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I

(Acts whose publication is obligatory)

COUNCIL DIRECTIVE 96/43/EC

of 26 June 1996

amending and consolidating Directive 85/73/EEC in order to ensure financing of veterinary inspections and controls on live animals and certain animal products and amending Directives 90/675/EEC and 91/496/EEC

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 43 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee⁽³⁾,

Whereas live animals and animal products are included in the list of products contained in Annex II to the Treaty; whereas such animals and animal products constitute a source of income for part of the agricultural population;

Whereas Council Directive 85/73/EEC of 29 January 1985 on the financing of veterinary inspections and controls of animal products covered by Annex A to Directive 89/662/EEC and by Directive 90/675/EEC⁽⁴⁾, laid down the principles governing the charging of fees for such controls;

Whereas Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽⁵⁾, lays down in particular the requirements for

veterinary checks to be carried out in the Member State of dispatch for live animals and certain animal products;

Whereas Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽⁶⁾ and Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽⁷⁾, lay down in particular the requirements for documentary, identity and physical checks to be carried out on animals from third countries;

Whereas the financing of such inspections and health checks varies in the different Member States, and is carried out in particular by charging fees which can vary; whereas such differences can affect the conditions of competition between products which are for the most part covered by common organizations of the market;

Whereas, in the case of live animals entering the Community from third countries, the fact that operators are charged different fees can lead to deflections of trade;

Whereas in order to remedy this situation provision should be made for harmonized rules on the financing of such inspections and checks;

Whereas the public authorities are responsible for carrying out such inspections and checks; whereas,

⁽¹⁾ OJ No C 219, 3. 8. 1993, p. 15.

⁽²⁾ OJ No C 315, 22. 11. 1993, p. 630.

⁽³⁾ OJ No C 34, 2. 4. 1994, p. 23.

⁽⁴⁾ OJ No L 32, 5. 2. 1985, p. 14. Directive as last amended by Directive 96/17/EC (OJ No L 78, 28. 3. 1996, p. 30).

⁽⁵⁾ OJ No L 224, 18. 8. 1990, p. 29. Directive as last amended by Directive 92/118/EEC (OJ No L 62, 15. 3. 1993, p. 49).

⁽⁶⁾ OJ No L 373, 31. 12. 1990, p. 1. Directive as last amended by Directive 95/52/EC (OJ No L 265, 8. 11. 1995, p. 16).

⁽⁷⁾ OJ No L 268, 24. 9. 1991, p. 56. Directive as last amended by Decision 92/438/EEC (OJ No L 243, 25. 8. 1992, p. 27).

however, provision should be made for operators to pay a contribution to the financing of such inspections and checks;

Whereas Directives 90/675/EEC and 91/496/EEC should be adapted to take account of these principles;

Whereas it is necessary to provide for the financing of the checks laid down in Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/496/EEC and Decisions 89/187/EEC and 91/664/EEC⁽¹⁾;

Whereas technical adjustments should also be made to the existing Annexes to Directive 85/73/EEC to take account of experience gained;

Whereas for products of animal origin other than meat referred to in Directives 64/433/EEC⁽²⁾, 71/118/EEC⁽³⁾ and 72/462/EEC⁽⁴⁾, the detailed rules necessary for the financing of veterinary inspections still need to be laid down;

Whereas, in order to ensure the effective functioning of the inspection system for fishery products and to avoid distortions of competition in this sector, such detailed rules should be laid down for the fishery products covered by Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and placing on the market of fishery products⁽⁵⁾;

Whereas the detailed rules proposed take account of the specific nature of fishery products, the nature of the checks provided for in Directive 91/493/EEC and the importance of setting Community fees as regards rules of competition;

Whereas these arrangements should not include fishery products the placing on the market of which is not covered by the rules laid down in Directive 91/493/EEC;

Whereas, for products of animal origin from third countries, a link should be established with the date as

from which the agreements on the equivalence of veterinary guarantees should be concluded,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Title, the Articles and the Annexes to Directive 85/73/EEC shall be replaced by the text set out in the Annex to this Directive.

Article 2

1. In Article 3 (ii) of Directive 90/675/EEC the terms 'provided for in Directive 96/23/EC(*)' shall be inserted in the first line after '(ii) that the veterinary checks' and before ... 'have been paid for and that ...'.

(*) OJ No L 125, 23. 5. 1996, p. 10.'

2. Article 15 of Directive 91/496/EEC shall read as follows:

'Article 15

Member States shall collect a fee for veterinary and health checks when the animals referred to in this Directive are imported, in accordance with Directive 96/23/EC(*).

(*) OJ No L 125, 23. 5. 1996, p. 10.'

Article 3

Before 1 January 1999 the Council shall review this Directive on the basis of a report from the Commission together with proposals if appropriate.

Article 4

1. Member States shall bring into force laws, regulations and administrative provisions necessary to comply with:

- (i) the provisions of Article 7 and of Chapter I (1) (e) of Annex A by 1 July 1996;
- (ii) the provisions of Chapter II, Section II of Chapter III of Annex A and Chapter II of Annex C by 1 January 1997;

⁽¹⁾ OJ No L 125, 23. 5. 1996, p. 10.

⁽²⁾ OJ No 121, 29. 7. 1964, p. 2012/64. Directive as last amended by Directive 92/5/EEC (OJ No L 57, 2. 3. 1992, p. 1).

