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Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 1088/96 of 10 June 1996 amending Regulation (EC) No 3074/95 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished** 1

Commission Regulation (EC) No 1089/96 of 17 June 1996 on the supply of cereals as food aid 3
- ★ **Commission Regulation (EC) No 1090/96 of 17 June 1996 fixing, in respect of the 1995/96 marketing year, actual production of unginned cotton and the amounts by which the guide price is to be reduced and aid is to be increased** 7

Commission Regulation (EC) No 1091/96 of 17 June 1996 temporarily permitting the United Kingdom to authorize the use of set-aside land for grazing bovine animals of more than 30 months 9

Commission Regulation (EC) No 1092/96 of 17 June 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables 10
- ★ **Council Directive 96/32/EC of 21 May 1996 amending Annex II to Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables and Annex II to Directive 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables, and providing for the establishment of a list of maximum levels** 12
- ★ **Council Directive 96/33/EC of 21 May 1996 amending the Annexes to Directives 86/362/EEC and 86/363/EEC on the fixing of maximum levels for pesticide residues in and on cereals and foodstuffs of animal origin respectively** 35

Commission

96/364/EC:

- ★ **Commission Decision of 21 February 1996 relating to aid granted by the French Government to Cellulose du Rhône et de l'Aquitaine (CDRA) ⁽¹⁾** 39

⁽¹⁾ Text with BEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1088/96**of 10 June 1996****amending Regulation (EC) No 3074/95 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas under the terms of Article 8 (4) of Regulation (EEC) No 3760/92 it is incumbent upon the Council to establish the total allowable catches (TACs) by fishery or group of fisheries;

Whereas Regulation (EC) No 3074/95 ⁽²⁾ fixes, for certain fish stocks and groups of fish stocks, the TACs for 1996 and certain conditions under which they may be fished;

Whereas, due to the positive evolution of the stock of sprat in the Skagerrak and the Kattegat, a profitable use of the fishing possibilities allocated to the European Union for 1996 requires fishing this stock with nets with a maximum mesh size of 16 mm;

Whereas a review of the management system for North Sea herring is foreseen in 1996 for adoption in 1997;

Whereas it would be uneconomical for Community fishermen to purchase in the interim period nets of mesh sizes other than those which they are currently authorized to use;

Whereas Regulation (EC) No 3074/95 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 3074/95 the table relating to the species 'sprat' and zone III a shall be replaced by the table set out in the Annex to this Regulation.

Article 2

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

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

Done at Luxembourg, 10 June 1996.

For the Council

The President

M. PINTO

⁽¹⁾ OJ No L 389, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 330, 30. 12. 1995, p. 1.

ANNEX

Species: Sprat <i>Sprattus sprattus</i>		Zone: III a
België/Belgique		(1) Includes all by-catches of all other species which are caught when fishing for sprat and which are landed unsorted notwithstanding Article 5 (2) of this Regulation, and Article 5 (1) and (2) of Regulation (EEC) No 3094/86 (OJ No L 288, 11. 10. 1986, p. 1).
Danmark	28 810 (1) (2)	
Deutschland	60 (1) (4)	(2) No more than 3 000 tonnes of this quota shall be fished between 1 July and 31 December 1996 with towed gears with a minimum mesh size of 16 mm. Such catches shall not be subject to the conditions defined in Article 5 (2) of this Regulation.
Ελλάδα		
España		(3) No fishing of this quota may take place, in the Skagerrak, within 8 miles of the baselines of the Kingdom of Norway.
France		
Ireland		(4) No fishing of this quota may take place, in the Skagerrak, within 12 miles of the baselines of the Kingdom of Norway.
Italia		
Luxembourg		(5) Precautionary TAC.
Nederland		
Österreich		
Portugal		
Suomi/Finland		
Sverige	10 900 (1) (2) (3)	
United Kingdom		
EC	39 770 (1)	
TAC	43 000 (1) (5)	

COMMISSION REGULATION (EC) No 1089/96
of 17 June 1996
on the supply of cereals as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 713 tonnes of cereals;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it is

necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 17 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** (1): 893/95
2. **Programme**: 1995
3. **Recipient** (2): Euronaid, Postbus 12, NL-2501 CA Den Haag, Nederland, (tel: (31 70) 33 05 757; fax: 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** (3): to be designated by the recipient
5. **Place or country of destination**: Peru
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods** (3) (7): see OJ No C 114, 29. 4. 1991, p. 1 (II.B (1) (e))
8. **Total quantity (tonnes)** : 96 (165 tonnes of cereals)
9. **Number of lots**: 1
10. **Packaging and marking** (6) (8) (9) (10): see OJ No C 114, 29. 4. 1991, p. 1 (II.B (2) (f) and II.B (3))
Language to be used for the marking: Spanish
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 22. 7 — 11. 8. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 2. 7. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 16. 7. 1996
 - (b) period for making the goods available at the port of shipment: 5 — 25. 8. 1996
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1):
Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard,
Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200,
B-1049 Brussels
(Attention! New numbers: telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on application by the successful tenderer** (1): refund applicable on 21. 6. 1996, fixed by Commission Regulation (EC) No 975/96 (OJ No L 131, 1. 6. 1996, p. 24)

LOT B

1. **Operation No** ⁽¹⁾: 921/95
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: CICR, 19, avenue de la Paix, CH-1202 Genève (tel: (41 22) 734 60 01; telex 22269 CH)
4. **Representative of the recipient**: ICRC Tbilissi, Dutu Megreli Road 1, 380003 Tbilissi (tel: (78832) 93 55 11, fax: (78832) 93 55 20)
5. **Place or country of destination**: Georgia
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (a))
8. **Total quantity (tonnes)**: 400 (548 tonnes of cereals)
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁸⁾ ⁽¹¹⁾ ⁽¹²⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B (2) (d) and II.B (3))
Markings in English
Supplementary markings: 'GG-040'
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**:
ICRC Sochi (warehouse), Castello street 51, ADLER Sochi
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 22. 7 — 4. 8. 1996
18. **Deadline for the supply**: 25. 8. 1996
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 2. 7. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 16. 7. 1996
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 5 — 18. 8. 1996
 - (c) deadline for the supply: 8. 9. 1996
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾:
Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard,
Bâtiment Loi 130, bureau 7/46,
Rue de la Loi/Wetstraat 200,
B-1049 Brussels
(Attention! New numbers: telex: 25670 AGREC B; fax (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on application by the successful tenderer** ^(*): refund applicable on 21. 6. 1996; fixed by Commission Regulation (EC) No 975/96 (OJ No L 131, 1. 6. 1996, p. 24)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 2853/95 (OJ No L 299, 12. 12. 1995, p. 1), shall not apply to this amount.

- (⁵) The supplier should send a duplicate of the original invoice to Willis Corroon Scheuer, Postbus 1315, NL-1000 Amsterdam.
- (⁶) Shipment to take place in 20-foot containers condition FCL/FCL (each containing 12 tonnes net).
The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.
The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.
The successful tenderer has to seal each container with a numbered locktainer (SYSKO locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.

- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:

- phytosanitary certificate (A: + expiry date),
- lot B: fumigation certificate.

- (⁸) Notwithstanding OJ No C 114, point II.B(3)(c) is replaced by the following: 'the words "European Community"'.
(⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

- (¹⁰) See fourth amendment to OJ No C 114 published in OJ No C 272, 21. 10. 1992, p. 6.

- (¹¹) The bags shall be stacked, maximum 21 on wooden pallets (made of pine, fir, or poplar wood) measuring not more than 1 200 × 1 400 mm, and with the following features:

- four-way entry, non reversible, with wings,
- a top deck consisting of a minimum of seven planks (width: 100 mm; thickness: 22 mm),
- a bottom deck consisting of three planks (width: 100 mm, thickness: 22 mm),
- three bearers (width: 100 mm; thickness: 22 mm),
- nine dowels: 100 × 100 × 78 mm minimum.

The palletized bags shall be covered by a shrink film of a thickness of at least 150 microns. The pallet shall be covered with a wooden structure to allow stacking. The whole of the above must be bound, in each direction, by two nylons straps of a width of not less than 15 mm with plastic buckles.

The bags are further protected by board of wood placed between the bags and straps.

- (¹²) See second amendment to OJ No C 114 published in OJ No C 135, 26. 5. 1992, p. 20.
-

COMMISSION REGULATION (EC) No 1090/96

of 17 June 1996

fixing, in respect of the 1995/96 marketing year, actual production of unginning cotton and the amounts by which the guide price is to be reduced and aid is to be increased

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,

Having regard to Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece⁽²⁾, as last amended by Regulation (EC) No 1553/95, and in particular Article 2 (3) and (4) thereof,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81⁽³⁾, and in particular Article 9 thereof,

Whereas Article 9 of Regulation (EC) No 1554/95 provides that actual production in each marketing year is to be determined each year, account being taken of the quantities for which aid has been requested; whereas application of this criterion results in actual production, in respect of the 1995/96 marketing year, being established at the level set out hereafter;

Whereas Article 2 (3) of Regulation (EEC) No 1964/87 provides that if actual production determined for Greece and Spain exceeds the guaranteed maximum quantity the guide price is to be reduced in each Member State where production exceeds its guaranteed national quantity; whereas the calculation of the said reduction varies depending on whether the guaranteed national quantity is exceeded both in Spain and Greece or only in one of those Member States; whereas, in the case under consideration, the overrun occurs only in Greece; whereas, therefore, under the rules laid down in Article 6 (b) of Regulation (EC) No 1554/95, actual production in excess of the guaranteed maximum quantity is to be calculated as a percentage of the guaranteed national quantity of that Member State, and the guide price is to be reduced by a percentage equal to half the percentage excess;

Whereas Article 2 (4) of Regulation (EEC) No 1964/87 provides for an increase in aid, if certain conditions are

fulfilled, in each Member State where actual production exceeds its guaranteed national quantity; whereas Article 6 of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules implementing the system of aid for cotton⁽⁴⁾, as last amended by Regulation (EC) No 905/96⁽⁵⁾, applies to the rules for the calculation of that increase;

Whereas the aforementioned conditions are fulfilled for the 1995/96 marketing year; whereas, therefore, the amount by which aid is to be increased in Greece should be determined; whereas application of Article 6 (a) of Regulation (EEC) No 1201/89 leads to the fixing, in respect of the 1995/96 marketing year, of that amount at the level set out hereafter;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. (a) For the 1995/96 marketing year, actual production of unginning cotton is fixed at 1 469 198 tonnes, of which 1 364 798 tonnes for Greece and 104 400 tonnes for Spain.
(b) For the 1995/96 marketing year, actual production of unginning cotton is fixed at one tonne for Portugal.
2. The amount by which the guide price is to be reduced for the 1995/96 marketing year is fixed at ECU 29,764/100 kg for Greece.
3. The amount by which aid is to be increased is fixed at ECU 7,973/100 kg for Greece.

