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Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (Euratom, ECSC, EC) No 1354/96 of 8 July 1996 amending Regulation (EEC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities** 1
- ★ **Council Regulation (Euratom, EC) No 1355/96 of 8 July 1996 amending Regulation (EEC, Euratom) No 1552/89 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources** 3
- ★ **Council Regulation (EC) No 1356/96 of 8 July 1996 on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services** 7
- ★ **Council Regulation (EC) No 1357/96 of 8 July 1996 providing for additional payments to be made in 1996 with the premiums referred to in Regulation (EEC) No 805/68 on the common organization of the market in beef and veal and amending that Regulation** 9
- Commission Regulation (EC) No 1358/96 of 12 July 1996 fixing the maximum buying-in price and the quantities of beef to be bought in under the 163rd partial invitation to tender as a general intervention measure pursuant to Regulations (EEC) No 1627/89 and (EEC) No 1124/96 12
- ★ **Commission Regulation (EC) No 1359/96 of 12 July 1996 exempting certain Member States from the obligation to buy in certain fruit and vegetables** 14
- ★ **Commission Regulation (EC) No 1360/96 of 12 July 1996 amending Regulation (EEC) No 1123/93 laying down detailed rules to implement the specific measures for supplying the French overseas departments with products from the sheepmeat and goatmeat sector** 15

* Commission Regulation (EC) No 1361/96 of 12 July 1996 establishing a forecast balance for the supply to the Canary Islands of certain vegetable oils and amending Regulation (EEC) No 2257/92 laying down detailed rules for implementing the specific arrangements for supplying Madeira with certain vegetable oils	17
Commission Regulation (EC) No 1362/96 of 12 July 1996 on the supply of milk products as food aid	19
Commission Regulation (EC) No 1363/96 of 12 July 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables	23

II Acts whose publication is not obligatory

Commission

96/424/EC:

* Commission Decision of 20 May 1996 concerning the placing on the market of genetically modified male sterile chicory (<i>Cichorium intybus</i> L.) with partial tolerance to the herbicide glufosinate ammonium pursuant to Council Directive 90/220/EEC ⁽¹⁾	25
--	----

96/425/EC:

* Commission Decision of 28 June 1996 laying down special conditions governing the import of fishery and aquaculture products originating in Mauritania ⁽¹⁾	27
--	----

96/426/EC:

* Commission Decision of 28 June 1996 amending Decision 96/293/EC concerning certain protective measures with regard to fishery products originating in Mauritania ⁽¹⁾	33
---	----

96/427/EC:

* Commission Decision of 10 July 1996 concerning a derogation from the provisions of Annex III of Council Directive 91/439/EEC ⁽¹⁾	34
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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EURATOM, ECSC, EC) No 1354/96
of 8 July 1996**

amending Regulation (EEC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal presented by the Commission after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Court of Justice⁽²⁾,

Having regard to the opinion of the Court of Auditors⁽³⁾,

Whereas, following the addition of the Court of Auditors to the list of Community institutions by Article 4 of the Treaty establishing the European Community, the reference to it in the second paragraph of Article 1 of Council Regulation (EEC, Euratom, ECSC) No 259/68, laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities⁽⁴⁾, should be removed;

Whereas, following the creation of the Committee of the Regions by Article 198a of the Treaty establishing the European Community, provision should be made for it to be treated as an institution of the Communities for the purposes of the Staff Regulations and the Staff Regulations should be amended accordingly;

Whereas Article 138e of the Treaty establishing the European Community stipulates that the Ombudsman of the European Union is to be completely independent in the performance of his duties; whereas, in its Decision of 9 March 1994⁽⁵⁾ on the regulations and general condi-

tions governing the performance of the Ombudsman's duties, the European Parliament decided that the Ombudsman was to be assisted by a secretariat and that, in matters concerning his staff, he was to have the same status as the institutions within the meaning of Article 1 of the Staff Regulations of Officials of the European Communities,

HAS ADOPTED THIS REGULATION:

Article 1

The Staff Regulations of Officials of the European Communities are amended as follows:

1. in Article 1 the second paragraph shall be replaced by the following:

'Save as otherwise provided, the Economic and Social Committee, the Committee of the Regions and the Ombudsman of the European Union shall, for the purposes of these Staff Regulations, be treated as institutions of the Communities.'

2. in Article 2, the second paragraph shall be replaced by the following:

'In respect of officials of the Economic and Social Committee, the Committee of the Regions and the secretariat of the Ombudsman of the European Union, the rules of procedure of those Committees and of the Ombudsman shall determine who shall exercise the powers conferred by these Staff Regulations on the appointing authority.'

Article 2

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

It shall apply with effect from the date of entry into force of the Treaty on European Union.

⁽¹⁾ OJ No C 151, 19. 6. 1995, p. 471.

⁽²⁾ Opinion delivered on 16 May 1995.

⁽³⁾ Opinion delivered on 12 January 1995.

⁽⁴⁾ OJ No L 56, 4. 3. 1968, p. 1. Regulation as last amended by Regulation (ECSC, EC, Euratom) No 3161/94 (OJ No L 335, 23. 12. 1994, p. 1).

⁽⁵⁾ OJ No L 113, 4. 5. 1994, p. 15.

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

Done at Brussels, 8 July 1996.

For the Council

The President

R. QUINN

COUNCIL REGULATION (EURATOM, EC) No 1355/96

of 8 July 1996

amending Regulation (EEC, Euratom) No 1552/89 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 209 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 183 thereof,

Having regard to Council Decision 88/376/EEC, Euratom of 24 June 1988 on the system of the Communities' own resources⁽¹⁾ and in particular Article 8 (2) thereof,

Having regard to the proposal from the Commission⁽²⁾,

Having regard to the opinion of the European Parliament⁽³⁾,

Having regard to the opinion of the Court of Auditors⁽⁴⁾,

Whereas in the light of experience gained in applying Council Regulation (EEC, Euratom) No 1552/89 of 29 May 1989 implementing Decision 88/376/EEC, Euratom on the system of the Communities' own resources⁽⁵⁾ it appears that the provisions of that Regulation must be adjusted;

Whereas the Community must have the own resources referred to in Article 2 of Decision 88/376/EEC, Euratom available in the best possible conditions and, accordingly, additional arrangements must be laid down for the States to provide the Commission with the own resources allocated to the Communities;

Whereas traditional own resources are levied by the Member States in accordance with laws, regulations and administrative provisions that are, where necessary, adapted to the requirements of Community regulations; whereas the Commission must monitor such adaptation and, where necessary, make proposals;

Whereas the Council and the representatives of the Governments of the Member States, meeting within the Council, adopted a resolution on 13 November 1991 on

the protection of the financial interests of the Community⁽⁶⁾;

Whereas detailed rules must be laid down for satisfying the obligation to establish the own resources referred to in Article 2 (1) (a) and (b) of Decision 88/376/EEC, Euratom;

Whereas the transparency of the own resources system should be improved and more information supplied to the budgetary authority;

Whereas the national authorities responsible for the collection of own resources must be able to produce to the Commission at all times the documents substantiating the own resources collected;

Whereas improvements should be made to the arrangements for the Member States to report to the Commission, in order to enable it to monitor Member States' action to recover own resources, in particular in cases of fraud and irregularities;

Whereas a time limit should be laid down for relations between Member States and the Commission, since new entitlements established by Member States in respect of earlier years are deemed to be establishments for the current year;

Whereas for own resources deriving from sugar levies, which need to be recovered in the budget year corresponding to the marketing year to which the expenditure relates, provision should be made for the Member States to make such levies available to the Community during the budget year in which they are established;

Whereas close collaboration between the Member States and the Commission will facilitate proper application of the financial rules relating to own resources,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC, Euratom) No 1552/89 is hereby amended as follows:

1. In Article 2:

(a) paragraph 1 shall be replaced by the following:

'1. For the purpose of applying this Regulation, the Community's entitlement to the own resources referred to in Article 2 (1) (a) and (b) of Decision 88/376/EEC, Euratom shall be established as soon as the conditions provided for by the customs

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 24.

