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## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 2203/96  
of 18 November 1996**

**determining the extent to which applications lodged in November 1996 for certain milk and milk products covered by the arrangements provided for in the free-trade Agreements concluded by the Community with the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1713/95 of 13 July 1995 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Association Agreements between the Community and the Baltic States<sup>(1)</sup>, as amended by Regulation (EC) No 1929/96<sup>(2)</sup>, and in particular Article 4 (4) thereof,

Whereas the applications for import licences lodged for the products referred to in Regulation (EC) No 1713/95 concern quantities greater than those available for certain products; whereas, therefore, reduction percentages should be fixed for certain of the quantities applied for the period 1 October to 31 December 1996,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for import licences for products falling within the CN codes listed in the Annex hereto, lodged under Regulation (EC) No 1713/95 for the period 1 October to 31 December 1996 shall be accepted, per country of origin, up to the percentages indicated.

*Article 2*

This Regulation shall enter into force on 19 November 1996.

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

Done at Brussels, 18 November 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 163, 14. 7. 1995, p. 5.

<sup>(2)</sup> OJ No L 254, 8. 10. 1996, p. 29.

## ANNEX

| Country  | Republic of Estonia      |                                    |                 | Republic of Latvia       |                   |      |            | Republic of Lithuania    |                                    |      |            |
|----------|--------------------------|------------------------------------|-----------------|--------------------------|-------------------|------|------------|--------------------------|------------------------------------|------|------------|
|          | 0402 10 19<br>0402 21 19 | 0405 10 11<br>0405 10 19<br>Butter | 0406<br>Cheeses | 0402 10 19<br>0402 21 19 | 0405 10<br>Butter | 0406 | ex 0402 29 | 0402 10 19<br>0402 21 19 | 0405 10 11<br>0405 10 19<br>Butter | 0406 | 0402 99 11 |
| CN codes |                          |                                    |                 |                          |                   |      |            |                          |                                    |      |            |
| in %     | 2,1                      | 2,1                                | 100,—           | 3,7                      | 2,6               | 7,6  | —          | 1,8                      | 2,—                                | 44,4 | —          |

**COMMISSION REGULATION (EC) No 2204/96**  
**of 18 November 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<sup>(1)</sup>, as last amended by Regulation (EC) No 1890/96<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, 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 Commission 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 19 November 1996.

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

Done at Brussels, 18 November 1996.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 249, 1. 10. 1996, p. 29.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 18 November 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

*(ECU/100 kg)*

| CN code                                        | Third country code <sup>(1)</sup> | Standard import value |
|------------------------------------------------|-----------------------------------|-----------------------|
| 0702 00 45                                     | 204                               | 46,9                  |
|                                                | 999                               | 46,9                  |
| 0707 00 40                                     | 052                               | 68,5                  |
|                                                | 624                               | 124,4                 |
|                                                | 999                               | 96,5                  |
| 0709 90 79                                     | 052                               | 71,3                  |
|                                                | 999                               | 71,3                  |
| 0805 20 31                                     | 052                               | 85,5                  |
|                                                | 204                               | 99,0                  |
|                                                | 999                               | 92,3                  |
| 0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39 | 052                               | 32,6                  |
|                                                | 999                               | 32,6                  |
| 0805 30 40                                     | 052                               | 65,6                  |
|                                                | 388                               | 45,2                  |
|                                                | 400                               | 84,0                  |
|                                                | 528                               | 48,5                  |
|                                                | 600                               | 71,5                  |
|                                                | 999                               | 63,0                  |
|                                                | 052                               | 150,0                 |
| 0806 10 50                                     | 400                               | 262,3                 |
|                                                | 999                               | 206,1                 |
|                                                | 060                               | 45,0                  |
| 0808 10 92, 0808 10 94, 0808 10 98             | 064                               | 46,2                  |
|                                                | 400                               | 79,2                  |
|                                                | 404                               | 67,6                  |
|                                                | 999                               | 59,5                  |
|                                                | 052                               | 71,9                  |
| 0808 20 67                                     | 064                               | 77,7                  |
|                                                | 400                               | 64,7                  |
|                                                | 624                               | 60,5                  |
|                                                | 999                               | 68,7                  |
|                                                | 052                               | 71,9                  |

<sup>(1)</sup> Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6). Code '999' stands for 'of other origin'.

**COMMISSION REGULATION (EC) No 2205/96****of 18 November 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<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 923/96<sup>(2)</sup>,

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<sup>(3)</sup>, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2198/96<sup>(4)</sup>;

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 2198/96,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annexes I and II to Regulation (EC) No 2198/96 are hereby replaced by Annexes I and II to this Regulation.

*Article 2*

This Regulation shall enter into force on 19 November 1996.

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

Done at Brussels, 18 November 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 126, 24. 5. 1996, p. 37.

<sup>(3)</sup> OJ No L 161, 29. 6. 1996, p. 125.

<sup>(4)</sup> OJ No L 293, 16. 11. 1996, p. 13.

## ANNEX I

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

| CN code    | Description                                                    | Import duty<br>by land inland waterway<br>or sea from<br>Mediterranean,<br>the Black Sea or<br>Baltic Sea ports (ECU/tonne) | Import duty by<br>sea from other<br>ports <sup>(2)</sup><br>(ECU/tonne) |
|------------|----------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 1001 10 00 | Durum wheat <sup>(1)</sup>                                     | 18,06                                                                                                                       | 8,06                                                                    |
| 1001 90 91 | Common wheat seed                                              | 47,32                                                                                                                       | 37,32                                                                   |
| 1001 90 99 | Common high quality wheat other than for sowing <sup>(1)</sup> | 47,32                                                                                                                       | 37,32                                                                   |
|            | medium quality                                                 | 48,52                                                                                                                       | 38,52                                                                   |
|            | low quality                                                    | 62,60                                                                                                                       | 52,60                                                                   |
| 1002 00 00 | Rye                                                            | 75,45                                                                                                                       | 65,45                                                                   |
| 1003 00 10 | Barley, seed                                                   | 75,45                                                                                                                       | 65,45                                                                   |
| 1003 00 90 | Barley, other <sup>(3)</sup>                                   | 75,45                                                                                                                       | 65,45                                                                   |
| 1005 10 90 | Maize seed other than hybrid                                   | 91,35                                                                                                                       | 81,35                                                                   |
| 1005 90 00 | Maize other than seed <sup>(3)</sup>                           | 91,35                                                                                                                       | 81,35                                                                   |
| 1007 00 90 | Grain sorghum other than hybrids for sowing                    | 75,45                                                                                                                       | 65,45                                                                   |

<sup>(1)</sup> 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.

