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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1426/96
of 26 June 1996
amending Regulation (EEC) No 823/87 laying down special provisions relating to
quality wines produced in specified regions

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 the opinion of the Economic and Social Committee ⁽³⁾,

Whereas certain specific traditional terms have been recognized in Germany; whereas those terms should be included in Regulation (EEC) No 823/87 ⁽⁴⁾ to ensure protection in all Member States;

Whereas, as a result of traditional practice in accordance with Spanish legislation, the term 'Manzanilla' has become equivalent to a geographical name used to designate a quality wine psr; whereas there should be an exception for this quality wines psr from the principle that the specified region from which it is obtained must be designated by its geographical name and this product should be allowed to be designated by the traditional term referred to above;

Whereas pursuant to Article 15(4) of Regulation (EEC) No 823/87 the name of specified region attributed by a Member State to a quality wine psr may not be used for the designation of other wine-sector products; whereas in some cases, however, authorization should be given for the creation of new designations of origin whose names were previously used for certain table wines; whereas provision should also be made for a transitional period

during which those names may be used concurrently to enable traditional users to adjust to the new situation;

Whereas the marketing of beverages not falling within the wine sector and of certain basic raw materials to obtain those beverages, described by means of geographical designations normally used to describe wines, could confuse consumers as to the nature and origin of the product thus described and be detrimental to the interests of wine producers; whereas, therefore, for use of the said designations should not be allowed unless there is no risk of confusion or, in the light of the experience gained, especially as regards certain beverages more closely related to the wine sector, unless the geographical designation in question has been appropriately recognized,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 823/87 is hereby amended as follows:

1. the following indents shall be added to Article 15(2)(a):
 - "Qualitätswein garantierten Ursprungs",
 - "Qualitätschaumwein garantierten Ursprungs";
2. in Article 15(3) second subparagraph, the following indent shall be added:
 - "Manzanilla";
3. the third subparagraph of Article 15(4) shall be replaced by the following:

'Notwithstanding the first subparagraph, the Council, acting by a qualified majority on a proposal from the Commission, may decide up to 31 August 2001, to authorize that certain geographical names traditionally used to describe a table wine which have become the name of a specified region may continue to be used also to describe table wines for a period of at most three wine years.'

⁽¹⁾ OJ No C 15, 20. 1. 1996, p. 5 and OJ No C 74, 14. 3. 1996, p. 12.

⁽²⁾ Opinion delivered on 21 June 1996 (OJ No C 198, 8. 7. 1996).

⁽³⁾ Opinion delivered on 24 April 1996 (OJ No C 204, 15. 7. 1996).

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 59. Regulation as last amended by Regulation (EC) No 3011/95 (OJ No L 314, 28. 12. 1995, p. 14).

4. the first subparagraph of Article 15(5) shall be replaced by:

'5. The following names and terms:

- the name of a vine variety as referred to in Article 4,
- a traditional specific term referred to in paragraph 2,
- or
- an additional traditional term, provided that it is attributed by a Member State for the description of a wine under the Community provisions adopted pursuant to Article 72(1) of Regulation (EEC) No 822/87

may not be used for the description, presentation and advertising of a beverage other than a wine or grape must unless there is no risk of confusion as to the nature, origin or source and composition of such beverage.

The use of a name or a term as referred to in the first subparagraph or of the words "Hock", "Claret", "Lieb-frauenmilch" and "Liebraumilch", even when accompanied by any word such as "kind", "type", "style", "imitation" or other similar expression, shall be prohibited with respect to the description and presentation of:

- an item falling within Code CN 2206, except where the item in question actually comes from the place so designated;
- an item marketed with clear instructions for the consumer to obtain from it a beverage in imitation of wine (home-made wine); however, the name of a vine variety may be used if the item in question is actually obtained from such variety unless the name gives rise to confusion with the name of a specified region or geographical unit used to describe a quality wine psr.

The names:

- of a specified region as referred to in Article 3 included on the list drawn up pursuant to Article 1, third paragraph,
- of a geographical unit which is smaller than the specified region, provided that this name is attributed by a Member State for the description of a wine under the Community provisions adopted pursuant to Article 72(1) of Regulation (EEC) No 822/87

may not be used for the description, presentation and advertising of a beverage other than a wine or grape must unless:

- (a) in respect of products covered by codes CN 2009, 2202, 2205, 2206, 2207, 2208 and 2209, and products made from wine-sector raw materials but not referred to in Article 1(2) of Regulation (EEC) No 822/87, the above names and terms are recognized in the Member State of origin of the product and unless such recognition is compatible with Community law;
- (b) in respect of beverages other than those referred to in (a), unless there is no risk of confusion as to the nature, origin or source and composition of such beverage.

The recognition referred to in point (a) of the third subparagraph must be given by 31 December 1999 at the latest; before that date and until such time as recognition is given, the product concerned shall continue to be subject to the rule referred to in point (b) of the third subparagraph.'

Article 2

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

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

Done at Luxembourg, 26 June 1996.

For the Council

The President

M. PINTO

COUNCIL REGULATION (EC) No 1427/96

of 26 June 1996

amending Regulation (EEC) No 2392/89 laying down general rules for the description and presentation of wines and grape musts

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, and in particular Article 72 (1) thereof,

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

Whereas existing provisions regarding information on product type or colour should be supplemented to allow references to any other factor, in particular the organoleptic characteristics of the product in question; whereas the producer should be left some latitude as to how the information is expressed;

Whereas information on the natural or technical conditions governing production of a wine is of particular importance to the consumer; whereas, firstly, in respect of wines whose designation may be supplemented by an indication of variety, it should be made clear that such information also covers the possibility of referring to the grape varieties used and, secondly, it should be specified how this reference is to be made;

Whereas some terms for table wines described by means of a geographical designation have been recognized in Italy or applied for in the United Kingdom; whereas those terms should be included in Council Regulation (EEC) No 2392/89 ⁽³⁾ to ensure protection in all Member States; whereas such terms should be used in accordance with the rules laid down in Article 4 (3) of Regulation (EEC) No 2392/89;

Whereas, it should be specified in a number of Articles relating to the description on official documents that the alcoholic strength by volume and the nominal volume must be indicated in these documents, without thereby departing from the specific provisions adopted under Articles 70 and 71 of Regulation (EEC) No 822/87 on the circulation of products covered by this Regulation;

Whereas point (b) of the second subparagraph of Article 13 (3) of Regulation (EEC) No 2392/89 provides for the possibility for Member States to allow, until

31 August 1995, a quality wine produced in a specified region to bear the name of a geographical unit smaller than a specified region, provided that at least 85 % of the grapes used are obtained in that unit; whereas that transitional period has proved too short to allow some Member States to create larger units; whereas the transitional period should therefore be extended; whereas, since this exception concerns specific cases only, provision should be made for the references to these specified geographical units and regions to be indicated in a list and published in the 'C' series of the *Official Journal of the European Communities*;

Whereas the procedure used up to now for drawing up a list of wines imported from third countries able to use a geographical name for labelling has proved too unwieldy and should be discontinued; whereas it should nonetheless be ensured that such imported wines meet specific conditions; whereas, in particular, it should be checked that the geographical names used do not lead to confusion with quality wines produced in specified regions, hereafter referred to as 'quality wines psr', and table wines designated using a geographical term in the lists published in the 'C' series of the *Official Journal of the European Communities* or with wines from other third countries designated using a geographical term included in the lists published in the bilateral or multilateral agreements concluded between the Community and third countries, pending implementation of the multilateral system of notification and registration provided for in Article 23 (4) of the Agreement on trade-related aspects of intellectual property rights (TRIPS Agreement) ⁽⁴⁾ annexed to the multilateral agreement on the World Trade Organization ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2392/89 is hereby amended as follows:

1. in Article 2 (2), the following indent shall be inserted after the final sentence of point (h):

— any other factor, particularly of an organoleptic nature, which is characteristic of the product;

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1544/95 (OJ No L 148, 30. 6. 1995, p. 31).

⁽²⁾ OJ No C 74, 14. 3. 1996, p. 13.

⁽³⁾ OJ No L 232, 9. 8. 1989, p. 13. Regulation as last amended by the 1994 Act of Accession.

⁽⁴⁾ OJ No L 336, 23. 12. 1994, p. 213.

⁽⁵⁾ OJ No L 336, 23. 12. 1994, p. 3.

2. in Article 2 (3):

- (a) in point (h), the second indent shall be replaced by the following:

‘— the natural or technical conditions governing production of the wine, including, where appropriate, the grape varieties used, even where three or more varieties have been used, provided that, in this case, the varieties quoted represent at least 85 % of all the varieties used to produce the wine in question;’

- (b) in point (i):

— in the third indent, ‘vino tipico’ shall be replaced by ‘indicazione geografica tipica’;

— the sixth indent shall be replaced by the following:

‘— “vinho regional” for table wines originating in Portugal;’

— the following indent shall be added:

‘— “regional wine” for table wines originating in the United Kingdom.’

3. in Article 4 (4):

- (a) in the first indent of the first subparagraph:

— ‘vinho tipico’ shall be replaced by ‘indicazione geografica tipica’;

— the terms ‘or, from the beginning of the second stage of transition for Portugal’ shall be deleted;

— the terms ‘or Regional wine’ shall be added;

- (b) the last subparagraph shall be replaced by the following:

‘However, in the case referred to in the third subparagraph of Article 15 (4) of Regulation (EEC) No 823/87, Member States may, for a maximum of three wine years, authorize the use of the name of the specified region for table wines.’

4. in Article 8 (1), the following point shall be added:

- ‘(e) the actual alcoholic strength by volume and the nominal value, where this information is provided for in the implementing rules adopted under Article 71 (3) of Regulation (EEC) No 822/87.’

