

Official Journal

of the European Communities

ISSN 0378-6978

L 335

Volume 39

24 December 1996

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- * Council Regulation (EC) No 2466/96 of 17 December 1996 amending Regulation (EEC) No 3508/92 establishing an integrated administrative and control system for certain Community aid schemes 1
- * Council Regulation (EC) No 2467/96 of 17 December 1996 amending Regulation (EEC) No 571/88 on the organization of Community surveys on the structure of agricultural holdings 3
- * Council Regulation (EC) No 2468/96 of 17 December 1996 amending Regulation (EEC) No 2046/89 laying down general rules for distillation operations involving wine and the by-products of wine-making 7
- * Council Regulation (EC) No 2469/96 of 16 December 1996 amending the Annex to Regulation (EEC) No 3911/92 on the export of cultural goods 9
- * Council Regulation (EC) No 2470/96 of 17 December 1996 providing for an extension of the terms of a Community plant variety right in respect of potatoes 10
- * Council Regulation (EC) No 2471/96 of 20 December 1996 amending Regulation (EC) No 789/96 opening and providing for the administration of autonomous Community tariff quotas for certain fishery products (1996) 11
- * Council Regulation (EC) No 2472/96 of 20 December 1996 amending Regulation (EC) No 1823/96 opening and providing for the administration of autonomous Community tariff quotas for certain fishery products (second series 1996) 12
- Commission Regulation (EC) No 2473/96 of 23 December 1996 fixing the export refunds on cereal-based compound feedingstuffs 13

Commission Regulation (EC) No 2474/96 of 23 December 1996 fixing the export refunds on products processed from cereals and rice	15
Commission Regulation (EC) No 2475/96 of 23 December 1996 fixing the production refund for olive oil used in the manufacture of certain preserved foods	17
Commission Regulation (EC) No 2476/96 of 23 December 1996 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty	18
Commission Regulation (EC) No 2477/96 of 23 December 1996 fixing the rates of refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty	20
Commission Regulation (EC) No 2478/96 of 23 December 1996 fixing the rates of the refunds applicable to certain cereal and rice-products exported in the form of goods not covered by Annex II to the Treaty	22
* Commission Regulation (EC) No 2479/96 of 18 December 1996 laying down detailed rules for the application of the minimum import price system for certain soft fruit originating in Estonia, Latvia and Lithuania and fixing the minimum import prices	25
* Commission Regulation (EC) No 2480/96 of 18 December 1996 amending Regulation (EEC) No 1226/92 on communication by the Member States to the Commission of information on imports of certain products processed from fruit and vegetables	28
Commission Regulation (EC) No 2481/96 of 23 December 1996 on the supply of vegetable oil as food aid	30
Commission Regulation (EC) No 2482/96 of 23 December 1996 on the supply of common wheat flour intended for the people of the Caucasus and Central Asia	35
Commission Regulation (EC) No 2483/96 of 23 December 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables	41
* Commission Directive 96/86/EC of 13 December 1996 adapting to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road ⁽¹⁾	43
* Commission Directive 96/87/EC of 13 December 1996 adapting to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail ⁽¹⁾	45

⁽¹⁾ Text with EEA relevance

Conference of the Representatives of the Governments of the Member States

96/734/EC:

- ★ **Decision taken by common accord by the Governments of the Member States of the European Community at the level of Heads of State or Government of 13 December 1996 appointing the President of the European Monetary Institute** 46

96/735/EC:

- ★ **Decision taken by common accord by the Governments of the Member States of the European Community at the level of Heads of State or Government of 13 December 1996 appointing the President of the European Monetary Institute** 47

Council

96/736/EC:

- ★ **Council Decision of 13 December 1996 in accordance with Article 109 j (3) of the Treaty establishing the European Community, on entry into the third stage of economic and monetary union** 48

96/737/EC:

- ★ **Council Decision of 16 December 1996 concerning a multiannual programme for the promotion of energy efficiency in the Community — SAVE II** 50

Commission

96/738/EC:

- ★ **Commission Recommendation of 2 December 1996 concerning a coordinated programme of inspections in 1997 to ensure compliance with maximum levels of pesticide residues in and on certain products of plant origin, including fruit and vegetables ⁽¹⁾** 54

96/739/EC:

- ★ **Commission Decision of 3 December 1996 on financial contributions from the Community for the eradication of Newcastle disease in Sweden** 58

Corrigenda

- Corrigendum to Commission Regulation (EC) No 2433/96 of 19 December 1996 altering the rate of refunds applicable for certain products of the cereals and rice sectors exported in the form of goods not covered by Annex II to the Treaty (OJ No L 331 of 20.12.1996) 59

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2466/96

of 17 December 1996

amending Regulation (EEC) No 3508/92 establishing an integrated administrative and control system for certain Community aid schemes

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas Article 6 (2) of Regulation (EEC) No 3508/92 ⁽³⁾ provides that area aid applications must be submitted during the first quarter of the year; whereas, however, the Commission may allow a Member State to fix a date for the submission of area aid applications between 1 April and the dates referred to in Articles 10, 11 and 12 of Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops ⁽⁴⁾; whereas, in the light of experience, it should be possible for Member States to set the deadline for submission on their own responsibility without seeking the authorization of the Commission, taking into account in particular the time required for all relevant data to be available for the proper administrative and financial management of the aid and for checks to be carried out;

Whereas Article 13 (1) of Regulation (EEC) No 3508/92 provides that all the elements of the integrated system are to apply from 1 January 1996 at the latest; whereas, in the light of experience gained, notably in setting up alphanumeric identification systems for agricultural parcels and data bases, this deadline should be postponed for one year;

Whereas, given the considerable investment required to ensure that the integrated system is established definitively, provision should be made to prolong by one year

the period for which the Community financial contribution may be granted,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3508/92 is hereby amended as follows:

1. Article 6 (2) shall be replaced by the following:

'2. Area aid applications must be submitted by a date to be set by the Member State which may not be later than the dates referred to in Articles 10, 11 and 12 of Regulation (EEC) No 1765/92.

In all cases, the date shall be set bearing in mind, *inter alia*, the period required for all relevant data to be available for the proper administrative and financial management of the aid and for the checks provided for in Article 8 to be carried out.;

2. Article 10 (2) shall be amended as follows:

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

'The Community's financial contribution shall be granted for a period of five years from 1992, within the limits of the appropriations allocated for this purpose.;

(b) the third subparagraph shall be replaced by the following:

'The total amount shall be shared among the Member States as follows:

— for 1995:

Belgium	2,2 %
Denmark	2,3 %
Germany	9,2 %
Greece	8,0 %

⁽¹⁾ OJ No C 176, 19. 6. 1996, p. 13.

⁽²⁾ Opinion delivered on 13 December 1996 (not yet published in the Official Journal).

⁽³⁾ OJ No L 355, 5. 12. 1992, p. 1. Regulation last amended by Regulation (EC) No 1577/96 (OJ No L 206, 16. 8. 1996, p. 4).

⁽⁴⁾ OJ No L 181, 1. 7. 1992, p. 12. Regulation last amended by Regulation (C) No 1575/96 (OJ No L 206, 16. 8. 1996, p. 1).

Spain	16,5 %	Sweden	6,8 %
France	13,3 %	United Kingdom	7,6 %
Ireland	4,2 %	— for 1997:	
Italy	18,1 %	Austria	39,3 %
Luxembourg	0,6 %	Finland	32,1 %
Netherlands	2,8 %	Sweden	28,6 %;
Austria	3,3 %	(c) the following sentence shall be added to the fourth subparagraph:	
Portugal	5,3 %	‘However, appropriations which have not been used may be redistributed, under the conditions laid down by this Regulation, to those Member States which apply for them.’;	
Finland	2,7 %	3. Article 13 (1) (b) shall be replaced by the following:	
Sweden	2,4 %	‘(b) as regards the other elements referred to in Article 2, at the latest from:	
United Kingdom	9,1 %	— 1 January 1998 in the case of Austria, Finland and Sweden,	
— for 1996:		— 1 January 1997 in the case of the other Member States.’	
Belgium	1,8 %	<i>Article 2</i>	
Denmark	1,9 %	This Regulation shall enter into force on the day following its publication in the <i>Official Journal of the European Communities</i> .	
Germany	7,7 %	Point 2 of Article 1 shall apply with effect from 1 January 1996.	
Greece	6,7 %		
Spain	13,7 %		
France	11,1 %		
Ireland	3,5 %		
Italy	15,1 %		
Luxembourg	0,5 %		
Netherlands	2,3 %		
Austria	9,3 %		
Portugal	4,4 %		
Finland	7,6 %		

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

Done at Brussels, 17 December 1996.

For the Council

The President

I. YATES

COUNCIL REGULATION (EC) No 2467/96
of 17 December 1996
amending Regulation (EEC) No 571/88 on the organization of Community
surveys on the structure of agricultural holdings

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas Council Regulation (EEC) No 571/88 of 29 February 1988 on the organization of Community surveys on the structure of agricultural holdings between 1988 and 1997 ⁽³⁾ provides for a programme of four Community surveys on the structure of agricultural holdings in the period 1988 to 1997; whereas this survey programme follows on from a series of Community surveys on agricultural structures, the first of which was conducted in 1966/67; whereas, further, the Regulation in question provides for the implementation of the Eurofarm data bank for storing, processing and disseminating the survey results;

Whereas trends in the structure of agricultural holdings are an important factor in determining the development of the common agricultural policy; whereas these structure surveys should therefore be continued after 1997 according to a similar survey programme; whereas the list of survey characteristics required should be kept under review to make sure the existing characteristics can be fully justified and that new or emerging needs are considered;

Whereas Regulation (EEC) No 571/88 has been shown to be in accordance with these objectives; whereas it is necessary to extend the period of application of the said Regulation for a 10-year period covering the period 1998 to 2007;

Whereas structure statistics broken down in small regional detail are increasingly needed in the context of the reform of the common agricultural policy, but also for regional policy purposes; whereas it is therefore necessary to organize and conduct structural surveys in such a way that disaggregate survey results can be provided at district level; whereas, consequently, the survey costs will be

higher and it will be necessary to increase the Community contribution towards costs of the 1999/2000 basic survey;

Whereas, in order to carry out these surveys, both the Member States and the Community will need to set aside over a number of years substantial budgetary resources, a large proportion of which will have to be used to meet the information requirements of the Community institutions; whereas continuing provision should therefore be made in the Community budget for the necessary funds for a Community contribution towards the carrying out of the surveys and towards the processing and dissemination costs of the survey results via the Eurofarm system;

Whereas, for the purpose of implementing this Regulation and in particular the Eurofarm project, the individual data transmitted to the Statistical Office of the European Communities must be treated in accordance with the provisions of Regulation (Euratom, EEC) No 1588/90 ⁽⁴⁾ on the transmission of data subject to statistical confidentiality to the statistical office of the European Communities;

Whereas the financial reference amounts, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995, are included in this Regulation for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty;

Whereas, in order to carry out these surveys successfully, the close and trusting cooperation between the Member States and the Commission must continue, in particular via the Standing Committee on Agricultural Statistics set up by Decision 72/279/EEC ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 571/88 is hereby amended as follows:

1. in the title, 'between 1988 and 1997' shall be deleted;

⁽¹⁾ OJ No C 293, 5. 10. 1996, p. 38.

⁽²⁾ OJ No C 347, 18. 11. 1996.

⁽³⁾ OJ No L 56, 2. 3. 1988, p. 1. Regulation as last amended by Commission Decision 96/170/EC (OJ No L 47, 24. 2. 1996, p. 23).

⁽⁴⁾ OJ No L 151, 15. 6. 1990, p. 1.

⁽⁵⁾ OJ No L 179, 7. 8. 1972, p. 1.