<sup>(2)</sup> 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.

<sup>(3)</sup> 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

(for 15 November 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)                 | 113,45      | 119,12       | 113,96  | 81,85   | 158,14 <sup>(1)</sup> | 100,75 <sup>(1)</sup> |
| Gulf premium (ECU/tonne)              | —           | 17,58        | 8,18    | 12,03   | —                     | —                     |
| Great lake premium (ECU/tonne)        | 15,44       | —            | —       | —       | —                     | —                     |

<sup>(1)</sup> Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,71 per tonne; Great Lakes — Rotterdam: ECU 20,25 per tonne.

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

## COMMISSION REGULATION (EC) No 2206/96

of 18 November 1996

establishing the quantity of certain pigmeat products available for the first quarter of 1997 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia of the other part

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

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part <sup>(1)</sup>, as last amended by Regulation (EC) No 2071/96 <sup>(2)</sup>, and in particular Article 4 (4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1 October to 31 December 1996 should be added to the

quantities available for the period 1 January to 31 March 1997,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantity available for the period 1 January to 31 March 1997 pursuant to Regulation (EC) No 2305/95 is set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 19 November 1996.

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

Done at Brussels, 18 November 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 233, 30. 9. 1995, p. 45.

<sup>(2)</sup> OJ No L 277, 30. 10. 1996, p. 17.

## ANNEX

| <i>(tonnes)</i> |                                                                          |
|-----------------|--------------------------------------------------------------------------|
| Group No        | Total quantity available<br>for the period<br>1 January to 31 March 1997 |
| 18              | 787,5                                                                    |
| 19              | 787,5                                                                    |
| 20              | 157,5                                                                    |
| 21              | 787,5                                                                    |
| 22              | 393,75                                                                   |

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 24 April 1996

amending Decision 94/811/EC declaring the compatibility of a concentration  
with the common market

(Case No IV/M. 269 — Shell/Montecatini)

(Only the English text is authentic)

(96/648/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings<sup>(1)</sup>, and in particular Article 8 (2) thereof,

Having regard to the request made by Shell Petroleum NV and Montedison Nederland NV,

Having regard to the opinion of the Advisory Committee on Concentrations<sup>(2)</sup>,

Whereas:

- (1) On 4 January 1994, Shell Petroleum NV (Shell) and Montedison Nederland NV (Montedison) notified to the Commission a proposed 50/50 concentrative joint venture in the polyolefins sector, Montell, pursuant to Article 4 of Regulation (EEC) No 4064/89 (the Merger Regulation).
- (2) On 8 June 1994, the Commission adopted Decision 94/811/EC<sup>(3)</sup> declaring the proposed concentration compatible with the common

market subject to conditions and obligations corresponding to commitments given by the parties (the Decision).

- (3) On 22 December 1995, the parties made a formal request for review of the PP technology commitment set out in paragraph 116 of the Decision [...]<sup>(4)</sup>, within the meaning of paragraph 118 of the Decision.

#### I. The Commission Decision of 8 June 1994

- (4) The Commission considered<sup>(5)</sup> that, as a result of the establishment of Montell, two fully-owned subsidiaries of the Royal Dutch/Shell group of companies would be linked with the two leading technologies for the manufacture of polypropylene (PP). These were: Montedison's Spheripol technology and the Unipol technology developed by Union Carbide Corporation (UCC) and Shell Oil, a Royal Dutch/Shell US subsidiary. In particular, Shell would be the industrial leader of Montell, which would develop and market Spheripol, while Shell Oil would be an important contributor to the Unipol technology package through the supply of catalysts.

<sup>(1)</sup> OJ No L 395, 30. 12. 1989, p. 1; Corrigendum: OJ No L 257, 21. 9. 1990, p. 13.

<sup>(2)</sup> OJ No C 348, 19. 11. 1996.

<sup>(3)</sup> OJ No L 332, 22. 12. 1994, p. 48.

<sup>(4)</sup> In the published version of the Decision, some information has hereinafter been omitted, pursuant to the provisions of Article 17 (2) of Regulation (EEC) No 4064/89 concerning non-disclosure of business secrets.

<sup>(5)</sup> Paragraphs 52 *et seq.* of the Decision.

- (5) In the Commission's view, Royal Dutch Shell's control over the competitive behaviour of its two subsidiaries would affect the rivalry between Spheripol and Unipol, which was the main competitive relationship on the market for the licensing of PP technology and associated services (PP technology market). Other existing PP technology providers or potential entrants into the market were not likely to represent a significant constraint on the exercise of market power by the parties in the short to medium term. For these reasons, the Commission concluded that the notified concentration would lead to dominance on the PP technology market.
- (6) In order to remove the competition concerns identified by the Commission, the parties entered into commitments *vis-à-vis* the Commission. Based on these commitments, Montedison's PP technology business would remain outside Montell and would be transferred to a separate company, Technipol. Technipol would be structurally and financially independent from Shell and Montell and would be endowed with all the necessary assets and characteristics enabling it to operate as an ongoing, viable and competitive business. In view of the parties' commitments, the Commission considered that the concentration would not lead to the creation or strengthening of a dominant position and that it could therefore be declared compatible with the common market.
- (7) At the same time, the notifying parties reserved their rights under Community law to request the Commission to review the whole or any specific commitments relating to PP technology [...] (paragraph 118 of the Decision). The Commission took note of this statement and confirmed its willingness to undertake such review in accordance with Community competition law (paragraph 121 of the Decision).
- (8) Shell Oil's contractual arrangements with UCC at the time of the adoption of the Decision can be summarized as follows. The basis of the cooperation between the two companies was a 1983 Cooperative Undertaking Agreement (CUA). The purpose of the agreement was to combine UCC's fluidized-bed process and Shell's SHAC catalyst, with a view to developing a PP technology package, Unipol, and licensing it to third parties. A PP plant at Seadrift, Texas, used as a demonstration plant for the new technology and as a toll manufacturing facility for Shell Oil, formed the object of a separate partnership agreement. Shell Oil's contribution to the Unipol package included the supply,

further development, marketing and pricing, and customer support and technical assistance of the catalysts used.

