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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 399/96
of 4 March 1996**

extending the suspension of the definitive anti-dumping duties imposed on imports of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan and in the Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 14(4) thereof,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

(1) The Council, by Regulation (EEC) No 2112/90⁽²⁾, imposed a definitive anti-dumping duty on imports into the Community of certain types of electronic microcircuits known as DRAMs (dynamic random access memories) originating in Japan and falling under:

— CN codes 8542 11 12, 8542 11 14, 8542 11 16 and 8542 11 18 for finished DRAMs,

— CN code 8542 11 01 for DRAM wafers, CN code ex 8542 11 05 for DRAM-dice or -chips,

and

— CN codes 8473 30 10 or ex 8548 00 00 for DRAM modules.

(2) By Regulation (EEC) No 611/93⁽³⁾, the Council imposed a definitive anti-dumping duty on imports into the Community of DRAMs originating in the Republic of Korea.

(3) The Commission, by Decision 95/197/EC of 8 June 1995⁽⁴⁾, suspended the definitive anti-dumping duties imposed on DRAMs originating in Japan and the Republic of Korea for a period of nine months on the grounds that the market situation for the product in question had temporarily changed to the extent that injurious dumping no longer prevailed and that, therefore, the measures could be suspended for this period.

(4) On 15 July 1995, the Commission initiated a review⁽⁵⁾ of the anti-dumping measures concerning DRAMs originating in Japan and the Republic of Korea, pursuant to Article 11(3) and (7) of Regulation (EC) No 3283/94 in order to investigate the need for the continued imposition of the measures. This review is at present pending.

(5) Based on the information available on the market situation, in particular the sales reports of the exporters concerned, the Commission has examined whether the conditions for extending the suspension of the anti-dumping duties are met. In particular, the statistical information available and the sales data which the Commission has obtained from the Community producers and all known Japanese and Korean exporters show that, as the end of the initial period of suspension of the measures approaches, the DRAM market in the Community is still stable, with demand outstripping supply. Sales prices are high and the financial performances of the Community industry is still favourable. It was found that, in general, the market conditions described in recital (3) of Decision 95/197/EC have prevailed. Market forecasts indicate that such a market situation will be sustained at least for 1996 and the first part of 1997.

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1. Regulation as last amended by Regulation (EC) No 1251/95 (OJ No L 122, 2. 6. 1995, p. 1).

⁽²⁾ OJ No L 193, 25. 7. 1990, p. 1. Regulation as last amended by Regulation (EEC) No 2967/92 (OJ No L 299, 15. 10. 1992, p. 4).

⁽³⁾ OJ No L 66, 18. 3. 1993, p. 1.

⁽⁴⁾ OJ No L 126, 9. 6. 1995, p. 58.

⁽⁵⁾ OJ No C 181, 15. 7. 1995, p. 13.

- (6) However, it is also considered that, in view of the cyclical nature of the DRAM market in the past, the current market situation might be followed by a market down-turn. This could result in a recurrence of injurious dumping and would again necessitate the application of anti-dumping measures. This consideration appears to be supported by the fact that significant additional production capacities have recently been established worldwide and in particular in Japan and the Republic of Korea, and that, in addition, further capacities will be established in the near future. It is reasonable to assume that this increase in worldwide production capacity might aggravate a possible future market down-turn.
- (7) In the light of the foregoing, it is considered appropriate to extend the suspension of the measures in question beyond the initial period of nine months, by a further period of one year, and it is considered unlikely that injurious dumping of DRAMs would recur on the Community market as a result of such extension.
- (8) Therefore, in accordance with the provisions of Article 14 (4) of Regulation (EC) No 3283/94, the Commission informed the complainant of its intention to propose to the Council that the suspension of the abovementioned anti-dumping duties be extended for a period of one year and has provided the complainant with an opportunity to comment. The complainant raised no objections in this regard.
- (9) In conclusion, it is considered that the requirements to extend the suspension of the duties concerned, pursuant to Article 14 (4) of Regulation (EC) No 3283/94, are met and that the suspension should therefore be extended for a period of one year.
- (10) The Commission will continue to monitor closely the development of the DRAM market and the behaviour of individual market participants, as it has done so during the initial period of suspension. Should a situation arise in which injury to the Community industry recurs, the Commission will propose that the Council reinstate the above anti-dumping duties without delay.
- (11) To this end, the obligation to submit reports on sales and prices pursuant to the undertakings will continue in order to enable the Commission to monitor the DRAM market. However, as previously stated, during the period of the extended suspension of the anti-dumping duties, the obligation to adhere to the minimum price provisions of these undertakings will be waived. The quarterly calculation and communication of such prices to these companies by the Commission will therefore be discontinued during this period.
- (12) The Advisory Committee was consulted on the suspension of the anti-dumping measures and raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

The suspension of the definitive anti-dumping duties imposed on imports of certain types of electronic micro-circuits known as DRAMs originating in Japan and the Republic of Korea by Regulations (EEC) No 2112/90 and (EEC) No 611/93 respectively is hereby extended for a period of one year.

Article 2

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

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

Done at Brussels, 4 March 1996.

For the Council

The President

P. BARATTA

COMMISSION REGULATION (EC) No 400/96

of 5 March 1996

fixing, for February 1996, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1101/95 ⁽²⁾,

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⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 July 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁵⁾, as last amended by Regulation (EC) No 2926/94 ⁽⁶⁾, and in particular Article 1 (3) thereof,

Whereas Article 1 (2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural

conversion rates applicable during the month of storage; whereas that specific rate must be fixed each month for the previous month;

Whereas application of these provisions will lead to the fixing, for February 1996, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for February 1996 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 6 March 1996.

It shall apply with effect from 1 February 1996.

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

Done at Brussels, 5 March 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 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 159, 1. 7. 1993, p. 94.

⁽⁶⁾ OJ No L 307, 1. 12. 1994, p. 56.

ANNEX

to the Commission Regulation of 5 March 1996 fixing, for February 1996, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates		
ECU 1 =	39,5239	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,90616	German marks
	311,761	Greek drachmas
	165,198	Spanish pesetas
	6,61023	French francs
	0,829498	Irish punt
	2 096,38	Italian lire
	2,14021	Dutch guilders
	13,4084	Austrian schillings
	198,202	Portuguese escudos
	5,88000	Finnish marks
	8,93762	Swedish kroner
	0,856563	Pound sterling

COMMISSION REGULATION (EC) No 401/96
of 5 March 1996

amending Regulation (EC) No 2659/94 on detailed rules for the granting of private aid for Grana Padano, Parmigiano-Reggiano and Provolone cheeses

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 products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2931/95 ⁽²⁾, and in particular Articles 9 (3) and 28 thereof,

Whereas Article 6 (1) of Commission Regulation (EC) No 2659/94 ⁽³⁾, as amended by Regulation (EC) No 907/95 ⁽⁴⁾, lays down the amounts of private storage aid for Grana Padano, Parmigiano-Reggiano and Provolone cheeses; whereas these amounts must be amended to take account of the trend in storage costs;

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 6 (1) of Regulation (EC) No 2659/94 is replaced by the following:

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

Done at Brussels, 5 March 1996.

