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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 495/96**of 21 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 22 March 1996.

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

Done at Brussels, 21 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 21 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	84,3	0805 30 20	052	80,9
	060	80,2		204	88,8
	064	59,6		220	74,0
	066	41,7		388	78,7
	068	62,3		400	66,3
	204	68,3		512	54,8
	208	44,0		520	66,5
	212	46,9		524	100,8
	624	173,0		528	104,2
	999	73,4		600	88,6
0707 00 15	052	111,4	0808 10 51, 0808 10 53, 0808 10 59	624	76,1
	053	156,2		999	80,0
	060	61,0		052	64,0
	066	53,8		064	78,6
	068	69,1		388	94,4
	204	144,3		400	72,8
	624	87,1		404	67,5
	999	97,6		508	121,3
	220	76,5		512	94,2
	999	76,5		524	98,6
0709 10 10	052	134,9		528	92,4
	204	77,5		624	86,5
0709 90 73	412	54,2		728	107,3
	624	241,0		800	78,0
	999	126,9		804	21,0
				999	82,8
0805 10 01, 0805 10 05, 0805 10 09	052	54,3	0808 20 31	039	90,4
	204	45,0		052	86,2
	208	58,0		064	72,5
	212	48,7		388	73,4
	220	53,3		400	98,2
	388	40,5		512	62,7
	400	40,1		528	63,8
	436	41,6		624	79,0
	448	28,1		728	115,4
	600	46,0		800	55,8
	624	51,4		804	112,9
	999	46,1		999	82,8

(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 496/96

of 21 March 1996

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

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by
Commission Regulation (EC) No 2931/95 ⁽²⁾,

Having regard to Commission Regulation (EC) No
1466/95 of 27 June 1995 laying down special detailed
rules of application for export refunds on milk and milk
products ⁽³⁾, as last amended by Regulation (EC) No
398/96 ⁽⁴⁾, and in particular Article 8 (3) thereof,

Whereas uncertainty is a feature of the market in certain
milk products; whereas it is necessary to prevent specula-
tive applications that may lead to a distortion in comp-
etition between traders, threatening the continuity of
exports of those products for the remainder of the current

period; whereas the issuing of export licences for the
products concerned should be temporarily suspended,

HAS ADOPTED THIS REGULATION:

Article 1

1. The issuing of export licences for milk products
falling within CN code 0406 is hereby suspended for 22
March 1996.

2. No further action shall be taken in respect of appli-
cations for licences pending which would have been
issued from 22 March 1996.

Article 2

This Regulation shall enter into force on 22 March 1996.

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

Done at Brussels, 21 March 1996.

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 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 54, 5. 3. 1996, p. 26.

COMMISSION REGULATION (EC) No 497/96
of 21 March 1996
altering the export refunds on milk and milk products

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 2931/95 ⁽²⁾, and in particular Article 17 ⁽⁵⁾ thereof,

Whereas the export refunds on milk and milk products were fixed by Commission Regulation (EC) No 468/96 ⁽³⁾, amended by Regulation (EC) No 473/96 ⁽⁴⁾;

Whereas it follows from the application of the detailed rules contained in Regulation (EC) No 468/96 to the

information known to the Commission that the export refunds for the products listed in the Annex hereto should be altered to the amounts set out therein,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state, as fixed in the Annex to Regulation (EC) No 468/96 (amended) are hereby altered, in respect of the products set out in the Annex hereto, to the amounts set out therein.

Article 2

This Regulation shall enter into force on 22 March 1996.

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

Done at Brussels, 21 March 1996.

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 65, 15. 3. 1996, p. 8.

⁽⁴⁾ OJ No L 66, 16. 3. 1996, p. 11.

ANNEX

to the Commission Regulation of 21 March 1996 altering the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0401 10 10 000	+	4,748	0402 29 15 500	+	0,9116
0401 10 90 000	+	4,748	0402 29 15 900	+	0,9805
0401 20 11 100	+	4,748	0402 29 19 200	+	0,4900
0401 20 11 500	+	7,340	0402 29 19 300	+	0,8653
0401 20 19 100	+	4,748	0402 29 19 500	+	0,9116
0401 20 19 500	+	7,340	0402 29 19 900	+	0,9805
0401 20 91 100	+	9,775	0402 29 91 100	+	0,9877
0401 20 91 500	+	11,39	0402 29 91 500	+	1,0761
0401 20 99 100	+	9,775	0402 29 99 100	+	0,9877
0401 20 99 500	+	11,39	0402 29 99 500	+	1,0761
0401 30 11 100	+	14,62	0402 91 11 110	+	4,748
0401 30 11 400	+	22,55	0402 91 11 120	+	9,775
0401 30 11 700	+	33,87	0402 91 11 310	+	16,36
0401 30 19 100	+	14,62	0402 91 11 350	+	20,06
0401 30 19 400	+	22,55	0402 91 11 370	+	24,39
0401 30 19 700	+	33,87	0402 91 19 110	+	4,748
0401 30 31 100	+	40,34	0402 91 19 120	+	9,775
0401 30 31 400	+	63,00	0402 91 19 310	+	16,36
0401 30 31 700	+	69,47	0402 91 19 350	+	20,06
0401 30 39 100	+	40,34	0402 91 19 370	+	24,39
0401 30 39 400	+	63,00	0402 91 31 100	+	19,31
0401 30 39 700	+	69,47	0402 91 31 300	+	28,83
0401 30 91 100	+	79,18	0402 91 39 100	+	19,31
0401 30 91 400	+	116,37	0402 91 39 300	+	28,83
0401 30 91 700	+	135,80	0402 91 51 000	+	22,55
0401 30 99 100	+	79,18	0402 91 59 000	+	22,55
0401 30 99 400	+	116,37	0402 91 91 000	+	79,18
0401 30 99 700	+	135,80	0402 91 99 000	+	79,18
0402 10 11 000	+	49,00	0402 99 11 110	+	0,0475
0402 10 19 000	+	49,00	0402 99 11 130	+	0,0978
0402 10 91 000	+	0,4900	0402 99 11 150	+	0,1562
0402 10 99 000	+	0,4900	0402 99 11 310	+	18,88
0402 21 11 200	+	49,00	0402 99 11 330	+	22,65
0402 21 11 300	+	86,53	0402 99 11 350	+	30,11
0402 21 11 500	+	91,16	0402 99 19 110	+	0,0475
0402 21 11 900	+	98,05	0402 99 19 130	+	0,0978
0402 21 17 000	+	49,00	0402 99 19 150	+	0,1562
0402 21 19 300	+	86,53	0402 99 19 310	+	18,88
0402 21 19 500	+	91,16	0402 99 19 330	+	22,65
0402 21 19 900	+	98,05	0402 99 19 350	+	30,11
0402 21 91 100	+	98,77	0402 99 31 110	+	0,2094
0402 21 91 200	+	99,45	0402 99 31 150	+	31,35
0402 21 91 300	+	100,67	0402 99 31 300	+	0,4034
0402 21 91 400	+	107,61	0402 99 31 500	+	0,6947
0402 21 91 500	+	110,00	0402 99 39 110	+	0,2094
0402 21 91 600	+	119,21	0402 99 39 150	+	31,35
0402 21 91 700	+	124,61	0402 99 39 300	+	0,4034
0402 21 91 900	+	130,71	0402 99 39 500	+	0,6947
0402 21 99 100	+	98,77	0402 99 91 000	+	0,7918
0402 21 99 200	+	99,45	0402 99 99 000	+	0,7918
0402 21 99 300	+	100,67	0403 10 11 400	+	4,748
0402 21 99 400	+	107,61	0403 10 11 800	+	7,340
0402 21 99 500	+	110,00	0403 10 13 800	+	9,775
0402 21 99 600	+	119,21	0403 10 19 800	+	14,62
0402 21 99 700	+	124,61	0403 10 31 400	+	0,0475
0402 21 99 900	+	130,71	0403 10 31 800	+	0,0734
0402 29 15 200	+	0,4900	0403 10 33 800	+	0,0978
0402 29 15 300	+	0,8653	0403 10 39 800	+	0,1462

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0403 90 11 000	+	48,30	0404 90 83 919	+	0,3387
0403 90 13 200	+	48,30	0404 90 83 931	+	18,71
0403 90 13 300	+	85,76	0404 90 83 933	+	22,46
0403 90 13 500	+	90,35	0404 90 83 935	+	29,84
0403 90 13 900	+	97,18	0404 90 83 937	+	31,06
0403 90 19 000	+	97,90	0404 90 89 130	+	0,9790
0403 90 31 000	+	0,4830	0404 90 89 150	+	1,0665
0403 90 33 200	+	0,4830	0404 90 89 930	+	0,4843
0403 90 33 300	+	0,8576	0404 90 89 950	+	0,6947
0403 90 33 500	+	0,9035	0404 90 89 990	+	0,7918
0403 90 33 900	+	0,9718	0405 10 11 500	+	156,10
0403 90 39 000	+	0,9790	0405 10 11 700	+	160,00
0403 90 51 100	+	4,748	0405 10 19 500	+	156,10
0403 90 51 300	+	7,340	0405 10 19 700	+	160,00
0403 90 53 000	+	9,775	0405 10 30 100	+	156,10
0403 90 59 110	+	14,62	0405 10 30 300	+	160,00
0403 90 59 140	+	22,55	0405 10 30 500	+	156,10
0403 90 59 170	+	33,87	0405 10 30 700	+	160,00
0403 90 59 310	+	40,34	0405 10 50 100	+	156,10
0403 90 59 340	+	63,00	0405 10 50 300	+	160,00
0403 90 59 370	+	69,47	0405 10 50 500	+	156,10
0403 90 59 510	+	79,18	0405 10 50 700	+	160,00
0403 90 59 540	+	116,37	0405 10 90 000	+	165,85
0403 90 59 570	+	135,80	0405 20 90 500	+	146,34
0403 90 61 100	+	0,0475	0405 20 90 700	+	152,20
0403 90 61 300	+	0,0734	0405 90 10 000	+	205,00
0403 90 63 000	+	0,0978	0405 90 90 000	+	160,00
0403 90 69 000	+	0,1462	0406 10 20 100	+	—
0404 90 21 100	+	48,30	0406 10 20 230	046	26,57
0404 90 21 910	+	4,748		052	26,57
0404 90 21 950	+	16,22		400	30,90
0404 90 23 120	+	48,30		404	—
0404 90 23 130	+	85,76		600	26,57
0404 90 23 140	+	90,35		...	37,95
0404 90 23 150	+	97,18	0406 10 20 290	046	24,71
0404 90 23 911	+	4,748		052	24,71
0404 90 23 913	+	9,775		400	28,74
0404 90 23 915	+	14,62		404	—
0404 90 23 917	+	22,55		600	24,71
0404 90 23 919	+	33,87		...	35,30
0404 90 23 931	+	16,22	0406 10 20 610	037	—
0404 90 23 933	+	19,88		039	—
0404 90 23 935	+	24,17		046	46,09
0404 90 23 937	+	28,58		052	46,09
0404 90 23 939	+	29,87		400	64,19
0404 90 29 110	+	97,90		404	—
0404 90 29 115	+	98,55		600	46,09
0404 90 29 120	+	99,78		...	65,84
0404 90 29 130	+	106,65	0406 10 20 620	037	—
0404 90 29 135	+	109,00		039	—
0404 90 29 150	+	118,13		046	50,54
0404 90 29 160	+	123,50		052	50,54
0404 90 29 180	+	129,53		400	70,77
0404 90 81 100	+	0,4830		404	—
0404 90 81 910	+	0,0475		600	50,54
0404 90 81 950	+	18,71		...	72,20
0404 90 83 110	+	0,4830	0406 10 20 630	037	—
0404 90 83 130	+	0,8576		039	—
0404 90 83 150	+	0,9035		046	57,07
0404 90 83 170	+	0,9718		052	57,07
0404 90 83 911	+	0,0475		400	80,43
0404 90 83 913	+	0,0978		404	—
0404 90 83 915	+	0,1462		600	57,07
0404 90 83 917	+	0,2255		...	81,52