2. the recitals shall be amended as follows:

- (a) in the fifth recital, 'during the period 1993 to 1997' shall be deleted;
- (b) the ninth recital shall be replaced by the following:

'Whereas, when the procedures to be employed for the Community censuses in 1989/90 and 1999/2000 are determined, account must be taken as far as possible of the recommendations of the United Nations Food and Agriculture Organization (FAO) regarding world censuses of agriculture to be conducted sometime around 1990 and also around 2000;'

3. in Article 1, '1988 and 1997' shall be replaced by '1988 and 2007';

4. Article 2 shall be replaced by the following:

Article 2

1. In line with the FAO recommendations for world censuses of agriculture, Member States shall carry out a basic survey in one or more stages in the form of a general census (full survey) of all agricultural holdings, between 1 December 1988 and 1 March 1991 and between 1 December 1998 and 1 March 2001 respectively. These surveys shall relate to the crop year corresponding to the crop to be harvested in 1989 or 1990 and in 1999 or 2000.

Nevertheless, in the framework of the 1989/90 basic survey, Member States may use random sample surveys, hereinafter referred to as "sample survey" for certain characteristics; the results obtained thereby shall be extrapolated.

2. Member States may, however, bring forward or defer the carrying out in the 1989/90 basic survey by 12 months at most, in which case they shall carry out a sample survey, relating to one of the crop years 1989 or 1990;'

5. Article 3 shall be amended as follows:

- (a) in the first sentence, after 'The following surveys', the words 'interim surveys' shall be inserted in brackets;

(b) the following shall be added:

'(d) between 1 December 2002 and 1 March 2004, covering the crop year corresponding to the crop to be harvested in 2003 (structure survey 2003);

(e) between 1 December 2004 and 1 March 2006, covering the crop year corresponding to the

crop to be harvested in 2005 (structure survey 2005);

and

- (f) between 1 December 2006 and 1 March 2008, covering the crop year corresponding to the crop to be harvested in 2007 (structure survey 2007);'

6. Article 4 shall be replaced by the following:

Article 4

Member States conducting sample surveys shall take the necessary steps to obtain reliable results at the various levels of aggregation required, which are as follows:

- the regions referred to in Article 8,
- the districts referred to in Article 8 (for base surveys only),
- the "objective zones" within the meaning of Regulation (EEC) No 2052/88 ⁽¹⁾ and Commission Decision 94/197/EC ⁽²⁾ (for the 1999/2000 basic survey only),

and in so far as the following territorial units are important locally:

- the "less-favoured agricultural areas" as defined in Article 3 of Directive 75/268/EEC ⁽³⁾ and the "mountain areas" as defined in paragraph 3 of the same Article,
- the principal technical economic guidelines within the meaning of Decision 85/377/EEC ⁽⁴⁾,
- the particular technical economic guidelines within the meaning of the same Decision.

Member States shall take the necessary measures to ensure that samples are structured in a way which allows the use of one single coefficient per holding for raising the information collected by sampling.

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9. Regulation as last amended by Regulation (EC) No 3193/94 (OJ No 337, 24. 12. 1994, p. 11).

⁽²⁾ OJ No L 96, 14. 4. 1994, p. 1.

⁽³⁾ OJ No L 128, 19. 5. 1975, p. 1. Directive as last amended by the 1994 Act of Accession.

⁽⁴⁾ OJ No L 220, 17. 8. 1985, p. 1. Decision as last amended by Commission Decision 96/393/EC (OJ No L 163, 2. 7. 1996, p. 45);'

7. Article 8 is hereby amended as follows:

- (a) in paragraph 1, '1993 to 1997' shall be replaced by '1993 to 2007';

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

'2. In the framework of determining the list of characteristics for the 1992/2000 basic survey, Member States may, at their request and on the basis of appropriate documentation, be authorized by the Commission, in accordance with the procedure laid down in Article 15, to use random sample surveys for certain characteristics.

In accordance with the procedure laid down in Article 15, likewise on request and on the basis of appropriate documentation and in the framework of determining the list of survey characteristics, Member States may be authorized to use, for certain characteristics as from the 1997 survey, already available information from sources other than statistical surveys.

3. In the 1999/2000 basic survey, the geographical situation of each holding shall be defined by a code which allows for aggregation by territorial units lower than the survey-district level or at least by objective zones.

- (c) the former paragraph 2 shall become paragraph 4; its text shall be replaced by the following'

'4. The definitions relating to the characteristics and to the delimitation and coding of regions, survey districts and other territorial units shall be fixed in accordance with the procedure laid down in Article 15.;

- (d) the former paragraph 3 shall become paragraph 5;

- (e) footnotes 1, 2 and 3 shall be deleted;

8. Article 10 shall be replaced by the following:

'Article 10

Member States shall forward to the Statistical Office of the European Communities the information mentioned in Article 8 (1) obtained from the censuses and sample surveys in the form of individual data per holding, in accordance with the procedure described in Annex II, hereafter called "Eurofarm project".

Member States shall ensure that the data transferred in the Eurofarm standard record layout are complete and plausible, using the uniform checking conditions laid down by the Statistical Office of the European Communities after close collaboration with the competent services of the Member States; they shall also use the checking tables mentioned in paragraph 9 of Annex II for checking individual data.;

9. Article 14 (1) shall be amended as follows:

- (a) in the first sentence the words 'in carrying out the basic survey and the surveys provided for in Article 3' shall be replaced by the words 'in carrying out the surveys provided for in Articles 2 and 3';

- (b) the maximum sums per survey concerning the Member States Austria, Finland and Sweden shall be inserted as follows:

— ECU 600 000 for Sweden,
— ECU 700 000 for Finland,
— ECU 1 400 000 for Austria.;

- (c) the following subparagraph shall be inserted between the first and second subparagraphs:

'For Member States which carry out a general census (full survey) in 1999/2000 of all agricultural holdings surveying all the required characteristics, the abovementioned sums shall be increased by 50 %.';

- (d) the former second subparagraph shall become the third subparagraph and be replaced as follows:

'The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.';

10. Article 14 (2) shall be replaced by the following:

'2. The maximum annual financial reference amount for the development, maintenance, necessary adaptations to, and management of, the Eurofarm project, including dissemination of results, shall be:

— ECU 480 000 for 1989,
— ECU 440 000 for 1990,
— ECU 240 000 for 1991,
— ECU 80 000 for the years 1992 to 1998,
— ECU 700 000 for the years 1999 and 2000,
— ECU 550 000 for the years 2001 to 2010.

The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.';

11. In Article 15 (2) the words 'by a majority of 54 votes' shall be replaced by 'by a majority of 62 votes';

12. Annex II to Regulation (EEC) No 571/88 shall be amended as follows:

- (a) in paragraph 2, the first indent shall be replaced by the following:

— the individual data bank (BDI), which will contain the individual data not directly identifiable on all holdings (in the case of basic surveys) or data on all holdings or on a representative sample of holdings (in the case of interim surveys) which is sufficient to enable analyses to be carried out at the geographical levels mentioned in Article 4 of the Regulation.';

- (b) in paragraph 3, 'Except in the case of Germany' shall be replaced by 'Except in case of the individual data of Germany concerning the 1988 to 1997 surveys.';

(c) paragraph 6 shall be amended as follows:

'6. By way of derogation, Germany will not forward individual data but tabular results corresponding to the BDT table programme mentioned under paragraph 2. This derogation expires after the surveys of the period 1988 to 1997.

Germany undertakes to centralize the individual data on a magnetic carrier in a single data-processing centre, within 12 months of completion of data collection in the field.'

(d) paragraph 16 shall be replaced by the following:

'16. In the framework of their respective responsibilities and in accordance with Regulation (Euratom, EEC) No 1588/90, the Statistical

Office of the European Communities and the Member States will establish rapid consultation procedures with a view to:

- ensuring the confidentiality and statistical reliability of the information prepared on the basis of the individual data,
- informing the Member States of the use made of these data.'

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, 17 December 1996.

For the Council

The President

I. YATES

COUNCIL REGULATION (EC) No 2468/96

of 17 December 1996

amending Regulation (EEC) No 2046/89 laying down general rules for distillation operations involving wine and the by-products of wine-making

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽¹⁾, and in particular Articles 35 (7), 36 (5), 38 (4), 39 (8), 41 (8) and 42 (4) thereof,

Having regard to the proposal from the Commission,

Whereas any application for aid from a distiller must, in cases of compulsory distillation, be accompanied by evidence to show that the minimum buying-in price for the distillation in question has in fact been paid to the producer; whereas, taking into account the characteristics peculiar to the distillation of the by-products of wine-making, Member States should be permitted, following the Commission's agreement, to apply simplified procedures for submission of the evidence in question for this type of distillation;

Whereas, for operational effectiveness, Member States should no longer be able to choose to apply the standard prices only but distillers should be allowed, subject to certain conditions, to benefit from variations in the alcohol buying-in price according to raw material distilled; whereas, however, with a view to taking into account certain administrative implications of this provision in Spain, it is appropriate that provision be made, by way of derogation, for a transitional period for the provision to be applied in that Member State;

Whereas the distiller is a channel for distributing aid to the producer through the payment of a minimum buying-in price for products to be distilled; whereas retrospective checks on aid applications from distillers sometimes bring to light errors or lack of precision on the part of the harvesters of the grapes or producers of the wine; whereas the liabilities arising therefrom should therefore be assumed by such harvesters or producers; whereas, to this end, it should be possible for the amount of aid wrongly paid to be recovered, subject to conditions to be determined, from the wine producer;

Whereas Regulation (EEC) No 2046/89⁽²⁾ should be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2046/89 is hereby amended as follows:

1. the following sentence shall be added to Article 17 (1) (c):

'However, Member States may introduce simplified procedures for submission of the evidence that the minimum purchase price stipulated for the distillation of the by-products of wine-making has been paid, after the Commission has given its approval to such procedures.'

2. the second subparagraph of Article 18 (3) shall be replaced by the following:

'Member States:

- may decide to apply differentiated prices if application of the standard price would or could make it impossible in certain Community regions to have one or more winemaking by-products distilled,
- must in all cases apply such prices to distillers who, in the course of a wine year, have distilled one or other raw material to a percentage exceeding 60 % of their total distillation. However, Spain is hereby authorized not to apply this provision for the 1997/98 marketing year.

The level of prices fixed for the product distilled from the various by-products must be such that the weighted average of these prices does not exceed the standard price.'

3. In Article 22:

- (a) in paragraph 3:

- the following sentence shall be added to the second subparagraph:

'However, where the producer is liable and subject to conditions to be determined, the intervention agency may recover from the producer an amount equal to the aid in question.'

- the last sentence of the fourth subparagraph shall be deleted;

- (b) the following paragraph shall be added:

'4. Detailed rules for the application of paragraph 3 and, in particular, the conditions referred to in the second subparagraph thereof, shall be adopted in accordance with the procedure laid down in Article 83 of Regulation (EEC) No 822/87.'

Article 2

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

It shall apply from 1 September 1997.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1592/96 (OJ No L 206, 16. 8. 1996, p. 31).

⁽²⁾ OJ No L 202, 14. 7. 1989, p. 14. Regulation as last amended by Regulation (EC) No 1920/96 (OJ No L 253, 1. 10. 1996, p. 1).

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

Done at Brussels, 17 December 1996.