## II. Subsequent developments

- (9) Following notification of the proposed concentration in the US, the Federal Trade Commission (FTC) initiated an investigation and forwarded a draft Complaint dated 16 December 1994 to the notifying parties setting out certain competition concerns. With a view to meeting these concerns, Shell and Montedison entered into an Agreement Containing Consent Order which required the divestiture of all of Shell Oil's assets, tangible and intangible, relating to PP technology, catalyst technology, propylene polymers and PP catalyst. Pending divestiture the parties agreed that the assets would be held separate in a business called Polyco.
- (10) On 11 November 1995, Shell Oil signed an agreement with UCC for the transfer of Polyco's assets to UCC. This agreement was approved by the FTC on 26 December 1995 and the divestiture was closed on 19 January 1996.
- (11) The agreement between Shell Oil and UCC involves the transfer to UCC of all of Shell Oil's former interests in the PP and SHAC catalyst businesses and related assets. These include *inter alia*:
- Shell Oil's rights, title and interest in the CUA and all related agreements,
  - its interest in the Seadrift Polypropylene Company and the Seadrift PP plant,
  - its PP catalyst pilot plant,
  - its PP and PP catalyst plant and assets at Norco, Louisiana,
  - its facilities and equipment at the Westhollow Technology center at Houston, Texas,
  - all intellectual property relating to Shell Oil's PP and catalyst technology, including patent rights, trade secrets, technology and know-how, licences, research and other necessary agreement, and rights to the 'SHAC' trade mark.

In addition, Shell Oil has agreed to sell to UCC, for three years after the divestiture, PP monomer on prices, terms and conditions no less favourable than the prices, terms and conditions on which Shell supplies the product to Montell in North America.

- (12) [...] They have therefore requested the Commission to release them from the PP technology commitment set out in paragraph 116 of the Decision, on the grounds that the rationale for this commitment has been removed.

### III. Assessment of the parties' request for review

#### *The possibility for review as provided in the Decision*

- (13) The PP technology commitments given by the parties were necessary for removing the Commission's competition concerns. Their purpose and effect was to ensure that the two leading PP technologies, Spheripol and Unipol, would not fall within the decisive influence of a single decision centre. The transfer of Montedison's PP technology business to a separate company under the sole control of Montedison had the result that Spheripol fell outside the field of influence of Shell and remained an independent and viable competitor on the market.

- (14) According to the same logic, a significant structural change in Shell Oil's contractual arrangements with UCC, as a result of which Unipol would fall outside the field of influence of the Royal Dutch/Shell Group and would remain an independent and viable competitor on the market, could equally remove the Commission's competition concerns. Were this significant structural change to take place, this would constitute sufficient grounds for declaring the concentration compatible with the common market. For this reason [...], the Decision acknowledged the Commission's willingness to review, in accordance with Community competition law, the continued necessity of the commitment relating to the establishment of Technipol.

#### *The effects of the agreement between Shell Oil and UCC*

- (15) As a result of the agreement, Shell Oil's rights, title and interest in the CUA are transferred to UCC, and Shell Oil will have no further rights nor be required to undertake further action pursuant to the CUA. The contractual arrangements between Shell Oil and UCC will therefore be terminated and Shell and Shell Oil will cease to have any links to UCC relevant to the Unipol PP technology business.

- (16) In addition, the agreement provides UCC with all the necessary assets and characteristics enabling it to operate Unipol as an ongoing, viable and competitive business and to continue independent PP technology development. As stated above, the Unipol package was a combination of UCC's process and Shell Oil's catalysts. The agreement provides that Shell Oil will transfer to UCC its catalyst pilot plant, all intellectual property rights relating to catalyst technology<sup>(1)</sup>, and its facilities and equipment at the Westhollow Technology center at Houston, Texas, utilized in PP and catalyst research, development and technical support. Shell Oil will also transfer its PP plant at Seadrift used as a manufacturing facility and demonstration plant for the Unipol technology. All customer lists, technical information, interest in contracts with customers, suppliers, etc. and all books, records and files of the business are included in the transferred assets. Finally, Shell Oil's former personnel who worked in support of the Unipol PP licensing activities will be employed by UCC.

- (17) In summary, the agreement enables UCC to obtain sole control of the assets and personnel which constituted Shell Oil's contribution to the Unipol technology package and which enabled Shell Oil to support the success of Unipol's PP licensing activities. In addition to acquiring these assets, UCC has substantial resources of its own. UCC is a large and sophisticated company and a major licensor of PE technology — the Unipol PP package was based on process technology initially developed and used for PE production. The technology, expertise and resources that constituted UCC's contribution to the Unipol PP package will naturally continue to support the success of that package whose track record and reputation among PP licensees are already well established. As set out in the original Commission decision, Unipol is one of the two leading PP technology packages accounting for about [...] <sup>(2)</sup> of worldwide PP plant capacity — Spheripol accounts for about [...] <sup>(3)</sup> of worldwide PP plant capacity. In particular, Unipol displays a number of characteristics that are considered important by licensees when selecting a PP techno-

<sup>(1)</sup> These include *inter alia* patents, patent and technology licences, rights in trade secrets, technology and know-how, royalty-free rights to receive and to use the results of the certain future research and development on Shell catalyst technology, rights in trademarks and tradenames relating to the SHAC catalyst.

<sup>(2)</sup> Between 25 % and 50 %.

<sup>(3)</sup> Between 25 % and 50 %.

logy, in terms for instance of product range, simplicity of operation, cost-performance ratio and size of licensing pool<sup>(1)</sup>.

