

Official Journal

of the European Communities

ISSN 0378-6978

L 313

Volume 39

3 December 1996

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

Commission Regulation (EC) No 2309/96 of 2 December 1996 on the supply of cereals as food aid.....	1
* Commission Regulation (EC) No 2310/96 of 2 December 1996 amending Council Regulation (EEC) No 1101/89 in respect of the conditions applying to the placing in service of new pusher-craft capacity on inland waterways	8
* Commission Regulation (EC) No 2311/96 of 2 December 1996 amending Regulation (EEC) No 3886/92 laying down detailed rules for the application of premium schemes in the beef and veal sector	9
* Commission Regulation (EC) No 2312/96 of 2 December 1996 fixing the definitive aid on certain grain legumes for the 1996/97 marketing year	15
Commission Regulation (EC) No 2313/96 of 2 December 1996 suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) carnations originating in Israel	16
Commission Regulation (EC) No 2314/96 of 2 December 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables	18

II *Acts whose publication is not obligatory*

Commission

96/671/Euratom:

* Commission Decision of 13 November 1996 relating to a procedure in application of Article 83 of the Euratom Treaty (XVII-05 — Jenson Tungsten Ltd, Hemel Hempstead)	20
---	----

96/672/EC:

- ★ **Commission Decision of 22 November 1996 concerning the validity of certain binding tariff information** 25

96/673/EC:

- ★ **Commission Decision of 22 November 1996 concerning the validity of certain binding tariff information** 27

96/674/EC:

- ★ **Commission Decision of 25 November 1996 amending Decision 93/436/EEC laying down specific conditions for importing fishery and aquaculture products originating in Chile ⁽¹⁾**..... 29

96/675/EC:

- ★ **Commission Decision of 25 November 1996 laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Chile ⁽¹⁾** 38

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2309/96
of 2 December 1996
on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security ⁽¹⁾, and in particular Article 24 (1) (b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

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

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽²⁾, as amended by Regulation (EEC) No 790/91 ⁽³⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of

destinations of the supplies, provision should be made for the possibility for tenderers to indicate two ports of loading where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

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

For lots C and E notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

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

Article 2

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

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

Done at Brussels, 2 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** ⁽¹⁾: 23/96
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (tel: (39 6) 57 971; telex: 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: Afghanistan
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (IIA.(1)(a))
8. **Total quantity (tonnes)**: 22 000
9. **Number of lots**: 1
10. **Packaging and marking**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed and trimmed ⁽¹²⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 30. 12. 1996 — 19. 1. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: (12 noon (Brussels time)) 17. 12. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: (12 noon (Brussels time)) 7. 1. 1997
 - (b) period for making the goods available at the port of shipment: 20. 1. — 9. 2. 1997
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 5 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 30. 11. 1996, fixed by Commission Regulation (EC) No 2055/96 (OJ No L 276, 29. 10. 1996, p. 1)

LOT B

1. **Operation No** ⁽¹⁾: 24/96
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (tel: (39-6) 57 971; telex: 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: Afghanistan
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B.(1)(a))
8. **Total quantity (tonnes)**: 5 300
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁸⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B.(2).(a) and II.B.(3))
Language to be used for the marking: English
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed ⁽¹²⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 6. — 26. 1. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: (12 noon (Brussels time)) 17. 12. 1996
21. **In the case of a second invitation to tender**:
 - a) deadline for the submission of tenders: (12 noon (Brussels time)) 7. 1. 1997
 - b) period for making the goods available at the port of shipment: 27. 1. — 16. 2. 1997
 - c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 30. 11. 1996, fixed by Commission Regulation (EC) No 2055/96 (OJ No L 276, 29. 10. 1996, p. 1)

LOT C

1. **Operation No** ⁽¹⁾: 1163/95 (C1); 1183/95 (C2); 1190/95 (C3)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽¹⁾: to be designated by the recipient
5. **Place or country of destination**: C1: Haiti; C2: Somalia; C3: Madagascar
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B.(1)(a))
8. **Total quantity (tonnes)**: 910
9. **Number of lots**: 1 in 3 parts (C1: 360 tonnes; C2: 450 tonnes; C3: 100 tonnes)
10. **Packaging and marking** ⁽¹⁾ ⁽⁶⁾ ⁽⁸⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B.(2).(d) and II.B.(3))
Language to be used for the marking: C1 + C3: French; C2: English
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment ⁽¹³⁾.
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 6. — 26. 1. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: (12 noon (Brussels time)) 17. 12. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: (12 noon (Brussels time)) 7. 1. 1997
 - (b) period for making the goods available at the port of shipment: 27. 1. — 16. 2. 1997
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03/296 70 04)
25. **Refund payable on application by the successful tenderer** ^(*): refund applicable on 30. 11. 1996, fixed by Commission Regulation (EC) No 2055/96 (OJ No L 276, 29. 10. 1996, p. 1)

LOT D

1. **Operation No** ⁽¹⁾: 1165/95
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽¹⁾: to be designated by the recipient
5. **Place or country of destination**: Haiti
6. **Product to be mobilized**: milled rice (product code 1006 30 96 900 and 1006 30 98 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (IIA. (1) (f))
8. **Total quantity (tonnes)**: 2 160
9. **Number of lots**: 1
10. **Packaging and marking** ⁽³⁾ ⁽⁴⁾ ⁽⁶⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (IIA. (2). (c) and IIA. (3))
Language to be used for the marking: French
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 6. — 26. 1. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: (12 noon (Brussels time))
17. 12. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: (12 noon (Brussels time)) 7. 1. 1997
 - (b) period for making the goods available at the port of shipment: 27. 1. — 16. 2. 1997
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03/296 70 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 30. 11. 1996, fixed by Commission Regulation (EC) No 2055/96 (OJ No L 276, 29. 10. 1996, p. 1)

LOT E

1. **Operation No** ⁽¹⁾: 1161/95 (E1); 1162/95 (E2); 1182/95 (E3)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag, Nederland (tel: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽¹¹⁾: to be designated by the recipient
5. **Place or country of destination**: E1: Haiti; E2 Peru; E3: Madagascar
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B.(1)(e))
8. **Total quantity (tonnes)**: 180
9. **Number of lots**: 1 in 3 parts (E1: 96 tonnes; E2: 36 tonnes; E3: 48 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾ ⁽⁹⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B.(2)(f) and II.B.(3))
Language to be used for the marking: E1 + E3: French; E2; Spanish
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment ⁽¹³⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 6. — 26. 1. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: (12 noon (Brussels time)) 17. 12. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: (12 noon (Brussels time)) 7. 1. 1997
 - (b) period for making the goods available at the port of shipment: 27. 1. — 16. 2. 1997
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03/296 70 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 30. 11. 1996, fixed by Commission Regulation (EC) No 2055/96 (OJ No L 276, 29. 10. 1996, p. 1)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ No L 188, 27. 7. 1996, p. 22), shall not apply to this amount.
- (⁵) See the second amendment to OJ No C 114 published in OJ No C 135, 26. 5. 1992. p. 20
- (⁶) Shipment to take place in 20-foot containers condition FCL/FCL (each containing 12 tonnes net (lot E) and 20 tonnes net (lots C and D)).
- The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer (SYSKO locktainer 180 seal), the number of which is to be provided to the beneficiary's forwarder.
- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- phytosanitary certificate, (Lots A, B: The phytosanitary certificate shall indicate that the product is free from *anguina tritici*, *claviceps purpurea*, *ustilago nuda*, *corynebacterium app pseudomonas atrofaciens* and *xanthomonas translucens* and from soil and weeds. Lot A: the certificate shall also indicate that it is free from pests and diseases) (E2: +expiry date),
 - lots C and D: fumigation certificate (the cargo shall be fumigated before shipment with phosphine gas).
- (⁸) Notwithstanding OJ No C 114, point IIA (3) (c) or IIB (3) (c) is replaced by the following: 'the words "European Community"'.
- (⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (¹⁰) See the fourth amendment to OJ No C 114 published in OJ No C 272, 21. 10. 1992, p. 6.
- (¹¹) The supplier should send a duplicate of the original invoice to: Scheuer Assurantie, Postbus 1315, NL-1000 Amsterdam.
- (¹²) Notwithstanding Articles 7 (3) (i) and 13 (2) of Regulation (EEC) No 2200/87 the price tendered must include all loading, handling, stowage (lot A: and trimming) costs.
- (¹³) Notwithstanding Articles 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