5. In Article 8 (2), points (e) and (f) shall be replaced by the following text:

- ‘(e) as appropriate, the terms “Landwein”, “vin de pays”, “indicazione geografica tipica”, “ονομασία κατά παράδοση”, “οίνος τοπικός”, “vino de la tierra”, “vinho regional”, and also “Regional wine”, or corresponding terms in an official language of the Community;

- (f) the particulars of the natural or technical conditions governing production of the wine, in accordance with the second indent of Article 2 (3) (h).’

6. in Article 11 (2):

- (a) in point (k), the following indent shall be added after the final phrase:

‘— any other factor, particularly of an organoleptic nature, which is characteristic of the product;’

- (b) in point (t), the second indent shall be replaced by the following:

‘— the natural or technical conditions governing production of the wine, including where appropriate, the grape varieties used even where three or more varieties have been used, provided that, in this case, the varieties quoted represent at least 85 % of all the varieties used to produce the wine in question.’

7. in Article 13 (3):

- (a) point (b) in the second subparagraph shall be replaced by the following:

‘(b) the name of a geographical unit as referred to in paragraph 1 where the wine is obtained from a mixture of grapes, grape musts or new wines still in fermentation, or, until 31 August 2003, wines originating in the geographical unit the name of which is to be used for the designation, with a product obtained in the same specified region but outside that unit, provided that at least 85 % of the quality wine psr concerned is obtained from grapes picked in the geographical unit the name of which it bears, and provided, in respect of the exception due to expire in 2003, that such an arrangement was allowed for by the provisions of the producer Member State concerned before 1 September 1995;’

- (b) the following subparagraph shall be inserted after the second subparagraph:

‘The producer Member States draw up a list of the types of geographical units concerned and the names of the specified regions to which these geographical units belong referred to in the derogation applicable until 31 August 2003 provided for in point (b); this list shall be forwarded to the Commission, which shall publish it in the ‘C’ series of the *Official Journal of the European Communities*;’

8. in Article 17:

- (a) the following point shall be added to paragraph 1:

‘(f) the actual alcoholic strength by volume and the nominal volume, where this information is provided for in the implementing rules adopted under Article 71 (3) of Regulation (EEC) No 822/87.’

(b) in paragraph 2, point (f) shall be replaced by the following:

'(f) the particulars of the natural or technical conditions governing production of the wine, in accordance with the second indent of Article 11 (2) (t);'

9. in the introductory passage of the first subparagraph of Article 25 (1), 'not included on the list referred to in Article 26 (1)' shall be replaced by the following:

'not described by means of a geographical term referred to in Article 26 (1)';

10. in the introductory passage of Article 26 (1) of the first subparagraph 'and appearing on a list to be adopted' shall be deleted;

11. in Article 26 (2):

(a) point (b) shall be deleted;

(b) in point (k), the following indent shall be added after the final phrase:

'— any other factor, particularly of an organoleptic nature, which is characteristic of the product;'

(c) the second indent of point (p) shall be replaced by the following:

'— the natural or technical conditions governing production of the wine, including, where appropriate, the grape varieties used, even where three or more varieties have been used, provided that, in this case, the varieties quoted represent at least 85 % of all the varieties used to produce the wine in question;'

12. the last subparagraph of Article 28 (6) shall be replaced by the following:

'The names of the grape varieties referred to in Article 26 (2) (d) and (p) and their synonyms shall be indicated as on the list referred to in Article 30 (1) (a).';

13. Article 29 (1) shall be replaced by the following:

'1. Where, pursuant to Article 26 (1) (a), an imported wine is described on the label by means of a geographical description, the name of a geographical unit may not be used:

(a) in respect of wines originating in the territory of a third country which is a member of the World Trade Organization, or a region or locality in that territory, unless the geographical description is used in accordance with the Agreement on trade-related aspects of intellectual property rights,

hereinafter referred to as the "TRIPS Agreement", annexed to the multilateral agreement on the World Trade Organization.

To that end, the third country concerned shall appear on a list to be adopted. It shall submit to the Commission its legislation implementing the provisions of the TRIPS Agreement referred to in the first subparagraph beforehand;

(b) in respect of third countries which do not apply section 3 of the TRIPS Agreement, unless the following conditions are fulfilled:

1. the geographical description in question denotes a clearly defined wine-producing area which is smaller than the territory of the third country in question;

2. the grapes from which the product was made are produced in that geographical unit;

3. grapes yielding wines conforming to standard quality criteria are harvested in that geographical unit;

4. the geographical description is used on the domestic market of the third country of origin to describe the wines and is intended for such purpose in provisions laid down by that country.

To that end, the third country concerned shall appear on a list to be adopted. It shall submit to the Commission its legislation on the subject beforehand.

The geographical descriptions referred to in (a) and (b) must not be likely to be confused with a term used to describe a quality wine psr in the list referred to in Article 1 (3) of Regulation (EEC) No 823/87, a table wine in the list drawn up in connection with Article 2 (3) (i) of this Regulation or an imported wine in the lists under agreements concluded between third countries and the Community;'

14. in Article 32 (1):

(a) the introductory passage shall be replaced by the following:

'1. In the case of imported wines referred to in Article 25, the description in the official documents shall include the following;'

(b) the following point shall be added:

'(d) the actual alcoholic strength by volume and the nominal volume, where this information is provided for in the implementing rules adopted under Articles 70 (8) and 71 (3) of Regulation (EEC) No 822/87;'

15. in Article 32 (2):

(a) in the first subparagraph:

- the introductory passage and point (a) shall be replaced by the following:

'2. In the case of imported wines intended for direct human consumption described by means of a geographical description and referred to in Article 26, the description in the official documents shall include the following:

- (a) the name of a geographical unit as referred to in Article 26 (1) (a);

- the following point shall be added:

'(d) the actual alcoholic strength by volume and the nominal volume, where this information is provided for in the implementing rules adopted under Articles 70 (8) and 71 (3) of Regulation (EEC) No 822/87.'

(b) in the second subparagraph:

- point (a) shall be deleted,
- point (f) shall be replaced by the following:

'(f) the particulars of the natural or technical conditions governing production of the wine, in accordance with the second indent of Article 26 (2) (p).'

16. in Article 33:

(a) in point (a):

- the introductory passage shall be replaced by the following:

'(a) in the case of imported wines intended for direct human consumption referred to in Article 25,'

- the first indent shall be replaced by the following:

'— the information specified in Article 32 (1) (a), (b) and (c);

(b) in point (b):

- the introductory passage shall be replaced by the following:

'(b) in the case of imported wines intended for direct human consumption, described by means of a geographical ascription and referred to in Article 26 (1);'

- the first indent shall be replaced by the following:

'— the information specified in Article 32 (2) (a), (b) and (c).'

17. in point (d) on the second subparagraph of Article 40 (2), 'on the list referred to in Article 26 (1)' shall be replaced by 'referred to in Article 26 (1)'.

Article 2

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

(a) The provisions referred to in Article 1:

- point 2 (b) first indent,
- point 3 (a),
- point 7 (a);

shall be applicable from 1 September 1995.

(b) The provisions referred to in Article 1:

- point 9
- point 10
- point 11 (a)
- point 13
- point 14 (a)
- point 15 (a), first indent and (b), first indent
- point 16 (a), first indent and (b), first indent
- point 17

shall be applicable from 1 September 1997.

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

Done at Luxembourg, 26 June 1996.

For the Council

The President

M. PINTO

**COUNCIL REGULATION (EC) No 1428/96
of 26 June 1996**

**amending Regulation (EEC) No 2332/92 on sparkling wines produced in the
Community**

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 the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, for ease of monitoring and in view of the implementation difficulties encountered in the past, the method of calculating the increase in the alcoholic strength of the cuvée when the tirage liqueur is added should be specified;

Whereas Article 14 (2) of Regulation (EEC) No 2332/92 ⁽⁴⁾ provides that Member States may exceptionally permit, until 31 December 1995, that the production process of quality sparkling wines produced in specified regions (quality wines psr) may involve adding to the cuvée one or more wine-sector products which do not originate in the specified region whose name the wine bears; whereas that period has proved too short to allow operators in certain specified regions to adapt to the technical requirements laid down; whereas it should accordingly be extended; whereas, since this exception covers specific cases only, provision should be made for the names of those quality sparkling wines psr to be indicated in a list and published in the C series of the *Official Journal of the European Communities*;

Whereas pursuant to Article 17 (3) of Regulation (EEC) No 2332/92 the Council may alter the duration of fermentation intended to make the cuvée sparkling and of presence on the lees as set out in paragraph 2 of that Article in line with current scientific knowledge and technological progress;

Whereas, in the light of the experience gained regarding the various types of sparkling wines and according to the results of scientific research and technological progress to

date, the fixing of different periods of fermentation and of presence of the cuvée on the lees for the various fermentation methods used is not warranted except where fermentation takes place in containers with stirrers; whereas accordingly, this is the only method which needs to be singled out,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2332/92 is hereby amended as follows:

1. The second subparagraph of Article 4(2) shall be replaced by the following:

‘The addition of tirage liqueur may not cause an increase in the total alcoholic strength by volume of the cuvée of more than 1,5 % vol. This increase shall be measured by calculating the difference between the total alcoholic strength by volume of the cuvée and the total alcoholic strength by volume of the sparkling wine before any expedition liqueur is added.’

2. Article 9 shall be replaced by the following:

Article 9

The tirage liqueur for sparkling wines may contain only:

- grape must,
 - grape must in fermentation,
 - concentrated grape must,
 - rectified concentrated grape must
- or
- sucrose and wine.’

3. In Article 14 (2):

- (a) the introductory passage shall be replaced by the following:

‘2. Notwithstanding the first indent of paragraph 1, and without prejudice to Article 18, a producer Member State may, until 31 August 2003 at the latest, by means of express authorizations and subject to suitable controls, permit that a quality sparkling wine psr be obtained by adding to the basic product from which the wine is made one or more wine-sector products which do not originate in the specified region whose name the wine bears, provided that:’;

⁽¹⁾ OJ No C 74, 14. 3. 1996, p. 14.

⁽²⁾ Opinion delivered on 21 June 1996 (OJ No C 198, 8. 7. 1996).