'1. The amount of private storage aid for cheese shall be as follows:

- (a) ECU 100 per tonne for the fixed costs;
- (b) ECU 0,35 per tonne per day of storage under contract for the warehousing costs;
- (c) an amount for the financial costs in ecus per tonne per day of storage under contract, as follows:
 - 1,32 in the case of Grana Padano,
 - 1,58 in the case of Parmigiano-Reggiano,
 - 0,78 in the case of Provolone.'

Article 2

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

It shall apply to storage contracts concluded from the date of its entry into force.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽³⁾ OJ No L 284, 1. 11. 1994, p. 26.

⁽⁴⁾ OJ No L 93, 26. 4. 1995, p. 14.

COMMISSION REGULATION (EC) No 402/96

of 5 March 1996

laying down detailed rules for the granting of private storage aid for long-keeping cheeses

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 Commission Regulation (EC) No 2931/95 ⁽²⁾, and in particular Articles 9 (3) and 28 thereof,

Whereas Council Regulation (EEC) No 508/71 ⁽³⁾ provides that private storage aid may be granted for certain long-keeping cheeses where there is a serious imbalance of the market which may be eliminated or reduced by seasonal storage;

Whereas the seasonal nature of Emmental and Gruyère cheese production is aggravated by the fact that the seasonal trend in consumption of such cheeses is the opposite of their production; whereas, therefore, provision should be made for recourse to such storage in respect of a quantity corresponding to the difference between summer and winter production;

Whereas the detailed rules of this measure should determine the maximum quantity to benefit from it as well as the duration of the contracts in relation to the real requirements of the market and the keeping qualities of the cheeses in question; whereas it is necessary to specify the terms of the storage contract so as to enable the identification of the cheese and to maintain checks on the stock in respect of which aid is granted; whereas the aid should be fixed taking into account storage costs and the foreseeable trend of market prices;

Whereas, in view of experience in controls, the provisions relating thereto should be specified, in particular as regards the documents to be presented and the on-the-spot checks to be conducted; whereas these new requirements on the subject make it necessary to stipulate that the Member States may provide that the costs of controls be fully or in part charged to the contractor;

Whereas Article 1 (1) of Commission Regulation (EEC) No 1756/93 of 30 June 1993 fixing the operative events for the agricultural conversion rate applicable to milk and milk products ⁽⁴⁾, as last amended by Regulation (EC) No

315/96 ⁽⁵⁾, fixes the conversion rate to be applied in the framework of private storage aid schemes in the milk products sector;

Whereas it is appropriate to guarantee the continuation of the storage operations in question;

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

Aid shall be granted in respect of the private storage of 21 600 tonnes of Emmental and Gruyère cheeses manufactured in the Community which satisfy the requirements of Articles 2 and 3 hereof.

Article 2

1. The intervention agency may conclude storage contracts only if the following conditions are satisfied:

- (a) the batch of cheeses to which a contract relates must comprise at least five tonnes;
- (b) the cheeses shall be indelibly marked with an indication (which may take the form of a number) of the undertaking in which they were manufactured and of the day and month of manufacture;
- (c) the cheeses must have been manufactured at least 10 days before the date specified in the contract as being the date of commencement of storage;
- (d) the cheeses must have undergone quality tests which establish that their classification after maturing could be expected to be:
 - 'Premier choix' in France,
 - 'Markenkäse' or 'Klasse fein' in Germany,
 - 'Special grade' in Ireland,
 - 'I luokkka' in Finland,
 - '1. Güteklasse Emmentaler / Bergkäse / Alpkäse' in Austria,
 - 'Västerbotten' in Sweden;
- (e) the storer shall undertake:
 - to keep the cheese during the entire period of storage in premises where the maximum temperature is as indicated under paragraph 2,

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽³⁾ OJ No L 58, 11. 3. 1971, p. 1.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 48.

⁽⁵⁾ OJ No L 44, 22. 2. 1996, p. 12.

- not, during the term of the contract, to alter the composition of the batch covered by the contract without authorization from the intervention agency. If the condition concerning the minimum quantity fixed for each batch continues to be met, the intervention agency may authorize an alteration which is limited to the removal or replacement of cheeses which are found to have deteriorated to such an extent that they can no longer be stored.

In the event of release from store of certain quantities:

- (i) if the aforesaid quantities are replaced with the authorization of the intervention agency, the contract is deemed not to have undergone any alteration;
- (ii) if the aforesaid quantities are not replaced, the contract is deemed to have been concluded *ab initio* for the quantity permanently retained.

Any costs of controls arising from an alteration shall be met by the storer,

- to keep stock records and to inform the intervention agency each week of the cheeses put into storage during the previous week and of scheduled withdrawals.

2. The maximum temperature in the storage premises shall be +6 °C for Emmental and +10 °C for Gruyère. In the case of Emmental which has already been matured, Member States may permit a maximum temperature of +10 °C.

3. Storage contracts shall be concluded:

- (a) in writing, stating the date when storage covered by the contract begins; this date may not be earlier than the day following that on which the operations connected with putting the batch of cheese covered by the contract into storage are completed;
- (b) after completion of the operations connected with putting the batch of cheese covered by the contract into storage and at the latest 40 days after the date when storage by the contract begins.

Article 3

1. Aid shall be granted only for such cheeses as are put into storage during the storage period. This period shall begin on 1 April 1996 and end on or before 30 September of the same year.

2. Stored cheese may be withdrawn from storage only during the period for withdrawal. This period shall begin on 1 October 1996 and end on 31 March of the following year.

Article 4

1. The aid shall be as follows:

- (a) ECU 100 per tonne for the fixed costs;
- (b) ECU 0,35 per tonne per day of storage under contract for the warehousing costs;

- (c) ECU 0,75 per tonne per day of storage under contract for the financial costs.

2. No aid shall be granted in respect of storage under contract for less than 90 days. The maximum aid payable shall not exceed an amount corresponding to 180 days' storage under contract.

By way of derogation from the second indent of Article 2 (1) (e), when the period of 90 days specified in the first subparagraph has elapsed and the period for withdrawal referred to in Article 3 (2) has begun, the storer may remove all or part of the batch under contract. The minimum quantity that may be removed shall be 500 kilograms. The Member States may, however, increase this quantity to two tonnes.

The date of the start of operations to remove the batch of cheese covered by the contract shall not be included in the period of storage under contract.

Article 5

1. The Member States shall ensure that the conditions granting entitlement to payment of the aid are fulfilled.

2. The contractor shall make available to the national authorities responsible for verifying execution of the measure any documentation permitting in particular the following particulars of products placed in private storage to be verified:

- (a) ownership at the time of entry into storage;
- (b) the origin and the date of manufacture of the cheeses;
- (c) the date of entry into storage;
- (d) presence in the store;
- (e) the date of removal from storage.

3. The contractor or, where applicable, the operator of the store shall keep stock accounts available at the store, covering:

- (a) identification, by contract number, of the products placed in private storage;
- (b) the dates of entry into and removal from storage;
- (c) the number of cheeses and their weight by batch;
- (d) the location of the products in the store.

4. Products stored must be easily identifiable and must be identified individually by contract. A special mark shall be affixed to cheeses covered by the contract.