COMMISSION REGULATION (EC) No 2310/96

of 2 December 1996

**amending Council Regulation (EEC) No 1101/89 in respect of the conditions
applying to the placing in service of new pusher-craft capacity on inland
waterways**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1101/89 of 27 April 1989 on structural improvements in inland waterway transport ⁽¹⁾, as last amended by Regulation (EC) No 2819/95 ⁽²⁾, and in particular Article 8 (1) (c) thereof,

Whereas changes in the pusher-craft sector within the internal market for transport by inland waterway requires the 'old for new' ratio to be adjusted in order to facilitate the modernization of the equipment concerned for reasons of safety; whereas that ratio should therefore be adjusted by reducing it to 1:1;

Whereas the Member States have been consulted on the measure provided for by this Regulation, and whereas an opinion on this has been received from a panel of experts on structural improvements to the inland waterways as provided for by Article 12 of Commission Regulation No 1102/89 of 27 April 1989 laying down certain measures

implementing Regulation No 1101/89 concerning structural improvements in inland waterway transporting ⁽³⁾, as last amended by Regulation (EC) No 3039/94 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Article 8 (1) (a) second indent of Regulation (EEC) No 1101/89 shall be amended as follows:

'In the case of pusher craft the term tonnage shall be replaced by that of motive power. For this type of vessel the ratio between the motive power of a pusher craft that has recently been placed in service and that of a previous pusher craft that has been scrapped shall, by way of an exception from the first indent, be equivalent (1:1).'

Article 2

This Regulation shall take effect from the twentieth day following that of its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 2 December 1996.

For the Commission

Neil KINNOCK

Member of the Commission

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 25.

⁽²⁾ OJ No L 292, 7. 12. 1995, p. 7.

⁽³⁾ OJ No L 116, 28. 4. 1989, p. 30.

⁽⁴⁾ OJ No L 322, 15. 12. 1994, p. 11.

**COMMISSION REGULATION (EC) No 2311/96
of 2 December 1996**

**amending Regulation (EEC) No 3886/92 laying down detailed rules for the
application of premium schemes in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾, and in particular Articles 4b (8), 4e (5), 4f (4), 4h (2), 4i (5) and 25 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 6 (2) thereof,

Whereas Regulation (EC) No 2222/96 amends the common organization of the market in beef and veal established by Regulation (EEC) No 805/68; whereas where the implementation of the amendments affects the various premium schemes Commission Regulation (EEC) No 3886/92 of 23 December 1992 laying down detailed rules for the application of the premium schemes provided for in Council Regulation (EEC) No 805/68 on the common organization of the market in beef and repealing Regulations (EEC) No 1244/82 and (EEC) No 714/89⁽⁵⁾, as last amended by Regulation (EC) 1871/96⁽⁶⁾, should be amended accordingly;

Whereas, from the 1997 calendar year, the special premium for non-castrated male bovine animals will be granted only in respect of the single age bracket of 10 to 21 months; whereas, for the grant of the special premium according to the so-called 'slaughter' model, these age conditions will be replaced by the requirement for a minimum carcase weight of 200 kilograms; whereas these changes should be taken into account in the provisions concerning applications for premiums and the required retention period;

Whereas, by way of derogation from the above restriction of the premium to a single age bracket, bulls raised in regions with traditional extensive production methods

will still be eligible for the special premium in respect of the two age brackets, up to a ceiling on the number of animals equivalent to 3 % of the regional ceilings in each Member State; whereas this transitional scheme requires certain specific rules to be adopted, in particular as regards the definition of a region with traditional extensive production methods and measures to be taken where the 3 % ceiling is exceeded;

Whereas, under the suckler cow premium scheme, freeing the individual rights not used by producers in respect of a calendar year can help to control production; whereas, to this end, from the 1997 calendar year, the percentage of rights to be used should be increased from 70 % to 90 % and, where a producer fails to achieve this percentage, the rights transferred to the national reserve should not be allowed to be reallocated to other producers for the next two years;

Whereas the amount of the processing premium should be fixed; whereas, to take account of actual differences in market prices, the amount for animals of dairy breeds should be set at a lower level than that for animals of other breeds;

Whereas Article 4i (2) of Regulation (EEC) No 805/68 provides that a premium may or, in certain cases, must, be granted for the early marketing of veal calves; whereas the premium concerned may only be granted for calves whose carcasses weigh not more than the average weights on the scale derived from 1995 Eurostat statistics or other statistics published and accepted by the Commission; whereas, in order to ensure that the objective of the operation is achieved, it should be provided that the presentation of the carcase at weighing should be the same as that used to establish the above statistics;

Whereas the amount of the premium for the early marketing of veal calves should be fixed at a level which takes particular account of both the loss of income associated with the sale of a lighter carcase and the economy associated with a shorter production period; whereas, however, in order to take account of certain foreseeable disturbances on the veal market at the beginning of the scheme, higher premiums should be granted as a transitional measure;

Whereas speculative transport of animals between Member States in connection with the early marketing premium for veal calves should be avoided; whereas, for this purpose, a retention period within the country of

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 391, 31. 12. 1992, p. 20.

⁽⁶⁾ OJ No L 247, 28. 9. 1996, p. 26.

slaughter should be set for each animal; whereas that period should be set at 60 days or the entire life of any animal slaughtered before the age of 60 days; whereas, however, some flexibility should be allowed to Member States for the establishment of adequate control systems;

Whereas, in order to permit effective monitoring of the scheme, applications should be submitted not later than three weeks after slaughter; whereas such applications should be accompanied by all the information needed to check them thoroughly;

Whereas effective checking measures should be introduced; whereas they should be based in particular on administrative and physical checks at the slaughter establishment concerned and in the fattening houses;

Whereas, to allow the scheme to operate properly, Member States should regularly communicate certain data on applications for premiums and their acceptance, as well as on calves slaughtered;

Whereas the rule on the conversion rate applied to processing premiums should also be applied to the early marketing premium;

Whereas this Regulation should enter into force immediately so that it may be applied from 1 December 1996;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3886/92 is hereby amended as follows:

1. Article 2 (2) is replaced by the following:

'2. Applications may be submitted in respect only of animals which on the date of commencement of the retention period are:

- not less than eight months and not more than 20 months old in the case of the single age bracket, or
- in the case of castrated male bovine animals, not less than eight months and not more than 20 months old in the case of the first age bracket, or at least 21 months old in the case of the second age bracket.';

2. Article 8 (1) is replaced by the following:

'1. Member States may decide to grant the special premium at the time of slaughter or when the animals are first placed on the market with a view to being slaughtered by granting the premium for the single age bracket or, in the case of castrated male bovine animals for the first or second age bracket and

by combining the granting of the premium for the two age brackets together, provided that their production structure so allows.';

3. In Article 15:

(a) point (b) is replaced by the following:

'(b) Member States shall provide for the grant of the premium in respect of the second age bracket for castrated male bovine animals which, after reaching the age of 19 months, have been the subject of intra-Community trade.';

(b) point (c) is replaced by the following:

'(c) the retention period shall be:

- two months before slaughter or from the date on which animals for which an application has been made in respect of single age bracket or, in the case of castrated male bovine animals, in respect of the first or second age bracket are first placed on the market; in the case of castrated male bovine animals, only animals which, on the date of commencement of the retention period, fall within the age brackets referred to in Article 2 (2) shall be considered. However, in the case of animals older than 22 months at the time of slaughter, Member States shall provide for the grant of the premium in respect of the first age bracket where those animals have been kept by the same producer for a minimum period of two months, counting from the age of 20 months, up to the time they are slaughtered or first placed on the market,
- four months from the first day of the 20th month in the life of castrated male bovine animals for which a combined application has been made in respect of the two age brackets.';

4. the following paragraph 4 is added to Article 33:

'1. In respect of 1997 and 1998, the figure of 70 % mentioned in paragraph 2 and the first subparagraph of paragraph 3 shall be replaced by the figure of 90 %. In this case, the rights transferred to the national reserve shall not be reallocated for 1998 or 1999.';

5. Article 43 (1) is replaced by the following:

'1. The competent authorities shall identify those producers who, in respect of a given calendar year, are to receive the special premium and/or the suckler cow premium and in whose case the density factor established for their holdings in respect of the same calendar year is less than 1,4 LU per hectare or less than 1 LU per hectare.';

6. after Article 45a, 'CHAPTER V, PROCESSING PREMIUM' and the reference in brackets are replaced by the following:

'CHAPTER V

OTHER PREMIUMS

(Article 4i of Regulation (EEC) No 805/68)

Section I

Processing premium';

7. in Article 46, 'For the purposes of this Chapter' is replaced by 'For the purposes of this Section';
8. Article 49 is replaced by the following:

'Article 49

Grant, checking and amount of the premium

1. Except in cases of *force majeure*, the premium shall be granted on condition that each animal covered by an application:

- satisfies the conditions laid down in Article 4i (1) of Regulation (EEC) No 805/68,
- is presented in a general condition not indicating, in particular, health anomalies or malformations, and
- is presented and processed in the processing centre specified in the application on the date indicated therein. However, in cases of *force majeure*, the premium shall be granted on condition that, within a time limit of 10 days following the event in question, the operator proves to the satisfaction of the competent authority that the animal was processed in an approved processing centre before passing the age specified in Article 4i (1) of Regulation (EEC) No 805/68.

2. Each Member State shall ensure that permanent physical checks are made in the processing centres on the days laid down for presentation and processing of animals. These checks shall be on all the conditions for granting the premium. The checks made shall be listed in a report on each animal checked.

3. Where it is established that the animals presented for processing do not correspond to those referred to in paragraph 1, the premium shall be granted for the number of animals presented which are eligible less the number of animals presented which are not eligible.

4. The amount of the premium per eligible calf shall be set at:

- ECU 120 per calf of a dairy breed, and
- ECU 150 per calf of a non-dairy breed';

9. Article 50 is replaced by the following section:

'Section 2

Early marketing premium for veal calves

Article 50

Premium conditions

1. A Member State may grant the early marketing premium for veal calves (hereinafter called "premium") only in respect of animals slaughtered on its territory and having a carcase weight no greater than the weight referred to in Annex IV.

The slaughter shall take place in a slaughterhouse which makes a commitment to the competent authority to participate in the proper implementation of the premium scheme, in particular as specified in Articles 50a and 50b.

2. The carcase weight of each animal shall be established following the carcase specification used for the establishment of the statistical production of veal in 1995 as communicated to the Statistical Office of the Commission.

3. The premium to be paid is fixed at:

- ECU 65 per animal slaughtered in December 1996 and January 1997,
- ECU 60 per animal slaughtered after January 1997.

4. In order to qualify for a premium:

- (a) the animal shall have been permanently kept on a holding situated in the Member State of slaughter for a minimum period of 60 days immediately preceeding the day of slaughter, or if the animal is slaughtered before the age of 60 days, during its whole lifetime; However, the Member States may decide:

- that the animal may be kept on more than one holding during its retention period,
- not to allow a retention period below 60 days;

- (b) the carcase or part thereof shall comply with the provisions of Council Directive 64/433/EEC (*);

- (c) the animal shall not have been slaughtered as a result of emergency measures.

5. No premium may be paid for animals slaughtered on or after 1 December 1998.

*Article 50a***Premium application**

1. Any application for a premium shall be lodged with the competent authority of the Member State concerned no later than three weeks following the day of slaughter.

One application may be made in respect of several animals on condition that the necessary information on each of these animals is provided in accordance with paragraph 2.

2. Any application shall be accompanied by all necessary detailed documentation for each animal allowing the competent authority to verify the eligibility for the premium.

Such documentation shall at least contain:

- the individual identification as provided for by Council Directive 92/102/EEC (*),
- a certificate from the slaughterhouse showing the name and address of the slaughterhouse, the date of slaughter, the identity and the slaughter numbers of the animal as well as the carcase weight as referred to in Article 50 (2),
- a copy of the veterinary health certificate issued,
- a declaration on the respect of the retention period referred to in Article 50 (4) (a) together with the identification of the holding(s) where the animals have been kept during that period.

*Article 50b***Checks and penalties**

1. Administrative and on-the-spot checks shall be made in such way as to ensure effective verification of compliance with the terms under which the premium is granted.

2. On-the-spot checks shall be carried out without prior warning and comprise both documentary and physical checks in the slaughterhouses concerned as well as documentary checks of the private animal registers kept by the producers.

3. Any documentary check in a slaughterhouse shall relate to no less than 50 % of the animals for which premium applications have been received and comprise a cross-check with the information given in the application.

The physical checks in the slaughterhouses shall in particular verify whether the premium-relevant carcasses are presented for weighing in accordance with Article 50 (2). The competent authority shall keep daily records of such checks containing, *inter alia*, identification numbers and carcase weights of

all veal animals slaughtered during the day concerned.

Information on movements of the animals shall be verified through the examination of the private animal register. Any checks of the register shall comprise no less than 10 % of the animals for which a premium has been applied for.

4. Where an application for a premium relates to one or more animals which are subsequently deemed not to be eligible, the premium shall be paid only for the number of animals eligible less the number of animals not eligible.

Section 3**Common provisions**

(*) OJ No 121, 29. 7. 1964, p. 2012/64.

(**) OJ No L 355, 5. 12. 1992, p. 32;

10. Article 52 is replaced by the following:

*'Article 52***Communications**

Member States shall communicate to the Commission:

- (a) not later than 2 December 1996, their decision pursuant to Article 4i (3) of Regulation (EEC) No 805/68;
- (b) in respect of the processing premium:
 - (i) the measures taken to implement the processing premium, in particular with regard to the exclusion of animals withdrawn from the human food chain before the age of 20 days;
 - (ii) the processing centres which they have approved and any withdrawal of approval;
 - (iii) every Wednesday, the number of animals for which an application for a premium was submitted during the preceding week and since the beginning of the scheme, broken down by type of animal as referred to in Article 49 (4), as well as the number of animals accepted for the grant of a premium;
- (c) as regards the early marketing premium for veal calves:
 - (i) Member States shall notify the Commission of the measures taken to implement the premium;
 - (ii) no later than 2 December 1996 Member States shall notify the Commission of the carcase specification used for veal carcasses in 1995 when communicating the production figures to the Statistical Office of the Commission;

(iii) Member States shall notify the Commission each Wednesday:

- of the number of animals for which the premium was applied for during the preceding week and since the beginning of the scheme,
- of the number of animals accepted for premium since the beginning of the scheme,
- of the total number of veal animals slaughtered in each week from 1 December 1996 onwards;

(iv) Member States shall notify the Commission each quarter of carcase weights broken down in 10-kilogram groups of:

- veal animals for which premium applications have been received.
- other veal animals;'

11. Article 53 (a) is replaced by the following:

'(a) for deseasonalization, processing and veal calf early marketing premiums at the agricultural conversion rate applicable on 1 January of the calendar year during which the animal was slaughtered;'

12. in Article 56 (2):

(a) the last subparagraph of point (a) is replaced by the following:

'and indicating the grant, where applicable, of the additional amount available for holdings with a density factor of less than 1,4 LU or 1 LU per hectare, and also indicating, for each of the above subdivisions, the number of livestock producers concerned;'

(b) point (b) is replaced by the following:

'(b) the number of cows for which the suckler cow premium was actually granted, broken down according to the schemes referred to in Article 4d (5) and (6) of Regulation (EEC) No 805/68, and indicating the grant, where applicable, of the additional amount available for holdings with a density factor of less than 1,4 or 1 LU per hectare, as well as the number of producers concerned in the case of each scheme;'

13. the following Article 57a is added after Article 57:

Article 57a

Transitional scheme for the special premium

In the case of applications submitted in respect of 1997 and 1998 for the non-castrated bovine male animals referred to in Article 4b (7a) of Regulation (EEC) No 805/68, the same rules shall apply as those set out in Articles 2, 8 and 15 for castrated male bovine animals.