⁽³⁾ Opinion delivered on 24 April 1996 (OJ No C 204, 15. 7. 1996).

⁽⁴⁾ OJ No L 231, 13. 8. 1992, p. 1. Regulations as last amended by Regulation (EC) No 1547/95 (OJ No L 148, 30. 6. 1995, p. 15).

(b) the following subparagraph shall be inserted:

'The exception referred to in the first subparagraph shall be applicable provided that such an arrangement was allowed for by the provisions of the producer Member State concerned before 31 December 1995.

Member States shall draw up a list of the names of the quality sparkling wines psr referred to in this paragraph and shall forward it to the Commission, which shall publish it in the C series of the *Official Journal of the European Communities*.'

4. Article 15(1) shall be replaced by the following:

'1. The tirage liqueur for quality sparkling wines may contain only:

- sucrose,
- concentrated grape must,
- rectified concentrated grape must,
- and
- grape must or grape must in fermentation from which a wine suitable for yielding a table wine can be obtained,
- wine suitable for yielding a table wine,
- table wines,
- or
- quality wines psr.

The tirage liqueur for quality sparkling wines psr may contain only:

- sucrose,
- concentrated grape must,
- rectified concentrated grape must,
- and
- grape must,
- grape must in fermentation,

— wine,

— quality wine psr,

suitable for yielding the same quality sparkling wine psr as that to which the tirage liqueur is added.'

5. In Article 17:

(a) paragraph (2) shall be replaced by the following:

'2. The duration of the fermentation process designed to make the cuvée sparkling and the duration of the presence of the cuvée on the lees shall not be less than:

- 90 days,
- 30 days if the fermentation takes place in containers with stirrers.'

(b) paragraph 3 shall be deleted.

Article 2

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

(a) Article 1 (3)(a) shall be applicable from 1 January 1996;

(b) Article 1 (2) and (4) shall be applicable from 1 September 1996;

(c) Article 1 (5)(a) shall be applicable from 1 September 1997.

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

Done at Luxembourg, 26 June 1996.

For the Council

The President

M. PINTO

COUNCIL REGULATION (EC) No 1429/96

of 26 June 1996

amending Regulation (EEC) No 2333/92 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, and in particular Article 72 (1) thereof,

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

Whereas showing the producer's name on the label may help consumers to identify the place of production of a sparkling wine, particularly in the case of quality sparkling wines produced in specified regions, hereafter referred to as 'quality sparkling wines psr'; whereas, in those circumstances, producer Member States should be able to make it compulsory to indicate the producer's name on the label of a sparkling wine;

Whereas provision must be made for the possibility, already open in certain Member States, of using one or more traditional terms as a sales description for certain sparkling wines;

Whereas the sugar in sparkling wines as a finished product may comprise not only residual sugar but also added sugar; whereas Council Regulation (EEC) No 2333/92 ⁽³⁾ should be adapted accordingly;

Whereas the details required to inform the consumer of the sugar content should be specified;

Whereas, in order to prevent the misuse of names of grape varieties on the label, their repetition must be banned, except where the same name recurs;

Whereas using the name of a grape variety to designate a sparkling wine has a connotation of quality for consumers; whereas this factor should be enhanced and provision should be made, if that name is to be used on the label, for the production process and the fermentation

process of the sparkling wine concerned to last at least a minimum period;

Whereas, in the production of certain sparkling wines, three grape varieties must be used to give the wine its character; whereas provision should be made for the possibility of the names of those three grape varieties being used on the labels of such sparkling wines;

Whereas in Case C-309/89 ⁽⁴⁾ the Court of Justice of the European Communities declared void Article 6 (6) (b) of Council Regulation (EEC) No 2333/92 and by the same token the conditions governing the use of the term 'crémant'; whereas, however, that term is used for products which meet stringent production conditions and which, as a result, have gained a certain reputation among consumers; whereas, to prevent the meaning of the term from being diluted, the minimum production conditions to be met if the term is used must be defined;

Whereas the conditions governing the use of certain terms have been defined in some Member States; whereas, to avoid creating confusion and misleading consumers, provision should be made for those terms to be used only under those conditions;

Whereas sparkling wines can only be put on the market in labelled glass bottles closed with mushroom-shaped stoppers in accordance with conditions laid down by regulation; whereas provision should be made for allowing exceptions for products still in the process of production subject to certain conditions and in particular that such exceptions are subject to controls; whereas, as regards quality sparkling wines, it is advisable to place a time limit on such exceptions, to be expressly authorized by the Member States, so that the experience eventually gained can be taken into account;

Whereas 'sparkling wine' -type or similar bottles have been used for a very long time to market sparkling wines; whereas beverages put up in such bottles have certain special connotations in the eyes of consumers, and in particular that of fermented beverages; whereas, to check certain misuses of this type of bottle, the use of such bottles should not be permitted for products likely to harm the quality image of wine products, and sparkling wines in particular, and to cause confusion in the minds of consumers concerning the type of beverage concerned;

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1544/95 (OJ No L 148, 30. 6. 1995, p. 31).

⁽²⁾ OJ No C 74, 14. 3. 1996, p. 15.

⁽³⁾ OJ No L 231, 13. 8. 1992, p. 9. Regulation as last amended by the 1994 Act of Accession.

⁽⁴⁾ Judgment of 18 May 1994, Codorniu SA v. Council of the European Communities, C-309/89 ECR, p. I-1853.

Whereas quality sparkling wines *psr* must circulate in labelled glass bottles fitted with mushroom-shaped stoppers on which the name of the specified region must appear; whereas problems may arise if a wine is not deemed a quality sparkling wine *psr* following a check in order for it to be sold as a sparkling wine or as a quality sparkling wine even if the name of the specified region appears on the cork; whereas provision should therefore be made for appropriate arrangements to solve these problems to be adopted in the detailed rules for implementation,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2333/92 is hereby amended as follows:

1. the following subparagraph shall be inserted after the first subparagraph of Article 3(2):

‘However, producer Member States may make it compulsory for the name or business name of the producer to be shown written in full.’

2. Article 5 shall be amended as follows:

- (a) the following subparagraph shall be added to paragraph 2(c):

‘However, the Member States may require that, in the case of certain quality sparkling wines *psr* produced in their territory, certain expressions referred to in the first subparagraph are to be used either on their own or in combination.’

- (b) in paragraph 3:

- ‘residual’ shall be deleted each time it appears;
- The indents in the first subparagraph shall be replaced by the following:

— ‘“brut nature”, “Natur herb”, “bruto natural”, “pas dosé”, “dosage zéro” or “dosaggio zero”:

if its sugar content is less than 3 grams per litre; these terms may be used only for products to which no sugar has been added after the secondary fermentation;

— “extra brut”, “extra herb” or “extra bruto”:
if its sugar content is between 0 and 6 grams per litre;

— “brut”, “herb” or “bruto”:
if its sugar content is less than 15 grams per litre;

— “extra dry”, “extra trocken” or “extra seco”:
if its sugar content is between 12 and 20 grams per litre;

— “sec”, “trocken”, “secco” or “asciutto”, “dry”, “tør”, “ξηρός”, “seco”, “torr” or “kuiva”
if its sugar content is between 17 and 35 grams per litre;

— “demi-sec”, “halbtrocken”, “abboccato”, “medium dry”, “halvtør”, “ημίξηρος”, “semi seco”, “meio seco”, “halvtorr” or “puolikuiva”
if its sugar content is between 33 and 50 grams per litre;

— “doux”, “mild”, “dolce”, “sweet”, “sød”, “γλυκός”, “dulce”, “doce”, “söt” or “makea”
if its sugar content is greater than 50 grams per litre’;

3. in the second subparagraph of Article 6(2):

- (a) the following points shall be inserted after point (c):

‘(ca) the name of that variety shall not be repeated in the same expression unless more than one variety bearing that name exists and that name is on a list to be adopted by the producer Member State. That list shall be communicated to the Commission, which shall inform the other Member States accordingly;’

- (b) the following point shall be inserted after point (d):

‘(e) the length of the production process, including ageing in the establishment of production, reckoned from the start of the fermentation process designed to make the cuvée sparkling, has not been less than 90 days and provided that the duration of fermentation designed to make the cuvée sparkling and the presence of the cuvée on the less have lasted:

- at least 60 days,
- at least 30 days if the fermentation takes place in containers with stirrers.

This provision shall not, however, apply to sparkling wines of the aromatic type referred to in Article 18 of Council Regulation (EEC) No 2332/92 of 13 July 1992 on sparkling wines produced in the Community.’

4. the second indent of the third subparagraph of Article 6(2) shall be replaced by the following:

‘— authorize use of the names of two or three vine varieties where the regulations of the producer Member State so provide and on condition that all the grapes from which the product was obtained come from those three varieties, with the exception of the products contained in tirage liqueur and expedition liqueur and if the blend of those two or three varieties is crucial for the product’s distinctive character.’

5. Point (c) of the second subparagraph of Article 6 (3) shall be replaced by the following:

'(c) the process of fermentation designed make the cuvée sparkling and the presence of the cuvée on the lees have lasted at least 90 days;'

6. Article 6 (6) (b) shall be replaced by the following:

'(b) the term "crémant" shall be reserved for quality sparkling wines psr:

- to which this term is applied, in combination with the name of the specified region, by the Member State in which the wine is made,
- made from must obtained by pressing whole grapes, with regard to white quality sparkling wines psr, the quantity of must obtained not exceeding 100 litres for every 150 kg of grapes,
- with a maximum sulphur dioxide content of 150 mg/l,
- with a sugar content of less than 50 g/l, and
- produced in accordance with any additional special rules governing their production and description laid down by the Member State in which they are made.

By way of derogation from the first indent, for the quality sparkling wines psr to which the term "crémant" has not been applied by the Member State concerned in accordance with that provision, the producers of these quality sparkling wines psr may use this term provided they have traditionally used the said term for at least 10 years prior to 1 July 1996.