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 10 20 640	037	—	0406 20 90 919	046	69,27
	039	—		052	69,27
	046	66,96		400	98,96
	052	66,96		404	—
	400	95,66		600	69,27
	404	—		...	98,96
	600	66,96	0406 20 90 990	+	—
	...	95,66	0406 30 10 100	+	—
0406 10 20 650	037	—	0406 30 10 150	037	—
	039	—		039	—
	046	69,71		046	9,77
	052	69,71		052	9,77
	400	47,83		400	12,25
	404	—		404	—
	600	69,71		600	9,77
	...	99,59		...	13,95
0406 10 20 660	+	—	0406 30 10 200	037	—
0406 10 20 810	037	—		039	—
	039	—		046	20,83
	046	10,85		052	20,83
	052	10,85		400	26,60
	400	15,51		404	—
	404	—		600	20,83
	600	10,85		...	29,75
	...	15,51	0406 30 10 250	037	—
0406 10 20 830	037	—		039	—
	039	—		046	20,83
	046	18,53		052	20,83
	052	18,53		400	26,60
	400	26,47		404	—
	404	—		600	20,83
	600	18,53		...	29,75
	...	26,47	0406 30 10 300	037	—
0406 10 20 850	037	—		039	—
	039	—		046	30,56
	046	22,46		052	30,56
	052	22,46		400	39,04
	400	32,09		404	—
	404	—		600	30,56
	600	22,46		...	43,65
	...	32,09	0406 30 10 350	037	—
0406 10 20 870	+	—		039	—
0406 10 20 900	+	—		046	20,83
0406 20 90 100	+	—		052	20,83
0406 20 90 913	046	43,76		400	26,60
	052	43,76		404	—
	400	62,51		600	20,83
	404	—		...	29,75
	600	43,76	0406 30 10 400	037	—
	...	62,51		039	—
	046	58,34		046	30,56
	052	58,34		052	30,56
0406 20 90 915	400	83,34		400	39,04
	404	—		404	—
	600	58,34		600	30,56
	...	83,34		...	43,65
	046	61,97	0406 30 10 450	037	—
	052	61,97		039	—
	400	88,54		046	44,46
	404	—		052	44,46
0406 20 90 917	600	61,97		400	56,85
	...	88,54		404	—
	046	—		600	44,46
	052	—		...	63,51
	400	—	0406 30 10 500	+	—
	404	—			
	600	—			
	...	—			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 10 550	037	—	0406 30 31 710	037	—
	039	—		039	—
	046	20,83		046	20,83
	052	20,83		052	20,83
	400	26,60		400	26,60
	404	12,23		404	—
	600	20,83		600	20,83
0406 30 10 600	...	29,75	0406 30 31 730	...	29,75
	037	—		037	—
	039	—		039	—
	046	30,56		046	30,56
	052	30,56		052	30,56
	400	39,04		400	39,04
	404	17,12		404	—
0406 30 10 650	600	30,56	0406 30 31 910	600	30,56
	...	43,65		...	43,65
	037	—		037	—
	039	—		039	—
	046	44,46		046	20,83
	052	44,46		052	20,83
	400	56,85		400	26,60
0406 30 10 700	404	—	0406 30 31 930	404	—
	600	44,46		600	20,83
	...	63,51		...	29,75
	037	—		037	—
	039	—		039	—
	046	44,46		046	30,56
	052	44,46		052	30,56
0406 30 10 750	400	56,85	0406 30 31 950	400	39,04
	404	—		404	—
	600	44,46		600	30,56
	...	63,51		...	43,65
	037	—		037	—
	039	—		039	—
	046	52,73		046	44,46
0406 30 10 800	052	52,73	0406 30 39 100	052	44,46
	400	67,42		400	56,85
	404	—		404	—
	600	52,73		600	44,46
	...	75,33		...	63,51
	037	—		+	—
	039	—	0406 30 39 300	037	—
0406 30 31 100	046	52,73		039	—
	052	52,73		046	20,83
	400	67,42		052	20,83
	404	—		400	26,60
	600	52,73		404	12,23
	...	75,33		600	20,83
	+	—		...	29,75
0406 30 31 300	037	—	0406 30 39 500	037	—
	039	—		039	—
	046	9,77		046	30,56
	052	9,77		052	30,56
	400	12,25		400	39,04
	404	—		404	17,12
	600	9,77		600	30,56
0406 30 31 500	...	13,95	0406 30 39 700	...	43,65
	037	—		037	—
	039	—		039	—
	046	20,83		046	44,46
	052	20,83		052	44,46
	400	26,60		400	56,85
	404	—		404	—
	600	20,83		600	44,46
	...	29,75		...	63,51

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 39 930	037	—	0406 90 12 000	037	—
	039	—		039	—
	046	44,46		046	82,07
	052	44,46		052	82,07
	400	56,85		400	102,86
	404	—		404	—
	600	44,46		600	82,07
	...	63,51		...	117,24
0406 30 39 950	037	—	0406 90 14 100	037	—
	039	—		039	—
	046	52,73		046	82,07
	052	52,73		052	82,07
	400	67,42		400	102,86
	404	—		404	—
	600	52,73		600	82,07
	...	75,33		...	117,24
0406 30 90 000	037	—	0406 90 14 900	+	—
	039	—		037	—
	046	52,73	0406 90 16 100	039	—
	052	52,73		046	82,07
	400	67,42		052	82,07
	404	—		400	102,86
	600	52,73		404	—
	...	75,33		600	82,07
0406 40 50 000	046	65,16		...	117,24
	052	65,16	0406 90 16 900	+	—
	400	88,32		037	—
	404	—	0406 90 21 900	039	—
	600	52,73		046	78,13
	...	75,33		052	78,13
0406 40 90 000	046	65,16		400	95,66
	052	65,16		404	—
	400	88,32		600	78,13
	404	—		...	111,62
	600	65,16	0406 90 23 900	037	—
	...	93,09		039	—
0406 90 07 000	037	—		046	63,00
	039	—		052	63,00
	046	82,07		400	46,29
	052	82,07		404	—
	400	102,86		600	63,00
	404	—		...	90,00
	600	82,07	0406 90 25 900	037	—
	...	117,24		039	—
0406 90 08 100	037	—		046	69,71
	039	—		052	69,71
	046	82,07		400	47,83
	052	82,07		404	—
	400	102,86		600	69,71
	404	—		...	99,59
	600	82,07	0406 90 27 900	037	—
	...	117,24		039	—
0406 90 08 900	+	—		046	59,08
	037	—		052	59,08
0406 90 09 100	039	—		400	41,30
	046	82,07		404	—
	052	82,07		600	59,08
	400	102,86		...	84,39
	404	—			
	600	82,07			
	...	117,24			
	+	—			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 31 119	037	—	0406 90 37 000	037	—
	039	—		039	—
	046	49,82		046	82,07
	052	49,82		052	82,07
	400	49,43		400	102,86
	404	12,66		404	—
	600	49,82		600	82,07
0406 90 31 151	...	71,17	0406 90 61 000	...	117,24
	037	—		037	66,23
	039	—		039	66,23
	046	46,44		046	95,29
	052	46,44		052	95,29
	400	46,20		400	136,13
	404	11,84		404	103,01
0406 90 31 159	600	46,44	0406 90 63 100	600	95,29
	...	66,34		...	136,13
	+	—		037	83,10
	037	—		039	83,10
	039	—		046	117,49
	046	49,82		052	117,49
	052	49,82		400	167,83
0406 90 33 119	400	49,43		404	126,59
	404	12,66		600	117,49
	600	49,82		...	167,83
	...	71,17	0406 90 63 900	037	51,52
	037	—		039	51,52
	039	—		046	84,99
	046	46,44		052	84,99
	052	46,44		400	110,38
0406 90 33 151	400	46,20		404	58,87
	404	11,84		600	84,99
	600	46,44		...	121,41
	...	66,34	0406 90 69 100	+	—
	037	—		037	51,52
	039	—		039	51,52
	046	46,33		046	84,99
	052	46,33		052	84,99
0406 90 33 919	400	45,97		400	110,38
	404	11,78		404	58,87
	600	46,33		600	84,99
	...	66,19		...	121,41
	037	—	0406 90 73 900	037	31,39
	039	—		039	31,39
	046	43,19		046	77,79
0406 90 33 951	052	43,19		052	77,79
	400	42,97		400	111,12
	404	11,01		404	88,32
	600	43,19		600	77,79
	...	61,70		...	111,12
	037	33,76	0406 90 75 900	037	—
	039	33,76		039	—
0406 90 35 190	046	87,81		046	64,88
	052	87,81		052	64,88
	400	125,44		400	47,83
	404	71,22		404	—
	600	87,81		600	64,88
	...	125,44		...	92,69
	037	—	0406 90 76 100	037	—
0406 90 35 990	039	—		039	—
	046	66,96		046	57,07
	052	66,96		052	57,07
	400	95,66		400	43,24
	404	—		404	—
	600	66,96		600	57,07
	...	95,66		...	81,52