5. On entry into storage, the competent agencies shall conduct checks in particular to ensure that products stored are eligible for the aid and to prevent any possibility of substitution of products during storage under contract, without prejudice to the application of Article 2 (1) (e).

6. The national authorities responsible for controls shall undertake:

- (a) an unannounced check to see that the products are present in the store. The sample concerned must be representative and must correspond to at least 10 % of the overall quantity under contract for a private storage aid measure. Such checks must include, in addition to an examination of the accounts referred to in paragraph 3, a physical check of the weight and type of products and their identification. Such physical checks must relate to at least 5 % of the quantity subject to the unannounced check;
- (b) a check to see that the products are present at the end of the storage period under contract.

7. Checks conducted pursuant to paragraphs 5 and 6 must be the subject of a report stating:

- the date of the check,
- its duration,
- the operations conducted.

The report on checks must be signed by the official responsible and countersigned by the contractor or, where applicable, by the store operator.

8. In the case of irregularities affecting at least 5 % of the quantities of products subject to the checks the latter shall be extended to a larger sample to be determined by the competent agency.

The Member States shall notify such cases to the Commission within four weeks.

9. The Member States may provide that the costs of controls are to be fully or in part charged to the contractor.

Article 6

The Member States shall forward to the Commission on or before the Tuesday of each week particulars as to the following:

- (a) the quantities of cheese for which storage contracts have been concluded during the preceding week;
- (b) any quantities in respect of which the authorization referred to in the second indent of Article 2 (1) (e) has been given.

Article 7

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 April 1996.

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

Done at Brussels, 5 March 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 403/96

of 5 March 1996

introducing additional management measures for imports of certain bovine animals for the first half of 1996

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, and in particular Article 8 thereof,

Whereas Regulation (EC) No 3066/95 provides for the first half of 1996 for the opening of a tariff quota for 89 000 live bovine animals weighing 80 kilograms or less originating in certain third countries and benefiting from an 80 % reduction in the rate of customs duties;

Whereas Commission Regulation (EC) No 3018/95 of 20 December 1995 introducing management measures for imports of certain bovine animals for the first half of 1996⁽²⁾ provides for certain measures for the import of 62 250 head weighing 80 kilograms or less; whereas, pursuant to Regulation (EC) No 3066/95, that quantity has been increased by 26 750 head for the first half of 1996; whereas, therefore, management measures should be established for the latter animals, following the import arrangements already provided for by Regulation (EC) No 3018/95;

Whereas, however, in order to take better account of traditional trade under specific import arrangements for calves weighing not more than 80 kilograms, slightly changed criteria should be adopted for the so-called 'traditional' reference quantities;

Whereas the arrangements should be managed using import licences; whereas, to this end, rules should be set on the submission of applications and the information to be given on applications and licences, where necessary by derogation from certain provisions of 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⁽³⁾, as last amended by Regulation (EC) No 2137/95⁽⁴⁾, and of Commission Regulation (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⁽⁵⁾, as amended by Regulation (EC) No 2856/95⁽⁶⁾; whereas, moreover, it should be stipulated that licences are to be issued following a reflection period and where necessary with a fixed percentage reduction applied;

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

Imports into the Community during the first half of 1996 of live bovine animals weighing 80 kilograms or less falling within CN code 0102 90 05 originating in the countries listed in Annex I and in addition to those provided for in Regulation (EC) No 3018/95 shall be subject to the management measures laid down in this Regulation.

Article 2

1. Import licences under this Regulation may be issued only for 26 750 animals falling within CN code 0102 90 05.
2. For those animals, the *ad valorem* duty and the specific duties fixed in the Common Customs Tariff (CCT) shall be reduced by 80 %.
3. The quantity referred to in paragraph 1 shall be divided into two parts, as follows:
 - (a) the first part, equal to 70 %, i.e. 18 725 head, shall be allocated among:
 - importers from the Community as constituted on 31 December 1994 who can furnish proof of

⁽¹⁾ OJ No L 328, 30. 12. 1995, p. 31.

⁽²⁾ OJ No L 314, 28. 12. 1995, p. 58.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 214, 8. 9. 1995, p. 21.

⁽⁵⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁶⁾ OJ No L 299, 12. 12. 1995, p. 10.

having imported animals falling within CN code 0102 90 05 during 1993, 1994 or 1995 in the context of the Regulations referred to in Annex II,

- importers from the new Member States who can furnish proof of having imported, into the Member State where they are established, animals falling within the abovementioned CN code during 1993 and 1994 from countries which were for them third countries on 31 December 1994;

and such animals during 1995 in the context of the Regulations referred to at (b) of Annex II;

- (b) the second part, equal to 30 %, i.e. 8 025 head, shall be allocated among importers who can furnish proof of having imported and/or exported during 1995 at least 100 live bovine animals falling within CN code 0102 90 apart from those under (a).

Importers must be registered for VAT purposes in a Member State.

4. The 18 725 head shall be allocated among the eligible importers in proportion to their imports of animals within the meaning of paragraph 3 (a) during 1993, 1994 and 1995 proven in accordance with paragraph 6.

5. The 8 025 head shall be allocated in proportion to the quantities applied for by the eligible importers.

6. Proof of import and export shall be provided exclusively by means of the customs document of release for free circulation or the export document duly stamped by the customs authorities.

Member States may accept copies of the abovementioned documents duly certified by the issuing authority where the applicant can prove to the satisfaction of the competent authority that he was not able to obtain the original documents.

Article 3

1. Importers who on 1 January 1996 were no longer engaged in any activity in the beef and veal sector shall not qualify for the allocation pursuant to Article 2 (3) (a).

2. Any company formed by the merger of companies each having rights under Article 2 (4) shall benefit from the same rights as the companies from which it was formed.

Article 4

1. Applications for the right to import may be presented only in the Member State in which the applicant is registered within the meaning of Article 2 (3).

2. For the purposes of Article 2 (3) (a), importers shall present the applications for the right to import to the

competent authorities together with the proof referred to in Article 2 (6) by 12 March 1996 at the latest.

After verification of the documents presented, Member States shall forward to the Commission, by 25 March 1996 at the latest, the list of importers who meet the acceptance conditions, showing in particular their names and addresses and the number of eligible animals imported during each of the reference years.

3. For the purposes of Article 2 (3) (b), applications for the right to import must be lodged by importers by 12 March 1996 at the latest, together with the proof referred to in Article 2 (6).

Only one application may be lodged by each applicant. Where the same applicant lodges more than one application, all applications from that person shall be inadmissible. Applications may not relate to a quantity larger than that available.

After verification of the documents presented, Member States shall forward to the Commission, by 25 March 1996 at the latest, the list of applicants and the quantities requested.

4. All notifications, including notifications of nil applications, shall be made by telex or fax, drawn up on the basis of the models in Annexes III and IV in the case where applications have been lodged.

Article 5

1. The Commission shall decide to what extent applications may be accepted.

2. As regards the applications referred to in Article 4 (3), if the quantities in respect of which applications are made exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

If the reduction referred to in the preceding subparagraph results in a quantity of less than 100 head per application, the allocation shall be by drawing lots, by batches of 100 head, by the Member States concerned. If the remaining quantity is less than 100 head, a single licence shall be issued for that quantity.