The Member State concerned shall inform the Commission of the cases in which use is made of this derogation.'

7. The following subparagraph shall be inserted in Article 6 (11):

'The term "Réserve" may, if appropriate, be supplemented by a description under the conditions laid down by the producer Member State.'

8. in Article 10:

(a) the following subparagraph shall be inserted after the first subparagraph of paragraph 1:

'However, in the case of products covered by Article 1 (1) which are produced by a second alcoholic fermentation in the bottle as referred to in Article 6 (3) and (4), exceptions for sparkling wines still in the process of production where they are closed with a temporary stopper and are not labelled may be:

(a) laid down by the producer Member State, provided that such wines:

- are intended to become quality sparkling wines psr,
- only circulate between producers within the specified region concerned,
- are covered by an accompanying document and
- are the subject of specific scrutiny;

(b) applied until 31 December 2001 to producers of quality sparkling wines that have been expressly authorized by the Member State concerned and comply with the conditions laid down by that Member State, especially with regard to monitoring.

Before 30 June 2000 the Member States concerned shall send the Commission a report on the application of these exceptions. The Commission shall, if appropriate, submit the necessary proposals for the continuation of the exceptions.'

(b) The following paragraph shall be inserted after paragraph 1:

'1a. Only the following may be put up in "sparkling wine" -type or similar bottles fitted with closing devices as referred to in paragraph 1 (a) with a view to sale, placing on the market or export:

- the products as referred to in Article 1 (1),
- beverages which are traditionally put up in such bottles and which:
 - comply with the definitions of semi-sparkling wine or aerated semi-sparkling wine as referred to in points 17 and 18 of Annex I to Regulation (EEC) No 822/87,
 - or
 - are obtained by alcoholic fermentation of a fruit or of another agricultural raw material, in particular the products referred to in Article 43 (2) of Regulation (EEC) No 2392/89 and the products covered by Regulation (EEC) No 1601/91,
 - or
 - have an actual alcoholic strength by volume not greater than 1,2 % vol,
- products which are not likely, despite the fact that they are put up in this way, to create confusion or mislead consumers with regard to the real nature of the product.

The detailed rules for implementing the first subparagraph shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.'

9. The following paragraph shall be added to Article 13:

'4. The description, presentation and advertising of products other than those covered by Article 1 (1) may not indicate, imply or suggest that the product concerned is a sparkling wine.'

10. The following subparagraph shall be added to Article 15 (2):

'The same procedure shall be followed for adopting the derogations concerning marking on the cork referred to in the first subparagraph of paragraph 1, where, on the occasion of a check by the competent authority, a sparkling wine is not recognized as a quality sparkling wine psr.'

Article 2

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

Article 1, point 3 (b) and point 5 shall apply as from 1 September 1997.

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

Done at Luxembourg, 26 June 1996.

For the Council

The President

M. PINTO

COMMISSION REGULATION (EC) No 1430/96

of 23 July 1996

altering the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EC) No 2916/95 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the rates of the refunds applicable from 13 June 1996 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 1055/96 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 1055/96 to the informa-

tion at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 1055/96 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 July 1996.

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

Done at Brussels, 23 July 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 140, 13. 6. 1996, p. 12.

ANNEX

to the Commission Regulation of 23 July 1996 altering the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)

CN code	Description	Destination (¹)	Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked:		
	— Of poultry:		
0407 00 30	— — Other:		
	a) On exportation of ovalbumin of CN codes 3502 11 90 and 3502 19 90	02	8,00
		03	15,00
		04	6,00
	b) On exportation of other goods	01	6,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter:		
	— Egg yolks:		
0408 11	— — Dried:		
ex 0408 11 80	— — — Suitable for human consumption: not sweetened	01	45,00
0408 19	— — Other:		
	— — — Suitable for human consumption:		
ex 0408 19 81	— — — — Liquid: not sweetened	01	20,00
ex 0408 19 89	— — — — Frozen: not sweetened	01	20,00
	— Other:		
0408 91	— — Dried:		
ex 0408 91 80	— — — Suitable for human consumption: not sweetened	01	35,00
0408 99	— — Other:		
ex 0408 99 80	— — — Suitable for human consumption: not sweetened	01	9,00

(¹) The destinations are as follows:

01 Third countries,

02 Kuwait, Bahrain, Oman, Qatar, United Arab Emirates, Yemen, Hong Kong and Russia,

03 South Korea, Japan, Malaysia, Thailand and Taiwan,

04 All destinations except Switzerland and those of 02 and 03.

COMMISSION REGULATION (EC) No 1431/96

of 23 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 24 July 1996.

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

Done at Brussels, 23 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 23 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		388	94,6
	060	80,2		400	86,5
	064	70,8		404	63,6
	066	60,3		416	72,7
	068	80,3		508	113,5
	204	86,8		512	87,2
	208	44,0		524	100,3
	212	97,5		528	86,6
	624	95,8		624	86,5
	999	76,6		728	107,3
				800	212,7
ex 0707 00 25	052	62,4	0808 20 51	804	92,3
	053	156,2		999	96,4
	060	61,0		039	104,1
	066	53,8		052	138,2
	068	69,1		064	72,5
	204	144,3		388	92,3
	624	87,1		400	70,4
	999	90,6		512	81,6
0709 90 77	052	54,3		528	132,9
	204	77,5		624	79,0
	412	54,2		728	115,4
	624	151,9		800	83,9
	999	84,5		804	73,0
0805 30 30	052	131,1	0809 10 40	999	94,8
	204	88,8		052	144,4
	220	74,0		061	51,3
	388	75,2		064	110,9
	400	68,2		091	57,0
	512	54,8		400	338,0
	520	66,5		999	140,3
	524	59,5	0809 20 59	052	192,3
	528	61,4		061	182,0
	600	96,5		064	137,1
	624	48,9		066	73,7
	999	75,0		068	91,0
0806 10 40	052	153,7	0809 30 31, 0809 30 39	400	175,5
	064	75,6		600	94,9
	066	49,4		616	171,8
	220	110,8		624	63,7
	400	343,5		676	166,2
	412	128,9		999	134,8
	508	307,2		052	63,1
	512	186,0		220	121,8
	600	189,6		624	106,8
	624	144,5	0809 40 30	999	97,2
	999	168,9		052	78,8
0808 10 71, 0808 10 73, 0808 10 79	039	124,4		064	72,9
	052	64,0		066	84,9
	064	78,6		068	61,2
	284	72,1		400	143,5
				624	209,1
				676	68,6
				999	102,7

⁽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'.

COMMISSION REGULATION (EC) No 1432/96

of 23 July 1996

amending Regulation (EC) No 3223/93 on statistical information relating to the payment of export refunds on certain agricultural products exported in the form of goods covered by Council Regulation (EEC) No 3035/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 20 thereof,

Whereas to enable the Commission to monitor the application of Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽²⁾, as last amended by Regulation (EC) No 229/96⁽³⁾, it is necessary for information to be provided by Member States;

Whereas Commission Regulation (EC) No 3223/93⁽⁴⁾, as last amended by Regulation (EC) No 1149/95⁽⁵⁾, specifies this obligation for milk products which have been imported for re-export in the form of goods not covered by Annex II to the Treaty and covered by the Annex to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽⁶⁾, as last amended by Regulation (EC) No 2931/95⁽⁷⁾;

Whereas Article 2 (a) of Regulation (EC) No 1149/95 has given rise to diverging interpretations by the Member States, particularly concerning the scope thereof; whereas the scope of this Article must therefore be clarified;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3223/93 is hereby amended as follows:

1. Article 3 shall be replaced by the following:

Article 3

The necessary statistical information referred to in Article 1 shall comprise:

1. — the volume of goods covered by Commission Regulation (EC) No 1222/94^(*) having received export refunds the previous month, expressed in tonnes or other units of measure, indicating unit, broken down according to group of goods,
 - within each group of goods referred to in the first indent, the amount of the refunds granted the previous month for each of the basic agricultural products, expressed in national currency,
 - within each group of goods referred to in the first indent, the quantities of each of the basic products to which the refunds relate expressed in tonnes or other units of measure, indicating unit.
2. For goods falling within CN codes 1806 90 60 to 1806 90 90, CN code 1901 and CN code 2106 90 98 containing, per 100 kilograms of goods exported, at least 67 kilograms of milk products falling within CN codes 0402 10 19, 0402 21 19, 0405 and 0406, imported from third countries under special arrangements at a reduced tariff:
 - the quantities, expressed in tonnes, of these goods on which refunds were paid the previous month,
 - the amount of the refunds granted the previous month and the corresponding quantities of the products falling within CN codes 0402 10 19, 0402 21 19 and 0405 which benefited from special arrangements at the time of importation.

^(*) OJ No L 136, 31. 5. 1994, p. 5²;

2. Annexes A and B to Regulation (EC) No 3223/93 shall be replaced by Annexes A and B to this Regulation.

Article 2

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

It shall apply from 1 August 1996.

⁽¹⁾ OJ No L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽³⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁴⁾ OJ No L 292, 26. 11. 1993, p. 10.

⁽⁵⁾ OJ No L 116, 23. 5. 1995, p. 1.

⁽⁶⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽⁷⁾ OJ No L 307, 20. 12. 1995, p. 10.