For the purposes of this Article, traditional extensive production regions shall be taken to mean those regions where non-castrated male animals are traditionally kept on pasture land during the normal growing season.

In those regions, only non-castrated male bovines actually fed on pasture land during the growing season may benefit from the transitional scheme referred to in Article 4b (7a) of Regulation (EEC) No 805/68. The producers concerned shall also demonstrate in their area aid applications the availability of sufficient pasture area in relation to the number of animals present on the farm and the average stocking rate for this type of production in these regions.

Where, for all the regions concerned in a Member State, the total number of non-castrated male bovine animals for which an application for the second age bracket of the special premium exceeds the maximum number set in Article 4b (7a) of Regulation (EEC) No 805/68, the number of animals per producer eligible for that premium during the year in question shall be reduced proportionally. This reduction shall apply after the one referred to in Article 4b (3) of the abovementioned Regulation.

The Member States which decide to apply this transitional scheme shall inform the Commission of that decision not later than 31 December 1996, specifying the measures taken to implement it and the regions which fit the above definition;'

14. Annex IV in the Annex to this Regulation is added.

Article 2

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

- From 1 December 1996, points 6, 7, 8, 9, 11 and 14 of Article 1 shall apply.
- From 1 January 1996, points 1, 2, 3, 4, 5, 12 and 13 of Article 1 shall apply.

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

Done at Brussels, 2 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX IV

Maximum carcase weight of veal calves in the Member States as referred to in Article 50, (1)

(Kilograms)	
Member State of slaughter	Maximum carcase weight
Belgium	136
Denmark	110
Germany	103
Greece	127
Spain	124
France	108
Ireland	—
Italy	117
Luxembourg	120
The Netherlands	138
Austria	82
Portugal	110
Finland	84
Sweden	88
United Kingdom	32'

**COMMISSION REGULATION (EC) No 2312/96
of 2 December 1996**

fixing the definitive aid on certain grain legumes for the 1996/97 marketing year

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

Having regard to Council Regulation (EC) No 1577/96 of 30 July 1996 introducing a specific measure in respect of certain grain legumes⁽¹⁾, and in particular Article 6 thereof,

Whereas Article 6 (1) of Regulation (EC) No 1577/96 provides that the Commission is to determine the overrun in the maximum guaranteed area and to fix the definitive aid for the marketing year in question;

Whereas Article 6 (2) of that Regulation provides that transitional measures may be adopted in particular to prevent the application of two penalties during the first year of application of the specific measure in respect of certain grain legumes, i.e. from 1 July 1996 to 30 June 1997;

Whereas the maximum guaranteed area referred to in Article 2 (2) of Council Regulation (EEC) No 762/89 of 20 March 1989 introducing a specific measure for certain grain legumes⁽²⁾, as last amended by Regulation (EEC) No 2064/92⁽³⁾, was exceeded by 18,6 % in 1995/96;

whereas the maximum guaranteed area referred to in Article 3 of Regulation (EC) No 1577/96 was exceeded by 37,44 % in 1996/97; whereas the only penalty stemming from the overrun in the maximum guaranteed area in 1996/97 should be applied for the 1996/97 marketing year by reducing the aid provided for in Article 2 (2) of Regulation (EC) No 1577/96 proportionately;

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

HAS ADOPTED THIS REGULATION:

Article 1

The definitive aid for certain grain legumes for the 1996/97 marketing year shall be ECU 131,69 per hectare.

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, 2 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 206, 16. 8. 1996, p. 4.

⁽²⁾ OJ No L 80, 23. 3. 1989, p. 76.

⁽³⁾ OJ No L 215, 30. 7. 1992, p. 47.

**COMMISSION REGULATION (EC) No 2313/96
of 2 December 1996**

**suspending the preferential customs duties and re-establishing the Common
Customs Tariff duty on imports of multiflorous (spray) carnations originating in
Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 539/96⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 2266/96⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

- (a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

- (b) if, over a period of five to seven successive market days, the prices of the imported product are alterna-

tively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 1985/96⁽⁵⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96⁽¹¹⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) (a) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Whereas the quota for the products in question covers the period 1 November 1996 to 31 October 1997; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest,

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 306, 28. 11. 1996, p. 25.

⁽⁵⁾ OJ No L 264, 17. 10. 1996, p. 14.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 188, 27. 7. 1996, p. 22.

HAS ADOPTED THIS REGULATION:

1981/94 is hereby suspended and the Common Customs
Tariff duty is hereby re-established.

Article 1

For imports of multiflorous (spray) carnations (CN codes
ex 0603 10 13 and ex 0603 10 53) originating in Israel, the
preferential customs duty fixed by Regulation (EC) No

Article 2

This Regulation shall enter into force on 3 December
1996 and is applicable until 31 October 1997 at the latest.

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

Done at Brussels, 2 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2314/96

of 2 December 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 1890/96⁽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 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 3 December 1996.

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

Done at Brussels, 2 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 249, 1. 10. 1996, p. 29.

⁽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 2 December 1996 establishing the standard import values
for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 45	204	72,1
	624	126,9
	999	99,5
0707 00 40	624	131,1
	999	131,1
0709 90 79	052	81,6
	999	81,6
0805 20 31	052	73,7
	204	92,4
	999	83,0
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	53,0
	999	53,0
0805 30 40	052	66,8
	388	62,6
	600	67,9
	999	65,8
	060	45,9
0808 10 92, 0808 10 94, 0808 10 98	064	45,9
	400	83,2
	404	68,6
	999	60,9
	052	66,8
0808 20 67	064	74,2
	400	69,2
	624	65,9
	999	69,0

⁽¹⁾ 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'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 13 November 1996

relating to a procedure in application of Article 83 of the Euratom Treaty

(XVII-05 — Jenson Tungsten Ltd, Hemel Hempstead)

(Only the English text is authentic)

(96/671/Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 83 thereof,

Having given the firm Jenson Tungsten Ltd of Hemel Hempstead (United Kingdom) the opportunity to express its point of view on the objections raised by the Commission,

Whereas as follows:

I. FACTS

This Decision concerns non-compliance with essential safeguards requirements by the firm Jenson Tungsten Ltd (Hemel Hempstead, United Kingdom) during the period May 1992 to October 1995.

Jenson Tungsten Ltd is an engineering firm operating from premises previously occupied by other firms who carried out machining operations on depleted uranium. As a result, when Jenson Tungsten Ltd began operating in 1992, it took possession of a residual stock of depleted uranium turnings or 'swarf', resulting from earlier operations. As the owner of this material, Jenson Tungsten Ltd accordingly became responsible for satisfying the safeguards obligations under Chapter VII of the Euratom Treaty. Jenson Tungsten Ltd now works in the field of manufacture and machining of tungsten alloys. There are

no longer activities concerning nuclear material on the site and none are planned.

Through various correspondence, inspections and a hearing held in London in the offices of the Commission on 29 November 1995, the following facts were established:

- On 9 March 1992, Euratom carried out an inspection at the firm. The findings were sent to the operator in a letter in July 1992 and indicated:
- that no accountancy system for nuclear material which satisfied the Commission Regulations was in place. The operator was requested to establish such a system. This was to include labelling of storage containers, accounting records ledger, source documentation,
- that it was not possible to carry out a satisfactory inventory verification due to unsatisfactory and incomplete records of the material on stock,
- that many of the submitted reports were found to have been incorrect, many were missing and many inconsistencies were revealed.

The operator was also reminded that, before shipping any nuclear material, it would have to be characterized and, when shipped, reported according to the Commission regulations. Following this audit, and based on information provided by the operator, a stock figure was agreed as at 31 July 1992. This figure was 9,073 tonnes depleted uranium and 7,5 kilograms natural uranium.