⁽²⁾ OJ No C 26, 29. 1. 1993, p. 6 and OJ No C 382, 31. 12. 1994, p. 6.

⁽³⁾ OJ No C 329, 6. 12. 1993, p. 107.

⁽⁴⁾ OJ No C 170, 21. 6. 1993, p. 1.

⁽⁵⁾ OJ No L 155, 7. 6. 1989, p. 1. Regulation as last amended by Regulation (EC) No 2729/94 (OJ No L 293, 12. 11. 1994, p. 5).

⁽⁶⁾ OJ No C 328, 17. 12. 1991, p. 1.

regulations have been met concerning the entry of the entitlement in the accounts and the notification of the debtor.';

- (b) after paragraph 1, the following paragraphs shall be inserted:

'1a. The date of the establishment referred to in paragraph 1 shall be the date of entry in the accounting ledgers provided for by the customs regulations.

As regards the levies and other charges connected with the common organization of the sugar market, the date of the establishment referred to in paragraph 1 shall be the date of notification under the sugar regulations.

Should that notification not be explicitly provided for, the date shall be the date of establishment by the Member States of the amounts due by the debtors, where necessary by way of advance payment or payment of balance.

1b. In disputed cases, the competent administrative authorities shall be deemed, for the purposes of the establishment referred to in paragraph 1, to be in a position to calculate the amount of the entitlement no later than when the first administrative decision is taken notifying the debtor of the debt or when judicial proceedings are brought if this occurs first.

The date of the establishment referred to in paragraph 1 shall be the date of the decision or of the calculation to be made following the abovementioned commencing of judicial proceedings.'

2. Article 3 shall be replaced by the following:

'Article 3

Member States shall take all appropriate measures to ensure that the supporting documents concerning the establishment and making available of own resources are kept for at least three calendar years, counting from the end of the year to which these supporting documents refer.

The supporting documents relating to the statistical procedures and bases referred to in Articles 4 and 5 of Directive 89/130/EEC, Euratom shall be kept by the Member States until 30 September of the fourth year following the financial year in question. The supporting documents relating to the VAT resources base shall be kept for the same period.

If verification pursuant to Articles 18 and 19 of this Regulation or Article 11 of Regulation (EEC, Euratom) No 1553/89 of the supporting documents referred to in the first and second paragraphs shows that a correction is required, they shall be kept beyond the time limit provided for in the first paragraph for a sufficient period to permit the correction to be made and monitored.'

3. Article 4 shall be replaced by the following:

'Article 4

1. Each Member State shall inform the Commission:

- (a) of the names of the departments or agencies responsible for establishing, collecting, making available and controlling own resources and the basic provisions relating to the role and operation of those departments and agencies;
- (b) of the general provisions laid down by law, regulation or administrative action and those relating to accounting procedure concerning the establishment, collection, making available and control by the Commission of own resources;
- (c) of the precise title of all administrative and accounting records in which are entered the established entitlements as specified in Article 2, in particular those used for drawing up the accounts provided for in Article 6.

The Commission shall be informed immediately of any change in these names or provisions.

2. The Commission shall, at the request of the other Member States, pass on to them the information referred to in paragraph 1.'

4. Article 5 shall be replaced by the following:

'Article 5

The rate referred to in Article 2 (1) (d) of Decision 88/376/EEC, Euratom, which shall be set within the budgetary procedure, shall be calculated as a percentage of the sum of the forecast GNP of the Member States in such manner that it fully covers that part of the budget not financed from customs duties, agricultural levies, levies, and other charges connected with the common organization of the market in the sugar sector, VAT resources, financial contributions to supplementary research and technological development programmes, other revenue and, where appropriate, GNP financial contributions.

That rate shall be expressed in the budget by a figure containing as many decimal places as is necessary to fully divide the GNP-based resource among the Member States.'

5. In Article 6:

- (a) the following paragraph shall be inserted:

'1a. For own-resources accounting purposes, the month shall end no earlier than 1 p.m. on the last working day of the month during which establishment took place.';

- (b) paragraph 2 shall be supplemented by the following point:

'(c) Established entitlements relating to levies and other charges connected with the common organization of the sugar market shall be entered in the accounts referred to in point (a). If these entitlements are not then re-

covered within the time limits set, the Member States may correct the entry and, by way of exception, enter the entitlements in the separate accounts.;

(c) paragraph 3 shall be replaced by the following:

'3. (a) As from 1 July 1996, each Member State shall send the Commission, within the time limits specified in paragraph 2, a monthly statement of its accounts for the entitlements referred to in paragraph 2 (a).

Together with these monthly statements the Member States concerned shall provide details or statements of deductions from own resources based on provisions relating to special-status territories.

(b) Each Member State shall send the Commission, within the time limits specified in paragraph 2, a quarterly statement of the separate accounts referred to in paragraph 2 (b).

Detailed rules for the monthly and quarterly statements referred to in this paragraph and duly substantiated amendments thereto shall be laid down by the Commission after consulting the Committee referred to in Article 20. They shall provide for any appropriate time limits for implementation.;

(d) The following paragraph shall be added:

'4. As from 1 July 1996, in the two months following the end of each quarter, each Member State shall send the Commission a description of cases of fraud and irregularities detected involving entitlements of over ECU 10 000.

As far as possible, the Member State shall provide the following details:

- type of fraud and/or irregularity (designation, customs procedure concerned),
- amount of own resources evaded or presumed order of magnitude,
- goods involved (tariff heading, origin, place from which they come),
- concise description of fraud mechanism,
- type of check that led to discovery,
- national departments or agencies which detected the fraud or irregularity,
- stage reached in procedure, including the stage of recovery, with reference to the establishment if already made,
- reference of notification of case under Council Regulation (EEC) No 1468/81 of 19 May 1981 on mutual assistance between the administra-

tive authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs or agricultural matters (').

- if appropriate, the Member States involved,
- measures taken or envisaged to prevent the recurrence of the case of fraud or irregularity already detected.

Together with each quarterly statement pursuant to the first subparagraph, each Member State shall give details of the position concerning cases of fraud and irregularities already reported to the Commission whose recovery, cancellation or non-recovery was not indicated earlier.

For this purpose, each Member State shall indicate for each of the cases referred to in the first subparagraph:

- the reference to the original communication,
- the balance to be recovered during the previous quarter,
- the date of establishment,
- the date of entry in the separate accounts provided for in paragraph 2 (b),
- the amounts recovered during the quarter in question,
- rectifications of the base (corrections/cancellations) during the quarter in question,
- amounts written off,
- stage of administrative and judicial procedure reached,
- balance to be recovered at the end of the quarter in question.

Details of the above descriptions and duly substantiated amendments thereto shall be worked out by the Commission after consulting the Committee referred to in Article 20. They shall provide for any appropriate time limits for implementation.

(') OJ No L 144, 2. 6. 1981, p. 1. Regulation as last amended by Regulation (EEC) No 945/87 (OJ No L 90, 2. 4. 1987, p. 3).