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

Done at Brussels, 23 July 1996.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX A

Group of Products

Group of products No	Relevant HS heading/CN code
1	0403 10 51 to 99 0403 90 71 to 99
2	0710 40 00 0711 90 30 2001 90 30 2004 90 10 2005 80 2008 99 85
3	1302 31 to 39
4	1517 10 10 1517 90 10
5	1518 00 10
7	1702 50 00
8	1702 90 10
9	1704 10
10	1704 90 30
11	1704 90 51 to 99
12	1806
13	1901 10 00
14	1901 20 00
15	1901 90 11 to 19
16	1901 90 91, 99
17	1902 11, 1902 19
18	1902 20 91, 99 1902 30
19	1902 40
20	1903 00 00
21	1904
22	1905 10
23	1905 20
24	1905 30
25	1905 40
26	1905 90
27	2001 90 40 2004 10 91 2005 20 10 2008 11 10 2008 91 2008 99 91
28	2101

Group of products No	Relevant HS heading/CN code
29	2102 10 31 to 39 2102 20 11 to 19
30	2103 10 00 2103 20 00 2103 90
31	2104 10
32	2105
33	2106 10
34	2106 90 10 2106 90 92, 98 3302 10 29 0405 20 10, 30
35	2202 10 00
36	2202 90 10
37	2202 90 91 to 99
38	2203 00
39	2205
40	2208 20 2208 30 32, 88 2208 50 2208 60 11, 19, 91, 99 2208 70 10, 90 2208 90 33 to 78
41	2520 20 ex 6809
42	2839 90 00
43	Chapter 29
44	Chapter 30
45	ex Chapter 35
46	Chapter 38 3203 3204 11 to 19
47	Chapter 39
48	Chapter 48: 4813 90 90, 4818 10 4823 11, 19, 20, 51, 59 4823 90 50, 90
49	3307 49 3307 90 Chapter 34: 3401 19, 3402 3403 11, 3403 19 10 3405, 3407

ANNEX B

CN code	Description of basic agricultural products
ex 0402 10 19	Milk powder, in granules or other solid forms, not containing added sugar or other sweetening matter, of a fat content, by weight, not exceeding 1,5 % (PG 2)
ex 0402 21 19	Milk powder, in granules or other solid forms, not containing added sugar or other sweetening matter, of a fat content, by weight, of 26 % (PG 3)
ex 0404 10	Whey, in powder, granules or other solid forms, not containing added sugar or other sweetening matter (PG 1)
ex 0405 10	Butter with a fat content by weight of 82 % (PG 6)
ex 0407 00 30	Poultry eggs in shell, fresh or preserved, other than eggs for hatching
ex 0408	Eggs not in shell, and egg yolks, suitable for human consumption, fresh, dried or otherwise preserved, not sweetened
1001	Wheat and meslin
1002 00 00	Rye
1003 00 90	Barley
1004 00 00	Oats
1005 90 00	Maize
1006 20	Husked rice
ex 1006 30	Wholly milled rice
1006 40 00	Broken rice
1007 00 90	Grain sorghum, other than hybrid for sowing
1101 00 00	Wheat or meslin flour
1102 10 00	Rye flour
1103 11 10	Groats and meal of durum wheat
1103 11 90	Groats and meal of common wheat
1701 11 00 to 1701 12 99	Raw sugar (beet or cane)
1701 99 10	White sugar
ex 1702 10 90	Lactose containing, in the dry state, 98,5 % by weight of the pure product (PG 12)
ex 1702 40 10	Isoglucose containing in the dry state, 41 % or more by weight of fructose
ex 1702 90 99	Beet or cane syrups containing, in the dry state 85 % or more by weight of sucrose (including invert sugar expressed as sucrose)
1703	Molasses resulting from the extraction or refining of sugar

COMMISSION REGULATION (EC) No 1433/96

of 23 July 1996

amending Annexes II and III to Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽¹⁾, as last amended by Commission Regulation (EC) No 1312/96⁽²⁾, and in particular Articles 6, 7 and 8 thereof,

Whereas, in accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food-producing animals;

Whereas maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all the relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs;

Whereas, in establishing maximum residue limits for residues of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue);

Whereas, for the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target tissues of liver or kidney; whereas, however, the liver and kidney are frequently removed from carcasses moving in international trade, and maximum residue limits should therefore also always be established for muscle or fat tissues;

Whereas, in the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey;

Whereas hydrogen peroxide, peracetic acid, carbetocin, quillaia saponins, butyl 4-hydroxybenzoate, sodium butyl 4-hydroxybenzoate and sodium benzyl 4-hydroxybenzoate should be inserted into Annex II to Regulation (EEC) No 2377/90;

Whereas, in order to allow for the completion of scientific studies, baquiloprim should be inserted into Annex III to Regulation (EEC) No 2377/90;

Whereas a period of 60 days should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorizations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC⁽³⁾, as last amended by Directive 93/40/EEC⁽⁴⁾, to take account of the provisions of this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Veterinary Medicinal Products,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and III to Regulation (EEC) No 2377/90 are hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the 60th day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 1.

⁽²⁾ OJ No L 170, 9. 7. 1996, p. 8.

⁽³⁾ OJ No L 317, 6. 11. 1981, p. 1.

⁽⁴⁾ OJ No L 214, 24. 8. 1993, p. 31.

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

Done at Brussels, 23 July 1996.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

A. Annex II is amended as follows:

1. Inorganic chemicals

Pharmacologically active substance(s)	Animal species	Other provisions
'1.1. Hydrogen peroxide	All food-producing species'	
2. Organic compounds		
Pharmacologically active substance(s)	Animal species	Other provisions
'2.51. Peracetic acid	All food-producing species	
2.52. Carbetocin	All mammalian food-producing species	
2.53. Quillaia saponins	All food-producing species	
2.54. Butyl 4-hydroxybenzoate	All food-producing species	
2.55. Sodium butyl 4-hydroxybenzoate	All food-producing species	
2.56. Sodium benzyl 4-hydroxybenzoate	All food-producing species'	

B. Annex III is amended as follows:

1. Anti-infectious agents

1.1. Chemotherapeutics

1.1.2. Diamino pyrimidine derivatives

Pharmacologically active substance(s)	Marker residue	Animal species	MRLs	Target tissues	Other provisions
'1.1.2.2. Baquiloprim	Baquiloprim	Bovine	300 µg/kg	Liver	Provisional MRLs expire on 1.7.1998
			150 µg/kg	Kidney	
			10 µg/kg	Fat	
			30 µg/kg	Milk	
		Porcine	50 µg/kg	Liver	Provisional MRLs expire on 1.7.1998'
			50 µg/kg	Kidney	
			40 µg/kg	Fat and skin	

COMMISSION REGULATION (EC) No 1434/96
of 23 July 1996

**setting the amount of the payment on account of the cost of disposal of certain
distillation products for 1997**

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

Having regard to Council Regulation (EEC) No 822/87 of
16 March 1987 on the common organization of the
market in wine ⁽¹⁾, as last amended by Regulation (EC) No
1544/95 ⁽²⁾, and in particular Article 37 (2) thereof,

Whereas, as regards alcohol from distillation as referred to
in Articles 35 and 36 of Regulation (EEC) No 822/87, the
European Agricultural Guidance and Guarantee Fund
(EAGGF) is to bear only the costs arising from its
disposal; whereas the amount of the payment on account
of the cost of disposal of the products must be fixed
having regard to depreciation in a way similar to that by
which alcohol from distillation as referred to in Article 39
of that Regulation is depreciated,

HAS ADOPTED THIS REGULATION:

Article 1

The amount of the payment on account of the cost of
disposal of the products of distillation pursuant to Articles

35 and 36 of Regulation (EEC) No 822/87 shall be deter-
mined by application of a coefficient to the value of
purchase made by intervention agencies.

For the 1997 financial year this coefficient shall be 0,70.

Article 2

The expenditure amounts determined in this way shall be
notified to the Commission under the declaration
established pursuant to Commission Regulation (EC) No
296/96 ⁽³⁾.

Article 3

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

It shall be applicable from 1 October 1996.

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

Done at Brussels, 23 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 31.

⁽³⁾ OJ No L 39, 17. 2. 1996, p. 5.

COMMISSION REGULATION (EC) No 1435/96
of 23 July 1996

**reintroducing customs duties on products of CN codes 3102 and 3105,
originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and of
the former Yugoslav Republic of Macedonia for which tariff ceilings were
opened by Council Regulation (EC) No 3355/94**

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

Having regard to Council Regulation (EC) No 3355/94 of 22 December 1994 concerning the arrangements applicable to imports into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the former Yugoslav Republic of Macedonia⁽¹⁾, as amended by Regulation (EC) No 3032/95⁽²⁾, and in particular Article 3 (2) thereof,

Whereas, pursuant to Article 1 of that Regulation, the Republics of Bosnia-Herzegovina, Croatia, and Slovenia and the territory of the former Yugoslav Republic of Macedonia should benefit from preferential tariff arrangements, in particular subject to tariff ceilings; whereas Article 3 (2) provides that once the ceilings are reached the Commission may adopt a regulation to reintroduce the levying of the customs duties actually applied *vis-à-vis* third countries until the end of the calendar year;

Whereas imports of the products specified in the Annex to this Regulation originating in the said Republics and eligible for tariff preferences have been charged against the

ceiling up to the total amount; whereas the situation on the Community market for these products requires the reintroduction of customs duties *vis-à-vis* the Republics in question;

Whereas the levying of customs duties for these products should therefore be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

From 27 July 1996, the levying of customs duties suspended for 1996 by Regulation (EC) No 3355/94, shall be reintroduced on imports into the Community of the products shown in the Annex, originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the former Yugoslav Republic of Macedonia.

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, 23 July 1996.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 353, 31. 12. 1994, p. 1.

⁽²⁾ OJ No L 316, 30. 12. 1995, p. 4.