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 76 300	037	—	0406 90 85 991	037	—
	039	—		039	—
	046	69,71		046	66,96
	052	69,71		052	66,96
	400	47,83		400	95,66
	404	—		404	—
	600	69,71		600	66,96
0406 90 76 500	...	99,59	0406 90 85 995	...	95,66
	037	—		037	—
	039	—		039	—
	046	69,71		046	69,71
	052	69,71		052	69,71
	400	55,19		400	47,83
	404	—		404	—
0406 90 78 100	600	69,71	0406 90 85 999	600	69,71
	...	99,59		...	99,59
	037	—		+	—
	039	—		+	—
	046	54,18		037	—
	052	54,18		039	—
	400	43,24		046	46,09
0406 90 78 300	404	—	0406 90 86 100	052	46,09
	600	54,18		400	65,84
	...	77,40		404	—
	037	—		600	46,09
	039	—		...	65,84
	046	66,15	0406 90 86 200	037	—
	052	66,15		039	—
0406 90 78 500	400	47,83		046	50,54
	404	—		052	50,54
	600	66,15		400	70,77
	...	94,50		404	—
	037	—		600	50,54
	039	—		...	72,20
	046	66,15	0406 90 86 300	037	—
0406 90 78 900	052	66,15		039	—
	400	55,19		046	57,07
	404	—		052	57,07
	600	66,15		400	80,43
	...	94,50		404	—
	037	—		600	57,07
	039	—		...	81,52
0406 90 81 900	046	59,08	0406 90 86 400	037	—
	052	59,08		039	—
	400	41,30		046	66,96
	404	—		052	66,96
	600	59,08		400	95,66
	...	84,39		404	—
	037	—		600	66,96
0406 90 85 910	039	—	0406 90 86 900	...	95,66
	046	66,96		037	—
	052	66,96		039	—
	400	95,66		046	46,09
	404	—		052	46,09
	600	66,96		400	65,84
	...	95,66		404	—
0406 90 85 910	037	33,76	0406 90 87 100	600	46,09
	039	33,76		...	95,66
	046	87,81		+	—
	052	87,81		037	—
	400	125,44		039	—
	404	71,22		046	46,09
	600	87,81		052	46,09
0406 90 85 910	...	125,44	0406 90 87 200	400	65,84
	037	33,76		404	—
	039	33,76		600	46,09
	046	87,81		...	65,84
	052	87,81			
	400	125,44			
	404	71,22			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 87 300	037	—	0406 90 88 300	037	—
	039	—		039	—
	046	50,54		046	50,54
	052	50,54		052	50,54
	400	70,77		400	70,77
	404	—		404	—
	600	50,54		600	50,54
	...	72,20		...	72,20
0406 90 87 400	037	—	2309 10 15 010	+	—
	039	—	2309 10 15 100	+	—
	046	57,07	2309 10 15 200	+	—
	052	57,07	2309 10 15 300	+	—
	400	80,43	2309 10 15 400	+	—
	404	—	2309 10 15 500	+	—
	600	57,07	2309 10 15 700	+	—
	...	81,52	2309 10 19 010	+	—
0406 90 87 951	037	33,76	2309 10 19 100	+	—
	039	33,76	2309 10 19 200	+	—
	046	83,64	2309 10 19 300	+	—
	052	83,64	2309 10 19 400	+	—
	400	119,48	2309 10 19 500	+	—
	404	71,22	2309 10 19 600	+	—
	600	83,64	2309 10 19 700	+	—
	...	119,48	2309 10 19 800	+	—
0406 90 87 971	037	—	2309 10 70 010	+	—
	039	—	2309 10 70 100	+	14,58
	046	69,71	2309 10 70 200	+	19,44
	052	69,71	2309 10 70 300	+	24,30
	400	54,46	2309 10 70 500	+	29,16
	404	—	2309 10 70 600	+	34,02
	600	69,71	2309 10 70 700	+	38,88
	...	99,59	2309 10 70 800	+	42,77
0406 90 87 972	046	26,57	2309 90 35 010	+	—
	052	26,57	2309 90 35 100	+	—
	400	30,90	2309 90 35 200	+	—
	404	—	2309 90 35 300	+	—
	600	26,57	2309 90 35 400	+	—
	...	37,95	2309 90 35 500	+	—
	037	—	2309 90 35 700	+	—
	039	—	2309 90 39 010	+	—
0406 90 87 979	046	69,71	2309 90 39 100	+	—
	052	69,71	2309 90 39 200	+	—
	400	54,46	2309 90 39 300	+	—
	404	—	2309 90 39 400	+	—
	600	69,71	2309 90 39 500	+	—
	...	99,59	2309 90 39 600	+	—
	+	—	2309 90 39 700	+	—
	037	—	2309 90 39 800	+	—
0406 90 88 100	039	—	2309 90 70 010	+	—
0406 90 88 200	046	46,09	2309 90 70 100	+	14,58
	052	46,09	2309 90 70 200	+	19,44
	400	65,84	2309 90 70 300	+	24,30
	404	—	2309 90 70 500	+	29,16
	600	46,09	2309 90 70 600	+	34,02
	...	65,84	2309 90 70 700	+	38,88
			2309 90 70 800	+	42,77

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

(**) 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 462/96 are observed.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended.

COMMISSION DIRECTIVE 96/19/EC

of 13 March 1996

amending Directive 90/388/EEC with regard to the implementation of full competition in telecommunications markets

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 90 (3) thereof,

Whereas:

(1) According to Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services⁽¹⁾, as last amended by Directive 96/2/EC⁽²⁾, telecommunications services, with the exception of voice telephony to the general public and those services specifically excluded from the scope of that Directive, must be open to competition. These services were the telex service, mobile communications and radio and television broadcasting to the public. Satellite communications were included in the scope of the Directive through Commission Directive 94/46/EC⁽³⁾. Cable television networks were included in the scope of the Directive through Commission Directive 95/51/EC⁽⁴⁾, and mobile and personal communications were included in the scope of the Directive through Directive 96/2/EC. Under Directive 90/388/EEC, Member States must take the measures necessary to ensure that any operator is entitled to supply such services.

(2) Subsequent to the public consultation organized by the Commission in 1992 on the situation in the telecommunications sector (the 1992 Review), the Council, in its resolution of 22 July 1993⁽⁵⁾, unanimously called for the liberalization of all public voice telephony services by 1 January 1998, subject to additional transitional periods of up to five years to allow Member States with less developed networks, i.e. Spain, Ireland, Greece and Portugal, to achieve the necessary adjustments, in particular tariff adjustments. Moreover, very small networks should, according to the Council also be granted an adjustment period of up to two years where so justified. The Council subsequently unanimously recognized, in its resolution of 22 December 1994⁽⁶⁾, that the provision of telecommunications infrastructure should also be liberalized by 1 January 1998, subject to the same transitional periods as

agreed for the liberalization of voice telephony. Furthermore, in its resolution of 18 September 1995⁽⁷⁾, the Council established basic guidelines for the future regulatory environment.

(3) Directive 90/388/EEC establishes that the granting of special or exclusive rights to telecommunications services to telecommunications organizations is in breach of Article 90 of the Treaty, in conjunction with Article 59 of the Treaty, since they limit the provision of cross-border services. As far as telecommunications services and networks are concerned such special rights were defined in that Directive.

According to Directive 90/388/EEC exclusive rights granted for the provision of telecommunications services are also incompatible with Article 90 (1) of the Treaty, in conjunction with Article 86 of the Treaty, where they are granted to telecommunications organizations which also enjoy exclusive or special rights for the establishment and the provision of telecommunications networks since their grant amounts to the reinforcement or the extension of a dominant position or necessarily leads to other abuses of such position.

(4) In 1990, the Commission, however, granted a temporary exception under Article 90 (2) in respect of exclusive and special rights for the provision of voice telephony, since the financial resources for the development of the network still derived mainly from the operation of the telephony service and the opening-up of that service could, at that time, threaten the financial stability of the telecommunications organizations and obstruct the performance of the task of general economic interest assigned to them, consisting in the provision and exploitation of a universal network, i.e. one having general geographic coverage, and that connection to it is being provided to any service provider or user upon request within a reasonable period of time.

Moreover, at the time of the adoption of Directive 90/388/EEC, all telecommunications organizations were also in the course of digitalizing their network to increase the range of services which could be

⁽¹⁾ OJ No L 192, 24. 7. 1990, p. 10.

⁽²⁾ OJ No L 20, 26. 1. 1996, p. 59.

⁽³⁾ OJ No L 268, 19. 10. 1994, p. 15.

⁽⁴⁾ OJ No L 256, 26. 10. 1995, p. 49.

⁽⁵⁾ OJ No C 213, 6. 8. 1993, p. 1.

⁽⁶⁾ OJ No C 379, 31. 12. 1994, p. 4.

⁽⁷⁾ OJ No C 258, 3. 10. 1995, p. 1.

provided to the final customers. Today, coverage and digitalization are already achieved in a number of Member States. Taking into account the progress in radio frequency applications and the on-going heavy investment programmes, optic fibre-coverage and network penetration are expected to improve significantly in the other Member States in the coming years.

In 1990, concerns were also expressed against immediate introduction of competition in voice telephony while price structures of the telecommunications organizations were substantially out of line with costs, because competing operators could target highly profitable services such as international telephony and gain market share merely on the basis of existing substantially distorted tariff structures. In the meantime efforts have been made to balance differences in pricing and cost structures in preparation for liberalization. The European Parliament and the Council have in the meantime recognized that there are less restrictive means than the granting of special or exclusive rights to ensure this task of general economic interest.

- (5) For these reasons, and in accordance with the Council resolutions of 22 July 1993 and of 22 December 1994, the continuation of the exception granted with respect of voice telephony is no longer justified. The exception granted by Directive 90/388/EEC should be ended and the Directive, including the definitions used, amended accordingly. In order to allow telecommunications organizations to complete their preparation for competition and in particular to pursue the necessary rebalancing of tariffs, Member States may continue the current special and exclusive rights regarding the provision of voice telephony until 1 January 1998. Member States with less developed networks or with very small networks must be eligible for a temporary exception where this is warranted by the need to carry out structural adjustments and strictly only to the extent necessary for those adjustments. Such Member States should be granted, upon request, an additional transitional period respectively of up to five and of up to two years, provided it is necessary to complete the necessary structural adjustments. The Member States which may request such an exception are Spain, Ireland, Greece and Portugal with regard to less developed networks and Luxembourg with regard to very small networks. The possibility of such transitional periods has also been called for in the Council resolutions of 22 July 1993 and of 22 December 1994.

- (6) The abolition of exclusive and special rights as regards the provision of voice telephony will in particular allow the current telecommunications organizations from one Member State to directly provide their service in other Member States as from 1 January 1998. These organizations currently possess the skills and the experience required to enter into the markets opened to competition. However, in almost all Member States, they will compete with the national telecommunications organizations which are granted the exclusive or special right to provide not only voice telephony but also to establish and provide the underlying infrastructure, including the acquisition of indefeasible rights of use in international circuits. The flexibility and the economies of scope which this allows will prevent this dominant position being challenged in the normal course of competition once the liberalization of voice telephony takes place. This will make it possible for the telecommunications organizations to maintain their dominant position on their home markets unless the new entrants in the voice telephony market were entitled to the same rights and obligations. In particular, if new entrants are not granted free choice as regards the underlying infrastructure to provide their services in competition with the dominant operator, this restriction would *de facto* prevent them from entering the market for voice telephony, including for the provision of cross-border services. The maintenance of special rights limiting the number of undertakings authorized to establish and provide infrastructure would therefore limit the freedom to provide services contrary to Article 59 of the Treaty. The fact that the restriction on establishing own infrastructure would apparently apply in the Member State concerned without distinction to all companies providing voice telephony other than the national telecommunications organizations would not be sufficient to remove the preferential treatment of the latter from the scope of Article 59 of the Treaty. Given the fact that it is likely that most new entrants will originate from other Member States such a measure would in practice affect foreign companies to a larger extent than national undertakings. On the other hand, while no justification for these restrictions appears to exist, less restrictive means such as licensing procedures would in any event be available to ensure general interests of a non-economic nature.

- (7) In addition, the abolition of exclusive and special rights on the provision of voice telephony would have little or no effect, if new entrants would be obliged to use the public telecommunications

network of the incumbent telecommunications organizations, with whom they compete in the voice telephony market. Reserving to one undertaking which markets telecommunications services the task of supplying the indispensable raw material, i.e. the transmission capacity, to all its competitors would be tantamount to conferring upon it the power to determine at will where and when services can be offered by its competitors, at what cost, and to monitor their clients and the traffic generated by its competitors, placing that undertaking in a position where it would be induced to abuse its dominant position. Directive 90/388/EEC did not explicitly address the establishment and provision of telecommunications networks, as it granted a temporary exception under Article 90 (2) of the Treaty in respect of exclusive and special rights for the by far most important service in economic terms provided over telecommunications networks, i.e. voice telephony. However, the Directive provided for an overall review by the Commission of the situation in the whole telecommunications sector in 1992.

It is true that Council Directive 92/44/EEC of 5 June 1992 on the application of open network provision to leased lines, amended by Commission Decision 94/439/EC⁽¹⁾, harmonizes the basic principles regarding the provision of leased lines, but it only harmonizes the conditions of access and use of leased lines. The aim of that Directive is not to remedy the conflict of interest of the telecommunications organizations as infrastructure and service providers. It does not impose a structural separation between the telecommunications organizations as providers of leased lines and as service providers. Complaints illustrate that even in Member States which have implemented that Directive, telecommunications organizations still use their control of the access conditions to the network at the expense of their competitors in the services market. Complaints show that telecommunications organizations still apply excessive tariffs and that they use information acquired as infrastructure providers regarding the services planned by their competitors, to target clients in the services market. Directive 92/44/EEC only provides for the principle of cost-orientation and does not prevent telecommunications organizations to use the information acquired as capacity provider as regards subscribers' usage patterns, necessary to target specific groups of users, and on price elasticities of demand in each service market segment and region of the country. The current regulatory framework does not resolve the conflict of interest mentioned above. The most

appropriate remedy to this conflict of interest is therefore to allow service providers to use own or third party telecommunications infrastructure to provide their services to the final customers instead of the infrastructure of their main competitor. In its resolution of 22 December 1994 the Council also approved the principle that infrastructure provision should be liberalized.

