last working day of the following month, of the quantities by CN code and by country of origin actually entered for free circulation during each month.

The above information must be notified in the same way but separately from information on other import licence applications in the rice sector.

Article 6

1. Regulation (EEC) No 3719/88 shall apply, including Article 33 (5) thereof.

2. Regulation (EC) No 1162/95 shall apply without prejudice to this Regulation. However, by derogation from Article 6 of Regulation (EC) No 1162/95, import licences for husked, wholly-milled, semi-milled rice and broken rice shall be valid from the date on which they were actually issued until the end of the third month following that date, pursuant to Article 21 (2) of Regulation (EEC) No 3719/88.

Article 7

Commission Regulation (EC) No 764/97 is hereby repealed.

Article 8

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 May to 30 November 1997.

(*) OJ No L 329, 30. 12. 1995, p. 18.

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

Done at Luxembourg, 2 June 1997.

For the Council

The President

H. VAN MIERLO

COMMISSION REGULATION (EC) No 1247/97
of 30 June 1997

amending Regulation (EEC) No 865/90 laying down detailed rules for the application of the special arrangements for imports of grain sorghum and millet originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) in order to implement the agreement on agriculture concluded during the Uruguay Round of negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the Agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1161/97⁽²⁾, and in particular Article 3 (1) thereof,

Whereas in order to take account of the existing import arrangements in the cereals sector and those resulting from the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemption from the import levy on certain cereal products from the ACP States and the OCT;

Whereas the period for the adoption of transitional measures was extended until 30 June 1998 by Regulation (EC) No 1161/97; whereas, pending the adoption by the Council of definitive measures, application of the measures provided for by Commission Regulation (EEC) No 865/90⁽³⁾, as last amended by Regulation (EC) No 1226/96⁽⁴⁾, should be extended until 30 June 1998;

Whereas Commission Regulation (EEC) No 865/90 lays down detailed rules for the application of the preferential conditions reducing the import levy for quotas of sorghum and millet; whereas, given that the levies were

replaced by customs duties and the advance fixing of the import charge was abolished on 1 July 1995, the transitional adjustment of those provisions should be extended;

Whereas the rates of duties of the customs tariff within the abovementioned quotas are those applicable on the day that the declaration of release for free circulation of the import is accepted;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 865/90 is hereby amended as follows for the marketing year 1997/98:

1. 'levy' is replaced by 'duty' each time that it appears;
2. the last sentence of Article 2 (b) and the last sentence of Article 4 (b) are deleted;
3. Article 3 (b) is replaced by the following:

'(b) the letters "ACP" or "OCT" as the case may be in Section 8.

The licence shall oblige to import from the countries specified. The import duty shall not be increased or adjusted.'

Article 2

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

It shall apply from 1 July 1997 to 30 June 1998.

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 169, 27. 6. 1997, p. 1.

⁽³⁾ OJ No L 90, 5. 4. 1990, p. 16.

⁽⁴⁾ OJ No L 161, 29. 6. 1996, p. 73.

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

Done at Brussels, 30 June 1997.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1431/97
of 23 July 1997

amending Regulation (EEC) No 2245/90 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1161/97⁽²⁾, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EEC) No 2245/90⁽³⁾, as last amended by Regulation (EC) No 1313/96⁽⁴⁾, lays down transitional measures, applicable until 30 June 1997, to facilitate the transition to the arrangements for importing cereal substitute products and processed cereal and rice products as provided for in Regulation (EEC) No 2245/90 with a view to the implementation of the Agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations;

Whereas the period for taking the transitional measures was extended to 30 June 1998 by Regulation (EC) No 1161/97 extending the period for implementing the agreements concluded under the Uruguay Round of multilateral trade negotiations; whereas, pending the adoption by the Council of a definitive measure, the aforementioned measures should be extended until 30 June 1998;

Whereas in order to take account of the existing import arrangements in the cereals sector and those resulting from the Agreement on agriculture concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are necessary to adjust the preferential concessions in the form of exemption for the import levy on certain products covered by CN codes 0714 10 91 and 0714 90 11 originating in the ACP States and the OCT;

Whereas Regulation (EEC) No 2245/90 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes

0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific States or in overseas countries and territories lays down detailed rules for the application of those arrangements as they concern preferential conditions in the form of exemption from the import levy for products covered by CN codes 0714 10 91 and 0714 90 11; whereas, since the levies are being replaced by customs duties and the advance fixing of the import charge is being suspended from 1 July 1995, it is necessary to make transitional adjustments to those provisions from that date;

Whereas the rates of the customs duties under the Common Customs Tariff shall be those applicable on the date of the declaration for release of the imported goods for free circulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2245/90 is hereby amended as follows:

1. Article 1 is replaced by the following articles:

'Article 1

1. For the purposes of Article 14 (1) of Council Regulation (EEC) No 715/90⁽⁵⁾, the customs duties on imports of products listed in Annex A to Regulation (EEC) No 1766/92 and Article 1 (1) (c) of Regulation (EEC) No 3072/95 and originating in the ACP States shall be as set out in the Annex hereto.

2. Without prejudice to paragraph 1, the reduced customs duties listed in the Annex hereto on imports of the products designated below and originating in the ACP States shall be reduced by:

— ECU 2,19 per 1 000 kg in the case of products falling within CN codes 0714 10 99 and ex 0714 90 19, with the exception of arrowroot,

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 169, 27. 6. 1997, p. 1.

⁽³⁾ OJ No L 203, 1. 8. 1990, p. 47.

⁽⁴⁾ OJ No L 170, 9. 7. 1996, p. 11.

- ECU 4,38 per 1 000 kg in the case of products falling within CN codes 0714 10 10 and ex 1106 20, with the exception of arrowroot flour and meal.
 - 50 % in the case of products falling within CN codes 1108 14 00 and ex 1108 19 90, with the exception of arrowroot starch.
3. Notwithstanding paragraph 1, the customs duties on imports of the following products originating in the ACP States shall not be levied thereon:
- sweet potatoes falling within CN code 0714 20 10,
 - products falling within CN code 0714 10 91,
 - arrowroot falling within CN code 0714 90 11 and ex 0714 90 19,
 - arrowroot flour and meal falling within CN code ex 1106 20,
 - arrowroot starch falling within CN code ex 1108 19 90.

Article 1a

The detailed rules for the application of the import arrangements shall be as set out in Articles 2 to 8 as regards:

- products falling within CN codes 0714 10 91 and 0714 90 11 originating in the ACP States and imported into the Community (Title I),
- products falling within CN code 0714 90 11 originating in the ACP States or the OCT and imported into the French overseas territories (Title II).

(¹) OJ No L 84, 30. 3. 1990, p. 85.'

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

- Productos ACP/PTU:
 - exención del derecho de aduana
 - apartado 2 del artículo 1 y apartados 1 y 3 del artículo 14 del Reglamento (CEE) n° 715/90
- AVS/OLT-produkt:
 - toldfritagelse
 - forordning (EØF) nr. 715/90: artikel 1, stk. 2, og artikel 14, stk. 1 og 3
- Erzeugnis AKP/ÜLG:
 - Zollfrei
 - Verordnung (EWG) Nr. 715/90, Artikel 1 Absatz 2 und Artikel 14 Absätze 1 und 3
- προϊόν ΑΚΕ/ΥΧΕ:
 - Απαλλαγή από τους τελωνειακούς δασμούς
 - άρθρο 1 παράγραφος 2 και άρθρο 14 παράγραφοι 1 και 3 του κανονισμού (ΕΟΚ) αριθ. 715/90

- ACP/OCT product:
 - exemption from customs duty
 - Regulation (EEC) No 715/90, Article 1 (2) and Article 14 (1) and (3)
- produit ACP/PTOM:
 - exemption du droit de douane
 - règlement (CEE) n° 715/90, article 1^{er} paragraphe 2 et article 14 paragraphes 1 et 3
- prodotto ACP/PTOM:
 - esenzione dal dazio doganale
 - regolamento (CEE) n. 715/90, articolo 1, paragrafo 2 e articolo 14, paragrafi 1 e 3
- Product ACS/LGO:
 - vrijgesteld van douanerecht
 - Verordening (EEG) nr. 715/90: artikel 1, lid 2, en artikel 14, leden 1 en 3
- produto ACP/PTU:
 - isenção do direito aduaneiro
 - Regulamento (CEE) n° 715/90, n° 2 do artigo 1° e n° 1 e 3 do artigo 14°
- AKT-maista/Merentakaisista maista ja merentakaisilta alueilta peräisin oleva tuote
 - Tullivapaa
 - asetuksen (ETY) N:o 715/90 1 artiklan 2 kohta ja 14 artiklan 1 ja 3 kohta
- AVS/ULT-produkt:
 - Tullfri
 - Förordning (EEG) nr 715/90 artiklarna 1.2, 14.1 och 14.3.'

3. Article 4 (3) is replaced by the following:

- '3. The licence shall contain one of the following entries in box 24:
- Productos ACP/PTU:
 - exención del derecho de aduana
 - apartado 1 del artículo 24 del Reglamento (CEE) n° 715/90
 - exclusivamente válido para el despacho a libre práctica en los departamentos de Ultramar
 - AVS/OLT-produkt:
 - toldfritagelse
 - forordning (EØF) nr. 715/90: artikel 24, stk. 1
 - gælder udelukkende for overgang til fri omsætning i de oversøiske departementer

- Erzeugnis AKP/ÜLG:
 - Zollfrei
 - Verordnung (EWG) Nr. 715/90 Artikel 24 Absatz 1
 - Gilt ausschließlich für die Abfertigung zum freien Verkehr in den französischen überseeischen Departements
- προϊόν ΑΚΕ/ΥΧΕ:
 - Απαλλαγή από τους τελωνειακούς δασμούς
 - άρθρο 1 παράγραφος 2 και άρθρο 14 παράγραφοι 1 και 3 του κανονισμού (ΕΟΚ) αριθ. 715/90
 - ισχύει αποκλειστικά για τη θέση σε ελεύθερη κυκλοφορία στα υπερπόντια διαμερίσματα
- ACP/OCT product:
 - exemption from customs duty
 - Regulation (EEC) No 715/90, Article 24 (1)
 - valid exclusively for release for free circulation in the overseas departments
- produit ACP/PTOM:
 - exemption du droit de douane
 - règlement (CEE) n° 715/90, article 24 paragraphe 1
 - exclusivement valable pour une mise en libre pratique dans les départements d'outre-mer
- prodotto ACP/PTOM:
 - esenzione dal dazio doganale
 - regolamento (CEE) n. 715/90, articolo 24, paragrafo 1
 - valido esclusivamente per l'immissione in libera pratica nei DOM
- Product ACS/LGO:
 - vrijgesteld van douanerecht
 - Verordening (EEG) nr. 715/90, artikel 24, lid 1
 - geldt uitsluitend voor het in het vrije verkeer brengen in de Franse overzeese departementen
- produto ACP/PTU:
 - isenção do direito aduaneiro
 - Regulamento (CEE) n° 715/90, n° 1 do artigo 24°
 - válido exclusivamente para uma introdução em livre prática nos departamentos ultramarinos
- AKT-maista/Merentakaisista maista ja merentakaisilta alueilta peräisin oleva tuote
 - Tullivapaa
 - asetuksen (ETY) N:o 715/90 24 artiklan 1 kohta
 - voimassa ainoastaan merentakaisilla alueilla vapaseen liikkeeseen laskemiseksi
- AVS/ULT-produkt:
 - Tullfri
 - Förordning (EEG) nr 715/90 artikel 24.1
 - Uteslutande avsedd för övergång till fri omsättning i de utomeuropeiska länderna och territorierna.

4. The Annex to this Regulation is added.

Article 2

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 July 1997 to 30 June 1998.

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

Done at Brussels, 23 July 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

CN code	Description	Customs duty applicable
1	2	3
0714	Manioc, arrowroot, salep, Jerusalem artichokes, sweet potatoes and similar roots and tubers with high starch or inulin content, fresh, chilled, frozen or dried, whether or not sliced or in the form of pellets, sago pith:	
0714 10	- Manioc (cassava):	
0714 10 10	- - Pellets of flour and meal	ECU 11,8/100 kg/net
	- - Other:	
0714 10 91	- - - Of a kind used for human consumption in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 12,2/100 kg/net
0714 10 99	- - - Other	ECU 11,8/100 kg/net
0714 90	- Other:	
	- - Arrowroot, salep and similar roots and tubers with high starch content:	
0714 90 11	- - - Of a kind used for human consumption, in immediate packings of a net content not exceeding 28 kg, either fresh and whole or without skin and frozen, whether or not sliced	ECU 12,2/100 kg/net
0714 90 19	- - - Other	ECU 11,8/100 kg/net
1102	Cereal flours other than that of wheat or meslin (°):	
1102 20	- Maize (corn) flour:	
1102 20 10	- - Of a fat content not exceeding 1,5 % by weight	ECU 214,7/t
1102 20 90	- - Other	ECU 121,9/t
1102 30 00	- Rice flour	ECU 172,9/t
1102 90	- Other:	
1102 90 10	- - Barley flour	ECU 211,7/t
1102 90 30	- - Oat flour	ECU 203,2/t
1102 90 90	- - Other	ECU 121,9/t
1103	Cereal groats, meal and pellets (°):	
	Groats and meal:	
1103 12 00	- Of oats:	ECU 203,2/t
1103 13	- - Of maize (corn):	
1103 13 10	- - - Of a fat content not exceeding 1,5 % by weight:	ECU 214,7/t
1103 13 90	- - - Other	ECU 121,9/t
1103 14 00	- - Of rice	ECU 172,9/t
1103 19	- - Of other cereals:	
1103 19 10	- - - Of rye	ECU 211,7/t
1103 19 30	- - - Of barley	ECU 211,7/t
1103 19 90	- - - Other	ECU 121,9/t
	- Pellets:	
1103 21 00	- - Of wheat	ECU 217,2/t
1103 29	- - Of other cereals:	
1103 29 10	- - - Of rye	ECU 211,7/t

CN code	Description	Customs duty applicable
1	2	3
1103 29 20	- - - Of barley	ECU 211,7/t
1103 29 30	- - - Of oats	ECU 203,2/t
1103 29 40	- - - Of maize	ECU 214,7/t
1103 29 50	- - - Of rice	ECU 172,9/t
1103 29 90	- - - Other	ECU 121,9/t
1104	Cereal grains otherwise worked (for example, hulled, rolled, flaked, pearled, sliced or kibbled), except rice of heading No 1006: germ of cereals, whole, rolled, flaked or ground (!):	
	- Rolled or flaked grains:	
1104 11	- - Of barley:	
1104 11 10	- - - Rolled	ECU 120,4/t
1104 11 90	- - - Flaked	ECU 235,2/t
1104 12	- - Of oats:	
1104 12 10	- - - Rolled	ECU 115,4/t
1104 12 90	- - - Flaked	ECU 226,2/t
1104 19	- - Of other cereals:	
1104 19 10	- - - Of wheat	ECU 217,2/t
1104 19 30	- - - Of rye	ECU 211,7/t
1104 19 50	- - - Of maize	ECU 214,7/t
	- - - Other:	
1104 19 91	- - - - Flaked rice	ECU 292,7/t
1104 19 99	- - - - Other	ECU 214,7/t
	- Other worked grains (for example, hulled, pearled, sliced or kibbled):	
1104 21	- - Of barley:	
1104 21 10	- - - Hulled (shelled or husked)	ECU 188,9/t
1104 21 30	- - - Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 188,9/t
1104 21 50	- - - Pearled	ECU 295,2/t
1104 21 90	- - - Not otherwise worked than kibbled	ECU 120,4/t
1104 21 99	- - - Other	ECU 120,4/t
1104 22	- - Of oats:	
1104 22 20	- - - Hulled (shelled or husked)	ECU 203,9/t
1104 22 30	- - - Hulled and sliced or kibbled ('Grütze' or 'grutten')	ECU 203,9/t
1104 22 50	- - - Pearled	ECU 181,9/t
1104 22 90	- - - Not otherwise worked than kibbled	ECU 115,4/t
1104 22 98	- - - - Other	ECU 115,4/t
1104 23	- - Of maize:	
1104 23 10	- - - Hulled (shelled or husked), whether or not sliced or kibbled	ECU 191,4/t
1104 23 30	- - - Pearled	ECU 191,4/t
1104 23 90	- - - Not otherwise worked than kibbled	ECU 121,9/t
1104 23 99	- - - Other	ECU 121,9/t
1104 29	- - Of other cereals:	
	- - - Hulled (shelled or husked) whether or not sliced or kibbled:	
1104 29 11	- - - - Of wheat	ECU 161,4/t
1104 29 15	- - - - Of rye	ECU 161,4/t

CN code	Description	Customs duty applicable
1	2	3
1104 29 19	- - - - Other - - - Pearled:	ECU 161,4/t
1104 29 31	- - - - Of wheat	ECU 193,9/t
1104 29 35	- - - - Of rye	ECU 193,9/t
1104 29 39	- - - - Other - - - Not otherwise worked than kibbled:	ECU 193,9/t
1104 29 51	- - - - Of wheat	ECU 123,4/t
1104 29 55	- - - - Of rye	ECU 120,4/t
1104 29 59	- - - - Other - - - Other:	ECU 121,9/t
1104 29 81	- - - - Of wheat	ECU 123,4/t
1104 29 85	- - - - Of rye	ECU 120,4/t
1104 29 89	- - - - Other	ECU 121,9/t
1104 30	- Germ of cereals, whole, rolled, flaked or ground:	
1104 30 10	- - Of wheat	ECU 89,7/t
1104 30 90	- - Other	ECU 88,7/t
1106	Flour, meal and powder of the dried leguminous vegetables of heading No 0713, of sago or of roots or tubers of heading No 0714 or of the products of Chapter 8:	
1106 20	- Of sago or of roots or tubers of heading No 0714:	
1106 20 10	- - Denatured (?)	ECU 117,9/t
1106 20 90	- - Other	ECU 188,2/t
1108	- Starches; inulin:	
	- Starches:	
1108 11 00	- - Wheat starch	ECU 262,2/t
1108 12 00	- - Maize (corn) starch	ECU 188,2/t
1108 13 00	- - Potato starch	ECU 188,2/t
1108 14 00	- - Manioc (cassava) starch	ECU 188,2/t
1108 19	- - Other starches:	
1108 19 10	- - - Rice starch	ECU 239,8/t
1108 19 90	- - - Other	ECU 188,2/t
1109 00 00	Wheat gluten, whether or not dried	ECU 437/t
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey; whether or not mixed with natural honey; caramel:	
1702 30	- Glucose and glucose syrup, not containing fructose or containing in the dry state less than 20 % by weight of fructose:	
	- - Other:	
	Other:	
1702 30 51	- - - - In the form of white crystalline powder, whether or not agglomerated	ECU 22,6/100 kg/net
1702 30 59	- - - - Other	ECU 17,5/100 kg/net
1702 30 91	- - - - In the form of white crystalline powder, whether or not agglomerated	ECU 22,6/100 kg/net
1702 30 99	- - - - Other	ECU 17,5/100 kg/net

CN code	Description	Customs duty applicable
1	2	3
1702 40	- Glucose and glucose syrup, containing in the dry state at least 20 % but less than 50 % by weight of fructose:	
1702 40 90	- - Other	ECU 17,5/100 kg/net
1702 90	- Other, including invert sugar:	
1702 90 50	- - Maltodextrine and maltodextrine syrup - - Caramel:	ECU 17,5/100 kg/net
1702 90 75	- - - Other:	ECU 23,8/100 kg/net
1702 90 79	- - - - In the form of powder, whether or not agglomerated - - - - Other	ECU 16,5/100 kg/net
2106	Food preparations not elsewhere specified or included:	
2106 90	- Other: - - Flavoured or coloured sugar syrups: - - - Other:	ECU 17,5/100 kg/net
2106 90 55	- - - - Glucose syrup and maltodextrine	ECU 17,5/100 kg/net
2302	Bran, sharps and other residues, whether or not in the form of pellets, derived from the sifting, milling or other working of cereals or of leguminous plants:	
2302 10	- Of maize (corn):	
2302 10 10	- - With a starch content not exceeding 35 % by weight	ECU 48,8/t
2302 10 90	- - Other	ECU 106,8/t
2302 20	- Of rice:	
2302 20 10	- - With a starch content not exceeding 35 % by weight	ECU 48,8/t
2302 20 90	- - Other	ECU 106,8/t
2302 30	- Of wheat:	
2302 30 10	- - Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 48,8/t
2302 30 90	- - Other	ECU 106,8/t
2302 40	- Of other cereals:	
2302 40 10	- - Of which the starch content does not exceed 28 % by weight, and of which the proportion that passes through a sieve with an aperture of 0,2 mm does not exceed 10 % by weight or alternatively the proportion that passes through the sieve has an ash content, calculated on the dry product, equal to or more than 1,5 % by weight	ECU 48,8/t
2302 40 90	- - Other	ECU 106,8/t
2303	Residues of starch manufacture and similar residues, beet-pulp, bagasse and other waste of sugar manufacture, brewing or distilling dregs and waste, whether or not in the form of pellets:	
2303 10	- Residues of starch manufacture and similar residues:	
2303 10 11	- - Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product: - - - exceeding 40 % by weight	ECU 191/t

CN code	Description	Customs duty applicable
1	2	3
2309	Preparations of a kind used in animal feeding:	
ex 2309 10	- Dog or cat food, put up for retail sale:	
	- - Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:	
	- - - Containing starch, glucose, syrup, maltodextrine or maltodextrine syrup:	
	- - - - Containing no starch or containing 10 % or less by weight of starch:	
2309 10 11	- - - - - Containing no milk products or containing less than 10 % by weight of such products	exemption
2309 10 13	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 627,1/t
2309 10 31	- - - - - Containing no milk products or containing less than 10 % by weight of milk products	exemption
2309 10 33	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 668,1/t
2309 10 51	- - - - - Containing no milk products or containing less than 10 % by weight of such products	ECU 119,6/t
2309 10 53	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 728,6/t
ex 2309 90	- Other:	
	- - Other:	
	- - - Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup falling within subheadings 1702 30 51 to 1702 30 99, 1702 40 90, 1702 90 50 and 2106 90 55 or milk products:	
	- - - - Containing starch, glucose, glucose syrup, maltodextrine or maltodextrine syrup:	
	- - - - - Containing no starch or containing 10 % or less by weight of starch:	
2309 90 31	- - - - - Containing no milk products or containing less than 10 % by weight of such products	ECU 18,6/t
2309 90 33	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 627,1/t
2309 90 41	- - - - - Containing no milk products or containing less than 10 % by weight of such products	ECU 59,6/t
2309 90 43	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 668,1/t
2309 90 51	- - - - - Containing no milk products or containing less than 10 % by weight of milk products	ECU 119,6/t
2309 90 53	- - - - - Containing not less than 10 % but less than 50 % by weight of milk products	ECU 728,6/t

(¹) For the purpose of distinguishing between products covered by CN codes 1102, 1103 and 1104 and those covered by CN codes 2302 10 to 2302 40, products covered by CN codes 1102, 1103 and 1104 are those having both of the following:

- a starch content (determined by the modified Ewers polarimetric method) exceeding 45 % by weight referred to dry matter,
- an ash content by weight, referred to dry matter (after deduction of any added mineral matter), not exceeding 1,6 % for rice, 2,5 % for wheat and rye, 3 % for barley, 4 % for buckwheat, 5 % for oats and 2 % for other cereals.

