

Official Journal

of the European Communities

ISSN 0378-6978

L 152

Volume 40

11 June 1997

English edition

Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 1041/97 of 10 June 1997 concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania	1
* Commission Regulation (EC) No 1042/97 of 10 June 1997 opening and providing for the administration of a tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91 (1 July 1997 to 30 June 1998)	2
* Commission Regulation (EC) No 1043/97 of 10 June 1997 derogating from certain provisions of Regulation (EEC) No 1725/79 as regards the monitoring of certain products in skimmed-milk powder utilized	6
* Commission Regulation (EC) No 1044/97 of 10 June 1997 amending Regulation (EC) No 2498/96 establishing Community tariff quotas for 1997 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and derogating from Regulation (EC) No 1439/95 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector	8
Commission Regulation (EC) No 1045/97 of 10 June 1997 on the issuing of export licences for products processed from fruit and vegetables	9
Commission Regulation (EC) No 1046/97 of 10 June 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables	10

- * **Decision No 1047/97/EC of the European Parliament and of the Council of 29 May 1997 amending Decision No 1254/96/EC laying down a series of guidelines for trans-European energy networks** 12
-

II *Acts whose publication is not obligatory*

Council

97/361/EC:

- * **Council Decision of 27 May 1997 concerning the conclusion of an Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks** 15

Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks 16

Commission

97/362/EC:

- * **Commission Decision of 21 May 1997 recognizing in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of carfentrazone-ethyl, fosthiazate and fluthiamide in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market⁽¹⁾** 31

97/363/EC:

- * **Commission Decision of 28 May 1997 amending certain decisions authorizing France to restrict the marketing of seed of certain varieties of agricultural plant species** 33
-

Corrigenda

- * **Corrigendum to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ No L 302 of 19. 10. 1992)** 34
- * **Corrigendum to Council Regulation (EC) No 1256/96 of 20 June 1996 applying multi-annual schemes of generalized tariff preferences from 1 July 1996 to 30 June 1999 in respect of certain agricultural products originating in developing countries (OJ No L 160 of 29. 6. 1996)** 34
- * **Corrigendum to Council Regulation (EC) No 392/97 of 20 December 1996 allocating, for 1997, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen (OJ No L 66 of 6. 3. 1997)** 35

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1041/97
of 10 June 1997**

concerning Regulation (EC) No 1218/96 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 9 thereof,

Whereas Commission Regulation (EC) No 1218/96 of 28 June 1996 relating to the partial exemption from the import duty for certain products in the cereals sector laid down in the Agreements between the European Community and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, the Republic of Bulgaria and the Republic of Romania⁽³⁾ specifies the quantities of barley and common wheat originating in the Czech and Slovak Republics and the Republic of Hungary which enjoy preferential access under the Interim Agreement concluded with those countries;

Whereas the Commission must fix a single coefficient for reducing the quantities in the import licences applied for

where these quantities exceed the quantities in the annual quota; whereas applications for import licences submitted on 9 June 1997 for wheat from the Republic of Hungary relate to 565 000 tonnes and the maximum quantity which may be imported is 115 450 tonnes at a duty reduced by 80 %,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for licences for the 'Hungary' quota provided for in Regulation (EC) No 1218/96 at an import duty reduced by 80 % for common wheat and durum wheat falling within CN codes 1001 90 99 and 1001 10 00 submitted on 9 June 1997 and forwarded to the Commission, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,204336.

Article 2

This Regulation shall enter into force on 11 June 1997.

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

Done at Brussels, 10 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 51.

COMMISSION REGULATION (EC) No 1042/97

of 10 June 1997

opening and providing for the administration of a tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91 (1 July 1997 to 30 June 1998)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽¹⁾, and in particular Article 1 (1) thereof,

Whereas Schedule CXL requires to open an annual import quota of 53 000 tonnes of frozen beef falling within CN code 0202 and products falling within CN code 0206 29 91; whereas the rules of application for the quota year 1997/98 starting 1 July 1997 must be established;

Whereas a method of administration should be applied which is similar to the one used in the past for corresponding quotas; whereas those arrangements consist of the allocation by the Commission of the quantities available partly to traditional operators and partly to operators engaging in trade in beef and veal;

Whereas the traditional importers should be allocated 80 % of the quota i.e. 42 400 tonnes on application and in proportion to the quantities imported by them under the same type of quota during the most recent reference period; whereas steps should be taken to ensure that operators of the new Member States can participate on equal terms in the allocations of the quantities available;

Whereas, on the basis of the submission of applications from interested parties and subject to their acceptance by the Commission operators who can demonstrate the genuine nature of their business and who apply for quantities of some significance should be granted access to the second part of the quota i.e. 10 600 tonnes; whereas the genuine nature of their business should be demonstrated through the presentation of proofs of a certain size of trade in beef and veal with countries which were third countries on the day of import or export in question;

Whereas exports of beef from the United Kingdom have been seriously hit by the BSE-discussions, in particular since the end of March 1996; whereas in the establishment of performance criteria for the 10 600 tonnes

account should be taken of the export situation in the United Kingdom;

Whereas verification of the abovementioned criteria requires that applications be submitted in the Member State in which the importer is entered into the value-added tax register;

Whereas operators no longer engaged in trade in beef and veal at 1 April 1997 should be barred access to the quota in order to prevent speculation;

Whereas subject to the provisions of this Regulation, Commission Regulations (EEC) No 3719/88, laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products⁽²⁾, as last amended by Regulation (EC) No 495/97⁽³⁾, and (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽⁴⁾, as last amended by Regulation (EC) No 266/97⁽⁵⁾, shall apply to import licences issued under this Regulation;

Whereas the effective management of this quota and in particular the prevention of fraud requires that the licences used are returned to the competent authorities in order that they may verify that the quantities shown therein are correct; whereas, to that end, an obligation should be imposed on the competent authorities to carry out such verification; whereas the amount of the security to be lodged on the issue of the licences should be fixed in such a way as to ensure that the licences are used and returned to the competent authorities;

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

1. A tariff quota for frozen meat of bovine animals falling within CN code 0202 and for products falling

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽³⁾ OJ No L 77, 19. 3. 1997, p. 12.

⁽⁴⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁵⁾ OJ No L 45, 15. 2. 1997, p. 1.

⁽¹⁾ OJ No L 146, 20. 6. 1996, p. 1.

within CN code 0206 29 91, of 53 000 tonnes, expressed in weight of boneless meat, is hereby opened for the period from 1 July 1997 to 30 June 1998.

The tariff quota carries the serial No 09.4003.

For the purpose of counting against the said quota, 100 kilograms of bone-in meat shall be equivalent to 77 kilograms of boneless meat.

2. For the purposes of this Regulation, meat which is frozen with an internal temperature of -12°C or lower when it enters the customs territory of the Community shall be deemed frozen meat.