ANNEX

Order No	CN code	Description
(1)	(2)	(3)
01.0020	3102 10 90	— — Other
		— Ammonium sulphate; double salts and mixtures of ammonium sulphate and ammonium nitrate:
	3102 21 00	— — Ammonium sulphate
	3102 29 00	— — Other
	3102 30	— Ammonium nitrate, whether or not in aqueous solution:
	3102 30 10	— — In aqueous solution
	3102 30 90	— — Others
	3102 40	— Mixtures of ammonium nitrate with calcium carbonate or other inorganic non-fertilizing substances:
	3102 40 10	— — With a nitrogen content not exceeding 28 % by weight
	3102 40 90	— — With a nitrogen content exceeding 28 % by weight
	3102 50	— Sodium nitrate:
	3102 50 90	— — Other fertilizers
	3102 60 00	— Double salts and mixtures of calcium nitrate and ammonium nitrate
	3102 70 00	— Calcium cyanamide
	3102 80 00	— Mixtures of urea and ammonium nitrate in aqueous or ammoniacal solution
	3102 90 00	— Other including mixtures not specified in the foregoing sub-headings
01.0030	3105	Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorus and potassium; other fertilizers; goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg

COMMISSION REGULATION (EC) No 1436/96
of 23 July 1996

providing for the release of minimum stocks in the sugar sector for the period 1 July to 30 November 1996 and the replenishment thereof from 1 December 1996

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Commission Regulation (EC) No 1126/96⁽²⁾, and in particular Article 12 (3) thereof,

Whereas in order to ensure normal supplies to the Community as a whole or to one of its areas, there is a standing obligation, in the European territories of the Community, for minimum stocks to be maintained by each sugar-producing undertaking or sugar refinery;

Whereas Article 1 of Council Regulation (EEC) No 1789/81 of 30 June 1981 laying down general rules concerning the system of minimum stocks in the sugar sector⁽³⁾, as last amended by Commission Regulation (EC) No 260/96⁽⁴⁾, fixes the level of minimum stocks to be held, as the case may be, at 5 % of actual production within the A quota or 5 % of the quantity of sugar refined during the 12 months preceding the month in question;

Whereas by virtue of Article 12 (1) of Regulation (EEC) No 1785/81 this percentage may be reduced; whereas Article 4 of Regulation (EEC) No 1789/81 lays down that where the supplies of sugar required by the Community can no longer be ensured under normal conditions, provision may be made for the person concerned to be released, in whole or in part, from the obligation to stock the sugar in question; whereas this percentage has already been brought down to 3 % for the period 1 December 1995 to 30 November 1996 by Commission Regulation (EC) No 2790/95⁽⁵⁾;

Whereas a further examination of the current supply situation in the Community reveals, as a result of unfavour-

able weather conditions, a delay in sowing and therefore in new production for the 1996/97 marketing year in certain regions; whereas, therefore, consumption needs cannot be met under normal conditions; whereas, as a result of pressure on prices in those regions, due to strong demand and the growing scarcity of supplies, it is desirable to release that part of the minimum stocks necessary for this purpose by reducing to zero the said level for the period needed to allow the majority of the Community sugar producing undertakings to await the new 1996/97 production and to provide now for the replenishment of minimum stocks to the level of the present percentage of 3 %;

Whereas this Regulation should enter into force from 1 July 1996 because of the urgent nature of its implementation and the mechanism of the compensation system for storage costs in the sugar sector;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The percentages referred to in Article 1 of Regulation (EC) No 2790/95 are hereby reduced to 0 % for the period 1 July to 30 November 1996.
2. The percentages referred to in points (a) and (b) of Article 1 of Regulation (EEC) No 1789/81 are hereby reduced to 3 % from 1 December 1996.

Article 2

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

It shall apply with effect from 1 July 1996.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 150, 25. 6. 1996, p. 3.

⁽³⁾ OJ No L 177, 1. 7. 1981, p. 39.

⁽⁴⁾ OJ No L 34, 13. 2. 1996, p. 16.

⁽⁵⁾ OJ No L 289, 2. 12. 1995, p. 34.

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

Done at Brussels, 23 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1437/96
of 23 July 1996
amending Regulation (EEC) No 1201/89 laying down rules implementing the
system of aid for cotton

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81⁽²⁾, and in particular Article 11 (1) thereof,

Whereas Article 8 (1) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules implementing the system of aid for cotton⁽³⁾, as last amended by Regulation (EC) No 905/96⁽⁴⁾, provides that all cotton growers must send an annual declaration of areas sown before a date set by the Member State concerned and, except in cases of *force majeure*, not later than 1 July; whereas strikes by the public services in Greece have severely disrupted the submission of those declarations for the year 1996;

Whereas, as a result, a deadline after 1 July should be set for the year 1996 in the case of Greece;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following second paragraph is added to Article 8 (1) of Regulation (EEC) No 1201/89:

'However, for the year 1996, in the case of Greece, the date 1 July is replaced by 1 August.'

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, 23 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁴⁾ OJ No L 122, 22. 5. 1996, p. 5.

COMMISSION REGULATION (EC) No 1438/96**of 23 July 1996****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Commission Regulation (EC) No 1126/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses⁽³⁾, as last amended by Regulation (EC) No 1127/96⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1195/96⁽⁵⁾, as last amended by Regulation (EC) No 1395/96⁽⁶⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 24 July 1996.

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

Done at Brussels, 23 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 150, 25. 6. 1996, p. 3.
⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.
⁽⁴⁾ OJ No L 150, 25. 6. 1996, p. 12.
⁽⁵⁾ OJ No L 161, 29. 6. 1996, p. 3.
⁽⁶⁾ OJ No L 179, 18. 7. 1996, p. 44.

ANNEX

to the Commission Regulation of 23 July 1996 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,08	4,26
1701 11 90 ⁽¹⁾	24,08	9,49
1701 12 10 ⁽¹⁾	24,08	4,07
1701 12 90 ⁽¹⁾	24,08	9,06
1701 91 00 ⁽²⁾	28,34	11,06
1701 99 10 ⁽²⁾	28,34	6,54
1701 99 90 ⁽²⁾	28,34	6,54
1702 90 99 ⁽³⁾	0,28	0,37

⁽¹⁾ For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ No L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 1439/96
of 23 July 1996
amending the import duties in the cereals sector

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1366/96⁽⁴⁾, as last amended by Regulation (EC) No 1425/96⁽⁵⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1366/96,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 1366/96 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 24 July 1996.

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

Done at Brussels, 23 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ No L 177, 16. 7. 1996, p. 9.

⁽⁵⁾ OJ No L 182, 23. 7. 1996, p. 21.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	9,98	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	9,98	0,00
	medium quality	18,82	8,82
	low quality	39,38	29,38
1002 00 00	Rye	46,09	36,09
1003 00 10	Barley, seed	46,09	36,09
1003 00 90	Barley, other ⁽³⁾	46,09	36,09
1005 10 90	Maize seed other than hybrid	46,81	36,81
1005 90 00	Maize other than seed ⁽³⁾	46,81	36,81
1007 00 90	Grain sorghum other than hybrids for sowing	60,20	50,20

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

- ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties (period from 15. 7. 1996 to 22. 7. 1996):

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	145,82	151,42	141,67	118,66	179,15 (1)	130,76 (1)
Gulf premium (ECU/tonne)	—	15,24	3,63	34,16	—	—
Great lake premium (ECU/tonne)	21,07	—	—	—	—	—

(1) Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 9,22 per tonne; Great Lakes — Rotterdam: ECU 17,87 per tonne.

3. Subsidy (third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne).

II

(Acts whose publication is not obligatory)

COMMISSION

DECISION No 1/96 OF THE EC-SAN MARINO COOPERATION
COMMITTEE

of 20 June 1996

amending Decision No 1/93 adopting the procedures for making available to the
San Marino Exchequer the import duties collected by the Community on behalf
of the Republic of San Marino

(96/445/EC)

THE COOPERATION COMMITTEE,

HAS DECIDED AS FOLLOWS:

Article 1

Having regard to the Interim Agreement between the European Economic Community and the Republic of San Marino⁽¹⁾, and in particular Article 7 (3) thereof,

Decision No 1/93 is hereby amended as follows:

1. Article 1 (b) shall be replaced by the following:

'(b) only those duties recorded by the customs offices referred to in the Annex to the Agreement shall be entered in the abovementioned accounts. Without prejudice to Article 1a, these duties shall be entered in the accounts only if copy No 5 of the T2 SM document or the copy of the T2 L SM document proving that the goods have arrived in San Marino has been stamped by the customs authorities of the Republic of San Marino and duly presented to the customs office which issued it.'

2. The following Article shall be inserted:

'Article 1a

Where the inward processing procedure referred to in Articles 114 to 129 of Regulation (EEC) No 2913/92 or the temporary importation procedure referred to in Articles 137 to 144 of that Regulation is used, the customs offices referred to in the Annex to the Agreement shall enter the duties established in the accounts referred to in Article 1 (a) when:

(a) following the inward processing procedure (suspension system), copy No 5 of the T2 SM document or the copy of the T2 L SM document issued for that purpose showing the amount of compensating products or goods in the unaltered state disposed of

Whereas Decision No 1/93 of the EEC-San Marino Cooperation Committee of 27 July 1993 adopting the procedures for making available to the San Marino Exchequer the import duties collected by the Community on behalf of the Republic of San Marino⁽²⁾ introduced a procedure for establishing, controlling and making available to the authorities of San Marino the import duties collected on goods bound there;

Whereas arrangements should be laid down for establishing the import duties paid on products or goods for which a customs debt is incurred under the inward processing procedure (suspension system) referred to in Articles 114 to 129 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community customs code⁽³⁾ or the temporary importation procedure referred to in Articles 137 to 144 of that Regulation,

⁽¹⁾ OJ No L 359, 9. 12. 1992, p. 14.

⁽²⁾ OJ No L 208, 19. 8. 1993, p. 38.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

on the territory of San Marino has been stamped by the customs authorities of the Republic of San Marino and duly presented to the customs office which issued it;

- (b) following discharge of the temporary importation procedure, a certified copy of the customs document on the basis of which the import goods were placed under the procedure, proving the use of the goods on the territory of San Marino, has been stamped by the customs authorities of the Republic of San Marino and duly presented to the customs office which authorized the customs procedure with economic impact in question.'

Article 2

This Decision shall enter into force on the first day of the month following its adoption.

Done at Brussels, 20 June 1996.