Germ of cereals, whether or not in the form of flour, is covered in all cases by CN codes 1101 00 00 and 1102.

(²) Entry under this subheading is subject to conditions laid down in the relevant Community provisions

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1431/97 of 23 July 1997 amending Regulation (EEC) No 2245/90 laying down detailed rules for the application of the import arrangements applicable to products falling within CN codes 0714 10 91 and 0714 90 11 and originating in the African, Caribbean and Pacific (ACP) States or in the overseas countries and territories (OCT)

(Official Journal of the European Communities L 196 of 24 July 1997)

Page 44, Article 1 (2):

for: '2. Article 2 (2) is replaced by the following:

— Producto ACP/PTU';

read: '2. Article 2 (2) is replaced by the following:

"2. The licence shall contain one of the following entries in box 24:

— Producto ACP/PTU'.

COMMISSION REGULATION (EC) No 1929/97
of 2 October 1997

on the issue of import licences for rice falling within CN code 1006 originating in the overseas countries and territories, under the safeguard measures introduced by Council Regulation (EC) No 1036/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾,

Having regard to Council Regulation (EC) No 1036/97 of 2 June 1997 introducing safeguard measures in respect of imports of rice originating in the overseas countries and territories (OCTs)⁽²⁾, and in particular Article 4 (3) thereof,

Whereas Regulation (EC) No 1036/97 introduces safeguard measures in respect of imports of rice originating in the overseas countries and territories, hereinafter referred to as OCTs; whereas those measures provide for exemption from customs duties on importation pursuant to a tariff quota and allocation thereof to various specified origins; whereas they provide in particular for the restriction of the number of licence applications made daily by each importer for each origin; whereas, to ensure that the tariff quota quantity is not exceeded, Article 4 (3) of the aforementioned Regulation provides that, if the quantities exceed the quantities available for one or more of the quotas specified, the Commission is to set a single percentage reduction to be applied to the quantities for which applications were lodged on the day on which the quotas were exceeded;

Whereas the quantities applied for on 24 September 1997 exceed the quantities available for the origins 'other OCTs'; whereas, as a result, Article 4 (3) of Regulation (EC) No 1036/97 should be applied to the applications submitted on the aforementioned date for the origin indicated, and applications submitted subsequently — and pending for this origin — should be rejected;

Whereas the quantities available for the origin 'other OCTs' for importation pursuant to the tariff quota opened

by Regulation (EC) No 1036/97 are exhausted for the period 1 May to 30 November 1997; whereas, as a result, the submission of import licence applications for this origin pursuant to that Regulation should be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences for rice and broken rice falling within CN code 1006 submitted in accordance with the arrangements provided for in Regulation (EC) No 1036/97 shall be issued for the quantities indicated in the applications reduced by the following percentage:

- 47,8285 % for applications indicating the origin 'other OCTs' provided for in Article 1 (b) of that Regulation submitted on 24 September 1997.

Article 2

For import licence applications for rice and broken rice falling within CN code 1006 lodged from 25 September 1997 for the origin 'other OCTs' provided for in Article 1 (b) of Regulation (EC) No 1036/97 no import licence shall be issued under the tariff quota.

Article 3

Submission of import licence applications for rice and broken rice falling within CN code 1006 of the origin 'other OCTs' provided for in Article 1 (b) of Regulation (EC) No 1036/97 shall be suspended until 30 November 1997.

Article 4

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

⁽¹⁾ OJ L 263, 19. 9. 1991, p. 1.
⁽²⁾ OJ L 151, 10. 6. 1997, p. 8.

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

Done at Brussels, 2 October 1997.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2352/97

of 27 November 1997

introducing specific measures in respect of imports of rice originating in the overseas countries and territories

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 109 thereof, in conjunction with Annex IV, Article 1,

Following consultation of the Committee established by Article 1 (2) of Annex IV to Decision 91/482/EEC,

Whereas the safeguard measures in respect of imports of rice originating in the overseas countries and territories (OCTs) introduced by Council Regulation (EC) No 1036/97⁽²⁾ expire on 30 November 1997; whereas the Council adopted amendments to Decision 91/482/EEC; whereas, however, until the implementing measures required by the amendments to the arrangements made by this Decision have been adopted, specific surveillance measures are required;

Whereas the import of unlimited quantities of rice originating in the OCTs threatens seriously to disturb the Community market in rice; whereas, in particular, the import of large quantities of rice originating in the OCTs since 1 December 1997 threatens seriously to undermine the Community rice market during the 1997/98 marketing year; whereas the risk of large quantities of imports from the OCTs is all the greater because the Council has agreed to limit the quantities which may be imported from them as part of the mid-term revision of the arrangements under Decision 91/482/EEC but that agreement has not yet come into force;

Whereas on 13 November 1997 the Commission decided that specific measures should therefore be taken;

Whereas the Italian Government on 10 November 1997 and the Greek Government on 12 November 1997 requested to the Commission under Article 109 of Decision 91/482/EEC to extend the safeguard measures in respect of rice imported from the OCTs;

Whereas Article 109 (2) of Decision 91/482/EEC requires priority to be given to such measures as would least

disturb the functioning of the association of these OCTs and the Community; whereas these measures should not exceed the limits of what is strictly necessary to remedy the difficulties that have arisen;

Whereas, to comply with these goals, arrangements for the surveillance of imports originating in the OCTs under the conditions laid down by Decision 91/482/EEC should be introduced from 1 December 1997 until the Commission has adopted arrangements for the application of the Council Decision on the revision of the arrangements; whereas a monthly quantity should therefore be fixed on the basis of one twelfth of the total annual quantity of 160 000 tonnes laid down in the last draft which secured the broadest agreement in the Council; whereas above that figure applications should be scrutinised particularly carefully on the basis of an assessment of the situation on the Community market and the trend thereof;

Whereas the Dutch authorities have sent the Commission a decision by the Ministers of Economic Affairs and Finance of the Netherlands Antilles establishing, for the purposes of Annex II to Decision 91/482/EEC, a minimum price for the export to the Community of rice originating in the Netherlands Antilles; whereas that measure could help avoid serious disturbance to the Community market;

Whereas, however, that measure, which is, in any case, limited to a single OCT, is not such as to render unnecessary the arrangements for the surveillance of the Community market in rice required for the reasons set out above;

Whereas, in order not to change in a sudden and unexpected fashion the current practices regarding imports of products originating in the OCTs in this sector, the provisions applying to the submission of applications for licences laid down by Regulation (EC) No 1036/97 should remain in force;

Whereas the measures provided for in this Regulation either complement or derogate from Commission Regulation (EEC) No 3719/88⁽³⁾, as last amended by Regulation (EC) No 1404/97⁽⁴⁾, and Regulation (EEC) No 1162/95⁽⁵⁾, as last amended by Regulation (EC) No 932/97⁽⁶⁾,

⁽¹⁾ OJ L 331, 2. 12. 1988, p. 1.

⁽²⁾ OJ L 194, 23. 7. 1997, p. 5.

⁽³⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ L 135, 27. 5. 1997, p. 2.

⁽¹⁾ OJ L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ L 151, 10. 6. 1997, p. 8.

HAS ADOPTED THIS REGULATION:

Article 1

From 1 December 1997 imports into the Community of rice originating in the OCTs falling within CN code 1006 and benefiting from exemption from customs duties shall be subject to this Regulation.

Article 2

1. Applications for import licences shall be lodged with the competent authorities of the Member States.

2. Applications for import licences shall be for a quantity of not less than 100 tonnes and not more than 2 000 tonnes of rice.

3. Applications for import licences shall be accompanied by:

— proof that the applicant is a natural or legal person who has carried out a commercial activity in the rice sector for at least 12 months and is registered in the Member State in which the application is submitted,

— a written declaration by the applicant stating that he has not submitted more than one application on the day in question. Where an applicant submits more than one application for an import licence, all his applications shall be rejected.

Article 3

1. The licence application and the import licence shall contain the following indications:

(a) section 8 shall show the country of origin and 'yes' shall be marked with a cross;

(b) section 20 of the licence shall bear one of the following entries:

— Exención del derecho de aduana (Decisión 91/482/CEE, artículo 101)

— Tullfri (artikel 101 i afgørelse 91/482/EØF)

— Zollfrei (Beschluss 91/482/EWG, Artikel 101)

— Απαλλαγή από τον τελωνειακό δασμό (απόφαση 91/482/EOK, άρθρο 101)

— Exemption from customs duty (Decision 91/482/EEC, Article 101)

— Exemption du droit de douane (Décision 91/482/CEE, article 101)

— Esenzione dal dazio doganale (Decisione 91/482/CEE, articolo 101)

— Vrijgesteld van douanerecht (Besluit 91/482/EEG, artikel 101)

— Isenção de direito aduaneiro (Decisão 91/482/CEE, artigo 101⁽¹⁾)

— Tullivapaa (päättöksen 91/482/ETY, 101 artikla)

— Tullfri (beslut 91/482/EEG, artikel 101).

2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity entered for free circulation may not exceed that set out in sections 17 and 18 of the import licence. To that end, the figure '0' shall be entered in section 19 of the licence.

3. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, the rights arising from import licences shall not be transferable.

4. Notwithstanding Article 10 of Regulation (EEC) No 1162/95, the amount of the security in respect of the import licences shall be equal to 50 % of the customs duty calculated in accordance with Article 11 of Regulation (EC) No 3072/95⁽¹⁾ applicable on the date on which the application was lodged.

5. The concept 'originating products' for the purposes of applying this Regulation and the administrative methods relating to it shall be as defined in Annex II to Decision 91/482/EEC.

Article 4

1. On the day on which licence applications are lodged, the Member States shall notify the Commission by telex or fax of the quantities covered by licence applications, broken down by eight-digit CN code and by country of origin, the number of the licence applied for and the name and address of the applicant.

The above information must be notified separately from that relating to other import licence applications covering rice and in accordance with the same procedure.

2. Without prejudice to paragraph 3, import licences shall be issued on the 11th working day following that on which the application was lodged.

3. If the quantities applied for exceed the monthly total of 13 300 tonnes of rice expressed as the equivalent in husked rice and, on the basis of an assessment of the Community market, this situation threatens to substantially disturb that market, the Commission shall, within 10 working days following the day the quantity was exceeded:

— fix a percentage reduction to be applied to all the applications lodged on the day the quantity was exceeded,

— reject applications made after the day on which the quantity was exceeded,

— suspend the lodging of new applications for that month.

4. If the quantity for which the import licence is issued is less than the quantity applied for, the amount of the security referred to in Article 3 (4) shall be reduced proportionately.

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

5. If paragraph 3 is applied, the application for a licence may be withdrawn within one working day following publication of the Regulation laying down the percentage reduction. The security shall be released immediately.

Article 5

Member States shall notify the Commission by telex or fax and in accordance with the Annex to this Regulation:

- within two working days of their issue, of the quantities, broken down by eight-digit CN code and country of origin, covered by the import licences issued, with the date of issue, the number of the licence and the name and address of the holder,
- on the last working day of the month following the month of release for free circulation, of the quantities, broken down by eight-digit CN code and country of origin, actually released for free circulation, with the date of release, the number of the licence and the name and address of the holder.

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

Done at Brussels, 27 November 1997.

The above information must be notified separately from that relating to other import licence applications covering rice and in accordance with the same procedure.

Article 6

1. Regulation (EEC) No 3719/88 shall apply, including Article 33 (5) thereof.
2. Regulation (EEC) No 1162/95 shall apply without prejudice to this Regulation. However, by derogation from Article 6 of Regulation (EC) No 1162/95, import licences for husked, wholly-milled, semi-milled rice and broken rice shall be valid from the date on which they were actually issued until the end of the third month following that date, pursuant to Article 21 (2) of Regulation (EEC) No 3719/88.

Article 7

This Regulation shall enter into force on 1 December 1997 and shall apply until 31 January 1998.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

RICE — REGULATION (EC) No 2352/97

Application for an import licence (*)

Issue of an import licence (*)

Release for free circulation (*)

To: DG VI-C-2 Fax: (00 32) 2 296 60 21

From:

Date	No of licence	CN code	Quantity (tonnes)	Country of origin	Name and address of applicant/holder

(*) Delete as appropriate.

COMMISSION REGULATION (EC) No 2494/97

of 12 December 1997

on the issuing of import licences for rice falling within CN code 1006 and originating in the overseas countries and territories under the specific measures introduced by Regulation (EC) No 2352/97

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

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, as last amended by Commission Decision 97/803/EC⁽²⁾,

Having regard to Commission Regulation (EC) No 2352/97 of 27 November 1997 introducing specific measures in respect of imports of rice originating in the overseas countries and territories⁽³⁾, and in particular Article 4 (3) thereof,

Whereas Regulation (EC) No 2352/97 introduces specific measures in respect of imports of rice originating in the overseas countries and territories, hereinafter referred to as 'OCTs'; whereas those measures provide for exemption from customs duties on importation under a system of surveillance; whereas they provide in particular for a daily limit per operator in respect of licence applications; whereas Article 4 (3) of that Regulation provides that where the quantities applied for exceed the monthly total of 13 300 tonnes of rice expressed as husked rice equivalent and where, on the basis of an assessment of the situation on the Community market, that overrun is likely to result in substantial disturbance of the latter, the Commission is, within 10 working days of the day of the overrun, to fix a percentage reduction to be applied to all applications lodged on the day of the overrun, reject applications submitted after the day of the overrun, and suspend the lodging of further applications for that month;

Whereas the quantities applied for on 2 December 1997 in excess of the monthly total of 13 300 tonnes amount to 7 072 tonnes; whereas those quantities have been considered specifically by the Commission in the light of an assessment of the situation and trends on the Community market for rice; whereas that consideration has shown

that, since the indica rice harvest in the 1997/98 marketing year is back to normal levels and in view of the prices for that type of rice on the Community market, those quantities are likely to bring about serious disturbance of the market, in particular by ousting Community indica rice production and reducing its price; whereas Article 4 (3) of Regulation (EC) No 2352/97 should accordingly be applied,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be issued for the quantities set out in applications for rice and broken rice falling within CN code 1006 submitted in accordance with the arrangements laid down in Regulation (EC) No 2352/97, reduced by the following percentage:

69,8575 % for applications submitted on 2 December 1997.

Article 2

No import licences shall be issued under the arrangements laid down in Regulation (EC) No 2352/97 for rice and broken rice falling within CN code 1006 in respect of applications submitted from 3 December 1997.

Article 3

The submission of import licence applications for rice and broken rice falling within CN code 1006 under the arrangements laid down in Regulation (EC) No 2352/97 is hereby suspended until 31 December 1997.

Article 4

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

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

Done at Brussels, 12 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ L 329, 29. 11. 1997, p. 50.

⁽³⁾ OJ L 326, 28. 11. 1997, p. 21.

COMMISSION REGULATION (EC) No 2553/97

of 17 December 1997

on rules for issuing import licences for certain products covered by CN codes 1701, 1702, 1703 and 1704 and qualifying as ACP/OCT originating products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Community (*), as last amended by Decision 97/803/EC (**),

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector (*), as last amended by Regulation (EC) No 1599/96 (**), and in particular Article 13 (2) (b) thereof,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products (*), and in particular Article 7 (2) thereof,

Whereas on 24 November 1997 the Council adopted a Decision amending Decision 91/482/EEC at mid-term; whereas, in accordance with the wording of the new Article 108b of that Decision, the ACP/OCT cumulation of origin is allowed up to a total annual quantity of 3 000 tonnes of sugar in the case of products covered by tariff headings CN 1701, 1702, 1703 and 1704;

Whereas the rules for issuing import licences for the products referred to in Article 108b of Decision 91/482/EEC should be laid down with a view to imports of the quantities provided for in that Decision and the controls necessary;

Whereas the list of products containing sugar referred to in Article 108b of Decision 91/482/EEC and falling within the scope of Regulations (EEC) No 1785/81 and (EC) No 3448/93 should be drawn up and specific licence arrangements should be introduced for those products;

Whereas Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural

products (*), as last amended by Regulation (EC) No 1404/97 (**), should apply, save as otherwise provided herein; whereas the detailed rules laid down herein either supplement or derogate from the provisions of Regulation (EEC) No 3719/88;

Whereas, with a view to ensuring orderly management, preventing speculation and providing for effective controls, rules for submitting licence applications should be laid down; whereas such rules must in particular cover the production by the applicant of proof that he is customarily engaged in trade in sugar, of a declaration to the effect that he has lodged no other licence applications and of proof that he has lodged a security guaranteeing performance of the obligations stemming from licences;

Whereas the way the various sections of licence application forms are to be completed should be specified, as should the other characteristics of licences specifically for imports of products qualifying under Article 108b of Decision 91/482/EEC; whereas, in order to ensure such imports are administered strictly, provision should be made in particular for rights stemming from licences to be non-transmissible and the release for free circulation of quantities of products exceeding those covered by licences issued to be prohibited;

Whereas a timetable should be laid down for the presentation of applications and for the issuing of licences by the competent authorities of the Member States; whereas that timetable must in particular provide for a period during which the Member States are to notify the Commission of particulars relating to licence applications submitted and the Commission is to fix a single reducing coefficient to apply to any overrun in the maximum of 3 000 tonnes a year; whereas that reducing coefficient must be applied by the Member States when import licences are issued so that the maximum quantity is not exceeded; whereas, in order to prevent operators from carrying out operations which are no longer in their interest once the reducing coefficient has been applied, provision should be made for them to be able, in such cases, to withdraw their licence applications and for their securities to be released immediately; whereas, with a view to the time required to publish this Regulation, special time limits should be set for the submission of licence applications and the issuing of the licences in January 1998;

(*) OJ L 263, 19. 9. 1991, p. 1.

(*) OJ L 329, 29. 11. 1997, p. 50.

(*) OJ L 177, 1. 7. 1981, p. 4.

(*) OJ L 206, 16. 8. 1996, p. 43.

(*) OJ L 318, 20. 12. 1993, p. 18.

(*) OJ L 331, 2. 12. 1988, p. 1.

(*) OJ L 194, 23. 7. 1997, p. 5.

Whereas, in order to ensure that Decision 97/803/EC is actually implemented on its entry into force and to prevent speculation on the market, transitional provisions should be laid down regarding simplified rules for issuing licences before the arrangements laid down in this Regulation are fully applicable;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Management Committees for Sugar and Horizontal Questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

1. Imports of the products listed below under the ACP/OCT cumulation of origin provided for in Article 108b of Decision 91/482/EEC shall be subject to the presentation of import licences issued in accordance with this Regulation.

CN code	Description
1701	Cane or beet sugar and chemically pure sucrose, in solid form
1702 20	Maple sugar and maple syrup
1702 60 95 1702 90 99	Other sugars and sugar syrups not containing added flavouring or colouring matter, excluding lactose, glucose, maltodextrine and isoglucose
1702 90 60	Artificial honey, whether or not mixed with natural honey
1702 90 71	Caramel containing 50 % or more by weight of sucrose in the dry matter
1702 30 10 1702 40 10 1702 60 10 1702 90 30	Isoglucose
1702 60 80 1702 90 80	Inulin syrup
1703	Molasses resulting from the extraction or refining of sugar
ex 1704	Sugar confectionery (including white chocolate), not containing cocoa, with the exception of liquorice extract containing more than 10 % by weight of sucrose but not containing other added substances, of CN code 1704 90 10

2. For the purposes of determining the quantities which may be imported into the Community exempt from import duties under ACP/OCT cumulation of origin, section 22 of the import licence shall refer:

- in the case of products covered by CN code 1701: to the product as such,
- in the case of products covered by CN codes 1702 20, 1702 60 95, 1702 90 99, 1702 90 60 and 1702 90 71: to the sucrose content of the product, including other sugars expressed as sucrose, determined by the method laid down in Article 5 (2) of Commission Regulation (EC) No 1423/95 (1),
- in the case of products covered by CN codes 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30: to the dry matter content of the product, determined by the method laid down in the second subparagraph of Article 5 (2) of Regulation (EC) No 1423/95,
- in the case of products covered by CN codes 1702 60 80 and 1702 90 80: to the sucrose equivalent of the product, determined by the method laid down in Article 5 (4) of Regulation (EC) No 1423/95,
- in the case of products covered by CN code 1703: to the product of the standard quality defined in Article 1 of Regulation (EEC) No 785/68 (2),
- in the case of products covered by CN code 1704: to the sucrose content of the product, determined by applying the percentages laid down in the Annex to the net weight of the product in question.

3. Import licences issued pursuant to this Regulation shall bear the serial number 09.4096.

Article 2

1. Imports of the products listed in Article 1 shall be subject to the presentation of import licences.

2. Save where this Regulation specifically provides otherwise, Regulation (EEC) No 3719/88 shall apply.

Article 3

1. Import licence applications shall be lodged with the competent authorities of the Member States.

2. Import licence applications for the products listed in Article 1 shall relate to a quantity of at least 25 tonnes and not more than 3 000 tonnes of sugar.

(1) OJ L 141, 24. 6. 1995, p. 16.

(2) OJ L 145, 27. 6. 1968, p. 12.