6. Article 7 shall be replaced by the following:

Article 7

1. Each Member State shall draw up annually a summary account of established entitlements shown in the accounts referred to in Article 6 (2) (a) and shall send it to the Commission before 1 April of the year following the financial year in question. A remark shall be added to explain any difference between the total of the summary account and the sum of the monthly statements sent in by the

Member States from January to December of the year in question. The Commission shall check that the summary account tallies with the amounts made available during the year; it shall have two months after receiving the summary account in which to make any observations to the Member State concerned.

2. After 31 December of the third year following a given year, no further corrections shall be made to the annual summary account referred to in paragraph 1, except on points notified before this date either by the Commission or by the Member State concerned.'

7. In Article 10 (6):

(a) the first indent shall be replaced by the following:

'— the corrections under the first subparagraph of Article 9 (1) of Regulation (EEC, Euratom) No 1553/89 made by 31 July shall give rise to a general adjustment to be entered in the account referred to in Article 9 (1) of this Regulation on the first working day of December of the same year. However a particular adjustment may be entered before that date if the Member State concerned and the Commission are in agreement.'

(b) paragraph 6 shall be supplemented by the following subparagraph:

'However, a particular adjustment may be entered at any time if the Member State concerned and the Commission are in agreement.'

8. In Article 10:

(a) in paragraph 3, ninth subparagraph, referring to the rate of the additional resource, the word 'uniform' shall be deleted;

(b) in paragraph 7, the word 'uniform' referring to the rate used in the previous financial year shall be deleted;

(c) in paragraph 8, the following sentence shall be inserted after the first sentence:

'This adjustment shall be established in the manner laid down in the first subparagraph of paragraph 6.'

9. In Article 16:

(a) the second paragraph shall be replaced by the following:

'Any appreciable differences in relation to original estimates may give rise to a letter of amendment to the preliminary draft budget for the following financial year or a supplementary and amending budget for the current financial year.'

(b) the following paragraph shall be added:

'For the operations referred to in Article 10 (4) to (8), the amount of revenue set out in the budget for the current financial year may be increased or reduced, by means of an amending budget, by the amount resulting from those operations.'

10. In Article 17, paragraph 3 shall be replaced by the following:

'3. As from 1 July 1996, Member States shall inform the Commission, by means of annual reports, of the details and results of their inspections and of the overall data and questions of principle concerning the most important problems arising out of the application of this Regulation and, in particular, matters in dispute. The report shall be sent to the Commission by 30 April of the year following the financial year in question.

A specimen of the report and duly substantiated amendments thereto shall be drawn up by the Commission after consulting the Committee referred to in Article 20. Any appropriate time limits for implementation shall be provided for.

By 30 June of the same financial year the Commission shall send to the European Parliament and to the Council a summary report on the notifications by the Member States under this Article and Article 6 (3).'

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, 8 July 1996.

For the Council

The President

R. QUINN

COUNCIL REGULATION (EC) No 1356/96

of 8 July 1996

on common rules applicable to the transport of goods or passengers by inland waterway between Member States with a view to establishing freedom to provide such transport services

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Article 1

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

This Regulation applies to the transport of goods or passengers by inland waterway between Member States and in transit through them.

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

Article 2

Acting in accordance with the procedure laid down in Article 189c of the Treaty ⁽³⁾,

Whereas the establishment of a common transport policy involves, *inter alia*, laying down common rules applicable to access to the market in the international transport of goods and passengers by inland waterway within the territory of the Community; whereas those rules must be laid down in such a way as to contribute to the completion of the internal transport market;

Any operator transporting goods or passengers by inland waterway shall be allowed to carry out the transport operations referred to in Article 1 above without discrimination on grounds of his nationality or place of establishment, provided that he:

- is established in a Member State in accordance with the laws of that Member State,
- is entitled in that Member State to carry out the international transport of goods or passengers by inland waterway,
- uses for such transport operations inland waterways vessels which are registered in a Member State or, in the absence of registration, possess a certificate of membership of a fleet of a Member State, and
- satisfies the conditions laid down in Article 2 of Council Regulation (EEC) No 3921/91 of 16 December 1991 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State ⁽⁴⁾.

Article 3

Whereas these uniform arrangements for market access also involve introducing the freedom to provide services by eliminating all restrictions imposed on the provider of services because of his nationality or the fact that he is established in a Member State other than in which the service is to be provided;

Whereas, following the accession of new Member States, different arrangements exist between Member States for international transport and transit by inland waterway because of bilateral agreements concluded between Member States and a new acceding State; whereas it is therefore necessary to lay down common rules to ensure the proper functioning of the internal transport market and, more particularly, to avoid distortions of competition and disturbances in the organization of the market concerned;

This Regulation shall not affect the rights of third-country operators under the Revised Convention for the Navigation of the Rhine (Mannheim Convention), the Convention on Navigation on the Danube (Belgrade Convention) or the rights arising from the European Community's international obligations.

Article 4

Whereas this action is within the Community's exclusive field of competence and whereas the objective can only be attained by the establishment of uniform rules and obligations,

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

⁽¹⁾ OJ No C 164, 30. 6. 1995, p. 9.

⁽²⁾ OJ No C 301, 13. 11. 1995, p. 19.

⁽³⁾ Opinion of the European Parliament of 15 November 1995 (OJ No C 323, 4. 12. 1995, p. 31), Council common position of 29 January 1996 (OJ No C 87, 25. 3. 1996, p. 53) and Decision of the European Parliament of 6 June 1996 published in the Official Journal).

⁽⁴⁾ OJ No L 373, 31. 12. 1991, p. 1.

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

Done at Brussels, 8 July 1996.

For the Council

The President

R. QUINN

COUNCIL REGULATION (EC) No 1357/96

of 8 July 1996

providing for additional payments to be made in 1996 with the premiums referred to in Regulation (EEC) No 805/68 on the common organization of the market in beef and veal and amending that Regulation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Commission Regulation (EEC) No 805/68⁽²⁾ provides for the payment of premiums in respect of male bovine animals and of suckler cows, designed to compensate producers for the consequences of a reduction in the intervention price at the time of reform of the sector;

Whereas the market for beef has been seriously disturbed as a result of consumer concerns in relation to bovine spongiform encephalopathy (BSE) and with a view to ensuring the future of the sector, additional resources should be made available; whereas in order to enable rapid payment and to achieve the described economic effect, such resources should generally be made available in the form of payments in addition to the premiums due in respect of animals eligible in the 1995 calendar year, as the necessary data is already available; whereas, however, producers should only be entitled to such additional payments to the extent that the number of eligible animals for which they are entitled to a premium in respect of the 1996 calendar year is not reduced as compared with the 1995 calendar year;

Whereas overpayments should be set off against a producer's entitlement to premiums in respect of the 1996 calendar year or, where this is not possible, repaid to the competent authority of the Member State concerned; whereas the sum of money represented by such overpayments should be allocated to producers whose entitlement to premiums in respect of the 1996 calendar year is greater than that in respect of the 1995 calendar year, pro rata to their additional entitlement;

Whereas the additional payments to producers who receive a premium may not, depending on the particular structure of a Member State, address fully the problems of

certain producers; whereas Member States should be given the possibility to make payments to such producers whether financed by the Community or paid as a national aid; whereas the amount of money financed by the Community and made available to a Member State for this purpose should reflect the size of its bovine herd most affected by the current crisis, taking into account the payments made under this Regulation; whereas a Member State should only be entitled to pay national aid where this does not lead to the estimated income loss being exceeded;

Whereas Member States, in which the structure of production makes a system of payment other than by means of the said increase in premiums more appropriate and/or where the need to complete all payments by 15 October makes this necessary, should be authorized, in derogation from the above, to distribute the total of the aid which would otherwise have been payable by way of increases in premiums and the amount provided for in the Annex to producers of bovine animals on the basis of objective criteria;

Whereas Regulation (EEC) No 805/68 provides for a processing premium payable in relation to male calves removed from production before they exceed the age of 10 days; whereas experience has shown that the period between the time when a calf may be moved off a farm and its required removal from production is extremely short; whereas it should therefore be made possible for the Commission to allow an increase in the 10-day age limit in certain circumstances,

HAS ADOPTED THIS REGULATION:

Article 1

1. A producer whose entitlement to a special premium under Article 4 (b) of Regulation (EEC) No 805/68 in respect of animals kept in the 1995 calendar year is established shall, subject to paragraph 3 thereof, be entitled to an additional ECU 23 for each premium which he receives. The additional payment shall, where possible, be made together with the payment of the premium referred to in Article 4 (b) (6).