- (18) The changes brought about by the agreement do not only relate to the arrangements concerning Unipol, but in fact go even further. In particular, Shell Oil has also agreed to transfer to UCC its PP and catalyst plants and assets at Norco, Louisiana with a PP capacity of about 150 000 tonnes/year. These PP plants and assets were not part of Shell Oil's partnership arrangements with UCC for the Unipol technology. These arrangements included only the Seadrift plant with a PP capacity of about 100 000 tonnes/year.
- (19) The Commission considers that the above-mentioned elements result in the severance of Shell's links with one of the two leading PP technologies, Unipol, and at the same time ensure the continued existence of Unipol as an independent and viable PP technology capable of competing effectively against Spheripol. As stated above, the purpose and effect of the establishment of Technipol was precisely the same, namely to ensure that one of the two leading PP technologies, Spheripol in this case, would remain independent from Shell's influence and a viable competitor on the market.
- (20) In view of the above, each of the two remedies would, on its own, remove the Commission's competition concerns relating to dominance on the PP technology market as set out in the Decision of 8 June 1994. Their simultaneous existence would not as a result be necessary from the point of view of Community competition law. [...], within the meaning of paragraph 118 of the Decision. They therefore constitute sufficient grounds for amending the original Decision by revoking the conditions and obligations attached thereto in order to ensure compliance with the PP technology commitments.

#### IV. Final conclusion

- (21) For the reasons outlined above, the Commission considers that, in light of developments that took

place after the adoption of its Decision of 8 June 1994, the PP technology commitment set out in paragraph 116 of the Decision is no longer necessary for removing the Commission's competition concerns expressed therein. On this basis, the concentration between Shell and Montedison can be declared compatible with the common market without any conditions and obligations attached to it,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Articles 1 and 2 of Decision 94/811/EC are replaced by the following:

#### *Article 1*

The concentration between Shell and Montedison is declared compatible with the common market<sup>1</sup>.

#### *Article 2*

This Decision is addressed to:

Shell Petroleum NV  
Karel van Bylandtlaan, 30,  
NL-The Hague.

and

Montedison Nederland NV,  
Admiralteitskade, 60,  
NL-3063 ED Rotterdam.

Done at Brussels, 24 April 1996.

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

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<sup>(1)</sup> Paragraphs 65 *et seq.* of the Decision.

## COMMISSION DECISION

of 17 July 1996

relating to a proceeding pursuant to Council Regulation (EEC) No 4064/89

(IV/M.553 — RTL/Veronica/Endemol)

(Only the English text is authentic)

(96/649/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings<sup>(1)</sup>, and in particular Articles 8 (2) and 22 thereof,

Having regard to the opinion of the Advisory Committee on Concentrations<sup>(2)</sup>,

Whereas:

(1) On 21 April 1995 the Commission received a request from the Dutch Government pursuant to Article 22 of Council Regulation (EEC) No 4064/89 (Merger Regulation) to examine the proposed joint venture Holland Media Groep SA (HMG) between RTL4 SA (RTL), Vereniging Veronica Omroeporganisatie (Veronica) and Endemol Entertainment Holding BV (Endemol). On 20 September 1995 the Commission adopted a decision<sup>(3)</sup> pursuant to Article 8 (3) in conjunction with Article 22 of the Merger Regulation, declaring the concentration incompatible with the common market.

(2) At the time when the decision was adopted the concentration had already been completed, since HMG had been created, all assets had been transferred to HMG and broadcasting had begun on 1 September 1995. The Commission decided not to include in its decision under Article 8 (3) measures in application of Article 8 (4) of the Merger Regulation. The Commission announced that a separate decision would be adopted in order to restore conditions of effective competition and invited the parties to propose appropriate measures in this respect.

**I. Basic reasoning for the decision under Article 8 (3) of 20 September 1995**

(3) The Commission reached the conclusion that the creation of HMG would lead to the creation of a dominant position on the Dutch market for TV advertising and to the strengthening of an already existing dominant position of Endemol in the market for independent TV production.

(4) With regard to the Dutch TV advertising market it was concluded that HMG would be the clear market leader having a position high above that of the other players in the market. It would be in a position to counteract all active attempts to compete from existing players and would render the entrance of newcomers to this market very difficult. This analysis was essentially based on five elements:

— the combination of the existing channels RTL4 and RTL5 with the new commercial channel Veronica would lead to a high audience share of HMG in Dutch TV broadcasting. This had to be seen as the most important parameter for HMG's position on the TV advertising market,

— the combination of the three channels RTL4, RTL5 and Veronica would enable HMG to coordinate their programme schedules in order to attract a maximum of viewers and to target the most attractive groups for advertisers,

— using RTL5 as a fighting channel HMG would be able to directly counteract the programming of competing channels and new entrants on the market, thus leaving no room for new competitors such as SBS,

— HMG would achieve a market share on the TV advertising market of at least 60 %,

— the structural link with the biggest Dutch independent producer resulting from Endemol's participation in HMG would give HMG preferential access to Endemol's very successful productions and therefore a further competitive advantage over other broadcasters.

<sup>(1)</sup> OJ No L 395, 30. 12. 1989, p. 1. Corrigendum: OJ No L 257, 21. 9. 1990, p. 13.

<sup>(2)</sup> OJ No C 348, 19. 11. 1996.

<sup>(3)</sup> OJ No L 134, 5. 6. 1996, p. 32.

(5) With respect to the Dutch market for independent TV production it was concluded that Endemol had, already before the concentration, a dominant position on this market. The main reasons for this conclusion were the market share of Endemol of clearly more than 50 %, the much lower market shares of its competitors and specific strengths of Endemol on the market of TV production such as a large number of the most popular Dutch formats, a preferential access to foreign formats and contracts with a high number of popular Dutch TV personalities.

(6) Through its participation in HMG Endemol would obtain a structural link which would strengthen significantly Endemol's dominant position on the Dutch production market. This structural link to the future leading broadcaster in the Netherlands would give Endemol a large sales basis for its productions which would be safe and could not be attacked by competitors.

## II. Subsequent developments in the Dutch TV broadcasting market

(7) Since the Commission adopted its Decision under Article 8 (3) there were some significant developments in TV broadcasting in the Netherlands. As a reaction to the Commission Decision Endemol abandoned completely its participation in HMG. Following this withdrawal Endemol joined a group of companies including Philips, ING Bank and KPN which announced the launching of the new sports channel 'Sport 7'. Further structural changes in Dutch TV broadcasting are related to the acquisition of the TV broadcaster Arcade by one of the leading Dutch newspaper publishers, Wegener, and the acquisition of a participation in the commercial broadcaster SBS by *de Telegraaf*, another leading Dutch publisher.

(8) As to market shares, in the period from 1 September 1995 until 29 February 1996 the HMG channels had an average audience share of 39 %, which was slightly less than had been generally expected. In the last four months of 1995 HMG's market share in the TV advertising market was around 60 %.