Article 2

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

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 184, 3. 7. 1987, p. 14.

⁽³⁾ OJ No L 148, 30. 6. 1995, p. 48.

⁽⁴⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁵⁾ OJ No L 122, 22. 5. 1996, p. 5.

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

Done at Brussels, 17 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1091/96

of 17 June 1996

**temporarily permitting the United Kingdom to authorize the use of set-aside
land for grazing bovine animals of more than 30 months**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽¹⁾, as last amended by Regulation (EC) No 2989/95⁽²⁾, and in particular Article 12 thereof,

Whereas Article 7 (4) of Regulation (EEC) No 1765/92 permits the use of set-aside land for the production of products not intended for human or animal consumption;

Whereas Commission Decision 96/239/EC of 27 March 1996 on emergency measures to protect against bovine spongiform encephalopathy (BSE)⁽³⁾ prohibits the export of live bovine animals, or any part of them, from the United Kingdom to other Member States or to third countries in view of the existence of BSE in the United Kingdom; whereas the United Kingdom has prohibited the introduction of bovine animals of more than 30 months at the time of slaughter into the human food and animal feed chains; whereas those measures are causing serious disturbances on the United Kingdom market; whereas Commission Regulation (EC) No 716/96 of 19 April 1996 adopting exceptional support measures for the beef market in the United Kingdom⁽⁴⁾, as last amended by Regulation (EC) No 835/96⁽⁵⁾, authorizes a system of purchase of all bovine animals aged more than 30 months with a view to their destruction; whereas access to that system is limited by the slaughter and destruction capacity; whereas, therefore, initially an exceptionally high

number of animals will have to be kept and fed on farms; whereas this situation has increased the demand for pasture; whereas the use of land set aside under the arrangements for arable crops could alleviate that situation;

Whereas the Joint Management Committee for Cereals, Oils and Fat and Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The United Kingdom is hereby authorized to permit the grazing of bovine animals of more than 30 months on land set aside pursuant to Article 7 of Regulation (EEC) No 1765/92 until 31 August 1996.

Article 2

The United Kingdom authorities shall take all necessary steps to ensure that:

- only the bovine animals referred to in Article 1 are grazed on the set-aside land, and
- the set-aside land is not made available as pasture to the farmers concerned for pecuniary gain.

Article 3

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

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

Done at Brussels, 17 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.
⁽²⁾ OJ No L 312, 23. 12. 1995, p. 5.
⁽³⁾ OJ No L 78, 28. 3. 1996, p. 47.
⁽⁴⁾ OJ No L 99, 20. 4. 1996, p. 14.
⁽⁵⁾ OJ No L 112, 7. 5. 1996, p. 17.

**COMMISSION REGULATION (EC) No 1092/96
of 17 June 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 18 June 1996.

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

Done at Brussels, 17 June 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 17 June 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 35	052	75,8		284	72,1
	060	80,2		388	76,3
	064	59,6		400	77,6
	066	41,7		404	63,6
	068	62,3		416	72,7
	204	86,8		508	87,3
	208	44,0		512	68,0
	212	97,5		524	63,9
	624	95,8		528	72,8
	999	71,5		624	86,5
ex 0707 00 25	052	55,3		728	107,3
	053	156,2		800	78,0
	060	61,0		804	87,9
	066	53,8		999	79,3
	068	69,1	0809 10 20	052	64,6
	204	144,3		061	51,3
	624	87,1		064	105,3
	999	89,5		400	338,0
	220	317,0		999	139,8
	999	317,0	0809 20 49	052	201,6
0709 10 20	052	48,8		061	182,0
0709 90 77	204	77,5		064	100,6
	412	54,2		068	262,6
	624	151,9		400	272,2
0805 30 30	999	83,1		600	94,9
	052	134,0		624	288,1
	204	88,8		676	166,2
	220	74,0		999	196,0
	388	76,1	0809 30 21, 0809 30 29	052	63,1
	400	68,2		220	121,8
	512	54,8		624	106,8
	520	66,5		999	97,2
	524	100,8	0809 40 20	052	73,2
	528	66,9		064	64,4
	600	84,0		066	84,9
	624	48,9		068	61,2
	999	78,5		400	175,7
0808 10 61, 0808 10 63, 0808 10 69	039	112,2		624	250,4
	052	64,0		676	68,6
	064	78,6		999	111,2

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 16). Code '999' stands for 'of other origin'.

COUNCIL DIRECTIVE 96/32/EC**of 21 May 1996**

amending Annex II to Directive 76/895/EEC relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables and Annex II to Directive 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables, and providing for the establishment of a list of maximum levels

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables⁽¹⁾, and in particular Article 5 thereof,

Having regard to Council Directive 90/642/EEC of 27 November 1990 relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables⁽²⁾, and in particular Article 1 thereof,

Having regard to the proposal from the Commission,

Whereas, in order to establish mandatory maximum levels of pesticide residues at Community level, it is necessary to transfer provisions from Directive 76/895/EEC to Directive 90/642/EEC relating to the pesticides chlormequat, diazinon, dicofol, endosulfan, fentin and propoxur; whereas certain of those provisions should be amended in the light of technical and scientific progress;

Whereas the Commission has received a mandate in the framework of Directive 90/642/EEC to prepare the list of pesticide residues and their maximum levels for approval by the Council;

Whereas Directive 90/642/EEC provided for the establishment of a list of maximum levels for certain pesticide residues, including a maximum pesticide residue level for the herbicide glyphosate in and on soya bean⁽³⁾, and for the fungicide fenarimol in and on bananas⁽⁴⁾; whereas it

is appropriate to amend to maximum pesticide residue levels for soya bean and bananas in order to reflect the authorized uses in certain third countries; whereas the new levels provided for are acceptable from a dietary intake point of view; whereas these levels should facilitate international trade;

Whereas Directive 90/642/EEC provided for the establishment of maximum pesticide residue levels for iprodione in and on rhubarb, and for benomyl in and on rhubarb and courgettes; whereas new data are available on these pesticide residue/product combinations; whereas on consideration of these data it is now appropriate to amend the maximum pesticide residue levels for rhubarb and courgettes; whereas the new levels provided for are acceptable from a dietary intake point of view;

Whereas pesticide residues may arise in products of plant origin including fruit and vegetables as a result of agricultural practices; whereas it is necessary to take into account relevant data for both authorized pesticide uses and supervised trials;

Whereas, in order better to estimate dietary intake of pesticide residues, it is prudent to establish simultaneously, where appropriate, maximum residue levels for individual pesticides in all major components of the diet; whereas these levels represent the use of minimum quantities of pesticide to achieve adequate control, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable;

Whereas it is now appropriate that maximum levels be fixed for certain pesticide residues in products of plant origin, namely disulfoton, fenbutatin oxide, mecarbam, phorate, propyzamide, triazophos and triforine; whereas, however, it is not possible to establish maximum pesticide residue levels for all pesticide residue product combinations due to insufficient data;

⁽¹⁾ OJ No L 340, 9. 12. 1976, p. 26. Directive as last amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 350, 14. 12. 1990, p. 71. Directive as last amended by Directive 95/61/EC (OJ No L 292, 7. 12. 1995, p. 27).

⁽³⁾ OJ No L 211, 23. 8. 1993, p. 6.

⁽⁴⁾ OJ No L 189, 23. 7. 1994, p. 70.

Whereas, however, data are insufficient by current standards to establish maximum pesticide residue levels for certain pesticide residue/product combinations; whereas,

in such cases, a period of time not exceeding four years would seem reasonable for the generation of the necessary data; whereas, therefore, maximum levels should be established on the basis of such data by 30 April 2000 at the latest; whereas failure to provide satisfactory data should normally result in the establishment of levels at the appropriate limit of determination; whereas satisfactory undertakings to generate the necessary data must be given within one year of the adoption of this Directive;

Whereas the maximum residue levels established in this Directive will have to be reviewed in the framework of the re-evaluation of active substances provided for in the work programme established in Article 8 (2) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽¹⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex II to Directive 76/895/EEC is hereby amended as follows:

1. The entries relating to the following pesticide residues shall be deleted:

chlormequat
diazinon
dicofol
endosulfan
fentin
propoxur.

2. The following entries shall be inserted:

Pesticide	Product	Maximum pesticide residue content
Chlormequat	Beans (fresh)	0,05
	Peas (fresh)	0,05
Endosulfan	Currants (red, black and white)	1
	Gooseberries	1
	Blackberries	1
	Strawberries	1
Propoxur	Tomatoes	3
	Cucumbers	3

3. The entries provided for in point 2 shall be deleted no later than 30 April 2000.

Article 2

1. Annex II to Directive 90/642/EEC is hereby amended as follows:

GLYPHOSATE

In the column under the heading 'Glyphosate', the figure '20,0' shall be added opposite the following product entry:

— in group '4. Oil seeds', 'Soya bean'.

FENARIMOL

In the column under the heading 'Fenarimol', the figure '0,3' shall be added opposite the following product entry:

— in group '1. (vi) Miscellaneous', 'Bananas'.

IPRODIONE

In the column under the heading 'Iprodione', the figure '0,2' shall be added opposite the following product entry:

— in group '2. (vii) Stem vegetables', 'Rhubarb'.

⁽¹⁾ OJ No L 230, 19. 8. 1991, p. 1.

BENOMYL

In the column under the heading 'Benomyl', the figure '2,0' shall be added opposite the following product entry:

— in group '2. (vii) **Stem vegetables**', 'Rhubarb'.

In the column under the heading 'Benomyl', the figure '0,3' shall be added opposite the following product entry:

— in group '2. (iii) **Fruiting vegetables**', 'Courgettes'.

2. If maximum residue levels are not adopted for the pesticide/product combinations listed in point 2 of Article 1 by 30 April 2000, a maximum level of 0,05 (*) shall be introduced for each of those pesticide/product combinations.