Member States should therefore abolish the current exclusive rights on the provision and use of infrastructure which infringe Article 90 (1) of the Treaty, in combination with Articles 59 and 86 of the Treaty, and allow voice telephony providers to use own and/or any alternative infrastructure of their choice.

- (8) Directive 90/388/EEC states that the rules of the Treaty, including those on competition, apply to telex services. At the same time it establishes that the granting of special or exclusive rights for telecommunications services to telecommunications organizations is in breach of Article 90 (1) of the Treaty, in conjunction with Article 59 of the Treaty, since they limit the provision of cross-border services. However, it was considered in the Directive that an individual approach was appropriate, as a rapid decline of the service was expected. In the meantime it has become clear that the telex service will continue to coexist with new services like facsimile in the foreseeable future, given that the telex network is still the only standardized network with worldwide coverage and providing legal proof in Court. It is therefore no longer justified to maintain the initial approach.
- (9) As regards the access of new competitors to the telecommunications markets, only mandatory requirements can justify restrictions to the fundamental freedoms provided for in the Treaty. These restrictions should be limited to what is necessary to achieve the objective of a non-economic nature pursued. Member States may therefore only introduce licensing or declaration procedures where it is indispensable to ensure compliance with the applicable essential requirements and, with regard to the provision of voice telephony and the underlying infrastructure, introduce requirements in the form of trade regulations where it is necessary in order to ensure, in accordance with Article 90 (2) of the Treaty, the performance in a competitive environment of the particular tasks of public service assigned to the relevant undertakings in the telecommunications field and/or to ensure a contribution to the financing of universal service. Other public service requirements can be included by Member States in certain categories of licences, in line with the principle of proportionality and in conformity with Articles 56 and 66 of the Treaty.

⁽¹⁾ OJ No L 165, 19. 6. 1992, p. 27.

The provisions of Directive 90/388/EEC are therefore not to prejudice the applicability of provisions laid down by law, regulation or administrative action providing for the protection of public security and in particular the lawful interception of communications.

In the framework of the adoption of authorization requirements under Directive 90/388/EEC, it appeared that certain Member States were imposing obligations on new entrants which were not in proportion with the aims of general interest pursued. To avoid such measures being used to prevent the dominant position of the telecommunications organizations being challenged by competition once the liberalization of voice telephony takes place, thus making it possible for the telecommunications organizations to maintain their dominant position in the voice telephony and public telecommunications networks markets and thereby strengthening the dominant position of the incumbent operator, it is necessary that Member States should notify any licensing or declaration requirements to the Commission, before they are introduced, to enable the latter to assess their compatibility with the Treaty and in particular the proportionality of the obligations imposed.

- (10) According to the principle of proportionality, the number of licences may only be limited where this is unavoidable to ensure compliance with essential requirements concerning the use of scarce resources. As the Commission stated in its communication on the consultation on the Green Paper on the liberalization of telecommunications infrastructure and cable television networks, the sole reason in this respect should be the existence of physical limitations, imposed by the lack of necessary frequency spectrum.

As regards the provision of voice telephony, public fixed telecommunications networks and other telecommunications networks involving the use of radio frequencies, the essential requirements would justify the introduction or maintenance of an individual licensing procedure. In all other cases, a general authorization or a declaration procedure suffices to ensure compliance with the essential requirements. Licensing is not justified when a mere declaration procedure would suffice to attain the relevant objective.

As regards the provision of packet- or circuit-switched data services, Directive 90/388/EEC allowed the Member States under Article 90 (2) of the Treaty to adopt specific sets of public service specifications in the form of trade regulations with a view to preserving the relevant public service requirements. The Commission has in the course

of 1994 assessed the effects of the measures adopted under this provision. The results of this review were made public in its Communication on the status and the implementation of Directive 90/388/EEC. On the basis of that review, which also took account of the experience in most Member States where the relevant public service objectives were achieved without the implementation of such schemes, there is no justification to continue this specific regime and the current schemes should be abolished accordingly. However, Member States may replace these schemes by a declaration or a general authorization procedure.

- (11) Newly authorized voice telephony providers will be able to compete effectively with the current telecommunications organizations only if they are granted adequate numbers to allocate to their customers. Moreover, where numbers are allocated by the current telecommunications organizations, the latter will be induced to reserve the best numbers for themselves and to give their competitors insufficient numbers or numbers which are commercially less attractive, for example, because of their length. By maintaining such power in the hands of their telecommunications organizations Member States would therefore induce the former to abuse their power on the market for voice telephony and infringe Article 90 of the Treaty, in conjunction with Article 86 of the Treaty.

Consequently, the establishment and administration of the national numbering plan should be entrusted to a body independent from the telecommunications organization, and a procedure for the allocation of numbers should, where required, be drafted, which is based on objective criteria, is transparent and without discriminatory effects. Where a subscriber changes service providers, telecommunications organizations should communicate, in the way and to the extent required by Article 86 of the Treaty, the information on his new number for a sufficient period of time to parties seeking to contact him under his old number. Subscribers changing service providers should also have the possibility of keeping their numbers in return for a reasonable contribution to the cost of transferring the numbers.

- (12) As Member States are obliged by this Directive to withdraw special and exclusive rights for the provision and operation of fixed public telecommunications networks, the obligation set out in Directive 90/388/EEC to take the necessary measures to ensure objective, non-discriminatory and published access conditions should be adapted accordingly.
- (13) Subject to reasonable compensation, the right of new providers of voice telephony to interconnect

their service for call completion purposes with the existing public telecommunications network at the necessary interconnection points, including access to customer databases necessary for the provision of directory information, is of crucial importance in the initial period after the abolition of the special and exclusive rights regarding voice telephony and telecommunications infrastructure provision. Interconnection should in principle be a matter for negotiation between the parties, subject to the application of the competition rules addressed to undertakings. Given the imbalance in negotiating power of new entrants compared with the telecommunications organizations whose monopoly position results from their special and exclusive rights, it is likely that, as long as a harmonized regulatory framework has not been established by the European Parliament and the Council, interconnection would be delayed by disputes as to terms and conditions to be applied. Such delays would jeopardize the market entry of new entrants and hence prevent the abolition of special and exclusive rights to become effective. The failure by Member States to adopt the necessary safeguards to prevent such a situation would lead to a continuation *de facto* of the current special and exclusive rights, which as set out above are considered to be incompatible with Article 90 (1) of the Treaty, in conjunction with Articles 59 and 86 of the Treaty.

In order to allow for effective market entry and to prevent the *de facto* continuation of special and exclusive rights contrary to Article 90 (1) of the Treaty, in conjunction with Articles 59 and 86 of the Treaty, Member States should ensure that, during the time period necessary for such entry by competitors, telecommunications organizations publish standard terms and conditions for interconnection to the voice telephony networks which they offer to the public, including interconnect price lists and access points, no later than six months before the actual date of liberalization of voice telephony and telecommunications transmission capacity. Such standard offers should be non-discriminatory and sufficiently unbundled to allow the new entrants to purchase only those elements of the interconnection offer they actually need. Furthermore, they may not discriminate on the basis of the origin of the calls and/or the networks.

period necessary to allow for effective market entry, clearly identify the cost elements relevant for pricing interconnection offerings and, in particular for each element of the interconnection offered, identify the basis for that cost element, in order to ensure in particular that this pricing includes only elements which are relevant, namely the initial connection charge, conveyance charges, the share of the costs incurred in providing equal access and number-portability and of ensuring essential requirements and, where applicable, supplementary charges aimed to share the net cost of universal service, and provisionally, imbalances in voice telephony tariffs. Such cost accounting should also make it possible to identify when a telecommunications organization charges its major users less than providers of voice telephony networks.

The absence of a quick, cheap and effective procedure to solve interconnection disputes, and one which would prevent the telecommunications organizations causing delays or using their financial resources to increase the cost of available remedies under applicable national law or Community law, would make it possible for the telecommunications organizations to maintain their dominant position. Member States should therefore establish a specific recourse procedure for interconnection disputes.

- (14) Moreover in order to allow the monitoring of interconnection obligations under competition law, the cost accounting system implemented with regard to the provision of voice telephony and public telecommunications networks should, during the time
- (15) The obligation to publish standard charges and interconnection conditions is without prejudice to the requirement on undertakings in a dominant position, under Article 86 of the Treaty, to negotiate special or tailor-made agreements for a particular combination or use of unbundled public switched telephony network components and/or the granting of discounts for particular service providers or large users where these are justified and non-discriminatory. Any interconnection discounts should be justified on an objective basis and be transparent.
- (16) The requirement to publish standard interconnection conditions is also without prejudice to the obligation of dominant undertakings under Article 86 of the Treaty to allow interconnected operators on whose network a call originates to remain responsible for setting the tariff for the customer between the calling and the called party and for routing its clients' traffic up to the interconnection point of its choice.
- (17) A number of Member States are currently still maintaining exclusive rights with regard to the establishment and provision of telephone directory and enquiry services. These exclusive rights are generally granted either to organizations which are

already enjoying a dominant position in providing voice telephony, or to one of their subsidiaries. In such a situation, these rights have the effect of extending the dominant position enjoyed by those organizations and therefore strengthening that position, which, according to the case-law of the Court of Justice of the European Communities, constitutes an abuse of a dominant position contrary to Article 86. The exclusive rights granted in the area of telephone directory services are consequently incompatible with Article 90 (1) of the Treaty, in conjunction with Article 86. These exclusive rights consequently have to be abolished.

- (18) Directory information constitutes an essential access tool for telephony services. In order to ensure the availability of directory information to subscribers to all voice telephony services, Member States may include obligations for the provision of directory information to the general public within individual licences and general authorizations.

Such an obligation should not, however, restrict the provision of such information by new technological means, nor the provision of specialized and/or regional and local directories contrary to Article 90 (1) of the Treaty, in conjunction with point (b) of the second paragraph of Article 86 of the Treaty.

- (19) In the case where universal service can be provided only at a loss or provided under costs falling outside normal commercial standards, different financing schemes can be envisaged to ensure universal service. The emergence of effective competition by the dates established for full liberalization would, however, be seriously delayed if Member States were to implement a financing scheme allocating too heavy a share of any burden to new entrants or were to determine the size of the burden beyond what is necessary to finance the universal service.

Financing schemes disproportionately burdening new entrants and accordingly preventing the dominant position of the telecommunications organizations being challenged by competition once the liberalization of voice telephony takes place, thus making it possible for the telecommunications organizations to entrench their dominant position, would be in breach of Article 90 of the Treaty, in conjunction with Article 86 of the Treaty. Whichever financing scheme they decide to implement, Member States should ensure that only providers of public telecommunications networks contribute to the provision and/or financing of universal service obligations harmonized in the framework of ONP and that the method of alloca-

tion amongst them is based on objective and non-discriminatory criteria and is in accordance with the principle of proportionality. This principle does not prevent Member States from exempting new entrants which have not yet achieved any significant market presence.

Moreover, the funding mechanisms adopted should seek only to ensure that market participants contribute to the financing of universal service, and not to other activities not directly linked to the provision of the universal service.