3. The common customs tariff duty applicable to the quota referred to in paragraph 1 shall be 20 % *ad valorem*.

Article 2

1. The quota referred to in Article 1 shall be divided into two parts as follows:

(a) the first, equal to 80 % or 42 400 tonnes, shall be apportioned between:

— importers from the Community as constituted on 31 December 1994 in proportion to the quantities imported by them under Commission Regulations (EC) No 214/94⁽¹⁾, (EC) No 3305/94⁽²⁾, (EC) No 1151/95⁽³⁾ and (EC) No 1141/96⁽⁴⁾ before 1 April 1997, and

— importers from the new Member States in proportion to the quantities of products falling within CN code 0202 and 0202 29 91 imported by them into their country of registration in the sense of Article 4 (1) during the period 16 March 1994 to 31 December 1994 from countries which for them were third countries on 31 December 1994, multiplied by 0,54, plus quantities imported under Regulations (EC) No 3305/94, (EC) No 1151/95 and (EC) No 1141/96 before 1 April 1997;

(b) the second, equal to 20 % or 10 600 tonnes, shall be apportioned between operators who can prove that they have conducted trade, involving a minimum quantity and for a certain period, with countries which were third countries for them on the day of export or import respectively, in beef and veal other than the quantities taken into consideration under (a) and excluding meat which is the subject of inward or outward-processing arrangements.

2. For the purposes of applying paragraph 1 (b) the quantity of 10 600 tonnes shall be allocated to operators who can furnish proof of having:

— imported at least 160 tonnes of beef in the period 1 April 1995 to 31 March 1997 other than the quantities imported under Regulations (EC) No 3305/94, (EC) No 1151/95 and (EC) No 1141/96, or

— exported at least 300 tonnes of beef in the same period.

For this purpose 'beef' means products falling within CN codes 0201, 0202 and 0206 29 91, and the minimum reference quantities shall be expressed in terms of product weight.

By way of derogation from the second indent, the export period for operators established and entered into the value added tax register in the United Kingdom since 1 April 1996 shall be 1 April 1994 to 31 March 1996.

3. The 10 600 tonnes referred to in paragraph 2 shall be allocated in proportion to the quantities applied for by eligible operators.

4. Proof of import and export shall be solely by means of customs documents of release for free circulation or export documents. However, with the Commission's authorization, the new Member States may, if appropriate, accept alternative forms of proof.

Member States may accept copies of the abovementioned documents duly certified by the competent authorities.

Article 3

1. Operators who are no longer engaged in trade in beef and veal on 1 April 1997 shall not qualify under the arrangements provided for in this Regulation.

2. Companies arising from mergers where each part has rights pursuant to Article 2 (1) (a) shall enjoy the same rights as the companies from which they are formed.

Article 4

1. Before 20 June 1997 applications for import rights shall be submitted together with the proof referred to in Article 2 (4) to the competent authority in the Member State in which the applicant is entered into the value-added tax register. Where an applicant under each of the arrangements referred to in Article 2 (1) (a) and Article 2 (1) (b) submits more than one application, all such applications shall be inadmissible.

Applications pursuant to Article 2 (1) (b) shall relate to a quantity of no more than 50 tonnes of frozen boneless meat.

2. After verification of the documents submitted, Member States shall forward to the Commission before 12 July 1997:

⁽¹⁾ OJ No L 27, 1. 2. 1994, p. 46.

⁽²⁾ OJ No L 341, 30. 12. 1994, p. 49.

⁽³⁾ OJ No L 116, 23. 5. 1995, p. 15.

⁽⁴⁾ OJ No L 151, 26. 6. 1996, p. 9.

- in respect of the arrangements pursuant to Article 2 (1) (a) a list of eligible importers containing in particular their names and addresses and the quantities of eligible meat imported,
- in respect of the arrangements pursuant to Article 2 (1) (b) a list of applicants containing in particular their names and addresses and the quantities applied for.

Article 5

1. The Commission shall decide as soon as possible to what extent applications may be accepted.
2. Where the quantities subject to applications for import rights exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

Article 6

1. Import of the quantity allocated shall be subject to presentation of one or more import licences.
2. Licence applications may be lodged solely in the Member State in which the applicant has applied for import rights.
3. Following decisions on allocation by the Commission in accordance with Article 5, import licences shall be issued on application and in the names of the operators who have obtained rights to import.
4. Licence applications and licences shall contain:
 - (a) one of the following indications, in Section 20:
 - Carne de vacuno congelada [Reglamento (CE) n° 1042/97]
 - Frosset oksekød (forordning (EF) nr. 1042/97)
 - Gefrorenes Rindfleisch (Verordnung (EG) Nr. 1042/97)
 - Κατεψυγμένο βόειο κρέας [Κανονισμός (ΕΚ) αριθ. 1042/97]
 - Frozen meat of bovine animals (Regulation (EC) No 1042/97)
 - Viande bovine congelée [Règlement (CE) n° 1042/97]
 - Carni bovine congelate [Regolamento (CE) n. 1042/97]
 - Bevoren rundvlees (Verordening (EG) nr. 1042/97)
 - Carne de bovino congelada [Reglamento (CE) n° 1042/97]
 - Jäädetyttyä naudanlihaa (asetus (EY) N:o 1042/97)
 - Fryst kött av nötkreatur (förordning (EG) nr 1042/97);

(b) the country of origin, in Section 8;

(c) one of the following groups of subheadings of the combined nomenclature, in Section 16:

- 0202 10 00, 0202 20,
- 0202 30, 0206 29 91.

Article 7

For the purpose of applying the arrangements provided for in this Regulation imports of frozen meat into the customs territory of the Community shall be subject to the conditions laid down in Article 17 (2) (f) of Council Directive 72/462/EEC⁽¹⁾.

Article 8

1. The provisions of Regulation (EEC) No 3719/88 and (EC) No 1445/95 shall apply, subject to the provisions of this Regulation.
2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the full Common Customs Tariff duty applicable on the day of release for free circulation shall be charged on all quantities exceeding those indicated on the import licence.
3. Import licences issued pursuant to this Regulation shall be valid for 90 days from their day of issue. However, no licences shall be valid after 30 June 1998.
4. The security relating to the import licences shall be ECU 35 per 100 kilogram net weight. It shall be lodged together with the application for licence.

The second subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88 shall not apply.

5. Notwithstanding Article 33 (3) (b) (ii) of Regulation (EEC) No 3719/88, the maximum time limit for production of proof of importation entailing forfeit of only 15 % of the security shall be four months.
6. Where an import licence is returned with a view to the release of the security, the competent authorities shall verify that the quantities shown on the licence are the same as those shown on the licence at the time of issue. Where a licence is not returned, Member States shall carry out an investigation in order to establish who has used it and to what extent. Member States shall inform the Commission at the earliest opportunity of the results of such investigation.

Article 9

1. Not later than three weeks after importation of the products covered by this Regulation, importers shall inform the competent authority which issued the import licence of the quantity and origin of the products imported. The competent authority shall transmit this information to the Commission at the beginning of each month.
2. Not later than four months after each half of the import year the competent authority in question shall notify the Commission of the quantity of products referred to in Article 1 for which import licences issued under this Regulation have been used during the six month period in question.

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

Article 10

1. When applying for import licences, importers must lodge a security of ECU 1 per 100 kilograms to ensure the importer transmits to the competent authority the information referred to in Article 9 (1) of this Regulation.

2. That security shall be released if the information is transmitted to the competent authority within the time

limit referred to in Article 9 (1) for the quantity covered by the information. Otherwise the security shall be forfeit.

The decision to release this security shall be taken at the same time as the decision to release the licence security.