2. A producer whose entitlement to suckler cow premium under Article 4 (d) of Regulation (EEC) No 805/68 in respect of animals kept in the 1995

⁽¹⁾ Opinion delivered on 21. June 1996 (not yet published in the Official Journal).

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 894/96 (OJ No L 125, 23. 5. 1996, p. 1).

calendar year is established shall, subject to paragraph 3 thereof, be entitled to an additional ECU 27 for each premium which he receives. The additional payment shall, where possible, be made together with the payment of the premium referred to in Article 4 (d) (7).

3. The extent to which a producer is entitled to each of the additional payments referred to in paragraphs 1 and 2 and received in respect of the 1995 calendar year shall depend upon the number of animals for which he establishes entitlement to a premium in the 1996 calendar year.

4. Member States shall take all the necessary measures to ensure that when the additional payments are made to producers, they are made aware of the fact that their entitlement to those payments is subject to the condition set out in paragraph 3.

Article 2

1. Where the number of animals for which entitlement to premiums is established in relation to the 1996 calendar year is less than that for which a producer received additional payments under Article 1, the part of the additional payment to which he was not entitled shall be set off against his entitlement to premiums under Regulation (EEC) No 805/68 for the 1996 calendar year.

2. Where a producer does not make an application for premiums under Regulation (EEC) No 805/68 in respect of the 1996 calendar year or where the premiums to which he is entitled are insufficient to make the set-off referred to in paragraph 1, he shall be required to repay the additional payments made under Article 1 to which he was not entitled.

3. Notwithstanding paragraphs 1 and 2, Member States may decide not to claim repayment of amounts of ECU 20 or less per producer, provided that their national law includes corresponding non-recovery rules for similar circumstances.

Article 3

Producers whose entitlement to premiums in respect of the calendar year 1996 relates to more animals than their entitlement in respect of the calendar year 1995 shall be eligible for further additional payments. Such payments shall only be made:

- to the extent that additional payments made to producers who were not eligible for them are repaid or recovered in the Member State concerned, and
- pro rata to the additional number of premiums received in respect of the 1996 calendar year.

Article 4

Member States may:

- (a) use the amounts set out in the Annex to make payments to producers in the beef and veal sector who are facing acute problems as a result of the market situation, which are not fully addressed by the measures referred to in Articles 1, 2 and 3; and
- (b) on or before 1 July 97, pay national aid to such producers in addition to the payments under point (a) to the extent that the payment of such national aid does not lead to the estimated income loss being exceeded. In no case may the total national aid paid by a Member State exceed the total amount of aid granted to that Member State in accordance with this Regulation.

Article 5

By way of derogation from Articles 1, 2, 3 and 4, Member States may grant the total amount of aids resulting from the application of Article 1 (1) and (2) and Article 4 (a) to producers of bovine animals according to objective criteria, provided that the compensation will not be higher than the loss of income to such producers and that there is no distortion of competition.

Article 6

The conversion rate to be applied shall be the agricultural rate valid on 1 January 1996.

Article 7

The measures introduced by this Regulation, with the exception of the national aid referred to in Article 4, shall be deemed to be intervention intended to stabilize agricultural markets within the meaning of Article 3 (1) of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy⁽¹⁾.

The Community shall finance the expenditure incurred by Member States in relation to the payments referred to in Article 1 and Article 4 (a) and Article 5 only where such payments are made by them by 15 October 1996 at the latest.

Article 8

Regulation (EEC) No 805/68 is hereby amended as follows:

In Article 4 (i) (4), the following indent shall be added:

- ‘ — may, on the basis of a duly justified application setting out adequate control measures to be

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EC) No 1287/95 (OJ No L 125, 8. 6. 1995, p. 1).

carried out, authorize a Member State to pay the premium referred to in paragraph 1 in respect of animals withdrawn from production before exceeding the age of 20 days.

Article 9

Member States shall take all the necessary measures to ensure compliance with the provisions of this Regulation.

Article 10

Any detailed rules necessary for the application of this Regulation shall be adopted in accordance with the procedure set out in Article 27 of Regulation (EEC) No 805/68.

Article 11

This Regulation shall enter into force on the day of 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, 8 July 1996.

For the Council

The President

R. QUINN

ANNEX

Amounts referred to in Article 4 (a)

	<i>ECU (millions)</i>
Belgium	11,5
Denmark	6,5
Germany	51,5
Greece	1,0
Spain	15,0
France	66,5
Ireland	16,0
Italy	24,0
Luxembourg	1,0
Netherlands	17,0
Austria	6,0
Portugal	3,0
Finland	3,0
Sweden	5,0
United Kingdom	34,0

COMMISSION REGULATION (EC) No 1358/96
of 12 July 1996

**fixing the maximum buying-in price and the quantities of beef to be bought in
under the 163rd partial invitation to tender as a general intervention measure
pursuant to Regulations (EEC) No 1627/89 and (EEC) No 1124/96**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 894/96⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 2456/93 of 1 September 1993 laying down detailed rules for the application of Council Regulation (EEC) No 805/68 as regards the general and special intervention measures for beef⁽³⁾, as last amended by Regulation (EC) No 307/96⁽⁴⁾, an invitation to tender was opened pursuant to Article 1 (1) of Commission Regulation (EEC) No 1627/89 of 9 June 1989 on the buying in of beef by invitation to tender⁽⁵⁾, as last amended by Regulation (EC) No 1299/96⁽⁶⁾ and by Article 1 of Commission Regulation (EC) No 1124/96 of 21 June 1996 opening intervention in accordance with Article 6 (4) of Council Regulation (EEC) No 805/68⁽⁷⁾;

Whereas, in accordance with Article 13 (1) of Regulation (EEC) No 2456/93, a maximum buying-in price is to be fixed for quality R3, where appropriate, under each partial invitation to tender in the light of tenders received; whereas, in accordance with Article 14 of that Regulation, only tenders quoting prices not exceeding the maximum buying-in price and not exceeding the average national or regional market price, plus the amount referred to in paragraph 1 of that Article, are to be accepted;

Whereas, once tenders submitted in respect of the 163rd partial invitation to tender have been considered and taking account, pursuant to Article 6 (1) of Regulation (EEC) No 805/68, of the requirements for reasonable support of the market and the seasonal trend in slaughtering, the maximum buying-in price and the quantities which may be bought in should be fixed;

Whereas, following the buying in of forequarters, the price of such products should be defined on the basis of carcase prices;

Whereas the quantities offered at present exceed the quantities which may be bought in; whereas a reducing coefficient or, where appropriate, depending on the differences in prices and the quantities tendered for, several reducing coefficients should accordingly be applied to the quantities which may be bought in in accordance with Article 13 (3) of Regulation (EEC) No 2456/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 163rd partial invitation to tender opened pursuant to Regulation (EEC) No 1627/89:

(a) for category A:

(i) in those Member States or Member States' regions meeting the conditions of Article 6 (2) of Regulation (EEC) No 805/68:

- the maximum buying-in price shall be ECU 254,99 per 100 kg carcasses or half-carcasses of quality R3,
- the price of forequarters shall be derived from the carcase price using the coefficient 0,80 for the straight cut,
- the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 20 056 tonnes,
- the quantities offered at a price greater than or equal to ECU 242 and less than or equal to ECU 250 shall be multiplied by a coefficient of 3 % in France and 50 % in the other Member States, in accordance with Article 13 (3) of Regulation (EEC) No 2456/93, and those offered at a price greater than ECU 250 shall be multiplied by a coefficient of 10 %;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 125, 23. 5. 1996, p. 1.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 43, 21. 2. 1996, p. 3.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 167, 6. 7. 1996, p. 1.