Article 3

The following pesticide residues shall be added to Annex II to Directive 90/642/EEC:

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Triforine	Endosulfan (Sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin, expressed as triphenyltin cation)
1. Fruit, fresh, dried or uncooked preserved by freezing, not containing added sugar; nuts			
(i) CITRUS FRUIT	0,05 (*)	1 (a)	0,05 (*)
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pomelos			
Others			
(ii) TREE NUTS (shelled or unshelled)		0,1 (*)	0,05 (*)
Almonds	(a)		
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts			
Macadamia			
Pecans			
Pine nuts			
Pistachios			
Walnuts			
Others	0,05 (*)		
(iii) POME FRUIT	2	1 (a)	0,05 (*)
Apples			
Pears			
Quinces			
Other			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Triforine	Endosulfan (Sum of alpha- and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin, expressed as triphenyltin cation)
(iv) STONE FRUIT		1 (a)	0,05 (*)
Apricots	(a)		
Cherries	2		
Peaches (including nectarines and similar hybrids)	(a)		
Plums	1		
Others	0,05 (*)		
(v) BERRIES AND SMALL FRUIT			0,05 (*)
(a) <i>Table and wine grapes</i>	(a)	1 (a)	
(b) <i>Strawberries</i> (other than wild)	(a)	(*)	
(c) <i>Cane fruit</i> (other than wild)	0,05 (*)		
Blackberries		(*)	
Dewberries			
Loganberries			
Raspberries		1 (a)	
Others		0,05 (*)	
(d) <i>Other small fruit and berries</i> (other than wild)			
Bilberries (fruit of species <i>Vaccinium myrtillus</i>)			
Cranberries			
Currants (red, black and white)	2	(*)	
Gooseberries	2	(*)	
Others	0,05 (*)	0,05 (*)	
(e) <i>Wild berries and wild fruit</i>	0,05 (*)	0,05 (*)	
(vi) MISCELLANEOUS	0,05 (*)		0,05 (*)
Avocados			
Bananas			
Dates			
Figs			
Kiwis		1 (a)	
Kumquats			
Litchis			
Mangoes			
Olives		1 (a)	
Passion fruit			
Pineapples			
Pomegranates			
Others		0,05 (*)	
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER VEGETABLES			0,05 (*)
Beetroot		0,2 (a)	
Carrots		0,2 (a)	
Celeriac		0,2 (a)	
Horseradish			
Jerusalem artichokes			
Parsnips			
Parsley root			
Radishes		0,2 (a)	
Salsify			
Sweet potatoes			
Swedes	(a)	0,2 (a)	
Turnips		0,2 (a)	
Yams			
Others	0,05 (*)	0,05 (*)	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Triforine	Endosulfan (Sum of alpha- and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin, expressed as triphenyltin cation)
(ii) BULB VEGETABLES	(a)		0,05 (*)
Garlic			
Onions		1 (a)	
Shallots			
Spring onions			
Others		0,05 (*)	
(iii) FRUITING VEGETABLES			0,05 (*)
(a) <i>Solanacea</i>	(a)	1 (a)	
Tomatoes			
Peppers			
Aubergines			
Others			
(b) <i>Cucurbits — edible peel</i>	0,5	1 (a)	
Cucumbers			
Gherkins			
Courgettes			
Others			
(c) <i>Cucurbits — inedible peel</i>	(a)	1 (a)	
Melons			
Squashes			
Watermelons			
Others			
(d) <i>Sweetcorn</i>	0,05 (*)	0,05 (*)	
(iv) BRASSICA VEGETABLES	(a)		0,05 (*)
(a) <i>Flowering brassica</i>		1 (a)	
Broccoli			
Cauliflower			
Others			
(b) <i>Head brassica</i>		1 (a)	
Brussels sprouts			
Head cabbage			
Others			
(c) <i>Leafy brassica</i>		1 (a)	
Chinese cabbage			
Kale			
Others			
(d) <i>Kohlrabi</i>		0,05 (*)	
(v) LEAF VEGETABLES AND FRESH HERBS			0,05 (*)
(a) <i>Lettuce and similar</i>		1 (a)	
Cress	(a)		
Lamb's lettuce			
Lettuce			
Scarole			
Others	0,05 (*)		
(b) <i>Spinach and similar</i>		1 (a)	
Spinach	(a)		
Beet leaves (chard)			
Others	0,05 (*)		
(c) <i>Watercress</i>	0,05 (*)	0,05 (*)	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Triforine	Endosulfan (Sum of alpha- and beta endosulfan and endosulfan sulphate expressed as endosulfan)	Fentin (Fentin, expressed as triphenyltin cation)
(d) <i>Witloof</i>	0,05 (*)	0,05 (*)	
(e) <i>Herbs</i>		0,05 (*)	
Chervil			
Chives			
Parsley	(a)		
Celery leaves			
Others	0,05 (*)		
(vi) LEGUME VEGETABLES (fresh)	(a)	1 (a)	0,05 (*)
Beans (with pods)			
Beans (without pods)			
Peas (with pods)			
Peas (without pods)			
Others			
(vii) STEM VEGETABLES (fresh)			0,05 (*)
Asparagus	(a)		
Cardoons		1 (a)	
Celery	(a)	1 (a)	
Fennel			
Globe artichokes	(a)	1 (a)	
Leeks	(a)	1 (a)	
Rhubarb			
Others	0,05 (*)	0,05 (*)	
(viii) FUNGI	0,05 (*)		0,05 (*)
(a) <i>Cultivated mushrooms</i>		1 (a)	
(b) <i>Wild mushrooms</i>		0,05 (*)	
3. Pulses	0,05 (*)	0,05 (*)	0,05 (*)
Beans			
Lentils			
Peas			
Others			
4. Oil seed	0,05 (*)		0,05 (*)
Linseed		(a)	
Peanuts			
Poppy seeds			
Sesame seeds			
Sunflower seed		(a)	
Rapeseed		(a)	
Soya bean		(a)	
Mustard seed		(a)	
Cotton seed		0,3	
Others		0,1 (*)	
5. Potatoes	0,05 (*)	(a)	0,1
Early and ware potatoes			
6. Tea (Black tea processed from the leaves of <i>Camellia sinensis</i>)	0,1 (*)	30 (laid down in Directive 93/58/EEC)	0,1 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	30	(c)	0,5

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Phorate (Sum of phorate, its oxygen analogue and their sulfoxides and sulphones expressed as phorate)	Dicofol (Sum of P, P'- and O, P'- isomers)	Chlormequat
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts			
(i) CITRUS FRUIT	0,05 (*)	2 (b)	0,05 (*)
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pomelos			
Others			
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)	0,05 (*)	0,1 (*)
Almonds			
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts			
Macadamia			
Pecans			
Pine nuts			
Pistachios			
Walnuts			
Others			
(iii) POME FRUIT	0,05 (*)	1 (b)	
Apples			(a)
Pears			3 (a)
Quinces			
Other			0,05 (*)
(iv) STONE FRUIT	0,05 (*)	(b)	0,05 (*)
Apricots			
Cherries			
Peaches (including nectarines and similar hybrids)			
Plums			
Others			
(v) BERRIES AND SMALL FRUIT			
(a) Table and wine grapes	0,05 (*)	1 (b)	1 (a)
(b) Strawberries (other than wild)	(a)	2 (b)	(a)
(c) Cane fruit (other than wild)	0,05 (*)	0,02 (*)	0,05 (*)
Blackberries			
Dewberries			
Loganberries			
Raspberries			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Phorate (Sum of phorate, its oxygen analogue and their sulfoxides and sulphones expressed as phorate)	Dicofol (Sum of P, P'- and O, P'- isomers)	Chlormequat
(d) <i>Other small fruit and berries</i> (other than wild)	0,05 (*)		0,05 (*)
Bilberries (fruit of species <i>Vaccinium myrtillus</i>)			
Cranberries			
Currants (red, black and white)		(b)	
Gooseberries			
Others		0,02 (*)	
(e) <i>Wild berries and wild fruit</i>	0,05 (*)	0,02 (*)	0,05 (*)
(vi) MISCELLANEOUS	0,05 (*)		
Avocados			
Bananas		2 (b)	
Dates			
Figs		(b)	
Kiwis			
Kumquats			
Litchis			
Mangoes			
Olives			0,1 (*)
Passion fruit			
Pineapples			
Pomegranates			
Others		0,02 (*)	0,05 (*)
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER VEGETABLES		0,02 (*)	0,05 (*)
Beetroot	(a)		
Carrots	(a)		
Celeriac			
Horseradish			
Jerusalem artichokes			
Parsnips	(a)		
Parsley root			
Radishes			
Salsify			
Sweet potatoes			
Swedes			
Turnips			
Yams			
Others	0,05 (*)		
(ii) BULB VEGETABLES	0,05 (*)		0,05 (*)
Garlic		(b)	
Onions			
Shallots			
Spring onions			
Others		0,02 (*)	
(iii) FRUITING VEGETABLES			
(a) <i>Solanacea</i>	(a)		
Tomatoes		0,5 (b)	(a)
Peppers		0,5 (b)	
Aubergines			
Others		0,02 (*)	0,05 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Phorate (Sum of phorate, its oxygen analogue and their sulphoxides and sulphones expressed as phorate)	Dicofol (Sum of P, P'- and O, P'- isomers)	Chlormequat
(b) <i>Cucurbits — edible peel</i>		0,5 (b)	0,05 (*)
Cucumbers	0,05 (*)		
Gherkins			
Courgettes			
Others	(a)		
(c) <i>Cucurbits — inedible peel</i>	0,05 (*)	0,5 (b)	0,05 (*)
Melons			
Squashes			
Watermelons			
Others			
(d) <i>Sweetcorn</i>	(a)	0,02 (*)	0,05 (*)
(iv) BRASSICA VEGETABLES		0,02 (*)	0,05 (*)
(a) <i>Flowering brassica</i>	(a)		
Broccoli			
Cauliflower			
Others			
(b) <i>Head brassica</i>	(a)		
Brussels sprouts			
Head cabbage			
Others			
(c) <i>Leafy brassica</i>	(a)		
Chinese cabbage			
Kale			
Others			
(d) <i>Kohlrabi</i>	0,05 (*)		
(v) LEAF VEGETABLES AND FRESH HERBS		0,02 (*)	0,05 (*)
(a) <i>Lettuce and similar</i>	(a)		
Cress			
Lamb's lettuce			
Lettuce			
Scarole			
Others			
(b) <i>Spinach and similar</i>	0,05 (*)		
Spinach			
Beet leaves (chard)			
Others			
(c) <i>Watercress</i>	0,05 (*)		
(d) <i>Witloof</i>	0,05 (*)		
(e) <i>Herbs</i>	(a)		
Chervil			
Chives			
Parsley			
Celery leaves			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Phorate (Sum of phorate, its oxygen analogue and their sulphoxides and sulphones expressed as phorate)	Dicofol (Sum of P, P'- and O, P'- isomers)	Chlormequat
(vi) LEGUME VEGETABLES (fresh)	(a)		
Beans (with pods)		0,5 (b)	(*)
Beans (without pods)		0,5 (b)	(*)
Peas (with pods)		0,5 (b)	(*)
Peas (without pods)		0,5 (b)	(*)
Others		0,02 (*)	0,05 (*)
(vii) STEM VEGETABLES (fresh)			0,05 (*)
Asparagus			
Cardoons			
Celery	(a)		
Fennel			
Globe artichokes		(b)	
Leeks			
Rhubarb			
Others	0,05 (*)	0,02 (*)	
(viii) FUNGI	0,05 (*)		
(a) <i>Cultivated mushrooms</i>		(b)	(a)
(b) <i>Wild mushrooms</i>		0,02 (*)	0,05 (*)
3. Pulses			0,05 (*)
Beans	(a)	(b)	
Lentils			
Peas			
Others	0,05 (*)	0,02 (*)	
4. Oilseed			
Linseed	(a)		(c)
Peanuts	0,1		
Poppy seeds			
Sesame seeds			
Sunflower seed			
Rapeseed	(a)		(c)
Soya bean			
Mustard seed			
Cotton seed		0,1	(c)
Others	0,05 (*)	0,05 (*)	0,1 (*)
5. Potatoes	(a)	0,02 (*)	(a)
Early and Ware potatoes			
6. Tea (Black tea processed from the leaves of <i>Camellia sinensis</i>)	0,1 (*)	(d) (laid down in Directive 93/58/EEC)	0,1 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*)	50	0,1 (*)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Propyzamide	Propoxur	Disulfoton (Sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton)
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts			
(i) CITRUS FRUIT	0,02 (*)	3 (a)	0,02 (*)
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pomelos			
Others			
(ii) TREE NUTS (shelled or unshelled)	0,02 (*)	0,05 (*)	0,02 (*)
Almonds			
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts			
Macadamia			
Pecans			
Pine nuts			
Pistachios			
Walnuts			
Other			
(iii) POME FRUIT	0,02 (*)	3 (a)	0,02 (*)
Apples			
Pears			
Quinces			
Other			
(iv) STONE FRUIT	0,02 (*)	3 (a)	0,02 (*)
Apricots			
Cherries			
Peaches (including nectarines and similar hybrids)			
Plums			
Others			
(v) BERRIES AND SMALL FRUIT			
(a) <i>Table and wine grapes</i>	0,02 (*)	3 (a)	0,02 (*)
(b) <i>Strawberries</i> (other than wild)	(b)	3 (a)	(b)
(c) <i>Cane fruit</i> (other than wild)	0,02 (*)		0,02 (*)
Blackberries		3 (a)	
Dewberries			
Loganberries			
Raspberries		3 (a)	
Others		0,05 (*)	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Propyzamide	Propoxur	Disulfoton (Sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton)
(d) <i>Other small fruit and berries</i> (other than wild)			0,02 (*)
Bilberries (fruit of species <i>Vaccinium myrtillus</i>)			
Cranberries			
Currants (red, black and white)	(b)	0,2	
Gooseberries	(b)	0,2	
Others	0,02 (*)	0,05 (*)	
(e) <i>Wild berries and wild fruit</i>	0,02 (*)	0,05 (*)	0,02 (*)
(vi) MISCELLANEOUS	0,02 (*)		
Avocados			
Bananas			
Dates			
Figs			
Kiwis			
Kumquats			
Litchis			
Mangoes			
Olives		3 (a)	
Passion fruit			
Pineapples			(b)
Pomegranates			
Others		0,05 (*)	0,02 (*)
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER VEGETABLES	0,02 (*)		
Beetroot		3 (a)	
Carrots			3 (b)
Celeriac		3 (a)	
Horseradish			
Jerusalem artichokes			
Parsnips			(b)
Parsley root			
Radishes			
Salsify			
Sweet potatoes			
Swedes			
Turnips			
Yams			
Others		0,05 (*)	0,02 (*)
(ii) BULB VEGETABLES	0,02 (*)	0,05 (*)	0,02 (*)
Garlic			
Onions			
Shallots			
Spring onions			
Others			
(iii) FRUITING VEGETABLES	0,02 (*)		
(a) <i>Solanacea</i>			0,02 (*)
Tomatoes		(*)	
Peppers		3 (a)	
Aubergines		3 (a)	
Others		3 (a)	