For the Council

The President

I. YATES

COUNCIL REGULATION (EC) No 2469/96
of 16 December 1996
amending the Annex to Regulation (EEC) No 3911/92 on the export of cultural goods

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

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

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

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

Whereas according to different artistic traditions within the Community water-colour, gouache and pastel pictures are variously regarded as being either paintings or drawings; whereas category 4 of the Annex to Regulation No 3911/92 ⁽⁴⁾ includes drawings executed entirely by hand on any medium in any material and category 3 includes pictures and paintings executed entirely by hand on any medium in any material; whereas the financial thresholds which apply to these two categories are different; whereas in the internal market this could lead to serious differences of treatment for water-colour, gouache and pastel pictures depending upon the Member State in which they are situated; whereas it is necessary to decide for the purposes of the application of the Regulation into which category they shall fall to ensure that the financial thresholds applied shall be the same throughout the Community;

Whereas experience shows that the prices realized by water-colour, gouache and pastel pictures tend to be rather higher than those realized by drawings and much lower than those fetched by paintings in oil or tempera; whereas accordingly it is expedient to place water-colour, gouache and pastel pictures into a new separate category with a threshold of ECU 30 000 which would ensure that works of major significance would require an export

licence while there would not be the creation of any undue administrative load placed upon the licensing authorities,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3911/92 shall be amended as follows:

1. in heading A:

(a) point 3 shall be replaced by:

'3. Pictures and paintings, other than those included in category 3A or 4, executed entirely by hand in any medium and on any material ⁽¹⁾;

(b) the following point shall be inserted:

'3A. Water-colours, gouaches and pastels executed entirely by hand on any material ⁽¹⁾;

(c) point 4 shall be replaced by the following:

'4. Mosaics in any material executed entirely by hand, other than those falling in categories 1 or 2, and drawings in any medium executed entirely by hand on any material ⁽¹⁾.'

2. in heading B, the following category shall be inserted:

'30 000

— 3A. (Water colours, gouaches and pastels)'.

Article 2

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

It shall be applicable six months after the date of publication.

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

Done at Brussels, 16 December 1996.

For the Council

The President

D. HIGGINS

⁽¹⁾ OJ No C 6, 11. 1. 1996, p. 14.

⁽²⁾ OJ No C 166, 10. 6. 1996, p. 39.

⁽³⁾ OJ No C 97, 1. 4. 1996, p. 28.

⁽⁴⁾ OJ No L 395, 31. 12. 1992, p. 1.

COUNCIL REGULATION (EC) No 2470/96

of 17 December 1996

providing for an extension of the terms of a Community plant variety right in respect of potatoes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights⁽¹⁾, and in particular Article 19 (2) thereof,

Having regard to the proposal from the Commission,

Whereas it is recognized that technical difficulties in potato breeding require expenditure of research activities for a long period in comparison with the overwhelming majority of all the other agricultural crops; whereas, in addition, experience on the market has shown that a new potato variety reveals its commercial value only in the long term in comparison with those agricultural species requiring also long-term research activities; whereas, for these reasons, an equitable refunding of the research activities is only possible at a fairly late stage of the protection in comparison with the other agricultural crops;

Whereas, in order to establish a legal environment conducive to achieving such equitable refunding, an extension of the initial duration of a Community plant variety right by a further five years in the case of potatoes is the most appropriate measure;

Whereas such extension should apply to all valid Community plant variety rights which were granted prior to the entry into force of this Regulation or which will be granted in future unless such a right is duly surrendered by the holder or terminated by a decision of the Community Plant Variety Office;

Whereas the period of extension should be reduced if a national property right or rights in respect of the same variety has or have been effective in a Member State prior to the grant of a Community plant variety right and, accordingly, would have allowed a breeder already to take advantage of his variety; whereas a comparable principle was already laid down under the transitional provisions of Article 116 of Regulation (EC) No 2100/94,

HAS ADOPTED THIS REGULATION:

Article 1

1. The duration of the Community plant variety right, as provided for in Article 19 (1) of Regulation (EC) No 2100/94 shall in respect of varieties of potatoes, be extended by a further five years, without prejudice to the provisions of Article 116 (4) indent of the said Regulation.

2. In the case of varieties for which a national plant variety right was granted prior to the grant of the Community plant variety right, but to which Article 116 (4) 4th indent of the said Regulation does not apply, the extension referred to in paragraph 1 shall be reduced by the longest period in full years during which any national property right or rights granted have been effective in a Member State in respect of the same variety prior to the grant of the Community plant variety right.

Article 2

This Regulation shall enter into force on the 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, 17 December 1996.

For the Council

The President

I. YATES

⁽¹⁾ OJ No L 227, 1. 9. 1994, p. 1. Regulation as amended by Regulation (EC) No 2506/95 (OJ No L 258, 28. 10. 1995, p. 3).

COUNCIL REGULATION (EC) No 2471/96
of 20 December 1996

**amending Regulation (EC) No 789/96 opening and providing for the
administration of autonomous Community tariff quotas for certain fishery
products (1996)**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community and, in particular, Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas, by Regulation (EC) No 789/96⁽¹⁾, the Council opened, for 1996, Community tariff quotas for certain fishery products; whereas the volume of the quota for cod (Order No 09.2753) should be increased,

Article 1

In Regulation (EC) No 789/96, the table shown in the Annex shall be replaced, for Order No 09.2753, by the table shown in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 20 December 1996.

For the Council

The President

S. BARRETT

ANNEX

Order No	CN code	Taric Subdivision	Description of goods	Amount of quota (in tonnes)	Quota duty (%)
09.2753	ex 0302 50 10	20	Cod (<i>Gadus morhua</i> , <i>Gadus oga</i> , <i>Gadus macrocephalus</i>), and fish of the genus <i>Boreogadus saida</i> , excluding, livers, roes, presented fresh, chilled or frozen, for processing (a) (b)	60 000 ⁽¹⁾	4,5
	ex 0302 50 90	11			
		91			
	ex 0302 69 35	10			
	ex 0303 60 11	10			
	ex 0303 60 19	10			
	ex 0303 60 90	10			
	ex 0303 79 41	10			

⁽¹⁾ Of which the last 10 000 tonnes are intended exclusively for drying and salting.

⁽¹⁾ OJ No L 108, 1. 5. 1996, p. 8.

**COUNCIL REGULATION (EC) No 2472/96
of 20 December 1996**

**amending Regulation (EC) No 1823/96 opening and providing for the
administration of autonomous Community tariff quotas for certain fishery
products (second series 1996)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28, thereof,

Having regard to the proposal from the Commission,

Whereas, by Regulation (EC) No 1823/96 ⁽¹⁾, the Council opened autonomous tariff quotas for herring (09.2788);

Whereas it is necessary, to include in the said Regulation the processing operation of producing sides of herring as one of the processing operations allowing it to benefit from the tariff quota for herring,

HAS ADOPTED THIS REGULATION:

Article 1

In the second indent to point (b) of Regulation (EC) No 1823/96 the words 'for the production of sides' shall be inserted after the words 'cutting/excluding filleting'.

Article 2

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

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

Done at Brussels, 20 December 1996.

For the Council
The President
S. BARRETT

⁽¹⁾ OJ No L 241, 21. 9. 1996, p. 13.

COMMISSION REGULATION (EC) No 2473/96
of 23 December 1996
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of

the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1997.

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

Done at Brussels, 23 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 23 December 1996 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 9000, 2309 10 13 9000, 2309 10 31 9000,
2309 10 33 9000, 2309 10 51 9000, 2309 10 53 9000,
2309 90 31 9000, 2309 90 33 9000, 2309 90 41 9000,
2309 90 43 9000, 2309 90 51 9000, 2309 90 53 9000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	45,09
Cereal products excluding maize and maize products	22,18

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

COMMISSION REGULATION (EC) No 2474/96

of 23 December 1996

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

criteria to be taken into account when the refund on these products is being calculated;

Having regard to the Treaty establishing the European Community,

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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

HAS ADOPTED THIS REGULATION:

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁴⁾, as amended by Regulation (EC) No 2993/95⁽⁵⁾, on the import and export system for products processed from cereals and from rice defines the specific

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁵⁾ OJ No L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 1 January 1997.

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

Done at Brussels, 23 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 23 December 1996 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	63,13	1104 23 10 9100	67,64
1102 20 10 9400 ⁽¹⁾	54,11	1104 23 10 9300	51,85
1102 20 90 9200 ⁽¹⁾	54,11	1104 29 11 9000	12,84
1102 90 10 9100	47,64	1104 29 51 9000	12,59
1102 90 10 9900	32,40	1104 29 55 9000	12,59
1102 90 30 9100	52,60	1104 30 10 9000	3,15
1103 12 00 9100	52,60	1104 30 90 9000	11,27
1103 13 10 9100 ⁽¹⁾	81,16	1107 10 11 9000	22,41
1103 13 10 9300 ⁽¹⁾	63,13	1107 10 91 9000	56,53
1103 13 10 9500 ⁽¹⁾	54,11	1108 11 00 9200	25,18
1103 13 90 9100 ⁽¹⁾	54,11	1108 11 00 9300	25,18
1103 19 10 9000	33,09	1108 12 00 9200	72,14
1103 19 30 9100	49,23	1108 12 00 9300	72,14
1103 21 00 9000	12,84	1108 13 00 9200	72,14
1103 29 20 9000	32,40	1108 13 00 9300	72,14
1104 11 90 9100	47,64	1108 19 10 9200	50,25
1104 12 90 9100	58,44	1108 19 10 9300	50,25
1104 12 90 9300	46,75	1109 00 00 9100	0,00
1104 19 10 9000	12,84	1702 30 51 9000 ⁽²⁾	77,27
1104 19 50 9110	72,14	1702 30 59 9000 ⁽²⁾	59,15
1104 19 50 9130	58,62	1702 30 91 9000	77,27
1104 21 10 9100	47,64	1702 30 99 9000	59,15
1104 21 30 9100	47,64	1702 40 90 9000	59,15
1104 21 50 9100	63,52	1702 90 50 9100	77,27
1104 21 50 9300	50,82	1702 90 50 9900	59,15
1104 22 20 9100	46,75	1702 90 75 9000	80,96
1104 22 30 9100	49,67	1702 90 79 9000	56,19
		2106 90 55 9000	59,15

⁽¹⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽²⁾ Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 2475/96**of 23 December 1996****fixing the production refund for olive oil used in the manufacture of certain preserved foods**

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽¹⁾, as last amended by Regulation (EC) No 1581/96 ⁽²⁾, and in particular Article 20a thereof,

Whereas Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry; whereas under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months;

Whereas by virtue of Article 20a (2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the

reference period; whereas it is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production refund; whereas the above amount is to be increased by an amount equal to the consumption aid in force on the day that the said refund is applied;

Whereas the application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of January and February 1997, the amount of the production refund referred to in Article 20a (2) of Regulation No 136/66/EEC shall be ECU 67,18 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 January 1997.

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

Done at Brussels, 23 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

COMMISSION REGULATION (EC) No 2476/96

of 23 December 1996

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 1587/96⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 229/96⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced

skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EC) No 531/96⁽⁸⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.

2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1997.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 78, 28. 3. 1996, p. 13.