⁽⁷⁾ OJ No L 149, 22. 6. 1996, p. 23.

(ii) in those Member States or Member States' regions meeting the conditions of Article 6 (4) of Regulation (EEC) No 805/68:

- the maximum buying-in price shall be ECU 217,464 per 100 kg carcasses or half-carcasses of quality R3,
- the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,
- the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 1 019 tonnes,

(b) for category C:

- the maximum buying-in price shall be ECU 254,99 per 100 kg carcasses or half-carcasses of quality R3,
- the price of forequarters shall be derived from the carcass price using the coefficient 0,80 for the straight cut,

— the maximum quantity of carcasses, half-carcasses or forequarters accepted shall be 1 579 tonnes,

- the quantities offered at a price greater than or equal to ECU 242 and less than or equal to ECU 250 shall be multiplied by a coefficient of 50 % in accordance with Article 13 (3) of Regulation (EEC) No 2456/93 and those offered at a price equal to or greater than ECU 250 shall be multiplied by a coefficient of 10 %.

Article 2

This Regulation shall enter into force on 15 July 1996.

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

Done at Brussels, 12 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1359/96
of 12 July 1996
exempting certain Member States from the obligation to buy in certain fruit and
vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1363/95⁽²⁾, and in particular Article 19a (4) thereof,

Whereas Commission Regulation (EEC) No 1852/85 of 2 July 1985 laying down detailed rules of application with a view to exempt Member States from the obligation to buy in certain types of fruit and vegetables⁽³⁾ specified what information the Member States were to provide to the Commission with a view to their being exempted if they so requested, as provided for in Article 19a (4) of Regulation (EEC) No 1035/72, from intervention purchasing;

Whereas this information must concern either the proportion of each of the products indicated in Article 19a of Regulation (EEC) No 1035/72 marketed through recognized producer organizations or the proportion harvested in the Member State concerned during the last three marketing years;

Whereas the Member States have supplied this information; whereas the conditions for exemption laid down in Regulation (EEC) No 1852/85 are met by certain Member States for certain products for the 1996/97 marketing year; whereas those Member States which have so applied

should therefore be exempted from the obligation to make intervention purchases,

HAS ADOPTED THIS REGULATION:

Article 1

The following Member States are hereby exempted from the obligations to make intervention purchases, as provided for in Article 19a of Regulation (EEC) No 1035/72, of pears from 1 July to 31 August 1996, and peaches, apricots, tomatoes and aubergines during the 1996/97 marketing year:

Austria,
Belgium,
Denmark,
Germany,
Finland,
Ireland,
Luxembourg,
Netherlands,
United Kingdom,
Sweden.

This exemption shall apply in respect of Greece only to the pears during the summer period referred to above.

Article 2

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, 12 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 174, 4. 7. 1985, p. 24.

**COMMISSION REGULATION (EC) No 1360/96
of 12 July 1996**

**amending Regulation (EEC) No 1123/93 laying down detailed rules to implement
the specific measures for supplying the French overseas departments with
products from the sheepmeat and goatmeat sector**

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 4 (5) thereof,

Whereas, pursuant to Article 4 of Regulation (EEC) No 3763/91, it is necessary to determine for the sheepmeat and goatmeat sector for each annual period of validity, the number of purebred breeding sheep and goats originating in the Community which benefit from aid with a view to developing the potential for production in the French overseas departments;

Whereas the amount of the aforementioned aid and the number of animals qualifying for it are laid down in Commission Regulation (EEC) No 1123/93⁽³⁾, as amended by Regulation (EC) No 40/96⁽⁴⁾; whereas, to take account of the new needs justified by the national authorities, the arrangements for the supply of breeding

sheep and goats should be adapted to the new situation; whereas, in order to comply with the timetable, it is necessary to replace the Annex to that Regulation with effect from 1 January 1996;

Whereas the measures provided for in this Regulation are in accordance with the Management Committee for Sheep and Goats,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1123/93 is hereby replaced by the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 1996.

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

Done at Brussels, 12 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 114, 8. 5. 1993, p. 16.

⁽⁴⁾ OJ No L 10, 13. 1. 1996, p. 6.

ANNEX

ANNEX

PART 1

Supply to French Guiana of pure-bred breeding sheep and goats originating in the Community for each calendar year

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0104 10 10	Pure-bred breeding sheep ⁽¹⁾ :		
	— males	15	530
	— females	15	205
0104 20 10	Pure-bred breeding goats ⁽¹⁾ :		
	— males	2	530
	— females	28	205

PART 2

Supply to Martinique of pure-bred breeding sheep originating in the Community for each calendar year

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0104 10 10	Pure-bred breeding sheep ⁽¹⁾ :		
	— males	5	530
	— females	10	205

PART 3

Supply to Réunion of pure-bred breeding sheep originating in the Community for each calendar year

(ECU/head)

CN code	Description	Number of animals to be supplied	Aid
0104 10 10	Pure-bred breeding sheep ⁽¹⁾ :		
	— males	15	530
	— females	—	—

⁽¹⁾ Inclusion in this subposition is subject to the conditions provided for in Council Directive 89/361/EEC of 30 May 1989 concerning pure-bred breeding sheep and goats (OJ No L 153, 6. 6. 1989, p. 30).

**COMMISSION REGULATION (EC) No 1361/96
of 12 July 1996**

establishing a forecast balance for the supply to the Canary Islands of certain vegetable oils and amending Regulation (EEC) No 2257/92 laying down detailed rules for implementing the specific arrangements for supplying Madeira with certain vegetable oils

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2537/95 ⁽²⁾, and in particular Article 3 (4) thereof,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽³⁾, as last amended by Commission Regulation (EC) No 2537/95, and in particular Article 10 thereof,

Whereas, pursuant to Article 2 of Regulation (EEC) No 1601/92, the forecast balance for the supply of vegetable oils to the Canary Islands for the 1996/97 marketing year should be established;

Whereas, pursuant to Article 2 of Regulation (EEC) No 1600/92, Commission Regulation (EEC) No 2257/92 ⁽⁴⁾, as last amended by Regulation (EC) No 1820/95 ⁽⁵⁾, establishes, for the 1995/96 marketing year, the forecast supply balance for certain vegetable oils for Madeira; whereas, as a result, the forecast supply balance for the 1996/97 marketing year should be established and, consequently, the aforementioned Regulation amended;

Whereas these balances are established on the basis of the justified requirements of consumption or the processing industry, communicated by the competent national authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

The quantities of the forecast supply balance for the Canary Islands for certain vegetable oils for the 1996/97 marketing year which qualify for exemption from customs duties on import or which benefit from the aid for supply from the rest of the Community shall be as follows:

<i>(tonnes)</i>		
CN Code	Description	Quantity
1507 to 1516 (excluding 1509 and 1510)	Vegetable oils (excluding olive oil)	35 000 ⁽¹⁾

⁽¹⁾ 24 500 tonnes of which for the processing and/or packaging sector

Article 2

Article 1 (1) of Regulation (EEC) No 2257/92 is replaced by the following:

'1. The quantities of the forecast supply balance for Madeira for certain vegetable oils for the 1996/87 marketing year which qualify for exemption from customs duties on imports from third countries or the aid for supply from the rest of the Community shall be as follows:

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽⁴⁾ OJ No L 219, 4. 8. 1992, p. 44.