3. Import licence applications shall be accompanied by:

- proof that the applicant is a natural or legal person who has been engaged in trade in sugar for at least six months,
- a written declaration by the applicant to the effect that he has not submitted more than one application during the application submission period. Where an applicant submits more than one import licence application, all applications from the same person shall be inadmissible,
- proof that the party concerned has lodged a security equal to 50 % of the Common Customs Tariff duty applicable on the day of submission of the application.

Article 4

1. Import licence applications and import licences shall show:

- (a) the country of provenance in section 7, the word 'yes' being marked with a cross;
- (b) the country of origin in section 8, the word 'yes' being marked with a cross. Import licences shall be valid only for products originating in the country shown in that section;
- (c) one of the following in section 20:

- Exención de derechos de importación (Decisión 91/482/CEE, artículo 101), número de orden 09.4096
- Fritages for importafgifter (artikel 101 i afgørelse 91/482/EØF), løbnummer 09.4096
- Frei von Einfuhrabgaben „Zucker“ (Beschluss 91/482/EWG, Artikel 101), Ordnungsnummer 09.4096
- Απαλλαγή από τον τελωνειακό δασμό (απόφαση 91/482/ΕΟΚ, άρθρο 101), αύξων αριθμός 09.4096
- Free from 'sugar' import duty (Decision 91/482/EEC, Article 101), serial number 09.4096
- Exemption du droit d'importation «sucre» (Décision 91/482/CEE, article 101), numéro d'ordre 09.4096
- Esenzione dal dazio all'importazione (Decisione 91/482/CEE, articolo 101), numero d'ordine 09.4096
- Vrij van invoerrechten „suiker“ (Besluit 91/482/EEG, artikel 101), volgnummer 09.4096

— Isenção de direitos de importação (Decisão 91/482/CEE, artigo 101^o), número de ordem 09.4096

— Vapaa tuontitulleista (päätöksen 91/482/ETY 101 artikla), järjestyksennumero 09.4096

— Importullfri (beslut 91/482/EEG, artikel 101), løpnummer 09.4096.

2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity released for free circulation may not exceed that shown in sections 17 and 18 of the import licence. To that end, the figure '0' shall be entered in section 19 of the licence.

3. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, rights stemming from import licences shall not be transmissible.

4. For the purposes of this Regulation, the concept of 'originating products' and the methods of administration cooperation shall be as set out in Annex II to Decision 91/482/EEC.

Article 5

1. Licence applications may be submitted to the competent authorities of the Member States in the first five working days of January, April, July and October of each year.

2. On the sixth working day of each month referred to in paragraph 1, the Member States shall notify the Commission of:

- (a) the quantities of products, broken down by eight-digit CN codes and by country of origin covered by import licence applications lodged, with the relevant dates of submission;
- (b) the quantities of products, broken down by eight-digit CN codes and by country of origin covered by unused or partly used import licences, corresponding to the difference between the quantities attributed on the back of licences and those for which the latter were issued.

If no import licence applications are lodged in a Member State during the periods referred to in paragraph 1, that Member State shall so inform the Commission on the day referred to in the first subparagraph of this paragraph.

3. Where licence applications submitted for the products listed in Article 1 cover annual quantities in excess of 3 000 tonnes of sugar, the Commission shall:

- by the time limit laid down in paragraph 5, adopt a regulation fixing a single reducing coefficient to be applied to applications submitted, and
- suspend the submission of further applications during the year in progress.

4. For the purposes of paragraph 3, a single reducing coefficient shall be applied to the quantities covered by licence applications submitted each quarter, in proportion to the quantity of sugar corresponding to products listed in Article 1 and available for importing.

5. The licences shall be issued by the 15th working day of the months referred to in paragraph 1.

6. Where the quantity for which import licences are issued is less than that applied for, the security as provided for in Article 3 (3), last indent, shall be reduced proportionately.

7. Where paragraph 3 applies, licence applications may be withdrawn within three working days of publication of the regulation fixing the single reducing coefficient. The security shall be released forthwith.

8. Notwithstanding paragraphs 1, 2 and 5 and solely as regards January 1998, the time limit for the submission of licence applications shall expire on Friday 16 January 1998; the Member States shall forward the particulars referred to in paragraph 2 on Monday 19 January 1998 and the licences shall be issued on Friday 30 January 1998 at the latest.

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

Done at Brussels, 17 December 1997.

Article 6

The term of validity of import licences shall expire on the last day of the second month following that of their issue.

Article 7

No part of the 3 000 tonnes of products as listed in Article 1 for import each year may be carried over to another year.

Article 8

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.

However, import licences applied for between 10 and 31 December 1997 shall be issued by the competent authorities of the Member States, after prior authorization has been granted by the Commission departments, in the order in which the applications are submitted and for quantities not exceeding the total maximum of 3 000 tonnes for the Community.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Percentage sugar content of products for the purposes of determining quantities qualifying under ACP/OCT cumulation of origin

(Percentages referred to in the sixth indent of Article 1 (2))

CN Code	%
1704 10 11	58
1704 10 19	58
1704 10 91	70
1704 10 99	70
1704 90 30	45
1704 90 51	60
1704 90 55	60
1704 90 61	60
1704 90 65	60
1704 90 71	60
1704 90 75	60
1704 90 81	60
1704 90 99	60

COMMISSION REGULATION (EC) No 2603/97

of 16 December 1997

laying down the detailed implementing rules for imports of rice originating in the ACP countries or the overseas countries and territories (OCT)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community (*), as last amended by Decision 97/803/EC (**), and in particular Article 108a (5) thereof,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States or in the overseas countries and territories (OCT) (*), as last amended by Regulation (EC) No 619/96 (**), and in particular Article 13 (1) and (3) thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations (*), as last amended by Regulation (EC) No 1161/97 (**), and in particular Article 3 (1) thereof,

Whereas, by Decision 97/803/EC, the Council adapted the import arrangements for rice originating in the overseas countries and territories (OCTs); whereas the new Article 108a states that the cumulation of ACP/OCT origin referred to in Article 6 of Annex II to Decision 91/482/EEC is permitted up to an overall limit of 160 000 tonnes of husked rice equivalent, including the tariff quota for rice originating in the ACP States under the Fourth Lomé Convention; whereas imports from the OCTs can reach the above level if the ACP States do not make effective use of their direct export options under the above tariff quota; whereas import licences for 35 000 tonnes in husked rice equivalent is initially issued to the OCTs in January each year,

Whereas to ensure balanced management of the Community market in rice, import licences are issued in respect of several periods over the course of a year,

Whereas, to manage the cumulative system, the detailed rules for the import of rice from the ACP States and OCT need to be adopted in a single text; whereas Commission Regulation (EEC) No 999/90 of 20 April 1990 laying down detailed implementing rules for imports of rice originating in the African, Caribbean and Pacific States (ACP) and the overseas countries and territories (OCT) (*), as last amended by Regulation (EC) No 1407/97 (**), should therefore be repealed and its appropriate provisions included herein; whereas the provisions governing the reductions in the customs duties applying to imports and the collection of an export charge by the exporting country should be included in particular,

Whereas this Regulation should apply from 1 January 1998; whereas Commission Regulation (EC) No 2352/97 of 27 November 1997 introducing specific measures in respect of imports of rice originating in the overseas countries and territories (*) should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the detailed implementing rules for imports of rice originating in the ACP States or in the overseas countries and territories (OCT) pursuant to Article 108a of Decision 91/482/EEC.

TITLE I

Imports of rice originating in the ACP States

Article 2

1. As regards the quantity of 125 000 tonnes or rice, in husked-rice equivalent, falling within CN codes 1006 10 21 to 10006 10 98, 1006 20 and 1006 30 laid

(*) OJ L 263, 19. 9. 1991, p. 1.
(**) OJ L 329, 29. 11. 1997, p. 50.
(*) OJ L 84, 30. 3. 1990, p. 85.
(*) OJ L 89, 10. 4. 1996, p. 1.
(*) OJ L 349, 31. 12. 1994, p. 105.
(*) OJ L 169, 27. 6. 1997, p. 1.

(*) OJ L 101, 21. 4. 1990, p. 20.
(*) OJ L 194, 23. 7. 1997, p. 13.
(*) OJ L 326, 28. 11. 1997, p. 21.

down in Article 13 (1) of Regulation (EEC) No 715/90, licences for imports at a reduced rate of customs duty shall be issued each year under the following tranches:

January:	41 668 tonnes
May:	41 666 tonnes
September:	41 666 tonnes.

2. Without prejudice to Article 7, quantities not covered by import licences issued for the first or second tranche shall be carried over to the following tranche.

For quantities not covered to import licences issued under the September tranche, import licence applications may be submitted under an additional tranche in October, in accordance with Article 8 (1).

Article 3

1. As regards the quantity of 20 000 tonnes of broken rice falling within CN code 1006 40 00 laid down in Article 13 (1) of Regulation (EEC) No 715/90, licences for imports at a reduced rate of customs duty shall be issued each year under the following tranches:

January:	10 000 tonnes
May:	10 000 tonnes
September:	—

2. Quantities not covered by import licences issued for the first or second tranches shall be carried over to the following tranche.

For quantities not covered by import licences issued under the September tranche, import licence applications may be submitted under an additional tranche in October, in accordance with Article 8 (1).

Article 4

The customs duties shall be calculated weekly but shall be fixed by the Commission every second week in accordance with the following:

- the applicable rate for imports of paddy rice falling within CN codes 1006 10 21 to 1006 10 98 shall be equal to the customs duties fixed in the Common Customs Tariff, less 50 % and ECU 4,34,
- the applicable rate for imports of husked rice falling within CN code 1006 20 shall be equal to the duty fixed in accordance with Article 11 (2) of Council Regulation (EC) No 3072/95 (*) less 50 % and ECU 4,34,
- the applicable rate for imports of whole-milled rice falling within CN code 1006 30 shall be equal to the

duty fixed in accordance with Article 11 (2) of Regulation (EC) No 3072/95, minus ECU 16,78 and then less 50 % and ECU 6,52,

- the applicable rate for imports of broken rice falling within CN code 1006 40 00 shall be equal to the rate fixed in the Common Customs Tariff, less 50 % and ECU 3,62.

Article 5

1. Article 4 shall apply only to imports of rice for which an export charge corresponding to the difference between the applicable customs duties on import of the rice from third countries and the amounts referred to in Article 4 has been collected by the exporting country.

2. Proof that the charge has been collected is provided where the customs authorities of the exporting country enter one of the following in the box marked 'Remarks' of the EUR.1 movement certificate:

Amount in national currency:

- Tasa especial percibida a la exportacion del arroz
- Særavgift, der opkræves ved eksport af ris
- Bei der Ausfuhr von Reis erhobene Sonderabgabe
- Ειδικός φόρος που εισπράττεται κατά την εξαγωγή του ρυζιού
- Special charge collected on export of rice
- Taxe spéciale perçue à l'exportation du riz
- Tassa speciale riscossa all'esportazione del riso
- Bij uitvoer van de rijst opgelegde bijzondere heffing
- Direito especial cobrado na exportação do arroz
- Riisin viennin yhteydessä perittävä erityismaksu
- Særskild avgift för risexport

(Signature and official stamp)

3. Where the charge collected by the exporting country is less than the reduction resulting from the application of Article 4, the reduction shall be limited to the amount collected.

4. If the export charge collected is in a currency other than that of the importing Member State, the exchange rate to be used to calculate the amount of charge actually collected shall be the rate registered on the most representative currency exchange or exchanges in that Member State on the date the customs duty was fixed in advance.

5. The customs duty shall be that applying on the day the licence application is lodged. The duty shall be adjusted in line with the difference between the intervention price valid in the month in which the application for a licence is made and the intervention price valid upon release for free circulation, the difference being increased further, where appropriate, by:

(*) OJ L 329, 30. 12. 1995, p. 18.

- 80 % in the case of husked indica rice,
- 163 % in the case of wholly-milled indica rice,
- 88 % in the case of husked japonica rice,
- 167 % in the case of wholly-milled japonica rice.

By indica and japonica are meant the rices referred to in Article 3 of Commission Regulation (EC) No 1503/96⁽¹⁾.

TITLE II

Imports of rice originating in the OCT

Article 6

1. As regards the quantity of 35 000 tonnes of rice, in husked-rice equivalent, falling within CN code 1006 pursuant to Article 108a of Decision 91/482/EEC, licences for imports exempt from customs duty shall be issued each year under the following tranches:

January:	35 000 tonnes
May:	—
September:	—

2. Quantities not covered by import licences issued for the first or second tranches shall be carried over to the following tranche.

For quantities not covered by import licences issued under the September tranche, import licence applications may be submitted under an additional tranche in October, in accordance with Article 8 (1).

TITLE III

Detailed rules common to Titles I and II

Article 7

The quantities carried over referred to in Article 2 (2) may be the subject of licence applications for the import of rice originating in the ACP States falling within CN codes 1006 10 21 to 1006 10 98, 1006 20 and 1006 30 and rice originating in the OCT falling within CN code 1006.

Article 8

1. Licence applications shall be lodged with the competent authority in the Member State concerned during the first five working days in the month corresponding to each tranche.

2. The country of origin shall be entered in Section 8 of licence applications and of the import licences and the word 'yes' shall be marked with a cross.

3. In Section 20 of the import licence application the applicant shall indicate the tranche for which he is submitting the application. One of the following entries shall be made:

- OCT (Article 6 of Regulation (EC) No 2603/97)
- ACP (Article 2 (1) of Regulation (EC) No 2603/97)
- ACP broken rice (Article 3 of Regulation (EC) No 2603/97)
- ACP + OCT (Article 7 of Regulation (EC) No 2603/97)

4. Section 24 of the licences shall bear one of the following entries:

(a) for the OCTs:

- Exención del derecho de aduana hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 2603/97]
- Toldfri op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 2603/97)
- Zollfrei bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 2603/97)
- Απελάως μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 2603/97]
- Exemption from customs duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 2603/97)
- Exemption du droit de douane jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [Règlement (CE) n° 2603/97]
- Esenzione del dazio doganale limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 2603/97]
- Vrijgesteld van douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 2603/97)
- Isenção de direito aduaneiro até à quantidade indicada nas casais 17 e 18 do presente certificado [Regulamento (CE) n° 2603/97]
- Tullivapaa tämän todistuksen kohdissa 17 ja 18 esitettyyn määrään asti (asetus (EY) N:o 2603/97)
- Tullfri upp till den mängd som anges i fält 17 och 18 i denna licens (Förordning (EG) nr 2603/97)

(b) for the ACP States:

- Derecho de aduana reducido hasta la cantidad indicada en las casillas 17 y 18 del presente certificado [Reglamento (CE) n° 2603/97]
- Nedsat told op til den mængde, der er angivet i rubrik 17 og 18 i denne licens (Forordning (EF) nr. 2603/97)
- Ermäßigter Zollsatz bis zu der in den Feldern 17 und 18 dieser Lizenz angegebenen Menge (Verordnung (EG) Nr. 2603/97)

⁽¹⁾ OJ L 189, 30. 7. 1996, p. 71.

- Μειωμένος δασμός μέχρι την ποσότητα που ορίζεται στα τετραγωνίδια 17 και 18 του παρόντος πιστοποιητικού [Κανονισμός (ΕΚ) αριθ. 2603/97]
- Reduced duty up to the quantity indicated in Sections 17 and 18 of this licence (Regulation (EC) No 2603/97)
- Droit réduit jusqu'à la quantité indiquée dans les cases 17 et 18 du présent certificat [Règlement (CE) n° 2603/97]
- Dazio ridotto limitatamente alla quantità indicata nelle caselle 17 e 18 del presente titolo [Regolamento (CE) n. 2603/97]
- Verminderd douanerecht voor ten hoogste de in de vakken 17 en 18 van dit certificaat vermelde hoeveelheid (Verordening (EG) nr. 2603/97)
- Direito reduzido até à quantidade indicada nas casas 17 e 18 do presente certificado [Regulamento (CE) n° 2603/97]
- Tulli, joka on alennettu tämän todistuksen kohdissa 17 ja 18 esitetyyn määrään asti (asetus (EY) N:o 2603/97)
- Tullsatsen nedsatt upp till den mängd som anges i fält 17 och 18 i denna licens (Förordning (EG) nr 2603/97).

5. Import licence applications shall be admissible only where the following conditions are fulfilled:

- applications must be submitted by natural or legal persons who, in a least one of the three years preceding the date of submission of the application, have been engaged in trade in rice and were entered in a public register of a Member State,
- applicants may submit one application only in the Member State where they are entered in a public register. Where several applications are submitted by the same person in one or more Member States, none of those applications shall be admissible,
- applications may be submitted for no more than the maximum quantity laid down for each tranche or origin. However, the quantity applied for under each tranche and origin shall not exceed 5 000 tonnes in husked-rice equivalent.

6. Notwithstanding Article 10 of Commission Regulation (EC) No 1162/95⁽¹⁾, the security for import licences shall be ECU 28 per tonne.

Article 9

1. Within two working days of the closing date for the submission of licence applications, the Member States shall notify the Commission, by telex or fax and in ac-

cordance with the Annex to this Regulation, of the quantities covered by import licence applications, broken down by eight-digit CN code per tranche and country of origin, the number of the licence applied for and the name and address of the applicant.

Such notification shall also be made where no application has been submitted in a Member State.

The above information must be notified separately from that relating to other import licence applications covering rice and in accordance with the same procedure.

2. Within 10 days of the final date for notification by Member States, the Commission shall:

- decide to what extent applications may be accepted. Where the quantities applied for exceed those available in respect of the tranche and origin in question, it shall set a percentage reduction to be applied to each application,
- fix the quantities available under the following tranche and, where appropriate, the additional tranche for October.

3. Where the percentage reduction referred to in paragraph 2 is applied, applications for licences may be withdrawn no later than two working days after the date of publication of the Regulation fixing the percentage. The security shall be released immediately.

Article 10

1. Within three working days of publication of the Commission decision, import licences shall be issued for the quantities resulting from the application of Article 9 (2).

Where the quantities covered by import licences issued are lower than those applied for, the security fixed in Article 10 of Regulation (EC) No 1162/95 shall be reduced proportionately.

2. Notwithstanding Article 9 of Commission Regulation (EEC) No 3719/88⁽²⁾, rights accruing under import licences shall not be transferable.

Article 11

1. The fourth indent of Article 5 (1) of Regulation (EEC) No 3719/88 shall not apply.

2. The reduction in customs duties for rice originating in the ACP countries and the exemption from duties for rice originating in the OCT provided for respectively in Articles 4 and 6 of this Regulation shall not apply to quantities imported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88.

⁽¹⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽²⁾ OJ L 331, 2. 12. 1988, p. 1.

3. Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

4. Notwithstanding Article 6 of Regulation (EC) No 1162/95, import licences for husked, wholly-milled, semi-milled and broken rice shall be valid from the actual day of issue until the end of the third month following, pursuant to Article 21 (2) of Regulation (EEC) No 3719/88. However, they shall not be valid beyond 31 December of the year of issue.

Article 12

The Member States shall notify the Commission by telex or fax in the form set out in Annex I to this Regulation:

- within two working days of their issue, of the quantities, broken down by eight-digit CN code and country of origin, covered by the import licences issued, the date of issue, the number of the licence and the name and address of the holder,
- on the last working day of each month following the month of release for free circulation, of the quantities, broken down by eight-digit CN code and country of

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

Done at Brussels, 16 December 1997.

origin, actually released for free circulation, the date of release, the number of the licence and the name and address of the holder.

Such notifications must also be made where no licence has been issued and no imports have taken place.

Article 13

Regulation (EEC) No 999/90 is repealed.

Article 14

Regulation (EC) No 2352/97 is repealed.

Article 15

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.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

RICE - REGULATION (EC) No 2603/97

Application for an import licence ⁽¹⁾

Issue of an import licence ⁽¹⁾

Release for free circulation ⁽¹⁾

To: DG VI-C-2

Fax: (32 2) 296 60 21

From:

Date	No of licence	Tranche ⁽²⁾	CN code	Quantity (tonnes)	Country of origin	Name and address of applicant/holder
		— OCT (Article 6) — ACP (Article 2 (1)) — ACP broken rice (Article 3) — ACP + OCT (Article 7)				

⁽¹⁾ Delete as appropriate.

⁽²⁾ Specify to which of the four possibilities the application/issue/release for free circulation relates.

Part 1 : OCTs

II. Implementing texts

A. Trade

b) Beef and veal

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 14 October 1997

concerning the importation of live animals, fresh meat and meat products from the Federal Republic of Yugoslavia and Greenland and amending Council Decision 79/542/EEC

(Text with EEA relevance)

(97/736/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat or meat products from third countries⁽¹⁾, as last amended by Directive 96/91/EC⁽²⁾, and in particular Article 3 thereof,

Whereas Council Decision 79/542/EEC⁽³⁾, as last amended by Commission Decision 97/160/EC⁽⁴⁾, draws up a list of third countries from which the Member States authorize imports of bovine animals, swine, *equidae*, sheep and goats, fresh meat and meat products;

Whereas, following a Community veterinary mission, it appears that the Federal Republic of Yugoslavia is covered by sufficiently well-structured and organized veterinary services; whereas a residue plan has been submitted and agreed by Member States;

Whereas vaccination against classical swine fever is carried out in the Federal Republic of Yugoslavia; whereas classical swine fever breaks out from time to time; whereas therefore imports of swine from that country should not be authorized;

Whereas the Federal Republic of Yugoslavia should be added to the list of third countries from which Member

States authorize imports of bovine animals, *equidae*, sheep and goats, fresh meat and meat products;

Whereas Greenland should be added to the list of third countries from which Member States authorize imports of sheep and goats;

Whereas Decision 79/542/EEC should be amended accordingly;

Whereas the specific animal health conditions and veterinary certification for importation of bovine animals, swine, *equidae*, sheep and goats, fresh meat and meat products will be laid down in other decisions according to the animal health situation of the third country concerned;

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

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall authorize imports from the Federal Republic of Yugoslavia of:

- (a) live animals, except swine;
- (b) fresh meat from the bovine, ovine, caprine and porcine species and solipeds; and
- (c) meat products.

2. Member States shall authorize imports from Greenland of animals of the ovine and caprine species.

3. The imports mentioned in paragraphs 1 and 2 shall fulfil the relevant animal and animal health requirements.

⁽¹⁾ OJ L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 26.

⁽³⁾ OJ L 146, 14. 6. 1979, p. 15.