- On 12 May 1994, following a letter from the Euratom Safeguards Directorate (hereinafter 'Euratom') dated 23 March 1994 enquiring about the situation of depleted uranium swarf awaiting disposal, Jenson Tungsten Ltd confirmed that 6,407 tonnes depleted uranium swarf had been dispatched on 7 October 1993.
 - On 19 September 1994, following various actions resulting from the inspection of 9 March 1992 and the shipment of 7 October 1993, Euratom requested Jenson Tungsten Ltd in writing to comment on the calculated residual inventory figures of 2,666 tonnes depleted uranium and 7,5 kilograms natural uranium.
 - On 7 April 1995, Euratom received Jenson Tungsten Ltd's reply which stated:
 - that four containers holding depleted uranium swarf remained on the site,
 - that Jenson Tungsten Ltd was not in a position to confirm the precise weight of the remaining material and that their best estimate based on the weight of the containers already disposed of was 1,2 tonnes,
 - that Jenson Tungsten Ltd intended to forward all remaining material for weighing and disposal, but would not be able to do so until later in 1995 because of processing difficulties at the receiver's site,
 - that Jenson Tungsten Ltd would submit an inventory change report giving details of the precise amounts of material as soon as the material had been shipped and verified at the receiving installation.
 - On 26 April 1995, Euratom carried out another inspection at Jenson Tungsten Ltd.
 - On 16 May 1995, the first results of the inspection on 26 April were faxed to Jenson Tungsten Ltd. They were considered unsatisfactory because:
 - no documentation was provided to the inspectors concerning the holdings of nuclear materials which meant that no source documents, operating records or nuclear materials accounts were made available. Stock containers were not labelled,
 - a discrepancy became apparent. Since the stock figure of 9,073 tonnes depleted uranium and 7,5 kilograms natural uranium had been established, the only movement had been the shipment of 6,407 tonnes of depleted uranium. No activities, for example machining of uranium, had taken place. The best estimate of the residual stock being 1,2 tonnes of depleted uranium, there was a discrepancy of 1,466 tonnes depleted uranium and 7,5 kilograms natural uranium.
- The operator was reminded of the need to report shipments.
- On 2 June 1995, Euratom received a reply (undated). Jenson Tungsten Ltd gave details about the history which led to the unsatisfactory situation. In particular, the letter stated that at the previous inspection in March 1992 the operator had said that the Official Receiver of one of Jenson Tungsten Ltd's predecessors who had gone bankrupt had not made the records available. During the inspection, the amount of depleted uranium on site had been estimated. The letter also stated that the natural uranium had probably been put in with the remainder of the swarf and that the estimates were necessarily imprecise.
 - On 2 June 1995, Euratom's requests following the results of the inspection on 26 April 1995 were communicated in detail to Jenson Tungsten Ltd:
 - the basic technical characteristics dated 18 May 1992 were to be revised,
 - a nuclear material accountancy system fulfilling the requirements of Commission Regulation (Euratom) No 3227/76 was to be established. This request had already been made in writing as a result of the inspection on 9 March 1992 but the inspectors concluded after the inspection on 26 April 1995 that such a system still did not exist,
 - this system should include the requirement, before shipment, to characterize any nuclear material including swarf by batch designation, material description, category, weight of element and obligation. All shipments of nuclear material must be reported according to the stipulations in Regulation (Euratom) No 3227/76. This had not been the case, in particular for the shipment of 6,407 tonnes depleted uranium swarf;
 - it should be explained why the following requirements had not been observed:
 - operating records to permit accounting,
 - accounting and records system,
 - records to be retained for a period of at least five years,
 - reports of all inventory changes,
 - the discrepancy as indicated by fax of 16 May 1995 should be explained,

- labels should be attached to each of the remaining drums containing depleted uranium with each label indicating the unique identification number of the drum, the category and form of the nuclear material and the estimated or, if available the measured weight of the nuclear material. All nuclear material within and outside the premises should be identified and declared,
 - the nuclear inventory should be re-assessed and the results of the physical inventory taking should be reported by 31 July 1995,
 - the sample taken by the inspectors on 26 April 1995 should be kept safe in its sealed container until further notice.
 - On 22 June 1995, Jenson Tungsten Ltd stated in its reply:
 - that the form for the basic technical characteristics had been filled in as completely as possible,
 - that a records system had been set up to take into account the depleted uranium swarf on site,
 - that a batch number had been allocated to each of the four boxes whose contents had been characterized as depleted uranium swarf. The estimated weight had been used,
 - that no records of any sort had been handed over to Jenson Tungsten Ltd when they had agreed to re-pack the depleted uranium,
 - that the assessment of 9,073 tonnes on 31 July 1992 had been an estimate and had not yet been confirmed, and the 7,5 kilograms of natural uranium had probably been mixed in with depleted uranium as it had not been identified as being different,
 - that the drums would be labelled,
 - that four containers with an estimated weight of between 1,2 and 1,4 tonnes remained on site. There was no possibility to weigh the containers on site,
 - that the request to keep Euratom's sample safe until further notice was noted.
 - On 13 October 1995, Euratom carried out a further inspection. The aim of the inspection was to follow up the previous inspection of 26 April 1995 in the light of subsequent correspondence.
 - On 16 November 1995, Euratom communicated the inspection results which were considered unsatisfactory because:
 - in addition to the identification number, labels identifying the nature and weight of the contents still had to be attached to each container,
 - despite requests to be kept informed and a letter formally advising of omission in reporting receipt, an inventory change report for the transfer of material on 7 October 1993 could only be obtained during the inspection on 13 October 1995. Euratom stated that such delays were unacceptable and requested that any future declarations related to remaining stocks or movements of nuclear material be made according to Commission Regulation (Euratom) No 3227/76,
 - source documents to justify the stock records could still not be made available,
 - the explanation provided regarding the apparent discrepancy of 1,466 tonnes depleted and 7,5 kilograms natural uranium was unsatisfactory.
 - On 29 November 1995, a hearing with the representatives of Jenson Tungsten Ltd and the British authorities was held in London with the objective of clarifying the position of Jenson Tungsten Ltd with respect to the Euratom Treaty (Chapter VII), Commission of the European Atomic Energy Community Regulation No 8 and Regulation (Euratom) No 3227/76. Among other issues the hearing led to the conclusion:
 - that Jenson Tungsten Ltd had failed to keep adequate records for depleted and natural uranium stored on site,
 - that source documents and operating records to justify inventory changes had not been provided,
 - that a materials accountancy system did not exist for an unacceptably long time,
 - that the shipment of 6,407 tonnes of depleted uranium on 7 October 1993 had been declared only on request and after an unacceptably long delay,
 - that appropriate labelling of the remaining swarf on site was still required,
 - that there was an outstanding discrepancy of 1,466 tonnes depleted uranium and 7,5 kilograms natural uranium.
- The facts set out above are not contested by the operator.

II. LEGAL ASSESSMENT

A. Legal provisions

By virtue of the nuclear material under its responsibility on its premises, Jenson Tungsten Ltd is an undertaking falling within the terms of Article 196 (b) of the Euratom Treaty. It is therefore subject to the provisions of Chapter VII, Title Two, of the Euratom Treaty, to Commission

Regulation (Euratom) No 3227/76 of 19 October 1976 concerning the application of the provisions of Euratom safeguards⁽¹⁾, as last amended by Regulation (Euratom) No 2130/93⁽²⁾, and to Commission of the European Atomic Energy Community Regulation No 8 defining the nature and the extent of the requirements referred to in Article 79 of the Euratom Treaty⁽³⁾, in so far as the last Regulation applies to Jenson Tungsten Ltd in accordance with Article 40 of Regulation (Euratom) No 3227/76.

In accordance with Article 77 of the Euratom Treaty, the Commission shall satisfy itself that, in the territories of the Member States:

- (a) ores, source materials and special fissile materials are not diverted from their intended uses as declared by the users;
- (b) the provisions relating to supply and any particular safeguarding obligations assumed by the Community under an agreement concluded with a third State or an international organization are complied with.

In accordance with Article 197 of the Euratom Treaty, Title Five, 'source materials' include uranium containing the mixture of isotopes occurring in nature and uranium whose content in uranium-235 is less than the normal.

In accordance with the first paragraph of Article 79, Title Two, Chapter VII of the Euratom Treaty, the Commission requires that operating records be kept and produced in order to permit accounting for ores, source materials and special fissile materials used or produced.

Pursuant to Article 2 of Regulation No 8, producers and users of ores, source materials and special fissile materials shall keep materials accounting records enabling them to forward statements as provided for in that Regulation to the Commission and to produce evidence in support thereof.