⁽⁵⁾ OJ No L 175, 27. 7. 1995, p. 28.

(tonnes)		
CN code	Description	Quantity
1507 to 1516 (excluding 1509 and 1510)	Vegetable oils (excluding olive oil)	3 000'

Article 3

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

It shall apply from 1 July 1996.

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

Done at Brussels, 12 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1362/96
of 12 July 1996
on the supply of milk products 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 (EC) No 1292/96⁽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 recipients 1 215 tonnes of milk powder;

Whereas it is necessary to provide for the carrying-out of this measure 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

Milk products shall be mobilized in the Community, as Community food aid, for supply to the recipients 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, 12 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽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): 1838/93
2. **Programme**: 1993
3. **Recipient** (2): El Salvador
4. **Representative of the recipient** (3): SNF, División Asistencia Alimentaria, Casa Presidencial, Barrio San Jacinto, Av. Los Diplomáticos, San Salvador (El Salvador), tel: (503 2) 71 02 28/32/42. fax: 71 02 58 (attn. Licenciados Carolina Ramírez / Oscar Toledo)
5. **Place or country of destination**: El Salvador
6. **Product to be mobilized**: Vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** (3) (6): See OJ No C 114, 29. 4. 1991, p. 1 (I.B. (1))
8. **Total quantity**: 1 090 tonnes
9. **Number of lots**: 1
10. **Packaging and marking** (7) (8): See OJ No C 114, 29. 4. 1991. p. 1 (I.B. (2), I.A. (2)(3) and I.B. (3))
Language to be used for the marking: Spanish
11. **Method of mobilization**: The Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: Free at port of landing - landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Acajutla
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 26 August to 8 September 1996
18. **Deadline for the supply**: 29 September 1996
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 29 July 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: [12 noon (Brussels time)] 12 August 1996
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 to 22 September 1996
 - (c) deadline for the supply: 13 October 1996
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of 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, Attn. Mr T. Vestergaard
Bâtiment Loi 130, bureau 7/46,
Rue de la Loi/Wetstraat 200, B-1049 Bruxelles
telex: 2 56 70 AGREC B; fax: (32 2) 296 70 03 / 296 70 04
25. **Refund payable on application by the successful tenderer** (1): Refund applicable on 2 July 1996, fixed by Commission Regulation (EC) No 1070/96 (OJ No L 141, 14. 6. 1996, p. 15)

LOT B

1. **Operation No** ⁽¹⁾: 961/95
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma tel: (39-6) 57 971; telex: 62 66 75 WFP I
4. **Representative of the recipient**: To be designated by the recipient
5. **Place or country of destination**: Guatemala
6. **Product to be mobilized**: Vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁶⁾: See OJ No C 114, 29. 4. 1991, p. 1 (I.B(1))
8. **Total quantity (tonnes)**: 125 tonnes
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁷⁾ ⁽⁹⁾: See OJ No C 114, 29. 4. 1991, p. 1 (I.B.(2), I.A.(2)(3) and I.B.(3))
Language to be used for the marking: Spanish
11. **Method of mobilization**: The Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: Free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: WFP warehouse in Santo Tomas de Castilla
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 19 August to 1 September 1996
18. **Deadline for the supply**: 22 September 1996
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 29 July 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12 August 1996
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 2 to 15 September 1996
 - (c) deadline for the supply: 7 October 1996
22. **Amount of tendering security**: ECU 20 per tonne
23. **Amount of 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, Attn. Mr T. Vestergaard
Bâtiment Loi 130, bureau 7/46,
Rue de la Loi/Wetstraat 200, B-1049 Brussels
telex: 2 56 70 AGREC B; fax: (32 2) 296 70 03 / 296 70 04
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 2 July 1996, fixed by Commission Regulation (EC) No 1070/96 (OJ No L 141, 14. 6. 1996, p. 15)

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) Commission delegation to be contacted by the successful tenderer: OJ No C 114, 29. 4. 1991, p. 33 (see Costa Rica).
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate,
 - veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing,
 - lot B: the veterinary certificate must state the temperature and duration of the ultra high temperature treatment (UHT: 110 °C/228" or 114 °C/130" or 120 °C/60" or 140 °C/25"), the temperature and duration in the spray-drying tower and the expiry date for consumption.
- (⁷) Notwithstanding OJ No C 114, point I. B.3 (c) is replaced by the following: 'the words "European Community".'
- (⁸) The bags shall be stacked 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 load (max. 1 050 kg) shall be covered by a shrink film of a thickness of at least 150 microns. The whole of the above must be bound, in each direction, by two nylon straps of a width of not less than 15 mm with plastic buckles. The bags are further protected by board or wood placed between the bags and straps.
- (⁹) Placed in 20-foot containers. The free holding period for containers must be at least 15 days. Each container shall contain 20 tonnes net.

COMMISSION REGULATION (EC) No 1363/96
of 12 July 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 13 July 1996.

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

Done at Brussels, 12 July 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 12 July 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	73,4		508	115,8
	060	80,2		512	84,8
	064	70,8		524	64,6
	066	60,1		528	88,1
	068	62,3		624	86,5
	204	86,8		728	107,3
	208	44,0		800	78,0
	212	97,5		804	81,8
	624	95,8		999	84,0
	999	74,5		039	104,1
ex 0707 00 25	052	75,7	0808 20 47	052	138,2
	053	156,2		064	72,5
	060	61,0		388	100,0
	066	53,8		400	70,4
	068	69,1		512	96,1
	204	144,3		528	138,0
	624	87,1		624	79,0
	999	92,5		728	115,4
	052	65,9		800	55,8
	204	77,5		804	73,0
0709 90 77	412	54,2	0809 10 40	999	94,8
	624	151,9		052	144,4
	999	87,4		061	51,3
	052	130,3		064	98,2
	204	88,8		400	338,0
0805 30 30	220	74,0	0809 20 49	999	158,0
	388	71,9		052	182,0
	400	68,2		061	182,0
	512	54,8		064	137,1
	520	66,5		066	73,7
	524	61,1		068	121,6
	528	67,8		400	197,7
	600	96,5		600	94,9
	624	48,9		616	85,2
	999	75,3		624	182,8
0808 10 71, 0808 10 73, 0808 10 79	039	116,0	0809 30 31, 0809 30 39	676	166,2
	052	64,0		999	142,3
	064	78,6		052	63,1
	284	72,1		220	121,8
	388	96,7		624	106,8
	400	72,8		999	97,2
	404	63,6		052	73,2
	416	72,7		064	64,4
				066	84,9
				068	61,2
			0809 40 30	400	143,5
				624	217,2
				676	68,6
				999	101,9

⁽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'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 May 1996

concerning the placing on the market of genetically modified male sterile chicory (*Cichorium intybus* L.) with partial tolerance to the herbicide glufosinate ammonium pursuant to Council Directive 90/220/EEC

(Text with EEA relevance)

(96/424/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms⁽¹⁾, as last amended by Commission Directive 94/15/EC⁽²⁾, and in particular Article 13 thereof,