Article 6

1. Imports of the quantities allocated in accordance with Article 5 shall be subject to the presentation of an import licence.

2. Licence applications may be presented only in the Member State in which the application for the right to import was lodged.

3. Licences shall be issued, at the request of importers, as from the date on which the decision referred to in Article 5 (1) takes effect.

The number of animals for which a licence is issued shall be expressed in units. Where necessary, numbers shall be rounded up or down as the case may be.

4. Licence applications and licences shall contain the following entries:

(a) in section 8, the indication of the countries referred to in Annex I; licences shall carry with them an obligation to import from one or more of the countries indicated;

(b) in section 16, subheading CN 0102 90 05;

(c) in section 20, one of the following:

Reglamento (CE) n° 403/96

Forordning (EF) nr. 403/96

Verordnung (EG) Nr. 403/96

Κανονισμός (ΕΚ) αριθ. 403/96

Regulation (EC) No 403/96

Règlement (CE) n° 403/96

Regolamento (CE) n. 403/96

Verordening (EG) nr. 403/96

Regulamento (CE) n° 403/96

Asetus (EY) N:o 403/96

Förordning (EG) nr 403/96.

5. Import licences shall expire on 30 June 1996.

6. Licences issued shall be valid throughout the Community.

7. Article 8 (4) of Regulation (EEC) No 3719/88 shall not apply.

Article 7

No later than three weeks after the importation of the animals specified in this Regulation, the importer shall inform the competent authority which issued the import licence of the number and origin of the animals. That authority shall communicate the information in question to the Commission at the beginning of each month.

Article 8

The security provided for in Article 4 of Regulation (EC) No 1445/95 shall be lodged when the licence is issued.

Article 9

The provisions of Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply subject to the provisions of this Regulation.

Article 10

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 1996.

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

Done at Brussels, 5 March 1996.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***List of third countries**

- Hungary
- Poland
- Czech Republic
- Slovakia
- Romania
- Bulgaria
- Lithuania
- Latvia
- Estonia.

*ANNEX II***Regulations referred to in Article 2 (3)****Commission Regulations:**

- (a) (EEC) No 3619/92 (OJ No L 367, 16. 12. 1992, p. 17),
(EC) No 3409/93 (OJ No L 310, 14. 12. 1993, p. 22).
- (b) (EC) No 3076/94 (OJ No L 325, 17. 12. 1994, p. 8),
(EC) No 1566/95 (OJ No L 150, 1. 7. 1995, p. 24),
(EC) No 2491/95 (OJ No L 256, 26. 10. 1995, p. 36).

ANNEX III

EC Fax: (32 2) 296 60 27/(32 2) 295 36 13

Application of Article 2 (3) (a) of Regulation (EC) No 403/96

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI D.2 — BEEF AND VEAL SECTOR

APPLICATIONS FOR IMPORT RIGHTS

Date: period:

Member State:

Serial No	Applicant (name and address)	Quantity imported (head)			Total for the three years
		1993	1994	1995	
Total					

Member State: Fax:

Tel.:

ANNEX IV

EC Fax: (32 2) 296 60 27 / (32 2) 295 36 13

Application of Article 2 (3) (b) of Regulation (EC) No 403/96

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI D.2 — BEEF AND VEAL SECTOR

APPLICATIONS FOR IMPORT RIGHTS

Date: period:

Member State:

Serial No	Applicant (name and address)	Quantity (head)
Total		

Member State: Fax:

Tel:

COMMISSION REGULATION (EC) No 404/96

of 5 March 1996

opening an invitation to tender for the refund or the tax for the export of
common wheat to Algeria and Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾,

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾, and in particular Article 4 thereof,

Whereas supplying Algeria and Morocco with common wheat has been made difficult by the current situation on the world market; whereas those countries are traditional markets for the European Community; whereas, in order to guarantee part of their supplies, a special invitation to tender for the refund or for the tax for the export of common wheat to those countries should be opened in accordance with Article 4 of Regulation (EC) No 1501/95;

Whereas the detailed procedural rules governing invitations to tender are, as regards the fixing of the export refund or tax in Regulation (EC) No 1501/95; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas it is necessary to provide for a specific period of validity for licences issued under that invitation to tender; whereas that period of validity must meet the needs of Algeria and Morocco for the current marketing year; whereas the validity of the export licences should therefore be limited to 30 June 1996;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

Article 1

1. Tenders shall be invited for the export refund or tax provided for in Article 4 of Regulation (EC) No 1501/95.
2. The tendering procedure shall concern common wheat for export to Algeria and Morocco.
3. The invitation shall remain open until 28 March 1996. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 5 (3a) of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽⁵⁾, export licences issued under Article 8 (1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.
2. Subject to the provisions of Article 1 of Commission Regulation (EC) No 1521/94⁽⁶⁾ export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until 30 June 1996.

Article 5

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:
 - to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 162, 30. 6. 1994, p. 47.

— to fix a minimum export tax, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or

— to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. Where a minimum export tax is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of tax equal to or more than such minimum export tax.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a

half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or telefax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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

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

Done at Brussels, 5 March 1996.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***Weekly tender for the refund or the tax for the export of common wheat to Algeria and Morocco**

(Regulation (EC) No 404/96)

(Closing date for the submission of tenders (date/time))

1	2	3	
Number of tenderer	Quantity in tonnes	A	B
		Amount of export tax in ECU per tonne	Amount of export refund in ECU per tonne
1			
2			
3			
etc.			

ANNEX II

The only numbers to use to call Brussels (DG VI-C-1) are:

- telex: 22037 AGREC B,
22070 AGREC B (Greek characters);
 - telefax: — 295 25 15,
— 296 49 56.
-

COMMISSION REGULATION (EC) No 405/96

of 5 March 1996

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 2933/95 ⁽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 6 March 1996.

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

Done at Brussels, 5 March 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽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 5 March 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code (1)	Standard import value	CN code	Third country code (1)	Standard import value
0702 00 15	052	43,7	0805 30 20	052	72,7
	060	80,2		204	88,8
	064	59,6		220	74,0
	066	41,7		388	67,5
	068	62,3		400	68,0
	204	73,0		512	54,8
	208	44,0		520	66,5
	212	83,1		524	100,8
	624	140,8		528	56,4
	999	69,8		600	73,5
				624	88,6
0707 00 15	052	125,6	0808 10 51, 0808 10 53, 0808 10 59	999	73,8
	053	156,2		052	64,0
	060	61,0		064	78,6
	066	53,8		388	105,8
	068	142,4		400	85,1
	204	144,3		404	62,0
	624	148,7		508	68,4
	999	118,9		512	109,3
	220	337,7		524	124,7
	999	337,7		528	107,0
				624	86,5
0709 10 10	052	134,9	0808 20 31	728	107,3
	204	77,5		800	78,0
	412	54,2		804	21,0
	624	241,6		999	84,4
	999	127,1		039	90,0
0805 10 01, 0805 10 05, 0805 10 09	052	37,1		052	86,3
	204	41,2		064	72,5
	208	58,0		388	85,1
	212	50,4		400	100,6
	220	60,8		512	60,2
	388	40,5		528	64,4
	400	40,0		624	79,0
	436	41,6		728	115,4
	448	26,7		800	55,8
	600	64,2		804	112,9
	624	50,4		999	83,8
	999	46,4			

(1) Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 406/96
of 5 March 1996
amending the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EC) No 2916/95 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the export refunds on poultrymeat were fixed by Commission Regulation (EC) No 273/96 ⁽³⁾, as last amended by Regulation (EC) No 389/96 ⁽⁴⁾;

Whereas it follows from foreseen criteria contained in Article 8 of Regulation (EEC) No 2777/75 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 273/96 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 6 March 1996.