For the Cooperation Committee

The Chairman

S. ABOU

DECISION No 2/96 OF THE EC-SAN MARINO COOPERATION COMMITTEE
of 20 June 1996

applying Article 1 (a) and (b) of Decision No 1/93 adopting the procedures for making available to the San Marino Exchequer the import duties collected by the Community on behalf of the Republic of San Marino

(96/446/EC)

THE COOPERATION COMMITTEE,

Having regard to the Interim Agreement on trade and customs union between the European Economic Community and the Republic of San Marino ⁽¹⁾, and in particular Article 7 (3) thereof,

Whereas Decision No 1/93 of the EEC-San Marino Cooperation Committee of 27 July 1993, adopting the procedures for making available to the San Marino Exchequer the import duties collected by the Community on behalf of the Republic of San Marino ⁽²⁾, introduced a procedure for establishing, entering in the accounts, making available and controlling the import duties collected on goods bound for the said Republic;

Whereas certain of these arrangements should be clarified by putting in place an administrative procedure concerning in particular the establishment and accounting treatment of the import duties,

HAS DECIDED AS FOLLOWS:

Article 1

The provisions set out in the Annex to this Decision shall apply when Article 1 (a) and (b) of Decision No 1/93 is implemented.

Article 2

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 20 June 1996.

For the Cooperation Committee

The Chairman

S. ABOU

⁽¹⁾ OJ No L 359, 9. 12. 1992, p. 14.

⁽²⁾ OJ No L 208, 19. 8. 1993, p. 38.

ANNEX

Administrative procedure applicable when Article 1 (a) and (b) of Decision No 1/93 of the Cooperation Committee is implemented**1. The completion of formalities at authorized customs offices to release goods for free circulation**

When goods bound for San Marino are released for free circulation, a T2 SM or T2 L SM document shall be issued as appropriate ⁽¹⁾. The import duties shall be entered in the accounts within the time limits laid down by the relevant Community legislation.

To help identify the amounts in question (for control purposes) and taking account of the fact that the precise nature of the duty has not yet been established (San Marino or Community resources), duties entered in the accounts shall be recorded in a register kept by the customs office concerned, containing details of imports bound for San Marino, including the date of acceptance of the import declaration, the items of charge, the amount of duty involved and the document issued (T2 SM or T2 L SM).

The customs office shall indicate on document T2 SM or T2 L SM the deadline (three months from the date of issue of the said document) for the return of copy No 5 of document T2 SM or the copy of document T2 L SM, duly stamped by the San Marino authorities, to the customs office of issue.

2. Return of supporting documents

On receipt of the supporting documents — duly stamped by the San Marino authorities — within the three month time-limit specified above, the import duties shall be established and entered in the 'San Marino' accounts (procedure analogous to that detailed in Article 6 (2) (a) of Regulation (EEC, Euratom) No 1552/89 and a corresponding entry made in the abovementioned register.

However, the Italian authorities may decide not to make an entry in the 'San Marino' accounts if the established duties for which security has been provided have been challenged and might upon settlement of the disputes which have arisen be subject to change. In this case, pending the outcome of the ensuing national administrative and/or legal procedures, the amount of import duties shall be recorded in separate 'San Marino' accounts (procedure analogous to that detailed in Article 6 (2) (b) of the said Regulation).

3. Non-return of supporting documents

When copy No 5 of document T2 SM or the copy of document T2 L SM are not returned to the office of issue within the designated time-limit, an appropriate entry shall be made in the register and the duties established as the Communities' own resources and recorded in the accounts detailed in Article 6 (2) (a) of Regulation (EEC, Euratom) No 1552/89 or, where appropriate, in the separate accounts provided for in Article 6 (2) (b) of that Regulation. This entry shall be without prejudice to any corrections which might prove necessary in the light of investigation conducted in the context of the Community transit arrangements or as a result of action undertaken in the context of mutual assistance as laid down in Decision No 3/92 of the EEC-San Marino Cooperation Committee.

4. Application of the specific procedure in the context of inward processing and temporary importation arrangements

The procedure referred to above shall apply *mutatis mutandis* for compensating products or goods in their unaltered state sold within the territory of San Marino under inward processing arrangements or for goods under temporary importation arrangements for which a customs debt has arisen.

⁽¹⁾ Article 2 of Decision No 4/92 of the EEC-San Marino Cooperation Committee (OJ No L 42, 19. 2. 1993, p. 34).

DECISION No 1/96 of THE EC-ANDORRA JOINT COMMITTEE

of 1 July 1996

concerning certain methods of administrative cooperation for implementation of the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality of Andorra and the transit of goods between these two

(96/447/EC)

THE EC-ANDORRA JOINT COMMITTEE,

Having regard to the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality of Andorra⁽¹⁾, signed in Luxembourg on 28 June 1990, and in particular Article 17 (8) thereof,

Whereas the Andorran authorities will be responsible for carrying out the formalities for the release for free circulation of goods arriving from third countries and bound for the Principality of Andorra from 1 July 1996;

Whereas, in view of the new situation obtaining, the Community transit procedure should apply to cover the movement of such goods to points within the Principality of Andorra;

Whereas it would seem appropriate to apply the Community transit procedure to any movement of goods within the customs union; whereas Decision No 4/91 of the EEC-Andorra Joint Committee⁽²⁾ should therefore be amended accordingly;

Whereas, for the sake of clarity, Decision No 4/91 of the EEC-Andorra Joint Committee should be replaced by a new text,

HAS DECIDED AS FOLLOWS:

Article 1

For the purposes of implementing the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality of Andorra, the authorities of the Member States and the Andorran authorities shall, in respect of goods falling within Chapters 25 to 97 to the harmonized System, apply *mutatis mutandis* the rules of the Community transit procedure laid down in Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the common customs code⁽³⁾ and Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council (EEC) No 2913/92 establishing the common

customs code⁽⁴⁾, subject to the special provisions laid down in this Decision.

Article 2

1. For the purposes of trade between the Community and the Principality of Andorra, goods which are in free circulation in accordance with Articles 3 and 4 of the Agreement shall move under the internal Community transit procedure (T2).
2. Goods other than those referred to in paragraph 1 shall move under the external Community transit procedure (T1).
3. Notwithstanding the requirement for evidence that the goods are in free circulation where applicable, a person completing export formalities at the frontier customs office of a Contracting Party shall not be required to place the goods consigned under the T1 or the T2 procedure, irrespective of the customs procedure under which the goods will be placed at the neighbouring frontier customs office.
4. Notwithstanding the requirement for evidence that the goods are in free circulation where applicable, the frontier customs office of the Contracting Party where export formalities are completed may refuse to place the goods under the T1 or T2 procedure if that procedure is to end at the neighbouring frontier customs office.
5. Free circulation of the goods must be proved by a T2 L document or a document having equivalent effect.

Article 3

1. Goods referred to in Article 6 (3) (c) of the Agreement, dispatched to the Principality of Andorra with the benefit of an export refund, shall move under cover of an external Community transit document (T1).
2. Where a control copy T5 used for the purposes of paragraph 1, such document shall be returned to the customs office at the point of exit from the Community in order to provide evidence of such exit.
3. Where such goods in free circulation in the Principality of Andorra are dispatched to the Community, they shall also be placed under the external Community transit procedure (T1).

⁽¹⁾ OJ No L 374, 31. 12. 1990, p. 13.

⁽²⁾ OJ No L 250, 7. 9. 1991, p. 30.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1. Regulation as last amended by the 1994 Act of Accession.

⁽⁴⁾ OJ No L 253, 11. 10. 1993, p. 1.

The transit document T1 shall be endorsed with one of the following phrases, with underlining in red:

- Percibir sólo el elemento agrícola — Acuerdo CEE-Andorra
- Kun landbrugselementet opkræves — EØF-Andorra-aftalen
- Nur den Agrarteilbetrag erheben — Abkommen EWG-Andorra
- Κατακρατείται μόνο το αγροτικό στοιχείο — Συμφωνία ΕΟΚ-Ανδόρρας
- Charge agricultural component only — EEC-Andorra Agreement
- Ne percevoir que l'élément agricole — Accord CEE-Andorre
- Riscuotere solo l'elemento agricolo — Accordo CEE-Andorra
- Alleen het agrarische element innen — Overeenkomst EEG-Andorra
- Cobrar unicamente o elemento agrícola — Acordo CEE-Andorra
- Kannetaan vain maatalouden maksuosa — ETY-Andorra sopimus
- Debitera endast jordbrukskomponenten — EEG-Andorra avtalet.

Article 4

1. For the purposes of this Decision, 'transit office' shall mean the customs office of entry in a Contracting Party other than that of departure.
2. The carrier shall present a transit advice note at each transit office.

Article 5

1. The guarantee provided for under the Community transit procedure must be valid in both Contracting Parties involved in the transit operation.
2. Guarantee documents and guarantee certificates shall be endorsed with the words 'Principality of Andorra'.

Article 6

Decision No 4/91 is hereby repealed.

Article 7

This Decision shall enter into force on 1 July 1996.

Done at Andorra la Vella, 1 July 1996.

For the EC-Andorra Joint Committee

The Chairman

Albert PINTAT

DECISION No 2/96 OF THE EC-ANDORRA JOINT COMMITTEE
of July 1996

laying down arrangements for the implementation of Annex II to the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality of Andorra

(96/448/EC)

THE EC-ANDORRA JOINT COMMITTEE,

Having regard to the Agreement in the form of an Exchange of Letters between the European Economic Community and the Principality of Andorra ⁽¹⁾, signed in Luxembourg on 28 June 1990, and in particular Article 7 thereof,

Whereas the Principality of Andorra has, under the Agreement, adopted the provisions on import formalities applied by the Community to third countries;

Whereas, under Annex II to the Agreement, the Joint Committee may, at the request of the Principality of Andorra, decide to derogate from the commercial policy provisions adopted by the said principality under the Agreement;

Whereas the Principality of Andorra has asked for a derogation from commercial policy rules in respect of textile products and certain products originating in China;

Whereas, in view of the limited volume of imports of the products in question in the Principality of Andorra, such a derogation may be allowed;

Whereas measures are nevertheless needed to forestall any deflection of trade;

Whereas the Principality of Andorra should to that end introduce a prior surveillance system and export to the Community of products subject to surveillance should be authorized only by virtue of derogations decided upon, on a case-by-case basis, by the Joint Committee;

Whereas the Principality of Andorra should provide the Community with regular reports on the import documents issued and the imports that have taken place,

HAS DECIDED AS FOLLOWS:

Article 1

1. The release for free circulation, in the Principality of Andorra, of textile products of Chapters 50 to 63 of the combined nomenclature and the products originating in

the People's Republic of China listed in Annex II to Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries ⁽²⁾ shall be subject to prior surveillance.