⁽³⁾ OJ No L 55, 8. 3. 1971, p. 23. Directive as last amended by Directive 92/116/EEC (OJ No L 62, 15. 3. 1993, p. 1).

⁽⁴⁾ OJ No L 302, 31. 12. 1972, p. 28. Directive as last amended by Regulation (EEC) No 1601/92 (OJ No L 173, 27. 6. 1992, p. 13).

⁽⁵⁾ OJ No L 268, 24. 9. 1991, p. 15.

(iii) other amendments by 1 July 1997.

Member States shall have a further period which can extend to 1 July 1999 within which to comply with the provisions of Section I of Chapter III of Annex A.

When Member States adopt these provisions they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field governed by this Directive.

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 Luxembourg, 26 June 1996.

For the Council
The President
M. PINTO

ANNEX

COUNCIL DIRECTIVE 85/73/EEC

of 29 January 1985

on the financing of veterinary inspections and controls covered by Directives 89/662/EEC,
90/425/EEC, 90/675/EEC and 91/496/EEC

(amended and consolidated)

Article 1

Member States shall ensure, in accordance with the arrangements laid down in Annex A, that a Community fee is collected to cover the costs occasioned by inspections of and controls on the products listed in that Annex, including those aimed at ensuring animal production in slaughterhouses, in accordance with the requirements of Directive 93/119/EEC.

Article 2

Member States shall ensure, in accordance with the arrangements laid down in Annex B, that a Community fee is collected to cover the costs occasioned by the inspections and controls provided for by Directive 96/23/EC⁽¹⁾.

Article 3

Member States shall ensure, in accordance with the arrangements laid down in Annex C, that a Community fee is collected to cover the costs occasioned by inspections of and controls on the live animals listed in that Annex.

Article 4

1. Pending the adoption of provisions governing Community fees, Member States shall ensure the financing of inspections and controls not covered by Articles 1, 2 and 3.

2. For the purposes of paragraph 1, Member States may charge national fees in accordance with the principles adopted for Community fees.

Article 5

1. The Community fees shall be set at a level which covers the costs borne by the competent authority in respect of:

- salary costs and social-security costs involved in the inspection service,
- administrative costs incurred in carrying out controls and inspections, which may include the expenditure required for in-service training of inspectors,

for the controls and inspections referred to in Articles 1, 2 and 3.

2. No direct or indirect refund of the fees provided for in this Directive shall be permitted. However the possible application by a Member State of the standard average provided for in Annexes A, B and C shall not be considered an indirect refund in the assessment of individual cases.

3. Member States shall be authorized to charge an amount exceeding the levels of the Community fees provided that the total fees charged by each Member State do not exceed the actual cost of inspection.

4. Without prejudice to the choice of the authority empowered to charge Community fees, Community fees shall replace all other health-inspection charges or fees levied by the Member States' national, regional or local authorities for the inspections and controls referred to in Articles 1, 2 and 3 and the certification thereof.

This Directive shall not prevent Member States from charging fees for combating epizootic and enzootic diseases.

Article 6

1. Member States shall regularly communicate to the Commission

- data concerning the distribution and use of Community fees; they must be able to justify their methods of calculation,
- the conversion rates adopted each year in accordance with Article 7,

⁽¹⁾ OJ No L 125, 23. 5. 1996, p. 10.

— the place or places where Community fees are charged, giving any explanations necessary.

2. As part of the on-the-spot checks to be carried out by the Commission, the Commission may, in collaboration with the competent national authorities, verify whether the provisions of this Directive are being applied.

3. Where a Member State considers that the controls in another Member State are not carried out satisfactorily and that the fees provided for in this Directive do not cover the cost of the controls, or do not cover them adequately, it shall have recourse to the relevant provisions of Directive 89/608/EEC and in particular to Articles 10 and 11 thereof.

Article 7

1. The rate of conversion into national currency of the amounts in ecus specified in this Directive shall be that published annually on the first working day of September in the C series of the *Official Journal of the European Communities*.

The rate shall apply with effect from 1 January in the following year.

2. By way of derogation from paragraph 1:

— for 1994 Member States shall use the conversion rate applicable on 1 September 1992,

— for the years 1995 to 1998 Member States shall use the average of the conversion rates published in accordance with paragraph 1 for the preceding three years.

Article 8

Acting by a qualified majority on a proposal from the Commission, the Council may amend Annexes A, B and C to this Directive with a view, in particular, to establishing standard levels for Community fees, laying down detailed rules for their implementation and providing for exceptions.

Article 9

1. The Hellenic Republic shall be authorized to derogate from the principles laid down in this Directive where, because of geographical characteristics, the costs of charging a fee in geographically remote regions are greater than the yield from the fee.

The Greek authorities shall inform the Commission of the territorial extent of the derogations granted.

That information shall be accompanied by any explanations necessary.

2. In the case of other outermost regions, other Member States may be authorized, in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC, to benefit from the same derogations.