- (20) As regards the cost structure of voice telephony, a distinction must be made between the initial connection, the monthly rental, local calls, regional calls and long distance calls. The tariff structure of voice telephony provided by the telecommunications organizations in certain Member States is currently still out of line with cost. Certain categories of calls are provided at a loss and are cross-subsidized out of the profits from other categories. Artificially low prices, however, impede competition since potential competitors have no incentive to enter into the relevant segment of the voice telephony market and are contrary to Article 86 of the Treaty, as long as they are not justified under Article 90 (2) of the Treaty as regards specific identified end-users or groups of end-users. Member States should phase out as rapidly as possible all unjustified restrictions on tariff rebalancing by the telecommunications organizations and in particular those preventing the adaptation of rates which are not in line with costs and increase the burden of universal service provision. Where this is justified, the proportion of net costs insufficiently covered by the tariff structure may be reapportioned among all parties concerned in a non-discriminatory and transparent manner.

- (21) As re-balancing could make certain telephone service less affordable in the short term for certain groups of users, Member States may adopt special provisions to soften the impact of re-balancing. In this way, the affordability of the telephone service during the transitional period would be guaranteed while telecommunications operators would still be able to continue their re-balancing process. This is in line with the statement of the Commission concerning the Council resolution on universal service⁽¹⁾, which states that there should be reasonable and affordable prices throughout the territory for initial connection, subscription, periodic rental, access and the use of the service.

⁽¹⁾ OJ No C 48, 16. 2. 1994, p. 8.

- (22) Where Member States entrust the application of the financing scheme of universal service obligations to their telecommunications organization with the right to recoup a share of it from competitors, the former will be induced to charge a higher amount than justified, if Member States would not ensure that the amount charged to finance universal service is made separate and explicit with respect to interconnection (connection and conveyance) charges. In addition, the mechanism should be closely monitored and efficient procedures for timely appeal to an independent body to settle disputes as to the amount to be paid must be provided, without prejudice to other available remedies under national law or Community law.

The Commission should review the situation in Member States five years after the introduction of full competition, to ascertain whether this financing scheme does not lead to situations which are incompatible with Community law.

- (23) Providers of public telecommunications networks require access to pathways across public and private property to place facilities needed to reach the end users. The telecommunications organizations in many Member States enjoy legal privileges to install their network on public and private land, without charge or at charges set simply to recover incurred costs. If Member States do not grant similar possibilities to new licensed operators to enable them to roll out their network, this would delay them and in certain areas be tantamount to maintaining exclusive rights in favour of the telecommunications organization.

Moreover Article 90 of the Treaty, in conjunction with Article 59 of the Treaty, requires that Member States should not discriminate against new entrants, who generally will originate from other Member States, in comparison with their national telecommunications organizations and other national undertakings, which have been granted rights of way facilitating the roll out of their telecommunications networks.

Where essential requirements, in particular with regard to the protection of the environment or with regard to town and country planning objectives, would oppose the granting of similar rights of way to new entrants which do not already have their own infrastructure, Member States should at least ensure that the latter have, where it is technically

feasible, access, on reasonable terms, to the existing ducts or poles, established under rights of way by the telecommunications organization, where these facilities are necessary to roll out their network. In the absence of such requirements the telecommunications organizations would be induced to limit access by their competitors to these essential facilities and thus abuse their dominant position. A failure to adopt such requirements would therefore be contrary to Article 90 (1) of the Treaty, in conjunction with Article 86 of the Treaty.

In addition, pursuant to Article 86, all public telecommunications network operators having essential resources for which competitors do not have economic alternatives are to provide open and non-discriminatory access to those resources.

- (24) The abolition of special and exclusive rights in the telecommunications markets will allow undertakings enjoying special and exclusive rights in sectors other than telecommunications to enter the telecommunications markets. In order to allow for monitoring under the applicable rules of the Treaty of possible anti-competitive cross-subsidies between, on the one hand, areas for which providers of telecommunications services or telecommunications infrastructures enjoy special or exclusive rights and, on the other, their business as telecommunications providers, Member States should take the appropriate measures to achieve transparency as regards the use of resources from such protected activities to enter in the liberalized telecommunications market. Member States should at least require such undertakings once they achieve a significant turnover in the relevant telecommunications service and/or infrastructure provision market, to keep separate financial records, distinguishing between *inter alia*, costs and revenues associated with the provision of services under their special and exclusive rights and those provided under competitive conditions. For the time being, a turnover of more than ECU 50 million could be considered as a significant turnover.

- (25) Most Member States also currently maintain exclusive rights for the provision of telecommunications infrastructure for the supply of telecommunications services other than voice telephony.

Under Directive 92/44/EEC, Member States must ensure that the telecommunications organizations make available certain types of leased lines to all providers of telecommunications services. However,

the Directive provides only for such offer of a harmonized set of leased lines up to a certain bandwidth. Companies needing a higher bandwidth to provide services based on new high-speed technologies such as SDH (synchronous digital hierarchy) have complained that the telecommunications organizations concerned are unable to meet their demand whilst it could be met by the optic fibre networks of other potential providers of telecommunications infrastructure, in the absence of the current exclusive rights. Consequently, the maintenance of these rights delays the emergence of new advanced telecommunications services and therefore restricts technical progress at the expense of the users contrary to Article 90 (1) of the Treaty, in conjunction with point (b) of the second paragraph of Article 86 of the Treaty.

- (26) Given that the lifting of such rights will concern mainly services which are not yet provided and does not concern voice telephony, which is still the main source of revenue of those organizations, it will not destabilize the financial situation of the telecommunications organization. There is consequently no justification to maintain exclusive rights on the establishment and use of network infrastructure for services other than voice telephony. In particular, Member States should ensure that all restrictions on the provision of telecommunications services other than voice telephony over networks established by the provider of the telecommunications service, the use of infrastructures provided by third parties and the sharing of networks, other facilities and sites are lifted as from 1 July 1996.

In order to take account of the specific situation in Member States with less-developed networks and in Member States with very small networks, the Commission will grant, upon request, additional transitional periods.

- (27) Whilst Directive 95/51/EC lifted all restrictions with regard to the provision of liberalized telecommunications services over cable television networks, some Member States still maintain restrictions on the use of public telecommunications networks for the provision of cable television capacity. The Commission should assess the situation with regard to such restrictions in the light of the objectives of that Directive once the telecommunications markets approach full liberalization.
- (28) The abolition of all special and exclusive rights which restrict the provision of telecommunications services and underlying networks by undertakings

established in the Community is without regard to the destination or the origin of the communications concerned.

However, Directive 90/388/EEC does not prevent measures regarding undertakings, which are not established in the Community, being adopted in accordance with Community law and existing international obligations so as to ensure that nationals of Member States are afforded comparable and effective treatment in third countries. Community undertakings should benefit from effective and comparable access to third country markets and enjoy a similar treatment in a third country as is offered by the Community framework to undertakings owned, or effectively controlled, by nationals of the third country concerned. World Trade Organization telecommunications negotiations should result in a balanced and multilateral agreement, ensuring effective and comparable access for Community operators in third countries.

- (29) The process of implementing full competition in telecommunications markets raises important issues in the social and employment fields. These are referred to in the Commission's communication on the consultation on the Green Paper on the liberalization of telecommunications infrastructure and cable television networks of 3 May 1995.

Always remaining in line with a horizontal policy approach, efforts should now be undertaken to support the transition process to a fully liberalized telecommunications environment; responsibility for such measures rests mainly at Member State level, although Community structures, such as the European Social Fund, may also play a part. In line with existing initiatives, the Community should play a role in facilitating the adaptation and retraining of those whose traditional activities are likely to disappear during the process of industrial restructuring.

- (30) The establishment of procedures at national level concerning licensing, interconnection, universal service, numbering and rights of way is without prejudice to the harmonization of the latter by appropriate European Parliament and Council legislative instruments, in particular in the framework of open network provision (ONP). The Commission should take whatever measures it considers appropriate to ensure the consistency of these instruments and Directive 90/388/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 90/388/EEC is amended as follows:

1. Article 1 is amended as follows:

(a) Paragraph 1 is amended as follows:

(i) The fourth indent is replaced by the following:

— “public telecommunications network” means a telecommunications network used *inter alia* for the provision of public telecommunications services;

— “public telecommunications service” means a telecommunications service available to the public;.

(ii) The 15th indent is replaced by the following:

— “essential requirements” means the non-economic reasons in the general interest which may cause a Member State to impose conditions on the establishment and/or operation of telecommunications networks or the provision of telecommunications services. These reasons are security of network operations, maintenance of network integrity, and, in justified cases, interoperability of services, data protection, the protection of the environment and town and country planning objectives as well as the effective use of the frequency spectrum and the avoidance of harmful interference between radio based telecommunications systems and other, space-based or terrestrial, technical systems.

Data protection may include protection of personal data, the confidentiality of information transmitted or stored as well as the protection of privacy.’

(iii) The following indents are added:

— “telecommunications network” means the transmission equipment and, where applicable, switching equipment and other resources which permit the conveyance of signals between defined termination points by wire, by radio, by optical or by other electromagnetic means;

— “interconnection” means the physical and logical linking of the telecommunications facilities of organizations providing telecommunications networks and/or telecommunications services, in order to allow the

users of one organization to communicate with the users of the same or another organization or to access services provided by third organizations.’

(b) Paragraph 2 is deleted.

2. Article 2 is replaced by the following:

Article 2

1. Member States shall withdraw all those measures which grant:

(a) exclusive rights for the provision of telecommunications services, including the establishment and the provision of telecommunications networks required for the provision of such services; or

(b) special rights which limit to two or more the number of undertakings authorized to provide such telecommunications services or to establish or provide such networks, otherwise than according to objective, proportional and non-discriminatory criteria; or

(c) special rights which designate, otherwise than according to objective, proportional and non-discriminatory several competing undertakings to provide such telecommunications services or to establish or provide such networks.

2. Member States shall take the measures necessary to ensure that any undertaking is entitled to provide the telecommunications services referred to in paragraph 1 or to establish or provide the networks referred to in paragraph 1.

Without prejudice to Article 3c and the third paragraph of Article 4, Member States may maintain special and exclusive rights until 1 January 1998 for voice telephony and for the establishment and provision of public telecommunications networks.

Member States shall, however, ensure that all remaining restrictions on the provision of telecommunications services other than voice telephony over networks established by the provider of the telecommunications services, over infrastructures provided by third parties and by means of sharing of networks, other facilities and sites are lifted and the relevant measures notified to the Commission no later than 1 July 1996.

As regards the dates set out in the second and third subparagraphs of this paragraph, in Article 3 and in Article 4a (2), Member States with less developed networks shall be granted upon request an additional implementation period of up to five years and Member States with very small networks shall be granted upon request an additional implementation period of up to two years, provided it is needed to achieve the neces-

sary structural adjustments. Such a request must include a detailed description of the planned adjustments and a precise assessment of the timetable envisaged for their implementation. The information provided shall be made available to any interested party on demand having regard to the legitimate interest of undertakings in the protection of their business secrets.

3. Member States which make the supply of telecommunications services or the establishment or provision of telecommunications networks subject to a licensing, general authorization or declaration procedure aimed at compliance with the essential requirements shall ensure that the relevant conditions are objective, non-discriminatory, proportionate and transparent, that reasons are given for any refusal, and that there is a procedure for appealing against any refusal.

The provision of telecommunications services other than voice telephony, the establishment and provision of public telecommunications networks and other telecommunications networks involving the use of radio frequencies, may be subjected only to a general authorization or a declaration procedure.

4. Member States shall communicate to the Commission the criteria on which licences, general authorizations and declaration procedures are based together with the conditions attached thereto.

Member States shall continue to inform the Commission of any plans to introduce new licensing, general authorization and declaration procedures or to change existing procedures.