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Propyzamide	Propoxur	Disulfoton (Sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton)
(b) <i>Cucurbits — edible peel</i>			0,02 (*)
Cucumbers		(*)	
Gherkins		3 (a)	
Courgettes		(a)	
Others			
(c) <i>Cucurbits — inedible peel</i>		3 (a)	
Melons			(b)
Squashes			
Watermelons			0,02 (*)
Others			
(d) <i>Sweet corn</i>		0,05 (*)	0,02 (*)
(iv) BRASSICA VEGETABLES		3 (a)	
(a) <i>Flowering brassica</i>	0,02 (*)		
Broccoli (including calabrese)			(b)
Cauliflower			(b)
Others			0,02 (*)
(b) <i>Head brassica</i>			
Brussels sprouts			(b)
Head cabbage	(b)		(b)
Others	0,02 (*)		0,02 (*)
(c) <i>Leafy brassica</i>	0,02 (*)		0,02 (*)
Chinese cabbage			
Kale			
Others			
(d) <i>Kohlrabi</i>	0,02 (*)		(b)
(v) LEAF VEGETABLES AND FRESH HERBS			
(a) <i>Lettuce and similar</i>	(b)		0,02 (*)
Cress		0,05 (*)	
Lamb's lettuce			
Lettuce			
Scarole			
Others		3 (a)	
(b) <i>Spinach and similar</i>	0,02 (*)	3 (a)	0,02 (*)
Spinach			
Beet leaves (chard)			
Others			
(c) <i>Watercress</i>	0,02 (*)	0,05 (*)	0,02 (*)
(d) <i>Witloof</i>	0,02 (*)	0,05 (*)	0,02 (*)
(e) <i>Herbs</i>	(b)	3 (a)	(b)
Chervil			
Chives			
Parsley			
Celery leaves			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Propyzamide	Propoxur	Disulfoton (Sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton)
(vi) LEGUME VEGETABLES (fresh)			
Beans (with pods)	(b)	3 (a)	
Beans (without pods)	(b)		
Peas (with pods)		3 (a)	
Peas (without pods)			0,02 (*)
Others	0,02 (*)	0,05 (*)	(b)
(vii) STEM VEGETABLES (fresh)			
Asparagus			
Cardoons		3 (a)	
Celery		3 (a)	(b)
Fennel		3 (a)	
Globe artichokes	(b)	3 (a)	
Leeks		1	
Rhubarb			
Others	0,02 (*)	0,05 (*)	0,02 (*)
(viii) FUNGI	0,02 (*)	0,05 (*)	0,02 (*)
(a) <i>Cultivated mushrooms</i>			
(b) <i>Wild mushrooms</i>			
3. Pulses	0,02 (*)	0,05 (*)	
Beans			(b)
Lentils			
Peas			
Others			0,02 (*)
4. Oilseed		0,05 (*)	
Linseed	0,05 (*)		
Peanuts	(b)		
Poppy seeds			
Sesame seeds			
Sunflower seed			
Rapeseed	(b)		
Soya bean			
Mustard seed			
Cotton seed	(b)		0,05 (*)
Others	0,02 (*)		0,02 (*)
5. Potatoes	0,02 (*)	0,05 (*)	(b)
Early and ware potatoes			
6. Tea (Black tea processed from the leaves of <i>Camellia sinensis</i>)	0,05 (*)	0,1 (*)	0,05 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	(a)	0,1 (*)	(b)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Fenbutatin oxide	Triazophos	Diazinon
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts			
(i) CITRUS FRUIT	(a)	(b)	0,5 (b)
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pomelos			
Others			
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)		0,05 (*)
Almonds		(b)	
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts		(b)	
Macadamia			
Pecans			
Pine nuts			
Pistachios		(b)	
Walnuts			
Others		0,02 (*)	
(iii) POME FRUIT	2	(b)	0,5 (b)
Apples			
Pears			
Quinces			
Others			
(iv) STONE FRUIT	(a)		0,5 (b)
Apricots		(b)	
Cherries			
Peaches (including nectarines and similar hybrids)		(b)	
Plums			
Others		0,02 (*)	
(v) BERRIES AND SMALL FRUIT			
(a) Table and wine grapes	2	0,02 (*)	0,5 (b)
(b) Strawberries (other than wild)	(a)	(b)	0,5 (b)
(c) Cane fruit (other than wild)	0,05 (*)	0,02 (*)	0,5 (b)
Blackberries			
Dewberries			
Loganberries			
Raspberries			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Fenbutatin oxide	Triazophos	Diazinon
(d) <i>Other small fruit and berries</i> (others than wild)	0,05 (*)	0,02 (*)	
Bilberries (fruit of species <i>Vaccinium myrtillus</i>)			0,2
Cranberries			
Currants (red, black and white)			0,2
Gooseberries			0,2
Others			0,02 (*)
(e) <i>Wild berries and wild fruit</i>	0,05 (*)	0,02 (*)	0,02 (*)
(vi) MISCELLANEOUS			
Avocados			
Bananas	(a)		0,5 (b)
Dates			
Figs			
Kiwis			0,5 (b)
Kumquats			
Litchis			
Mangoes			
Olives		(b)	0,5 (b)
Passion fruit			
Pineapples			
Pomegranates			
Others	0,05 (*)	0,02 (*)	0,02 (*)
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER	0,05 (*)		
Beetroot		(b)	0,5 (b)
Carrots		1	0,5 (b)
Celeriac		(b)	0,5 (b)
Horseradish			0,5 (b)
Jerusalem artichokes			
Parsnips		1	0,5 (b)
Parsley root			
Radishes			0,5 (b)
Salsify			
Sweet potatoes			
Swedes			0,5 (b)
Turnips			0,5 (b)
Yams			
Others		0,02 (*)	0,02 (*)
(ii) BULB VEGETABLES	0,05 (*)		0,5 (b)
Garlic		(b)	
Onions		(b)	
Shallots		(b)	
Spring onions			
Others		0,02 (*)	
(iii) FRUITING VEGETABLES			0,5 (b)
(a) <i>Solanacea</i>	(a)	0,02 (*)	
Tomatoes			
Peppers			
Aubergines			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Fenbutatin oxide	Triazophos	Diazinon
(b) <i>Cucurbits — edible peel</i>		(b)	
Cucumbers	0,5 (*)		
Gherkins			
Courgettes			
Others	(a)		
(c) <i>Cucurbits — inedible peel</i>	(a)	(b)	
Melons			
Squashes			
Watermelons			
Others			
(d) <i>Sweetcorn</i>	0,05 (*)	0,02 (*)	
(iv) BRASSICA VEGETABLES	0,05 (*)		0,5 (b)
(a) <i>Flowering brassica</i>		(b)	
Broccoli			
Cauliflower			
Others			
(b) <i>Head brassica</i>		(b)	
Brussels sprouts			
Head cabbage			
Others			
(c) <i>Leafy brassica</i>		(b)	
Chinese cabbage			
Kale			
Others			
(d) <i>Kohlrabi</i>		0,02 (*)	
(v) LEAF VEGETABLES AND FRESH HERBS	0,05 (*)	0,02 (*)	0,5 (b)
(a) <i>Lettuce and similar</i>			
Cress			
Lamb's lettuce			
Lettuce			
Scarole			
Others			
(b) <i>Spinach and similar</i>			
Spinach			
Beet leaves (chard)			
Others			
(c) <i>Watercress</i>			
(d) <i>Witloof</i>			
(e) <i>Herbs</i>			
Chervil			
Chives			
Parsley			
Celery leaves			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Fenbutatin oxide	Triazophos	Diazinon
(vi) LEGUME VEGETABLES			0,5 (b)
Beans (with pods)	(a)	(b)	
Beans (without pods)	(a)	(b)	
Peas (with pods)		(b)	
Peas (without pods)		(b)	
Others	0,05 (*)	0,02 (*)	
(vii) STEM VEGETABLES (fresh)	0,05 (*)		
Asparagus		(b)	0,5 (b)
Cardoons			
Celery		(b)	0,5 (b)
Fennel		(b)	
Globe artichokes		(b)	0,5 (b)
Leeks		(b)	0,5 (b)
Rhubarb		(b)	
Others		0,02 (*)	0,02 (*)
(viii) FUNGI	0,05 (*)	0,02 (*)	
(a) <i>Cultivated mushrooms</i>			0,5 (b)
(b) <i>Wild mushrooms</i>			0,02 (*)
3. Pulses	0,05 (*)	0,02 (*)	(b)
Beans			
Lentils			
Peas			
Others			
4. Oilseed			
Linseed		(b)	
Peanuts			(a)
Poppy seeds			
Sesame seeds			
Sunflower seeds			(a)
Rapeseed		(b)	
Soya bean			
Mustard seed		(b)	
Cotton seed	(a)	0,1	(a)
Others	0,05 (*)	0,02 (*)	0,05 (*)
5. Potatoes	0,05 (*)	(b)	(b)
Early and ware potatoes			
6. Tea (Black tea processed from the leaves of <i>Camellia sinensis</i>)	0,1 (*)	0,05 (*)	0,05 (*)
7. Hops (dried), including hop pellets and unconcentrated powder	(c)	0,05 (*)	(a)