Annex A

CHAPTER I

Fees applicable to meat covered by Directives 64/433/EEC, 71/118/EEC, 91/495/EEC and 92/45/EEC

The fee referred to in Article 1 is fixed in accordance with Article 5 (1), as follows:

1. Without prejudice to points 4 and 5, Member States will collect for inspection costs relating to slaughter the following standard amounts:
 - (a) beef and veal:
 - adult bovine animals: ECU 4,5 per animal,
 - young bovine animals: ECU 2,5 per animal;
 - (b) solipeds/equidae: ECU 4,4 per animal;
 - (c) pigmeat: animals of a carcase weight
 - of less than 25 kg: ECU 0,5 per animal,
 - equal to or greater than 25 kg: ECU 1,30 per animal;
 - (d) sheepmeat and goatmeat: animals of a carcase weight
 - of less than 12 kg: ECU 0,175 per animal,
 - of between 12 and 18 kg: ECU 0,35 per animal,
 - of more than 18 kg: ECU 0,5 per animal;
 - (e) poultrymeat:
 - (i) either at a standard rate as follows:
 - for broilers, other young poultry for fattening weighing less than 2 kg and for cast hens: ECU 0,01 per animal,
 - other young poultry for fattening of a carcase weight equal to or greater than 2 kg: ECU 0,02 per animal,
 - other heavy adult poultry weighing 5 kg or more: ECU 0,04 per animal;
 - (ii) or, where a Member State decides not to make the distinction between categories of poultry as in (i), at ECU 0,03 per bird;
 - (f) rabbit meat and meat of small game birds or ground game:
 - for rabbits and small game birds and ground game, the standard rates laid down in (e);
 - for the following land mammals:
 - wild boar: the rates laid down in (c), increased if the levels are insufficient to cover this cost, the cost of the trichinoscopic exam provided for in Directive 92/45/EEC,
 - ruminants: the rates laid down in (d).
2. The controls and inspections connected with the cutting operations referred to in, *inter alia*, Article 3 (1) (B) of Directive 64/433/EEC and Article 3 (1) (B) of Directive 71/118/EEC must be covered
 - (a) either: at a standard rate by the addition of a standard amount of ECU 3 per tonne on meat entering a cutting plant.
That amount is added to the amounts referred to in 1 above;
 - (b) or: by charging the actual costs of inspection per hour worked.

Where the cutting operations are carried out in the establishment where the meat is obtained, the amounts laid down in the first subparagraph shall be reduced by up to 55%.

A Member State which opts to levy fees by the hour worked must be able to demonstrate to the Commission that the actual costs cannot be covered by charging fees in accordance with (a).

3. Member States must charge an amount corresponding to the actual expenditure necessary for controls or inspections of meat being stored pursuant to, inter alia, Article 3 (1) (D) of Directive 64/433/EEC and Article 3 (1) (C) of Directive 71/118/EEC.

The detailed rules for applying this paragraph may be laid down by the procedure provided for in Article 16 of Directive 64/433/EEC or Article 21 of Directive 71/118/EEC with a view in particular to settling the cases of intervention meat and meat subject to short-term storage in successive cold stores.

4. In order to cover increased costs, Member States may:

- (a) either: increase the standard amounts of fees as laid down in points 1 and 2 (a) for individual establishments.

Apart from that laid down in point 5 (a), the conditions to be met might be the following:

- higher inspection costs due to a particular lack of uniformity in the animals for slaughter from the point of view of age, size, weight and state of health,
- longer waiting and otherwise non-productive periods for inspection staff owing to inadequate advance planning by the establishment of animal deliveries or technical inadequacies or failures, for example in older establishments,
- frequent delays in the slaughtering process, e.g. as a result of insufficient slaughter staff and hence under-employment of inspection staff,
- higher costs due to special travelling times,
- more time taken up on inspections due to frequently changing slaughter periods beyond the control of inspection staff,
- frequent interruptions in the slaughtering process to meet cleaning and disinfecting requirements,
- inspections of animals which, at the request of the owner, are slaughtered outside normal slaughtering hours.

The amount of the increases in the central standard rate for fees depends on the level of the costs to be covered;

- (b) or: charge a special fee covering actual costs.

5. Member States in which salary costs, the structure of establishments and the relationship between veterinarians and inspectors diverge from the Community average taken as a basis for calculation of the standard amounts fixed in points 1 and 2 (a) may exceptionally reduce them to meet the real costs of inspection:

- (a) in general, where there are substantial differences in the cost of living and salary costs;

- (b) for individual establishments, where the following conditions are met:

- a minimum daily slaughter rate enabling the deployment of the relevant inspection staff to be planned in advance,
- the number of slaughtered animals is constant, so that animal deliveries may be planned in advance, thus enabling rational use to be made of the inspection staff,
- strict organization and planning within the establishment together with a rapid slaughter rate, permitting optimum use of inspection staff,
- no waiting or otherwise non-productive periods for inspection staff;
- the animals for slaughter are as far as possible uniform in age, size, weight and state of health.

In no case should the application of these exemptions result in reductions of more than 55 % of the levels indicated in points 1 and 2 (a).

6. (a) The fees referred to in points 1, 2 and 3 must be collected, as appropriate, at the slaughterhouse, cutting plant or cold store. They shall be payable by the operator or the owner carrying out the aforementioned operations, who may, however, pass on the fee charged for the operation concerned to the natural or legal person on whose behalf the operation is carried out. Where the health

inspection of live poultry is carried out at the farm of origin, in accordance with Directive 71/118/EEC, an amount of up to 20 % of the standard rates laid down in point 1 (e) may be charged at the farm of origin.

- (b) By way of derogation from the concept of the place of charge referred to in the first sentence of (a), in the case of establishments carrying out more than one operation and of chains of production covering more than one operation, Member States may charge a total aggregate fee including the various amounts simultaneously and at a single location.
- (c) If the fee charged at a slaughterhouse covers the whole of the inspection costs referred to in (a), the Member State shall not charge any fee at the cutting plant or the cold store.