3. Article 3 is replaced by the following:

'Article 3

As regards voice telephony and the provision of public telecommunications networks, Member States shall, no later than 1 January 1997, notify to the Commission, before implementation, any licensing or declaration procedure which is aimed at compliance with:

- essential requirements, or
- trade regulations relating to conditions of permanence, availability and quality of the service, or
- financial obligations with regard to universal service, according to the principles set out in Article 4c.

Conditions relating to availability can include requirements to ensure access to customer databases necessary for the provision of universal directory information.

The whole of these conditions shall form a set of public-service specifications and shall be objective, non-discriminatory, proportionate and transparent.

Member States may limit the number of licences to be issued only where related to the lack of availability spectrum and justified under the principle of proportionality.

Member States shall ensure, no later than 1 July 1997, that such licensing or declaration procedures for the provision of voice telephony and of public telecommunications networks are published. Before they are implemented, the Commission shall verify the compatibility of these drafts with the Treaty.

As regards packet- or circuit-switched data services, Member States shall abolish the adopted set of public-service specifications. They may replace these by the declaration procedures or general authorizations referred to in Article 2.'

4. In Article 3b, the following paragraph is added:

'Member States shall ensure, before 1 July 1997, that adequate numbers are available for all telecommunications services. They shall ensure that numbers are allocated in an objective, non-discriminatory, proportionate and transparent manner, in particular on the basis of individual application procedures.'

5. In Article 4, the first paragraph is replaced by the following:

'As long as Member States maintain special or exclusive rights for the provision and operation of fixed public telecommunications networks they shall take the necessary measures to make the conditions governing access to the networks objective and non-discriminatory and shall publish them.'

6. The following Articles 4a to 4d are inserted:

'Article 4a

1. Without prejudice to future harmonization of the national interconnection regimes by the European Parliament and the Council in the framework of ONP, Member States shall ensure that the telecommunications organizations provide interconnection to their voice telephony service and their public switched telecommunications network to other undertakings authorized to provide such services or networks, on non-discriminatory, proportional and transparent terms, which are based on objective criteria.

2. Member States shall ensure in particular that the telecommunications organizations publish, no later than 1 July 1997, the terms and conditions for interconnection to the basic functional components of their voice telephony service and their public switched telecommunications networks, including the interconnection points and the interfaces offered according to market needs.

3. Furthermore, Member States shall not prevent that organizations providing telecommunications networks and/or services who so request can negotiate interconnection agreements with telecommunications organizations for access to the public switched telecommunications network regarding special network access and/or conditions meeting their specific needs.

If commercial negotiations do not lead to an agreement within a reasonable time period, Member States shall upon request from either party and within a reasonable time period, adopt a reasoned decision which establishes the necessary operational and financial conditions and requirements for such interconnection without prejudice to other remedies available under the applicable national law or under Community law.

4. Member States shall ensure that the cost accounting system implemented by telecommunications organizations with regard to the provision of voice telephony and public telecommunications networks identifies the cost elements relevant for pricing interconnection offerings.

5. The measures provided for in paragraphs 1 to 4 shall apply for a period of five years from the date of the effective abolition of special and exclusive rights for the provision of voice telephony granted to the telecommunications organization. The Commission shall, however, review this Article if the European Parliament and the Council adopt a directive harmonizing interconnection conditions before the end of this period.

Article 4b

Member States shall ensure that all exclusive rights with regard to the establishment and provision of directory services, including both the publication of directories and directory enquiry services, on their territory are lifted.

Article 4c

Without prejudice to the harmonization by the European Parliament and the Council in the framework of ONP, any national scheme which is necessary to share the net cost of the provision of universal service obliga-

tions entrusted to the telecommunications organizations, with other organizations whether it consists of a system of supplementary charges or a universal service fund, shall:

- (a) apply only to undertakings providing public telecommunications networks;
- (b) allocate the respective burden to each undertaking according to objective and non-discriminatory criteria and in accordance with the principle of proportionality.

Member States shall communicate any such scheme to the Commission so that it can verify the scheme's compatibility with the Treaty.

Member States shall allow their telecommunications organizations to re-balance tariffs taking account of specific market conditions and of the need to ensure the affordability of a universal service, and, in particular, Member States shall allow them to adapt current rates which are not in line with costs and which increase the burden of universal service provision, in order to achieve tariffs based on real costs. Where such rebalancing cannot be completed before 1 January 1998 the Member States concerned shall report to the Commission on the future phasing out of the remaining tariff imbalances. This shall include a detailed timetable for implementation.

In any case, within three months after the European Parliament and the Council adopt a Directive harmonizing interconnection conditions, the Commission will assess whether further initiatives are necessary to ensure the consistency of both Directives and take the appropriate measures.

In addition, the Commission shall, no later than 1 January 2003, review the situation in the Member States and assess in particular whether the financing schemes in place do not limit access to the relevant markets. In this case, the Commission will examine whether there are other methods and make any appropriate proposals.

Article 4d

Member States shall not discriminate between providers of public telecommunications networks with regards to the granting of rights of way for the provision of such networks.

Where the granting of additional rights of way to undertakings wishing to provide public telecommunications networks is not possible due to applicable essential requirements, Member States shall ensure access to existing facilities established under rights of way which may not be duplicated, at reasonable terms.

7. In the first paragraph of Article 7, the words 'numbers, as well as the' are inserted before the word 'surveillance'.

8. Article 8 is replaced by the following:

Article 8

Member States shall, in the authorization schemes for the provision of voice telephony and public telecommunications networks, at least ensure that where such authorization is granted to undertakings to which they also grant special or exclusive rights in areas other than telecommunications, such undertakings keep separate financial accounts as concerns activities as providers of voice telephony and/or networks and other activities, as soon as they achieve a turnover of more than ECU 50 million in the relevant telecommunications market.'

9. Article 9 is replaced by the following:

Article 9

By 1 January 1998, the Commission will carry out an overall assessment of the situation with regard to remaining restrictions on the use of public telecommunications networks for the provision of cable television capacity.'

Article 2

Member States shall supply to the Commission, not later than nine months after this Directive has entered into force, such information as will allow the Commission to confirm that points 1 to 8 of Article 1 are complied with.

This Directive is without prejudice to existing obligations of the Member States to communicate, no later than 31 December 1990, 8 August 1995 and 15 November 1996 respectively, measures taken to comply with Directives 90/388/EEC, 94/46/EC and 96/2/EC.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 March 1996.

For the Commission

Karel VAN MIERT

Member of the Commission

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 February 1996

concerning the conclusion of the Agreement for Scientific and Technological Cooperation between the European Community and Canada

(96/219/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130m, in conjunction with Article 228 (2), first sentence, and the first subparagraph of Article 228 (3) thereof,

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

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas the European Community and Canada are pursuing specific research programmes in areas of common interest;

Whereas on the basis of past experience under the Framework Agreement for Commercial and Economic Cooperation between the European Communities and Canada ⁽³⁾, both sides have expressed a desire to establish a more formal framework for the conduct of collaboration in science and technology;

Whereas by its Decision of 19 April 1993, the Council authorized the Commission to negotiate an Agreement for Scientific and Technological Cooperation between the European Community and Canada;

Whereas by its Decision of 15 June 1995, the Council authorized the Commission to sign the Agreement on behalf of the European Community;

Whereas the Agreement was signed on 17 June 1995;

Whereas the Agreement for Scientific and Technological Cooperation between the European Community and Canada should be approved,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement for Scientific and Technological Cooperation between the European Community and Canada is hereby approved.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall, on behalf of the Community, give the notification provided for in Article 12 of the Agreement.

Done at Brussels, 26 February 1996.

For the Council

The President

S. AGNELLI

⁽¹⁾ OJ No C 317, 28. 11. 1995, p. 7.

⁽²⁾ OJ No C 17, 22. 1. 1996.

⁽³⁾ OJ No L 260, 24. 8. 1976, p. 2.

AGREEMENT

for Scientific and Technological Cooperation between the European Community and Canada

THE COUNCIL OF THE EUROPEAN UNION on behalf of the European Community, of the one part, and

THE GOVERNMENT OF CANADA, of the other part, hereinafter referred to as the 'Parties';

CONSIDERING the importance of science and technology for their economic and social development;

RECOGNIZING that the European Community, hereinafter referred to as 'the Community', and Canada, are pursuing research and technological programmes in a number of areas of common interest, and that mutual benefits may be derived if the Parties facilitate further cooperation;

NOTING that there has been active cooperation and information exchange in a number of scientific or technological areas under the European Communities-Canada Framework Agreement for Commercial and Economic Cooperation signed in 1976;

HAVING REGARD to the Declaration on European Community-Canada Relations adopted on 22 November 1990, and

DESIRING to establish a formal basis for cooperation in scientific and technological research which will extend and strengthen the conduct of cooperative activities in areas of common interest and encourage the application of the results of such cooperation to their economic and social benefit,

HAVE AGREED AS FOLLOWS:

Article 1

Purpose

The purpose of this Agreement is to encourage and facilitate cooperation between the Community and Canada in fields of common interest where the Parties are supporting research and development activities to advance science and/or technology relevant to those fields of interest.

(d) 'Joint research' means research that is financially supported by either or by both Parties and that involves collaboration by participants from both the Community and Canada;

(e) 'Participant' means any person, legal entity, university, research institute or any other body or undertaking participating in a cooperative activity, including the Parties themselves.

Article 3

Principles

Cooperation shall be conducted on the basis of the following principles:

For the purposes of this Agreement:

(a) 'Cooperative activity' means any activity carried on under this Agreement, and includes joint research;

(b) 'Information' means scientific or technical data, results or methods of research and development stemming from the joint research, and any other information deemed necessary by the participants engaged in cooperative activity, including, where necessary, the Parties themselves;

(c) 'Intellectual Property' shall have the meaning defined in Article 2 of the Convention establishing the World Intellectual Property Organization, done at Stockholm, 14 July 1967;

(a) mutual benefit;

(b) timely exchange of information which may affect the actions of participants in cooperative activities;

(c) within the framework of applicable laws and regulations, effective protection of intellectual property and equitable sharing of intellectual property rights, as set out in the Annex, which forms an integral part of this Agreement;

(d) balanced realization of economic and social benefits by the Community and Canada in view of the contributions made to cooperative activities by the respective participants and/or Parties.

*Article 4***Areas of cooperation**

- (a) Cooperation may be pursued in the following areas:
1. agriculture, including fisheries;
 2. medical and health research;
 3. non-nuclear energy;
 4. environment, including earth observation;
 5. forestry;
 6. information technologies;
 7. communication technologies;
 8. telematics for economic and social development;
 9. mineral processing;
- (b) Other areas may be added to this list upon review and recommendation by the Joint Science and Technology Cooperation Committee and subject to decisions in accordance with procedures in force for each Party.

*Article 5***Modalities of cooperation**

- (a) Cooperation may include the following activities:
1. participation of persons and legal entities, including the Parties themselves, universities, research institutions, and other bodies or undertakings, in research projects of the Community or Canada, in accordance with the procedures in force for each Party;
 2. shared use of research facilities;
 3. visits and exchanges of scientists, engineers or other appropriate personnel for the purposes of participating in seminars, symposia and workshops relevant to cooperation under this Agreement;
 4. exchange of information on practices, laws, regulations and programmes relevant to cooperation under this Agreement;
 5. other activities as may be mutually determined by the Joint Science and Technology Cooperation Committee in accordance with the applicable policies and programmes of the Parties.
- (b) Joint research projects shall proceed under this Agreement only after the participants in a project have concluded a Joint Technology Management Plan, as indicated in the Annex to this Agreement.