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Mecarbam		
1. Fruit, fresh, dried or uncooked preserved by freezing not containing added sugar; nuts			
(i) CITRUS FRUIT	2 (a)		
Grapefruit			
Lemons			
Limes			
Mandarins (including clementines and other hybrids)			
Oranges			
Pomelos			
Others			
(ii) TREE NUTS (shelled or unshelled)	0,05 (*)		
Almonds			
Brazil nuts			
Cashew nuts			
Chestnuts			
Coconuts			
Hazelnuts			
Macadamia			
Pecans			
Pine nuts			
Pistachios			
Walnuts			
Others			
(iii) POME FRUIT	0,05 (*)		
Apples			
Pears			
Quinces			
Other			
(iv) STONE FRUIT	0,05 (*)		
Apricots			
Cherries			
Peaches (including nectarines and similar hybrids)			
Plum			
Others			
(v) BERRIES AND SMALL FRUIT	0,05 (*)		
(a) <i>Table and wine grapes</i>			
(b) <i>Strawberries</i> (other than wild)			
(c) <i>Cane fruit</i> (other than wild)			
Blackberries			
Dewberries			
Loganberries			
Raspberries			
Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Mecarbam		
(d) <i>Other small fruit and berries (other than wild)</i> Bilberries (fruit of species <i>Vaccinium myrtillus</i>) Cranberries Currants (red, black and white) Gooseberries Others			
(e) <i>Wildberries and wild fruit</i>			
(vi) MISCELLANEOUS Avocados Bananas Dates Figs Kiwis Kumquats Litchis Mangoes Olives Passion fruit Pineapples Pomegranates Others	0,05 (*)		
2. Vegetables, fresh or uncooked, frozen or dry			
(i) ROOT AND TUBER Beetroot Carrots Celeriac Horseradish Jerusalem artichokes Parsnips Parsley root Radishes Salsify Sweet potatoes Swedes Turnips Yams Others	0,05 (*)		
(ii) BULB VEGETABLES Garlic Onions Shallots Spring onions Others	0,05 (*)		
(iii) FRUITING VEGETABLES (a) <i>Solanacea</i> Tomatoes Peppers Aubergines Others	0,05 (*)		

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Mecarbam		
(b) <i>Cucurbits — edible peel</i> Cucumbers Gherkins Courgettes Others (c) <i>Cucurbits — inedible peel</i> Melons Squashes Watermelons Others (d) <i>Sweetcorn</i>			
(iv) BRASSICA VEGETABLES	0,05 (*)		
(a) <i>Flowering brassica</i> Broccoli Cauliflower Others (b) <i>Head brassica</i> Brussels sprouts Head cabbage Others (c) <i>Leafy brassica</i> Chinese cabbage Kale Others (d) <i>Kohlrabi</i>			
(v) LEAF VEGETABLES AND FRESH HERBS	0,05 (*)		
(a) <i>Lettuce and similar</i> Cress Lamb's lettuce Lettuce Scarole Others (b) <i>Spinach and similar</i> Spinach Beet leaves (chard) Others (c) <i>Watercress</i> (d) <i>Witloof</i> (e) <i>Herbs</i> Chervil Chives Parsley Celery leaves Others			

Groups and examples of individual products to which the MRLs apply	Pesticide residues and maximum residue levels (mg/kg)		
	Mecarbam		
(vi) LEGUME VEGETABLES (fresh)	0,05 (*)		
Beans (with pods)			
Beans (without pods)			
Peas (with pods)			
Peas (without pods)			
Others			
(vii) STEM VEGETABLES (fresh)	0,05 (*)		
Asparagus			
Cardoons			
Celery			
Fennel			
Globe artichokes			
Leek			
Rhubarb			
Others			
(viii) FUNGI	0,05 (*)		
(a) <i>Cultivated mushrooms</i>			
(b) <i>Wild mushrooms</i>			
3. Pulses	0,05 (*)		
Beans			
Lentils			
Peas			
Others			
4. Oil seed	0,05 (*)		
Linseed			
Peanuts			
Poppy seeds			
Sesame seeds			
Sunflower seed			
Rapeseed			
Soya bean			
Mustard seed			
Cotton seed			
Others			
5. Potatoes	0,05 (*)		
Early and ware potatoes			
6. Tea (Black tea processed from the leaves of <i>Camellia sinensis</i>)	0,05 (*)		
7. Hops (dried), including hop pellets and unconcentrated powder	0,1 (*)		

(*) Indicates lower limit of analytical determination.

(*) See Article 1 and Article 2 (2).

(a)(b)(c)(d) Should levels not be adopted by 30 April 2000, the following levels shall apply as indicated thereafter:

(a) 0,05 (*)

(b) 0,02 (*)

(c) 0,1 (*)

(d) 0,01 (*)

Article 4

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 30 April 1997.

When Member States adopt those measures, they shall contain references to this Directive or shall be accompanied by such references on the occasion of their publication. The methods of making such references shall be laid down by the Member States.

Article 5

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 21 May 1996.

For the Council

The President

M. PINTO

COUNCIL DIRECTIVE 96/33/EC**of 21 May 1996****amending the Annexes to Directives 86/362/EEC and 86/363/EEC on the fixing of maximum levels for pesticide residues in and on cereals and foodstuffs of animal origin respectively**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in cereals⁽¹⁾, and in particular Article 11 thereof,

Having regard to Council Directive 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in foodstuffs of animal origin⁽²⁾, and in particular Article 11 thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has received a mandate in the framework of Directives 86/362/EEC and 86/363/EEC to prepare the list of pesticide residues and their maximum levels for approval by the Council;

Whereas pesticide residues may arise in cereals and foodstuffs of animal origin as a result of agricultural practices; whereas it is necessary to take into account relevant data for both authorized pesticide uses and as appropriate supervised trials and animal feeding studies;

Whereas, in order better to estimate dietary intake of pesticide residues, it is prudent to establish simultaneously, where possible, maximum residue levels for individual pesticides in all major components of the diet; whereas these levels represent the use of minimum quan-

ties of pesticide to achieve adequate control, applied in such a manner that the amount of residue is the smallest practicable and is toxicologically acceptable;

Whereas, in the light of technical and scientific progress and the requirements of public health and agriculture, it is desirable to amend Directives 86/362/EEC and 86/363/EEC by adding provisions relating to further pesticide residues for cereals and foodstuffs of animal origin, namely chlormequat, diazinon, dicofol, disulfoton, endosulfan, fenbutatin oxide, fentin, mecarbam, phorate, propoxur, propyzamide, triazophos and triforine;

Whereas, however, data are insufficient by current standards to establish maximum pesticide residue levels for certain pesticide residue/product combinations; whereas, in such cases, a period of time not exceeding four years would seem reasonable for the generation of the necessary data; whereas, therefore, maximum levels should be established on the basis of such data by 30 April 2000 at the latest; whereas failure to provide satisfactory data will normally result in the establishment of levels at the appropriate limit of determination; whereas satisfactory undertakings to generate the necessary data must be given within one year of the adoption of this Directive;

Whereas the maximum residue levels established in this Directive will have to be reviewed in the framework of the re-evaluation of active substances provided for in the work programme established in Article 8 (2) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽³⁾,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The following pesticide residues shall be added to Part A of Annex II to Directive 86/362/EEC:

⁽¹⁾ OJ No L 221, 7. 8. 1986, p. 37. Directive as last amended by Directive 95/39/EC (OJ No L 197, 22. 8. 1995, p. 29).

⁽²⁾ OJ No L 221, 7. 8. 1986, p. 43. Directive as last amended by Directive 95/39/EC (OJ No L 197, 22. 8. 1995, p. 29).

⁽³⁾ OJ No L 230, 19. 8. 1991, p. 1.