⁽⁴⁾ OJ L 62, 4. 3. 1997, p. 39.

Article 2

Part I of the Annex to Decision 79/542/EEC is amended as follows:

1) The following line is inserted in accordance with the alphabetic order of the ISO code:

'FY | Federal Republic of Yugoslavia | x | x | x | x | x | x | x | x | o | x | () | | | XR | '

2) The line

'GL | Greenland | x | x | o | x | x | x | o | o | o | x | () | | | XR | '

is replaced by:

'GL | Greenland | x | x | o | x | x | x | o | x | o | x | () | | | XR | '.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 14 October 1997.

For the Commission
Franz FISCHLER
Member of the Commission

Part 1 : OCTs

II. Implementing texts

A. Trade

c) Pigmeat

COMMISSION REGULATION (EC) No 1207/97
of 27 June 1997

amending Regulation (EEC) No 904/90 laying down detailed rules for the application of the arrangements applicable to imports of certain pigmeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT), in order to implement the Agricultural Agreement concluded during the Uruguay Round of negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1161/97⁽²⁾, and in particular Article 3 (1) thereof,

Whereas, in order to take account of existing import arrangements in the pigmeat sector and those resulting from the Agricultural Agreement concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemption from the import duty for certain pigmeat products from the ACP States and the OCT;

Whereas Commission Regulation (EEC) No 904/90⁽³⁾, as last amended by Regulation (EEC) No 1216/96⁽⁴⁾, lays down detailed rules for the application of preferential conditions in the form of a reduction in the import levy for pigmeat quotas; whereas, since the levies are being replaced by customs duties from 1 July 1995, transitional adjustments to these rules have been made;

Whereas the period for the adoption of transitional measures was extended until 30 June 1998 by Regulation (EC) No 3290/94; whereas the adjustments should be extended over the period concerned;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EEC) No 904/90 the word 'levy' is replaced by the words 'customs duty' each time that it appears.

Article 2

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

It shall apply from 1 July 1997 to 30 June 1998.

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

Done at Brussels, 27 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 169, 27. 6. 1997, p. 1.

⁽³⁾ OJ No L 93, 10. 4. 1990, p. 23.

⁽⁴⁾ OJ No L 161, 29. 6. 1996, p. 49.

Part 1 : OCTs

II. Implementing texts

A. Trade

d) Poultrymeat

COMMISSION REGULATION (EC) No 1206/97
of 27 June 1997

amending Regulation (EEC) No 903/90 laying down detailed rules for the application of the arrangements applicable to imports of certain poultrymeat products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT), in order to implement the Agricultural Agreement concluded during the Uruguay Round of negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1161/97⁽²⁾, and in particular Article 3 (1) thereof,

Whereas in order to take account of existing import arrangements in the poultrymeat sector and those resulting from the Agricultural Agreement concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of exemption from the import duty for certain poultrymeat products from the ACP States and the OCT;

Whereas Commission Regulation (EEC) No 903/90⁽³⁾, as last amended by Regulation (EC) No 1215/96⁽⁴⁾, lays down detailed rules for the application of preferential conditions in the form of a reduction in the import levy for poultrymeat quotas; whereas, since the levies have been replaced by customs duties from 1 July 1995, transitional adjustments to these rules have been made;

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

Done at Brussels, 27 June 1997.

Whereas the period for the adoption of transitional measures was extended until 30 June 1998 by Regulation (EC) No 3290/94; whereas the adjustments should be extended over the period concerned;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 903/90 is hereby amended as follows:

The word 'levy' is replaced by the words 'customs duty laid down in the Common Customs Tariff' each time that it appears.

Article 2

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 July 1997 to 30 June 1998.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 169, 27. 6. 1997, p. 1.

⁽³⁾ OJ No L 93, 10. 4. 1990, p. 20.

⁽⁴⁾ OJ No L 161, 29. 6. 1996, p. 48.

Part 1 : OCTs

II. Implementing texts

A. Trade

e) Milk products

COMMISSION REGULATION (EC) No 911/97

of 22 May 1997

on import licences for milk and milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)

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

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

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 ⁽³⁾, as last amended by Regulation (EC) No 1220/96 ⁽⁴⁾, provides that if the total quantity for which applications have been submitted is less than that available the Commission is to calculate the quantity remaining, which is to be added to that available for the following half year; whereas under these circumstances the

quantity available for the second half of 1997 of the products referred to in Article 7 of Regulation (EEC) No 715/90 should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

Further licence applications may be lodged during the first 10 days of July 1997 for the following quantities:

- 500 tonnes of products falling within CN code 0402,
- 500 tonnes of products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 26 May 1997.

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

Done at Brussels, 22 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 89, 10. 4. 1995, p. 1.

⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁴⁾ OJ No L 161, 29. 6. 1996, p. 57.

COMMISSION REGULATION (EC) No 1246/97
of 30 June 1997

amending Regulation (EEC) No 1150/90 as regards the transitional adjustment of certain provisions relating to imports into the Community of certain milk products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) in order to implement the Agreement on Agriculture concluded during the Uruguay Round of negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1161/97⁽²⁾, and in particular Article 3 (1) thereof,

Whereas Commission Regulation (EC) No 1220/96⁽³⁾ lays down transitional measures until 30 June 1997 to facilitate the move from the arrangements provided for by Commission Regulation (EEC) No 1150/90 of 4 May 1990 laying down detailed rules for the application of the arrangements applicable to imports of certain milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)⁽⁴⁾, as last amended by Regulation (EC) No 1220/96, to those introduced by the agreements concluded during the Uruguay Round of multilateral trade negotiations;

Whereas the period for the application of the transitional measures was extended until 30 June 1998 by Regulation (EC) No 1161/97; whereas, pending the adoption by the Council of definitive measures, the measures provided for by Regulation (EC) No 1220/96 should be extended until 30 June 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 (d) of Regulation (EEC) No 1150/90 is hereby replaced by the following:

(d) the heading "notes" and Section 24 of licence applications and licences shall show respectively one of the following:

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 169, 27. 6. 1997, p. 1.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 57.

⁽⁴⁾ OJ No L 114, 5. 5. 1990, p. 21.

- Derecho de aduana reducido en un 50 %, Producto ACP/PTOM
Reglamento (CEE) nº 715/90
- Told nedsat med 50 %, AVS/OLT-varer
forordning (EØF) nr. 715/90
- Zoll, ermäßigt um 50 %, AKP/ÜLG-Erzeugnis
Verordnung (EWG) Nr. 715/90
- Δασμός μειωμένος κατά 50 %, προϊόν ΑΚΕ/ΥΧΕ
Κανονισμός (ΕΟΚ) αριθ. 715/90
- Customs duty reduced by 50 %, ACP/OCT-Product
Regulation (EEC) No 715/90
- Droit de douane réduit de 50 %, produit ACP/PTOM
règlement (CEE) n° 715/90
- Dazio doganale ridotto del 50 %, prodotto ACP/PTOM
regolamento (CEE) n. 715/90
- Douanerecht verminderd met 50 %, ACS/LGO-product
Verordening (EEG) nr. 715/90
- Direito aduaneiro reduzido de 50 %, produto ACP/PTOM
Reglamento (CEE) nº 715/90
- Tullia alennettu viidelläkymmenellä prosentilla, AKT/MMA-tuote
Asetus (ETY) N:o 715/90
- Nedsättning med 50 % av tullsatsen, produkt AVS/ULT
Förordning (EEG) nr 715/90.

Article 2

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

It shall apply from 1 July 1997 to 30 June 1998.

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

Done at Brussels, 30 June 1997.

For the Commission
Franz FISCHLER
Member of the Commission

Part 2 : FODs

A. Agricultural products

COMMISSION DECISION

of 18 December 1996

granting derogations pursuant to Article 21 (3) (ii) (b) of Council Regulation (EEC) No 3763/91 (Poseidom) and Article 1 (2) of Commission Decision 94/173/EC (selection criteria) in respect of single programming documents for the French overseas departments

(Only the French text is authentic)

(97/37/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 21 (3) (ii) (b) thereof,

Having regard to Council Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8 thereof,

Whereas Article 1 (2) of Commission Decision 94/173/EC⁽⁴⁾ provides that the selection criteria to be adopted for investments for improving the processing and marketing conditions for agricultural and forestry products may be the subject of *ad hoc* derogations to be decided in the framework of the implementation of specific measures approved by the Council for the remotest regions;

Whereas, by Decisions 94/631/EC, 94/632/EC, 94/633/EC and 94/634/EC⁽⁵⁾, the Commission approved the single programming documents for Community structural measures in Guadeloupe, French Guiana, Martinique and Réunion respectively, with regard to Objective 1 in France;

Whereas those single programming documents provide for a measure for the implementation of joint action in

respect of Objective 5 (a) to improve the processing and marketing conditions for agricultural products under Regulation (EEC) No 866/90;

Whereas on 14 April 1995 and 6 September 1996, the French authorities submitted an application to the Commission for a derogation from the second indent of Article 13 of Regulation (EEC) No 866/90 and an application for derogations from the Annex to Decision 94/173/EC relating, in the latter case, to cereals for investment in storage and animal feed, in the case of oilseeds and protein plants, for investments in animal feed and, in the case of eggs and poultry, for investments in the market preparation of eggs and the slaughter of chickens;

Whereas the *ad hoc* derogations from the second indent of Article 13 of Regulation (EEC) No 866/90 and from the selection criteria adopted by abovementioned Decision 94/173/EC, as requested by the French authorities, are warranted having regard to the specific requirements of the overseas departments and the recognized need, under measures pursuant to Regulation (EEC) No 3763/91, to develop the agricultural product processing and marketing industry;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

Article 1

The applications for derogations from Regulation (EEC) No 866/90 and from the selection criteria laid down in Decision 94/173/EC which have been submitted under the single programming documents for the implementation of Community structural measures in Guadeloupe, French Guiana, Martinique and Réunion, as listed in the Annex hereto, are hereby accepted.

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 91, 6. 4. 1990, p. 1.

⁽⁴⁾ OJ No L 79, 23. 3. 1994, p. 29.

⁽⁵⁾ OJ No L 250, 26. 9. 1994, pp. 28, 32, 36 and 40.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 18 December 1996.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

1. **Regulation (EEC) No 866/90**
 - The second indent of Article 13 of Regulation (EEC) No 866/90 does not apply provided the processed and/or marketed products resulting from the investments financed are intended exclusively for the market in the French overseas departments,
 - this derogation is applicable to all French overseas departments.
 2. **Decision 94/173/EC (selection criteria)**
 - 2.1 *Cereals and oilseeds/Protein crops*
 - The investments relating to silos are eligible,
 - the maximum capacity of 20 000 tonnes for animal feed facilities does not apply,
 - this derogation is applicable to Réunion and Martinique.
 - 2.2 *Meat (poultry meat)*
 - The obligation to reduce poultry slaughter capacity does not apply,
 - this derogation applies to Martinique and French Guiana.
 - 2.3 *Eggs*
 - The prohibition on an increase in egg packaging capacity does not apply,
 - this derogation applies to Martinique and French Guiana.
-

COMMISSION REGULATION (EC) No 489/97
of 17 March 1997

laying down detailed rules for the application of the specific measures adopted
in respect of fresh fruit and vegetables, plants and flowers for the benefit of the
French overseas departments (FOD)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Articles 13 (4) and 16 thereof,

Whereas Article 13 of Regulation (EEC) No 3763/91 introduces aid for the supply of the regional market of the French overseas departments (hereinafter referred to as 'FOD') with fruits, vegetables, flowers and live plants, and for the production of green vanilla and essential geranium and vetiver oils; whereas detailed rules for the application of this Article should be adopted;

Whereas, pursuant to the provisions of the above-mentioned Article 13, the amount of the aid for the supply of the regional market of the FOD is fixed on a flat-rate basis for each of the product categories to be determined, based on the average value of the products so covered, within the limits of annual quantities established for each product category; whereas the list of products eligible for aid should be established as a function of the supply needs of the regional market, and the categories should be determined on the basis of the average value of the products covered, so as to fix a maximum quantity for the FOD as a whole, providing for the apportionment of quantities by the national authorities to ensure the best match between available resources and regional needs; whereas this requirement justifies the supply of products in a FOD other than the one where the product was harvested;

Whereas special arrangements should be adopted for monitoring compliance with the quantities fixed and the conditions for granting aid; whereas, to this end, it would appear that satisfactory management of the supply arrangements can be ensured by a procedure for approving, as parties to supply contracts, operators in the distribution sector, enterprises in the catering sector or mass caterers who agree to comply with certain rules;

Whereas for aid for the production of green vanilla of ECU 6,04 per kilogram on the one hand, and for aid for the production of essential geranium and vetiver oils of ECU 44,68 per kilogram on the other, satisfactory application of these measures in the framework of existing marketing structures can be ensured by procedures for approving, in the first case, processors preparing dried vanilla or vanilla extracts and, in the second, local collection and marketing bodies which undertake in particular to transfer to the producers the full amount of aid and to allow any checks or inspections required; whereas the quantities fixed in the abovementioned Article 13 (2) and (3) are upper limits which, according to the latest estimates notified by the French authorities, will not be reached in the medium term; whereas for the sake of good management, in view of the needs of the very remote regions concerned, it seems advisable to use the resources thereby made available for the purposes of the abovementioned supply arrangements in the regional markets;

Whereas, in order to simplify the legislation, the body of this Regulation should include the provisions adopted for implementing the marketing aid scheme, based on the conclusion of annual contracts, introduced by Article 15 of Regulation (EEC) No 3763/91; whereas this means incorporating the provisions of Title III of Commission Regulation (EEC) No 667/92⁽³⁾, as last amended by Regulation (EC) No 1363/95⁽⁴⁾, into this Regulation, and repealing that Regulation;

Whereas such a measure makes it necessary to define the notion of annual contracts and to specify the base for the calculation of the amount of aid, which is set by the aforementioned Article 15 at 10 % of the value of the production marketed, free at destination, or at 13 % in the conditions specified in paragraph 4 of that Article; whereas provision should be made for a mechanism to apportion quantities eligible for aid where the limits laid down in that Article are exceeded;

Whereas general provisions applicable to these measures as a whole, especially those concerning control and notification, should be set out in a final chapter;

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 5.

⁽³⁾ OJ No L 71, 18. 3. 1992, p. 13.

⁽⁴⁾ OJ No L 132, 16. 6. 1995, p. 8.

Whereas the main features of aid to the production of green vanilla and essential geranium and vetiver oils were set out in the new Article 13 (2) and (3) of Regulation (EEC) No 3763/91, which came into force in November 1995; whereas consequently provision should be made for paying this aid for 1996 in accordance with specific transitional conditions determined by the French authorities;

Whereas in order to ensure the management of all the measures on the basis of calendar years, the provisions of this Regulation should apply, unless an explicit exception is made, from 1 January 1997;

Whereas the measures provided for in this Regulation are in accordance with the joint opinion of the Management Committee for Fruit and Vegetables and the Management Committee for Live Plants,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Aid for supplying the regional market

Article 1

The aid provided for in Article 13 of Regulation (EEC) No 3763/91 shall be granted in respect of fresh fruit and vegetables with the exception of bananas other than plantains falling within CN code 0803 00 11, flowers and live plants listed in Chapters 6, 7 and 8 of the Combined Nomenclature, pepper and fruits of the genera *Capiscum* and *Pimenta* falling within CN code 0904 and the spices falling within CN code 0910, for supply to the FOD market under the conditions laid down in this Chapter.

Article 2

1. The aid shall be granted to the producers referred to in Article 3 in respect of the products listed in Annex I under three categories A, B and C:

- (a) which comply with the standards established pursuant to Title I of Commission Regulation (EC) No 2200/96 (*) as regards fruit and vegetables or, where such standards have not been established for the products concerned, with the quality specifications in the supply contracts referred to below; however, products presenting special characteristics linked to tropical production conditions shall not be excluded;
- (b) and which are covered by supply contracts between the types of operator referred to in Article 3 for one or more marketing periods, concluded before the commencement of the relevant period, or before a date fixed by the competent authorities.

2. The amounts of aid applicable to each category of product shall be those set out in Annex II.

3. The aid shall be paid up to the annual quantities for each category of product set out in Part 1 of Annex I.

The competent authorities shall determine for each FOD the products and quantities thereof in respect of which aid may be granted. They shall adjust the apportionment in the light of specific needs and available quantities.

4. Where justified by the supply needs for one or more products, the competent authorities may grant the aid for supply to a FOD other than the one in which the product concerned was harvested.

Article 3

1. Supply contracts shall be concluded between individual producers or producer groups on the one hand and, on the other, operators in the distribution sector, enterprises in the catering sector or mass caterers established in the production region and approved by the national authorities, without prejudice to Article 2 (4).

The increase in aid provided for in the sixth subparagraph of Article 13 (1) of Regulation (EEC) No 3763/91 shall apply to contracts concluded by producers' organizations recognized in accordance with Article 11 of Regulation (EC) No 2200/96 or producer groups recognized under Council Regulation (EEC) No 1360/78 (**) with operators in the distribution sector, enterprises in the catering sector or mass caterers.

2. The national authorities shall grant approval, upon application, to the distributors, enterprises and mass caterers referred to in paragraph 1 which undertake in writing to:

- (a) supply the regional market with the products covered by the supply contracts;
- (b) keep separate accounts for the supply contracts;
- (c) provide the competent authorities, when the latter so request, with all supporting documentation concerning the implementation of the contracts and fulfilment of the undertakings made pursuant to this Regulation.

Article 4

1. Producers wishing to benefit from the aid arrangements shall send to the administration designated by the competent authorities, not later than the deadline set by those authorities, a declaration accompanied by a copy of a supply contract or preliminary contract as referred to in Article 3 (1), giving at least the following information:

(*) OJ No L 29, 7. 2. 1996, p. 3.

(**) OJ No L 166, 23. 6. 1978, p. 1.

- business names of the parties to the supply contract,
- a precise description of the products covered by the supply contract,
- an indication of the quantities to be supplied during the marketing period(s).
- the forecast supply schedule.

2. The competent authorities may set a minimum quantity for each aid application. Where the total quantities in the abovementioned declarations exceed, in respect of one or more categories of products, the quantities in respect of which aid may be granted, the competent authorities may fix, for that category or those categories of products, a percentage corresponding to the proportion of the supply contract for which an aid application may be submitted.

Article 5

Where the quantities for which aid applications are submitted exceed the maximum quantities set for a product or category of products, the competent authorities shall set a coefficient of reduction to be applied to all aid applications in respect of that product or category of products.

CHAPTER II

Aid for the production of green vanilla and essential oils of geranium and vetiver

Article 6

1. Production aid for green vanilla falling within CN code ex 0905 intended for the production of dried (black) vanilla or vanilla extracts as provided for in Article 13 (2) of Regulation (EEC) No 3763/91 shall be paid to the green vanilla producer via the processors approved by the competent authorities.

Where necessary for the proper application of the measure, the authorities shall specify the technical characteristics of the green vanilla, production of which is eligible for aid.

2. The competent authorities shall grant approval to processors established in the production region:

- (a) whose plant and equipment is suitable for the preparation of dried (black) vanilla or vanilla extracts;
- (b) and who undertake in writing:
 - to transfer the full amount of ECU 6,04 per kg to the green vanilla producer pursuant to one or more supply contracts not later than one month

from the date of payment of the aid by the competent authorities,

- to keep separate accounts for transactions connected with the application of this Article,
- to allow any checks or inspections required by the competent administrations and to notify all information relating to the application of this Article.

Article 7

1. Production aid for essential oils of geranium and vetiver falling within CN codes 3301 21 and 3301 26 as provided for in Article 13 (3) of Regulation (EEC) No 3763/91 shall be paid to producers through local collection and marketing bodies approved by the competent authorities.

The aid shall be paid for finished products obtained in accordance with recognized manufacturing procedures and having the technical characteristics published by the competent authorities.

2. The competent authorities shall grant approval to the bodies referred to in paragraph 1 established in the production region which undertake in writing:

- (a) to transfer to the producers the full amount of ECU 44,68 per kg of essential oils of geranium and vetiver pursuant to one or more supply contracts not later than one month from the date of payment of the aid by the competent authorities;
- (b) to keep separate accounts for transactions connected with the application of this Article;
- (c) to allow any checks or inspections required by the competent administrations and to notify all information relating to the application of this Article.

Article 8

1. Where the quantities for which aid applications are made under Article 6 or 7 exceed the annual quantities laid down in Part 2 of Annex I, the competent authorities shall set a percentage reduction to be applied to all applications.

2. The competent authorities shall adopt the necessary additional administrative provisions for the application of Articles 6 and 7, in particular as regards the submission of aid applications, and shall carry out the necessary checks on green vanilla producers, dried vanilla and vanilla extract processors, producers of geranium and vetiver oils and the collection and marketing bodies for these products.

They may make payment of the aid conditional upon the presentation of delivery notes jointly signed by the producer and, as the case may be, the processors or the approved collection and marketing bodies.

CHAPTER III

Aid for marketing under annual contracts

Article 9

1. For the purposes of Article 15 of Regulation (EEC) No 3763/91, 'annual contract' means a contract by which an operator, either a natural or legal person established elsewhere in the Community, outside the FOD, undertakes, before the beginning of the marketing period for the product or products in question, to purchase all or part of the production of an individual producer, producer's association or union in the FOD, with a view to marketing it elsewhere.

2. Operators who intend to submit an application for aid shall send the annual contract to the competent French authorities before the start of the marketing period for the product or products in question.

The contract shall at the very least include the following information:

- (a) the business names of the contracting parties and their places of establishment;
- (b) the description of the product or products;
- (c) the quantities concerned;
- (d) the duration of the commitment;
- (e) the marketing schedule;
- (f) the packaging and presentation method and information relating to transport (conditions and costs);
- (g) the exact delivery stage.

3. The competent administrations shall assess the contracts for conformity with Article 15 of Regulation (EEC) No 3763/91 and with this Regulation. They shall verify that the contracts contain all the information specified in paragraph 2 above.

They shall inform the operator whether paragraph 6 is likely to be applied.

4. For the purpose of calculating the aid, the value of marketed production, delivered to destination zone, shall be evaluated on the basis of the annual contract, the particular transport documents and any other supporting documents submitted to justify the application for payment.

The value of the marketed production to be taken into account shall be equivalent to that of a delivery at the first port or airport of unloading.