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

Done at Brussels, 5 March 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.
⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.
⁽³⁾ OJ No L 36, 14. 2. 1996, p. 18.
⁽⁴⁾ OJ No L 53, 2. 3. 1996, p. 13.

ANNEX

to the Commission Regulation of 5 March 1996 altering the export refunds on poultrymeat

Product code	Destination of refund (1)	Amount of refund (2)	Product code	Destination of refund (1)	Amount of refund (2)
		ECU/100 units			ECU/100 kg
0105 11 11 000	01	1,40	0207 25 10 000	04	8,00
0105 11 19 000	01	1,40	0207 25 90 000	04	8,00
0105 11 91 000	01	1,40	0207 14 20 900	05	4,50
0105 11 99 000	01	1,40	0207 14 60 900	05	4,50
		ECU/100 kg	0207 14 70 190	05	4,50
0207 12 10 900	02	30,00	0207 14 70 290	05	4,50
	03	8,00	0207 27 10 990	04	12,00
0207 12 90 190	02	33,00	0207 27 60 000	04	6,50
	03	8,00	0207 27 70 000	04	6,50

(1) The destinations are as follows:

- 01 All destinations except the United States of America,
- 02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon, Iran, Armenia, Azerbaijan, Georgia, Russia, Uzbekistan and Tajikistan,
- 03 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic and those of 02 above,
- 04 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia and the Czech Republic,
- 05 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia and Latvia.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 2815/95 are observed.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION DIRECTIVE 96/8/EC
of 26 February 1996
on foods intended for use in energy-restricted diets for weight reduction
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/398/EEC of 3 May 1989 on the approximation of the laws of the Member States relating to foodstuffs intended for particular nutritional uses⁽¹⁾, and in particular Article 4 thereof,

Whereas the Community measures envisaged by this Directive do not exceed what is necessary for the attainment of the objectives already provided for by Directive 89/398/EEC;

Whereas the products covered by this Directive are varied and are generally distinguished as those intended to replace the whole of the daily diet and those intended to replace part of the daily diet;

Whereas the composition of such products should be such as to fulfil the daily nutritional requirements for essential nutrients, such as to provide a significant part of those requirements, as the case may be, of the persons for whom they are intended;

Whereas a number of products have been recently developed to be used as a replacement for snacks and to supply certain quantities of selected essential macronutrients and micronutrients; whereas the essential composition of those products will be adopted at a later date;

Whereas, in addition, the energy provided by the products covered by this Directive must be restricted;

Whereas the energy content of some products intended to replace the whole of the daily diet is very low; whereas specific rules for these very low energy products will be adopted at a later date;

Whereas this Directive reflects current knowledge about these products; whereas any modification to allow innovation based on scientific and technical progress will be decided by the procedure laid down in Article 13 of Directive 89/398/EEC;

Whereas pursuant to Article 4 (2) of Directive 89/398/EEC, the provisions relating to the substances with specific nutritional purposes to be used in the manu-

facture of the products should be laid down in a separate Commission Directive;

Whereas the provisions relating to the use of additives in the manufacture of the products should be laid down in the relevant Council Directives;

Whereas pursuant to Article 7 of Directive 89/398/EEC, the products covered by this Directive are subject to the general rules laid down by Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs⁽²⁾, as last amended by Commission Directive 93/102/EC⁽³⁾; whereas this Directive adopts and expands upon the additions and exceptions to those general rules, where it is appropriate;

Whereas, in particular, the nature and destination of the products covered by this Directive require nutritional labelling for the energy value and principal nutrients they contain;

Whereas the Scientific Committee for Food, in accordance with Article 4 of Directive 89/398/EEC, has been consulted on the provisions liable to affect public health;

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

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. This Directive is a 'specific Directive' within the meaning of Article 4 of Directive 89/398/EEC and lays down compositional and labelling requirements for foods for particular nutritional uses intended for use in energy restricted diets for weight reduction and presented as such.

2. Foods for use in energy-restricted diets for weight reduction are specially formulated foods which, when used as instructed by the manufacturer, replace the whole or part of the total daily diet. They are divided in two categories:

⁽¹⁾ OJ No L 186, 30. 6. 1989, p. 27.

⁽²⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽³⁾ OJ No L 291, 29. 11. 1993, p. 14.

- (a) products presented as a replacement for the whole of the daily diet;
- (b) products presented as a replacement for one or more meals of the daily diet.

Article 2

Member States shall ensure that the products referred to in Article 1 may be marketed within the Community only if they conform to the rules laid down in this Directive.

Article 3

Foods covered by this Directive shall comply with the compositional criteria specified in Annex 1.

Article 4

All individual components making up the products referred to in point (a) of Article 1 (2), as sold, shall be contained in the same package.

Article 5

1. The name under which the product is sold shall be:

- (a) for products covered by point (a) of Article 1 (2),
'Total diet replacement for weight control';
- (b) for products covered by point (b) of Article 1 (2),
'Meal replacement for weight control'.

2. The labelling of the products concerned shall bear, in addition to those provided for in Article 3 of Council Directive 79/112/EEC, the following mandatory particulars:

- (a) the available energy value expressed in kJ and kcal, and the content of proteins, carbohydrates and fat, expressed in numerical form, per specified quantity of the product ready for use as proposed for consumption;
- (b) the average quantity of each mineral and each vitamin for which mandatory requirements are stipulated in paragraph 5 of Annex 1, expressed in numerical form, per specified quantity of the product ready for use as proposed for consumption. In addition, for products mentioned in point (b) of Article 1 (2), information on vitamins and minerals listed in the Table of point 5 of Annex I shall also be expressed as a percentage of the values as defined in the Annex to Council Directive 90/496/EEC⁽¹⁾;
- (c) instructions for appropriate preparation, when necessary and a statement as to the importance of following those instructions;
- (d) if a product, when used as instructed by the manufacturer, provides a daily intake of polyols in excess of

20 g per day, there shall be a statement to the effect that the food may have a laxative effect;

- (e) a statement on the importance of maintaining an adequate daily fluid intake;
- (f) for products mentioned in point (a) of Article 1 (2):
 - (i) a statement that the product provides adequate amounts of all essential nutrients for the day;
 - (ii) a statement that the product should not be used for more than three weeks without medical advice;
- (g) for products mentioned in point (b) of Article 1 (2), a statement to the effect that the products are useful for the intended use only as part of an energy-restricted diet and that other foodstuffs should be a necessary part of such diet.

3. The labelling, advertising and presentation of the products concerned shall not make any reference to the rate or amount of weight loss which may result from their use or to a reduction in the sense of hunger or an increase in the sense of satiety.