CHAPTER II

Fees applicable to meat covered by Directive 72/462/EEC, Chapter III of Directive 71/118/EEC, Chapter III of Directive 92/45/EEC and Chapter 11 of Annex I to Directive 92/118/EEC

1. The fee referred to in Article 1 is fixed at the minimum standard level of ECU 5 per tonne (on the bone), with a minimum amount of ECU 30 per consignment.

Member States may, however, increase that amount exceptionally to meet actual costs.

2. However, for imports from any of the countries which as at 20 February 1995 have begun negotiations with the European Union with a view to concluding a comprehensive agreement on the equivalence of veterinary guarantees (animal health and public health) based on the principle of reciprocal treatment and with which such an agreement has been concluded before 31 December 1996, Member States may, until 30 June 1997 maintain this reduced level of fees.

The amount of the fee to be charged on imports from any of the third countries referred to in the first subparagraph shall be fixed, following the conclusion of the comprehensive equivalence agreement with the said third country, by the procedure referred to in paragraph 3, taking into account the following principles:

- the frequency of checks,
- the level of the fee applied by the said third country to imports originating in the European Union,
- abolition of other charges levied by the third country, such as compulsory lodging or collection of a health bond.

3. When the decisions provided for in Article 8 (3) of Directive 90/675/EEC are adopted and in accordance with the same procedure the amounts referred to in point 1 shall be adjusted in the light of the reduced frequency of checks decided on.

When taking these decisions the Commission will take account in particular of the guarantees given by the third countries concerning acceptance of the principle of regionalization and of the other Community principles.

4. The fee referred to in point 1 is payable by the importer or his customs agent and charged at the customs office responsible for the border inspection post or directly at the inspection post.
5. Member States may allocate part of the yield of the fees provided for in this chapter to a health solidarity fund designed to strengthen the veterinary services to allow them to react more effectively to any appearance of an exotic disease.

CHAPTER III

Fees applicable to fishery products covered by Directive 91/493/EEC

Section I

Fishery products falling under Chapter I of Directive 91/493/EEC

The fee referred to in Article 1 shall be fixed in accordance with Article 5 (1) as follows:

1. (a) Member States shall collect a fee for inspection costs relating to the official checks provided for in Chapter V (II) of the Annex to Directive 91/493/EEC;

- (b) the fee provided for in (a) shall be fixed at ECU 1 per tonne of fishery products for the first 50 tonnes and at ECU 0,5 per tonne thereafter. It shall be collected at the time of first placing on the market, unless already collected on landing, and shall, in any event, be charged to the first purchaser. Member States may provide for a system allowing aggregation of quantities of fishery products over a given period and arrangements for centralized collection at the time of first sale;
- (c) by way of derogation to (b), the fees collected on the species referred to in Annex II to Commission Regulation (EEC) No 3703/85 must not exceed ECU 50 per consignment unloaded if the actual costs do not exceed that amount;
- (d) the collection of the fee provided for in (a) shall be without prejudice to the collection of that provided for in point 2 in the event of subsequent processing of fisheries products, without prejudice to point 7 (b).
2. (a) Member States shall collect a fee for inspection costs relating in particular to the official checks carried out in accordance with point I of Chapter V of the Annex to Directive 91/493/EEC and to the official checks provided for in point II of the said Chapter V.
- (b) The fee provided for in (a) shall be fixed at ECU 1 and shall be charged on every tonne of fishery products entering a preparation and/or processing establishment or coming from a factory ship.
- Furthermore, in the case of inspection of a factory ship abroad, the Member States shall charge the actual cost of the said inspection.
- (c) At the request of a Member State, accompanied by the necessary supporting documents, a lower level of fees may be fixed for the species referred to in point 1 (c) in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC.
3. (a) Where, following a detailed examination of the costs of the checks referred to in point 1 (a) for a given product in its territory, a Member State considers that the actual costs cannot be covered by collecting fees in accordance with point 1 (b), it shall be authorized to lay down arrangements for levying fees by the hour worked for that product.
- (b) Where, following a detailed examination of the costs of the checks referred to in point 2 (a) for a given product in its territory, a Member State considers that the actual costs cannot be covered by collecting fees in accordance with point 2 (b) in a given establishment, it shall be authorized to lay down arrangements for levying fees by the hour worked for establishments handling that product.
- A Member State which opts to levy fees by the hour worked must be able to demonstrate to the Commission that the actual costs cannot be covered by collecting fees in accordance with points 1 (b) and 2 (b).
4. (a) Member States shall be authorized to reduce the amount of the fee provided for in point 1 (b) when the checks provided for in point 1 are facilitated by the fact that:
- the fish are graded for freshness and/or size in accordance with Regulations (EEC) No 103/76 and No 104/76, or recognized in accordance with national rules, and/or
 - first sale transactions are grouped together, in particular in a fish auction or wholesale market.
- Under no circumstances may application of the above provisions lead to reductions of more than 55 %.
- However, at the request of a Member State, accompanied by appropriate supporting documents, an additional reduction may be decided on in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC.
- (b) Member States shall be authorized to reduce the amount of the fee provided for in point 2 when:
- preparation or processing is carried out on the same site as the first sale or processing, and/or
 - in a given establishment, operating conditions and guarantees as to the establishment's own checks are such that inspection staff requirements can be reduced.