The competent authorities may request any information or additional supporting documentation required to calculate the aid.

5. Applications for aid shall be submitted by the buyer who entered into the commitment to market the product in the month following the end of the marketing period.

Where the management of the aid scheme so requires, the competent administrations may specify marketing periods or years for each product.

6. Where, for a given product and for a given overseas department, the quantities for which aid is requested exceed the volume of 3 000 tonnes laid down in Article 15 of Regulation (EEC) No 3763/91, or, in the case of melons falling within CN code ex 0807 10 90, the limit laid down in paragraph 5 of the above Article, the national authorities shall determine a uniform percentage reduction to be applied to all aid applications.

7. The increase in aid provided for in Article 15 (4) of Regulation (EEC) No 3763/91 shall be paid on presentation of the commitments entered into by the partners to pool, for a period of not less than three years, the knowledge and know-how required to achieve the objective of the joint venture. These commitments shall include a clause prohibiting cancellation of the contract before the end of the aforementioned three-year period.

Where the aforementioned commitments are broken, the buyer may not submit an application for aid for the marketing year concerned.

CHAPTER IV

General provisions

Article 10

1. Applications for aid for supplying the regional market as referred to in Chapter I, for the production aid referred to in Chapter II and for the marketing aid referred to in Chapter III shall be submitted to the administrations designated by the French authorities in accordance with the models established by the latter and within the period(s) prescribed by them.

2. The applications shall be accompanied by invoices and all other supporting documents relating to the measures undertaken, in particular the reference of the supply contracts for the aid referred to in Chapters I and III.

3. The competent administrations, having verified the applications for aid and the relative supporting documents, shall pay out, in the two months following the end of the period for lodging applications for aid referred to in paragraph 1, the aid determined in accordance with Chapters I, II, and III.

Article 11

1. The national authorities shall take all the necessary measures to guarantee compliance with the conditions to which the grant of the aid provided for in Articles 13 and 15 of Regulation (EEC) No 3763/91 is subject.

To that end, they shall carry out random on-the-spot checks on aid applications representing at least 20 % of the quantities and 10 % of the beneficiaries.

They shall withdraw the approvals referred to in Articles 3 (2), 6 (2) and 7 (2) where the commitments to which they are subject are not fulfilled.

They may suspend the payment of aid according to the seriousness of the irregularities discovered.

2. Where aid has been paid out unduly, the competent administrations shall recover the sums paid out, with interest from the date on which the aid was paid out to the date on which it was repaid by the beneficiary.

Where the undue payment has been made because of a false declaration, false documents or serious negligence on the part of the recipient, a penalty equal to the amount paid out unduly, with interest calculated in accordance with the above subparagraph, shall be imposed.

The interest rate shall be that applied by the European Monetary Cooperation Fund to its transactions in ecus as published in the C series of the *Official Journal of the European Communities*, in force on the date of the undue payment and increased by three percentage points.

3. The aid recovered shall be paid to the paying authorities or agencies and deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 12

France shall send the Commission, within three months of the entry into force of this Regulation, the additional detailed rules adopted for the application of Articles 13, 14 and 15 of Regulation (EEC) No 3763/91.

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

Done at Brussels, 17 March 1997.

Article 13

For the purposes of Article 13 (2) and (3) of Regulation (EEC) No 3763/91, aid applications for 1996 shall be submitted to the administration designated by the competent authorities under the conditions adopted by the latter.

The aid shall be paid on presentation, to the satisfaction of the competent authorities, of evidence that the products in respect of which the right to aid arises have actually been, as appropriate, harvested with a view to the production of dried (black) vanilla or vanilla extract or manufactured in compliance with customary technical procedures and collected by the bodies responsible for marketing them.

The competent authorities shall ensure, using appropriate checks, that the aid applications and supporting documents are true and exact.

Article 14

Regulation (EEC) No 667/92 is hereby repealed.

Article 15

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

It shall apply from 1 January 1997, with the exception of Article 14 which shall apply from its entry into force.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

1. Products referred to in Article 2 (1)

Maximum quantities referred to in Article 2 (3)

Category A		
CN code	Product	Quantity
0701	potatoes	10 350 (tonnes)
ex 0706 10	carrots	
ex 0707	cucumbers	
0709 90 90	chouchous/christophines	
0803 00 11	plantains	
0804 30	pineapples	
0807 11 00	watermelons	
ex 0603	tropical flowers (standard anthurium, alpinas, heliconias)	6 600 000 (units)

Category B		
CN code	Product	Quantity
0702	tomatoes	12 400 (tonnes)
ex 0703 10	onions	
ex 0704	cabbages	
ex 0705	lettuce	
0709 90 10	salad vegetables other than lettuce	
0709 30 00	aubergines	
0714 20 10	sweet potatoes	
ex 0714 90 11	yams, dachines or taro	
ex 0714 90 19	yams, dachines or taro	
ex 0709 90 90	turban squash	
0804 40	avocados	
ex 0804 50 00	mangoes	
ex 0805	citrus fruit (oranges, mandarins, lemons and limes, grapefruit and pomelos)	
0807 19 00	melons	
0807 20 00	papayas	
ex 0810 90 30	lychees	

Category C		
CN code	Product	Quantity
0703 20	garlic	375 (tonnes)
0708 20	green beans	
ex 0710 30 10	turmeric	
0810 10	strawberries	
ex 0810 90 40	passion fruit, maracuja, granadilla	
ex 0810 90 85	rambutan	500 000 (units)
ex 0603 10	tropical flowers (hybrid anthurium, orchids, Canna indica)	
0603 10 11	roses	
0603 10 51	roses	

2. Maximum quantities referred to in Article 8

CN code	Product	Quantity (kilograms)
ex 0905	green vanilla	45 000
3301 21	essential oil of geranium	12 500
3301 26	essential oil of vetiver	2 500

ANNEX II

Amounts of aid referred to in Article 2 (2) and increased aid referred to in the second subparagraph of Article 3 (1)

Category A			
CN code	Product	Aid (Article 2)	Increased aid (Article 3)
0701	potatoes	ECU 0,15/kg	ECU 0,1575/kg
ex 0706 10	carrots		
ex 0707	cucumbers		
0709 90 90	chouchous/christophines		
0803 00 11	plantains		
0804 30	pineapples		
0807 11 00	watermelons		
ex 0603	tropical flowers (standard anthurium, alpinas, heliconias)	ECU 0,15/unit	ECU 0,1575/unit
Category B			
CN code	Product	Aid (Article 2)	Increased aid (Article 3)
0702	tomatoes	ECU 0,23/kg	ECU 0,2415/kg
ex 0703 10	onions		
ex 0704	cabbages		
ex 0705	lettuce		
0709 90 10	salad vegetables other than lettuce		
0709 30 00	aubergines		
0714 20 10	sweet potatoes		
ex 0714 90 11	yams, dachines or taro		
ex 0714 90 19	yams, dachines or taro		
ex 0709 90 90	turban squash		
0804 40	avocados		
ex 0804 50 00	mangoes		
ex 0805	citrus fruit (oranges, mandarins, lemons and limes, grapefruit and pomelos)		
0807 19 00	melons		
0807 20 00	papayas		
ex 0810 90 30	lychees		
Category C			
CN code	Product	Aid (Article 2)	Increased aid (Article 3)
0703 20	garlic	ECU 0,30/kg	ECU 0,3150/kg
0708 20	green beans		
ex 0710 30 10	turmeric		
0810 10	strawberries		
ex 0810 90 40	passion fruit, maracuja, granadilla		
ex 0810 90 85	rambutan		
ex 0603 10	tropical flowers (hybrid anthurium, orchids, Canna indica)	ECU 0,30/unit	ECU 0,3150/unit
0603 10 11	roses		
0603 10 51	roses		

COMMISSION REGULATION (EC) No 531/97

of 21 March 1997

on a tendering procedure for the subsidy on the export of husked long grain rice to Réunion

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice (1) and in particular Article 10 (1) thereof,

Whereas Commission Regulation (EEC) No 2692/89 of 6 September 1989 (2) lays down detailed rules for exports of rice to Réunion;

Whereas examination of the supply situation on the island of Réunion shows a shortage of rice; whereas, in view of the availability of rice on the Community market, Réunion should be allowed to obtain supplies on the Community market; whereas, because of the special situation of Réunion, it is appropriate to limit the quantities to be exported and, therefore, to fix the amount of the subsidy by tendering procedure;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A tendering procedure is hereby opened for the subsidy for the export of husked long grain rice falling within CN code 1006 20 98 referred to in Article 10 (1) of Regulation (EC) No 3072/95, for Réunion.

2. The tendering procedure referred to in paragraph 1 shall be open until 26 June 1997. During that period weekly awards of contract shall be made and the date for submission of tenders shall be determined in the notice of invitation to tender.

3. The tendering procedure shall take place in accordance with the provisions of Regulation (EEC) No 2692/89 and this Regulation.

Article 2

A tender shall be valid only if it covers a quantity of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 7 (3) (a) of Regulation (EEC) No 2692/89 shall be ECU 20 per tonne.

Article 4

Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 (3), the subsidy documents issued in the context of this tendering procedure shall, for the purposes of determining their period of validity, be considered as having been issued on the day the tender was submitted.

Article 5

Tenders must reach the Commission through the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, Member States shall inform the Commission accordingly within the same time limit as that given in the preceding subparagraph.

Article 6

The time set for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95

- either to fix a maximum subsidy,
- or not to take any action on the tenders.

2. Where a maximum subsidy is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum subsidy level.

Article 8

The time limit for submission of tenders for the first partial award shall expire on 3 April 1997 at 10 a.m.

The final date for submission of tenders is hereby fixed at 26 June 1997.

Article 9

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

(1) OJ No L 329, 30. 12. 1995, p. 18.

(2) OJ No L 261, 7. 9. 1989, p. 8.

(3) OJ No L 331, 2. 12. 1988, p. 1.

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

Done at Brussels, 21 March 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

Weekly award for the subsidy for the export of husked long grain rice to Réunion

Closing date for the submission of tenders (date/time)

1	2	3
Serial numbers of tenderers	Quantities (tonnes)	Amount of subsidy (ECU/tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 634/97
of 10 April 1997

concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 531/97

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽¹⁾, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion⁽²⁾, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 531/97⁽³⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 4 to 10 April 1997 in response to the invitation to tender referred to in Regulation (EC) No 531/97 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1 006 20 98.

Article 2

This Regulation shall enter into force on 11 April 1997.

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

Done at Brussels, 10 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 261, 7. 9. 1989, p. 8.

⁽³⁾ OJ No L 82, 22. 3. 1997, p. 50.

COMMISSION REGULATION (EC) No 688/97
of 18 April 1997

concerning tenders submitted in response to the invitation to tender for the export of husked long grain rice to the island of Réunion referred to in Regulation (EC) No 531/97

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice (¹), and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion (²), and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 531/97 (³) opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to decide, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, to make no award;

Whereas on the basis of the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89, a maximum subsidy should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 11 to 17 April 1997 in response to the invitation to tender referred to in Regulation (EC) No 531/97 for the subsidy on exports to Réunion of husked long grain rice falling within CN code 1 006 20 98.

Article 2

This Regulation shall enter into force on 19 April 1997.

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

Done at Brussels, 18 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

(¹) OJ No L 329, 30. 12. 1995, p. 18.

(²) OJ No L 261, 7. 9. 1989, p. 8.

(³) OJ No L 82, 22. 3. 1997, p. 50.

COMMISSION REGULATION (EC) No 879/97
of 15 May 1997

fixing the maximum subsidy on exports of husked long grain rice to Réunion
pursuant to the invitation to tender referred to in Regulation (EC) No 531/97

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽¹⁾, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion⁽²⁾, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 531/97⁽³⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy;

Whereas the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into

account when fixing this maximum subsidy; whereas successful tenderers shall be those whose bids are at or below the level of the maximum subsidy;

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

HAS ADOPTED THIS REGULATION:

Article 1

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 12 to 15 May 1997 at ECU 319 per tonne pursuant to the invitation to tender referred to in Regulation (EC) No 531/97.

Article 2

This Regulation shall enter into force on 16 May 1997.

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

Done at Brussels, 15 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 261, 7. 9. 1989, p. 8.

⁽³⁾ OJ No L 82, 22. 3. 1997, p. 50.

COMMISSION REGULATION (EC) No 959/97

of 29 May 1997

fixing the maximum subsidy on exports of husked long grain rice to Réunion
pursuant to the invitation to tender referred to in Regulation (EC) No 531/97

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

Having regard to Council Regulation (EC) No 3072/95 of
22 December 1995 on the common organization of the
market in rice (1), and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No
2692/89 of 6 September 1989 laying down detailed rules
for exports of rice to Réunion (2), and in particular Article
9 (1) thereof,

Whereas Commission Regulation (EC) No 531/97 (3)
opens an invitation to tender for the subsidy on rice
exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows
the Commission to fix, in accordance with the procedure
laid down in Article 22 of Regulation (EC) No 3072/95
and on the basis of the tenders submitted, a maximum
subsidy;

Whereas the criteria laid down in Articles 2 and 3 of
Regulation (EEC) No 2692/89 should be taken into

account when fixing this maximum subsidy; whereas
successful tenderers shall be those whose bids are at or
below the level of the maximum subsidy;

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

HAS ADOPTED THIS REGULATION:

Article 1

A maximum subsidy on exports to Réunion of husked
long grain rice falling within CN code 1006 20 98 is
hereby set on the basis of the tenders lodged from 26 to
29 May 1997 at ECU 314 per tonne pursuant to the invi-
tation to tender referred to in Regulation (EC) No 531/97.

Article 2

This Regulation shall enter into force on 30 May 1997.

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

Done at Brussels, 29 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ No L 329, 30. 12. 1995, p. 18.

(2) OJ No L 261, 7. 9. 1989, p. 8.

(3) OJ No L 82, 22. 3. 1997, p. 50.

COMMISSION REGULATION (EC) No 1123/97
of 19 June 1997

fixing the maximum subsidy on exports of husked long grain rice to Réunion
pursuant to the invitation to tender referred to in Regulation (EC) No 531/97

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No 2692/89 of 6 September 1989 laying down detailed rules for exports of rice to Réunion ⁽²⁾, and in particular Article 9 (1) thereof,

Whereas Commission Regulation (EC) No 531/97 ⁽³⁾ opens an invitation to tender for the subsidy on rice exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows the Commission to fix, in accordance with the procedure laid down in Article 22 of Regulation (EC) No 3072/95 and on the basis of the tenders submitted, a maximum subsidy;

Whereas the criteria laid down in Articles 2 and 3 of Regulation (EEC) No 2692/89 should be taken into

account when fixing this maximum subsidy; whereas successful tenderers shall be those whose bids are at or below the level of the maximum subsidy;

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

HAS ADOPTED THIS REGULATION:

Article 1

A maximum subsidy on exports to Réunion of husked long grain rice falling within CN code 1006 20 98 is hereby set on the basis of the tenders lodged from 16 to 19 June 1997 at ECU 314 per tonne pursuant to the invitation to tender referred to in Regulation (EC) No 531/97.

Article 2

This Regulation shall enter into force on 20 June 1997.

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

Done at Brussels, 19 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 261, 7. 9. 1989, p. 8.

⁽³⁾ OJ No L 82, 22. 3. 1997, p. 50.

COMMISSION REGULATION (EC) No 1170/97
of 26 June 1997

amending Regulation (EC) No 1772/96 laying down detailed rules for
implementation of the specific measures for the supply of seed potatoes to the
French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES, HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European
Community,

Article 1

Regulation (EC) No 1772/96 is hereby amended as
follows:

Having regard to Council Regulation (EEC) No 3763/91
of 16 December 1991 introducing specific measures in
respect of certain agricultural products for the benefit of
the French overseas departments⁽¹⁾, as last amended by
Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2
(6) thereof,

1. Article 1 is replaced by the following:

'Article 1

For the purpose of applying Article 2 of Regulation
(EEC) No 3763/91, the forecast supply balance for seed
potatoes falling within CN code 0701 10 00 exempt
from duty on importation into the French overseas
departments or, for products from the rest of the
Community, eligible for Community aid is hereby set
at 750 tonnes for the period 1 July 1997 to 30 June
1998. This quantity is allocated as laid down in the
Annex.

Whereas, pursuant to Article 2 of Regulation (EEC) No
3763/91, Commission Regulation (EC) No 1772/96⁽³⁾
fixes the forecast supply balance for seed potatoes and the
level of aid for their supply from the rest of the Com-
munity to the French overseas departments for the
1996/97 marketing year, whereas the forecast supply
balance for the French overseas departments should be
fixed for the 1997/98 marketing year, whereas the balance
must be fixed on the basis of the needs of the depart-
ments, taking account, *inter alia*, of traditional trade
patterns;

The French authorities may adjust the allocation
within the overall limit set. They shall inform the
Commission of any such adjustment.;

2. Article 2 is replaced by the following:

'Article 2

For the purpose of applying Article 2 (4) of Regulation
(EEC) No 3763/91, aid for supplying the French over-
seas departments with seed potatoes from the rest of
the Community is hereby set, having regard to the
forecast supply balance, at ECU 4,830 per 100 kg for
exports to Guadeloupe and ECU 5,430 per 100 kg for
exports to Réunion.;

Whereas, for the purpose of applying Article 2 (4) of
Regulation (EEC) No 3763/91, the level of aid for the
supply of seed potatoes from the rest of the Community
to the French overseas departments should be fixed for
the 1997/98 marketing year to ensure that potatoes are
supplied under conditions equivalent for the end user to
exemption from import duties on seed potatoes from
third countries; whereas that aid should be fixed taking
account, *inter alia*, of the cost of supply from the world
market;

3. The Annex is replaced by the Annex hereto.

Article 2

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

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

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.
⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.
⁽³⁾ OJ No L 232, 13. 9. 1996, p. 13.

It shall apply from 1 July 1997.

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

Done at Brussels, 26 June 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

ANNEX

Seed potatoes falling within CN code 0701 10 00 (tonnes)	
Guadeloupe	50
Réunion	700*

COMMISSION REGULATION (EC) No 1240/97
of 30 June 1997

amending Regulation (EC) No 1771/96 laying down detailed rules for the implementation of the specific measures for the supply of hops to the French overseas departments

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments (¹), as last amended by Regulation (EC) No 2598/95 (²), and in particular Article 2 (6) thereof,

Whereas Commission Regulation (EC) No 1771/96 (³) establishes the quantities of the forecast supply balance for the French overseas departments of hops eligible for exemption from import duties or for Community aid from the rest of the Community as well as the amount of that aid; whereas the above quantities should be established for the period 1 July 1997 to 30 June 1998;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 1 of Regulation (EC) No 1771/96 is hereby replaced by the following:

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

Done at Brussels, 30 June 1997.

Article 1

For the purposes of Article 2 of Regulation (EEC) No 3763/91, the quantity of the forecast supply balance for hops falling within CN codes 1210 and 1302 13 00 eligible for exemption from duty on importation into the French overseas departments or, for products from the rest of the Community, eligible for Community aid is hereby set at 15 tonnes for the period 1 July 1997 to 30 June 1998. This quantity shall be allocated as laid down in the Annex.

The French authorities may adjust the allocation within the overall limit set. They shall inform the Commission of any such adjustment.

Article 2

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 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

(¹) OJ No L 356, 24. 12. 1991, p. 1.
(²) OJ No L 267, 9. 11. 1995, p. 1.
(³) OJ No L 232, 13. 9. 1996, p. 11.

ANNEX

(tonnes)

Hops falling within CN codes 1210 and 1302 13 00	
Guadeloupe	1
Martinique	3
Réunion	11

COMMISSION REGULATION (EC) No 2094/97
of 24 October 1997

on a tendering procedure for the subsidy on the export of husked long grain rice
to Réunion and repealing Regulation (EEC) No 2879/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice (1), and in particular Article 10 (1) thereof,

Whereas Commission Regulation (EEC) No 2692/89 (2) lays down detailed rules for exports of rice to Réunion;

Whereas examination of the supply situation on the island of Réunion shows a shortage of rice; whereas, in view of the availability of rice on the Community market, Réunion should be allowed to obtain supplies on that market; whereas, because of the special situation of Réunion, it is appropriate to limit the quantities to be exported and, therefore, to fix the amount of the subsidy by tendering procedure;

Whereas, for the sake of clarity, Commission Regulation (EEC) No 2879/92 of 1 October 1992 fixing the subsidy for consignments of rice and broken rice to Réunion (3) should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A tendering procedure is hereby opened for the subsidy for the export of husked long grain rice falling within CN code 1006 20 98, referred to in Article 10 (1) of Regulation (EC) No 3072/95, to Réunion.

2. The tendering procedure referred to in paragraph 1 shall be open until 25 June 1998. During that period, weekly awards of contract shall be made for which the date for submission of tenders shall be set out in the notice of invitation to tender.

3. The tendering procedure shall take place in accordance with the provisions of Regulation (EEC) No 2692/87 and this Regulation.

Article 2

A tender shall be admissible only if it covers a quantity of at least 50 tonnes but not more than 3 000 tonnes.

Article 3

The security referred to in Article 7 (3) (a) of Regulation (EEC) No 2692/89 shall be ECU 20 per tonne.

Article 4

The subsidy documents issued in the context of this tendering procedure shall, for the purposes of determining their period of validity, be considered as having been issued on the final day of the period for the submission of tenders.

Article 5

Tenders must reach the Commission via the Member States not later than one and a half hours after expiry of the time limit for weekly submission of tenders as laid down in the notice of invitation to tender. They must be transmitted in accordance with the table given in the Annex.

If no tenders are submitted, Member States shall inform the Commission accordingly within the same time limit as that given in the preceding paragraph.

Article 6

The time laid down for submitting tenders shall be Belgian time.

Article 7

1. On the basis of tenders submitted, the Commission shall decide in accordance within the procedure laid down in Article 22 of Regulation (EC) No 3072/95:

- either to fix a maximum subsidy;
- or not to take any action on the tenders.

2. Where a maximum subsidy is fixed, an award shall be made to the tenderer or tenderers whose tenders are at or below the maximum subsidy level.

Article 8

The time limit for submission of tenders for the first partial award shall expire on 6 November 1997 at 10 a.m.

The final date for submission of tenders shall be 25 June 1998.

Article 9

Regulation (EEC) No 2879/92 is hereby repealed.