2. The release for free circulation of the products under prior surveillance shall be subject to presentation of an import document. This document shall be endorsed by the competent authority in Andorra, free of charge, for all the quantities requested, within no more than five working days of the receipt by that authority of a declaration made by an importer established in the Principality of Andorra.

3. The import document and the importer's declaration shall be drawn up on a form complying *mutatis mutandis*, with the model in Annex I to Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports ⁽³⁾.

Article 2

The Principality of Andorra shall notify the Commission of the European Communities within the first 10 days of every month of:

- (a) the quantities and amounts, calculated on the basis of the cif prices, for which import documents have been issued or endorsed in the previous month;
- (b) the imports that have taken place in the course of the month before that referred to in (a).

Information concerning products of Chapters 50 to 63 of the combined nomenclature shall be broken down by textile category and country of origin according to the descriptions given in Annex IA to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries ⁽⁴⁾. Information on the other products shall be broken down by product and country of origin.

⁽²⁾ OJ No L 67, 10. 3. 1994, p. 89. Regulation as last amended by Regulation (EC) No 752/96 (OJ No L 103, 26. 4. 1996, p. 1).

⁽³⁾ OJ No L 349, 31. 12. 1994, p. 53. Regulation as last amended by Commission Regulation (EC) No 139/96 (OJ No L 21, 27. 1. 1996, p. 1).

⁽⁴⁾ OJ No L 275, 8. 11. 1993, p. 1. Regulation as last amended by Commission Regulation (EC) No 1616/95 (OJ No L 154, 5. 7. 1995, p. 3).

⁽¹⁾ OJ No L 374, 31. 12. 1990, p. 13.

Article 3

Under Article 10 of the Agreement, the definitive export to the Community of the products referred to in Article 1 of this Decision shall be authorized only virtue of derogations decided upon, on a case-by-case basis, by the Joint Committee in accordance with the procedure provided for in Article 17 (7) of the Agreement.

It shall apply until 1 July 1998. Before that date, the Joint Committee shall decide, in the light of the results of the implementation of this Decision, whether it should be extended or amended.

Done at Andorra la Vella, 1 July 1996.

Article 4

This Decision shall enter into force on 1 July 1996.

For the EC-Andorra Joint Committee

The Chairman

Albert PINTAT

COMMISSION DECISION

of 18 July 1996

on the approval of alternative heat treatment systems for processing animal waste with a view to the inactivation of spongiform encephalopathy agents

(Text with EEA relevance)

(96/449/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feed-stuffs of animal or fish origin and amending Directive 90/425/EEC⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Annex II, Chapter II, paragraph 6 (c) thereof,

Whereas Commission Decision 92/562/EEC⁽²⁾, as amended by the Act of Accession of Austria, Finland and Sweden, was adopted to define alternative systems of heat treatment provided for in paragraph 6 (c) of Annex II, Chapter II to Directive 90/667/EEC;

Whereas in 1994 phase 1 of a scientific study into the physical parameters which must be applied in order to inactivate the agents of BSE and scrapie identified the minimum parameters necessary for inactivation of the BSE agent; it also identified certain processes which were not effective;

Whereas Commission Decision 94/382/EC of 27 June 1994 on the approval of alternative heat treatment systems for processing animal waste of ruminant origin, with a view to the inactivation of spongiform encephalopathy agents⁽³⁾, as amended by Decision 95/29/EC⁽⁴⁾, has been adopted to establish the minimum standards for use in the alternative systems provided for in Decision 92/562/EEC, and to prohibit the use of the systems which are not effective;

Whereas the minimum standards laid down in Decision 94/382/EC were considered to be provisional, pending the results of future studies;

Whereas the results of phase 2 of this study showed that only one system tested was capable of fully inactivating the scrapie agent in meat-and-bone meal;

Whereas, therefore, it is necessary to ensure that systems which have been shown to be ineffective are not used for the processing of mammalian animal waste in order to protect animal health from the hazard of spongiform encephalopathy agents in animal feed, unless an effective sterilization phase is added to the process;

Whereas, at its meeting on 1 to 3 April 1996, the Council concluded that a Commission Decision in accordance with the Standing Veterinary Committee procedure should be adopted to require that all animal waste of mammalian origin in the Community is to be processed by a method that has been demonstrated as being *de facto* effective for the inactivation of the agents of scrapie and BSE; whereas the only such method at present is the application of heat in a batch-rendering system which achieves minimum 133 °C at 3 bar for a minimum period of 20 minutes; whereas this may be applied as the sole process or as a pre- or post-process sterilization phase;

Whereas it is necessary to define the maximum particle size and the minimum time and temperature to be applied in approved systems, in order to ensure that such systems are running in accordance with procedures which have been shown to be effective;

Whereas specific rules for the control of plants must be put in place;

Whereas on 12 December 1994 the Scientific Veterinary Committee recommended detailed procedures for the validation of rendering processes; whereas these procedures should be used to ensure that the parameters laid down in this Decision are achieved on a plant-by-plant basis;

⁽¹⁾ OJ No L 363, 27. 12. 1990, p. 51.

⁽²⁾ OJ No L 359, 9. 12. 1992, p. 23.

⁽³⁾ OJ No L 172, 7. 7. 1994, p. 25.

⁽⁴⁾ OJ No L 38, 18. 2. 1995, p. 17.

Whereas it is necessary to provide for a transitional period to allow for the adaptation or replacement of rendering equipment;

Whereas Commission Decision 96/239/EC of 27 March 1996 on emergency measures to protect against bovine spongiform encephalopathy⁽¹⁾, as amended by Decision 96/362/EC⁽²⁾, has laid down specific conditions for production of gelatin, di-calcium phosphate, amino acids, peptides, tallow and tallow products in the United Kingdom;

Whereas conditions for trade are already laid down for animal products covered by Council Directive 92/118/EEC⁽³⁾, as last amended by Commission Decision 96/405/EC⁽⁴⁾, and in particular Annex 1, Chapters 1, 2, 3, 4, 5, 7, 8, 9 and 10 thereof; whereas, therefore, these may be exempted from the requirements of this Decision;

Whereas, furthermore, products which will be used for industrial purposes, where it can be assured that they will not be used in any food or feed chain, can also be exempted from the requirements of this Decision;

Whereas derogations for special uses of animal waste, in particular for the feeding of fur animals, are laid down in Directive 90/667/EEC, in particular in Article 7 (ii) thereof; whereas these uses may also be exempted from the requirements of this Decision;

Whereas Decision 94/382/EC should therefore be repealed;

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

1. This Decision shall apply to the processing of mammalian animal waste within the scope of Directive 90/667/EEC, without prejudice to the provisions of Decision 96/239/EC.

2. This Decision shall not apply to:

- (a) (i) the processing of low risk material within the meaning of Directive 90/667/EEC for the production of pet food;

(ii) feed for animals subject to the derogation provided for in Article 7 (ii) of Directive 90/667/EEC, in particular, for fur animals;

(iii) gelatin;

(iv) hides and skins, hooves, horns, hair;

(v) glands and organs for pharmaceutical use;

(vi) blood and blood products;

(vii) milk and milk products;

(viii) rendered fats;

(ix) bones fit for human consumption;

(b) products derived from mammalian animal waste which it can be assured will not enter any food or feed chain.

Article 2

1. Member States shall not authorize the processing of animal waste unless it is processed in accordance with the parameters laid down in the Annex.

2. Member States shall authorize plants for the processing of animal waste only if they have been shown to be operating in accordance with the conditions set out in the Annex and have been validated according to procedures defined by the Scientific Veterinary Committee.

3. Member States shall carry out official checks of the operation of authorized plants at regular intervals. Records of the residence time, temperature, pressure and particle size for the authorized plants must be maintained.

4. Member States which already require conditions for the processing of animal waste which exceed those provided for in paragraph 1 may maintain their existing requirements.

5. Notwithstanding the provisions of paragraph 1, Member States may authorize the processing of animal waste by a method which does not achieve the parameters set out in the Annex if such processing is preceded or followed by a process which achieves the parameters set out in the Annex, or if the resulting proteinaceous material is destroyed by burial, incineration, burning as fuel or a similar method which ensures safe disposal.

Article 3

The provisions of this Decision shall apply from 1 April 1997.

⁽¹⁾ OJ No L 78, 28. 3. 1996, p. 47.

⁽²⁾ OJ No L 139, 12. 6. 1996, p. 17.

⁽³⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽⁴⁾ OJ No L 165, 4. 7. 1996, p. 40.

However, 90 days after the notification of this Decision, Member States shall take all necessary measures to ensure that material which has been obtained by a method which does not achieve the parameters set out in the Annex is used in a way which avoids the risk of transmitting BSE and/or scrapie.

Article 4

Decision 94/382/EC is repealed with effect from 1 April 1997.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 18 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Minimum parameters for the processing of mammalian animal waste excluding fats:

maximum particle size	50 mm
temperature	> 133 °C
time	20 minutes
pressure (Absolute)	3 bar.

Processing may be carried out in batch or continuous system.

CORRIGENDA

**Corrigendum to Commission Regulation (EC) No 1265/96 of 1 July 1996 establishing
urgent conservation measures to protect the stock of North Sea herring**

(Official Journal of the European Communities No L 163 of 2 July 1996)

Page 27, Annex I, heading, second column:

for: 'Zone IV c, VI d ...',

read: 'Zone IV c, VII d ...'.