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

Done at Brussels, 23 December 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 23 December 1996 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	Rate of refund (ECU/100 kg)
ex 0402 10 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content not exceeding 1,5 % by weight (PG 2): (a) On exportation of goods of CN code 3501 (b) On exportation of other goods	— 63,00
ex 0402 21 19	Powdered milk, in granules or other solid forms, not containing added sugar or other sweetening matter, with a fat content of 26 % by weight (PG 3): (a) Where goods incorporating, in the form of products assimilated to PG 3, reduced-price butter or cream obtained pursuant to Regulation (EEC) No 570/88 are exported (b) On exportation of other goods	67,23 108,00
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6): (a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported (b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat (c) On exportation of other goods	65,00 197,25 190,00

COMMISSION REGULATION (EC) No 2477/96

of 23 December 1996

fixing the rates of refunds applicable to certain products from the sugar sector
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾ and in particular Article 17 (5) (a) and (15),

Whereas Article 17 (1) and (2) of Regulation (EEC) No 1785/81 provides that the differences between the prices in international trade for the products listed in Article 1 (1) (a), (c), (d), (f), (g) and (h) of that Regulation and prices within the Community may be covered by an export refund where these products are exported in the form of goods listed in the Annex to that Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds⁽³⁾ as last amended by Regulation (EC) No 229/96⁽⁴⁾ specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 17 (3) of Regulation (EEC) No 1785/81 and Article 11 of the Agreement on Agriculture concluded under the Uruguay Round lay down that the export refund for a product contained in a good may not exceed the refund applicable to that product when exported without further processing;

Whereas the refunds fixed under this Regulation may be fixed in advance; whereas the market situation over the next few months cannot be established at the moment;

Whereas the commitments entered into with regard to refunds which may be granted for the export of agricultural products contained in goods not covered by Annex II to the Treaty may be jeopardized by the fixing in advance of high refund rates; whereas it is therefore necessary to take precautionary measures in such situations without, however, preventing the conclusion of long-term contracts; whereas the fixing of a specific refund rate for the advance fixing of refunds is a measure which enables these various objectives to be met;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86⁽⁵⁾, as last amended by Commission Regulation (EC) No 1126/96⁽⁶⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 January 1997.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁵⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁶⁾ OJ No L 150, 25. 6. 1996, p. 3.

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

Done at Brussels, 23 December 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

to the Commission Regulation of 23 December 1996 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

Product	Rate of refund in ECU/100 kg	
	In case of advance fixing of refunds	Other
White sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,67	5,67
— in all other cases	43,29	43,29
Raw sugar:		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,21	5,21
— in all other cases	39,83	39,83
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose):		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	$\frac{5,67^{(*)} \times S^{(1)}}{100}$	$\frac{5,67^{(*)} \times S^{(1)}}{100}$
— in all other cases	$\frac{43,29^{(*)} \times S^{(1)}}{100}$	$\frac{43,29^{(*)} \times S^{(1)}}{100}$
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion	the rate fixed above for 100 kg of white or raw sugar used for the dissolution	
Molasses	—	—
Isoglucose ⁽²⁾ :		
— pursuant to Article 4 (5) (b) of Regulation (EC) No 1222/94	5,67 ⁽³⁾	5,67 ⁽³⁾
— in all other cases	43,29 ⁽³⁾	43,29 ⁽³⁾

(¹) 'S' represents in 100 kilograms of syrup

— the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,

— the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(²) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(³) Amount of refund per 100 kilograms of dry matter.

(⁴) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 2478/96

of 23 December 1996

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 13 (1) of Regulation (EC) No 3072/95 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁴⁾, as last amended by Regulation (EC) No 229/96⁽⁵⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁶⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁷⁾, as last amended by Regulation (EC) No 1516/95⁽⁸⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

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

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EC) No 3072/95, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EC) No 3072/95 respectively, are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1997.

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

Done at Brussels, 23 December 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁵⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁶⁾ OJ No L 275, 29. 9. 1987, p. 36.

⁽⁷⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁸⁾ OJ No L 147, 30. 6. 1995, p. 49.

ANNEX

to the Commission Regulation of 23 December 1996 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	0,493 0,759
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases	0,818 — 1,259
1002 00 00	Rye	3,309
1003 00 90	Barley	3,176
1004 00 00	Oats	2,922
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — in other cases	2,244 4,509 1,432 3,697 4,509 2,244 4,509
1006 20	Husked rice: — round grain — medium grain — long grain	19,375 17,250 17,250
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	25,000 25,000 25,000
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed)	0,922 3,306 3,306

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1007 00 90	Sorghum	3,176
1101 00	Wheat or meslin flour:	
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	1,007
	– in other cases	1,549
1102 10 00	Rye flour	4,533
1103 11 10	Groats and durum wheat meal:	
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,701
	– in other cases	1,078
1103 11 90	Common wheat groats and spelt:	
	– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	1,162
	– in other cases	1,788

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ No L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ No L 159, 1. 7. 1993, p. 112).

⁽³⁾ For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

**COMMISSION REGULATION (EC) No 2479/96
of 18 December 1996**

**laying down detailed rules for the application of the minimum import price
system for certain soft fruit originating in Estonia, Latvia and Lithuania and
fixing the minimum import prices**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Agreements on free trade and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round multilateral trade negotiations⁽¹⁾, and in particular Article 5 thereof,

Whereas detailed rules should be laid down for the application of the system of minimum prices for imports of certain soft fruit for processing originating in Estonia, Latvia and Lithuania, provided for in Annexes I (a) and I (b), Annex II (b) and Annex III (a) to Regulation (EC) No 1926/96;

Whereas, in accordance with the abovementioned Annexes, minimum import prices are fixed for each marketing year in the light of the trend in prices for Community products and imported products, the trend in quantities imported and the general trend on the Community market; whereas the minimum import prices should be fixed for the period ending on 30 April 1997 and provision should be made for the possibility of introducing the required measures should the minimum prices thus fixed not be observed;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

1. Minimum import prices for the products and origins listed in Annex I shall be fixed for each marketing year in the light of:

— the average prices for Community products and products imported from the countries concerned over the three previous years,

— the trend of the market share of imports and trends in the use of different presentations of the same product.

2. During the marketing year, which shall run from 1 May to 30 April of the following year, verification of compliance with the minimum import price shall be carried out for each product and origin with reference to the following criteria:

— for each quarter of the marketing year, the average unit value of products imported shall not be less than the minimum import price set;

— for each period of two weeks, the average unit value of products imported shall not be less than 90 % of the minimum import price set, provided that the quantities imported during that period are not less than 4 % of average imports over the three previous calendar years.

3. Where verification shows that one of the criteria referred to in paragraph 2 has not been respected, the Commission may decide on the measures required to ensure that a minimum import price is observed for each consignment, i.e. that countervailing charges are collected for a period not exceeding three months or two months, depending on whether the criterion not respected is the first or the second.

Article 2

For the period ending on 30 April 1997, the minimum import prices shall be as set out in Annex II to this Regulation.

Article 3

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

It shall apply from 1 July 1996.

⁽¹⁾ OJ No L 254, 8. 10. 1996, p. 1.

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

Done at Brussels, 18 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

CN code	Description of products	Country of origin
ex 0810 10 05 ex 0810 10 10 ex 0810 10 80	Strawberries, intended for processing	Estonia
ex 0810 30 10	Blackcurrants, intended for processing	Estonia, Lithuania
ex 0810 30 30	Redcurrants, intended for processing	Estonia
0811 10 11	Strawberries, frozen	Estonia, Latvia
0811 20 31	Raspberries, frozen	Estonia
0811 20 39	Blackcurrants, frozen	Estonia
0811 20 51	Redcurrants, frozen	Estonia

ANNEX II

(Prices in ecu/100 kg net weight)

CN code	Description of products	Estonia	Latvia	Lithuania
ex 0810 10 05 ex 0810 10 10 ex 0810 10 80	Strawberries, intended for processing	64,2	—	—
ex 0810 30 10	Blackcurrants, intended for processing	38,5	—	38,5
ex 0810 30 30	Redcurrants, intended for processing	29,1	—	—
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: whole fruit	93,7	93,7	—
ex 0811 10 90	Frozen strawberries, containing no added sugar or other sweetening matter: other	72,0	72,0	—
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: whole fruit	124,4	—	—
ex 0811 20 31	Frozen raspberries, containing no added sugar or other sweetening matter: other	99,5	—	—
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: without stalk	62,8	—	—
ex 0811 20 39	Frozen blackcurrants, containing no added sugar or other sweetening matter: other	44,8	—	—
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: without stalk	48,4	—	—
ex 0811 20 51	Frozen redcurrants, containing no added sugar or other sweetening matter: other	36,9	—	—

COMMISSION REGULATION (EC) No 2480/96

of 18 December 1996

amending Regulation (EEC) No 1226/92 on communication by the Member States to the Commission of information on imports of certain products processed from fruit and vegetables

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

Having regard to Council Regulation (EC) No 1926/96 of 7 October 1996 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Agreements on free trade and trade-related matters with Estonia, Latvia and Lithuania, to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, and in particular Article 5 thereof,

Whereas Article 1 (2) of Commission Regulation (EC) No 2479/96 of 18 December 1996, on detailed rules for the application of the minimum import price arrangements for certain red fruit originating in Estonia, Latvia and Lithuania and fixing the minimum import prices⁽²⁾, provides for the verification of compliance with the minimum import price; whereas that verification requires regular and rapid communication by Member States of certain information on imports originating in Estonia, Latvia and Lithuania;

Whereas Commission Regulation (EEC) No 1226/92⁽³⁾, as last amended by Regulation (EC) No 1032/95⁽⁴⁾, gives

the rules for communicating those data for certain Central and East European countries; whereas those rules should be extended to cover the three Baltic States;

Whereas the names of the countries resulting from the break-up of Yugoslavia should be updated and amendments to the combined nomenclature and the Taric codes should be taken into account;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1226/92 is replaced by the Annex hereto.

Article 2

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

It shall apply from 1 July 1996.

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

Done at Brussels, 18 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 254, 8. 10. 1996, p. 1.

⁽²⁾ See page 25 of this Official Journal.

⁽³⁾ OJ No L 128, 14. 5. 1992, p. 18.

⁽⁴⁾ OJ No L 105, 9. 5. 1995, p. 3.

ANNEX

CN code	Description	Taric code	Country of origin
ex 0811 10 11	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight: whole fruit	0811 10 11*10	Slovak Republic Poland Czech Republic Hungary Romania Bulgaria Estonia Latvia Lithuania Slovenia Croatia Bosnia Serbia and Montenegro Former Yugoslav Republic of Macedonia
ex 0811 10 11	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight: other	0811 10 11*90	
ex 0811 10 19	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: whole fruit	0811 10 19*10	
ex 0811 10 19	Frozen strawberries, containing added sugar or other sweetening matter, with a sugar content exceeding 13 % by weight: other	0811 10 19*90	
ex 0811 10 90	Frozen strawberries, not containing added sugar or other sweetening matter: whole fruit	0811 10 90*10	
ex 0811 10 90	Frozen strawberries, not containing added sugar or other sweetening matter: other	0811 10 90*90	
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: whole fruit	0811 20 19*11	
ex 0811 20 19	Frozen raspberries, containing added sugar or other sweetening matter, with a sugar content not exceeding 13 % by weight: other	0811 20 19*19	
ex 0811 20 31	Frozen raspberries, not containing added sugar or other sweetening matter: whole fruit	0811 20 31*10	
ex 0811 20 31	Frozen raspberries, not containing added sugar or other sweetening matter: other	0811 20 31*90	
ex 0811 20 39	Frozen blackcurrants not containing added sugar or other sweetening matter: without stalks	0811 20 39*10	
ex 811 20 39	Frozen blackcurrants not containing added sugar or other sweetening matter: other	0811 20 39*90	
ex 0811 20 51	Frozen redcurrants not containing added sugar or other sweetening matter: without stalks	0811 20 51*10	
ex 0811 20 51	Frozen redcurrants not containing added sugar or other sweetening matter: other	0811 20 51*90	
0812 20 00	Strawberries, provisionally preserved	—	
0812 90 50	Blackcurrants, provisionally preserved	—	
0812 90 60	Raspberries, provisionally preserved	—	
ex 0810 10 05	Strawberries from 1 January to 30 April intended for processing	0810 10 05*11 0810 10 05*31 0810 10 05*51	
ex 0810 10 10	Strawberries from 1 May to 31 July intended for processing	0810 10 10*20 0810 10 10*60	
ex 0810 10 80	Strawberries from 1 August to 31 December, intended for processing	0810 10 80*11 0810 10 80*31 0810 10 80*51	
ex 0810 20 10	Raspberries intended for processing	0810 20 10*11 0810 20 10*21	
ex 0810 30 10	Blackcurrants intended for processing	0810 30 10*10	
ex 0810 30 30	Redcurrants intended for processing	0810 30 30*10	
ex 2009 80 35	Blackcurrant juice	2009 80 35*20	
ex 2009 80 38		2009 80 38*20	
ex 2009 80 79		2009 80 79*20	
ex 2009 80 86		2009 80 86*20	
ex 2009 80 89		2009 80 89*20	
ex 2009 80 99		2009 80 99*20	

COMMISSION REGULATION (EC) No 2481/96
of 23 December 1996
on the supply of vegetable oil 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 vegetable oil 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,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil 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.