Under no circumstances may application of the above provisions lead to reductions of more than 55 %.

However, at the request of a Member State, accompanied by appropriate supporting documents, an additional reduction may be decided on in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC.

5. Member States shall collect an amount corresponding to the actual cost of checks on fishery products in establishments only chilling, freezing, packaging or storing. However, if the fee collected in accordance with points 1 and 2 covers all the inspection costs relating to the checks provided for in Chapter V of the Annex to Directive 91/493/EEC, the Member State shall not collect the fee referred to in this point.
6. (a) The fees provided for in points 2 and 5 shall be payable by the operator or the owner of the establishment carrying out the aforementioned operations, who may, however, pass on the fee charged for the operation concerned to the natural or legal person on whose behalf the operation is carried out.
- (b) In the case of fishery products intended for subsequent preparation and/or processing within their territories, Member States may collect a total fee covering the different amounts on a single occasion and in a single location.

Member States that wish to avail themselves of this possibility must first inform the Commission.

7. Member States shall put in place systems to check that the fees provided for in this Chapter have been paid by the operators concerned.

In particular, Member States shall ensure, under their national rules, that operators receive written attestations or some other proof of individual or global payment or order for payment of the fees provided for in point 1 (a) of this Chapter, unless the fishery products concerned are intended for preparation or processing within the territory of the Member State where they were landed, and provided that the full amount of the fee is paid at the processing establishment or preparation establishment.

If necessary, detailed implementing rules shall be adopted in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC.

They shall inform the Commission thereof.

8. Taking into account the structural derogations granted Finland and Sweden in the context of the common organization of the markets under Regulation (EEC) No 3759/92, and without prejudice to compliance with the fee levels provided for in this Section, Finland and Sweden may, in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC, be authorized, on the basis of appropriate supporting documentation, to apply alternative means of collection until the outcome of the review provided for in Article 3 of Directive 96/43/EC.

Section II

Fishery products falling under Chapter II of Directive 91/493/EEC

1. In the case of the fishery products referred to in the second paragraph of Article 10 of Directive 91/493/EEC, the provisions laid down in point 1 of Section I of this Annex shall apply.

Member States shall also collect an additional amount to cover inspection costs inherent in this type of vessel and unloading, with a minimum of ECU 1 per tonne unloaded.

2. For fishery products other than those referred to in point 1, that is to say all fishery products which have to go through border inspection posts, the fee provided for in Article 1 shall be fixed in accordance with Article 5 (1) at the minimum standard level of ECU 5 per tonne, with a minimum of ECU 30 per consignment, although, above 100 tonnes, the minimum standard amount of ECU 5 shall be reduced to:

- ECU 1,5 per additional tonne for fishery products which have undergone no preparation other than gutting;
- ECU 2,5 per additional tonne for the other fishery products.

3. When the decisions provided for in Article 8 (3) of Directive 90/675/EEC are adopted and in accordance with the same procedure, the amounts referred to in point 2 shall be adjusted in the light of the reduced frequency of checks decided on.

When those decisions are taken, the Commission shall take account in particular of the guarantees given by third countries as regards acceptance of the principles of regionalization, equivalence, reciprocity and other Community principles, in particular where these third countries are covered by a comprehensive agreement with the Community on the equivalence of veterinary guarantees (animal and public health).

Under no circumstances may application of this variation lead to fees of less than the amounts charged in accordance with Section I (1) (b) and (2) (b) for products landed from vessels flying Community flags.

Collection of this fee shall be without prejudice to collection of the fee provided for in point 2 (b) of Chapter I in the event of further processing.

For the purposes of implementing this Chapter, Member States shall apply the fees provided for under Section I to imports landed by vessels flying the flag of Greenland.

4. Member States may derogate from point 2 by raising fees to the level of actual costs.
 5. The fee provided for in point 2 shall be payable by the importer, or his customs agent, and collected at the customs office responsible for the border inspection post or directly at the border inspection post.
 6. Member States shall be authorized to apply until 31 December 1999 the fees provided for under Section I to imports landed from fishing vessels belonging to joint ventures registered in accordance with the relevant Community provision.
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*Annex B***FEEs INTENDED TO ENSURE THAT THE CONTROLS ON LIVE ANIMALS AND PRODUCTS OF ANIMAL ORIGIN PROVIDED FOR IN DIRECTIVE 96/23/EEC ARE CARRIED OUT**

1. The fee referred to in Article 2 shall be fixed as follows:
 - (a) for live animals for slaughter and meat covered by Chapter I of Annex A: ECU 1,35 per tonne of slaughtered meat;
 - (b) for aquaculture products covered by Chapter III of Annex A: ECU 0,1 per tonne of marketed product;
 - (c) for milk and milk products: ECU 0,02 per 1 000 litres of raw milk;
 - (d) for egg products: the amount corresponding to the actual cost of the control;
 - (e) for honey: Member States may charge an amount covering the actual cost of the inspection or control.
 2. In compliance with the levels fixed in point 1, Member States may opt for one of the following schemes:
 - (a) the fee referred to in point 1 is collected in full in an establishment forming part of the chain of production:
 - slaughterhouse in the case of the fee provided for in point 1 (a),
 - establishment carrying out preparation and/or processing in the case of the fee provided for in point 1 (b),
 - raw milk collection establishment in the case of the fee provided for in point 1 (c);
 - (b) a proportion of the fee referred to in point 1 is collected at every stage in the chain of production, including the rearing stage, in accordance with criteria to be defined by the Member States.
 3. The fee referred to in point 1 shall be payable by the operator or the owner of the establishment or establishments concerned, who may, however, pass on the fee charged to the natural or legal person on whose behalf the operations concerned are carried out.
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*Annex C***FEES TO BE CHARGED FOR LIVE ANIMALS****CHAPTER I****Live animals and products of animal origin covered by Directive 90/425/EEC**

1. To finance controls at origin a fee must be charged.
2. The scope and the level of the fee, the detailed rules for its application, including in particular the determination of those liable for payment, and any exceptions shall be laid down in accordance with the procedure in Article 8.