Pesticide residues	Maximum levels in mg/kg (ppm)	
TRIFORINE	0,1 0,05 (*)	wheat, rye, triticales, barley, oats other cereals
ENDOSULFAN Residue: sum of alpha and beta endosulfan sulphate expressed as endosulphate	0,1 (a) 0,2 (a) 0,05 (*)	wheat, rye, triticales, barley, oats maize others
FENBUTATIN OXIDE	0,05 (*)	
TRIAZAPHOS	(b) 0,02 (*)	wheat, rye, triticales, barley, oats, maize others
DIAZINON	0,02 (*) 0,05 (b)	buckwheat, millet others
MECARBAM	0,05 (*)	cereals
FENTIN Residue: fentin expressed as triphyltin cation	0,05 (*)	
PHORATE Residue: sum of phorate, its oxygen analogue and their sulfoxides and sulphones expressed as phorate	(a) 0,05 (*)	maize others
DICOFOL Residue: sum of P, P' and O, P' isomers	0,02 (*)	
CHLORMEQUAT	5 2 (a) 0,05 (*)	oats wheat, rye, triticales, barley maize others
PROPYZAMIDE	0,02 (*)	
PROPOXUR	0,05 (*)	
DISULFOTON Residue: sum of disulfoton, disulfoton sulphoxide and disulfoton sulphone expressed as disulfoton	0,1 0,2 0,02 (*)	wheat barley, sorghum others

(*) Indicates lower level of analytical detection.

(a) and (b) Should levels not be adopted by 30 April 2000 the following levels shall apply as indicated thereafter:

(a) 0,05 (*)

(b) 0,02 (*)

Article 2

Annex II to Directive 86/363/EEC shall be amended as follows:

1. The following pesticide residues shall be added to Part A:

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of fat, contained in meat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602 (i) (iv)	for raw cows' milk and whole-cream cows' milk listed in Annex I under heading No 0401; for the other foodstuffs in headings Nos 0401, 0402, 0405 00 and 0406 (ii) (iv)	of shelled fresh eggs, for birds' eggs and egg yolks listed in Annex I under headings Nos 0407 00, 0408 (iii) (iv)
ENDOSULFAN Residue: sum of alpha and beta endosulfan and endosulfan sulphate expressed as endosulfan	(a) poultrymeat 0,1 others	0,004	(a)
FENTIN Residue: fentin expressed as triphenyltin cation	0,05 (*)	0,05 (*)	0,05 (*)
FENBUTATIN OXIDE	0,05 (*)	0,05 (*)	0,05 (*)
TRIAZAPHOS	(b) poultrymeat 0,01 (*) others	0,01 (*)	(b)
DIAZINON	(a) pig and poultrymeat	0,01 (*)	(a)
DISULFOTON Residue: sum of disulfoton, disulfoton sulphone expressed as disulfoton	0,02 (*)	0,02	0,02 (*)
DICOFOL Residue: sum of P, P' and O, P' isomers	0,5 meat of cattle, sheep and goats 0,1 meat of poultry 0,05 (*) others	0,02	0,05 (*)

(*) Indicates lower limit of analytical detection.

(i) In the case of foodstuffs with a fat content of 10 % or less by weight, the residue is related to the total weight of the boned foodstuff. In such cases, the maximum level is one-tenth of the value related to fat content, but must be no less than 0,01 mg/kg.

(ii) In determining the residues in raw cows' milk and whole-cream cow's milk, a fat content of 4 % by weight should be taken as a basis. For raw milk and whole-cream milk of another animal origin the residues are expressed on the basis of the fat.

For the other foodstuffs listed in Annex I under headings Nos 0401, 0402, 0405 00 and 0406:

— with a fat content of less than 2 % by weight, the maximum level is taken as half that set for raw milk and whole-cream milk,

— with a fat content of 2 % or more by weight, the maximum level is expressed in mg/kg of fat. In such cases the maximum level is 25 times that set for raw milk and whole-cream milk.

(iii) For eggs and egg products with a fat content higher than 10 %, the maximum level is expressed in mg/kg. In this case, the maximum level is 10 times higher than the maximum level for fresh eggs.

(iv) Footnotes (i), (ii) and (iii) shall not apply in cases where the lower limit of analytical determination is indicated.

(v) Should levels not be adopted by 30 April 2000, the following maximum levels shall apply:

(a) 0,05 (*)

(b) 0,01 (*)

2. The following pesticide residues shall be added to Part B:

Pesticide residues	Maximum levels in mg/kg (ppm)		
	of meat, including fat, preparations of meat, offal and animal fats listed in Annex I under headings Nos ex 0201, 0202, 0203, 0204, 0205 00 00, 0206, 0207, ex 0208, 0209 00, 0210, 1601 00 and 1602	for milk and milk products listed in Annex I under headings Nos 0401, 0402, 0405 00 and 0406	of shelled fresh eggs, for birds' eggs and egg yolks listed in Annex I under headings Nos 0407 00 and 0408
TRIFORINE	0,05 (*)	0,05 (*)	0,05 (*)
PROPOXUR	0,05 (*)	0,05 (*)	0,05 (*)
PROPYZAMIDE Residue: sum of propyzamide and all metabolites containing the 3,5-dichlorobenzoic acid fraction expressed as propyzamide	0,05 fat, liver and kidney 0,02 (*) others	0,01 (*)	0,02 (*)
PHORATE Sum of phorate, its oxygen analogue and their sulphoxides and sulphones expressed as phorate	0,05 (*)	0,02 (*)	0,05 (*)
CHLORMEQUAT	(a)	(a)	(a)
DICOFOL Residue: 1,1-bis-(parachlorophenol)-2,2-dichloroethanol (PP'-FW152), expressed as dicofol	1,0 liver of cattle, sheep and goats		

(*) Indicates lower limit of analytical detection.

(a) Should a maximum level not be adopted by 30 April 2000, a maximum level of 0,05 (*) shall apply.

Article 3

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive no later than 30 April 1997.

When Member States adopt those measures, they shall contain references to this Directive or shall be accompanied by such references on the occasion of their publication. The methods of making such references shall be laid down by the Member States.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 21 May 1996.

For the Council
The President
M. PINTO

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 21 February 1996

relating to aid granted by the French Government to Cellulose du Rhône et de l'Aquitaine (CDRA)

(Only the French text is authentic)

(Text with EEA relevance)

(96/364/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62 (1) (a) thereof,

Having given the interested parties, in accordance with the said Articles, notice to submit their comments, and having regard to those comments,

Whereas:

I

Cellulose du Rhône et de l'Aquitaine (CDRA) is a 99,9 %-owned subsidiary of the La Rochette group, which is chiefly engaged in the wood and pulp industry on the one hand and packaging on the other. The group, which employs some 3 000 persons, achieved before-tax profits of FF 783 million in 1989 and FF 345 million in 1990. It incurred losses of FF 45 million in 1991, FF 431 million in 1992, FF 634 million in 1993 and FF 144 million in 1994. The losses were entirely attributable to its wood and pulp division, of which CDRA is a part.

CDRA comprises two plants which manufacture commercial-quality bleached kraft pulp in the south of France:

- the Saint-Gaudens (Haute-Garonne) plant with a production capacity of 320 000 tonnes a year and 350 employees,
- the Tarascon (Bouches-du-Rhône) plant with a production capacity of 280 000 tonnes a year and 300 employees.

Despite an extensive modernization plan, the poor market situation meant that CDRA achieved a turnover in 1992 of FF 1 181 million, corresponding to a limited output of 456 000 tonnes (76 % of capacity). In 1993, production fell again to 408 100 tonnes, corresponding to a turnover of FF 1 105 million; CDRA itself incurred losses of FF 600 million in 1993.

In October 1993 it was decided to undertake financial restructuring, with major contributions from shareholders, the principal creditor banks and the French Government.

II

In October 1993 the Commission learnt from the press that aid was to be granted to CDRA and, by letter of 20 October 1993, requested information on these measures in order to assess them under Articles 92 and 93 of the Treaty.

France replied by letter of 9 November 1993 and, in a letter of 17 January 1994, it provided the answers to some of the specific questions posed by the Commission in its letter of 21 December 1993.

It described the crisis in the pulp market which had compromised the future of all commercial pulp producers, especially CDRA. As a result, financial restructuring had been decided on in October 1993. In that context, France had decided to reschedule the State loans and provide new financing.

Through the Caisse française de développement industriel (CFDI), the French State granted CDRA six medium- and long-term loans with a residual capital value of FF 430,3 million plus deferred interest at 30 June 1993 of FF 136 million.

After a preliminary examination of the rescheduling in relation to the contributions from other creditors and shareholders, the Commission noted that the entire amount loaned by the State through CFDI would have been lost if CDRA had been put into receivership. The banks for their part would have lost some 80 % of their claims. Thus, as a result of their agreement, the principal creditors are able to recover more of their claims than in the event of a winding-up. In view of the fact that the transfers of State resources did not exceed those of the banks, the Commission decided that the alterations to the existing loans under the creditors' agreement of October 1993 and the concomitant granting of an additional loan did not constitute aid.

The Commission found, however, that the six loans, granted in the past by CFDI to CDRA and guaranteed by the State, already constituted State aid. Despite the fact that a loan of FF 300 million granted in 1978, a loan of FF 60 million in 1981 and three loans totalling FF 199,5 million in 1982 exceeded the notification thresholds for FDES (Economic and Social Development Fund) loans, they had not been notified to the Commission in advance in accordance with Article 93 (3) of the Treaty.

The Commission also noted that the balance of FF 430,3 million considerably exceeded the residual amount of FF 258 million which would have been due on 30 June 1993 according to the repayment timetables drawn up when the loans were granted. The Commission concluded that the terms of the loans had therefore been altered in favour of CDRA, again without the Commission having been notified beforehand.

The Commission also took account of the fact that France had decided, as part of the rescheduling referred to above,

to grant CDRA FF 100 million, of which FF 50 million had been paid in 1993 and the balance in 1994, in order to improve wood supplies and environmental protection. This grant had not been notified to the Commission either.

Following a preliminary examination under Article 92 of the Treaty, the Commission reached the conclusion that the aid in question was liable to distort competition and affect trade within the meaning of Article 92 (1) of the Treaty and Article 61 (1) of the EEA Agreement. At that stage, it expressed doubt as to the possibility of applying one of the derogations from the principle of incompatibility of the aid in question with the common market and therefore decided to initiate the procedure provided for in Article 93 (2).

By letter of 5 April 1994, the Commission gave the French Government notice to submit its comments.

III

France sent comments under the procedure by letters of 11 May and 12 October 1994. It also, at the request of the Commission, provided further details at a bilateral meeting held on 3 May 1995, and by letter of 14 September 1995.