The supply shall cover the mobilization of vegetable oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward processing arrangements.

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, 23 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

LOTS A, B, C, D and E

1. **Operation No** ⁽¹⁾: 56/96 (lot A); 57/96 (lot B); 58/96 (lot C); 59/96 (lot D); 60/96 (lot E)
2. **Programme**: 1996
3. **Recipient** ⁽²⁾: UNRWA, Supply division, Amman Office, PO Box 140157, Amman — Jordan [telex: - 21170 UNRWA JC; fax: (962-6) 86 41 27]
4. **Representative of the recipient**: UNRWA Field Supply and Transport Officer
 - Lots A and E: Ashdod: Israel, PO Box 19149, Jerusalem [tel.: (972-2) 589 05 55; telex: 26194 UNRWA IL; telefax: 581 65 64]
 - Lot B: Beirut: Lebanon, PO Box 947, Beirut [tel.: (961-1) 212 478 4291; telex: 00581 150 2564 ULFO; telefax: 212 478 1055]
 - Lot C: Lattakia: Syria, PO BOX 4313, Damascus, [tel.: (963-11) 613 30 35; telex: 412006 UNRWA SY; telefax: 613 30 47]
 - Lot D: Amman: Jordan, PO Box 484, Amman [tel.: (962-6) 74 19 14/77 22 26; telex: 23402 UNRWAJFO JO; telefax: 74 63 61]
5. **Place or country of destination** ⁽³⁾:
 - Lots A and E: Israel
 - Lot B: Lebanon
 - Lot C: Syria
 - Lot D: Jordan
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1, (IIIA.1)(b))
8. **Total quantity (tonnes net)**: 1 463
9. **Number of lots**: 5 (lot A: 513 tonnes; lot B: 287 tonnes; lot C: 164 tonnes; lot D: 260 tonnes; lot E: 239 tonnes)
10. **Packaging and marking** ⁽⁸⁾ ⁽⁹⁾: see OJ No C 267, 13. 9. 1996, p. 1, (10.7 A and B.3)
see OJ No C 114, 29. 4. 1991, p. 1, (IIIA.(3))
Language to be used for the marking: English
Supplementary markings: 'NOT FOR SALE' + Lot D; 'Expiry date ...' (date of manufacture plus 2 years)
11. **Method of mobilization**: mobilization of refined sunflower oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements.
12. **Stage of supply**: Lots A, C and E: free at port of landing — landed
Lots B and D: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Lots A and E: Ashdod; Lot C: Lattakia
16. **Address of the warehouse and, if appropriate, port of landing**:
Lot B: UNRWA warehouse in Beirut, Lebanon;
Lot D: UNRWA warehouse in Amman, Jordan
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 3 to 16. 2. 1997
18. **Deadline for the supply**: Lots A, C and E: 9. 3. 1997; Lots B and D: 16. 3. 1997
19. **Procedure for determining the costs of supply**: —
20. **Date of expiry of the period allowed for submission of tenders**: 7. 1. 1997 [12 noon (Brussels time)]

-
21. **In the case of a second invitation to tender:**
- (a) deadline for the submission of tenders: 21. 1. 1997 [12 noon (Brussels time)]
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 17. 2 to 2. 3. 1997
 - (c) deadline for the supply: Lots A, C and E: 23. 3. 1997; Lots B and D: 30. 3. 1997
22. **Amount of tendering security:** ECU 15 per tonne
23. **Amount of delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: —

LOT F

1. **Operation No⁽¹⁾:** 1232/95 (F1); 74/96 (F2)
2. **Programme:** 1995; 1996
3. **Recipient⁽²⁾:** Rwanda
4. **Representative of the recipient:** Regional Food Security Programme, PO Box 5244 Kampala Tel: (256 41) 24 36 75, fax 24 36 76 (Mr Marc Denys)
5. **Place or country of destination:** Uganda
6. **Product to be mobilized:** refined sunflower oil
7. **Characteristics and quality of the goods⁽³⁾ (7):** see OJ No C 114, 29. 4. 1991, p. 1 (III. A. (1) (b))
8. **Total quantity (tonnes net):** 700
9. **Number of lots:** 1 in 2 parts (F1: 500 tonnes; F2: 200 tonnes)
10. **Packaging and marking⁽⁴⁾ (6):** see OJ No C 267, 13. 9. 1996, p. 1 (10.4 A, B and C 2)
see OJ No C 114, 29. 4. 1991, p. 1 (III.A.(3))
Supplementary markings: 'Date d'expiration: ...'
Language to be used for the marking: French
11. **Method of mobilization:** mobilization of refined sunflower oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Stage of supply:** free at destination
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:** entrepôt C.L.P., Nalukolongo on Masaka Road Kampala
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage:** 10. 2 to 23. 2. 1997
18. **Deadline for the supply:** 30. 3. 1997
19. **Procedure for determining the costs of supply:** invitation to tender
20. **Date of expiry of the period allowed for submission of tenders:** 7. 1. 1997 12 noon (Brussels time)
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 21. 1. 1997 12 noon (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 24. 2 to 9. 3. 1997
 - (c) deadline for the supply: 13. 4. 1997
22. **Amount of the tendering security:** ECU 15 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⁾:** —

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) Article 7 (3) (g) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) Commission delegation to be contacted by the successful tenderer: OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) The free holding period for containers must be at least 15 days.
- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a sanitary certificate.
- (⁸) Shipment to take place in 20-foot containers: Lots A, C and E: The contracted shipping terms shall be considered full liner terms (liner in/liner out) free port of landing container yard and is understood to cover 15 days — Saturdays, Sundays and official public and religious holidays excluded — free of container detention charges at the port of discharge taken from the day/time of the arrival of the vessel. The 15 day period should be clearly marked on the bill of lading. Bona fide detention charges levied in respect of container detention(s) in excess of the said 15 days as detailed above will be born by UNRWA. UNRWA shall not pay/not be charged any container deposit fees.

After take-over of the goods at the delivery stage, the recipient will bear all costs of shifting the containers for destuffing outside the port area and of returning them to the container yard.

Ashdod: consignment to be stowed in 20-foot containers containing not more than 17 tonnes each, net.
- (⁹) Notwithstanding OJ No C 114, point III.A. 3(c) is replaced by the following: 'the words "European Community"'.

- (¹⁰) Lot C: The health certificate and the certificate of origin must be signed and stamped by a Syrian Consulate, including the statement that consular fees and charges have been paid.

COMMISSION REGULATION (EC) No 2482/96

of 23 December 1996

on the supply of common wheat flour intended for the people of the Caucasus
and Central Asia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1975/95 of 4 August 1995 on actions for the free supply of agricultural products to the people of Georgia, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan and Turkmenistan⁽¹⁾, as amended by Regulation (EC) No 686/96⁽²⁾, and in particular Article 4(1) thereof,

Whereas, Commission Regulation (EC) No 2009/95⁽³⁾, as amended by Regulation (EC) No 723/96⁽⁴⁾, laying down the rules for the application of Regulation (EC) No 1975/95 and in particular Article 2(2) thereof, provides that the tenders for the free supply of processed products may relate to the quantity of basic product to be taken from intervention stocks as payment for the supply, and where applicable, in accordance with Article 5(2), as payment for the costs of processing, packaging and marking;

Whereas, it is appropriate to open without delay a tendering procedure for the supply of common wheat flour;

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

HAS ADOPTED THIS REGULATION:

Article 1

A tendering procedure is hereby initiated for the supply costs of common wheat flour as indicated in Annex I, in accordance with the provisions of Regulation (EC) No 2009/95, and in particular Article 2(2) thereof.

Article 2

The supply shall include:

- (a) delivery of the product specified in Annex I, free on board, stowed on the boat.

The loading rate of the port proposed must be at least 1 000 tonnes per day;

- (b) the packaging and marking of the product in accordance with the instructions set out in Annex I.

The goods must be made available for loading on board ship, for a maximum period of 10 days with effect from the dates laid down in Annex I.

Article 3

1. In accordance with Article 4 of Regulation (EC) No 2009/95 the offers shall be presented to the following address:

European Commission
EAGGF-Guarantee,
Division VI/G.2 (Office 10/5 or 10/8),
Rue de la Loi/Wetstraat 130,
B-1049 Brussels.

The closing date for the lodgement of tenders shall be 7 January 1997 at 12 noon (Brussels time).

In the case of non-acceptance of offers on 7 January 1997 a second closing date for the lodgement of offers shall be 17 January 1997 at 12 noon (Brussels time).

In this case all of the dates referred to in Annex I shall be carried forward by 10 days.

2. The offer of the tenderer shall indicate the quantity of common wheat, to be taken over from the intervention stocks referred to in Annex II as payment for the supply, necessary to cover all costs of the supply as specified in Article 2 to the delivery stage laid down. The quantities awarded must leave the stocks within a period of one and a half months from the date of notification of the award.

An additional offer may be made for a product delivered free on wagon. The loading rate of the railway station proposed must be at least 1 000 tonnes per day.

The offer shall be expressed in tonnes of common wheat (net weight) to be exchanged for a tonne of finished product (net weight).

3. The tendering security referred to at Article 6(1)(f) of Regulation (EC) No 2009/95 is fixed at ECU 25 per tonne of flour.

4. The security referred to at Article 8(1) of Regulation (EC) No 2009/95 is fixed at ECU 380 per tonne of flour.

Article 4

1. The certificate of removal referred to in the third indent of Article 12(3) of Regulation (EC) No 2009/95 shall be established on the basis of the model in Annex III.

2. The take-over certificate shall be established on the basis of the model in Annex IV.

Article 5

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

⁽¹⁾ OJ No L 191, 12. 8. 1995, p. 2.

⁽²⁾ OJ No L 97, 18. 4. 1996, p. 1.

⁽³⁾ OJ No L 196, 19. 8. 1995, p. 4.

⁽⁴⁾ OJ No L 100, 23. 4. 1996, p. 9.

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

Done at Brussels, 23 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***1. Product to be supplied:**

Common wheat flour.

2. Characteristics and quality of the goods⁽¹⁾:

OJ No C 114, 29. 4. 1991 (point II.B.1.a, with the exception of ash content which may be 0,90 % maximum, as a percentage of the dry matter).

3. Total quantity:

6 000 tonnes (net weight).

4. Description of lots: 2 lots

Each lot to be delivered to one port only (or one station only):

Lot No 1 — 3 000 tonnes made available with effect from 17 February 1997.

Lot No 2 — 3 000 tonnes made available with effect from 17 February 1997.

5. Packaging⁽²⁾:

Each lot will be packaged in new mixed jute/polypropylene sacks each containing 50 kilograms net.

OJ No C 114, 29. 4. 1991 (under II.B.2.c). The sacks will be packed in new polypropylene 'Slinged Bags/ Big Bags', closed on top, at the rate of 21 sacks, preferably interlocked (1 + 2 and 2 + 1), of 50 kilograms per 'Big Bag'.

The 'Big Bags' will be sealed under the responsibility of the contractor.

6. Marking:

The marking of the sacks (information in the Russian language plus European flag) must conform to the requirements laid down in OJ No C 114, 29. 4. 1991 (point II.B.3)⁽³⁾.

7. Stage of supply:

Fob stowed or free on wagon (fow stowed).

⁽¹⁾ The successful tenderer shall deliver to the transporter 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.