CHAPTER II**Live animals intended for importation covered by Directive 91/496/EEC**

1. The fee referred to in Article 3 is fixed:
 - (a) for animals of the species referred to in Chapter I of Annex A at the standard rate of ECU 5 per tonne liveweight with a minimum amount of ECU 30 per consignment;
 - (b) for animals of other species at the actual cost of inspection expressed either per animal or per tonne imported, with a minimum of ECU 30 per consignment it being understood that this minimum does not apply to imports of species referred to in Commission Decision 92/432/EEC.

However, Member States may by way of derogation increase these amounts to the level of actual costs.

2. For imports from any of the countries which as at 20 February 1995 have begun negotiations with the European Union with a view to concluding a comprehensive agreement on the equivalence of veterinary guarantees (animal health and public health) based on the principle of reciprocal treatment and with which such an agreement has been concluded before 31 December 1996, Member States may, until 30 June 1997, maintain this reduced level of fees.

The amount of the fee to be charged on imports from any of the third countries referred to in the first subparagraph shall be fixed in the comprehensive equivalence agreement with the said third country taking into account the following principles:

- the frequency of checks,
- the level of the fee applied by the said third country to imports originating in the European Union,
- abolition of other charges levied by the third country, such as compulsory lodging or collection of a health bond.

3. The fee referred to in point 1 is payable by the importer or his customs agent and collected at the customs office responsible for the border inspection post, or directly to the border inspection post.
 4. At the request of a Member State, accompanied by appropriate supporting documents and in accordance with the procedure laid down in Article 18 of Directive 89/662/EEC, a lower level of fees may be applied to imports from certain third countries.
 5. Member States may allocate part of the yield of the fees provided for in this Chapter to a health solidarity fund designed to strengthen the veterinary services to allow them to react more effectively to any appearance of an exotic disease.
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II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 June 1996

on improving Community agricultural statistics

(96/411/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

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

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

Having regard to Council Decision 93/464/EEC of 22 July 1993 on the framework programme for priority actions in the field of statistical information 1993 to 1997⁽³⁾, and in particular Article 4 (a) thereof,

Whereas the 1993-1997 framework programme envisaged by Decision 93/464/EEC establishes, *inter alia*, the need for better utilization of the resources devoted to agricultural statistics by implementation of the results of a 'screening' operation carried out under the previous statistical programme envisaged by the Council Resolution of 19 June 1989 on the implementation of a plan of priority actions in the field of statistical information: Statistical programme of the European Communities (1989 to 1992)⁽⁴⁾;

Whereas this screening has identified the main aspects of the changes to be incorporated in Community agricultural statistics;

Whereas these changes include some of the main areas where savings may be made and where there are new or increasing needs; whereas these changes should conform to agreed general principles;

Whereas national adaptations have to be coordinated at Community level, in order to ensure that:

- (a) data remain sufficiently reliable in the case of each Member State and comparable between Member States;
- (b) the changes to Council legislation which may be necessary can be identified, prepared and proposed by the Commission in good time and in addition that the Commission approves implementing rules for Council legislation in good time;
- (c) methodological studies by different Member States into efficient ways of meeting the new information needs are appropriate;
- (d) the scheduling of national activities takes account of collective Community interest;
- (e) the Community financial resources facilitating execution of this programme are used as an addition to other national resources and in the most efficient way;

Whereas the best means of achieving this coordination is within a formal structure which allows the technical constraints and preferences to be considered collectively and choices made which reconcile national and Community interests;

Whereas a financial contribution by the Community to the Member States is necessary, according to their objective needs, to facilitate the adaptations required;

⁽¹⁾ OJ No C 336, 14. 12. 1995, p. 6.

⁽²⁾ Opinion delivered on 24 May 1996 (OJ No C 166, 10. 6. 1996).

⁽³⁾ OJ No L 219, 28. 8. 1993, p. 1.

⁽⁴⁾ OJ No C 161, 28. 6. 1989, p. 1.

Whereas, to achieve the desired savings, adaptations to the technical implementation of certain surveys may be necessary; whereas such adaptations should be permitted subject to appropriate safeguards;

Whereas provision should be made for a possible extension of this Decision in the context of the next framework programme for priority actions in the field of statistical information relating to the period after 1997;

Whereas the distribution of tasks between the Commission and the Member States is fully in accord with the principle of subsidiarity,

HAS ADOPTED THIS DECISION:

Article 1

Purpose

In order to improve the way in which Community agricultural statistics meet information needs resulting from the reform of the Common Agricultural Policy, Member States shall, within the limits imposed by available resources, take appropriate measures to adapt their national systems of agricultural statistics. In this they will take account of the work areas set out in Annexes I and II hereto, and the objectives, characteristics and criteria given in Annex III.