Article 6

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 September 1997. They shall forthwith inform the Commission thereof.

Those laws, regulations and administrative provisions shall be applied in such a way as to:

- permit trade in products complying with this Directive, by 1 October 1997,
- prohibit trade in products which do not comply with this Directive, with effect from 31 March 1999.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 7

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 8

This Directive is addressed to the Member States.

Done at Brussels, 26 February 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 276, 6. 10. 1990, p. 40.

ANNEX I

ESSENTIAL COMPOSITION OF FOODS FOR ENERGY RESTRICTED DIETS

The specifications refer to the products ready for use, marketed as such or reconstituted as instructed by the manufacturer.

1. Energy

- 1.1. The energy provided by a product mentioned in Article 1 (2) (a) shall not be less than 3 360 kJ (800 kcal) and shall not exceed 5 040 kJ (1 200 kcal) for the total daily ration.
- 1.2. The energy provided by a product mentioned in Article 1 (2) (b) shall not be less than 840 kJ (200 kcal) and shall not exceed 1 680 kJ (400 kcal) per meal.

2. Protein

- 2.1. The protein contained in products mentioned in Article 1 (2) (a) and (b) shall provide not less than 25 % and not more than 50 % of the total energy of the product. In any case the amount of protein of products mentioned in Article 1 (2) (a) shall not exceed 125 g.
- 2.2. The abovementioned provisions on protein refer to a protein the chemical index of which is equal to that of the FAO/WHO (1985) reference protein given in Annex 2. If the chemical index is lower than 100 % of the reference protein, the minimum protein levels shall be correspondingly increased. In any case the chemical index of the protein shall at least be equal to 80 % of that of the reference protein.
- 2.3. The 'chemical index' shall mean the lowest of the ratios between the quantity of each essential amino acid of the test protein in and the quantity of each corresponding amino acid of the reference protein.
- 2.4. In all cases, the addition of amino acids is permitted solely for the purpose of improving the nutritional value of the proteins, and only in the proportions necessary for that purpose.

3. Fat

- 3.1. The energy derived from fat shall not exceed 30 % of the total available energy of the product.
- 3.2. For products mentioned in Article 1 (2) (a), the linoleic acid (in the form of glycerides) shall not be less than 4,5 g.
- 3.3. For products mentioned in Article 1 (2) (b), the linoleic acid (in the form of glycerides) shall not be less than 1 g.

4. Dietary fibre

The dietary fibre content of products mentioned in Article 1 (2) (a) shall not be less than 10 g and shall not exceed 30 g for the daily ration.

5. Vitamins and minerals

- 5.1. The products mentioned in Article 1 (2) (a) shall provide for the whole of the daily diet at least:
100 % of the amounts of vitamins and minerals specified in Table 1.

- 5.2. The products mentioned in Article 1 (2) (b) shall provide at least 30 % of the amounts of vitamins and minerals specified in the Table per meal; however, the amount of potassium per meal provided by these products shall be at least 500 mg.

TABLE

Vitamin A	(µg RE)	700
Vitamin D	(µg)	5
Vitamin E	(mg-TE)	10
Vitamin C	(mg)	45
Thiamin	(mg)	1,1
Riboflavin	(mg)	1,6
Niacin	(mg-NE)	18
Vitamin B ₆	(mg)	1,5
Folate	(µg)	200
Vitamin B ₁₂	(µg)	1,4
Biotin	(µg)	15
Pantothenic acid	(mg)	3
Calcium	(mg)	700
Phosphorus	(mg)	550
Potassium	(mg)	3 100
Iron	(mg)	16
Zinc	(mg)	9,5
Copper	(mg)	1,1
Iodine	(µg)	130
Selenium	(µg)	55
Sodium	(mg)	575
Magnesium	(mg)	150
Manganese	(mg)	1

ANNEX II

AMINO ACID REQUIREMENT PATTERN⁽¹⁾

	g/100 g protein
Cystine + methionine	1,7
Histidine	1,6
Isoleucine	1,3
Leucine	1,9
Lysine	1,6
Phenylalanine + tyrosine	1,9
Threonine	0,9
Tryptophan	0,5
Valine	1,3

⁽¹⁾ World Health Organisation. Energy and protein requirements. Report of a Joint FAO/WHO/UNU Meeting. Geneva: World Health Organisation, 1985. (WHO Technical Report Series, 724).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 February 1996

laying down animal health conditions and veterinary certificates for the
importation of fresh poultrymeat from Switzerland

(Text with EEA relevance)

(96/181/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Directive 91/494/EEC of 26
June 1991 on animal health conditions governing intra-
Community trade in and imports from third countries of
fresh poultrymeat⁽¹⁾, as last amended by Directive
93/121/EC⁽²⁾ and in particular Article 10 (1) b, Article 11
and Article 12 thereof,

Whereas Commission Decision 94/85/EC⁽³⁾, as last
amended by Decision 96/2/EC⁽⁴⁾, established a list of
third countries, including Switzerland, from which the
importation of fresh poultrymeat is authorized;

Whereas Switzerland is no longer free from Newcastle
disease; whereas, however, Switzerland applies measures to
control Newcastle disease which are at least equivalent to
those laid down in Council Directive 92/66/EEC⁽⁵⁾, as
last amended by the Act of Accession of Austria, Sweden
and Finland;

Whereas it is appropriate on this basis to allow the impor-
tation of fresh poultrymeat from Switzerland; Whereas
therefore the animal health conditions and the veterinary
certificates must be laid down;

Whereas it is appropriate to restrict the scope of this
Decision to poultry species covered by Council Directive
71/118/EEC⁽⁶⁾, as amended and updated by Directive
92/116/EEC⁽⁷⁾, and, if necessary, to lay down the animal
health conditions and veterinary certification for other
poultry species in a separate Decision;

Whereas this Decision applies without prejudice to
measures taken for poultrymeat imported for other
purposes than human consumption;

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

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 35.

⁽²⁾ OJ No L 340, 31. 12. 1993, p. 39.

⁽³⁾ OJ No L 44, 17. 2. 1994, p. 31.

⁽⁴⁾ OJ No L 1, 3. 1. 1996, p. 6.

⁽⁵⁾ OJ No L 260, 5. 9. 1992, p. 1.

⁽⁶⁾ OJ No L 55, 8. 3. 1971, p. 23.

⁽⁷⁾ OJ No L 62, 15. 3. 1993, p. 1.

HAS ADOPTED THE FOLLOWING DECISION:

Article 2

This Decision is addressed to the Member States.

Article 1

Member States shall authorize the import of fresh poultry-meat from Switzerland, provided that it meets the requirements of the animal health certificate set out in the Annex and that it is accompanied by such a certificate, duly completed and signed.

Done at Brussels, 16 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

HEALTH CERTIFICATE FOR FRESH POULTRYMEAT FOR HUMAN CONSUMPTION ⁽¹⁾

Note for the importer: This certificate is only for veterinary purposes and the original has to accompany the consignment until it reaches the border inspection post.