Pursuant to Article 5 of Regulation No 8, producers and users of source materials or of special fissile materials shall, by the 15th of each month at the latest, communicate to the Commission in respect of each of their installations a monthly return in the form set out in Statement No III annexed to the Regulation, of materials in hand during the preceding month, together with a summary of the dispatches and receipts of materials during that month showing in respect of each: date, quantity, composition, form and supplier or consignee.

In accordance with Articles 81 and 82 of the Treaty, inspectors inspect ores, source materials and special fissile materials and verify the records referred to in Article 79.

B. The infringements established

Following the examination of the facts by the Euratom Safeguards Directorate, the following infringements by Jenson Tungsten Ltd have been established:

1. Breach of the provisions contained in Article 79 of the Euratom Treaty and in Article 2 of Regulation No 8, concerning the keeping of operating records in order to permit accounting for ores, source material and special fissile materials.
2. Incompatibility of the accounting system with the requirements derived from Articles 81 and 82 of the Treaty in that it made it impossible to verify the materials and the accounting.
3. Breach of the provisions contained in Article 5 of Regulation No 8 concerning the communication to the Commission of dispatches and receipts, particularly as regards the shipment of a substantial part of its nuclear inventory in 1993.

It is also noted that a discrepancy of 1,466 tonnes depleted uranium and 7,5 kilograms natural uranium has not been satisfactorily explained or justified.

C. The sanction to be applied

Pursuant to the terms of Article 83 (1) of the Treaty, in the event of an infringement on the part of persons or undertakings of the obligations imposed on them, the Commission may impose sanctions on such persons or undertakings.

These sanctions are in order of severity:

- (a) a warning;
- (b) the withdrawal of special benefits such as financial or technical assistance;
- (c) the placing of the undertaking for a period not exceeding four months under the administration of a person or board appointed by common accord of the Commission and the State having jurisdiction over the undertaking;
- (d) total or partial withdrawal of source materials or special fissile materials.

Given that the determining criterion for application of this Article is the severity of the infringement committed, it is first necessary to carry out both an objective and a subjective analysis of the nature of the offences.

From an objective point of view, it appears that the provisions breached are essential elements of Community legislation in the field of safeguards.

Moreover, the facts established made it impossible for the Commission to carry out the task assigned to it in Article 2 (e) of the Treaty, namely to 'make certain, by appropriate supervision, that nuclear materials are not diverted to purposes other than those for which they are intended'.

⁽¹⁾ OJ No L 363, 31. 12. 1976, p. 1.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 75.

⁽³⁾ OJ No 34, 29. 5. 1959, p. 651/59.

However, while being aware that the Euratom Treaty obligations are designed to ensure that all nuclear materials, including source materials, are properly accounted for, recorded and reported, the amount and type of nuclear material involved are taken into consideration. In this case the material concerned had a low strategic value.

From a subjective point of view, it appears that Jenson Tungsten Ltd has failed to keep appropriate records and reports for the nuclear material kept on site and that a materials accounting system did not exist for a long time despite requests and various reminders. This would normally lead to the imposition of a sanction according to Article 83 (1) (c).

Taking into consideration that Jenson Tungsten Ltd is not carrying out any activity involving nuclear material and that it is holding its predecessor's depleted uranium swarf awaiting disposal, Jenson Tungsten Ltd should establish and keep records of the depleted uranium swarf remaining on site and affix appropriate labels to each of the drums containing the material. Those labels must indicate, in addition to the unique identification number, the contents and estimated weight of the contents. Furthermore Jenson Tungsten Ltd should declare any future movements of nuclear material, in particular the shipment of the remaining depleted uranium swarf for disposal according to the Commission regulations in force. A system of source documentation for future movements must be established.

In appreciating both the objective and the subjective factors set out above, the infringements committed by Jenson Tungsten Ltd are such that a sanction is warranted.

Given the circumstances, in particular that the installation is not carrying out activities involving nuclear material or nuclear equipment and that the remaining depleted uranium swarf will be disposed of as soon as commercial arrangements can be concluded, and given the fact that there are no special benefits to Jenson Tungsten Ltd such as financial or technical assistance, the appropriate sanction to impose in that laid down in Article 83 (1) (a) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

1. Jenson Tungsten Ltd has infringed Articles 77, 79, 81 and 82 of the Euratom Treaty and Article 2 of Regula-

tion No 8 because, for an unacceptably long time, a nuclear materials accounting system did not exist, and in particular, operating records and source documents for depleted and natural uranium including labelling of nuclear material held on stock were not made available, thereby preventing the full verification of the accounting system.

2. Jenson Tungsten Ltd has infringed Article 5 of Regulation No 8 for its failure to declare in time a dispatch of a substantial part of its nuclear inventory.

Article 2

1. The Commission issues a warning to Jenson Tungsten Ltd.
2. The warning is imposed with the understanding that the shortcomings with respect to source documentation, labelling and nuclear materials accounting system be rectified.
3. Based on the report referred to in Article 3 and its own verifications the Commission will assess Jenson Tungsten Ltd's compliance with the requirement set out in paragraph 2.

Article 3

Jenson Tungsten Ltd shall provide the Commission with a report describing the measures taken to rectify the failures listed in Article 1 within three months of the date of this Decision.

Article 4

1. This Decision is addressed to the firm Jenson Tungsten Ltd, 11 Maxted Road, Hemel Hempstead, UK-Herts HP2 7DX.
2. This Decision shall be communicated to the United Kingdom.

Done at Brussels, 13 November 1996.

For the Commission

Christos PAPOUTSIS

Member of the Commission

COMMISSION DECISION
of 22 November 1996
concerning the validity of certain binding tariff information
(Only the German text is authentic)

(96/672/EC)

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Articles 12 (5) (c) and 249 (4) thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 2153/96 ⁽³⁾, and in particular Article 9 thereof,

Whereas the binding tariff information referred to in the Annex to this Decision is inconsistent with other binding tariff information, and the tariff classification it contains is incompatible with the general rules for the interpretation of the combined nomenclature set out in Section I A of Part I of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁴⁾, as last amended by Commission Regulation (EC) No 1734/96 ⁽⁵⁾;

Whereas the said binding tariff information should cease to be valid; whereas, therefore, the customs administrations which issued the information should revoke it as soon as possible and notify the Commission to that effect;

Whereas under Article 14 (1) of Regulation (EEC) No 2454/93 the holder may make use for a given period of

time of the possibility of invoking such binding tariff information which has ceased to be valid;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

The binding tariff information referred to by number in column 1 of the table set out in the Annex, issued by the customs authorities named in column 2 in respect of the tariff classification shown in column 3, must be revoked as soon as possible but not later than the 21st day following that of the publication of this Decision in the *Official Journal of the European Communities*.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 22 November 1996.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 289, 12. 11. 1996, p. 1.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 238, 19. 9. 1996, p. 1.

ANNEX

Binding tariff information No	Customs authority	Tariff classification
DEM./A/00618/95/01-01	Oberfinanzdirektion München Zolltechnische Prüfungs- und Lehranstalt	2103 90 90

COMMISSION DECISION
of 22 November 1996
concerning the validity of certain binding tariff information
(Only the French and Dutch text are authentic)

(96/673/EC)

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, and in particular Articles 12 (5) (c) and 249 (4) thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 2153/96 ⁽³⁾, and in particular Article 9 thereof,

Whereas the binding tariff information referred to in the Annex to this Decision is inconsistent with other binding tariff information, and the tariff classification it contains is incompatible with the general rules for the interpretation of the combined nomenclature set out in Section I A of Part I of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽⁴⁾, as last amended by Commission Regulation (EC) No 1734/96 ⁽⁵⁾;

Whereas the said binding tariff information should cease to be valid; whereas, therefore, the customs administrations which issued the information should revoke it as soon as possible and notify the Commission to that effect;

Whereas under Article 14 (1) of Regulation (EEC) No 2454/93 the holder may make use for a given period of

time of the possibility of invoking such binding tariff information which has ceased to be valid;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

The binding tariff information referred to by number in column 1 of the table set out in the Annex, issued by the customs authorities named in column 2 in respect of the tariff classification shown in column 3, must be revoked as soon as possible but not later than the 21st day following that of the publication of this Decision in the *Official Journal of the European Communities*.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 22 November 1996.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 289, 12. 11. 1996, p. 1.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 238, 19. 9. 1996, p. 1.