Article 11

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, 10 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1043/97

of 10 June 1997

derogating from certain provisions of Regulation (EEC) No 1725/79 as regards the monitoring of certain products in skimmed-milk powder utilized

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1587/96 ⁽²⁾, and in particular Article 10 ⁽³⁾ thereof,

Whereas Commission Regulation (EEC) No 1725/79 of 26 July 1979 on the rules for granting aid to skimmed milk processed into compound feedingstuffs and skimmed-milk powder intended for feed for calves ⁽³⁾, as last amended by Regulation (EC) No 83/96 ⁽⁴⁾, specifies certain products the presence of which in skimmed-milk powder as such or in the form of a mixture rules out the granting of aid in order to exclude skimmed-milk powder which has been the subject of a price reduction or aid pursuant to the following measures from qualifying therefor:

- Commission Regulation (EEC) No 368/77 of 23 February 1977 on the sale by tender of skimmed-milk powder for use in feed for pigs and poultry ⁽⁵⁾, as last amended by Regulation (EC) No 1802/95 ⁽⁶⁾,
- Commission Regulation (EEC) No 443/77 of 2 March 1977 on the sale at a fixed price of skimmed milk for use in feed for pigs and poultry and amending Regulations (EEC) No 1687/76 and (EEC) No 368/77 ⁽⁷⁾, as last amended by Regulation (EC) No 1802/95,
- Commission Regulation (EEC) No 1844/77 of 10 August 1977 on the granting by tender of special aid for skimmed-milk powder intended as feed for animals other than young calves ⁽⁸⁾, as amended by Regulation (EEC) No 1756/93 ⁽⁹⁾;

Whereas the application of Regulation (EEC) No 1844/77 has been suspended since August 1985; whereas in addi-

tion sales under Regulations (EEC) No 368/77 and (EEC) No 443/77 were discontinued some time ago; whereas it therefore appears possible provisionally to discontinue monitoring the presence of the products in question in skimmed-milk powder denatured or processed into compound feedingstuffs pursuant to Regulation (EEC) No 1725/79;

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

1. From the date of entry into force of this Regulation, the following provisions of Regulation (EEC) No 1725/79 shall not apply:

- (a) Article 4 (1) (d); and
- (b) the last subparagraph of Article 10 (2) (a) as regards crushed cereals, crushed oilcake, crushed oilcake and/or meal of dried and defatted rapeseed, hay meal and/or straw meal and other products of plant origin intended for use as animal feed.

2. During the period referred to in paragraph 1, the following sections of the reports in the Annexes to Regulation (EEC) No 1725/79 shall not be completed:

- (a) in the analysis report in Annex I:
 - the sections relating to A (2) (b), (f), (g), (h) and (i);
- (b) in the inspection report in Annex II:
 - the section relating to B (1).

Article 2

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 199, 7. 8. 1979, p. 1.

⁽⁴⁾ OJ No L 17, 23. 1. 1996, p. 3.

⁽⁵⁾ OJ No L 52, 24. 2. 1977, p. 19.

⁽⁶⁾ OJ No L 174, 26. 7. 1995, p. 27.

⁽⁷⁾ OJ No L 58, 3. 3. 1977, p. 16.

⁽⁸⁾ OJ No L 205, 11. 8. 1977, p. 11.

⁽⁹⁾ OJ No L 161, 2. 7. 1993, p. 48.

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

Done at Brussels, 10 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1044/97
of 10 June 1997

amending Regulation (EC) No 2498/96 establishing Community tariff quotas for 1997 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204 and derogating from Regulation (EC) No 1439/95 laying down detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the import and export of products in the sheepmeat and goatmeat sector

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

Having regard to Council Regulation (EC) No 3383/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽¹⁾, and in particular Article 1 thereof,

Whereas Annex XIII a to the Europe Agreement with Bulgaria⁽²⁾ lays down the quantities of sheep, goats, sheepmeat and goatmeat that may be imported under the preferential scheme within tariff quotas; whereas those quotas were opened for 1997 by Regulation (EC) No 2498/96⁽³⁾;

Whereas the Europe Agreement also provides for the possibility of Bulgaria converting limited quantities of live animal exports into quantities of meat; whereas Bulgaria has asked the Community to convert 1 000 tonnes of live animals expressed as carcase weight bone-in that may be exported into the Community in 1997 into 1 000 tonnes of meat; whereas this conversion concerns only a limited portion of the quantities of those products originating in Bulgaria that may enter the Community under Com-

munity tariff quotas; whereas, therefore, it should be accepted;

Whereas, as a result, it is necessary to adapt the quantities laid down for Bulgaria in Annex II to Regulation (EC) No 2498/96;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EC) No 2498/96, the quantity of live animals for Bulgaria is hereby replaced by '2 123' and the quantity of meat for Bulgaria is replaced by '2 890'.

Article 2

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

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

Done at Brussels, 10 June 1997.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 368, 31. 12. 1994, p. 5.

⁽²⁾ OJ No L 358, 31. 12. 1994, p. 3.

⁽³⁾ OJ No L 338, 28. 12. 1996, p. 53.

COMMISSION REGULATION (EC) No 1045/97

of 10 June 1997

on the issuing of export licences for products processed from fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables other than those granted for added sugars⁽¹⁾, as last amended by Regulation (EC) No 1007/97⁽²⁾, and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EC) No 315/97⁽³⁾, as amended by Regulation (EC) No 492/97⁽⁴⁾, specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

Whereas Article 4 of Regulation (EC) No 1429/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted;

Whereas, in view of the information available to the Commission as of today, the quantity of 395,170 tonnes of orange juice with a sugar content of not less than 55° Brix, in the Annex to Regulation (EC) No 315/97, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1429/95, would be

exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 6 June 1997; whereas a reducing factor should accordingly be applied to the quantities applied for on 6 June 1997, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for orange juice with a sugar content of not less than 55° Brix, for which applications have been submitted on 6 June 1997 pursuant to Article 1 of Regulation (EC) No 315/97 shall be issued for 61,69 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above product submitted after 6 June 1997 and before 24 June 1997 shall be rejected.

Article 2

This Regulation shall enter into force on 11 June 1997.

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

Done at Brussels, 10 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ No L 141, 24. 6. 1995, p. 28.

(2) OJ No L 145, 5. 6. 1997, p. 16.

(3) OJ No L 51, 21. 2. 1997, p. 37.

(4) OJ No L 77, 19. 3. 1997, p. 1.

COMMISSION REGULATION (EC) No 1046/97

of 10 June 1997

establishing the standard import values for determining the entry price of certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 June 1997.

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

Done at Brussels, 10 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 10 June 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0709 90 77	052	79,3
	999	79,3
0805 30 30	388	79,1
	528	56,3
	999	67,7
0808 10 61, 0808 10 63, 0808 10 69	060	49,9
	388	87,6
	400	72,9
	404	112,5
	508	87,1
	512	67,0
	524	78,8
	528	71,3
	804	97,9
	999	80,6
	0809 10 20	400
999		278,4
0809 20 49	052	213,7
	064	213,6
	400	217,2
	999	214,8

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

**DECISION No 1047/97/EC OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

of 29 May 1997

amending Decision No 1254/96/EC laying down a series of guidelines for trans-European energy networks

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the first paragraph of Article 129d thereof,

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

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

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽⁴⁾,

Whereas the list of projects of common interest needs to be updated periodically in line with developments in interconnected energy networks both inside and outside the European Community and in the light of the process of enlargement and, more generally, the strengthening of energy links with third countries,

HAVE ADOPTED THIS DECISION:

Article 1

The projects listed in the Annex to this Decision shall added to the indicative list of projects of common interest

contained in the Annex to Decision No 1254/96/EC of the European Parliament and of the Council of 5 June 1996 laying down a series of guidelines for trans-European energy networks ⁽⁵⁾.