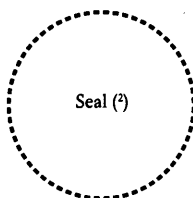
1. Consignor (name and address in full):	2. HEALTH CERTIFICATE No ORIGINAL 2.1. No of relevant public health certificate:
4. Consignee (name and address in full):	3.1. Country of origin: 3.2. Region of origin ⁽²⁾ :
	5. COMPETENT AUTHORITY:
8. Place of loading:	6. COMPETENT AUTHORITY (LOCAL LEVEL):
9.1. Means of transport ⁽³⁾ : 9.2. Number of the seal ⁽⁴⁾ :	7. Address of establishment(s): 7.1. Slaughterhouse: 7.2. Cutting plant ⁽⁵⁾ : 7.3. Cold store ⁽⁵⁾ :
10.1. Member State of destination:	
10.2. Final destination:	
12. Poultry species:	11. Approval number(s) of the establishment(s): 11.1. Slaughterhouse: 11.2. Cutting plant ⁽⁵⁾ : 11.3. Cold store ⁽⁵⁾ :
13. Nature of cuttings:	
14. Consignment identification details:	
Notes: <i>A separate certificate must be provided for each consignment of fresh poultrymeat.</i>	15. Quantity: 15.1. Net weight (kgs): 15.2. No of packages:
⁽¹⁾ Fresh poultrymeat means any parts of domestic fowl, turkeys, guinea fowl, geese and ducks, which have not undergone any treatment other than cold treatment to ensure its preservation; vacuum wrapped meat or meat wrapped in a controlled atmosphere must also be accompanied by a certificate according to this model. ⁽²⁾ Only to be completed if the authorization to export to the Community is restricted to certain regions of the third country concerned. ⁽³⁾ Indicate means of transport and registration marks or registered name, as appropriate. ⁽⁴⁾ Optional. ⁽⁵⁾ Delete if not applicable.	

16. Health attestation:

I, the undersigned official veterinarian, hereby certify, in accordance with the provisions of Directive 91/494/EEC:

1. that Switzerland, region⁽¹⁾ is free from avian influenza as defined in the International Animal Health Code of OIE;
2. that the meat described above is obtained from poultry which:
 - (a) have been held in the territory of Switzerland, region⁽¹⁾ since hatching or have been imported as day-old chicks;
 - (b) came from holdings:
 - which have not been placed under animal health restrictions in connection with a poultry disease,
 - around which, within a radius of 10 km, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;
 - (c) have not been slaughtered in the context of any animal health scheme for the control or eradication of poultry diseases;
 - (d) have not been vaccinated against Newcastle disease using a live vaccine during the 30 days preceding slaughter;
 - (e) during transport to the slaughterhouse did not come into contact with poultry suffering from avian influenza or Newcastle disease;
3. that the meat described above:
 - (a) comes from slaughterhouses which, at the time of slaughter, are not under restrictions due to a suspect or actual outbreak of avian influenza or Newcastle disease and around which, within a radius of 10 km, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;
 - (b) has not been in contact, at any time of slaughter, cutting, storage or transport with meat which does not fulfil the requirements of Directive 91/494/EEC.

Done at, on



.....
(signature of official veterinarian) ⁽²⁾

.....
(name in capital letters, qualifications and title)

⁽¹⁾ Only to be completed if the authorization to export to the Community is restricted to certain regions of the third country concerned.
⁽²⁾ Stamp and signature in a colour different to that of the printing.

COMMISSION DECISION

of 21 February 1996

laying down special animal health conditions and veterinary certification for the importation of certain categories of fresh poultrymeat from Israel and certain animal health restrictions after such imports

(Text with EEA relevance)

(96/182/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/494/EEC of 26 June 1991 on animal health conditions governing intra-Community trade in and imports from third countries of fresh poultrymeat⁽¹⁾, as last amended by Directive 93/121/EC⁽²⁾, and in particular Articles 11 (2) and 14 (2) thereof,

Whereas Commission Decision 94/984/EC⁽³⁾, as amended by Decision 95/302/EC⁽⁴⁾, established the animal health conditions and the veterinary certificates for imports of fresh poultrymeat from third countries;

Whereas Commission Decision 95/346/EC⁽⁵⁾ laid down special animal health conditions and veterinary certification for the importation of certain categories of fresh poultrymeat from Israel and certain animal health restrictions after such imports; whereas this Decision was applicable until 31 December 1995;

Whereas further information was received from Israel stating that this country for other meat than goose and duck liver cannot yet comply with all the animal health requirements laid down in the certificates established by Decisions 94/484/EC;

Whereas it is possible, on a case-by-case basis, to establish special animal health conditions and the models of certificates to be used for imports of fresh poultrymeat not complying with the general animal health requirements if the third country concerned offers similar guarantees which are at least of an equivalent standard;

Whereas, moreover, in certain cases specific animal health restrictions after import can be necessary; whereas, in these cases, it is necessary to inform the official veterinarian responsible for the place of destination by means of

an Animo-message sent in accordance with Commission Decision 91/398/EEC⁽⁶⁾;

Whereas information was received from Israel proving that this country can offer guarantees which are of an equivalent standard with regard to poultrymeat other than goose and duck liver; whereas this information has been confirmed by an on-the-spot inspection;

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

Member States shall authorize the import, from Israel, of skinned and deboned fresh poultrymeat other than goose liver provided that the meat complies with the requirements of the corresponding animal health certificate set out in Annex I and that it is accompanied by such a certificate, duly completed and signed.

Article 2

1. Member States shall authorize the import, from Israel, of fresh poultrymeat, other than goose liver, which is destined for establishments approved in accordance with Council Directives 71/118/EEC⁽⁷⁾ or 77/99/EEC⁽⁸⁾, provided that the meat complies with the requirements of the corresponding animal health certificate set out in Annex II and that it is accompanied by such a certificate, duly completed and signed.

In this case, the imported meat has to undergo, in the establishment of destination either:

- (a) skinning and deboning, or
- (b) processing into meat products following one of the following treatments:

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 35.

⁽²⁾ OJ No L 340, 31. 12. 1993, p. 39.

⁽³⁾ OJ No L 378, 31. 12. 1994, p. 11.

⁽⁴⁾ OJ No L 185, 4. 8. 1995, p. 50.

⁽⁵⁾ OJ No L 199, 24. 8. 1995, p. 64.

⁽⁶⁾ OJ No L 221, 9. 8. 1991, p. 30.

⁽⁷⁾ OJ No L 55, 8. 3. 1971, p. 23.

⁽⁸⁾ OJ No L 26, 31. 1. 1977, p. 85.

- (i) heat treatment in an hermetically sealed container to a F_0 value of three or more;
 - (ii) heat treatment so that a centre temperature of at least 70 °C has been achieved.
2. Meat imported in accordance with paragraph 1 must be:
- (a) transported, in sealed vehicles or containers, directly from the border inspection post to the establishment of destination indicated in the certificate;
 - (b) stored and treated separately from meat which will not be submitted to the same treatment of skinning and deboning, respectively processing.
3. The establishment to which this meat is consigned, must comply with following criteria:
- (a) it must be registered by the Competent Authorities for this purpose;
 - (b) it must keep records of the entries and exit of the meat covered by this Article, as well as of the by-products and, where applicable, meat products derived from it;
 - (c) all by-products, such as bones, must be treated in an approved establishment in accordance with Council Directive 90/667/EEC⁽¹⁾;
 - (d) skins removed from the imported meat must be treated in a way ensuring the destruction of avian viruses.