(9) In the first two months of 1996 HMG's TV advertising market share was around 58 %. The public broadcasters achieved since September 1995 an audience share of 39 % — 40 %, and on the TV advertising market a share of clearly below 40 %. SBS, which was at the time of the Commission's Decision in September 1995 a new entrant on the Dutch market, increased its audience share during the mentioned six months period from 3 % to 5 %

and achieved a market share on the advertising market more or less corresponding to its audience share.

(10) Although a steady growth of the Dutch TV advertising market had been generally expected, there was a slight decrease of TV advertising expenses in general during the first months of 1996 when compared with the same period in 1995. According to companies and associations involved in Dutch TV advertising this is due to the increase in the number of generalistic channels and uncertainty about the future development of the market.

## III. Modification of the concentration

(11) First, on 5 February 1996 Endemol made public its decision to end its participation in HMG. On 3 May 1996 the remaining shareholders of HMG confirmed to the Commission that Endemol is no longer a shareholder of HMG. According to a newly concluded merger agreement RTL shall obtain 65 % of the shares in HMG and Veronica 35 %.

(12) Secondly, HMG has entered *vis-à-vis* the Commission into the following commitments: HMG will end the operation of RTL5 as a general interest channel by 1 January 1997 and operate instead of the current RTL5 a news channel (i.e. a TV channel which is basically limited to the broadcasting of news and news related programmes) along the lines of a draft business plan submitted by HMG to the Commission on 1 May 1996. According to this business plan, it is envisaged that this channel will over time be operated as a pay TV channel which would derive the majority of its income from payment by the viewers or cable operators. On request of the parties, the Commission may extend the deadline for the transformation of RTL5 into a news channel by three months if this is absolutely necessary in order for the parties to realize such a transformation. Within a period of five years, following the adoption of this Decision, HMG will not change the essential character of this news channel or deviate essentially from the abovementioned business plan without prior approval by the Commission.

## IV. Assessment

### (a) *Withdrawal of Endemol from HMG*

(13) The withdrawal of Endemol from HMG removes the structural link between the largest Dutch TV producer and the leading commercial TV broadcaster in the Netherlands which resulted, according to the Commission's Decision, in a strengthening of Endemol's dominant position. The withdrawal of Endemol reestablished, therefore, in this respect

the conditions of competition in the Dutch TV production market before the present concentration. In this context, it should also be noted that following Endemol's withdrawal from HMG the Production Agreement which Endemol and HMG had entered into will be significantly modified. According to the parties, the guaranteed value of the supply of Dutch TV productions by Endemol to HMG will be reduced from [...] <sup>(1)</sup> to [...] <sup>(2)</sup> of the value of HMG's Dutch language programmes requirements. Furthermore, HMG will no longer have a right of first refusal on formats or stars of Endemol. Although the Production Agreement did not form a part of the present concentration and is, therefore, not dealt with in the procedure under the Merger Regulation but may be notified under Regulation No 17, the envisaged modification of this agreement reflects the change in the relationship between HMG on the one hand and Endemol on the other.

- (14) The complete withdrawal of Endemol from HMG has also a considerable impact on HMG's position in the TV advertising market in the Netherlands. HMG will no longer have the preferential access to Endemol's productions which resulted from the structural link between the two companies. This is also illustrated by the fact that HMG will no longer have a right of first refusal for Endemol's productions under the modified Production Agreement. Furthermore, the withdrawal from HMG allowed Endemol to set up together with other partners the new sports channel which has the potential to become a significant player in the Dutch TV advertising market.

(b) *Transformation of RTL5 into a news channel*

- (15) The Commission considers that in the light of Endemol's withdrawal from HMG and other recent developments in the market, the transformation of RTL5 into a news channel is an appropriate and sufficient measure to restore effective competition in the Dutch TV advertising market. This conclusion is essentially based on the following consideration:

- it can be expected that the current market share of HMG of around 58 % will decrease to a level which would be close to the position of RTL4 and RTL5 before the creation of HMG which was around 50 %. The current market share of RTL5 in TV advertising is around 9 %. It can be expected that the market share of a low budget news channel will be less than 2 %. In

addition, the advertising activities generating this market share will be probably mainly related to a specific group of viewers which is not yet targeted in a similar way. It follows that probably nearly the entire current market share of RTL5 would be set free for competition in the market. Although it is to be expected that a part of these market shares would be obtained by the two remaining general interest channels of HMG, abandoning the essential advertising potential of RTL5 would probably bring in itself HMG in a range at least clearly below a market share of 55 %. It can be expected that the market entry of the new sports channel will lead to a further significant decrease in HMG's market shares,

- after the transformation of RTL5 into a news channel, HMG will only operate two general interest channels with coordinated programme schedules, giving thereby more room for competitors such as SBS,
- Furthermore, HMG will lose the possibility to use RTL5 as a 'fighting channel' which can directly counteract the programming of competing channels.

## V. Conclusion

- (16) In view of the modification of the present concentration and subject to full compliance with the commitments given by the parties, the Commission is able to declare the concentration compatible with the common market,

HAS ADOPTED THIS DECISION:

### Article 1

Subject to full compliance with the conditions and obligations contained in the Parties' commitments *vis-à-vis* the Commission as set out in recital (12) of this Decision, the concentration by way of the creation of the joint venture Holland Media Groep in its modified form is declared compatible with the common market.

### Article 2

This Decision is addressed to:

1. Compagnie Luxembourgeoise de Télédiffusion S.A. (CLT),  
45, Boulevard Pierre Frieden,  
L-1543 Luxembourg;

<sup>(1)</sup> Deleted as a business secret.

<sup>(2)</sup> Deleted as a business secret.

2. N.V. Verenigd Bezit VNU (VNU),  
Ceylonpoort 5-25,  
NL-2036 AA Haarlem;

5. Endemol Entertainment Holding BV,  
Zevenend 45,  
NL-1251 RL Laren.

3. RTL4 SA  
Villa Louvigny,  
Allée Marconi,  
L-2850 Luxembourg;

Done at Brussels, 17 July 1996.