Article 10

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

(1) OJ L 329, 30. 12. 1995, p. 18.

(2) OJ L 261, 7. 9. 1989, p. 8.

(3) OJ L 287, 2. 10. 1992, p. 10.

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

Done at Brussels, 24 October 1997.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

Weekly award for the subsidy for the export of husked long grain rice to Réunion

Deadline for the submission of tenders (date/time)

1	2	3
Serial numbers of tenderers	Quantities (tonnes)	Amount of subsidy (ECU/tonne)
1		
2		
3		
4		
5		
etc.		

COMMISSION REGULATION (EC) No 2220/97
of 7 November 1997

concerning tenders submitted in response to the invitation to tender for the
export of husked long grain rice to the island of Réunion referred to in
Regulation (EC) No 2094/97

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

Having regard to Council Regulation (EC) No 3072/95 of
22 December 1995 on the common organization of the
market in rice ⁽¹⁾, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No
2692/89 of 6 September 1989 laying down detailed rules
for exports of rice to Réunion ⁽²⁾, and in particular Article
9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 ⁽³⁾
opens an invitation to tender for the subsidy on rice
exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows
the Commission to decide, in accordance with the pro-
cedure laid down in Article 22 of Regulation (EC) No
3072/95 and on the basis of the tenders submitted, to
make no award;

Whereas on the basis of the criteria laid down in Articles
2 and 3 of Regulation (EEC) No 2692/89, a maximum
subsidy should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from 3
to 6 November 1997 in response to the invitation to
tender referred to in Regulation (EC) No 2094/97 for the
subsidy on exports to Réunion of husked long grain rice
falling within CN code 1 006 20 98.

Article 2

This Regulation shall enter into force on 8 November
1997.

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

Done at Brussels, 7 November 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.
⁽²⁾ OJ L 29, 7. 9. 1989, p. 8.
⁽³⁾ OJ L 292, 25. 10. 1997, p. 14.

COMMISSION REGULATION (EC) No 2276/97
of 14 November 1997
concerning tenders submitted in response to the invitation to tender for the
export of husked long grain rice to the island of Réunion referred to in
Regulation (EC) No 2094/97

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

Having regard to Council Regulation (EC) No 3072/95 of
22 December 1995 on the common organization of the
market in rice (¹), and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No
2692/89 of 6 September 1989 laying down detailed rules
for exports of rice to Réunion (²), and in particular Article
9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 (³)
opens an invitation to tender for the subsidy on rice
exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows
the Commission to decide, in accordance with the pro-
cedure laid down in Article 22 of Regulation (EC) No
3072/95 and on the basis of the tenders submitted, to
make no award;

Whereas on the basis of the criteria laid down in Articles
2 and 3 of Regulation (EEC) No 2692/89, a maximum
subsidy should not be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

No action shall be taken on the tenders submitted from
10 to 13 November 1997 in response to the invitation to
tender referred to in Regulation (EC) No 2094/97 for the
subsidy on exports to Réunion of husked long grain rice
falling within CN code 1 006 20 98.

Article 2

This Regulation shall enter into force on 15 November
1997.

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

Done at Brussels, 14 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

(¹) OJ L 329, 30. 12. 1995, p. 18.

(²) OJ L 29, 7. 9. 1989, p. 8.

(³) OJ L 292, 25. 10. 1997, p. 14.

COMMISSION REGULATION (EC) No 2313/97
of 21 November 1997

fixing the maximum subsidy on exports of husked long grain rice to Réunion
pursuant to the invitation to tender referred to in Regulation (EC) No 2094/97

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

Having regard to Council Regulation (EC) No 3072/95 of
22 December 1995 on the common organization of the
market in rice ⁽¹⁾, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No
2692/89 of 6 September 1989 laying down detailed rules
for exports of rice to Réunion ⁽²⁾, and in particular Article
9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 ⁽³⁾
opens an invitation to tender for the subsidy on rice
exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows
the Commission to fix, in accordance with the procedure
laid down in Article 22 of Regulation (EC) No 3072/95
and on the basis of the tenders submitted, a maximum
subsidy;

Whereas the criteria laid down in Articles 2 and 3 of
Regulation (EEC) No 2692/89 should be taken into

account when fixing this maximum subsidy; whereas
successful tenderers shall be those whose bids are at or
below the level of the maximum subsidy;

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

HAS ADOPTED THIS REGULATION:

Article 1

A maximum subsidy on exports to Réunion of husked
long grain rice falling within CN code 1006 20 98 is
hereby set on the basis of the tenders lodged from 17 to
20 November 1997 at ECU 324 per tonne pursuant to the
invitation to tender referred to in Regulation (EC) No
2094/97.

Article 2

This Regulation shall enter into force on 22 November
1997.

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

Done at Brussels, 21 November 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 261, 7. 9. 1989, p. 8.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 14.

COMMISSION REGULATION (EC) No 2419/97
of 5 December 1997

fixing the maximum subsidy on exports of husked long grain rice to Réunion
pursuant to the invitation to tender referred to in Regulation (EC) No 2094/97

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

Having regard to Council Regulation (EC) No 3072/95 of
22 December 1995 on the common organization of the
market in rice ⁽¹⁾, and in particular Article 10 (1) thereof,

Having regard to Commission Regulation (EEC) No
2692/89 of 6 September 1989 laying down detailed rules
for exports of rice to Réunion ⁽²⁾, and in particular Article
9 (1) thereof,

Whereas Commission Regulation (EC) No 2094/97 ⁽³⁾
opens an invitation to tender for the subsidy on rice
exported to Réunion;

Whereas Article 9 of Regulation (EEC) No 2692/89 allows
the Commission to fix, in accordance with the procedure
laid down in Article 22 of Regulation (EC) No 3072/95
and on the basis of the tenders submitted, a maximum
subsidy;

Whereas the criteria laid down in Articles 2 and 3 of
Regulation (EEC) No 2692/89 should be taken into

account when fixing this maximum subsidy; whereas
successful tenderers shall be those whose bids are at or
below the level of the maximum subsidy;

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

HAS ADOPTED THIS REGULATION:

Article 1

A maximum subsidy on exports to Réunion of husked
long grain rice falling within CN code 1006 20 98 is
hereby set on the basis of the tenders lodged from 1 to 4
December 1997 at ECU 320 per tonne pursuant to the
invitation to tender referred to in Regulation (EC) No
2094/97.

Article 2

This Regulation shall enter into force on 6 December
1997.

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

Done at Brussels, 5 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ L 261, 7. 9. 1989, p. 8.

⁽³⁾ OJ L 292, 25. 10. 1997, p. 14.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 5 December 1997

on the Community financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 1997

(Only the French text is authentic)

(97/867/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas the plant health measures to be adopted or strengthened are particularly costly;

Having regard to the Treaty establishing the European Community,

Whereas a programme of measures has been presented to the Commission by the competent French authorities; whereas the programme specifies the objectives to be achieved, the operations to be carried out, their duration and their cost with a view to a possible Community financial contribution;

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular the first subparagraph of Article 11 (3) thereof,

Whereas the Community's financial contribution may cover up to 60 % of eligible expenditure, protective measures for bananas being excluded;

Whereas Commission Decision 93/522/EEC⁽³⁾, as last amended by Decision 96/633/EC⁽⁴⁾, defines the measures eligible for Community financing under programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira;

Whereas the plant protection operations in the French overseas departments provided for in the single programming documents for the period 1994 to 1999 and financed from the Structural Funds cannot be the same as those contained in this programme;

Whereas specific growing conditions in the French overseas departments call for particular attention; whereas measures concerning crop production, in particular plant health measures, must be adopted or strengthened in those regions;

Whereas the operations provided for in the European Community Framework Programme for Research and Technological Development cannot be the same as those contained in this programme;

Whereas the technical information provided by France has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively;

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 251, 8. 10. 1993, p. 35.

⁽⁴⁾ OJ L 283, 5. 11. 1996, p. 58.

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

HAS ADOPTED THIS DECISION:

Article 1

A Community financial contribution to the official programme for the control of organisms harmful to plants and plant products in the French overseas departments presented by France for 1997 is hereby approved.

Article 2

The official programme shall consist of four subprogrammes:

1. a subprogramme drawn up for the department of Guadeloupe in two parts:
 - structures for the evaluation, analysis and diagnosis of plant health risks,
 - control of the principal harmful organisms;
2. a subprogramme drawn up for the department of French Guiana in three parts:
 - structures for the evaluation, analysis and diagnosis of plant health risks,
 - development of control methods for the principal harmful organisms.
 - study and control of rice pests and diseases;
3. a subprogramme drawn up for the department of Réunion in three parts:
 - structures for the evaluation, analysis and diagnosis of plant health risks,
 - development of control methods for the principal harmful organisms,
 - study of fruit and market garden crop pests and their auxiliaries (predators and parasitoids);
4. a subprogramme drawn up for the department of Martinique in three parts:
 - structures for the evaluation, analysis and diagnosis of plant health risks,
 - control of the principal harmful organisms,
 - development of integrated pest control for market garden crops.

Article 3

The maximum Community financial contribution to the programme in 1997 shall be ECU 750 000 for expenditure related to eligible measures as defined by Commission Decision 93/522/EEC out of a total expenditure of ECU 1 326 374 (excluding VAT).

The financing plan for the programme, showing the costs and their financing, is set out in Annex I hereto. If the total eligible expenditure for 1997, as presented by France, is less than ECU 576 374, the Community contribution shall be reduced in proportion.

The Community shall reimburse expenditure up to the amount given in the first paragraph at the accounting rate for the ecu on 1 September 1997, namely ECU 1 = FF 6,634630.

Article 4

An advance of ECU 300 000 shall be paid to France.

Article 5

The Community assistance shall relate to expenditure on eligible measures associated with the operations covered by the programme for which provisions are adopted by France and for which the necessary financial resources are committed between 1 October and 31 December 1997. The final date for payments in connection with the operations shall be 30 September 1998; unjustified delay shall entail loss of entitlement to Community financing.

Should an extension of the deadline for payment become necessary, the competent official authorities shall submit a request, along with the necessary justification, before the final date laid down.

Article 6

Provisions on the financing of the programme, compliance with Community policies and the information to be supplied to the Commission by France are set out in Annex II.

Article 7

Any public contracts connected with investments covered by this Decision shall be subject to Community law.

Article 8

This Decision is addressed to the French Republic.

Done at Brussels, 5 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

FINANCIAL BREAKDOWN FOR 1997

(in ecus)(¹)

	Eligible expenditure 1997		
	EC	National	Total
Guadeloupe	170 455	130 994	301 449
French Guiana	102 530	78 791	181 321
Martinique	223 295	171 603	394 898
Réunion	253 720	194 986	448 706
Total	750 000	576 374	1 326 374

(¹) ECU 1 = FF 6,634630 (1 September 1997)

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitments and payments

2. France shall guarantee that all public and private bodies involved in the management and implementation of all operations part-financed by the Community will keep suitable accounting records of all transactions in order to facilitate the verification of expenditure by the Community and the national inspection authorities.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The commitment shall be made when the decision approving assistance is adopted by the Commission under the procedure provided for in Article 16a of Council Directive 77/93/EEC⁽¹⁾, as last amended by Commission Directive 97/14/EC⁽²⁾.
5. Following commitment, an initial advance of ECU 300 000 shall be paid.
6. The balance of the amount committed shall be paid as two equal payments of ECU 225 000. The first instalment of the balance shall be paid upon presentation to and approval by the Commission of an interim activity report. The second and final instalment of the balance shall be paid upon presentation to and approval by the Commission of a final activity report and a detailed breakdown of the total expenditure incurred.

Authorities responsible for the implementation of the programme

— Central administration:

Ministère de l'agriculture et de la pêche
Direction générale de l'alimentation
Sous-direction de la protection des végétaux
175 rue du Chevaleret
F-75646 PARIS CEDEX 13

— Local administration:

— Guadeloupe:

Ministère de l'agriculture et de la pêche
Direction de l'agriculture et de la forêt
Jardin Botanique
F-97109 BASSE TERRE CEDEX

— Martinique:

Ministère de l'agriculture et de la pêche
Direction de l'agriculture et de la forêt
Jardin Desclieux
BP 642
F-97262 FORT DE FRANCE CEDEX

— French Guiana:

Ministère de l'agriculture et de la pêche
Direction de l'agriculture et de la forêt
Cité Rebard
Route de Baduel
BP 746
F-97305 CAYENNE CEDEX

— Réunion:

Ministère de l'agriculture et de la pêche
Direction de l'agriculture et la forêt
Parc de la Providence
F-97489 SAINT DENIS DE LA REUNION.

⁽¹⁾ OJ L 26, 31. I. 1977, p. 20.

⁽²⁾ OJ L 87, 2. 4. 1997, p. 17.

7. The actual expenditure incurred shall be notified to the Commission broken down by type of action or sub-programme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If France keeps suitable computerized accounts this will be acceptable.
8. All payments of aid granted by the Community pursuant to this Decision shall be made to the authority designated by France, which will also be responsible for repayment to the Community of any excess amount.
9. All commitments and payments shall be made in ecus.

Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in ecus at the rate fixed by this Decision. Payment shall be made to the following account:

Ministère du budget
Direction de la comptabilité publique
Agence comptable centrale du Trésor
139 rue de Bercy
F-75572 PARIS CEDEX 12
No F: 478 98 Divers

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. France and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment France shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. France shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case, asking France or the other authorities designated by France for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, France shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by France in order to ensure that any irregularity in the provision of assistance programme is detected. France shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment

1. Monitoring committee

1. Establishment

Independent of the financing of this action, a monitoring committee for the programme shall be set up, composed of representatives of France and the Commission. It shall review implementation of the programme and, where appropriate, propose any adjustments required.

2. The committee shall establish its own internal procedures within one month of the notification of this Decision to France.

3. Competence of monitoring committee

The committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch with respect to the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme should the information furnished periodically by the interim monitoring and assessment indicators reveal a delay,
- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a sub-programme or measure for the entire period, and 20 % for any financial year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the programme,
- shall give its opinion on the final draft report,
- shall report regularly and at least twice during the period concerned, to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred.

II. *Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)*

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. By continuous monitoring is meant an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realization.
3. Continuous assessment of the programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. France shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

The final report on the present programme will be presented by the competent authority to the Commission by 31 December 1998 at the latest and shall thereafter be presented to the Standing Committee on Plant Health as soon as possible after that date.

5. The Commission may jointly with France call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment referred to in point 3. He may submit proposals for adjusting the subprogrammes and/or measures and amending the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall give an opinion on administrative measures to be taken.

C. Information and publicity

In the framework of this action, the agency appointed as responsible for the programme shall ensure that it is adequately publicized.

It shall in particular take action to:

- make potential recipients and professional organizations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

France and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the monitoring committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the monitoring committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by France.

1. Award of public contracts

The 'public contracts' (*) questionnaire must be completed for:

- public contracts above the ceilings set by the 'supplies' and 'works' directives that are awarded by contract-awarding authorities as defined in these directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The thresholds will be those in force on the date of notification of this Decision.

2. Protection of the environment

(a) General information

- description of the main environmental features and problems of the region concerned, giving, *inter alia*, a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry for the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) Description of planned activities

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

(*) Commission notification to the Member States C (88) 2510 (O) C 22, 28. 1. 1989, p. 3) on monitoring of compliance with public procurement rules in the projects and programmes financed by the structural funds and financial tools.

Part 2 : FODs

B. Cereals

COMMISSION REGULATION (EC) No 176/97
of 31 January 1997
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92⁽³⁾, as last amended by Regulation (EC) No 2460/96⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 February 1997.

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

Done at Brussels, 31 January 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.
⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.
⁽³⁾ OJ No L 43, 19. 2. 1992, p. 23.
⁽⁴⁾ OJ No L 333, 21. 12. 1996, p. 50.

ANNEX

to the Commission Regulation of 31 January 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Reunion
Common wheat (1001 90 99)	21,00		21,00	24,00
Barley (1003 00 90)	35,00	35,00	35,00	38,00
Maize (1005 90 00)	44,00	44,00	44,00	47,00
Durum wheat (1001 10 00)	13,00	13,00	13,00	16,00

COMMISSION REGULATION (EC) No 219/97
of 5 February 1997
amending Regulation (EC) No 176/97 amending Regulation (EEC) No 391/92
setting the amounts of aid for the supply of cereals products from the
Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91
of 16 December 1991 introducing specific measures in
respect of certain agricultural products for the benefit of
the French overseas departments⁽¹⁾, as last amended by
Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2
(6) thereof,

Whereas Commission Regulation (EC) No 176/97⁽³⁾,
amending Regulation (EEC) No 391/92⁽⁴⁾, fixed the
amounts of aid for the supply of cereal products from the
Community to the French overseas departments;

Whereas a check has shown that the published version
does not correspond to the measures presented for an

opinion to the Management Committee; whereas the
Regulation in question should therefore be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is
replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 6 February 1997.

It shall apply with effect from 1 February 1997.

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

Done at Brussels, 5 February 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.
⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.
⁽³⁾ OJ No L 31, 1. 2. 1997, p. 5.
⁽⁴⁾ OJ No L 43, 19. 2. 1992, p. 23.

ANNEX

to the Commission Regulation of 5 February 1997 amending Regulation (EC) No 176/97 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Fru/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	21,00	21,00	21,00	24,00
Barley (1003 00 90)	35,00	35,00	35,00	38,00
Maize (1005 90 00)	44,00	44,00	44,00	47,00
Durum wheat (1001 10 00)	13,00	13,00	13,00	16,00

COMMISSION REGULATION (EC) No 364/97
of 28 February 1997
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92⁽³⁾, as last amended by Regulation (EC) No 219/97⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 March 1997.

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

Done at Brussels, 28 February 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ No L 36, 6. 2. 1997, p. 13.

ANNEX

to the Commission Regulation of 28 February 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	19,00	19,00	19,00	22,00
Barley (1003 00 90)	33,50	33,50	33,50	36,50
Maize (1005 90 00)	39,00	39,00	39,00	42,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 518/97
of 21 March 1997
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92⁽³⁾, as last amended by Regulation (EC) No 364/97⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 April 1997.

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

Done at Brussels, 21 March 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ No L 60, 1. 3. 1997, p. 4.

ANNEX

to the Commission Regulation of 21 March 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	15,00	15,00	15,00	18,00
Barley (1003 00 90)	36,00	36,00	36,00	39,00
Maize (1005 90 00)	36,00	36,00	36,00	39,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 739/97
of 25 April 1997
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments**

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

Having regard to Council Regulation (EEC) No 3763/91
of 16 December 1991 introducing specific measures in
respect of certain agricultural products for the benefit of
the French overseas departments⁽¹⁾, as last amended by
Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2
(6) thereof,

Whereas the amounts of aid for the supply of cereals
products to the French overseas departments (FOD) has
been settled by Commission Regulation (EEC) No
391/92⁽³⁾, as last amended by Regulation (EC) No
518/97⁽⁴⁾; whereas, as a consequence of the changes of
the rates and prices for cereals products in the European
part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given
in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is
replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 May 1997.

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

Done at Brussels, 25 April 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ No L 82, 22. 3. 1997, p. 23.

ANNEX

to the Commission Regulation of 25 April 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Euro/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	12,00	12,00	12,00	16,00
Barley (1003 00 90)	30,00	30,00	30,00	33,00
Maize (1005 90 00)	28,00	28,00	28,00	31,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 1550/97
of 31 July 1997
**amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments**

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

Having regard to Council Regulation (EEC) No 3763/91
of 16 December 1991 introducing specific measures in
respect of certain agricultural products for the benefit of
the French overseas departments (*), as last amended by
Regulation (EC) No 2598/95 (**), and in particular Article 2
(6) thereof,

Whereas the amounts of aid for the supply of cereals
products to the French overseas departments (FOD) has
been settled by Commission Regulation (EEC) No
391/92 (*), as last amended by Regulation (EC) No
970/97 (**); whereas, as a consequence of the changes of
the rates and prices for cereals products in the European
part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given
in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is
replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 August 1997.

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

Done at Brussels, 31 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

(*) OJ No L 356, 24. 12. 1991, p. 1.

(**) OJ No L 267, 9. 11. 1995, p. 1.

(*) OJ No L 43, 19. 2. 1992, p. 23.

(*) OJ No L 141, 31. 5. 1997, p. 12.

ANNEX

to the Commission Regulation of 31 July 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	12,00	12,00	12,00	16,00
Barley (1003 00 90)	18,00	18,00	18,00	21,00
Maize (1005 90 00)	41,00	41,00	41,00	44,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 1694/97
of 29 August 1997
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments (*), as last amended by Regulation (EC) No 2598/95 (**), and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 (*), as last amended by Regulation (EC) No 1550/97 (**); whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 September 1997.

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

Done at Brussels, 29 August 1997.

For the Commission
Ritt BJERREGAARD
Member of the Commission

(*) OJ No L 356, 24. 12. 1991, p. 1.
(**) OJ No L 267, 9. 11. 1995, p. 1.
(*) OJ No L 43, 19. 2. 1992, p. 23.
(*) OJ No L 206, 1. 8. 1997, p. 56.

ANNEX

to the Commission Regulation of 29 August 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	12,00	12,00	12,00	16,00
Barley (1003 00 90)	13,00	13,00	13,00	16,00
Maize (1005 90 00)	41,00	41,00	41,00	44,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 1869/97
of 26 September 1997
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as last amended by Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 1694/97 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 October 1997.

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

Done at Brussels, 26 September 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 239, 30. 8. 1997, p. 14.

ANNEX

to the Commission Regulation of 26 September 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	12,00	12,00	12,00	16,00
Barley (1003 00 90)	15,00	15,00	15,00	18,00
Maize (1005 90 00)	31,00	31,00	31,00	34,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 2164/97
of 31 October 1997
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2 (6) thereof.

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92⁽³⁾, as last amended by Regulation (EC) No 1869/97⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the FOD should be set at the amounts given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 November 1997.

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

Done at Brussels, 31 October 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 265, 27. 9. 1997, p. 15.