Whereas, in accordance with Article 10 to 18 of Directive 90/220/EEC, there is a Community procedure enabling the competent authority of a Member State to give consent to the placing on the market of products consisting of genetically modified organisms;

Whereas, a notification concerning the placing on the market of such a product has been submitted to the competent authorities of a Member State (The Netherlands);

Whereas, the competent authority of the Netherlands has subsequently forwarded the dossier thereon to the Commission with a favourable opinion; whereas the competent authorities of other Member States have raised objections to the said dossier;

Whereas, therefore, in accordance with Article 13 (3), the Commission is required to take a decision in accordance

with the procedure provided for in Article 21 of Directive 90/220/EEC;

Whereas, the Commission having examined each of the objections raised in light of the scope of Directive 90/220/EEC and the information submitted in the dossier has reached the following conclusions:

- there is no reason to believe that there will be any adverse effects from the transfer of the *bar* gene to wild chicory populations given the fact that such transfer could only confer a competitive or selective advantage to wild populations if the herbicide glufosinate-ammonium were the only means of controlling these populations, which is not the case,
- the consent to the placing on the market of the product should not cover its use as human food or animal feed since the submitted notification does not cover these aspects,
- there are no safety reasons for mentioning on the label that the product has been obtained by genetic modification techniques,
- since 50 % of the hybrid seeds are tolerant to the herbicide, the label should mention that the product may be tolerant to the herbicide glufosinate-ammonium, so that breeders become aware that it may not be possible to control volunteers by glufosinate ammonium;

Whereas the authorization of chemical herbicides applied to plants and the assessment of the impact of their use on human health and the environment falls within the scope of Council Directive 91/414/EEC of July 1991 concern-

⁽¹⁾ OJ No L 117, 8. 5. 1990, p. 15.

⁽²⁾ OJ No L 103, 22. 4. 1994, p. 20.

ing the placing of plant protection products on the market⁽¹⁾, as last amended by Commission Directive 96/12/EC⁽²⁾, and not within the scope of Directive 90/220/EEC;

Whereas Article 11 (6) and Article 16 (1) of the Directive provide additional safeguards if new information on risks of the product becomes available;

Whereas the measures provided for in this decision are in accordance with the opinion of the Committee of Member States representatives established under Article 21 of Directive 90/220/EEC,

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice to other Community legislation and subject to the conditions outlined in paragraphs 2, 3 and 4, consent shall be given by the authorities of the Netherlands for the placing on the market of the following product, notified by Bejo-Zaden BV (Ref. C/NL/94/25), under Article 13 of Directive 90/220/EEC.

The product consists of seeds and plants derived from chicory (*Cichorium intybus* L. subspecies *radicchio rosso*) lines (RM3-3, RM3-4 and RM3-6) which have been transformed using *Agrobacterium tumefaciens* disarmed Ti-plasmid containing between the T-DNA borders:

- (i) the *barnase* gene from *Bacillus amyloliquefaciens* (a ribonuclease) with the promoter PTA29 from *Nicotiana tabacum* and the terminator of the nopaline synthase gene from *Agrobacterium tumefaciens*;
- (ii) the *bar* gene from *Streptomyces hygroscopicus* (a phosphinothricin acetyltransferase) with the promoter

PSsuAra-tp from *Arabidopsis thaliana* and the TL-DNA gene 7 terminator from *Agrobacterium tumefaciens*;

- (iii) the *neo* gene from *Escherichia coli* (a neomycin phosphotransferase II) with the promoter of the nopaline synthase gene from *Agrobacterium tumefaciens* and the octopine synthase gene terminator from *Agrobacterium tumefaciens*.

2. This consent covers any progeny derived from crosses of this product with any traditionally bred chicory.

3. The present consent covers the use of the product for breeding activities.

4. Without prejudice to labelling required by other Community legislation, it shall be indicated on the label of each package of seeds that the product:

- is to be used for breeding activities,
- and may be tolerant to the herbicide glufosinate ammonium.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 20 May 1996.

For the Commission

Ritt BJRREGAARD

Member of the Commission

⁽¹⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽²⁾ OJ No L 65, 15. 3. 1996, p. 20.

COMMISSION DECISION

of 28 June 1996

laying down special conditions governing the import of fishery and aquaculture products originating in Mauritania

(Text with EEA relevance)

(96/425/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾, as last amended by Directive 95/71/EC⁽²⁾, and in particular Article 11 thereof,

Whereas a group of Commission experts has conducted an inspection visit to Mauritania to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of Mauritania legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas the 'Ministère des Pêches et de l'Économie Maritime — Centre National de Recherches Océanographiques et des Pêches — Département Valorisation et Inspection Sanitaire (MPEM—CNROP—DVIS)', the competent authority in Mauritania, is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11 (4) (a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11 (4) (b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products, giving the name of the third country and the approval number of the establishment and freezer vessel of origin;

Whereas, pursuant to Article 11 (4) (c) of Directive 91/493/EEC, a list of approved establishments and freezer vessels must be drawn up; whereas that list must be drawn up on the basis of a communication from the MPEM—CNROP—DVIS to the Commission; whereas it is therefore for the MPEM—CNROP—DVIS to ensure compliance with the provisions laid down to that end in Article 11 (4) of Directive 91/493/EEC;

Whereas the MPEM—CNROP—DVIS has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC

and regarding fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments and the freezer vessels;

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

HAS ADOPTED THIS DECISION:

Article 1

The 'Ministère des Pêches et de l'Économie Maritime — Centre National de Recherches Océanographiques et des Pêches — Département Valorisation et Inspection Sanitaire (MPEM—CNROP—DVIS)' is recognized as the competent authority in Mauritania for verifying and certifying compliance of fishery products with the requirements of Directive 91/493/EEC.

Article 2

Fishery and aquaculture products originating in Mauritania must meet the following conditions:

1. each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model set out in Annex A hereto;
2. the products must come from approved establishments or freezer vessels listed in Annex B hereto;
3. except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'Mauritania' and the approval number of the establishment or freezer vessel of origin in indelible letters.

Article 3

1. The certificate referred to in point 1 of Article 2 must be drawn up in at least one official language of the Member State where the checks are carried out.
2. The certificate must bear the name, capacity and signature of the representative of the 'Ministère des Pêches et de l'Économie Maritime — Centre National de Recherches Océanographiques et des Pêches — Département Valorisation et Inspection Sanitaire (MPEM—CNROP—DVIS)', and the latter's official stamp in a colour different from that of the other indications on the certificate.

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ No L 332, 30. 12. 1995, p. 40.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 28 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery or aquaculture products originating in Mauritania and intended for export to the European Community with the exception of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form

Reference No:

Country of dispatch: MAURITANIA

Competent authority: 'MINISTÈRE DES PÊCHES ET DE L'ÉCONOMIE MARITIME —
CENTRE NATIONAL DE RECHERCHES OCÉANOGRAPHIQUES ET
DES PÊCHES — DÉPARTEMENT VALORISATION ET INSPECTION
SANITAIRE (MPEM—CNROP—DVIS)'

I. Details identifying the products

Description of fishery or aquaculture product⁽¹⁾

— species (scientific name):

— presentation of product⁽²⁾ and type of treatment:

Code number (where available):

Type of packaging:

Number of packages:

Net weight:

Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s) or freezer vessel(s) approved by the MPEM—CNROP—DVIS for exports to the Community:

.....
.....
.....
.....

III. Destination of products

The fishery products or aquaculture products⁽¹⁾ are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:

.....
.....

Name of consignee and address at place of destination:

.....
.....