4. Veronica Omroeporganisatie (VOO) BV,  
Laapersveld 75,  
NL-1213 VB Hilversum;

*For the Commission*

Karel VAN MIERT

*Member of the Commission*

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## COMMISSION DECISION

of 30 October 1996

concerning animal health conditions and veterinary certificates for the  
importation of domestic animals of the porcine species from the Republic of  
Cyprus

(Text with EEA relevance)

(96/650/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European  
Community,

Having regard to Council Directive 72/462/EEC of 12  
December 1972 on health and veterinary inspection  
problems upon importation of bovine, ovine and caprine  
animals and swine, fresh meat or meat products from  
third countries<sup>(1)</sup>, as last amended by the Act of Acces-  
sion of Austria, Finland and Sweden, and in particular  
Article 8 thereof,

Whereas Member States are required to import domestic  
animals of the bovine and porcine species in accordance  
with the provisions of Council Directive 91/496/EEC<sup>(2)</sup>,  
as last amended by Directive 96/43/EC<sup>(3)</sup>, which lays  
down the principles governing the organization of vet-  
erinary checks on animals entering the Community from  
third countries;

Whereas following Community veterinary missions it  
appears that the animal health situation in the Republic  
of Cyprus is controlled by veterinary services which can  
offer satisfactory guarantees concerning diseases which  
might be transmitted through the importation of  
domestic animals of the porcine species;

Whereas the responsible veterinary authorities of the  
Republic of Cyprus have confirmed that the Republic of  
Cyprus has during the last 24 months been free from  
foot-and-mouth disease and during the last 12 months  
been free from classical swine fever, African swine fever,  
porcine enteroviral encephalomyelitis (Teschen disease),  
swine vesicular disease and vesicular exanthema and  
during the last six months been free from vesicular  
stomatitis; whereas no vaccinations have been carried out  
against any of those diseases during the past 12 months;

Whereas the responsible veterinary authorities of the  
Republic of Cyprus have undertaken to notify the  
Commission and the Member States, by telex or telefax,  
within 24 hours of confirmation of the occurrence of any

of the abovementioned diseases or of the adoption of  
vaccination against any of them or, within an appropriate  
period, of any proposed changes in the Cypriot import  
rules concerning swine or the semen or embryos thereof;

Whereas the responsible veterinary authorities of the  
Republic of Cyprus have undertaken to supervise offici-  
ally the issue of certificates arising from this Decision and  
to ensure that all relevant certificates, declarations and  
statements on which export certification may have been  
based remain on official file for at least 12 months fol-  
lowing the dispatch of the animals to which they refer;

Whereas the responsible veterinary authorities of the  
Republic of Cyprus have undertaken not to permit the  
issue of the certificates described in the Annexes to this  
Decision in respect of animals which have been imported  
unless such animals were imported in accordance with  
veterinary conditions at least as strict as the relevant  
requirements of Directive 72/462/EEC, including any  
subsidiary decisions;

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. Without prejudice to paragraph 2, Member States  
shall authorize the importation from the Republic of  
Cyprus of the following animals:

- (a) domestic animals of the porcine species for breeding  
or production which meet the requirements set out in  
the health certificate of which a model is shown in  
Annex A and which are accompanied by such a  
certificate;
- (b) domestic animals of the porcine species for slaughter  
which meet the requirements set out in the health  
certificate of which a model is shown in Annex B and  
which are accompanied by such a certificate.

<sup>(1)</sup> OJ No L 302, 31. 12. 1972, p. 28.

<sup>(2)</sup> OJ No L 268, 24. 9. 1991, p. 56.

<sup>(3)</sup> OJ No L 162, 1. 7. 1996, p. 1.

2. Member States shall authorize the importation from the Republic of Cyprus of the domestic animals of the porcine species indicated in paragraph 1 which have been imported into the Republic of Cyprus only if such animals were imported from the Community or from a third country included in the list annexed to Council Decision 79/542/EEC<sup>(1)</sup> in so far as it covers domestic animals of this species and only if the importation was made in accordance with veterinary conditions at least as strict as the requirements of Chapter II of Directive 72/462/EEC, including any subsidiary decisions.

3. Member States shall require that animals which are submitted to tests in pursuance of this Decision are continuously isolated under conditions approved by an official veterinarian of the Republic of Cyprus from all cloven-hoofed animals not intended for export to the Community or not of equivalent health status to such animals from the time of the first of such tests to the time of loading.

4. Member States shall make the introduction onto their territory of porcine animals from the Republic of Cyprus subject to the following conditions:

- (a) a guarantee that the animals to be imported have not been vaccinated against foot-and-mouth disease;
- (b) a guarantee that they have not been vaccinated against classical swine fever and, in the case of pigs intended for breeding or production, a guarantee that they have shown a negative result to a test for the antibody produced by the virus of classical swine fever.

#### *Article 2*

Pending the entry into force of any measures adopted by the Community for the eradication, prevention or control of a contagious or infectious porcine disease other than rabies, brucellosis, foot-and-mouth disease, anthrax, porcine enteroviral encephalomyelitis (Teschén disease), classical swine fever, African swine fever or swine vesicular disease, Member States may apply in respect of animals imported from the Republic of Cyprus such additional health conditions as they apply to other animals within the framework of a national programme, submitted to and approved by the Commission, for the eradication, prevention or control of such disease.

#### *Article 3*

This Decision shall apply from the thirtieth day following that of its notification to the Member States.

#### *Article 4*

This Decision is addressed to the Member States.

Done at Brussels, 30 October 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 146, 14. 6. 1979, p. 15.

## ANNEX A

## ANIMAL HEALTH CERTIFICATE

**for domestic animals of the porcine species for breeding and production intended for consignment to the European Community**

(This certificate is only for veterinary purposes and must accompany the consignment until it reaches the border inspection post. It covers only animals in the same category (breeding/production) transported in the same railway wagon, lorry, aircraft or ship and consigned to the same destination. It must be completed on the date of loading and all time limits referred to expire on that date.)

No: .....

Exporting country: THE REPUBLIC OF CYPRUS

Ministry: .....

Competent issuing authority: .....

Country of destination: .....

Reference .....  
(Optional)

I. **Number of animals:** .....  
(In words)

II. **Identification of animals:**

| Number of animals | Sex | Breed | Age | Official and other marks or brands<br>(Give number and position) |
|-------------------|-----|-------|-----|------------------------------------------------------------------|
|                   |     |       |     |                                                                  |
|                   |     |       |     |                                                                  |
|                   |     |       |     |                                                                  |
|                   |     |       |     |                                                                  |

III. **Origin of animals:**

Name(s) and address(es) of farm(s) of origin: .....  
.....  
.....