ANNEX

to the Commission Regulation of 31 October 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	16,00	16,00	16,00	19,00
Barley (1003 00 90)	19,00	19,00	19,00	22,00
Maize (1005 90 00)	31,00	31,00	31,00	34,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 2371/97
of 28 November 1997
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91
of 16 December 1991 introducing specific measures in
respect of certain agricultural products for the benefit of
the French overseas departments⁽¹⁾, as last amended by
Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2
(6) thereof,

Whereas the amounts of aid for the supply of cereals
products to the French overseas departments (FOD) has
been settled by Commission Regulation (EEC) No
391/92⁽³⁾, as last amended by Regulation (EC) No
2164/97⁽⁴⁾; whereas, as a consequence of the changes of
the rates and prices for cereals products in the European
part of the Community and on the world market, the aid
for supply to the FOD should be set at the amounts given
in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is
replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 December
1997.

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

Done at Brussels, 28 November 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 298, 1. 11. 1997, p. 37.

ANNEX

to the Commission Regulation of 28 November 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	19,00	19,00	19,00	22,00
Barley (1003 00 90)	23,00	23,00	23,00	26,00
Maize (1005 90 00)	31,00	31,00	31,00	34,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

COMMISSION REGULATION (EC) No 2521/97
of 15 December 1997

amending Regulation (EEC) No 388/92 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the French overseas departments (FOD) and establishing a forecast supply balance

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the quantities of products eligible for the specific supply arrangements are determined by means of periodic forecast balances which may be revised according to the essential requirements of the market taking into account local production and traditional trade flows;

Whereas, pursuant to Article 2 of Regulation (EEC) No 3763/91, the forecast supply balance of cereal products to the FOD for 1997 was established by Commission Regulation (EEC) No 388/92⁽³⁾, as last amended by Regulation (EC) No 2414/96⁽⁴⁾; whereas this forecast supply balance

for 1998 should be drawn up; whereas, subsequently, Regulation (EEC) No 388/92 should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 388/92 is replaced by the Annex to this Regulation.

Article 2

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, 15 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 16.

⁽⁴⁾ OJ L 329, 19. 12. 1996, p. 23.

ANNEX

ANNEX

Cereals supply balance for the french overseas departments (1998)

(tonnes)

Cereals originating in third countries (ACP/developing countries) or EC	Common wheat	Durum wheat	Barley	Maize	Durum wheat meal and groats	Malt
Guadeloupe	60 000	—	—	16 000	—	100
Martinique	1 500	—	—	20 000	1 000	500
French Guiana	200	—	300	1 500	—	—
Réunion	25 000	—	15 000	100 000	—	2 600
Total	86 700	—	15 300	137 500	1 000	3 200
Total	243 700'					

COMMISSION REGULATION (EC) No 2586/97
of 19 December 1997
amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply
of cereals products from the Community to the French overseas departments

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

Having regard to Council Regulation (EEC) No 3763/91
of 16 December 1991 introducing specific measures in
respect of certain agricultural products for the benefit of
the French overseas departments ⁽¹⁾, as last amended by
Regulation (EC) No 2598/95 ⁽²⁾, and in particular Article
2 (6) thereof,

Whereas the amounts of aid for the supply of cereals
products to the French overseas departments (FOD) has
been settled by Commission Regulation (EEC) No
391/92 ⁽³⁾, as last amended by Regulation (EC) No
2371/97 ⁽⁴⁾; whereas, as a consequence of the changes of
the rates and prices for cereals products in the European
part of the Community and on the world market, the aid

for supply to the FOD should be set at the amounts
given in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex of amended Regulation (EEC) No 391/92 is
replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 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 Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ L 329, 29. 11. 1997, p. 19.

ANNEX

to the Commission Regulation of 19 December 1997 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonne)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	20,00	20,00	20,00	23,00
Barley (1003 00 90)	21,00	21,00	21,00	24,00
Maize (1005 90 00)	34,00	34,00	34,00	37,00
Durum wheat (1001 10 00)	12,00	12,00	12,00	16,00

Part 2 : FODs

C. Beef and veal

COMMISSION REGULATION (EC) No 1266/97

of 1 July 1997

amending Regulations (EEC) No 2312/92 and (EEC) No 1148/93 laying down detailed rules for implementing the specific measures for supplying the French overseas departments with breeding bovines and horses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 4 (5) thereof;

Whereas, pursuant to Article 4 of Regulation (EEC) No 3763/91, the number should be determined of pure-bred breeding bovines and horses originating in the Community and eligible for aid with a view to encouraging the development of those sectors in the French overseas departments (FOD);

Whereas the quantities of the forecast supply balance and the level of aid for those products are fixed by Commission Regulations (EEC) No 2312/92⁽³⁾ and (EEC) No 1148/93⁽⁴⁾, as last amended by Regulation (EC) No 1330/96⁽⁵⁾; whereas the Annexes to those Regulations should therefore be amended;

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

Whereas application of the criteria for fixing the amount of Community aid to the current market situation in the sector in question and, in particular, to the exchange rates and prices for those products in the European part of the

Community and on the world market, gives rise to aid for the supply of the FODs with pure-bred breeding animals at the levels fixed in the Annex hereto;

Whereas, pursuant to Regulation (EEC) No 3763/91, the supply arrangements are applicable from 1 July; whereas the provisions of this Regulation should therefore apply immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EEC) No 2312/92 is hereby replaced by Annex I to this Regulation.

Article 2

The Annex to Regulation (EEC) No 1148/93 is hereby replaced by Annex II to this Regulation.

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 July 1997.

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

Done at Brussels, 1 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 222, 7. 8. 1992, p. 32.

⁽⁴⁾ OJ No L 116, 12. 5. 1993, p. 15.

⁽⁵⁾ OJ No L 171, 10. 7. 1996, p. 13.

ANNEX I

ANNEX III

PART 1

Supply to Réunion of pure-bred breeding bovines originating in the Community for the period 1 July to 31 December 1997

(FCU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines (*)	150	930

PART 2

Supply to French Guiana of pure-bred breeding bovines originating in the Community for the period 1 July to 31 December 1997

(FCU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines (*)	200	930

PART 3

Supply to Martinique of pure-bred breeding bovines originating in the Community for the period 1 July to 31 December 1997

(FCU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines (*)	20	930

PART 4

Supply to Guadeloupe of pure-bred breeding bovines originating in the Community for the period 1 July to 31 December 1997

(FCU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines (*)	25	930

(*) Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.

ANNEX II

ANNEX

PART 1

Supply to French Guiana of pure-bred breeding horses originating in the Community for the period 1 July to 31 December 1997

(ECU/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses (*)	8	930

PART 2

Supply to Martinique of pure-bred breeding horses originating in the Community for the period 1 July to 31 December 1997

(ECU/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses (*)	8	930

(*) Inclusion in this subheading is subject to the conditions provided for by Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ No L 224, 18. 8. 1990, p. 55).

COMMISSION REGULATION (EC) No 2517/97
of 16 December 1997
amending Regulations (EEC) No 2312/92 and (EEC) No 1148/93 laying down detailed rules for implementing the specific measures for supplying the French overseas departments with breeding bovines and horses

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 4⁽³⁾ thereof,

Whereas, pursuant to Article 4 of Regulation (EEC) No 3763/91, it is necessary to determine the number of pure-bred breeding bovines and horses originating in the Community which are eligible for aid with a view to encouraging the development of those sectors in the French overseas departments (FOD);

Whereas the quantities of the forecast supply balance and the level of aid for those products are fixed by Commission Regulations (EEC) No 2312/92⁽⁴⁾ and (EEC) No 1148/93⁽⁵⁾, as last amended by Regulation (EC) No 1266/97⁽⁶⁾; whereas the Annexes to those Regulations should therefore be amended;

Whereas the need might arise in the French overseas departments for additional supplies of pure-bred breeding bovines and horses in particular marketing years; whereas, therefore, the French authorities should be granted some leeway in their management of the scheme so they can issue aid certificates for animals intended for certain overseas departments in excess of the maximum quantities available to those departments, on condition that the overall maximum quantity available for all four overseas departments is complied with; whereas, in order to take proper account of such additional supply requirements for subsequent marketing years, the French authorities should inform the Commission of cases in which certificates have been issued using this discretionary power;

Whereas, pending a communication from the competent authorities updating the requirements of the French over-

seas departments, and so as not to interrupt application of the specific supply arrangements, the balance was drawn up for the period 1 July to 31 December 1997 by Regulation (EC) No 1272/97; whereas, as a result of the presentation by the French authorities of information on the needs of the French overseas departments, it has been possible to establish the balance for the entire 1997/98 marketing year; whereas the Annexes to Regulations (EC) No 2312/92 and (EC) No 1148/93 should therefore be replaced by the Annexes to this Regulation;

Whereas the supply arrangements are laid down for the period 1 July to 30 June; whereas the definitive supply balance for the 1997/98 marketing year should therefore apply from the start of that year, i.e. 1 July 1997;

Whereas application of the criteria for fixing the amount of Community aid to the current market situation in the sector in question and, in particular, to the exchange rates and prices for those products in the European part of the Community and on the world market, gives rise to aid for the supply of the FODs with pure-bred breeding animals at the levels fixed in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2312/92 is amended as follows:

1. The following paragraph is inserted after Article 9 (1):

'1a. However, the competent authority may, to meet special needs arising in the management of the aid, issue aid certificates for a number of animals exceeding the maximum quantity available for each overseas department, provided that the overall number of animals benefiting from the aid in all four departments is not exceeded.

France shall inform the Commission of the cases in which it has issued certificates in accordance with the first subparagraph.;

2. Annex III is replaced by Annex I to this Regulation.

(1) OJ L 356, 24. 12. 1991, p. 1.

(2) OJ L 267, 9. 11. 1995, p. 1.

(3) OJ L 222, 7. 8. 1992, p. 32.

(4) OJ L 116, 12. 5. 1993, p. 15.

(5) OJ L 174, 2. 7. 1997, p. 27.

Article 2

Regulation (EC) No 1148/93 is amended as follows:

1. The following paragraph is inserted after Article 4 (1):

'1a. However, the competent authority may, to meet special needs arising in the management of the aid, issue aid certificates for a number of animals exceeding the maximum quantity available for each overseas department, provided that the overall number of animals benefiting from the aid in all four departments is not exceeded.

France shall inform the Commission of the cases in which it has issued certificates in accordance with the first subparagraph';

2. the Annex is replaced by Annex II to this Regulation.

Article 3

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

Articles 1 (2) and 2 (2) shall apply from 1 July 1997.

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

Done at Brussels, 16 December 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

ANNEX III

PART 1

Supply to Réunion of pure-bred breeding bovines originating in the Community for the period
1 July 1997 to 30 June 1998

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines (*)	350	930

PART 2

Supply to French Guiana of pure-bred breeding bovines originating in the Community for the
period 1 July 1997 to 30 June 1998

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines (*)	300	930

PART 3

Supply to Martinique of pure-bred breeding bovines originating in the Community for the period
1 July 1997 to 30 June 1998

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines (*)	25	930

PART 4

Supply to Guadeloupe of pure-bred breeding bovines originating in the Community for the
period 1 July 1997 to 30 June 1998

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0102 10 00	Pure-bred breeding bovines (*)	25	930

(*) Entry under this subheading is subject to the conditions laid down in the relevant Community provisions.*

ANNEX II

ANNEX

PART 1

Supply to French Guiana of pure-bred breeding horses originating in the Community for the period 1 July 1997 to 30 June 1998

(ECU/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses (*)	16	930

PART 2

Supply to Martinique of pure-bred breeding horses originating in the Community for the period 1 July 1997 to 30 June 1998

(ECU/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses (*)	16	930

PART 3

Supply to Guadeloupe of pure-bred breeding horses originating in the Community for the period 1 July 1997 to 30 June 1998

(ECU/head)

CN code	Description of the goods	Number of animals to be supplied	Aid
0101 11 00	Pure-bred breeding horses (*)	8	930

(*) Entry under in this subheading is subject to the conditions laid down in Council Directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18. 8. 1990, p. 53).

Part 2 : FODs

D. Poultrymeat

COMMISSION REGULATION (EC) No 897/97

of 20 May 1997

amending Regulation (EEC) No 2826/92 laying down detailed implementing rules for the specific measures for supplying the French overseas departments with products from the egg, poultrymeat and rabbit sectors

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the aid for supplying the French overseas departments with eggs for hatching, breeding chicks and breeding rabbits originating in the rest of the Community were fixed in Commission Regulation (EEC) No 2826/92⁽³⁾, as amended by Regulation (EEC) No 3714/92⁽⁴⁾; whereas that aid must be fixed taking account in particular of the costs of supply from the world market, the conditions resulting from the geographical situation of the French overseas departments and the basis of the current prices on export to third countries of the animals or products concerned;

Whereas the application of those rules and criteria to the current situation on the markets for eggs, poultrymeat and rabbits calls for the aid to be adjusted;

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

Done at Brussels, 20 May 1997.

Whereas provision should also be made for the aid for supplies of pure-bred breeding rabbits to apply to that category of animals as a whole;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 2826/92 is hereby replaced by the Annex hereto.

Article 2

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 285, 30. 9. 1992, p. 10.

⁽⁴⁾ OJ No L 378, 23. 12. 1992, p. 23.

ANNEX

ANNEX

Breeding material originating in the Community and supplied to the French overseas departments each calendar year

CN code	Description	Number	Aid
ex 0105 11	Parent and grandparent stock chicks (*)	150 000	ECU per 100 units 30
ex 0407 00 19	Eggs for hatching intended for the production of parent and grandparent stock chicks (*)	75 000	24
ex 0106 00 10	Pure-bred breeding rabbits	1 200	ECU per unit 60

(*) In accordance with the definition in Article 1 of Council Regulation (EEC) No 2782/75 (OJ No L 282, 1. 11. 1975, p. 100).

Part 2 : FODs

E. Rum

COMMISSION REGULATION (EC) No 59/97

of 16 January 1997

concerning aid for the processing of sugar cane into sucrose syrup or agricultural rum in the French overseas departments and amending Regulation (EEC) No 1713/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 19 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 Articles 3 (3), 6 (2) and 12 thereof,

Whereas Article 18 of Regulation (EEC) No 3763/91 provides for the granting of Community aid for the processing of sugar cane into sugar syrup, hereinafter called 'sucrose syrup', or into agricultural rum as defined in Article 1 (4) (a) (2) of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden; whereas this aid is paid on condition that the sugar cane producer is paid a minimum price to be determined and up to the limit of an overall quantity corresponding to the average quantity of agricultural rum sold during the three marketing years 1987/88, 1988/89 and 1989/90 and of a maximum annual quantity of 250 tonnes of sucrose syrup;

Whereas the second paragraph of Article 19 of Regulation (EEC) No 3763/91 provides that when the relevant detailed rules of application are adopted account will be taken in particular of the production objectives within the context of the arrangements applicable to sugar and of the supply requirements of the French overseas departments;

Whereas a minimum price for sugar cane should be laid down which takes into account the reference price for

sugar cane intended for the production of sugar applicable in the department in question and provision should also be made for a system to reduce, where appropriate, the quantities of rum or sucrose syrup eligible for aid so as to ensure that the overall quantity limit laid down by Article 18 (2) of Regulation (EEC) No 3763/91 is observed; whereas a regular review of the situation, particularly as regards the trend in sugar prices, should be provided for; whereas sucrose syrup, which is not a sugar product within the meaning of Articles 26 to 29 of Council Regulation (EEC) No 1785/81⁽⁶⁾, as last amended by Regulation (EC) No 1599/96⁽⁷⁾, should be defined;

Whereas provisions should be laid down in respect of aid unduly paid out;

Whereas Regulation (EC) No 2598/95, amending Regulation (EEC) No 3763/91, entered into force at the end of October 1995;

Whereas, now that the aid scheme is being extended to production of sucrose syrup, Commission Regulation (EEC) No 1488/92⁽⁸⁾, as amended by Regulation (EC) No 260/96⁽⁹⁾, setting out rules for its application should for clarity be repealed and replaced by the present Regulation; whereas it is also necessary to amend Commission Regulation (EEC) No 1713/93⁽¹⁰⁾, as last amended by Regulation (EC) No 2926/94⁽¹¹⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Aid for the direct processing of sugar cane into sucrose syrup or agricultural rum as provided for in Article 18 of Regulation (EEC) No 3763/91 may be paid in accordance with the terms of this Regulation to any sucrose syrup manufacturer or distiller:

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 160, 12. 6. 1989, p. 1.

⁽⁶⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁷⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽⁸⁾ OJ No L 156, 10. 6. 1992, p. 10.

⁽⁹⁾ OJ No L 34, 13. 2. 1996, p. 16.

⁽¹⁰⁾ OJ No L 159, 1. 7. 1993, p. 94.

⁽¹¹⁾ OJ No L 307, 1. 12. 1994, p. 56.

(a) whose plant is located in one of the French overseas departments;

and

(b) who produces directly from cane harvested in the same French overseas department:

— sucrose syrup of less than 75 % purity used in the manufacture of aperitifs,

or

— agricultural rum as defined in Article 1 (4) (a) (2) of Regulation (EEC) No 1576/89.

2. Aid shall be paid out each year for the quantities of sugar cane processed directly into sucrose syrup or agricultural rum for which the sucrose syrup manufacturer or distiller shows proof that he has paid the sugar cane producers in question the minimum price referred to in Article 2. This last condition shall not apply in the case of the manufacturer or distiller's own sugar cane production.

3. The aid shall be:

(a) for sucrose syrup ECU 9 per 100 kilograms of sugar expressed as white sugar;

(b) for agricultural rum ECU 64,22 per hectolitre of pure alcohol produced.

4. So that permanent account can be taken of production objectives in management of the sugar market in relation to both the prices set for each sugar marketing year and the supply trend in the French overseas departments, the situation shall be regularly reviewed and any necessary adjustments shall be made.

Article 2

1. The minimum price referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 3763/91 shall be the reference price applied by the French overseas department in question to the purchase of sugar cane used for sugar production in that department. The minimum price shall apply to cane of sound, fair and merchantable quality, of standard sugar content. The delivery stage shall be determined by agreement between the sugar cane producer and the syrup manufacturer or distiller.

2. The standard sugar content and the scale of increases and reductions to be applied to the minimum price when the sugar content of the cane differs from the standard sugar content shall be adopted by the competent authority designated by France on the proposal of a joint committee of distillers or syrup manufacturers and sugar cane producers.

Article 3

1. Proof that the minimum price has been paid to the sugar cane producer shall be established by a certificate

drawn up on unstamped paper by the syrup manufacturer or distiller. It shall show:

(a) the name of the syrup manufacturer or distiller;

(b) the name of the sugar cane producer;

(c) the total quantities of sugar cane for which the minimum price determined for the calendar year in question has been paid and which have been delivered to the syrup factory or distillery by the producer in question during that calendar year;

(d) the quality of the product for which the minimum price is paid.

2. The certificate shall be signed by the sugar cane producer and the syrup manufacturer or distiller.

3. The syrup manufacturer or distiller shall keep the original of the certificate. A copy shall be sent to the sugar cane producer.

4. A syrup manufacturer or distiller using his own sugar cane production shall keep separate stock records for that cane.

Article 4

1. The overall quantity referred to in Article 18 (2) of Regulation (EEC) No 3763/91 shall be 75 600 hectolitres of agricultural rum expressed as pure alcohol.

2. When the sum of the quantities for which aid is requested is greater in a given calendar year than, as appropriate, the quantity of rum referred to in paragraph 1 or the quantity of sucrose syrup referred to in the first indent of Article 18 (2) of Regulation (EEC) No 3763/91, a standard percentage reduction shall be applied to each application in respect of the product in question.

3. Nevertheless, France may allocate the quantity of rum referred to in paragraph 1 by department on the basis of the average quantity of agricultural rum sold by each department during the three marketing years 1987/88, 1988/89 and 1989/90. If the overall quantities for which aid is requested are exceeded, the percentage reductions may be differentiated by department.

4. Applications for aid shall be submitted to the competent authorities designated by France.

Article 5

France shall take all the additional measures necessary to implement this Regulation, particularly those relating to submission of applications for aid, inspection of the supporting documents required under Article 3 and checks on the quantities of sucrose syrup and agricultural rum produced.

Article 6

France shall notify to the Commission:

- (a) within three months following entry into force of this Regulation, the additional measures adopted pursuant to Article 5;
- (b) within 45 working days of the end of each calendar year:

- the total quantities of sucrose syrup and agricultural rum for which aid has been requested, expressed as white sugar or hectolitres of pure alcohol,
- the factories and distilleries in receipt of aid,
- the aid received and quantity of sucrose syrup or agricultural rum produced by each factory or distillery.

Article 7

Point XVI(b) of the Annex to Regulation (EEC) No 1713/93 is replaced by:

'b) Aid granted pursuant to Article 18 of Regulation (EEC) No 3763/91 for direct processing of sugar cane in the French overseas departments into:

— sucrose syrup:

rate applicable on the day the cane is processed into sucrose syrup,

— agricultural rum:

rate applicable on the day the cane juice is distilled.'

Article 8

1. Where aid has been paid out unduly, the competent French authorities shall recover the sums paid out, with interest from the date on which the aid was paid out to that on which it is actually recovered. The rate of interest shall be that in force for similar recovery operations under national law.
2. The aid recovered shall be made over to the relevant paying departments and the Community contribution to it deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 9

Regulation (EEC) No 1488/92 is hereby repealed.

Article 10

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

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

Done at Brussels, 16 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

Part 2 : FODs

F. Fisheries

COUNCIL REGULATION (EC) No 395/97
of 20 December 1996
allocating, for 1997, Community catch quotas in Greenland waters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas the Agreement on fisheries between the European Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand ⁽²⁾, has been extended for an additional period of six years, until 31 December 2000;

Whereas the European Community, on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand, have subsequently approved the Third Fisheries Protocol, establishing the conditions for fishing and, in particular, the catch quotas for Community vessels in Greenland waters for the period from 1 January 1995 to 31 December 2000;

Whereas these quotas may be used by vessels not flying the flag of a Member State of the Community, to the extent that this is necessary for the proper functioning of the fisheries agreement which the Community has concluded with third countries;

Whereas the Community shall inform the authorities responsible for Greenland of its reaction to offers regarding supplementary catch possibilities, as referred to in Article 8 of the Fisheries Agreement, no later than six weeks after receipt of the offer;

Whereas, to ensure efficient management of the catch possibilities available, they should be allocated among Member States by means of quotas in accordance with Article 8 of Regulation (EEC) No 3760/92;

Whereas the fishing activities covered by this Regulation are subject to the relevant control measures provided for by Council Regulation (EC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽³⁾;

Whereas no agreement has been reached with the authorities responsible for Greenland on whether the relevant fish stocks should be subject to the provisions of Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas ⁽⁴⁾;

Whereas, for imperative reasons of common interest, this Regulation should apply from 1 January 1997,

HAS ADOPTED THIS REGULATION:

Article 1

For 1997, the allocation of the Community catch quotas in Greenland waters shall be as set out in the Annex.