Article 2

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

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 May 1997

*For the European
Parliament
The President
J.M. GIL-ROBLES*

*For the Council
The President
A. JORRITSMA LEBBINK*

⁽¹⁾ OJ No C 298, 9. 10. 1996, p. 10.

⁽²⁾ OJ No C 30, 30. 1. 1997, p. 114.

⁽³⁾ OJ No C 116, 14. 4. 1997, p. 96.

⁽⁴⁾ Opinion of the European Parliament of 12 November 1996 (OJ No C 362, 2. 12. 1996, p. 29), Council common position (EC) No 13/97 of 27 January 1997 (OJ No C 111, 9. 4. 1997, p. 84) and Decision of the European Parliament of 12 March 1997 (OJ No C 115, 14. 4. 1997). Council Decision of 17 April 1997.

⁽⁵⁾ OJ No L 161, 29. 6. 1996, p. 147.

ANNEX

TRANS-EUROPEAN ENERGY NETWORKS

Projects to be added⁽¹⁾ to the indicative list of projects of common interest annexed to Decision No 1254/96/EC

ELECTRICITY NETWORKS

(a) Connection of isolated electricity networks to European interconnected networks

- a 7 *United Kingdom:* connection by submarine cable of the Isle of Man;

(b) Development of interconnections between Member States

- b 5 *France — Germany:* strengthening of the connections between the two countries;
- b 10 (a) *Spain — Portugal:* new connection between the two countries through the southern region of Portugal and the south-west of Spain;
- b 13 *Ireland — United Kingdom (Northern Ireland):* strengthening of connections between Ireland and Northern Ireland;
- b 14 *Austria — Germany:* strengthening of the connections between the two countries;
- b 15 *Netherlands — United Kingdom:* connection by submarine cable between south-east England and central Netherlands;

(c) Development of internal connections necessary to make the best use of interconnections between Member States

- c 5 (a) *Italy:* strengthening and development of connections on the east-west axis in the north-west of the country and on the north-south axis in the centre of the country;
- c 9 *Ireland:* strengthening of connections in the north-west of the country;
- c 10 *Spain:* strengthening and development of connections in the north-east and west of the country, in particular to connect to the network production capacities for electricity generated from wind-power;
- c 11 *Sweden:* strengthening and development of internal connections;
- c 12 *Germany:* development of connections in the north of the country;

(d) Development of interconnections with third countries in Europe and the Mediterranean region helping to improve the reliability, security and supply of Community electricity networks

- d 2 *Germany — Poland:* strengthening of the connections between the two countries;
- d 8 *Greece — Balkan States:* strengthening of connections between Greece and, respectively, Albania, Bulgaria and former Yugoslavia, including the restoration of the connections with the north of the former Yugoslavia and the UCPTTE network;
- d 10 *United Kingdom — Norway:* connection by submarine cable between north-east/east England and southern Norway (Nordel);
- d 15 *Sweden — Norway:* strengthening of the connections between the two countries;
- d 16 *EU — Belarus — Russia — Ukraine:* development of connections and interface between the (extended) UCPTTE network and the networks of third countries in Eastern Europe, including the relocation of the HVDC⁽²⁾ conversion stations operating previously between Austria and Hungary, Austria and the Czech Republic and Germany and the Czech Republic.

⁽¹⁾ This Decision is without prejudice to the assessment of the environmental impact of the projects.

⁽²⁾ HVDC: high voltage direct current.

GAS NETWORKS

(e) Introduction of natural gas into new regions

e 5 (a) *Portugal:* construction of an LNG terminal on the Atlantic coast;

(f) Connection of isolated gas networks to the interconnected European networks, including the necessary improvement of the existing networks, and connection of separate natural gas networks

f 5 *France — Spain:* strengthening of transport capacity between the two countries;

f 7 *France:* connection of the networks of the south-west and of the south of the country;

f 8 *Austria — Germany:* strengthening of transport capacity between Austria and Bavaria;

f 9 *Austria — Hungary:* connection between the networks of the two countries;

f 10 *Austria — Slovakia:* connection of Austria to underground storage capacity in Slovakia;

f 11 *Austria:* connection between gas pipelines linking Austria to, respectively, Germany and Italy;

f 12 *Greece — Albania:* connection between the networks of the two countries;

(g) Increasing reception (LNG) and storage capacity necessary to satisfy demand, and diversification of supply sources and routes for natural gas

g 7 *France:* extension of underground storage capacity in the south-west of the country;

g 8 (a) *Spain:* development of underground storage capacity on the Mediterranean axis;

g 13 *Austria:* extension and development of underground storage capacity;

(h) Increasing transmission capacity (gas delivery pipelines) necessary to meet demand and diversification of supply sources and routes for natural gas

h 1 *Norway — France:* construction of a fourth gas pipeline from Norwegian resources (North Sea) to the Continent;

h 3 *Norway — Denmark — Sweden — Finland — Russia — Baltic States:* creation and development of connections between the networks of these countries with a view to setting up an integrated gas network;

h 13 *Germany — Czech Republic — Austria — Italy:* construction of a system of connecting pipelines between the German, Czech, Austrian and Italian gas networks;

h 14 *Russia — Ukraine — Slovakia — Hungary — Slovenia — Italy:* construction of a new gas pipeline from Russian resources to Italy.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 27 May 1997

concerning the conclusion of an Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks

(97/361/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof, in conjunction with the first sentence of Article 228 (2),

Having regard to the proposal from the Commission,

Whereas the conclusion of the Agreement negotiated between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks will facilitate the improvement of the conditions for the marketing of spirit drinks on the respective markets of the European Community and the United Mexican States, in accordance with the principles of equality, mutual benefit and reciprocity; whereas it is therefore desirable to approve the said Agreement;

Whereas, in order to facilitate the implementation of certain provisions of the Agreement, the Commission should be authorized to make the necessary technical adjustments in accordance with the procedure laid down in Article 15 of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks⁽¹⁾,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks and the Exchange of Letters relating thereto are hereby approved on behalf of the European Community.

The texts of the instruments referred to in the first paragraph are attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the persons empowered to sign the Agreement.

Article 3

The President of the Council shall make the notification provided for in Article 22(1) of the Agreement⁽²⁾.

Article 4

For the purposes of Article 18 of the Agreement, the Commission is hereby authorized to conclude the necessary acts amending the Agreement, in accordance with the procedure laid down in Article 15 of Regulation (EEC) No 1576/89.

Article 5

The Commission, assisted by the representatives of the Member States, shall represent the Community in the Joint Committee referred to in Article 17 of the Agreement.

Article 6

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

Done at Brussels, 27 May 1997.

For the Council

The President

W. SORGDRAGER

⁽¹⁾ OJ No L 160, 12. 6. 1989, p. 1. Regulation as last amended by Regulation (EC) No 3378/94 (OJ No L 366, 31. 12. 1994, p. 1).

⁽²⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Communities*.

AGREEMENT

between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks

THE EUROPEAN COMMUNITY, hereinafter called 'the Community',

of the one part, and

THE UNITED MEXICAN STATES,

of the other part,

hereinafter called 'the Contracting Parties',

DESIROUS of improving the conditions for the marketing of spirit drinks on their respective markets, in accordance with the principles of equality, mutual benefit and reciprocity,

HAVE AGREED AS FOLLOWS:

Article 1

The Contracting Parties agree, on the basis of non-discrimination and reciprocity, to facilitate and promote trade between them in spirit drinks.