Article 2

Role of the Commission

The Commission, acting in concert with the Member States, shall:

- (a) establish a common plan for coordinating work and the general framework for the necessary methodological descriptions;
- (b) check data quality and comparability;
- (c) identify and implement Community-level actions which are important for the purposes of this Decision.

Article 3

Time frame and procedure

The process of adapting Community agricultural statistics provided for in Article 1 shall be started during the period 1996-1997. It shall be coordinated by the

Commission through technical action plans as provided for in Article 4. After this period, the Council may decide on an extension in accordance with the Commission proposals provided for in Article 11.

Article 4

Technical action plans for agricultural statistics

1. A technical action plan for agricultural statistics shall be established by the Commission each year in accordance with the procedure laid down in Article 10. These plans shall cover the actions to be carried out by the Member States pursuant to Article 1. Available resources shall be used in such a way as to make the greatest possible improvement in the cost-effectiveness of Community agricultural statistics in meeting the requirements of Community law, informal agreements and new information needs.

2. Each annual technical action plan shall include a detailed statement of activity for the next year and an indicative timetable for the following two years. When the plan is being drawn up, account must be taken of:

- (a) the existing obligations for the years in question, e.g. the list and frequency of Community surveys to be carried out by the Member States and other data to be provided to the Commission;
- (b) written information from Member States as provided for in Article 5 points (b) and (c);
- (c) the resources required for each of the actions under consideration and the resources available.

Article 5

Member State reports

Member States shall submit by 31 March at the latest each year (year n):

- (a) a brief report on the implementation of the actions agreed for the previous year, (year $n-1$);
- (b) a succinct description of the various actions proposed for the following year's plan (year $n+1$);
- (c) notification of major activities planned or proposed for the two years thereafter (years $n+2$ and $n+3$) which are relevant to the purposes of this Decision.

The description shall cover envisaged changes to the methodology of implementation, work to be carried out, difficulties foreseen and proposals for overcoming them,

the implications for national and Community resources and proposals for improvements at Community level. Actions for which Community financial support is required shall be identified.

Following the procedure laid down in Article 10, the Commission shall draw up simplified standard forms to facilitate the making of these submissions.

Article 6

Financial provisions

1. The Community shall contribute to the costs realized by the Member States in making adaptations to national agricultural statistical systems or to such costs for preparatory work relating to new or increasing needs which are part of a technical action plan.

2. The amount of the contribution for Member States shall be decided each year by the Commission in conjunction with the technical action plan and in accordance with the procedure laid down in Article 10.

3. The contribution shall be made available to Member States each year after submission and approval by the Commission of the annual report on the implementation, during the previous year, of the action envisaged. The Commission shall carry out any on-the-spot checks it deems necessary in collaboration with the competent authorities of the Member States.

Article 7

Flexibility

Where necessary to achieve the purposes of this Decision and for the duration of a technical action plan the Commission, acting in accordance with the procedure laid down in Article 10, may approve a Member State's request to be allowed to adapt one or more of the following features of the agricultural statistical surveys listed in Annex IV: regions covered, territorial sub-divisions, definitions, survey methodology, survey date, list of characteristics and size of classes.

Article 8

Adapting to changing circumstances

The Commission may modify Annex I (statistical areas in which potential savings have been identified) and Annex II (statistical areas where there are new or increasing needs) in accordance with the procedure laid down in Article 10. It shall inform the European Parliament and the Council of these modifications.

Article 9

Role of the Standing Committee on Agricultural Statistics

The Standing Committee on Agricultural Statistics set up under Decision 72/279/EEC⁽¹⁾ shall meet at least once a year to discuss the following:

- (a) the reports made by the Member States on the execution of the programme in the previous year;
- (b) the actions proposed by the Member States for the following year and the outlook for the two years thereafter;
- (c) the technical action plan for the following year;
- (d) the Community financial contribution provided for in Article 6;
- (e) possible changes to Annexes I and II.

Article 10

Measures necessary for implementation

The Commission shall adopt the measures necessary for the implementation of this Decision. The Commission shall be assisted by the Standing Committee on Agricultural Statistics, hereinafter referred to as the 'Committee'.

The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion of the draft within a time-limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of Decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If within three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

⁽¹⁾ OJ No L 179, 7. 8. 1972, p. 2.

*Article 11***Report**

Before 1 November 1997 the Commission, having consulted the Standing Committee on Agricultural Statistics, shall make a report on the progress of this Decision to the European Parliament and to the Council accompanied if necessary by proposals for its extension.

Article 12

This Decision is addressed to the Member States.

Done at Luxembourg, 25 June 1996.

For the Council
The President
M. PINTO

*ANNEX I***STATISTICAL AREAS IN WHICH POTENTIAL SAVINGS HAVE BEEN IDENTIFIED⁽¹⁾**

1. Farm structure surveys: simplification and restructuring of the list of characteristics, particularly for intermediate surveys.
2. Survey on the area under vines: simplification of the programme of statistical tables.
3. Survey on fruit trees: reduction in the obligations relating to intermediate surveys.
4. Agricultural income index: elimination of the first disaggregated estimates in October and elimination of any details of secondary importance.
5. Total income of agricultural households: greater flexibility in frequency and in target concepts.
6. Animal surveys: application of the agriflex concept, i.e. adapting the frequency of the surveys to the numbers of livestock in each country.
7. Dairy statistics: elimination of weekly statistics, elimination of statistics on casein, reduction of certain annual statistics and simplification of statistics on dairy structures.