*Article 6***Joint Science and Technology Cooperation Committee (JSTCC)**

- (a) This Agreement shall be administered by a Joint Science and Technology Cooperation Committee composed of representatives of each Party.
- (b) The functions of the JSTCC shall be to:
1. promote and review the activities envisaged under the Agreement;
 2. make recommendations pursuant to Article 4 (b);
 3. authorize activities falling under Article 5 (a) (5) as being cooperation to which this Agreement applies;
 4. advise the Parties on ways to enhance cooperation consistent with the principles set out in this Agreement;
 5. provide a report annually to the Parties on the level, status and effectiveness of cooperation undertaken under this Agreement;
 6. review the efficient and effective functioning of the Agreement.
- (c) The JSTCC shall meet approximately once a year, meetings being held alternately in the Community and Canada. Other meetings may be held as mutually agreed.
- (d) Decisions of the JSTCC shall be reached by consensus. Minutes, comprising a record of the decisions and principal points discussed, shall be taken at each meeting. These minutes shall be agreed by those persons selected from each side to jointly chair the meetings. The JSTCC annual report shall be made available to the Joint Cooperations Committee established under the 1976 European Communities-Canada Framework Agreement for Commercial and Economic Cooperation and appropriate Ministers of each Party.

*Article 7***Funding**

- (a) Cooperative activities shall be subject to the availability of funds and to the applicable laws and regulations, policies and programmes of the Community and Canada.
- (b) Costs incurred by participants in cooperative activities subject to this Agreement shall not require any transfer of funds from one Party to the other.

*Article 8***Entry of personnel and equipment**

Each Party shall take all reasonable steps and use its best efforts, within existing laws and regulations, to facilitate entry to and exit from its territory of personnel, material and equipment of the participant(s) engaged in or used in cooperative activities under this Agreement.

*Article 9***Dissemination and utilization of information**

The dissemination and utilization of information, and the management, allocation and exercise of intellectual property rights, resulting from joint research under this Agreement, shall be subject to the requirements of the Annex to this Agreement.

*Article 10***Other agreements and transitional provisions**

- (a) This Agreement shall supersede and replace those provisions of the European Communities-Canada Framework Agreement for Commercial and Economic Cooperation governing existing science and technology collaboration.
- (b) The Parties shall endeavour to bring under the terms of this Agreement those existing arrangements for scientific and technological cooperation between the Community and Canada that fall under the scope of Article 4.
- (c) Subject to paragraph 10 (a), this Agreement is without prejudice to other existing Agreements or arrangements between the Parties or any Agreement or arrangement between the Parties and third parties.

*Article 11***Territorial application**

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 Canada.

*Article 12***Entry into force and termination**

- (a) This Agreement shall enter into force on the date on which the Parties have notified each other in writing that their legal requirements for entry into force of this Agreement have been fulfilled.
- (b) This Agreement may be amended by agreement of the Parties. Amendments shall enter into force on the date on which the Parties have notified each other in writing that their legal requirements have been fulfilled.
- (c) This Agreement may be terminated at any time by either Party upon twelve months written notice. The expiration or termination of this Agreement shall not affect the validity or duration of any arrangements made under it, or any specific rights and obligations that have accrued in compliance with the Annex.

Article 13

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

IN WITNESS WHEREOF the undersigned have signed this Agreement.

Hecho en Halifax, el diecisiete de junio de mil novecientos noventa y cinco.

Udfærdiget i Halifax den syttende juni nittenhundrede og femoghalvfems.

Geschehen zu Halifax am siebzehnten Juni neunzehnhundertfünfundneunzig.

Έγινε στο Χάλιφαξ, στις δέκα επτά Ιουνίου χίλια εννιακόσια ενενήντα πέντε.

Done at Halifax on the seventeenth day of June in the year one thousand nine hundred and ninety-five.

Fait à Halifax, le dix-sept juin mil neuf cent quatre-vingt-quinze.

Fatto a Halifax, addì diciassette giugno millenovecentonovantacinque.

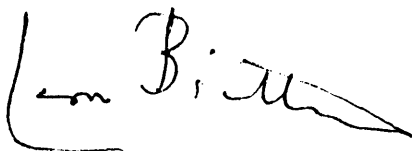
Gedaan te Halifax, de zeventiende juni negentienhonderd vijfennegentig.

Feito em Halifax, em dezassete de Junho de mil novecentos e noventa e cinco.

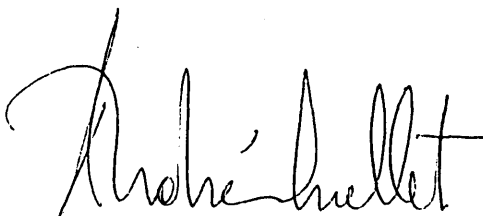
Tehty Halifaxissa seitsemäntenätoista päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäviisi.

Som skedde i Halifax den sjuttonde juni nittonhundranittiofem.

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 Canadá
For Canadas regering
Für die Regierung Kanadas
Για την Κυβέρνηση του Καναδά
For the Government of Canada
Pour le gouvernement du Canada
Per il governo del Canada
Voor de Regering van Canada
Pelo Governo do Canadá
Kanadan hallituksen puolesta
På Canadas regerings vägnar



ANNEX

ANNEX ON THE DISSEMINATION AND UTILIZATION OF INFORMATION AND MANAGEMENT, ALLOCATION AND EXERCISE OF INTELLECTUAL PROPERTY RIGHTS**I. OWNERSHIP, ALLOCATION AND EXERCISE OF RIGHTS**

1. All research carried out pursuant to this Agreement shall be 'joint research'. The participants performing the joint research shall develop Joint Technology Management Plans (JTMPs) which shall contain, as a minimum, principles in respect of the ownership and use, including publication, of information and Intellectual Property (IP) to be created in the course of the joint research⁽¹⁾. The JTMPs may be reviewed by the Parties and shall be approved by the responsible funding agency or department of the Party involved in financing the research, before the conclusion of any specific research and development cooperation contracts to which they refer. The JTMPs shall be developed taking into account the aims of the joint research, the relative contributions of the participants, the advantages and disadvantages of licensing by territory or for fields of use, requirements imposed by applicable laws, the need for dispute settlement procedures and other factors deemed appropriate by the participants. The rights and obligations concerning the research and information generated by visiting researchers in respect of IP shall also be addressed in the JTMPs.
2. Information or IP created in the course of joint research and not addressed in a JTMP shall be allocated following the procedures set out in I.1 according to the principles set out in that JTMP. In case of disagreement, which cannot be resolved by the agreed dispute resolution procedure, such unallocated information or IP shall be owned jointly by all the participants involved in the joint research from which the information or IP results, and each participant to whom this provision applies shall have the right to use such information or IP for his/her own commercial exploitation with no geographical limitation.
3. In accordance with applicable laws, each Party shall ensure that the other Party and its participants may have the rights to IP allocated to them in accordance with the principles set out in section I of this Annex.
4. While maintaining the conditions of competition in areas affected by the Agreement, each Party shall endeavour to ensure that rights acquired pursuant to the Agreement, and arrangements made under it, are exercised in such a way as to encourage in particular:
 - (i) the dissemination and use of information created, disclosed, or otherwise made available, under the Agreement;
 - (ii) the adoption and implementation of international standards.

II. COPYRIGHT WORKS

Copyright belonging to the Parties or to their participants shall be accorded treatment consistent with the Berne Convention (Paris Act 1971).

III. SCIENTIFIC LITERARY WORKS

Without prejudice to Section IV, unless otherwise agreed in the JTMP, any publication of results of the joint research shall be made jointly by the participants. In addition to the foregoing general rule, the following procedure shall apply:

1. In the case of publication by a Party or public bodies of that Party of scientific and technical journals, articles, reports, books, including video and software, arising from joint research pursuant to the Agreement, the other Party shall be entitled, with written permission from the publisher, to a worldwide, non-exclusive, irrevocable, royalty-free licence to translate, reproduce, adapt, transmit and publicly distribute such works.
2. The Parties shall endeavour to disseminate literary works of a scientific character arising from joint research pursuant to the Agreement and published by independent publishers as widely as possible.

⁽¹⁾ The indicative features of such JTMPs are set out in the Appendix.

3. All copies of a copyright work to be publicly distributed and prepared under this provision shall indicate the names of the author(s) of the work unless an author or authors expressly declines or decline to be named. Copies shall also bear a clearly visible acknowledgement of the cooperative support of the Parties.

IV. UNDISCLOSED INFORMATION

A. Documentary undisclosed information

1. Each Party or its participants shall identify at the earliest possible moment, and preferably in the JTMP, the information that it wishes to remain undisclosed in relation to this Agreement, taking into account, among other things, the following criteria:
 - secrecy of the information in the sense that the information, is not, as a body or in the precise configuration or assembly of its components, generally known among or readily accessible by lawful means to experts in the field;
 - the actual or potential commercial value of the information by virtue of its secrecy;
 - previous protection of the information in the sense that it has been subject to steps that were reasonable under the circumstances by the person lawfully in control, to maintain its secrecy.
2. Participants shall not normally be required to provide undisclosed information to the Parties. Should the Parties become aware of such information, they shall respect the privileged nature thereof, and it shall not be further disclosed by, within, or between the Parties, without the written consent of the participant(s) to whom the information belongs. These limitations shall automatically terminate when such information is disclosed by the owner, without restriction, to experts in the field.
3. Each Party shall ensure that undisclosed information, communicated between them under the Agreement, and its ensuing privileged nature is readily recognizable as such by the other Party, for example, by means of an appropriate marking or restrictive legend. This also applies to any reproduction of the said information, in whole or in part.
4. Undisclosed information communicated under the Agreement, and received from the other Party, may be disseminated by the receiving Party to persons within or employed by the receiving Party and other concerned departments or agencies of the receiving Party authorized for the specific purposes of the joint research underway, provided that any undisclosed information so disseminated shall be pursuant to a written agreement of confidentiality and shall be readily recognizable as such, as set out above.
5. With the prior written consent of the Party providing undisclosed information under the Agreement, the receiving Party may disseminate such undisclosed information more widely than otherwise permitted in Paragraph 3 above. The Parties shall cooperate in developing procedures for requesting and obtaining prior written consent for such wider dissemination, and each Party will grant such approval to the extent permitted by its domestic policies, regulations and laws.

B. Non-documentary undisclosed information

Non-documentary undisclosed or other confidential or privileged information provided in seminars and other meetings arranged under the Agreement, or information arising from the attachment of staff, use of facilities, or joint projects, shall be treated by the Parties or their participants according to the principles specified in point A above, provided, however, that the recipient of such undisclosed or other confidential or privileged information has been made aware in advance and in written form of the confidential character of the information to be communicated.

C. Control

Each Party shall make its best efforts to ensure that undisclosed information received by it under the Agreement shall be controlled as provided therein. If one of the Parties becomes aware that it will be, or may reasonably be expected to become, unable to meet the non-dissemination provisions of points A and B above, it shall immediately inform the Party likely to be affected by the dissemination. The Parties involved shall thereafter consult to define an appropriate course of action.

*Appendix***INDICATIVE FEATURES OF A JOINT TECHNOLOGY MANAGEMENT PLAN (JTMP)**

The JTMP is a specific contract to be concluded between the participants in joint research defining their respective rights and obligations. With respect to intellectual Property Rights, the JTMP will normally address, *inter alia*: ownership, protection, user rights for research and development purposes, exploitation and dissemination, including arrangements for joint publication, the rights and obligations of visiting researchers and dispute settlement procedures. The JTMP may also address foreground and background information, the rules governing disclosure of undisclosed information, licensing and deliverables.