Article 2

This Agreement shall apply to products falling within code 2208 of the International Convention on the Harmonized Commodity Description and Coding System.

For the purposes of this Agreement:

- (a) 'spirit drink originating in' shall mean, when followed by the name of one of the Contracting Parties, a spirit drink listed in the Annex and made on the territory of that Contracting Party;
- (b) 'description' shall mean the names used on the labelling, on the documents accompanying the transport of the spirit drinks, on the commercial documents, particularly the invoices and delivery notices, and in advertising;
- (c) 'labelling' shall mean all the descriptions and other references, signs, designs or trade marks which distinguish the spirit drinks and which appear on the same container, including the sealing device or the tag attached to the container and the sheathing covering the neck of the bottles;
- (d) 'presentation' shall mean the names used on the containers, including the closure, on the labelling and on the packaging;
- (e) 'packaging' shall mean the protective wrappings such as papers, straw envelopes of all kinds, cartons and cases, used in the transport of one or more containers.

Article 3

The following designations are protected:

- (a) as regards spirit drinks originating in the Community, the designations listed in Annex I;
- (b) as regards spirit drinks originating in the United Mexican States, the designations listed in Annex II.

Article 4

1. In the United Mexican States, the protected Community names:

- may not be used otherwise than under the conditions laid down in the laws and regulations of the Community, and
- are reserved exclusively to the spirits originating in the Community to which they apply.

2. In the Community, the protected Mexican names:

- may not be used otherwise than under the conditions laid down in the laws and regulations of the United Mexican States, and
- are reserved exclusively to the spirits originating in the United Mexican States to which they apply.

3. Without prejudice to Articles 22 and 23 of the Agreement on Trade-Related Aspects of Intellectual Property Rights set out in Annex 1 C of the Agreement establishing the World Trade Organization, the Contracting Parties shall take all the necessary measures, in accordance with this Agreement, to ensure reciprocal protection of the designations referred to in Article 3 and used to refer to spirit drinks originating in the territory of the Contracting Parties. Each Contracting Party shall provide the interested parties with the legal means of preventing the uses of a designation to designate spirit drinks not originating in the place indicated by the designation in question or in the place where the designation in question is traditionally used.

4. The Contracting Parties will not deny the protection provided for by this Article in the circumstances specified in paragraphs 4, 5, 6 and 7 of Article 24 of the Agreement on Trade-Related Aspects of Intellectual Property Rights.

Article 5

The protection afforded by Article 4 shall also apply even where the true origin of the spirit drink is indicated or the designation is used in translation or accompanied by terms such as 'kind', 'type', 'style', 'way', 'imitation', 'method' or other analogous expressions, including graphic symbols which may lead to confusion.

Article 6

In the case of homonymous designations for spirit drinks, protection shall be accorded to each designation. The Contracting Parties will lay down the practical conditions under which the homonymous designations in question will be differentiated, taking into account the need to treat the producers concerned fairly and to avoid misleading the consumer.

Article 7

The provisions of this Agreement shall in no way prejudice the right of any person to use, in the course of trade, their name or the name of their predecessor in a business, provided that such name is not used in such a manner as to mislead consumers.

Article 8

Nothing in this Agreement shall oblige a Contracting Party to protect a designation of the other Contracting Party which is not protected or ceases to be protected in its country of origin or which has fallen into disuse in that country.

Article 9

The Contracting Parties shall take all measures necessary to ensure that, in cases where spirit drinks originating in the Contracting Parties are exported and marketed outside their territory, the protected names of one Contracting Party referred to in this Agreement are not used to designate and present spirit drinks originating in the other Contracting Party.

Article 10

To the extent that the relevant legislation of the Contracting Parties allows, the benefit of the protection given by this Agreement shall be extended to natural and legal persons and to federations, associations and organizations

of producers, traders or consumers whose headquarters are in the other Contracting Party.

Article 11

If the description or presentation of a spirit drink, particularly on the label or in the official or commercial documents or in advertising, is in breach of this Agreement, the Contracting Parties shall apply administrative measures or initiate legal proceedings as appropriate in order to combat unfair competition or prevent any other form of wrongful use of the protected name.

Article 12

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

Article 13

This Agreement shall not apply to spirit drinks:

- (a) which are in transit through the territory of one of the Contracting Parties; or
- (b) which originate in the territory of one of the Contracting Parties and are consigned in small quantities between them.

The following shall be considered to be small quantities:

- (a) quantities of spirit drinks not exceeding 10 litres per traveller contained in traveller's personal baggage;
- (b) quantities of spirit drinks not exceeding 10 litres forming part of consignments from one individual to another;
- (c) spirit drinks forming part of the household effects of individuals moving house;
- (d) up to one hectolitre of spirit drinks imported for conducting scientific and technical experiments;
- (e) spirit drinks imported as part of the duty-free allowances of diplomatic missions, consular posts and assimilated bodies;
- (f) spirit drinks which form part of the supplies carried on board international means of transport.

Article 14

1. The Contracting Parties shall each designate the bodies to be responsible for the enforcement of this Agreement.

2. The Contracting Parties shall inform one another of the names and addresses of the said bodies not later than two months after this Agreement comes into force. There shall be close and direct cooperation between the said bodies.

Article 15

1. If one of the bodies referred to in Article 14 has reason to suspect that:

- (a) a spirit drink as defined in Article 2, being or having been traded between the United Mexican States and the Community, does not comply with this Agreement or Community or Mexican legislation applicable to spirit drinks; and
- (b) this non-compliance is of particular interest to the other Contracting Party and could result in administrative measures or legal proceedings being taken,

that body shall immediately inform the Commission and the relevant body or bodies of the other Contracting Party.

2. The information to be provided in accordance with paragraph 1 shall be accompanied by official, commercial or other appropriate documents, as well as an indication of what administrative measures or legal proceedings may, if necessary, be taken. The information shall include, in particular, the following details of the spirit drink concerned:

- (a) the producer and the person who stocks the spirit drink;
- (b) the composition of that drink;
- (c) the description and presentation; and
- (d) details of the non-compliance with the rules concerning production and marketing.

Article 16

1. The Contracting Parties shall enter into consultations if one of them considers that the other has failed to fulfil an obligation under this Agreement.

2. The Contracting Party which requests the consultations shall provide the other Party with the information necessary for a detailed examination of the case in question.

3. In cases where any delay could endanger human health or impair the effectiveness of measures to control fraud, interim protective measures may be taken, without prior consultation, provided that consultations are held immediately after the taking of these measures.

4. If, following the consultations provided for in paragraphs 1 and 3, the Contracting Parties have not reached agreement, the Party which requested the consultations or took the measures referred to in paragraph 3 may take appropriate protective measures so as to permit the proper application of this Agreement.

Article 17

A Joint Committee shall be established, consisting of representatives of the Community and of the United Mexican States. It shall meet at the request of one of the Contracting Parties and in accordance with the require-

ments for implementing the Agreement alternately in the Community and the United Mexican States.

The Joint Committee shall ensure the proper functioning of this Agreement and shall examine all questions which may arise in implementing it. In particular, the Joint Committee may make recommendations which would contribute to the attainment of the objectives of this Agreement.