⁽¹⁾ In the review of agricultural statistics carried out under the Statistical Programme of the European Communities 1989-1992. Some of the savings identified have already been implemented since this exercise started.

ANNEX II

STATISTICAL AREAS WHERE THERE ARE NEW OR INCREASING NEEDS⁽¹⁾

Topics

1. Farm structure survey: adapting the list of characteristics to take account of new needs (activities outside the holding, agri-environmental indicators, more detailed geographical breakdown, particularly for the basic surveys).
2. Rapid estimates of sowing and planting forecasts at the beginning of the winter for principal crops.
3. Improvement in and rapid provision of the production statistics in certain sectors (fruit and vegetables, wine, eggs and poultry, flowers).
4. Improved statistics on consumption and on stock levels and changes for the main products with a view to the regular production of supply balances at European level.
5. Livestock feed: overcoming certain delays in the fodder balances.
6. Development of more harmonized Community forestry statistics.
7. Agricultural price statistics: new selection of the absolute agricultural price series taking into account technical progress and economic changes.

Methodology

8. New and improved methods to enable Member States to meet more efficiently existing and new information needs, e.g. rapid surveys, administrative data, panels, remote sensing.

⁽¹⁾ Identified in the review of agricultural statistics carried out under the Statistical Programme of the European Communities 1989-1992.

N.B.: Any new statistical obligation will be the subject of a separate Council legal instrument.

ANNEX III**OBJECTIVES, CHARACTERISTICS AND CRITERIA OF THE COMMUNITY AGRICULTURAL STATISTICS SYSTEM****Constant improvement**

1. Community agricultural statistics will steadily increase in cost-effectiveness and in their capacity to meet the statistical needs of the Community and third countries.

Positive comparability checking

2. Community agricultural statistics will incorporate continuous quality checking to ensure that data are adequate for the needs to which they are put. In particular, Member States may be required to inform the Commission and other Member States of the statistical methods used and their suitability.

Response burden

3. Community agricultural statistics will impose the smallest possible burden of response consistent with meeting information needs.

Integration of agricultural statistics with those of other activities

4. The improvement to Community agricultural statistics will facilitate:
 - (a) drawing on statistics from other areas;
 - (b) contributing to general statistical systems;
 - (c) use of the agricultural statistics apparatus to collect statistical information required in other areas.

Complementarity between Community and national levels

5. National agricultural statistics systems may collect and deliver to the Commission data not formally provided for at Community level. Similarly, certain applications developed directly at Community level (for example Eurofarm, SPEL) may be used to provide Member States with information which is not available at national level.

Concentration on the most important aspects

6. The amount of information each Member State supplies may vary according to the importance of the phenomenon covered regionally, nationally and at Community level.

Most efficient national approach

7. Member States may collect basic data by the statistical method which is most efficient, having regard to the definition, time limits and level of accuracy required (subject to the checking referred to in point 2).

Optimization

8. The detailed Community requirements set out in various Community legal instruments and informal agreements do not in themselves constitute an optimized structure. Each Member State must ensure that its national system of agricultural statistics is adapted and responds in an optimum way to Community requirements. Community requirements must not unnecessarily impede national optimization.

ANNEX IV

PRINCIPAL COUNCIL REGULATIONS AND DIRECTIVES ON AGRICULTURAL STATISTICS

Council Directive 72/280/EEC	of 31 July 1972 on the statistical surveys to be made by Member States on milk and milk products (OJ No L 179, 7. 8. 1972, p. 2).
Council Directive 76/625/EEC	of 20 July 1976 concerning the statistical surveys to be carried out by the Member States in order to determine the production potential of plantations of certain species of fruit trees (OJ No L 218, 11. 8. 1976, p. 10).
Council Directive 93/23/EEC	of 1 June 1993 on the statistical surveys to be carried out on pig production (OJ No L 149, 21. 6. 1993, p. 1).
Council Directive 93/24/EEC	of 1 June 1993 on the statistical surveys to be carried out on bovine animal production (OJ No L 149, 21. 6. 1993, p. 5).
Council Directive 93/25/EEC	of 1 June 1993 on the statistical surveys to be carried out on sheep and goat stocks (OJ No L 149, 21. 6. 1993, p. 10).
Council Regulation (EEC) No 2782/75	of 29 October 1975 on the production and marketing of eggs for hatching and of farmyard poultry chicks (OJ No L 282, 1. 11. 1975, p. 100).
Council Regulation (EEC) No 357/79	of 5 February 1979 on statistical surveys of areas under vines (OJ No L 54, 5. 3. 1979, p. 124).
Council Regulation (EEC) No 571/88	of 29 February 1988 on the organization of Community surveys on the structure of agricultural holdings between 1988 and 1997 (OJ No L 56, 2. 3. 1988, p. 1).
Council Regulation (EEC) No 837/90	of 26 March 1990 concerning statistical information to be supplied by the Member States on cereals production (OJ No L 88, 3. 4. 1990, p. 1).
Council Regulation (EEC) No 959/93	of 5 April 1993 concerning statistical information to be supplied by Member States on crop products other than cereals (OJ No L 98, 24. 4. 1993, p. 1).