It pointed out that there was very little intra-Community competition in the production niche occupied by CDRA and that the French measures had not created distortions of competition. As for the grant of FF 100 million, it pointed out that it was a lump-sum grant which could be assessed only as part of the overall CDRA restructuring plan. It nevertheless sent the details of a series of environment-linked investments aimed at improving wood supplies which would be financed from the grant. France also provided information to justify the five loans referred to in the procedure and the later adjustments, as well as the details needed to calculate the corresponding aid.

Following publication of the letter from the Commission dated 5 April 1994 in the *Official Journal of the European Communities*⁽¹⁾, the Commission received comments from a German paper pulp producer. The comments were forwarded to France by letter dated 27 September 1994, accompanied by a request for it to submit any comments. Comments were provided in the abovementioned letter of 12 October.

⁽¹⁾ OJ No C 206, 26. 7. 1994, p. 7.

IV

The FF 100 million granted in 1993 to CDRA constitutes aid to that firm since it relieved it, through State resources, of part of the investment costs it would otherwise have borne.

Similarly, the loans granted by CFDI with a State guarantee through the FDES constitute aid. The Commission defined its position in this respect in 1972 and 1973 ⁽¹⁾, namely, that FDES loans are granted on terms (interest rates, duration, repayment and security) that are more favourable than those which enterprises could obtain either on the financial market, or from credit establishments. In accordance with its general position at the time with regard to general aid schemes, the Commission requested France to inform it, pursuant to Article 93 (3) of the Treaty, of sectoral application schemes or, failing that, significant individual grants.

France replied that the following loans had been granted to CDRA: on 17 July 1978 an ordinary loan of FF 300 million partly converted into an equity loan in June 1981 and fully converted in March 1983; on 7 April 1981 an equity loan of FF 60 million, the terms of which were altered in March 1983; on 23 March 1982 an equity loan of FF 46 million, the terms of which were adjusted in March 1983; on 14 October 1982 two equity loans of FF 96 million and FF 57,5 million; on 21 August 1986 an equity loan of FF 8 million. In May 1990 and June 1992 the duration of the loans was extended and the terms again adjusted in favour of CDRA.

The sixth loan of FF 8 million granted in 1986 did not reach the notification threshold and was therefore considered compatible with the common market under the Commission decision on FDES loans. On the other hand, the first five loans should have been notified in advance. Their compatibility with the common market must therefore be assessed under Article 92 of the Treaty.

The Commission calculated the aid element in the first five loans and their adjustments. It found that the difference between the interest actually paid by CDRA and the amount it would otherwise have had to pay, on the basis of the reference rate used to calculate net grant equivalent which was in force when the loans in question were granted, would have totalled FF 561 million up to the rescheduling agreed by the CDRA creditors in 1993.

The Commission calculations were presented to the French authorities, who confirmed that the amount was correct. The total of FF 561 million included a debt of FF 136 million owed by CDRA in 1993. The debt having been written off following the creditors' agreement already approved by the Commission, the amount of aid actually enjoyed by CDRA through the five loans in question is FF 425 million.

V

Paper pulp is traded between Community countries and EEA countries and there is competition between producers. In the course of the procedure, France considered that the aid to CDRA had had little effect on competition and that it preceded the entry into force of the EEA Agreement. It pointed out, in particular, that the world pulp market essentially consists of two separate products: bleached softwood kraft pulp and bleached hardwood kraft pulp. Each paper maker purchases several softwood and hardwood pulps which are then evaluated and processed according to the quality of paper he produces and his purchase prices. Substitution of one type of pulp for another is very rare. In the hardwood pulps, substitution is possible between eucalyptus pulp and the pulp produced by CDRA. In the softwood pulps, substitution is possible to some extent between Scandinavian softwoods, the pulp produced by CDRA and pulp imported from third countries (southern pines). Only CDRA was producing commercial bleached softwood kraft pulp in the Community as at 31 December 1994. This pulp currently accounts for almost two-thirds of sales by CDRA and should reach three-quarters in the future. The French authorities also pointed out that, as Community output totals only some 5,5 million tonnes, 10 million tonnes are imported, of which 2 million tonnes from Sweden and 1 million from Finland. France also stressed that the aid in question had been granted before the entry into force of the EEA Agreement.

The Commission agrees with the French authorities' definition of the pulp market. It considers, however, that the definition does not affect its initial finding that there is some competition in the industry in question and that the situation in the new Member States and the EEA is not relevant. The French authorities themselves had pointed out in their letter of 9 November 1993 that there were five Iberian producers of short-fibre bleached eucalyptus kraft pulp with a combined capacity of 1 535 000 tonnes and identical markets to those of Saint Gaudens. This fact was not disputed in the procedure.

⁽¹⁾ *Third Competition Report*, points 113 and 114.

When State aid strengthens the position of certain firms in relation to their competitors in the Community, it must be regarded as affecting competition with those firms.

In view of the foregoing, the aid granted by France to CDRA affects trade between Member States and distorts or threatens to distort competition within the meaning of Article 92 (1) by favouring the firm concerned.

Article 92 (1) establishes the principle of incompatibility with the common market of aid having the characteristics set out therein.

The exceptions to this principle set out in Article 92 (2) are not applicable in the present case owing to the nature and objectives of the aid in question, nor were they invoked by France.

VI

1. Article 92 (3) of the Treaty lists the aid which may be compatible with the common market. Compatibility with the Treaty must be determined in the context of the Community as a whole and not in that of a single Member State. In order to ensure the proper functioning of the common market, and having regard to the principles set out in Article 3 (g) of the Treaty, the exceptions listed in Article 2 (3), to the principle provided for in Article 92 (1) must be construed narrowly when any aid scheme or an individual aid award is scrutinized.

In particular, they may be invoked only when the Commission is satisfied that, without the aid, market forces alone would be insufficient to guide the recipients towards patterns of behaviour that would serve one of the objectives of the said exceptions.

To exempt cases not contributing to the achievement of such objectives or where the aid is not necessary for that purpose would be to confer unfair advantages on the industries or enterprises of certain Member States and strengthen their financial position; it would also be liable to affect trade between Member States and distort competition without any justification in the common interest as provided for in Article 92 (3).

2. With regard to the exemption provided for in point (a) of Article 92 (3) for aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious under-employment, the Haute Garonne and Bouches du Rhône regions where the CDRA production plants are located do not have the characteristics that would qualify them for exemption.

3. As regards the exemptions provided for in point (b) of Article 92 (3), the aid in question is not intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in the French economy; nor have the French authorities requested exemption on these grounds.

4. With regard to the exemption provided for in point (c) of Article 92 (3) for aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interests, it should be noted that the Saint-Gaudens and Tarascon plants are located in areas where investment aid may be granted under the regional exemption referred to above. Between 21 December 1978 and 11 August 1982, the approved aid levels amounted to 20 % net for Tarascon and 30 % for Saint-Gaudens. Since 11 August 1982, the regional planning grant scheme (PAT) has been applicable, giving a gross rate of 17 % for the two plants.

5. *The loans*

As part of the procedure, the Commission was informed of the amount and nature of the investments financed by the series of loans granted to CDRA up to the creditors' agreement in 1993.

The first loan of FF 300 million, granted in 1978 and adjusted in 1981 and 1983, and the second loan of FF 60 million, granted in 1981 and adjusted in 1983, were used to finance a major investment programme of FF 849 million which served, among other things, to increase production capacity at Tarascon from 90 000 to 200 000 tonnes a year. The Commission concludes, on the basis of the conditions applicable to the loans and the ceilings in force at the time, that the aid contained in the two loans and the first two adjustments is well below the level of aid it had decided to allow for the areas in question, in view of the fact that no other aid was received for the investments in question.

The three equity loans totalling FF 199,5 million were granted in 1982 at the time of CDRA's first financial restructuring. The plan adopted in August 1982 included a shareholders' contribution in the form of a debt waiver and capital conversion of FF 190 million, an injection of fresh capital of FF 183,5 million, a debt write-off by the creditor banks of FF 50 million, new loans of FF 88 million and a favourable rescheduling of loans totalling FF 142 million. The Commission notes that the plan in question is similar to the 1993 plan to which it had not objected.

The Commission also notes that it was decided to invest heavily in the two plants in 1982 in order to enhance CDRA's profitability, in view of the obvious difficulties it was having in staying afloat in the cyclical downturns experienced in the pulp industry. The investment in Saint Gaudens and Tarascon, which did not benefit from any other aid, totalled FF 808 million. The Commission notes that the aid, in the form of three equity loans granted to CDRA in 1982, is below the level which could have been granted under the regional exemption.

In May 1990 and June 1992, the following adjustments were made to the five loans: their duration was extended by a total of three years, repayment of the principle, due in 1991, 1992 and 1993, was carried forward to 1993, deferred interest payments due in 1990, 1991, 1992 and 1993 were postponed to two years following the last repayment date, the fixed interest applicable to repayment dates between 1 March and 31 December 1990 was reduced to 0,1 %, only this fixed part being due for that period; the contractual interest was reestablished from 1 January 1991. These adjustments resulted in additional aid which may be quantified at FF 16,7 million. The Commission notes that CDRA invested FF 440 million in the period 1990 to 1992, investments not benefiting from any other aid, and that the aid thus granted to CDRA in 1990 and 1992 is below the level of aid which could have been granted under the regional exemption.

The Commission checked that the aid contained in the five loans granted to CDRA and the adjustments to those loans does not exceed the ceilings applicable to regional aid in Tarascon and Saint-Gaudens. It is true that the FDES loan scheme is a general one, which means that it is not limited to regions eligible for regional aid. According to the principles for the coordination of regional aid, general aid covering the entire national territory may not be granted in the form of regional development aid⁽¹⁾. In determining the compatibility of such aid in a specific, notifiable case, the Commission must nevertheless take account of both its regional and its sectoral effects. According to the case-law of the Court of Justice, the fact that aid is granted on the basis of an *ad hoc* decision does not rule out its being described as regional aid (Judgment of 14 September in Joined Cases C-278, 279, 280/92,

Spain v. Commission, (Hytasa) paragraph 49). The Commission assesses such aid on the basis of the following two criteria: first, its contribution to regional development whilst remaining below the regional aid ceiling and, second, its effects on the sector concerned, taking account of the latter's characteristics.