ANNEX

Binding tariff information No	Customs authority	Tariff classification
No 1 BE D.T. 14.457	Douane en accijnzen/Dienst Tarief Financietoren	2103 90 90
No 2 BE D.T. 32.208	Douane en accijnzen/Dienst Tarief Financietoren	2103 90 90

COMMISSION DECISION

of 25 November 1996

**amending Decision 93/436/EEC laying down specific conditions for importing
fishery and aquaculture products originating in Chile**

(Text with EEA relevance)

(96/674/EC)

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

Having regard to Council Directive 91/493/EEC of 22
July 1991 laying down the health conditions for the
production and the placing on the market of fishery
products ⁽¹⁾, as last amended by the Act of Accession of
Austria, Finland and Sweden, and in particular Article
11 (5) thereof,

Whereas the list of establishments and factory ships
approved by Chile for importing fishery products into the
Community has been drawn up in Commission Decision
93/436/EEC of 30 June 1993 laying down specific condi-
tions for importing fishery and aquaculture products
originating in Chile ⁽²⁾, as last amended by Decision
96/220/EC ⁽³⁾; whereas this list may be amended follow-
ing the communication of a new list by the competent
authority in Chile;

Whereas the name of the competent authority in Chile
has changed; whereas Annex A to the Decision
93/436/EEC should be amended as a consequence;

Whereas the competent authority in Chile has commun-
icated a new list of 103 establishments and 19 factory
ships;

Whereas it is necessary to amend the list of approved
establishments and factory ships accordingly;

Whereas the measures provided for in this Decision have
been drawn up in accordance with the procedure laid
down by Commission Decision 90/13/EEC ⁽⁴⁾,

HAS ADOPTED THIS DECISION:

Article 1

The Servicio Nacional de Pesca (Sernapesca) shall be the
competent authority in Chile for verifying and certifying
compliance of fishery and aquaculture products with the
requirements of Directive 91/493/EEC.

Article 2

Annex A to Decision 93/436/EEC is replaced by Annex
A to this Decision.

Article 3

Annex B to Decision 93/436/EEC is replaced by Annex B
to this Decision.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 25 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ No L 202, 12. 8. 1993, p. 31.

⁽³⁾ OJ No L 74, 22. 3. 1996, p. 35.

⁽⁴⁾ OJ No L 8, 11. 1. 1990, p. 70.

ANNEX A

ANNEX A

HEALTH CERTIFICATE

for fishery or aquaculture products originating in Chile and intended for export to the European Community

Reference No:

Country of dispatch: Chile

Competent authority: Servicio Nacional de Pesca (Sernapesca)

I. Details identifying the fishery products

Description of fishery/aquaculture products ⁽¹⁾

— species (scientific name):

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

Code number (where available):

Type of packaging:

Number of packages:

Net weight:

Requisite storage and transport temperature:

II. Origin of products

Name(s) and official approval number(s) of establishment(s) approved by the Sernapesca for exports to the EC:

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

III. Destination of products

The products are dispatched

from:
(place of dispatch)

to:
(country and place of destination)

by the following means of transport:

Name and address of dispatcher:

.....
.....

Name of consignee and address at place of destination:

.....
.....

⁽¹⁾ Delete where applicable.

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

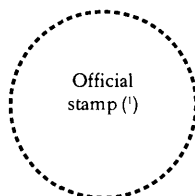
IV. Health attestation

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

1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC;
2. were landed, handled and, where appropriate, packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC;
3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC;
4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC;
5. do not come from toxic species or species containing biotoxins;
6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto;
7. in addition, where the fishery products are frozen or processed bivalve molluscs: the molluscs were obtained from approved production areas laid down by Annex to Decision 96/674/EC laying down special conditions for the import of bivalve molluscs echinoderms, tunicates, and marine gastropods originating in Chile.

The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 96/674/EC.

Done at
(Place) (Date)



.....
(Signature of official inspector) (1)

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

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

ANNEX B

ANNEX B

LIST OF APPROVED ESTABLISHMENTS AND FACTORY SHIPS

I. Establishments

Number	Name and address
01003	PROCEMAR SA ARICA
01011	AGROPESCA SA ARICA
01012	NOVAMAR SA ARICA
01013	PESQUERA MARVESA SA ARICA
01017	HEMA SA ARICA
01065	PESQUERA VAMAR LTDA. IQUIQUE
01074	OCTOMAR IMPORTACIONES-EXPORTACIONES LTDA. IQUIQUE
02005	HELGA MÁNQUEZ MONARDEZ TOCOPILLA
02030	SOCIEDAD ABAROA Y GÓMEZ LTDA. ANTOFAGASTA
02034	HUGO DÍAZ MARÍN ANTOFAGASTA
02037	NORPESCA LTDA. ANTOFAGASTA
02040	GRANJA MARINA SA ANTOFAGASTA
02049	PESQUERA OBILINOVIC LTDA. ANTOFAGASTA
02066	SANTANA Y CÍA. LTDA. MEJILLONES
03061	CÍA PESQUERA CAMANCHACA SA CALDE
03072	PESQUERA PLAYA BLANCA SA CALDERA
03077	PESQUERA HUILLINCO LTDA. CALDERA
03094	CULTIVOS MARINOS FLAMENCO LTDA. CALDERA
03095	CULTIVOS MARINOS INTERNACIONALES SA CALDERA

Number	Name and address
04007	PESQUERA SAN JOSÉ SA COQUIMBO
04009	SOCIEDAD BAQUEDANO SA o ANDEMAR SA COQUIMBO
04012	FRIGORÍFICO DAL NORD LTDA. COQUIMBO
04023	EMPRESA PESQUERA Y CONSERVERA PROTEUS SA COQUIMBO
04031	PESQUERA ANDACOLLO SA COQUIMBO
04052	PROCESADORA DE PRODUCTOS DEL MAR SA COQUIMBO
04056	SOCIEDAD PESCA MARINA LTDA. COQUIMBO
04057	COM. E INVERSIONES LOANCO LTDA. TONGOY
04059	OMEGA SEAFOODS COQUIMBO
04067	CONSORCIO GENERAL DE EXPORTACIONES SA LOS VILOS
05003	PESQUERA QUINTERO SA QUINTERO
05054	COMERCIAL ALESA SA VALPARAÍSO
05057	PESQUERA FRANCIS DRAKE SA VALPARAÍSO
05071	INTERCOMERCIAL SAMA SA VALPARAÍSO
05084	DELFRIO FRIGORÍFICO DE VALPARAÍSO SA VALPARAÍSO
08113	IQUIQUE-GUANAYE TALCAHUANO
08116	CONGELADOS DEL PACÍFICO LTDA. TALCAHUANO
08120	PESQUERA SAN JOSÉ SA TALCAHUANO
08123	PESQUERA EL GOLFO SA TALCAHUANO
08143	COMPAÑÍA PESQUERA CAMANCHACA SA TOMÉ
08148	UNIFISH CANNING TALCAHUANO
08250	CÍA. PESQUERA SAN PEDRO SACI TALCAHUANO
08253	SOCIEDAD PESQUERA VIENTO SUR LTDA. CORONEL