IV. **Destination of animals:**

The animals will be sent

from: .....  
(Place of loading)

to: .....  
(Country and place of destination)

by railway wagon/lorry/aircraft/ship .....  
(Indicate means of transport and registration marks, flight number or registered name, as appropriate)

Name and address of consignor: .....  
.....

Name and address of consignee: .....  
.....

**V. Health information:**

I, the undersigned official veterinarian, hereby certify:

1. that the Republic of Cyprus has during the past 24 months been free from foot-and-mouth disease and during the past 12 months been free from classical swine fever, African swine fever, porcine enteroviral encephalomyelitis (Teschen disease), swine vesicular disease and vesicular exanthema and during the past six months been free from vesicular stomatitis, that no vaccinations have been carried out against any of these diseases during the past 12 months, that the importation of animals vaccinated against foot-and-mouth disease and classical swine fever is prohibited;

2. that the animals described in this certificate meet the following requirements:

(a) they were born on the territory of the Republic of Cyprus and have remained there since birth,

or

they were imported, not less than six months ago, from a Member State of the European Community or from a Third Country included in the list annexed to Council Decision 79/542/EEC, in accordance with veterinary conditions at least as strict as the relevant requirements of Directive 79/462/EEC, including any subsidiary decisions;

(Delete unwanted reference)

(b) they have been examined this day and show no clinical signs of disease;

(c) they have not been vaccinated against foot-and-mouth disease or against classical swine fever, they have been subjected within the past 30 days, and with negative result in both cases, to a test for classical swine fever antibodies and a test for swine vesicular disease antibodies;

(d) they come from swine herds which are not restricted under the Cyprian brucellosis eradication legislation, they have been subjected within the past 30 days to a serum agglutination test which showed a brucella count of less than 30 IU of agglutination and with negative result to a complement-fixation test for brucellosis;

(Delete reference to tests if certificate applies to animals under four months of age, or animals over four months of age which are not intended for breeding)

(e) they are not animals which are to be destroyed under a national contagious or infectious disease eradication programme;

(f) they have remained during the past 30 days, or since birth if less than 30 days old, on a holding or holdings situated in the centre of a circle 20 km in diameter in which, according to official findings by the veterinary authorities of the Republic of Cyprus, during the past 30 days there has been no case of foot-and-mouth disease, classical swine fever, African swine fever or swine vesicular disease;

(g) they come from holdings on which there has been no evidence of:

— anthrax for the past 30 days,

— rabies for the past six months;

(h) they have been subjected with negative result to the following test(s) and conform to the following guarantees, as required by a Member State in application of Article 2 of Commission Decision 96/650/EC

.....  
(Complete or delete as required by importing Member State)

(i) they have been continuously isolated under conditions approved by an official veterinarian from all cloven-hoofed animals not intended for export to the Community or not of equivalent health status to such animals since the time of application of the first of the tests referred to in this certificate;

(Delete if not applicable)

(j) they have received no thyrostatic, oestrogenic, androgenic or gestagenic substances for fattening purposes;

- (k) they have been obtained directly from a holding or holdings without passing through any market, and were loaded at

.....  
(Name of loading place. Delete if not applicable)

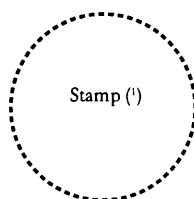
and until dispatched onto the territory of the European Community they did not come into contact with any cloven-hoofed animals other than porcine animals meeting the requirements of Commission Decision 96/650/EC and were not at any place other than a place situated at the centre of a circle 20 km in diameter in which, according to official findings by the veterinary authorities of the Republic of Cyprus, there had been no incidence of foot-and-mouth disease, classical swine fever, African swine fever or swine vesicular disease during the previous 30 days;

- (l) any transport vehicles or containers in which they were loaded conform to international standards for the transport of live animals, were previously cleansed and disinfected with an officially authorized disinfectant and so constructed that faeces, urine, litter or fodder could not flow or fall out of the vehicle during transportation.

VI. All tests referred to in this certificate have been carried out according to the protocols set out in Annex I to Commission Decision 91/189/EEC. All loading places through which the animals have passed conform to the standards set out in Annex II to the same decision.

VII. This certificate is valid for 10 days from the date of loading.

Done at ....., on .....



.....  
(Signature of official veterinarian) (¹)

.....  
(Name in capital letters, qualification and title)

.....  
(¹) The signature and the stamp must be in a colour different to that of the printing.

## ANNEX B

## ANIMAL HEALTH CERTIFICATE

for domestic animals of the porcine species for immediate slaughter intended for consignment to the European Community

(This certificate is only for veterinary purposes and must accompany the consignment until it reaches the border inspection post. It covers only animals transported in the same railway wagon, lorry, aircraft or ship, consigned to the same destination and intended to be taken immediately on arrival in the Member State of destination direct to a slaughterhouse and to be slaughtered not later than five working days after their entry in accordance with Article 13 of Council Directive 72/462/EEC. It must be completed on the date of loading and all time limits referred to expire on that date.)

No: .....

Exporting country: THE REPUBLIC OF CYPRUS

Ministry: .....

Competent issuing authority: .....

Country of destination: .....

Reference: .....

(Optional)

I. Number of animals: .....

(In words)

II. Identification of animals:

| Number of animals | Pigs or piglets | Official and other marks or brands<br>(Give number and position) |
|-------------------|-----------------|------------------------------------------------------------------|
|                   |                 |                                                                  |
|                   |                 |                                                                  |
|                   |                 |                                                                  |

III. Origin of animals:

Name(s) and address(es) of farm(s) of origin: .....

.....  
.....

IV. Destination of animals:

The animals will be sent

from .....

(Place of loading)

to .....

(Country and place of destination)

by railway wagon/lorry/aircraft/ship .....

(Indicate means of transport and registration marks, flight number or registered name, as appropriate)

Name and address of consignor: .....

.....

Name and address of consignee: .....

.....