Article 18

1. The Contracting Parties may by mutual consent amend this Agreement in order to enhance the level of cooperation in the spirit drinks sector.

2. Where the legislation of one of the Contracting Parties is amended to protect designations other than those listed in the Annexes to this Agreement, these designations shall be included, within a reasonable length of time, following conclusion of the consultations.

Article 19

1. Spirit drinks which, at the time of entry into force of this Agreement, have been legally produced, designated and presented, but which are prohibited by this Agreement, may be marketed by wholesalers for a period of one year from the entry into force of the Agreement and by retailers until stocks are exhausted. From the entry into force of this Agreement spirit drinks included therein may no longer be produced outside the limits of their regions of origin.

2. Spirit drinks produced, designated and presented in accordance with this Agreement when they are marketed but whose description and presentation ceases to conform to this Agreement following an amendment thereto may be marketed until stocks are exhausted unless otherwise agreed by the Contracting Parties.

Article 20

The Annexes to this Agreement shall form an integral part thereof.

Article 21

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

Article 22

This Agreement shall enter into force on the first day of the second month after the date on which the Contracting Parties have notified each other in writing that their respective requirements for the entry into force of this Agreement have been complied with.

Either Contracting Party may terminate the Agreement by giving one year's written notice to the other Contracting Party.

Hecho en Bruselas, el veintisiete de mayo de mil novecientos noventa y siete.

Udfærdiget i Bruxelles den syvogtyvende maj nitten hundrede og syvoghalvfems.

Geschehen zu Brüssel am siebenundzwanzigsten Mai neunzehnhundertsiebenundneunzig.

Έγινε στις Βρυξέλλες, στις είκοσι επτά Μαΐου χίλια εννιακόσια ενενήντα επτά.

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

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

Fatto a Bruxelles, addì ventisette maggio millenovecentonovantasette.

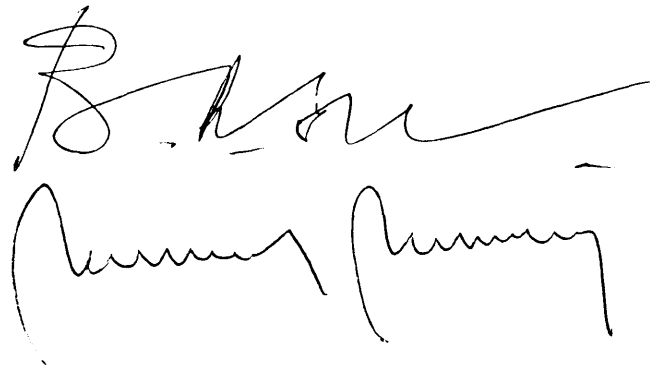
Gedaan te Brussel, de zevenentwintigste mei negentienhonderd zevenennegentig.

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

Tehty Brysselissä kahdentakymmenentenäseitsemäntenä päivänä toukokuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Som skedde i Bryssel den tjugosjunde maj nittonhundranittiosju.

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



Por el Gobierno de los Estados Unidos Mexicanos



ANNEX I

1. Rum	Rhum de la Martinique Rhum de la Guadeloupe Rhum de la Réunion Rhum de la Guyane (These designations may be supplemented by the indication 'traditional') Ron de Málaga Ron de Granada Rum da Madeira
2. (a) Whisky	Scotch Whisky Irish Whisky Whisky español (These designations may be supplemented by the indication 'malt' or 'grain')
(b) Whiskey	Irish Whiskey Uisce Beatha Eireannach/Irish Whiskey (These designations may be supplemented by the indication 'Pot Still')
3. Grain spirit	Eau-de-vie de seigle de marque nationale luxembourgeoise Korn Kornbrand
4. Wine spirit	Eau-de-vie de Cognac Eau-de-vie des Charentes Cognac (This designation may be supplemented by the following indications: — Fine — Grande Fine Champagne — Grande Champagne — Petite Fine Champagne — Fine Champagne — Borderies — Fins Bois — Bons Bois.) Fine Bordeaux Armagnac Bas-Armagnac Haut-Armagnac Ténarèse Eau-de-vie de vin de la Marne Eau-de-vie de vin originaire d'Aquitaine Eau-de-vie de vin de Bourgogne Eau-de-vie de vin originaire du Centre-Est Eau-de-vie de vin originaire de Franche-Comté Eau-de-vie de vin originaire du Bugey Eau-de-vie de vin de Savoie Eau-de-vie de vin originaire des Coteaux de la Loire Eau-de-vie de vin des Côtes-du-Rhône Eau-de-vie de vin originaire de Provence Faugères or Eau-de-vie de Faugères Eau-de-vie de vin originaire du Languedoc

4. Wine spirit (cont'd)	Aguardente do Minho Aguardente do Douro Aguardente da Beira Interior Aguardente da Bairrada Aguardente do Oeste Aguardente do Ribatejo Aguardente do Alentejo Aguardente do Algarve
5. Brandy	Brandy de Jerez Brandy del Penedés Brandy italiano Brandy Αττικής/Attica Brandy Brandy Πελοποννήσου/Peloponnese Brandy Brandy Κεντρικής Ελλάδας/Brandy from central Greece Deutscher Weinbrand Wachauer Weinbrand, Weinbrand Dürnstein
6. Grape marc spirit	Eau-de-vie de marc de Champagne or Marc de Champagne Eau-de-vie de marc originaire d'Aquitaine Eau-de-vie de marc de Bourgogne Eau-de-vie de marc originaire du Centre-Est Eau-de-vie de marc originaire de Franche-Comté Eau-de-vie de marc originaire du Bugey Eau-de-vie de marc originaire de Savoie Marc de Bourgogne Marc de Savoie Marc d'Auvergne Eau-de-vie de marc originaire des Coteaux de la Loire Eau-de-vie de marc des Côtes du Rhône Eau-de-vie de marc originaire de Provence Eau-de-vie de marc originaire du Languedoc Marc d'Alsace Gewürztraminer Marc de Lorraine Bagaceira do Minho Bagaceira do Douro Bagaceira da Beira Interior Bagaceira da Bairrada Bagaceira do Oeste Bagaceira do Ribatejo Bagaceira do Alentejo Bagaceira do Algarve Orujo gallego Grappa Grappa di Barolo Grappa piemontese or del Piemonte Grappa lombarda or di Lombardia Grappa trentina or del Trentino Grappa friulana or del Friuli Grappa veneta or del Veneto Südtiroler Grappa/Grappa dell'Alto Adige Τσικουδιά Κρήτης/Tsikoudia from Crete Τσίπουρο Μακεδονίας/Tsipouro from Macedonia Τσίπουρο Θεσσαλίας/Tsipouro from Thessaly Τσίπουρο Τυρνάβου/Tsipouro from Tyrnavos Eau-de-vie de marc de marque nationale luxembourgeoise