⁽²⁾ 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'.

⁽³⁾ Notwithstanding OJ No C 114, 29. 4. 1991, point II.B (3) (c) is replaced by the following: 'the words "European Community"'

ANNEX II

(tonnes)	
Places of storage	Quantity
<i>Lot No 1:</i>	
Kornhaus Einbeck Geschäftsstelle der D-37586 Dassel	880
Lagerhaus Beverungen Karl Frehse GmbH & Co. KG D-37688 Beverungen	4 788
<i>Lot No 2:</i>	
Lagerhaus Beverungen Karl Frehse GmbH & Co. KG D-37688 Beverungen	3 766
RUG Rheinische Umschlagsgesellschaft mbh D-34123 Kassel	1 891

The characteristics of the lots shall be supplied to the tenderers by the intervention agency.

Address of the intervention agency:

GERMANY

BLE

Adickesallee 40

D-60322 Frankfurt am Main

Postfach 18 02 03

D-60083 Frankfurt am Main

Tel.: (49) 69 1564 0; Fax: (49) 69 1564 793/794.

ANNEX III

Certificate of removal of products from intervention stocks

Intervention Agency:

Tender Regulation: (EC) No

Successful tenderer:

Product:

Lot No:

Identification No	Name of store	Quantities removed	Effective date of last physical removal

Date, stamp and signature
of the intervention agency

.....

ANNEX IV

Take-over certificate

I, the undersigned
(name/first name/position)

acting on behalf of

certify that the following goods have been taken over:

Product:		
Packaging:		
Number	of sacks:	
	of 'Big Bags':	
Total quantity in tonnes net: gross:		
Place and date of take-over:		
Name of boat:		

Name/address of monitoring agency:

.....
.....

Name and signature of its on-the-spot representative:

.....
.....

Observations or remarks:

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

Signature and stamp
of transporter

.....

COMMISSION REGULATION (EC) No 2483/96

of 23 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 2375/96⁽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 24 December 1996.

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

Done at Brussels, 23 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 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 23 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 50	052	101,9
	204	83,4
	624	142,9
	999	109,4
0707 00 40	624	112,3
	999	112,3
0709 10 40	220	197,3
	999	197,3
0709 90 79	052	85,5
	999	85,5
0805 10 61, 0805 10 65, 0805 10 69	052	45,1
	204	48,6
	388	20,0
	448	28,2
	624	38,0
	999	36,0
0805 20 31	052	57,7
	204	74,7
	999	66,2
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	61,0
	464	127,1
	624	71,3
	999	86,5
0805 30 40	052	70,1
	400	60,6
	528	40,6
	600	85,4
	999	64,2
0808 10 92, 0808 10 94, 0808 10 98	052	65,1
	060	45,1
	064	55,3
	400	79,9
	404	79,6
	728	121,0
	999	74,3
	999	74,3
0808 20 67	052	66,6
	064	79,3
	091	43,3
	400	109,1
	624	67,6
	999	73,2

⁽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'.

COMMISSION DIRECTIVE 96/86/EC

of 13 December 1996

adapting to technical progress Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road⁽¹⁾, and in particular Article 8 thereof,

Whereas the Annexes A and B to the Europe Agreement concerning the international carriage of dangerous goods by road, usually known as the ADR, as amended, should be attached to Directive 94/55/EC as the Annexes A and B and be applicable not only to cross-frontier transport, but also to transport within the individual Member States;

Whereas the Annexes to Directive 94/55/EC contain the ADR as applicable from 1 January 1995, which has since been published in all languages⁽²⁾;

Whereas the ADR is updated every two years and therefore an amended version will be in force with effect from 1 January 1997;

Whereas in accordance with Article 8, all the necessary modifications for adapting to technical and scientific progress in the field covered by the Directive and aiming at aligning it to the new rules have to be adopted in accordance with the procedure set out in Article 9;

Whereas it is necessary to adapt the sector to the new ADR rules and therefore to amend the Annexes to Directive 94/55/EC;

Whereas the measures provided for in the Directive are in accordance with the opinion of the Committee provided by Article 9 of Directive 94/55/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 94/55/EC is modified as follows:

1. Annex A:

'Annex A comprises the provisions of Marginals 2 000 to 3 999 of Annex A to the Europe Agreement on the

international carriage of dangerous goods by road (ADR), as effective on 1 January 1997, "Member State" being substituted for "Contracting Party".

NB: Versions in all the official languages of the Community of the amending text of 1997 to the consolidated text of 1995 of Annex A to the ADR will be published as soon as a text is available in all languages.'

2. Annex B:

'Annex B comprises the provisions of Marginals 10 000 to 270 000 of Annex B to the Europe agreement on the international carriage of dangerous goods by road (ADR), as effective on 1 January 1997, "Member State" being substituted for "Contracting Party".

NB: Versions in all the official languages of the Community of the amending text of 1997 to the consolidated text of 1995 of Annex B to the ADR will be published as soon as a text is available in all languages.'

Article 2

1. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1997. They shall forthwith inform the Commission thereof.

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

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

Article 3

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

⁽¹⁾ OJ No L 319, 12. 12. 1994, p. 7.

⁽²⁾ OJ No L 275, 28. 10. 1996, p. 1.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 1996.

For the Commission

Neil KINNOCK

Member of the Commission

COMMISSION DIRECTIVE 96/87/EC

of 13 December 1996

adapting to technical progress Council Directive 96/49/EC on the approximation
of the laws of the Member States with regard to the transport of dangerous
goods by rail

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Directive 96/49/EC of 23 July
1996 on the approximation of the laws of the Member
States with regard to the transport of dangerous goods by
rail⁽¹⁾, and in particular Article 8 thereof,

Whereas the Regulations concerning the international
carriage of dangerous goods by rail, usually known as the
RID, as amended, should be attached to Directive
96/49/EC as an Annex and be applicable not only to
cross-frontier transport, but also to transport within the
individual Member States;

Whereas the Annex to Directive 96/49/EC contains the
RID as applicable from 1 January 1995;

Whereas the RID is updated every two years and therefore
an amended version will be in force as from 1 January
1997;

Whereas in accordance with Article 8, all the necessary
modifications for adapting to technical and scientific
progress in the field covered by the Directive and aiming
at aligning it to the new rules have to be adopted in
accordance with the procedure set out in Article 9;

Whereas it is necessary to adapt the sector to the new
RID rules and therefore to amend the Annex to Directive
96/49/EC;

Whereas the measures provided for in the Directive are in
accordance with the opinion of the Committee provided
by Article 9 of Directive 96/49/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 96/49/EC is modified as follows:

‘The Annex comprises the provisions of the Regula-
tions concerning the international carriage of dan-
gerous goods by rail (RID), appearing as Annex I to

Appendix B to Cotif, as applicable with effect from 1
January 1997, on the understanding that “Contracting
Party” and “the States or the railways” will be replaced
by “Member State”.

NB: Versions of the RID in all the official languages
of the Community will be published as soon as a
text is ready in all languages.’

Article 2

1. The Member States shall bring into force the laws,
regulations and administrative provisions necessary to
comply with this Directive before 1 January 1997. They
shall forthwith inform the Commission thereof.

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

2. Member States shall communicate to the Commis-
sion the texts of the provisions of national law which they
adopt in the field governed by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 13 December 1996.

For the Commission

Neil KINNOCK

Member of the Commission

(¹) OJ No L 235, 17. 9. 1996, p. 25.

II

(Acts whose publication is not obligatory)

CONFERENCE OF THE REPRESENTATIVES OF THE
GOVERNMENTS OF THE MEMBER STATES

DECISION TAKEN BY COMMON ACCORD BY THE GOVERNMENTS OF
THE MEMBER STATES OF THE EUROPEAN COMMUNITY AT THE LEVEL
OF HEADS OF STATE OR GOVERNMENT

of 13 December 1996

appointing the President of the European Monetary Institute

(96/734/EC)

THE HEADS OF STATE OR GOVERNMENT OF THE MEMBER STATES OF THE EUROPEAN
COMMUNITY,

Having regard to the Treaty establishing the European Community, and in particular
Article 109f (1), second subparagraph thereof, and to Article 9.3 of the Protocol on the
Statute of the European Monetary Institute,

Having regard to the recommendation of the Council of the European Monetary Institute,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Council,

HAVE DECIDED AS FOLLOWS:

Sole Article

Baron Alexandre LAMFALUSSY is hereby reappointed President of the European
Monetary Institute for the period 1 January to 30 June 1997.

Done at Dublin, 13 December 1996.

The President

J. BRUTON

**DECISION TAKEN BY COMMON ACCORD BY THE GOVERNMENTS OF
THE MEMBER STATES OF THE EUROPEAN COMMUNITY AT THE LEVEL
OF HEADS OF STATE OR GOVERNMENT**

of 13 December 1996

appointing the President of the European Monetary Institute

(96/735/EC)

THE HEADS OF STATE OR GOVERNMENT OF THE MEMBER STATES OF THE EUROPEAN COMMUNITY,

Having regard to the Treaty establishing the European Community, and in particular Article 109f (1), second subparagraph thereof, and to Article 9.3 of the Protocol on the Statute of the European Monetary Institute,

Having regard to the recommendation of the Council of the European Monetary Institute,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Council,

HAVE DECIDED AS FOLLOWS:

Sole Article

Mr Willem Frederik DUISENBERG is hereby appointed President of the European Monetary Institute as from 1 July 1997 until the date the European Central Bank is established, in accordance with Article 23.7 of the Protocol on the Statute of the European Monetary Institute.

Done at Dublin, 13 December 1996.

The President

J. BRUTON

COUNCIL

COUNCIL DECISION

of 13 December 1996

in accordance with Article 109 j (3) of the Treaty establishing the European Community, on entry into the third stage of economic and monetary union

(96/736/EC)

THE COUNCIL OF THE EUROPEAN UNION,

meeting in the composition of the Heads of State or Government,

Having regard to the Treaty establishing the European Community, and in particular Article 109j (3) thereof,

Having regard to the report from the Commission,

Having regard to the report from the European Monetary Institute,

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

Having regard to the recommendations of the Council of 11 November 1996, under Article 109j (2) of the Treaty,

Whereas the procedure and timetable for taking decisions on the passage to the third stage of economic and monetary union (EMU) are laid down in Article 109j of the Treaty; whereas Article 109j (1) of the Treaty lays down that the reports prepared by the Commission and the European Monetary Institute shall include an examination of the compatibility between each Member State's national legislation, including the statutes of its national central bank, and Articles 107 and 108 of the Treaty and the Statute of the European System of Central Banks (ESCB) and shall also examine the achievement of a high degree of sustainable convergence by reference to the fulfilment by each Member State of four criteria relating to price stability, the government financial position, exchange rates and long-term interest rates; whereas Protocol 6 to the Treaty lays down the details of the convergence criteria referred to in Article 109j of the Treaty;

Whereas according to Article 109j (2) of the Treaty, the Council, on the basis of these reports, assessed on

11 November 1996, for each Member State, whether it fulfilled the necessary conditions for the adoption of a single currency and whether a majority of the Member States fulfilled these conditions;

Whereas, in accordance with paragraph 1 of Protocol 11 to the Treaty, the United Kingdom has notified the Council that it does not intend to move to the third stage in 1997;

Whereas, in accordance with paragraph 1 of Protocol 12 to the Treaty, the Danish Government has notified the Council that it will not participate in the third stage;

Whereas the Council, in its recommendation of 11 November 1996, pursuant to Article 109j (2) of the Treaty, concluded that at present there is not a majority of Member States fulfilling the conditions for the adoption of the single currency and therefore recommended the Council, meeting in the composition of the Heads of State or Government, to decide that there is no such majority of Member States, that consequently the Community will not enter the third stage of EMU in 1997 and that the procedure laid down in Article 109j (4) of the Treaty will be applied as soon as possible in 1998;