**V. Health information:**

I, the undersigned official veterinarian, hereby certify:

1. that the Republic of Cyprus has during the past 24 months been free from foot-and-mouth disease and during the past 12 months been free from classical swine fever, African swine fever, porcine enteroviral encephalomyelitis (Teschén disease), swine vesicular disease and vesicular exanthema and during the past six months been free from vesicular stomatitis, that no vaccinations have been carried out against any of these diseases during the past 12 months, that the importation of animals vaccinated against foot-and-mouth disease and classical swine fever is prohibited;

2. that the animals described in this certificate meet the following requirements:

(a) they were born on the territory of the Republic of Cyprus and have remained there since birth,

or

they were imported, not less than three months ago, from a Member State of the European Community or from a Third Country included in the list annexed to Council Decision 79/542/EEC, in accordance with veterinary conditions at least as strict as the relevant requirements of Directive 72/462/EEC, including any subsidiary decisions;

(Delete unwanted reference)

(b) they have been examined this day and show no clinical signs of disease;

(c) they have not been vaccinated against foot-and-mouth disease or against classical swine fever;

(d) they are not animals which are to be destroyed under a national contagious or infectious disease eradication programme;

(e) they have remained during the past 30 days, or since birth if less than 30 days old, on a holding or holdings situated in the centre of a circle 20 km in diameter in which, according to official findings by the veterinary authorities of the Republic of Cyprus, during the past 30 days there has been no case of foot-and-mouth disease, classical swine fever, African swine fever or swine vesicular disease;

(f) they come from holdings on which there has been no evidence of anthrax for the past 30 days;

(g) they have been subjected with negative result to the following test(s) and conform to the following guarantees, as required by a Member State in application of Article 2 of Commission Decision 96/650/EC

.....  
(Complete or delete as required by importing Member State)

(h) they have been continuously isolated under conditions approved by an official veterinarian from all cloven-hoofed animals not intended for export to the Community or not of equivalent health status to such animals since the time of application of the first of the tests referred to in this certificate;

(Delete if not applicable)

(i) they have received no thyrostatic, oestrogenic, androgenic or gestagenic substances for fattening purposes;

(j) they have been obtained directly from a holding or holdings without passing through any market, and were loaded at

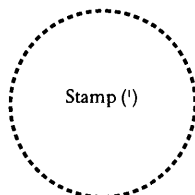
.....  
(Name of loading place. Delete if not applicable)

and until dispatched onto the territory of the European Community they did not come into contact with any cloven-hoofed animals other than bovine or porcine animals meeting the requirements of Commission Decision 96/650/EC and were not at any place other than a place situated at the centre of a circle 20 km in diameter in which, according to official findings by the veterinary authorities of the Republic of Cyprus, there had been no incidence of foot-and-mouth disease, classical swine fever, African swine fever or swine vesicular disease during the previous 30 days;

- (k) any transport vehicles or containers in which they were loaded conform to international standards for the transport of live animals, were previously cleansed and disinfected with an officially authorized disinfectant and so constructed that faeces, urine, litter or fodder could not flow or fall out of the vehicle during transportation.

- VI. All tests referred to in this certificate have been carried out according to the protocols set out in Annex I to Commission Decision 91/189/EEC. All loading places through which the animals have passed conform to the standards set out in Annex II to the same decision.
- VII. This certificate is valid for 10 days from the date of loading.

Done at ....., on .....



.....  
(Signature of official veterinarian) (¹)

.....  
(Name in capital letters, qualification and title)

---

(¹) The signature and the stamp must be in a colour different to that of the printing.

## CORRIGENDA

**Corrigendum to Council Regulation (EC) No 3060/95 of 22 December 1995 on the arrangements for imports of certain textile products originating in Taiwan***(Official Journal of the European Communities No L 326 of 30 December 1995)*

Page 50, Annex I, category 67 (a), second column, first line:

*for:* '6305 31 11',

*read:* '6305 32 11'.

Page 57, Annex II, Group III B, category 74, second column:

*for:* '1 000 pieces',

*read:* 'tonnes'.

Page 58, Annex II, Appendix A, categories 4, 6 and 21, third line:

*for:* '...or three garments ...',

*read:* '...for three garments ...'.

Page 58, Annex II, Appendix A, category 28, first line

*for:* '... Annex V ...',

*read:* '... Annex II ...'.

Page 59, Annex III, Box 13

The text of box 13 should be replaced by the following:

**'CERTIFICATION BY THE COMPETENT AUTHORITY — VISA DE L'AUTORITÉ COMPÉTENTE**

I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box 3 in respect of the category shown in box 4 by the provisions regulating trade in textile products with the European Community.

Je, soussigné, certifie que les marchandises désignées ci-dessus ont été imputées sur la limite quantitative fixée pour l'année indiquée dans la case 3 pour la catégorie désignée dans la case 4 dans le cadre des dispositions régissant les échanges de produits textiles avec la Communauté européenne.'

Page 61, Annex IV, title of the certificate:

*for:* '... European Economic Community ... Communauté économique européenne',

*read:* '... European Community ... Communauté européenne'.

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**Corrigendum to Council Regulation (EC) No 2160/96 of 11 November 1996 imposing definitive anti-dumping duties on imports of polyester textured filament yarn originating in Indonesia and Thailand, terminating the proceeding concerning imports of polyester textured filament yarn originating in India and collecting definitively the provisional duties imposed**

*(Official Journal of the European Communities No L 289 of 12 November 1996)*

Page 16, recital 20, third and fourth indents:

*for:*

|                                                 |        |
|-------------------------------------------------|--------|
| — PT Polysindo Eka Perkasa:                     | 10,9 % |
| — PT Susilia Indah Synthetic Fibres Industries: | 8,8 %  |

*read:*

|                                                 |       |
|-------------------------------------------------|-------|
| — PT Polysindo Eka Perkasa:                     | 8,8 % |
| — PT Susilia Indah Synthetic Fibres Industries: | 8,3 % |

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**Corrigendum to Commission Regulation (EC) No 703/96 of 18 April 1996 initiating an investigation concerning the circumvention of anti-dumping measures imposed by Council Regulation (EEC) No 2474/93 on imports of bicycles originating in the People's Republic of China by assembly operations in the European Community**

*(Official Journal of the European Communities No L 98 of 19 April 1996)*

Page 4, Article 1, first line:

*for:* '... pursuant to Article 13 (2) of ...',

*read:* '... pursuant to Article 13 (3) of ...'.

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