7. Fruit spirit	<p>Schwarzwälder Kirschwasser Schwarzwälder Himbeergeist Schwarzwälder Mirabellenwasser Schwarzwälder Williamsbirne Schwarzwälder Zwetschgenwasser Fränkisches Zwetschgenwasser Fränkisches Kirschwasser Fränkischer Obstler Mirabelle de Lorraine Kirsch d'Alsace Quetsch d'Alsace Framboise d'Alsace Mirabelle d'Alsace Kirsch de Fougerolles Südtiroler Williams/Williams dell'Alto Adige Südtiroler Aprikot or Südtiroler Marille/Aprikot dell'Alto Adige or Marille dell'Alto Adige Südtiroler Kirsch/Kirsch dell'Alto Adige Südtiroler Zwetschgeler/Zwetschgeler dell'Alto Adige Südtiroler Obstler/Obstler dell'Alto Adige Südtiroler Gravensteiner/Gravensteiner dell'Alto Adige Südtiroler Golden Delicious/Golden Delicious dell'Alto Adige Williams friulano or del Friuli Sliwovitz del Veneto Sliwovitz del Friuli-Venezia Giulia Sliwovitz del Trentino-Alto Adige Distillato di mele trentino or del Trentino Williams trentino or del Trentino Sliwovitz trentino or del Trentino Aprikot trentino or del Trentino Medronheira do Algarve Medronheira do Buçaco Kirsch or Kirschwasser friulano Kirsch or Kirschwasser trentino Kirsch or Kirschwasser veneto Aguardente de pêra da Lousã Eau-de-vie de pommes de marque nationale luxembourgeoise Eau-de-vie de poires de marque nationale luxembourgeoise Eau-de-vie de kirsch de marque nationale luxembourgeoise Eau-de-vie de quetsch de marque nationale luxembourgeoise Eau-de-vie de mirabelle de marque nationale luxembourgeoise Eau-de-vie de prunelles de marque nationale luxembourgeoise Wachauer Marillenbrand</p>
8. Cider spirit and perry spirit	<p>Calvados du Pays d'Auge Calvados Eau-de-vie de cidre de Bretagne Eau-de-vie de poiré de Bretagne Eau-de-vie de cidre de Normandie Eau-de-vie de poiré de Normandie Eau-de-vie de cidre du Maine Aguardiente de sidra de Asturias Eau-de-vie de poiré du Maine</p>

9. Gentian spirit	Bayerischer Gebirgsenzian Südtiroler Enzian/Genzians dell'Alto Adige Genziana trentina or del Trentino
10. Fruit spirit drinks	Pacharán Pacharán navarro
11. Juniper-flavoured spirit drinks	Ostfriesischer Korngenever Genièvre Flandres Artois Hasseltse jenever Balegemse jenever Péket de Wallonie Steinhäger Plymouth Gin Gin de Mahón
12. Caraway-flavoured spirit drinks	Dansk Akvavit/Dansk Aquavit Svensk Aquavit/Svensk Akvavit/Swedish Aquavit
13. Aniseed-flavoured spirit drinks	Anís español Évoca anisada Cazalla Chinchón Ojén Rute Ouzo/Oúζο
14. Liqueur	Berliner Kümmel Hamburger Kümmel Münchener Kümmel Chiemseer Klosterlikör Bayerischer Kräuterlikör Cassis de Dijon Cassis de Beaufort Irish Cream Palo de Mallorca Ginjinha portuguesa Licor de Singeverga Benediktbeurer Klosterlikör Ettaler Klosterlikör Ratafia de Champagne Ratafia catalana Anis portugués Finnish berry/fruit liqueur Großglockner Alpenbitter Mariazeller Magenlikör Mariazeller Jagasaftl Puchheimer Bitter Puchheimer Schloßgeist Steinfelder Magenbitter Wachauer Marillenlikör Jägertee, Jagertee, Jagatee

15. Spirit drinks	Pommeau de Bretagne Pommeau du Maine Pommeau de Normandie Svensk Punsch/Swedish Punch
16. Vodka	Svensk Vodka/Swedish Vodka Suomalainen Votka/Finsk Vodka/Vodka of Finland

ANNEX II

Agave spirit drink	TEQUILA: Protected, made and classified in accordance with the laws and regulations of the United Mexican States
Agave spirit drink	MEZCAL: Protected, made and classified in accordance with the laws and regulations of the United Mexican States

Exchange of Letters regarding the agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks

Letter No 1

Sir,

I have the honour to refer to the Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks.

In this connection, I wish to confirm the following:

Notwithstanding the provisions of Article 4 (2), the United Mexican States and the Community have agreed that the protection of the spirit drink 'Tequila' referred to in Annex II to the Agreement will not prevent the use in the Kingdom of Spain of the designation 'Tequila' during a transitional period of one year, as from the entry into force of the Agreement, provided that local producers undertake not to increase current output.

For the designated spirit drink 'Tequila' produced in Spain, the provisions set down in Article 19 (1), first sentence, of the Agreement shall take effect from the expiry of the transitional period of one year.

I should be obliged if you would confirm that the Government of the United Mexican States is in agreement with the contents of this letter.

Please accept Sir, the assurance of my highest consideration,

*For the Council
of the European Union*

Letter No 2

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to refer to the Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks.

In this connection, I wish to confirm the following:

Notwithstanding the provisions of Article 4 (2), the United Mexican States and the Community have agreed that the protection of the spirit drink "Tequila" referred to in Annex II to the Agreement will not prevent the use in the Kingdom of Spain of the designation "Tequila" during a transitional period of one year, as from the entry into force of the Agreement, provided that local producers undertake not to increase current output.

For the designated spirit drink "Tequila" produced in Spain, the provisions set down in Article 19 (1), first sentence, of the Agreement shall take effect from the expiry of the transitional period of one year.

I should be obliged if you would confirm that the Government of the United Mexican States is in agreement with the contents of this letter.'

I have the honour to confirm that my Government is in agreement with the contents of this letter.

Please accept, Sir, the assurance of my highest consideration,

*For the Government
of the United Mexican States*

Hecho en Bruselas, el veintisiete de mayo de mil novecientos noventa y siete.

Udfærdiget i Bruxelles den syvogtyvende maj nitten hundrede og syvoghalvfems.

Geschehen zu Brüssel am siebenundzwanzigsten Mai neunzehnhundertsiebenundneunzig.

Έγινε στις Βρυξέλλες, στις είκοσι επτά Μαΐου χίλια εννιακόσια ενενήντα επτά.

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

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

Fatto a Bruxelles, addì ventisette maggio millenovecentonovantasette.

Gedaan te Brussel, de zevenentwintigste mei negentienhonderd zevenennegentig.

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

Tehty Brysselissä kahdentenäkymmenentenäseitsemäntenä päivänä toukokuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäseitsemän.

Som skedde i Bryssel den tjugosjunde maj nittonhundranittiosju.