Information concerning the date of entry into force of the Agreement for scientific and technological cooperation between the European Community and Canada ⁽¹⁾

The procedures necessary for the entry into force of the Agreement for scientific and technological cooperation between the European Community and Canada having been completed on 27 February 1996, the Agreement entered into force, in accordance with Article 12 (a) thereof, on 27 February 1996.

⁽¹⁾ See page 26 of this Official Journal.

COMMISSION

COMMISSION DECISION

of 7 March 1996

amending Decision 93/436/EEC laying down specific conditions for importing fishery products from Chile

(Text with EEA relevance)

(96/220/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991, laying down the health conditions for the production and the placing on the market of fishery products ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (5) thereof,

Whereas the list of establishments and factory ships approved by Chile for importing fishery products into the Community has been drawn up in Commission Decision 93/436/EEC ⁽²⁾, as last amended by Decision 96/31/EC ⁽³⁾; whereas this list may be amended following the communication of a new list by the competent authority in Chile;

Whereas the competent authority in Chile has communicated a new list of 137 establishments and 21 factory ships;

Whereas it is necessary to amend the list of approved establishments and factory ship accordingly;

Whereas the measures provided for in this Decision have been drawn up in accordance with the procedure laid down by Commission Decision 90/13/EEC ⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

Annex B of Decision 93/436/EEC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 March 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ No L 202, 12. 8. 1993, p. 31.

⁽³⁾ OJ No L 9, 12. 1. 1996, p. 6.

⁽⁴⁾ OJ No L 8, 11. 1. 1990, p. 70.

ANNEX

ANNEX B

LIST OF APPROVED ESTABLISHMENTS AND FACTORY SHIPS

I. Establishments

Number	Name and address
01003	Procemar SA Arica
01011	Agropesca SA Arica
01012	Novamar SA Arica
01013	Pesquera Marvesa SA Arica
01017	Hema SA Arica
01060	Pesquera Iquique-Guanayes SA Iquique
01062	Sociedad Marítima y Armadora San Jorge Ltda Iquique
01064	Pesquera del Norte SA Iquique
01065	Pesquera Vamar Ltda Iquique
01072	Pesquera Helga Mánquez Monardez Iquique
01074	Octomar Importaciones-Exportaciones Ltda Iquique
02005	Helga Mánquez Monardez Tocopilla
02023	Rodolfo Rojas y Cía Ltda Antofagasta
02030	Sociedad Abaroa y Gómez Ltda Antofagasta
02034	Hugo Díaz Marín Antofagasta
02037	Norpesca Ltda Antofagasta
02040	Granja Marina SA Antofagasta
02046	Sociedad Pesquera Galeb Ltda Antofagasta
02049	Pesquera Obilinovic Ltda Antofagasta
02055	Consuelo Freire Saavedra Taltal
02066	Santana y Cía Ltda Mejillones
03061	Cía Pesquera Camanchaca SA Caldera
03067	Gilframar Ltda Caldera

Number	Name and address
03072	Pesquera Playa Blanca SA Caldera
03077	Pesquera Huillinco Ltda Caldera
03094	Cultivos Marinos Flamenco Ltda Caldera
03095	Cultivos Marinos Internacionales SA Caldera
04004	Luis Felipe Videla Julio Coquimbo
04005	Pesquera Humboldt SA Coquimbo
04007	Pesquera San José SA Coquimbo
04009	Soc. Pesquera Baquedano SA o Andemar SA Coquimbo
04012	Frigorífico dal Nord Ltda Coquimbo
04013	Productora y Comercializadora del Mar Ltda (Procomar Ltda) Coquimbo
04023	Empresa Pesquera y Conservera Proteus SA Coquimbo
04031	Pesquera Andacollo SA Coquimbo
04052	Pesquera Mares de Chile SA Coquimbo
04056	Sociedad Pesca Marina Ltda Coquimbo
04057	Com. e Inversiones Loanco Ltda Tongoy
04059	Omega Seafoods Coquimbo
05003	Pesquera Quintero SA Quintero
05011	Pesquera Santa Lucía SA Quintero
05054	Comercial Alesa SA Valparaíso
05057	Pesquera Francis Drake SA Valparaíso
05071	Intercomercial Sama SA Valparaíso
05074	Sociedad Comercial Frigorífico Valparaíso Ltda Valparaíso
05079	Pesquera Marli Mar SA Valparaíso
05200	Pesquera Catalina San Antonio
08090	Conservas Multiexport SA Coronel
08113	Iquique-Guanaye Talcahuano
08116	Congelados del Pacífico Ltda Talcahuano

Number	Name and address
08120	Pesquera San José del Sur SA Talcahuano
08123	Pesquera El Golfo SA Talcahuano
08133	Unifish SA Talcahuano
08143	Compañía Pesquera Camanchaca SA Tomé
08148	Unifish Canning Talcahuano
08253	Sociedad Pesquera Viento Sur Ltda Coronel
08254	Independent Fisheries SA Coronel
08264	Pesquera del Norte SA Coronel
08265	Sasona Procesadora de Alimentos Ltda Coronel
08269	Ferrol Ltda Coronel
08271	Pesquera Grimar SA Coronel
09009	Conservasur Ltda Temuco
10012	Fast-Service Ltda Valdivia
10018	Piscícola Entre Ríos SA Valdivia
10030	Isla Tenglo Ltda Puerto Montt
10032	Eicomar SA Puerto Montt
10034	Pesquera Trans Antartic Ltda Puerto Montt
10036	Proaustral Ltda Puerto Montt
10037	Jaalmar Ltda Puerto Montt
10039	Pesquera Ralún Ltda Puerto Montt
10050	Pesquera Royale Ltda Puerto Montt
10053	Alimentos Multiexport SA Puerto Montt
10055	Pesquera Quehui Ltda Puerto Montt
10058	Asenav SA Puerto Montt
10060	Pesquera Luis Andrade Pinto Puerto Montt
10063	Pesquera y Conservera Tamai Ltda Puerto Montt
10064	Pesquera Mar Antártico SA Puerto Montt
10066	Aquasur Fisheries SA Puerto Montt

Number	Name and address
10067	Agroindustrial Santa Cruz SA Puerto Montt
10070	Nichiro Chile Ltda Puerto Montt
10072	Pesquera Aguamar SA Puerto Montt
10080	Fiordo Blanco Ltda Puerto Montt
10081	Conservamar SA Puerto Montt
10082	Produal Ltda Puerto Montt
10083	Seabay Chile SA Puerto Montt
10084	Ventisqueros SA Puerto Montt
10085	Comercial Comtesa Ltda Puerto Montt
10097	Pesquera Santa Marta Ltda Puerto Montt
10100	Luis Orlando Retamales Cárdenas Puerto Montt
10116	Comercial e Industrial del Sur SA Puerto Montt
10123	Salmopack SA Puerto Montt
10125	Chisal SA Puerto Montt
10131	Jaalmar Ltda Puerto Montt
10156	Fitz-Roy SA Calbuco
10157	Pesquera Leymo Ltda (Pérez y Ramírez Ltda) Calbuco
10158	Pesquera Puluqui Ltda Calbuco
10159	Pesquera y Conservera El Ancla Ltda Calbuco
10160	Aguas Claras SA Calbuco
10163	South Pacific Fishing Co. SA Calbuco
10166	Conservera Sacramento SA Calbuco
10180	Pesquera American Seafood Ltd Ancud
10189	Pesquera Messamar SA Ancud
10190	Sociedad Pesquera Pacífico Austral Ltd Ancud
10195	Cultivos Marinos Chiloé SA Ancud
10216	Pesquera Andina SA Castro

Number	Name and address
10223	Conservas Dalcahue SA Castro
10226	Skiring Salmón Ltda Castro
10227	Pesquera Unimarc SA Castro
10231	Antarfrío SA Castro
10232	Maintec SA Castro
10240	Empresa Pesquera Apiao Ltda Castro
10241	Los Elefantes SA Castro
10245	Prosal SA Castro
10246	Cultivos Marinos del Pacífico SA Castro
10256	Pesquera Palacios SA Quellón
10259	Pacific Star SA Quellón
10267	Sociedad Comercial Madrinós Principado Quellón
10280	Yadrán Quellón SA Quellón
10600	Rachid Osman Chelech Calbuco
11004	Pesquera Friosur SA Puerto Aysén
11010	Pesquera Salmar Ltda Puerto Aysén
11012	Pesca Chile SA Puerto Aysén
11018	Salmones Antártica Puerto Aysén
11025	Comercial Comtesa Ltda Puerto Aysén
11026	Pesquera Palacios SA Puerto Aysén
12007	Pesquera Héctor Ujevic Pivcevic Punta Arenas
12008	Teresa Saldivia Moraga Punta Arenas
12016	Comercial Comtesa SA Punta Arenas
12030	Pesquera Torres del Paine SA Punta Arenas
12033	Cidepes Ltda Puerto Williams
12039	Pesca Chile SA Punta Arenas
12048	Pesca Suribérica SA Punta Arenas
13024	Sociedad Agrícola Aguas Claras Santiago
13030	Sociedad Agrícola Aguas Blancas Santiago
13057	Aquapuro SA Santiago
13062	Delifish Ltda Santiago

II. Factory ships

Number	Name	Name of the owner
1231	Faro de Hércules	Pesca Chile
1472	Iber I	Iber Chile Ltda
2007	Jing Yang I	Empresa Daerim Fishery Co Ltda
2011	Puerto Ballena	Pesca Chile SA
2013	Betanzos	Pesca Chile SA
2014	Pedrosa	Pesca Chile SA
2015	Gualas	Pesquera Alba Ltda
2016	Chomapi Maru	Pesca Chile SA
2018	Elqui	Pesquera de Los Andes SA
2019	Unzen	Endepes SA
2020	Mar del Sur I	Pesquera Mar del Sur SA
2022	Ercilla	Pesquera de Los Andes SA
2023	Cisne Blanco	Pesca Cisnes SA
2024	Cisne Verde	Pesca Cisnes SA
2026	Isla Isabel	Pesca Suribérica SA
2030	Antonio Lorenzo	Concar SA
2031	Isla Sofia	Pesca Suribérica SA
2032	Isla Camila	Pesca Suribérica SA
2038	María Tamara	Concar SA
2039	Friosur V	Friaysen SA
2049	Unionsur	Empedes SA'

COMMISSION DECISION

of 8 March 1996

approving the programme concerning viral haemorrhagic septicaemia for certain geographical zones presented by Denmark

(Only the Danish text is authentic)

(Text with EEA relevance)

(96/221/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as last amended by Directive 95/22/EC⁽²⁾, and in particular Article 10 (2) thereof,

Whereas the Member States may submit to the Commission a programme designed in particular to enable them to obtain, for one or more of their territories, approved status with regard to certain diseases affecting fish;

Whereas, by letter dated 22 May 1995, Denmark presented a programme concerning viral haemorrhagic septicaemia (VHS) in certain catchment areas;

Whereas the programme specifies the geographical zones, the measures to be taken by the official services, the procedures to be followed by the laboratories, the prevalence of the disease concerned and the measures to combat the disease where detected;

Whereas upon scrutiny the programme has been found to comply with Article 10 of Council Directive 91/67/EEC;

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

HAS ADOPTED THIS DECISION:

Article 1

The VHS control programme for the geographical zones set out in the Annex, presented by Denmark, is hereby approved.

Article 2

Denmark shall bring into force the laws, regulations and administrative provisions necessary to comply with the programme referred to in Article 1.

Article 3

This Decision is addressed to Denmark.

Done at Brussels, 8 March 1996.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.⁽²⁾ OJ No L 243, 11. 10. 1995, p. 1.

*ANNEX***CATCHMENT AREAS**

Fiskebæk Å

Gudenåen

Halkær Å

Storåen

Århus Å