Whereas Member States' national legislation, including the statutes of national central banks, is being adapted with a view to ensuring full compatibility with Articles 107 and 108 of the Treaty and the Statute of the ESCB; whereas such adaptations need to ensure full compatibility with the Treaty at the latest at the date of the establishment of the ESCB;

Whereas progress has been made by Member States towards convergence, in particular as regards convergence of inflation and interest rates, exchange-rate stability and with other preparations for EMU, though more needs to be done, notably on government financial positions; whereas, according to the second indent of Article 109j (1) of the Treaty, the sustainability of the government financial position will be apparent from having achieved a government budgetary position without a deficit that is

⁽¹⁾ Opinion delivered on 28 November 1996 (not yet published in the Official Journal).

excessive as determined in accordance with Article 104c (6) of the Treaty; whereas, according to Council Decisions of 26 September 1994, 10 July 1995 and 27 June 1996; taken pursuant to Article 104c (6) of the Treaty, 12 Member States have an excessive government deficit; whereas no majority of Member States has achieved a sufficiently high degree of sustainable convergence;

Whereas, according to Article 109j (4) of the Treaty, if by the end of 1997 the date for the beginning of the third stage has not been set, the third stage shall start on 1 January 1999; whereas the European Council confirmed in Madrid in December 1995 that 1 January 1999 will be the starting date for the third stage of EMU in accordance with the convergence criteria, timetable and procedures laid down in the Treaty; whereas, on the same date, the European Council confirmed that as early as possible in 1998, it will be decided which Member States fulfil the necessary conditions for the adoption of the single currency; whereas in Florence in June 1996 the European Council re-confirmed that the third stage of EMU will begin on 1 January 1999, as agreed in the Madrid European Council,

HAS ADOPTED THIS DECISION:

Article 1

From an assessment for each Member State whether it fulfils the necessary conditions for the adoption of a

single currency, it follows that there is not a majority of Member States fulfilling the conditions therefor.

Article 2

The Community will not enter the third stage of EMU in 1997.

The procedure laid down in Article 109j (4) of the Treaty will be applied as early as possible in 1998.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Dublin, 13 December 1996.

For the Council,

*meeting in the composition of Heads of
State or Government*

The President

J. BRUTON

COUNCIL DECISION

of 16 December 1996

concerning a multiannual programme for the promotion of energy efficiency in the Community — SAVE II

(96/737/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s (1) thereof,

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

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

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 189 (c) of the Treaty ⁽⁴⁾,

- (1) Whereas Article 130r of the Treaty states that one objective of the Community policy on the environment shall be to ensure a prudent and rational utilization of natural resources;
- (2) Whereas at its meeting on 29 October 1990 the Council set an objective of stabilizing total CO₂ emissions by the year 2000 at the 1990 level in the Community as a whole;
- (3) Whereas Decision 93/389/EEC ⁽⁵⁾ established a monitoring mechanism of Community CO₂ and other greenhouse gas emissions;
- (4) Whereas nonetheless, despite efforts made, CO₂ emissions in the Community generated by energy consumption are expected to increase by 5 to 8 % between 1995 and 2000, assuming normal economic growth; whereas, therefore, additional measures are indispensable;
- (5) Whereas the Commission, in its communication of 8 February 1990 on energy and the environment, highlighted energy efficiency as the cornerstone of future efforts to reduce the negative impact of energy on the environment;
- (6) Whereas improvement in the management of energy is urgently needed in order to contribute to the

protection of the environment, to a better security of energy supply and to sustainable development;

- (7) Whereas the Commission has communicated to the Council and the European Parliament, by means of the Green paper of 11 January 1995 and the White Paper of 13 December 1995, its views on the future of energy policy in the Community, and the role of energy-saving and energy efficiency measures;
- (8) Whereas Article 130a of the Treaty provides that the Community should develop and pursue its actions leading to the strengthening of its economic and social cohesion, and that it should, in particular, reduce disparities between the levels of development of the various regions and the backwardness of the least-favoured regions; whereas energy should be integrated into that effort;
- (9) Whereas, by Decision 91/565/EEC ⁽⁶⁾, a Community energy efficiency programme (SAVE), aimed at strengthening energy efficiency infrastructures within the Community, was adopted; whereas that programme expired on 31 December 1995;
- (10) Whereas the Community recognized the SAVE programme as an important element of the Community's CO₂ reduction strategy; whereas the communication of the Commission of 8 May 1991 on the European Community's energy programming activities at regional level, the conclusion of the Council on this communication, and the Resolution of the European Parliament of 16 July 1993 ⁽⁷⁾ stated that those activities should be pursued, amplified and utilized as a support for the energy strategy of the Community; whereas this initiative for regional actions should now be totally incorporated into a new SAVE II programme;
- (11) Whereas by Decision No 1110/94/EC on the European Parliament and of the Council ⁽⁸⁾, a fourth framework programme for actions in technological research, development and demonstration was established; whereas energy efficiency policy constitutes an important instrument for the use and promotion of the new energy technologies that the framework programme will establish; whereas the SAVE II programme represents a policy instrument which complements this programme;

⁽¹⁾ OJ No C 346, 23. 12. 1995, p. 14.

⁽²⁾ OJ No C 82, 19. 3. 1996, p. 13.

⁽³⁾ OJ No C 129, 2. 5. 1996, p. 36.

⁽⁴⁾ Opinion of the European Parliament of 16 April 1996 (OJ No C 141, 13. 5. 1996, p. 35), Common Position of the Council of 8 July 1996 (OJ No C 264, 11. 9. 1996, p. 46) and Decision of the European Parliament of 12 November 1996 (OJ No C 323, 4. 12. 1996).

⁽⁵⁾ OJ No L 167, 9. 7. 1993, p. 31.

⁽⁶⁾ OJ No L 307, 8. 11. 1991, p. 34.

⁽⁷⁾ OJ No C 255, 20. 9. 1993, p. 252.

⁽⁸⁾ OJ No L 126, 18. 5. 1994, p. 1.

- (12) Whereas the SAVE II programme aims at improving energy intensity of final consumption by a further one percentage point per annum over that which would have been otherwise attained;
- (13) Whereas at its meeting on 15 on 16 December 1994 the Council stated that the target of stabilizing CO₂ emissions can only be achieved by a coordinated package of measures to import energy efficiency and the rational use of energy which are based on supply and demand at all levels of energy production, conversion, transport and consumption and to exploit renewable energies, and that local energy management programmes are amongst these measures;
- (14) Whereas in its opinion on the Commission's Green Paper on energy policy⁽¹⁾, the European Parliament called for the formulation of objectives and a common programme for energy efficiency and savings compatible with the objectives concerning the emissions of greenhouse gases as agreed in Rio de Janeiro (1992) and Berlin (1995), called for a SAVE II programme and requested that the Commission clarify the role which it intends to play in energy savings and efficiency by creating practical projects;
- (15) Whereas improved energy efficiency will have a positive impact on both the environment and the security of energy supplies which are global in nature; whereas a high level of international cooperation is needed to produce the most positive results;
- (16) Whereas all the elements of the Community action programme for improving the efficiency of electricity use set out in Council Decision 89/364/EEC⁽²⁾ should be incorporated into the SAVE II programme; whereas therefore that Decision should be repealed;
- (17) Whereas between 180 and 200 million tonnes of CO₂ emissions could be avoided by the year 2000 by an improvement of 5 % in the energy intensity of final demand additional to the conventional expectations;
- (18) Whereas the SAVE II programme is an important and necessary instrument for promoting increased energy efficiency;
- (19) Whereas in order to prevent duplication and to achieve synergy, care should be taken in implementing the programme to ensure close cooperation with other Community programmes linked directly with energy efficiency promotion;
- (20) Whereas it is politically and economically desirable to open the SAVE II programme to the associated

Central and Eastern European Countries in accordance with the conclusions of the European Council meeting in Copenhagen in June 1994 and as outlined in the Commission communication to the Council on the subject in May 1994, and to the associated Mediterranean Countries Cyprus and Malta;

- (21) Whereas, in order to ensure that Community aid is used efficiently, the Commission shall ensure that projects are subject to thorough prior appraisal and shall systemically monitor and evaluate the progress and results of supported projects;
- (22) Whereas a financial reference amount within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995⁽³⁾, is included in this decision for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty;
- (23) Whereas, before the end of 1997, the financial reference amount for the remaining period of the programme should be reviewed, on the basis of a study carried out by the Commission on the co-ordination of all the relevant programmes in the energy sector,

HAS ADOPTED THIS DECISION:

Article 1

1. The Community shall support a five-year programme for the preparation and implementation of measures and actions in a cost-effective manner in order to promote energy efficiency within the Community. The general overall objectives of this programme are:

- (a) to stimulate energy efficiency measures in all sectors;
- (b) to encourage investments in energy conservation by private and public consumers and by industry;
- (c) to create the conditions for improving the energy intensity of final consumption.

2. Community financing will be given under the 'SAVE II programme to promote energy efficiency in the Community', hereafter referred to as 'the programme', for actions which fall within the objectives of this Decision.

Article 2

Under the programme, the following categories of actions and measures on energy efficiency shall be financed:

⁽¹⁾ OJ No C 287, 30. 10. 1995, p. 34.

⁽²⁾ OJ No L 157, 9. 6. 1989, p. 32.

⁽³⁾ OJ No C 293, 8. 11. 1995, p. 4.

- (a) studies and other related actions aimed at the implementation and completion of Community measures (such as voluntary agreements, mandates to standardization bodies, cooperative procurements and legislation) taken to improve energy efficiency, studies concerning the effects of energy pricing on energy efficiency, and studies with a view to establishing energy efficiency as a criterion within Community programmes;
- (b) sectoral targeted pilot actions aimed at accelerating energy efficiency investment and/or improving energy use patterns, to be carried out by organizations or public and private enterprises as well as by existing Community-wide networks or temporary groupings of organizations and/or enterprises formed to accomplish the projects;
- (c) measures proposed by the Commission to foster the exchange of experience aimed at promoting better coordination between international, Community, national, regional and local activities by appropriate means for information dissemination;
- (d) measures as under (c) but proposed otherwise than by the Commission;
- (e) monitoring of energy efficiency progress in the Community and in individual Member States and ongoing evaluation and monitoring of the actions and measures undertaken under the programme;
- (f) specific actions in favour of energy management at regional and urban level and in favour of greater cohesion between Member States and regions in the field of energy efficiency.

Article 3

1. All the costs relating to the actions and measures referred to in Article 2 (a), (c) and (e) shall be borne by the general budget of the European Communities.
2. The level of funding for the actions and measures referred to in Article 2 (b), (d) and (f) shall be set at a maximum of 50 % of their total cost.
3. The balance of the funding of the actions and measures referred to in Article 2 (b), (d) and (f) may be made up from either public or private sources or from a combination of the two.

Article 4

1. The final reference amount for the implementation of this programme shall be ECU 45 million. The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspectives.
2. Before the end of 1997, the Council, in accordance with the relevant provisions of the Treaty, shall review the financial reference amount for the remaining period of

the programme, on the basis of a communication and, if appropriate, proposals from the Commission taken into account all the relevant programmes in the energy sector.

Article 5

1. The Commission will be responsible for the financial execution and implementation of the programme. The Commission will also ensure that actions under this programme are subject to prior appraisal, monitoring and subsequent evaluation, which, on completion of the project, shall include assessment of impact, implementation and whether their original objectives have been achieved.

2. The selected beneficiaries shall submit reports to the Commission on a six-monthly basis and on completion.

3. The conditions and guidelines to be applied for the support of all actions and measures referred to in Article 2 shall be defined each year taking into account:

- the cost effectiveness criteria, the savings potential and environmental impact, in particular the reduction of CO₂ emissions,
- the list of priorities referred to in Article 7,
- the cohesion of Member States in the field of energy efficiency.