Por la Comunidad Europea

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Voor de Europese Gemeenschap

Pela Comunidade Europeia

Euroopan yhteisön puolesta

På Europeiska gemenskapens vägnar

Por el Gobierno de los Estados Unidos Mexicanos

COMMISSION

COMMISSION DECISION

of 21 May 1997

recognizing in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of carfentrazone-ethyl, fosthiazate and fluthiamide in Annex I to Council Directive 91/414/EEC concerning the placing of plant protection products on the market

(Text with EEA relevance)

(97/362/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽¹⁾, as last amended by Commission Directive 96/68/EC⁽²⁾, and in particular Article 6(3) thereof,

Whereas Directive 91/414/EEC has provided for the development of a Community list of active substances authorized for incorporation in plant protection products;

Whereas applicants have submitted dossiers for three active substances to Member States authorities in view of obtaining the inclusion of the active substances in Annex I to Directive 91/414/EEC;

Whereas a dossier for the active substance carfentrazone-ethyl was submitted by FMC Europe NV to the French authorities on 14 February 1996;

Whereas a dossier for the active substance fosthiazate was submitted by ISK Biosciences Division to the United Kingdom authorities on 5 March 1996;

Whereas a dossier for the active substance fluthiamide was submitted by Bayer SA to the French authorities on 1 February 1996;

Whereas the said authorities indicated to the Commission the results of a first examination of the completeness of the dossiers with regard to the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active

substance concerned, in Annex III to the Directive; whereas subsequently, in accordance with the provisions of Article 6(2), the dossiers were submitted by the applicants to the Commission and other Member States;

Whereas the dossiers for carfentrazone-ethyl, fosthiazate and fluthiamide were referred to the Standing Committee on Plant Health on 19 December 1996;

Whereas Article 6(3) of the Directive requires it to be confirmed at the level of the Community that each dossier is to be considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III to the Directive;

Whereas such confirmation is necessary in order to pursue the detailed examination of the dossier as well as in order to open to Member States the possibility of granting provisional authorization for plant protection products containing this active substance in due respect of the conditions laid down in Article 8(1) of the Directive, and in particular the condition to make a detailed assessment of the active substances and the plant protection products with regard to the requirements of the Directive;

Whereas such decision does not prejudice that further data or information may be requested from the applicant where it would appear during the detailed examination that such information or data are required for a decision to be taken;

Whereas it is understood by the Member States and the Commission that France will pursue the detailed examination for the dossiers for carfentrazone-ethyl and fluthiamide and that the United Kingdom will pursue the detailed examination for the dossier for fosthiazate;

⁽¹⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽²⁾ OJ No L 277, 30. 10. 1996, p. 25.

Whereas France and the United Kingdom will report the conclusions of their examinations accompanied by any recommendations on the inclusion or non-inclusion and any conditions related thereto, to the Commission as soon as possible and at the latest within a period of one year; whereas on receipt of these reports the detailed examination will be continued with the expertise from all Member States within the framework of the Standing Committee on Plant Health;

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

The following dossiers are considered as satisfying in principle the data and information requirements provided for in Annex II and, for a plant protection product containing the active substance concerned, in Annex III of the Directive:

1. the dossier submitted by FMC Europe NV to the Commission and the Member States with a view to the inclusion of carfentrazone-ethyl as active substance in

Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 19 December 1996;

2. the dossier submitted by ISK Biosciences Division to the Commission and the Member States with a view to the inclusion of fosthiazate as active substance in Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 19 December 1996;
3. the dossier submitted by Bayer SA to the Commission and the Member States with a view to the inclusion of fluthiamide as active substance in Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 19 December 1996.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 21 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 28 May 1997

amending certain decisions authorizing France to restrict the marketing of seed of certain varieties of agricultural plant species

(Only the French text is authentic)

(97/363/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/457/EEC of 29 September 1970 on the common catalogue of varieties of agricultural plant species⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 15 (2) and (3) thereof,

Whereas Commission Decisions 76/219/EEC⁽²⁾, 78/127/EEC⁽³⁾, 80/1360/EEC⁽⁴⁾, 82/948/EEC⁽⁵⁾ and 87/117/EEC⁽⁶⁾, authorized France to restrict, *inter alia*, the marketing of seed of certain varieties of maize;

Whereas, pursuant to Article 15 (1) of Directive 70/457/EEC, seed or propagating material of varieties of agricultural plant species which have been officially accepted in at least one of the Member States and which also meet the conditions laid down in Directive 70/457/EEC is, with effect from 31 December of the second year following that in which the varieties were accepted, no longer subject to any marketing restrictions relating to the variety in the Community;

Whereas, however, Article 15 (2) of Directive 70/457/EEC provides that, in the cases set out in Article 15 (3), a Member State may be authorized, upon application, to prohibit the marketing of seed and propagating material of certain varieties;

Whereas by the abovementioned Decisions the Commission has authorized France to prohibit, *inter alia*, the marketing of seed of certain varieties of maize with a FAO maturity class index of not less than 800, listed in the current common catalogue of agricultural plant species;

Whereas France has notified the Commission that it no longer wishes to avail itself of the said authorizations in respect of the said varieties of maize;

Whereas accordingly such authorizations in respect of the said varieties should be withdrawn;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

Article 1

The authorizations for France granted in the Decisions listed below are hereby withdrawn in respect of the varieties of maize (*Zea mays* L.) mentioned therein:

- 76/219/EEC,
- 78/127/EEC,
- 80/1360/EEC,
- 82/948/EEC,
- 87/117/EEC.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 28 May 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 225, 12. 10. 1970, p. 1.

⁽²⁾ OJ No L 46, 21. 2. 1976, p. 30.

⁽³⁾ OJ No L 41, 11. 2. 1978, p. 43.

⁽⁴⁾ OJ No L 384, 31. 12. 1980, p. 44.

⁽⁵⁾ OJ No L 383, 31. 12. 1982, p. 25.

⁽⁶⁾ OJ No L 49, 18. 2. 1987, p. 34.

CORRIGENDA

Corrigendum to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code

(Official Journal of the European Communities No L 302 of 19 October 1992)

On page 46 in the second subparagraph of Article 238 (2) (b):

for: '...or to be placed, for the purposes of their re-exportation, under the...';

read: '...or to be placed, with a view to re-export, under the...';

Corrigendum to Council Regulation (EC) No 1256/96 of 20 June 1996 applying multiannual schemes of generalized tariff preferences from 1 July 1996 to 30 June 1999 in respect of certain agricultural products originating in developing countries

(Official Journal of the European Communities No L 160 of 29 June 1996)

On page 5, Article 8 (2), line 3:

for: '... international forums...';

read: '... international fora...';

On page 6, Article 13, line 1:

for: 'Preferences shall normally be granted...';

read: 'Preferences shall be granted...';

On page 7, Article 15 (1), line 3:

for: '... rounded up or down...';

read: '... rounded down...';

On page 9:

for: 'ANNEX (1) (2)';

read: 'ANNEX I (1) (2)';

On page 32:

for: '2208 99 85';

read: '2008 99 85';

for: '2208 99 91';

read: '2008 99 91';

On page 41, ex 1604 20 90, indent:

for: '... and river lamprey';

read: '... and river lamprey, minced';

On page 53, part A of ANNEX III:

Insert '096 Former Yugoslav Republic of Macedonia';

On page 54:

Delete 'C: OTHER BENEFICIARIES' and '096 Former Yugoslav Republic of Macedonia';

On page 55:

for:

'Central American Common Market

416 Guatemala
424 Honduras
428 El Salvador
432 Nicaragua
436 Costa Rica
442 Panama',

read:

'Central American Common Market

416 Guatemala
424 Honduras
428 El Salvador
432 Nicaragua
436 Costa Rica

442 Panama';

On page 57, footnote (2):

for: '... for shrimps ...',

read: '... for shrimps and prawns...';

On page 63:

Footnote (*) shall be deleted, together with the reference thereto in the text.

Corrigendum to Council Regulation (EC) No 392/97 of 20 December 1996 allocating, for 1997, certain catch quotas between Member States for vessels fishing in the Norwegian exclusive economic zone and the fishing zone around Jan Mayen

(Official Journal of the European Communities No L 66 of 6 March 1997)

On page 59, in Annex I, against the entry for cod in the column headed 'Community catch quotas', first line:

for: '36 650',

read: '35 650'.