The treatment applied to this meat must be carried out under surveillance of the official veterinarian.

4. By derogation to paragraph 2 (a), the meat may be stored in another approved establishment than the one where the treatment will take place. In this case, the provisions of Article 2 (5) of Commission Decision 92/183/EEC⁽²⁾ apply *mutatis mutandis*.

5. The official veterinarian responsible for the establishment mentioned in paragraph 3 or 4, must be informed by means of an Animo-message sent from the border inspection post or, where applicable, from the veterinary unit competent for the establishment where the meat was stored in conformity with paragraph 4.

Article 3

This Decision shall apply until 30 April 1996.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 21 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 363, 27. 12. 1990, p. 51.

⁽²⁾ OJ No L 84, 31. 3. 1992, p. 33.

ANNEX I

**ANIMAL HEALTH CERTIFICATE FOR FRESH SKINNED AND DEBONED POULTRYMEAT
FOR HUMAN CONSUMPTION ⁽¹⁾**

Note for the importer: This certificate is only for veterinary purposes and the original has to accompany the consignment until it reaches the border inspection post.

1. Consignor (name and address in full):	2. HEALTH CERTIFICATE No ORIGINAL 2.1. No of relevant public health certificate:
4. Consignee (name and address in full):	3. Country of origin: ISRAEL
8. Place of loading:	5. Competent authority:
9.1. Means of transport ⁽²⁾ : 9.2. Number of the seal ⁽³⁾ :	6. Competent authority (local level):
10.1. Member State of destination: 10.2. Final destination:	7. Address of establishment(s): 7.1. Slaughterhouse: 7.2. Cutting plant: 7.3. Cold store ⁽⁴⁾ :
12. Poultry species:	11. Approval number(s) of the establishment(s): 11.1. Slaughterhouse:
13. Nature of cuttings:	11.2. Cutting plant: 11.3. Cold store ⁽⁴⁾ :
14. Consignment identification details:	15. Quantity:
Notes: A separate certificate must be provided for each consignment of fresh poultrymeat.	15.1. Net weight (kgs): 15.2. Number of packages:
⁽¹⁾ Fresh poultrymeat means any parts of domestic fowl, turkeys, guinea fowl, geese and ducks, which are fit for human consumption and which have not undergone any treatment other than cold treatment to ensure its preservation; vacuum wrapped meat or meat wrapped in a controlled atmosphere must also be accompanied by a certificate according to this model. ⁽²⁾ Indicate means of transport and registration marks or registered name, as appropriate. ⁽³⁾ Optional. ⁽⁴⁾ Delete if not applicable.	

16. Health attestation:

I, the undersigned official veterinarian, hereby certify, in accordance with the provisions of Council Directive 91/494/EEC:

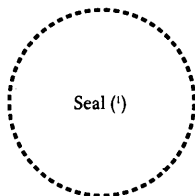
1. that the meat described above is obtained from poultry which:

- (a) have been held in the territory of Israel since hatching or have been imported as day-old chicks;
- (b) come from holdings:
 - which have not been placed under animal health restrictions in connection with a poultry disease,
 - around which, within a radius of 10 km, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;
- (c) have not been slaughtered in the context of any animal health scheme for the control or eradication of poultry diseases;
- (d) during transport to the slaughterhouse did not come into contact with poultry suffering from avian influenza or Newcastle disease;

2. that the meat described above comes from slaughterhouses which, at the time of slaughter, are not under restrictions due to a suspect or actual outbreak of avian influenza or Newcastle disease and around which, within a radius of 10 km, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;

3. that all skin and bones have been removed under official surveillance in the cutting plant mentioned under point 7.2.

Done at on



.....
(signature of official veterinarian) (1)

.....
(name in capital letters, qualifications and title)

(1) Stamp and signature in a colour different to that of the printing.

ANNEX II

ANIMAL HEALTH CERTIFICATE FOR FRESH POULTRYMEAT FOR DE-BONING AND/OR PROCESSING ⁽¹⁾*Notes for the importer:*

- This certificate concerns poultrymeat covered by Commission Decision 96/182/EC, Article 2, and specific animal health restrictions apply to it after import.
- This certificate is only for veterinary purposes and the original has to accompany the consignment until it reaches the border inspection post.

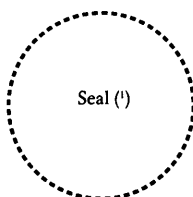
1. Consignor (name and address in full):	2. HEALTH CERTIFICATE No ORIGINAL 2.1. No of relevant public health certificate:
4. Consignee (name and address in full):	3. Country of origin: ISRAEL
8. Place of loading:	5. Competent authority:
9.1. Means of transport ⁽²⁾ : 9.2. Number of the seal ⁽³⁾ :	6. Competent authority (local level):
10.1. Member State of destination: 10.2. Final destination: (cutting and/or processing plant)	7. Address of establishment(s): 7.1. Slaughterhouse: 7.2. Cutting plant ⁽⁴⁾ : 7.3. Cold store ⁽⁴⁾ :
12. Poultry species:	11. Approval number(s) of the establishment(s): 11.1. Slaughterhouse: 11.2. Cutting plant ⁽⁴⁾ : 11.3. Cold store ⁽⁴⁾ :
13. Nature of cuttings:	
14. Consignment identification details:	15. Quantity: 15.1. Net weight (kgs): 15.2. Number of packages:
<i>Notes:</i> a) A separate certificate must be provided for each consignment of fresh poultrymeat. b) The meat must be transported directly from the border inspection post to the place of destination referred to in point 10.2.	
⁽¹⁾ Fresh poultrymeat means any parts of domestic fowl, turkeys, guinea fowl, geese and ducks, which are fit for human consumption and which have not undergone any treatment other than cold treatment to ensure its preservation; vacuum wrapped meat or meat wrapped in a controlled atmosphere must also be accompanied by a certificate according to this model. ⁽²⁾ Indicate means of transport and registration marks or registered name, as appropriate. ⁽³⁾ Optional. ⁽⁴⁾ Delete if not applicable.	

16. Health attestation:

I, the undersigned official veterinarian, hereby certify, in accordance with the provisions of Council Directive 91/494/EEC:

1. that the meat described above is obtained from poultry which:
 - (a) have been held in the territory of ISRAEL since hatching or have been imported as day-old chicks;
 - (b) come from holdings:
 - which have not been placed under animal health restrictions in connection with a poultry disease,
 - around which, within a radius of 10 km, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days;
 - (c) have not been slaughtered in the context of any animal health scheme for the control or eradication of poultry diseases;
 - (d) during transport to the slaughterhouse did not come into contact with poultry suffering from avian influenza or Newcastle disease;
2. that the meat described above comes from slaughterhouses which, at the time of slaughter, are not under restrictions due to a suspect or actual outbreak of avian influenza or Newcastle disease and around which, within a radius of 10 km, there have been no outbreaks of avian influenza or Newcastle disease for at least 30 days.

Done at, on



.....
(signature of official veterinarian) (1)

.....
(name in capital letters, qualifications and title)

(1) Stamp and signature in a colour different to that of the printing.