⁽¹⁾ Delete where inapplicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

IV. Health attestation

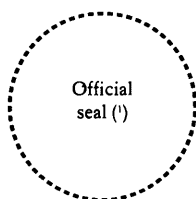
The official inspector hereby certifies that the fishery and aquaculture products specified above:

1. were caught and handled on board vessels in accordance with the health rules laid down by directive 92/48/EEC;
2. were landed, handled and, where appropriate, packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
5. do not come from toxic species or species containing biotoxins;
6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.

The undersigned official inspector hereby declares that he is aware of the provisions of Directives 91/493/EEC and 92/48/EEC.

Done at,
(place)

.....
(date)



.....
(Signature of official inspector) (!)

.....
(name in capital letters, capacity and qualifications of person signing) (!)

(!) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

1. LIST OF APPROVED ESTABLISHMENTS

Approval number	Establishment	Locality
01.001	MAURAL ⁽¹⁾	NOUAKCHOTT
01.002	SPPAM	NOUAKCHOTT
01.003	SOCIMAR	NOUAKCHOTT
01.004	SODIAP	NOUAKCHOTT
01.005	É ^s KALDE FRÈRES	NOUAKCHOTT
01.006	MAURIEX	NOUAKCHOTT
02.001	SOPAC	NOUADHIBOU
02.002	SMEF	NOUADHIBOU

⁽¹⁾ Export of whole fish only.

2. LIST OF APPROVED FREEZER VESSELS

Approval number	Name	Name of shipowner
421	CAP 1	CAP NOUADHIBOU
555	TICHIT 3	É ^s CHERIF HAMAHALLAH NOUADHIBOU
574	BURMAPÊCHE 1	BURMA PÊCHE NOUADHIBOU
575	BURMAPÊCHE 5	BURMA PÊCHE NOUADHIBOU
591	RAJA 2	SOMAPÊCHE RAJA NOUADHIBOU
596	CIPA 1	CIPA NOUADHIBOU
598	CIPA 2	CIPA NOUADHIBOU
602	ARPECO 1	ARPECO NOUADHIBOU
604	ANAJIM	M L O LOULEIDA NOUADHIBOU
614	SIPÊCHE 1	SIPÊCHE NOUADHIBOU
617	AL VALAH	COPAM SA NOUADHIBOU
618	ZAID	COPAM SA NOUADHIBOU
619	CHOR	COPAM SA NOUADHIBOU
624	ARPECO 5	ARPECO NOUADHIBOU
626	ERRACHID 1	MIZANE SA NOUADHIBOU
630	MFC 1	MFC NOUADHIBOU
631	MFC 2	MFC NOUADHIBOU
632	MESSOUD 1	MIZANE SA NOUADHIBOU
633	TICHIT 5	É ^s CHERIF HAMAHALLAH NOUADHIBOU
638	RABIH WASSALAM	SP SA NOUADHIBOU
642	BARAKAT 1	BARAKAT NOUADHIBOU
646	RAJA 1	SOMAPÊCHE RAJA NOUADHIBOU
650	ARPECO 3	ARPECO NOUADHIBOU
652	ISMAIL 2	SID'AHMED OULD BNEIJARA NOUADHIBOU
654	TICHIT 6	É ^s CHERIF HAMAHALLAH NOUADHIBOU
655	MOURABITOUNE 1	MAUSOV SEM NOUADHIBOU
656	MOURABITOUNE 2	MAUSOV SEM NOUADHIBOU
657	MOURABITOUNE 3	MAUSOV SEM NOUADHIBOU

Approval number	Name	Name of shipowner	
658	BURMAPÊCHE 3	BURMA PÊCHE	NOUADHIBOU
660	ENNAJAH 3	MAURIPECO	NOUADHIBOU
661	ENNAJAH 2	MAURIPECO	NOUADHIBOU
683	YOUNESS 1	MD CHEIKH OULD DIDDA	NOUADHIBOU
692	N°TID 1	AHMED O MOGUEYA	NOUADHIBOU
693	N°TID 2	AHMED O MOGUEYA	NOUADHIBOU
699	MACIPEC 1	SCORE	NOUADHIBOU
708	CPMC 4	COPEMAC	NOUADHIBOU
710	CPMC 6	COPEMAC	NOUADHIBOU
779	SAID 1	MD LEMINE OULD ADMED SAL.	NOUADHIBOU

COMMISSION DECISION

of 28 June 1996

amending Decision 96/293/EC concerning certain protective measures with regard to fishery products originating in Mauritania

(Text with EEA relevance)

(96/426/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 19 thereof,

Whereas the knowledge of serious defects as regard hygiene and control of fishery products in Mauritania led the Commission to adopt Decision 96/293/EC⁽²⁾, in order to suspend the import of such products originating in Mauritania;

Whereas a mission of experts of the Commission went recently to Mauritania to evaluate the measures taken by the authorities of Mauritania; whereas according to the observations of these experts, it is necessary to maintain the protection measures with regard to bivalve molluscs, echinoderms, tunicates and marine gastropods in any form whatsoever;

Whereas it is necessary to amend Decision 96/239/EC accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Decision 96/293/EC is replaced by the following:

'Article 1

Member States shall prohibit the import of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form originating in Mauritania.'

Article 2

Member States shall amend the measures that they apply to imports to comply with this Decision. They shall inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 28 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 111, 4. 5. 1996, p. 22.

COMMISSION DECISION

of 10 July 1996

concerning a derogation from the provisions of Annex III of Council Directive 91/439/EEC

(Text with EEA relevance)

(96/427/EC)

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

Having regard to Council Directive 91/439/EEC of 29 July 1991 on driving licences⁽¹⁾, and in particular Article 7 thereof,

Whereas Article 7 (3) stipulates that Member States may, with the agreement of the Commission, derogate from the provisions of Annex III concerning minimum standards of physical and mental fitness for driving of power-driven vehicles;

Whereas such derogations must be compatible with the development of medical science and with the principles laid down in Annex III;

Whereas Annex III, item 6.3 specifies that applicants for a driving licence or for the renewal of such a licence must have a visual acuity, with corrective lenses if necessary, of at least 0,8 in the better eye and at least 0,5 in the worse eye;

Whereas, if corrective lenses are used to attain the values of 0,8 and 0,5, the uncorrected acuity in each eye must reach 0,05, or else the minimum acuity (0,8 and 0,5) must be achieved either by correction by means of glasses with a power not exceeding plus or minus four dioptries or with the aid of contact lenses (uncorrected vision = 0,05) and the correction must be well tolerated;

Whereas item 6.3 furthermore specifies that driving licences shall not be issued to or renewed for applications or drivers without a normal binocular field of vision or suffering from diplopia;

Whereas in accordance with item 6.3 of Annex III the maximum allowed strength for glasses of group 2 drivers has to be plus or minus 4 dioptries, notably because of distortion of the field of vision if stronger glasses had to

be used; whereas, however, application of modern techniques and materials has made it possible to now produce glasses up to plus or minus 8 dioptries without such distortion;

Whereas, therefore, following the request of several Member States, the Commission considers that the developments of medical science justify a derogation to the provision of item 6.3 of Annex III of the Directive as for the number of dioptries for glasses of drivers of group 2,

HAS ADOPTED THIS DECISION:

Article 1

Member States may allow a value of plus or minus 8 dioptries instead of plus or minus 4 dioptries when the minimum acuity of 0,8 and 0,5 is achieved by correction by means of glasses.

Article 2

This Decision is addressed to the Member States.

Article 3

This Decision applies as from three days after the date of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1996.

For the Commission

Neil KINNOCK

Member of the Commission

⁽¹⁾ OJ No L 237, 24. 8. 1991, p. 1.