Number	Name and address
08264	PESQUERA DEL NORTE SA CORONEL
08271	PESQUERA GRIMAR SA CORONEL
10018	PISCÍCOLA ENTRE RÍOS SA VALDIVIA
10027	PESQUERA ISLA DEL REY VALDIVIA
10030	ISLA TENGLO LTDA. PUERTO MONTT
10032	EICOMAR SA PUERTO MONTT
10034	PESQUERA TRANS ANTARTIC LTDA. PUERTO MONTT
10036	PRO-AUSTRAL SA PUERTO MONTT
10039	PESQUERA RALUN LTDA. PUERTO MONTT
10053	ALIMENTOS MULTIEXPORT SA PUERTO MONTT
10055	PESQUERA QUEHUI LTDA. PUERTO MONTT
10063	PESQUERA Y CONSERVERA TAMAI LTDA. PUERTO MONTT
10064	PESQUERA MAR ANTÁRTICO SA PUERTO MONTT
10066	AQUASUR FISHERIES SA PUERTO MONTT
10067	AGROINDUSTRIAL SANTA CRUZ SA PUERTO MONTT
10072	PESQUERA AGUAMAR SA PUERTO MONTT
10081	CONSERVAMAR SA PUERTO MONTT
10082	PRODUAL LTDA. PUERTO MONTT
10083	SEABAY CHILE SA PUERTO MONTT
10084	VENTISQUEROS SA PUERTO MONTT
10085	COMERCIAL COMTESA SA PUERTO MONTT
10086	PATAGONIA SALMÓN FARMING SA PUERTO MONTT
10097	PESQUERA SANTA MARTA LTDA. PUERTO MONTT

Number	Name and address
10100	LUIS ORLANDO RETAMALES CÁRDENAS PUERTO MONTT
10116	COMERCIAL E INDUSTRIAL DEL SUR SA PUERTO MONTT
10123	SALMOPACK SA PUERTO MONTT
10125	CHISAL SA PUERTO MONTT
10131	JAALMAR LTDA. PUERTO MONTT
10135	CULTIVADORA DE SALMONES LINAO LTDA. SALMOAMÉRICA PUERTO MONTT
10137	MARIFARMS CHILE SA PUERTO MONTT
10156	FITZ-ROY SA CALBUCO
10157	PESQUERA LEYMO LTDA. CALBUCO
10158	PESQUERA PULUQUI LTDA. CALBUCO
10160	AGUAS CLARAS SA CALBUCO
10166	CONSERVERA SACRAMENTO SA CALBUCO
10189	PESQUERA MESSAMAR SA ANCUD
10195	CULTIVOS MARINOS CHILOÉ SA ANCUD
10216	PESQUERA ANDINA SA CASTRO
10223	CONSERVAS DALCAHUE SA CASTRO
10226	SKIRING SALMÓN LTDA. CASTRO
10227	PESQUERA UNIMARC SA CASTRO
10231	ANTARFRÍO SA CASTRO
10232	MAINTEC SA CASTRO
10241	LOS ELEFANTES SA CASTRO
10245	PROSAL SA CASTRO
10280	YADRAN QUELLÓN SA QUELLÓN

Number	Name and address
10600	RACHID OSMAN CHELECH CALBUCO
11010	PESQUERA SALMAR LTDA. PUERTO AISÉN
11012	PESCA CHILE SA PUERTO AISÉN
11018	SALMONES ANTÁRTICA PUERTO AISÉN
11025	COMERCIAL COMTESA SA PUERTO AISÉN
11026	PESQUERA PALACIOS SA PUERTO AISÉN
12008	TERESA SALDIVIA MORAGA PUNTA ARENAS
12016	COMERCIAL COMTESA SA PUNTA ARENAS
12030	PESQUERA TORRES DEL PAINE SA PUNTA ARENAS
12033	CIDEPES LTDA. PUERTO WILLIAMS
12039	PESCA CHILE SA PUNTA ARENAS
12048	PESCA SURIBÉRICA SA PUNTA ARENAS
13024	SOCIEDAD AGRÍCOLA AGUAS CLARAS SANTIAGO
13030	SOCIEDAD AGRÍCOLA AGUAS BLANCAS SANTIAGO
13062	DELIFISH LTDA. SANTIAGO

II. Factory ships

Number	Name	Name and address of owner
1472	IBER I	IBER CHILE LTDA.
2007	JING YANG I	EMPRESA DAERIM FISHERY CO. LTDA.
2011	PUERTO BALLENA	PESCA CHILE SA
2013	BETANZOS	PESCA CHILE SA
2014	PEDROSA	PESCA CHILE SA
2015	GUALAS	PESQUERA ALBA LTDA.
2016	CHOMAPI MARU	PESCA CHILE SA

Number	Name	Name and address of owner
2019	UNZEN	EMDEPES SA
2020	MAR DEL SUR I	PESQUERA MAR DEL SUR SA
2022	ERCILLA	PESQUERA DE LOS ANDES SA
2023	CISNE BLANCO	PESCA CISNES SA
2024	CISNE VERDE	PESCA CISNES SA
2026	ISLA ISABEL	PESCA SURIBÉRICA SA
2030	ANTONIO LORENZO	CONCAR SA
2031	ISLA SOFÍA	PESCA SURIBÉRICA SA
2032	ISLA CAMILA	PESCA SURIBÉRICA SA
2038	MARIA TAMARA	CONCAR SA
2048	FARO DE HÉRCULES	PESCA CHILE
2049	UNIONSUR	EMDEPES SA'

COMMISSION DECISION

of 25 November 1996

laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Chile

(Text with EEA relevance)

(96/675/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and placing on the market of live bivalve molluscs⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 thereof,

Whereas legislation of Chile makes the 'Servicio Nacional de Pesca (Sernapesca)' responsible for inspecting the health of live bivalve molluscs, echinoderms, tunicates and marine gastropods and for monitoring the hygiene and sanitary conditions of production; whereas the same legislation empowers Sernapesca to authorize or prohibit the harvesting of bivalve molluscs, echinoderms, tunicates and marine gastropods from certain zones;

Whereas the Sernapesca and its laboratories are capable of effectively verifying the applications of the laws in force in Chile;

Whereas the competent authorities of Chile have undertaken to communicate regularly and quickly to the Commission data on the presence of plankton containing toxins in the harvest zones;

Whereas the competent authorities of Chile have provided official assurances regarding compliance with the requirements specified in Chapter V of the Annex to Directive 91/492/EEC and with requirements equivalent to those prescribed in that Directive for the classification of production and relaying zones, approval of dispatch and purification centres and public health control and production monitoring; whereas, in particular, any possible change in harvesting zones is to be communicated to the Community;

Whereas Chile is eligible for inclusion in the list of third countries fulfilling the conditions of equivalence referred to in Article 9 (3) (a) of Directive 91/492/EEC;

Whereas Chile wishes to export to the Community frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods;

Whereas, for this purpose, in accordance with Article 9 (3) (b) (ii) of Directive 91/492/EEC, the production areas from which bivalve molluscs, echinoderms, tunicates and marine gastropods may be harvested and exported to the Community must be designated;

Whereas the special import conditions apply without prejudice to decisions taken pursuant to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽²⁾, as last amended by Directive 95/22/EEC⁽³⁾;

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

HAS ADOPTED THIS DECISION:

Article 1

The 'Servicio Nacional de Pesca (Sernapesca)' shall be the competent authority in Chile for verifying and certifying that live bivalve molluscs, echinoderms, tunicates and marine gastropods fulfil the requirements of Directive 91/492/EEC.

Article 2

Frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Chile and intended for human consumption must originate in the authorized production areas listed in the Annex hereto.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 25 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 1.

⁽²⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽³⁾ OJ No L 243, 11. 10. 1995, p. 1.

ANNEX

A: Production zones in compliance with provision laid down in Annex I, 1(a) to Directive 91/492/EEC

Code number	Geographical boundaries
03002	BAHÍA FLAMENCO
03003	BAHÍA INGLESA
04102	BAHÍA GUANAQUEROS
04103	BAHÍA TONGOY
05001	CALETA HORCÓN
10204	CALETA RILÁN
10205	ISLA QUEHUI
10206	PUNTA PULLAO
10207	CHEQUIAN
10208	MATAO

B: Production zones in compliance with provision laid down in Annex I, 1(b) to Directive 91/492/EEC

Code number	Geographical boundaries
04101	BAHÍA COQUIMBO
08101	TUBUL
10101	CALBUCO
10102	MAULLÍN
10103	CARELMAPU
10201	ANCUD
10203	DALCAHUE
10209	QUEILEN
10213	GOLFO DEL CORCOVADO
10216	ISLAS GUAPIQUILÁN
10301	VALDIVIA

C: Production zones in compliance with provision laid down in Annex I, 1(c) to Directive 91/492/EEC

Code number	Geographical boundaries
10214	QUELLÓN