Article 2

Fishing quotas set out in the Annex shall not be subject to the conditions laid down in Articles 2, 3 and 5 (2) of Regulation (EC) No 847/96.

Article 3

Should the authorities responsible for Greenland make an offer regarding supplementary catch possibilities, as referred to in Article 8 of the Agreement on fisheries, the Council shall, acting by a qualified majority on a proposal from the Commission, take a decision on that offer within six weeks of receipt thereof.

Article 4

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 1997.

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 29, 1. 2. 1985, p. 9.

⁽³⁾ OJ No L 252, 15. 9. 1993, p. 2.

⁽⁴⁾ OJ No L 115, 9. 5. 1996, p. 3.

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

Done at Brussels, 20 December 1996.

For the Council

The President

S. BARRETT

ANNEX

Allocation of Community catch quotas in Greenland waters for 1997

Species	Geographical area	Community catch quotas (in tonnes)	Quotas allocated to Member States	Quantities allocated to Norway (*)	Quantities allocated to Iceland (*)	Faroese quotas under ECU/Greenland (*)
Cod	all zones	31 000	Germany 25 360 United Kingdom 5 640			
Redfish (1)	NAFO 0/1 ICES XIV/V	5 500 46 820	Germany 5 395 United Kingdom 105 Germany 46 270 France 330 United Kingdom 220	2 000 (*)		500
Greenland halibut	NAFO 0/1 ICES XIV/V	1 350 4 650	Germany 550 Germany 4 040 United Kingdom 210	1 200 1 450		150 150
Deep-water prawns	ICES XIV/V (1)	4 525	France 1 012 Denmark 1 012	2 500		1 150
Atlantic halibut (2)	NAFO 0/1 ICES XIV/V	200 200		200 (3) 200 (3)		
Catfish	NAFO 0/1 ICES XIV/V	1 000 1 000	Germany 1 000 Germany 1 000			
Blue whiting	ICES XIV/V	30 000	Denmark 3 000 France 3 000 Germany 24 000			
Capelin	ICES XIV/V	127 050 (*)	Community 62 050	25 000	30 000	10 000
Roundnose grenadier	NAFO 0/1 ICES XIV/V	1 750 5 150	Germany 550 Germany 4 400 United Kingdom 250	1 200 750		
Roundnose grenadier (4)	all zones	2 000	Community 2 000			
Polar cod (4)	all zones	2 000	Community 2 000			

(1) A maximum of 20 000 tonnes may be fished by pelagic trawl. Catches from the bottom trawl fishery and the pelagic trawl fishery shall be reported separately.

(2) If by-catches of Atlantic halibut in trawl cod and redfish fisheries imply over-runs of this quota, the Greenland authorities will provide solutions to the effect that Community cod and redfish fisheries can nevertheless continue until the respective quotas have been exhausted.

(3) Experimental fishery, to be conducted at depths greater than 1 500 metres. The maximum by-catch of Greenland halibut will be 40 % and will be counted against this quota.

(4) To be fished only by pelagic trawl or longline. A by-catch of up to 10 %, excluding deep-water prawns and Greenland halibut, will be admitted. The by-catch will be counted against this quota.

(5) Up to 1 000 tonnes can be caught in NAFO areas 0/1 under agreement with Greenland licence holders.

(6) 70 % of the Greenland share of the TAC for capelin minus 10 000 tonnes to the Faroe Islands. Calculated on the basis of a provisional TAC of 1 100 000 tonnes. Upon revision of this TAC in the course of 1997, the Community quota shall be revised accordingly.

(7) To be fished only with longline.

(8) May be fished by pelagic trawl.

(9) Shown for information only.

COMMISSION REGULATION (EC) No 2193/97
of 3 November 1997
concerning the stopping of fishing for Greenland halibut by vessels flying the flag of the United Kingdom

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (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 Council Regulation (EC) No 395/97 of 20 December 1996 allocating, for 1997, Community catch quotas in Greenland waters⁽³⁾, provides for Greenland halibut quotas for 1997;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of Greenland halibut in the waters of ICES divisions V, XIV (Greenland waters) by vessels flying the flag of the United Kingdom or registered in the United Kingdom have reached the quota

allocated for 1997; whereas the United Kingdom has prohibited fishing for this stock as from 17 October 1997; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Greenland halibut in the waters of ICES divisions V, XIV (Greenland waters) by vessels flying the flag of the United Kingdom or registered in the United Kingdom are deemed to have exhausted the quota allocated to the United Kingdom for 1997.

Fishing for Greenland halibut in the waters of ICES divisions V, XIV (Greenland waters) by vessels flying the flag of the United Kingdom or registered in the United Kingdom is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of application 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*.

It shall apply with effect from 17 October 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

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 66, 6. 3. 1997, p. 71.

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(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2429/97
of 4 December 1997
amending Regulation (EC) No 395/97 allocating, for 1997, Community catch
quotas in Greenland waters

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission, Whereas Regulation (EC) No 395/97⁽²⁾ established, for 1997, *inter alia*, the Community catch quota for capelin in Greenland waters on the basis of a provisional TAC;

Whereas a revision of the relevant TAC in the meantime has resulted in a decrease in the share available to the Community;

Whereas Greenland has consented to grant the Community an additional quantity;

Whereas Regulation (EC) No 395/97 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EC) No 395/97, the entry referring to capelin shall be amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Luxembourg, 4 December 1997.

For the Council

The President

J. LAHURE

⁽¹⁾ OJ L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ L 66, 6. 3. 1997, p. 71.

ANNEX

Allocation of Community catch quotas in Greenland waters for 1997

Species	Geographical area	Community catch quotas (in tonnes)	Quotas allocated to Member States	Quantities allocated to Norway	Quantities allocated to Iceland	Faroe quotas under EC/Greenland
Capelin	ICES XIV/V	111 150 (*) (**)	Community 46 150	25 000	30 000	10 000

(*) 70 % of the Greenland share of the TAC for capelin minus 10 000 tonnes to the Faroe Islands. Upon any further revision of the relevant TAC in the course of 1997, the Community quota shall be revised accordingly.

(**) Includes a transfer of 13 745 tonnes from Greenland.

COMMISSION DECISION

of 6 November 1997

amending Decision 97/296/EC drawing up the list of third countries from which the import of fishery products is authorized for human consumption

(Text with EEA relevance)

(97/758/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as last amended by Decision 97/34/EC⁽²⁾, and in particular Article 2 (2) thereof,

Whereas Commission Decision 97/296/EC⁽³⁾, as last amended by Decision 97/564/EC⁽⁴⁾, lists the third countries from which importation of fishery products is authorized for human consumption;

Whereas Commission Decision 97/757/EC⁽⁵⁾ sets specific import terms for fishery and aquaculture products originating in Madagascar, whereas Madagascar should therefore be added to the list of third countries from which importation of fishery products is authorized;

Whereas Article 3 (4) (b) of Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽⁶⁾ requires that, before processing, bivalve molluscs satisfy the requirements of Directive 91/492/EEC; whereas in consequence the list of third

countries meeting the terms of Directive 91/492/EEC also applies for imports of processed bivalve molluscs, echinoderms, tunicates and marine gastropods;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/296/EC is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 November 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ L 122, 14. 5. 1997, p. 21.

⁽⁴⁾ OJ L 232, 23. 8. 1997, p. 13.

⁽⁵⁾ See page 33 of this Official Journal.

⁽⁶⁾ OJ L 268, 24. 9. 1991, p. 15.

ANNEX

ANNEX

List of third countries from which the import of fishery products in any form intended for human consumption is authorized

I. Third countries covered by a specific decision on the basis of Council Directive 91/493/EEC

Albania	Gambia	Russia
Argentina	Indonesia	Senegal
Australia	Japan	Singapore
Brazil	Madagascar	South Africa
Canada	Malaysia	South Korea
Chile	Mauritania	Taiwan
Colombia	Morocco	Thailand
Côte d'Ivoire	New Zealand	Uruguay
Ecuador	Peru	
Faeroes	Philippines	

II. Third countries satisfying the requirements of Article 2 (2) of Council Decision 95/408/EC

Bangladesh	Guatemala	Slovenia
Belize	Honduras	Suriname
China	India	Switzerland
Costa Rica	Maldives	Togo
Croatia	Mexico	Tunisia
Cuba	Namibia	Turkey
Falkland Islands	Panama	United States of America
Fiji Islands	Poland	Venezuela
Greenland	Seychelles	Vietnam

COUNCIL REGULATION (EC) No 405/97

of 20 December 1996

laying down for 1997 certain measures for the conservation and management of fishery resources applicable in vessels flying the flag of certain non-member countries in the 200-nautical-mile zone off the coast of the French department of Guiana

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, in accordance with Article 8 of Regulation (EEC) No 3760/92, the Council determines for each fishery or group of fisheries on a case-by-case basis, the total allowable catch and/or the total allowable fishing effort in order to ensure a rational and responsible exploitation on a durable basis;

Whereas, since 1977, the Community has operated a system of conservation and management of fishery resources applicable to vessels flying the flag of certain non-member countries in the 200-nautical-mile-zone off the coast of the French department of Guiana most recently laid down by Regulation (EC) No 3091/95 ⁽²⁾; whereas the latter Regulation expires on 31 December 1996;

Whereas the continuity of the system should be assured, in particular by maintaining the restriction on some fish stocks in the zone in order to conserve the stock and ensure adequate profitability for the fishermen concerned;

Whereas the processing industry based in the French department of Guiana depends on landings from vessels of non-member countries operating in the fishing zone off that department;

Whereas therefore, it is necessary to ensure that those vessels which are under contract to land their catches in the French department of Guiana can continue to fish;

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 330, 30. 12. 1995, p. 122.

Whereas shrimp fishing licences calculated on the basis of scientific advice have been issued to non-member countries whose vessels fish in the zone of the said department;

Whereas the fishing activities covered by this Regulation are subject to the control measures provided for by Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽³⁾;

Whereas, for imperative reasons of common interest, this Regulation will apply from 1 January 1997,

HAS ADOPTED THIS REGULATION:

Article 1

Vessels flying the flag of one of the countries listed in Annex 1 shall be authorized, during the period 1 January to 31 December 1997 to fish for the species listed in the said Annex in the part of the 200-nautical-mile fishing zone off the coast of the French department of Guiana that lies more than 12 nautical miles from the baselines, in conformity with the conditions laid down in this Regulation.

Article 2

1. Fishing in the fishery zone referred to in Article 1 shall be subject to the possession on board of a licence, issued by the Commission on behalf of the Community, and to the observance of the conditions set out in that licence and the control measures and other provisions regulating fishing activities in that zone.

2. Applications for licences shall be submitted by the authorities of the non-member-countries concerned to the Commission's services at least 15 working days before the desired date of commencement of validity. Licences will be issued to the authorities of the third countries concerned.

3. The registration letters and numbers of a vessel in possession of a licence must be clearly marked on both

⁽³⁾ OJ No L 261, 20. 10. 1993, p. 1.

sides of the prow and on both sides of the superstructure at the most visible point. The letters and numbers must be painted in a colour that contrasts with the colour of the hull or superstructure and must not be obliterated, altered, covered or masked in any other way.

Article 3

1. Licences may be issued for shrimp fishing to vessels which fly the flag of one of the countries listed in point 1 of Annex I. The catch quantities authorized under such licences, the maximum number of licences and the maximum number of days at sea during which such licences are valid shall be as specified for each country in point 1 of Annex I.

2. The licences referred to in paragraph 1 shall be issued on the basis of a fishing plan submitted by the authorities of the country concerned, approved by the Commission and not exceeding the limits for the country concerned specified in point 1 of Annex I.

3. The period of validity of each of the licences referred to in paragraph 1 shall be limited to the fishing period provided for in the fishing plan on the basis of which the licence was issued.

4. All licences referred to in paragraph 1 issued to vessels of a non-member country shall cease to be valid as soon as it is established that the quota laid down in point 1 of Annex I for that country has been used up.

Article 4

1. Licences may be issued for the fishing of species other than shrimps to vessels flying the flag of one of the countries listed in point 2 of Annex I. The maximum number of such licences for each country shall be as specified in point 2 of Annex I.

2. Snapper fishing licences shall be granted subject to an undertaking by the owner of the vessel concerned to land 75 % of the catches in the French department of Guiana.

3. Shark fishing licences shall be granted subject to an undertaking by the owner of the vessel concerned to land 50 % of the catches in the French department of Guiana.

Article 5

1. The following information shall accompany applications for licences submitted to the Commission:

- (a) name of the vessel;
- (b) registration number;

- (c) external identification letters and numbers;
- (d) port of registration;
- (e) name and address of the owner or charterer;
- (f) gross tonnage and overall length;
- (g) engine power;
- (h) call sign and radio frequency;
- (i) intended method of fishing;
- (j) species intended to be fished;
- (k) period for which a licence is requested.

2. Each licence shall be valid for one vessel only. Where several vessels are taking part in the same fishing operation, each vessel must be in possession of a licence.

Article 6

1. To obtain a fishing licence for snapper or shark, as referred to in Article 4, proof must be produced, in respect of each of the vessels concerned, that a valid contract exists between the shipowner applying for the licence and a processing undertaking situated in the French department of Guiana and that it includes an obligation to land at least 75 % of all snapper catches, or 50 % of all shark catches from the vessel concerned in that department so that they may be processed in that undertaking's plant.

2. The contract referred to in paragraph 1 must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy. A copy of the duly endorsed contract shall be appended to the licence application.

3. Where the endorsement referred to in paragraph 2 is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and the Commission.

Article 7

Licences may be cancelled with a view to issuing new licences. Such cancellation shall take effect on the date of issuance of the new licence by the Commission.

Article 8

1. Fishing for shrimps of the species *Penaeus subtilis* and *Penaeus brasiliensis* shall be forbidden in waters of a depth less than 30 metres. During these fishing activities

carried out by vessels using trawls, by-catches shall be permitted.

2. Tuna fishing shall be authorized only for vessels using long lines.

3. Snapper fishing shall be authorized only for vessels using long lines or traps.

4. Shark fishing shall be authorized only for vessels using long lines or mesh nets having a minimum mesh of 100 mm and shall be forbidden in waters of a depth less than 30 metres.

Article 9

A log-book, a model of which appears in Annex II, shall be completed after each fishing operation. A copy of this log-book shall be sent to the Commission within 30 days of the last day of each fishing trip via the French authorities.

Article 10

1. The master of each vessel in possession of a licence referred to in Articles 3 and 4 (1), as concerns tuna fishing, shall observe the special conditions set out in Annex III and, in particular, forward the information specified in that Annex. These conditions shall form an integral part of the licence.

2. The master of each vessel in possession of a licence as referred to in Article 4 (2) and (3) shall, on landing the catch after each trip, submit to the French authorities a declaration, for whose accuracy the master alone is responsible, stating the quantities of shrimp caught and kept on board since the last declaration. This declaration shall be made using the form of which a model appears in Annex IV.

Article 11

1. The French authorities shall take all appropriate measures to verify the accuracy of the declarations referred to in Article 10 (2), by checking them in particular against the log-book referred to in Article 9. The declaration shall be signed by the competent official after it has been verified.

2. The French authorities shall ensure that all landings of shrimps in the French department of Guiana by vessels in possession of a licence as referred to in Article 4 (2) and (3) shall be the subject of a declaration as referred to in Article 10 (2).

3. Before the end of each month, the French authorities shall send to the Commission all the declarations referred to in paragraph 2 relating to the preceding month.

Article 12

The granting of licences to vessels from third countries shall be subject to the undertaking by the owner of the vessel concerned to permit an observer to come on board at the Commission's request.

Article 13

1. The French authorities shall take appropriate measures to ensure that the obligations set out in the Regulation are complied with, including the regular inspection of vessels.

2. Where an infringement is formally ascertained, the French authorities shall, without delay, and in any event not later than 30 days from the date on which the infringement was ascertained, inform the Commission of the name of the vessel concerned and of any action they may have taken.

Article 14

1. Licences for vessels which have not complied with the obligations provided for in this Regulation, including the obligation to land all or part of the catches laid down in a contract as referred to in Article 6 shall be withdrawn.

No licence shall be issued to such vessels for a period of 4 to 12 months from the date on which the infringement was committed.

2. Where a vessel fishes without a valid licence in the zone referred to in Article 1, and where that vessel belongs to a shipowner or is managed by a natural or legal person who has or exercises the management of one or more other vessels to which licences have been issued, one of those licences may be withdrawn.

3. The granting of a licence may be refused during the period referred to in paragraph 1 to one or more vessels belonging to a shipowner who owns a vessel whose licence has been withdrawn under this Article or which has fished without a licence in the zone referred to in Article 1.

Article 15

If, for a period of one month, the Commission receives no communication as referred to in Article 10 (1) concerning a vessel in possession of a licence referred to in Articles 3 and 4, the licence of such vessel shall be withdrawn.

Article 16

The period of validity of licences valid on 31 December 1996 pursuant to Article 1 of Regulation (EC) No 3091/95 may be extended, at the request of the authorities of the country concerned, until 31 January 1997. Licences thus extended shall be counted against the number of corresponding licences laid down in Annex I for the duration of the extension, without that total being exceeded.

Article 17

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 to 31 December 1997.

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

Done at Brussels, 20 December 1996.

For the Council

The President

S. BARRETT

ANNEX I

1. Licences referred to in Article 3

Vessels flying the flag of	Quantity of authorized catches (in tonnes)	Maximum number of vessels with a licence	Maximum number of days at sea
Barbados	24	5	200
Guiana	24	5	200
Suriname	p.m.	p.m.	p.m.
Trinidad and Tobago	60	8	350

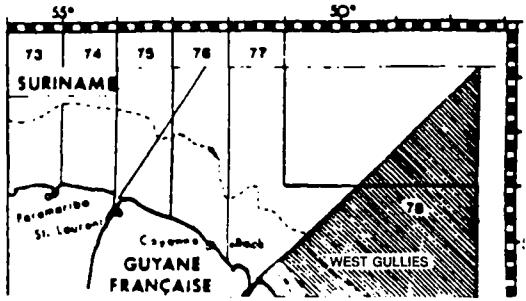
2. Licences referred to in Article 4

Species	Vessels flying the flag of	Maximum number of licences
(a) Tuna	Japan	p.m.
	Korea	p.m.
(b) Snapper	Venezuela	41
	Barbados	5
(c) Shark	Venezuela	4

FICHE DE PÊCHE

LOG SHEET

Nom du navire _____ Nation _____
 Vessel name _____
 N° d'immatriculation _____ N° de licence ZEE _____
 Official No _____ Fishing licence No _____
 Nom du capitaine _____ Nbre equipage _____
 Captain's name _____ No in crew _____
 Départ de _____ Date _____
 Depart from _____
 Débarquement à _____ Date _____
 Landed at _____



Hour / Month Jour / Day	Zone n°	Sonde Depth	Jour ou nuit Day or Night (D or N)	Nombre de fois ou les engins ont été mis à l'eau / Number of times gear is shot	Total heures de pêche Hours fished	Quetes de crevette -Head-off- shrimp (kg)	Crevettes entières -Head-on- shrimp (kg)	Crevettes conservées à bord Shrimps retained on board		Vivaneaux Snapper	Requins Shark	Thonides Tuna
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ANNEX III

Special conditions

1. Vessels in possession of licences referred to in Articles 3 and 4 (1) (*Thunnidae*) must communicate information to the European Commission in Brussels (telex: 24189 FISEU-B) via the French authorities at the following times:
 - (a) on each entry into zones extending up to 200 nautical miles off the coast of the French department of Guiana, hereinafter called 'the zone';
 - (b) whenever leaving the zone;
 - (c) whenever entering a port of a Member State;
 - (d) whenever leaving a port of a Member State;
 - (e) every week in respect of the previous week from the date of entry into the zone referred to in (a) or from the date of leaving the port referred to in (d).
2. Communications transmitted in accordance with the conditions of the licence at the times specified in 1 above should include the following particulars, where appropriate, and should be transmitted in the following order:
 - name of vessel,
 - radio call sign,
 - licence number,
 - chronological number of the transmission for the trip in question,
 - indication of which of the types of transmission, as set out in paragraph 1, is involved,
 - date,
 - time,
 - geographical position,
 - quantity of each species caught during the fishing operation (in kilograms),
 - quantity of each species caught since the previous transmission of information (in kilograms),
 - the geographical coordinates of the position where the catches were made,
 - quantities of catches, by species, transferred to other vessels (in kilograms) since the previous information,
 - the name, call sign and, where applicable, licence number of the vessel to which the catch was transferred,
 - the master's name.
3. The following code must be used in reporting species caught in accordance with paragraph 2:

PEN: Brown shrimp (*Penaeidae*);
BOB: Atlantic sea hoh shrimp (*Xyphopeneus kroyeri*);
TUN: Tunny;
SKH: Shark;
XXX: Other.
4. In cases where, for reasons of *force majeure*, the communication cannot be transmitted by the vessel in possession of a licence, the message may be transmitted by another vessel on behalf of the former.

ANNEX IV

Declaration pursuant to Article 10 (2)

LANDING DECLARATION ⁽¹⁾

Name of vessel:	<input type="text"/>	Registration No:	<input type="text"/>
Name of master:	<input type="text"/>	Name of agent:	<input type="text"/>
Master's signature:	<input type="text"/>	<input type="text"/>	
Voyage made from the	_____	to the	_____
Port of landing:	<input type="text"/>		

Quantity of shrimps landed (in live weight)			
'Head-off' shrimps:		kg	
or (× 1,6) =		kg (head-on shrimps)	
'Head-on' shrimps:		kg	
<i>Thunnidae:</i>	kg	<i>Snapper (Lutjanidae):</i>	kg
Shark:	kg	Other:	kg

(1) One copy is kept by the master, one copy is kept by the control officer, and one copy is to be sent to the European Commission.

European Union — Council

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