With regard to the first criterion, the investment aid in question complied with the regional aid ceilings applicable to Saint-Gaudens and Tarascon. As regards the contribution of the aid to regional development, the Commission notes that CDRA has become, through the aid in question, an enterprise with plant that is modern and capable of attaining the highest quality standards. Its production capacity is at a level which should be competitive. It is true that the crisis in the period 1991 to 1994 threatened the existence of CDRA and that a creditors' agreement was necessary in order to avoid collapse. However, it must also be acknowledged that the crisis was exceptionally long and serious and that CDRA became profitable again in the second half of 1994. The Commission recognizes that the aid in the form of loans was essential for the two CDRA plants to attain their present level.

As regards the sectoral effect of the aid, the Commission refers to the analysis contained in section V, in particular the fact that the Community was a net importer of pulp. The pulp market is very much a worldwide, cyclical market. Only Community producers with modern, competitive and profitable production tools have been able to overcome the difficulties due to the economic climate. The Community of Twelve was a net importer of pulp, Community production being considerably lower than demand. From a Community standpoint, the sectoral problem was therefore not one of possible over-capacity but a lack of competitiveness in its pulp industry. Several so-called integrated commercial pulp plants which had failed to adapt sufficiently were closed down. These closures had considerable negative effects on the forestry and logging industry. The Commission notes that CDRA obtains its supplies from the forests in south-eastern France, an area constantly threatened by fire owing to the climate and poor forest maintenance. The Commission acknowledges that the loss of the outlets represented by the two CDRA plants would have led to a further deterioration of these forests and, consequently, a greater risk of fire, at the same time affecting rural development, notably by increasing desertification.

⁽¹⁾ OJ No C 31, 3. 2. 1979, p. 9.

In assessing the compatibility of the aid in question, the Commission took account of the comments submitted as part of the procedure by a manufacturer of bisulphite pulp. This company had also experienced serious difficulties since the beginning of the 1980s due to stronger international competition and the increasingly severe constraints of environmental protection. This company confirmed that the fall in profits, which particularly affected European commercial pulp producers, resulted in the winding-up of several German firms. It had itself been saved by one of its shareholders, and had set up a paper manufacturing plant. No State aid had been granted to save it during the difficult period or for the major investment it had made. It pointed out that the grant of State aid to CDRA was a serious infringement of the principle of equal opportunity in the field of competition.

It should be noted in this respect that the firm in question is not located in one of the areas eligible for specific regional aid under the exemption provided for in points (a) or (c) of Article 92 (3). There is thus an important difference between the position of that firm and that of CDRA with regard to the compatibility of investment aid with the common market.

For all these reasons, the Commission concludes that the aid in the form of FDES loans to CDRA, which replaces regional aid and is within the limits approved for regional aid schemes in France, resolved the problem of CDRA's lack of competitiveness without affecting trade to an extent contrary to the common interest. From a Community standpoint, the positive effects of the aid were greater than its negative effects on competition. The Commission therefore decided that the aid qualified for exemption under point (c) of Article 92 (3) of the Treaty.

6. *The grant*

In response to its request, the Commission received details of the investments financed from the 1993 grant of FF 100 million. They related partly to environmental matters and partly to wood supplies.

The Commission examined the investments on the basis of the Community guidelines on State aid for environmental protection⁽¹⁾.

It notes that FF 162,2 million was invested in technology that eliminates the need for chlorine gas at Saint-Gaudens. The aim is to reduce the discharge of absorb-

able organic halogen compounds (AOX) by using an oxygen pre-bleaching plant and a second chlorine dioxide production line using purchased liquid sulphur dioxide. The environmental impact of the AOX goes beyond existing standards in France. No other aid was granted for the investment.

A total of FF 192,25 million was invested in eliminating the need for chlorine gas at Tarascon. This involves a different process from that used at Saint Gaudens, as it is based on fine control of the cooking of the pulp. The reduction in the environmental impact of the AOX is well below existing requirements in France. The Tarascon investment received other aid from the Agence de Bassin in the form of a grant of FF 15,97 million and an interest subsidy of FF 3,35 million.

The Commission verified that the investments in question did not lead to an increase in production capacity or to a reduction in operating costs. On the contrary, as both sites, the additional production costs resulting from the investments greatly exceed the savings generated.

Point 3.2.3.B of the Community guidelines on State aid for environmental protection provides that aid for investment that allows significantly higher levels of environmental protection to be attained than those required by mandatory standards may be authorized up to a maximum of 30 % gross of the eligible costs. Similarly, point 3.2.3.C of the guidelines provides that firms undertaking investment that will significantly improve on their environmental performance or match that of firms in other Member States in which mandatory standards apply may be granted aid at the same levels and subject to the same conditions of proportionality as for going beyond the standards provided for in point 3.2.3.B.

The Commission considers that the chlorine gas removal standards achieved in the present case qualify for the full application of the possibility offered in point 3.2.3.B of the guidelines, especially in view of the toxicity of the product. It therefore considers that a grant of 30 % gross of the cost of the investments in question is justified. Taking account of the other aid granted for that purpose, an amount of FF 87 015 000 of the FF 100 million may be regarded as compatible with the common market under point (c) of Article 92 (3).

⁽¹⁾ OJ No C 72, 10. 3. 1994, p. 3.

France also pointed out that a biological treatment plant had been built at Saint-Gaudens which also treats the town effluent. The investment costs borne by CDRA were FF 85 million. It obtained aid from the Agence de Bassin in the form of a grant of FF 5,92 million and an interest subsidy of FF 12,68 million, representing 21,9 % of the investment. Whilst taking account of the argument put forward by the French authorities that the biological treatment plant goes well beyond what is 'usual' and that discharges in other Member States are often considerably higher, the Commission considers that an aid of 21,9 % adequately represents the environmental improvement achieved by the investment and that no additional aid is justified.

France stated that a decision had been taken to invest FF 24 million in Tarascon for the combustion of malodorous gases. Continuous combustion of such gases is a requirement imposed by a prefectural decree of 1991. No other aid had been granted for that investment and it had not produced any operating savings, indeed the contrary was true. According to point 3.2.3.A of the guidelines, the Commission could authorize aid up to the level of 15 % gross of the cost of an investment to comply with new mandatory standards. Taking account of the information sent by France, the Commission considers that an investment aid of 15 % gross, i.e. FF 3,6 million, is justified. It does not agree, however, with France's argument that an aid of 16,76 % might be justified since the decision to invest was taken under the previous guidelines which allowed aid of up to 15 % net for such investments. In cases of illegal aid, the Commission applies the law in force at the time of the decision.

Lastly, France provided information on an investment at Tarascon aimed at removing at source the production of wood dust. No other aid had been granted for that investment. The Commission had in the past approved dust reduction as one of several elements (noise reduction, traffic reduction, dust reduction), to justify environmental aid⁽¹⁾, the recipient of the aid being situated in the residential area of a tourist town. The Commission considers that an investment that has no effect other than reducing dust in an enterprise does not qualify for exemption if there are no other special circumstances; no such circumstances emerge from the information sent by France. Furthermore, the

Commission considers that the firm itself is the principal beneficiary of a reduction of dust. It does not therefore agree with France that the investment in question has no economic advantages for CDRA.

In conclusion, the Commission considers that the grants of FF 87,015 million and FF 3,6 million are justified under the Community guidelines on State aid for environmental protection.

The Commission found no justification for the balance of FF 9 385 000 of the FF 100 million grant to CDRA in 1993 and 1994.

In the course of the procedure, France answered the Commission's questions on the impact upstream of CDRA's investments in creating extra wood capacity at Saint-Gaudens. In particular, an investment of FF 45,8 million was aimed at creating extra stocks of 100 000 m³ of wood, chiefly in the interest of the forestry contractors and forestry operators. The Commission notes in this connection that forestry aid, within the limits set out in Council Regulation (EEC) No 867/90⁽²⁾, might be justified. In the case in point, however, the aid is not granted to forestry undertakings but to CDRA which is not engaged in first-stage wood processing. By letter dated 30 March 1995 the Commission informed France of its provisional conclusions in the present procedure, stating that the investment enabling wood stocks to be increased did not appear to satisfy the criteria of the guidelines on aid for environmental protection. The Commission notes that the reply from the French authorities dated 14 September 1995 did not throw any fresh light on the matter. Consequently, the aid does not qualify for exemption under Article 92 (3) of the Treaty.

VII

As France failed to notify the aid in question before granting it or altering it, as provided for in Article 93 (3), the Commission was unable to give its opinion on the measures before their implementation. The aid has therefore been illegal under Community law since the decision to grant it was taken. The situation resulting from this failure to satisfy an obligation is particularly serious as the aid has already been paid to the beneficiary, and part of the aid is regarded as incompatible with the common market.

⁽¹⁾ OJ No C 271, 29. 9. 1994, p. 17.

⁽²⁾ OJ No L 91, 6. 4. 1990, p. 7.

Where aid is incompatible with the common market, the Commission is entitled, pursuant to the case-law of the Court of Justice, to take a decision requiring Member States to recover aid granted illegally from the recipients. The economic effect of the aid in question must be nullified; consequently, interest must be added to the amount owed, calculated from the date on which the aid was granted or adjusted, the rate of interest being identical to that serving as a basis for the reference rate used to calculate the net grant equivalent of aid schemes which was in force when the aid in question was granted or adjusted. In 1994, the year in which the second tranche of the FF 100 million was paid, the reference interest rate was 8,93 %,

HAS ADOPTED THIS DECISION:

Article 1

1. The aid granted in 1978, 1981 and 1982 to Cellulose du Rhône et de l'Aquitaine (CDRA) in the form of the loans totalling FF 559,5 million and the adjustments to these loans in 1981, 1983, 1990 and 1992 are unlawful, as they were granted in breach of Article 93 (3) of the Treaty. The aid may, however, be regarded as compatible with the common market pursuant to point (c) of Article 92 (3) of the Treaty.

2. Aid totalling FF 100 million granted paid in the form of a grant in 1993 is also unlawful as it was also granted in breach of Article 93 (3). Of that aid, an amount

of FF 90 615 000 is compatible with the common market pursuant to point (c) of Article 92 (3).

Article 2

Of the FF 100 million referred to in Article 1 (2), an amount of FF 9 385 000 is incompatible with the common market pursuant to Article 92 (1) of the Treaty.

Article 3

France shall abolish the aid of FF 9 385 000 referred to in Article 2 and shall order its recovery within two months of the date of notification of this Decision. Interest of 8,93 % shall be paid on that amount, starting to run from the date on which the aid was paid to the recipient.

Article 4

France shall inform the Commission, within two months of the date of notification of this Decision, of the measures it has taken to comply herewith.

Article 5

This Decision is addressed to the French Republic.

Done at Brussels, 21 February 1996.

For the Commission

Karel VAN MIERT

Member of the Commission