The Committee referred to in Article 6 (2) will assist the Commission in defining these conditions and guidelines.

Article 6

1. In cases where the amount involved does not exceed ECU 100 000, the following shall apply:

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

2. In cases where the amount involved exceeds ECU 100 000, the following shall apply:

The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

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

The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:

- the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication,
- the Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous indent.

Article 7

The Commission shall formulate, on an annual basis, a list of priorities for funding under the programme. This list shall take into account complementarity between the SAVE II programme and the national programmes on the basis of annual information in a summary form supplied by each Member State. Priority shall be given to those areas where such complementarity is greatest.

The committee referred to in Article 6 (2) will assist the Commission in defining the list of priorities.

Article 8

1. After every year of the programme, the Commission shall present to the European Parliament and to the Council a progress report together with proposals concerning modifications of guidelines, defined according to Article 5 (3), which could be necessary in the light of the results of the previous year.

2. After the third year of the programme, the Commission shall present a report to the European Parliament

and to the Council on the energy efficiency measures undertaken at Community and Member State level and on the results achieved, with particular reference to the objectives outlined under Article 1. The report shall be accompanied by proposals for any amendments which may be necessary to the programme in the light of these results.

3. On expiry of the programme, the Commission shall make an overall assessment of the results obtained through the application of this Decision, and of the consistency of national and Community actions. It shall present a report thereon to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, stating in particular, how far the objective outlined under Article 1 has been achieved.

Article 9

Decision 89/364/EEC is hereby repealed.

Article 10

The programme shall be open to the participation of associated Central and Eastern European countries in accordance with the conditions, including financial arrangements, agreed to in the Additional Protocols to the association Agreements, concerning participation in Community programmes. This programme shall be open to the participation of Cyprus and Malta on the basis of additional appropriations in accordance with the same rules as apply to the EFTA countries following procedures to be agreed with the countries in question.

Article 11

This Decision shall apply from 1 January 1996 to 31 December 2000.

Article 12

This Decision is addressed to the Member States,

Done at Brussels, 16 December 1996.

For the Council

The President

D. HIGGINS

COMMISSION

COMMISSION RECOMMENDATION

of 2 December 1996

concerning a coordinated programme of inspections in 1997 to ensure compliance with maximum levels of pesticide residues in and on certain products of plant origin, including fruit and vegetables

(Text with EEA relevance)

(96/738/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables⁽¹⁾, as last amended by Directive 96/32/EC⁽²⁾, and in particular Article 4 (3) thereof,

After consulting the Standing Committee on Plant Health,

Whereas Article 4 (3) of Directive 90/642/EEC requires the Commission to forward to the Member States by 1 November each year a recommendation concerning a coordinated programme of inspections for the following year to ensure compliance with maximum levels of pesticide residues set out in Annex II to the said Directive;

Whereas Article 4 of Directive 90/642/EEC required the Member States to send to the Commission by 1 August 1996 all necessary information on the implementation during 1995 of their national programmes of inspection and to draw up forward programmes laying down the nature and frequency of their national inspections to be carried out; whereas Commission Recommendation 96/199/EC of 1 March 1996, concerning a coordinated programme of inspections in 1996 to ensure compliance with maximum levels of pesticide residues in and on certain products of plant origin, including fruit and vegetables⁽³⁾, recommended the Member States to send to the Commission by 1 September 1996 their intended national monitoring programmes for 1997; whereas, nevertheless,

it has not been possible for all Member States to submit their national reports and forward plans by these dates;

Whereas Annex II of Directive 90/642/EEC has been completed by lists of maximum residue levels for certain pesticides by Council Directive 93/58/EEC⁽⁴⁾, by Council Directive 94/30/EC⁽⁵⁾, by Council Directive 95/38/EC⁽⁶⁾ and by Council Directive 96/32/EC, to be implemented by the Member States not later than 30 April 1997, and has been amended by Council Directive 95/61/EC⁽⁷⁾; whereas the harmonized maximum levels of pesticide residues set out in Annex II should therefore be subject to the national and coordinated programmes of inspections in 1997;

Whereas the amount of information made available to the Commission has not been sufficient to permit a complete overview of the Member States' pesticide residues monitoring activities during 1995 or to allow a comprehensive evaluation of the Member States' monitoring intentions for 1997; whereas, nevertheless, sufficient information is available to coordinate a programme of monitoring of specific pesticides/product combinations at Community level; whereas this is the second such specific coordinated programme to be recommended and indications as to the products to be included in future annual specific coordinated programmes are important for the planning of the competent authorities of the Member States; whereas products will not normally be repeated in specific coordinated programmes within an interval of three years;

Whereas examination of a systematic statistical approach to numbers of samples to be taken in the specific coordinated exercise has not been completed; whereas, however, examination within the Community of more samples of a product than were to be taken in 1996 will

⁽¹⁾ OJ No L 350, 14. 12. 1990, p. 71.

⁽²⁾ OJ No L 144, 18. 6. 1996, p. 12.

⁽³⁾ OJ No L 64, 14. 3. 1996, p. 18.

⁽⁴⁾ OJ No L 211, 23. 8. 1993, p. 6.

⁽⁵⁾ OJ No L 189, 23. 7. 1994, p. 70.

⁽⁶⁾ OJ No L 197, 22. 8. 1995, p. 14.

⁽⁷⁾ OJ No L 292, 17. 12. 1995, p. 27.

permit conclusions about the pesticide residues detected in or on the product to be drawn with a higher level of confidence; whereas for the specific exercise for 1997 at least Member States should set a target number of 50 samples of products in their own markets;

Whereas Article 4 (2) of Directive 90/642/EEC requires Member States to specify the criteria applied in drawing up their national inspection programmes when sending to the Commission information on their implementation during the previous year; whereas such information should include the criteria applied in determining the numbers of samples to be taken and analyses to be carried out, the reporting levels applied and the criteria by which these have been fixed and the criteria applied for the establishment of quality assurance measures in sampling and quality assurance of laboratories carrying out analyses where these are not yet accredited under Council Directive 93/99/EC of 29 October on the subject of additional measures concerning the official control of foodstuffs⁽¹⁾;

Whereas it would also be helpful for the establishment of future recommendations for the Commission to be informed in advance about the Member States' intended forward monitoring programmes for 1998 and following years, in draft or in outline if appropriate;

Whereas information on the results of monitoring programmes and details of intended national monitoring programmes are particularly appropriate for treatment, storage and transmission by electronic/informatic methods; whereas formats have been developed for supply in diskette form to the Member States by the Commission; whereas Member States should therefore be able to send their reports for 1996 and intended national monitoring programmes for 1998 to the Commission in the standard format; whereas the further development of such a standard format is most effectively undertaken by the development of guidelines by the Commission;

Whereas the inspections and check sampling by Member States to ensure compliance with the maximum levels of pesticide residue set out in the list referred to in Article 1 (1) of Directive 90/642/EEC should be carried out in accordance with the requirements of Commission Directive 79/700/EEC of 24 July 1979 establishing methods of sampling for the official control of pesticide residues in

and on fruit and vegetables⁽²⁾, Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of Community methods of sampling and analysis for the monitoring of foodstuffs intended for human consumption⁽³⁾, Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs⁽⁴⁾ and Council Directive 93/99/EEC,

HEREBY RECOMMENDS THE MEMBER STATES TO:

1. as a specific exercise for 1997, sample and analyse for the product/pesticide residue combinations set out in Annex I, on the basis of a target number of 50 samples of each product, reflecting as appropriate national, Community and third-country shares of the Member State's market and report the results, including analytical methods used, reporting levels achieved and quality assurance measures, at the latest by 1 August 1998;
2. by 1 August 1997, send to the Commission all the information as required by Article 4 (2) of Directive 90/642/EEC concerning the 1996 monitoring exercise to ensure, at least by check sampling, compliance with maximum pesticide residue levels and, in particular:
 - 2.1. the results of the specific exercise for 1996, as set out in point 5 of Commission Recommendation 96/199/EC concerning a coordinated programme of inspections in 1996;
 - 2.2. the results of their national programmes concerning pesticides listed in Annex II of Directive 90/642/EEC, in relation to harmonized levels and, where these have not yet been fixed at Community level, in relation to the national levels in force;
 - 2.3. the criteria applied when drawing up their national programmes concerning the numbers of samples taken and the analyses carried out;
 - 2.4. the criteria applied when defining and fixing reporting levels;

⁽²⁾ OJ No L 207, 15. 8. 1979, p. 26.

⁽³⁾ OJ No L 372, 31. 12. 1985, p. 50.

⁽⁴⁾ OJ No L 186, 30. 6. 1989, p. 23.

⁽¹⁾ OJ No L 290, 24. 11. 1993, p. 14.

- 2.5. the quality assurance measures applied to sampling of products or changes in those measures reported in previous years;
- 2.6. details of accreditation, in accordance with the provisions of Article 3 of Directive 93/99/EC, of the laboratories carrying out the analyses and, where such accreditation has not yet been accorded, the criteria applied in establishing quality assurance measures in those laboratories;
3. by 1 June 1997, send to the Commission their intended national programme for monitoring

maximum pesticide residue levels fixed by Directive 90/642/EEC for the year 1998 and, as far as possible, for following years.

This Recommendation is addressed to the Member States.

Done at Brussels, 2 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Maximum Residue Levels (MRLs) to be monitored in the specific exercise for 1997 set out in point 1 of the Recommendation

(mg/kg)

Pesticide residue to be analysed	Products to which MRLs apply				
	1. Mandarins	2. Pears	3. Bananas	4. Beans (fresh including frozen)	5. Potatoes
Carbendazim (*)	5	2	1	—	—
Thiabendazole	6	5	3	—	5
Acephate	1	—	0,02 (*)	—	0,02 (*)
Chlorothalonil	0,01 (*)	—	0,01 (*)	—	0,01 (*)
Chlorpyrifos	0,3	0,5	—	—	0,05 (*)
DDT	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)	0,05 (*)
Diazinon	0,5	0,5	0,5	0,5	—
Endosulfan	1	1	0,05 (*)	1	—
Iprodione	0,02 (*)	10	—	—	0,02 (*)
Metalaxyl	—	1	0,05 (*)	0,05 (*)	0,05 (*)
Methamidophos	0,2	—	0,01 (*)	—	0,01 (*)
Methidathion	2	0,3	0,02 (*)	0,02 (*)	0,02 (*)
Triazophos	—	—	0,02 (*)	—	—

(*) Benomyl, Carbendazim, Thiophanate-Methyl (sum of residues expressed as Carbendazim).

(*) Indicates lower limit of analytical determination.

COMMISSION DECISION

of 3 December 1996

on financial contributions from the Community for the eradication of Newcastle disease in Sweden

(96/739/EC)

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

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, as amended by Council Decision 94/370/EEC⁽²⁾ and in particular Articles 3 (3) and 4 (2) thereof,

Whereas outbreaks of Newcastle disease occurred in Sweden in 1995; whereas the appearance of this disease is a serious danger to the Community's poultry and, in order to help eradicate the disease as rapidly as possible, the Community has the possibility of compensating for the losses suffered;

Whereas, as soon as the presence of Newcastle disease was officially confirmed the Swedish authorities took appropriate measures which included the measures as listed in Article 3 (2) of Decision 90/424/EEC; whereas such measures were notified by the Swedish authorities;

Whereas the conditions for Community financial assistance have been met;

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

Sweden may obtain Community financial assistance for outbreaks of Newcastle disease which occurred during 1995. The financial contribution by the Community shall be:

- 50 % of the costs incurred by Sweden in compensating the owner for the slaughter and/or destruction of poultry and poultry products as appropriate;
- 50 % of the costs incurred by Sweden for the cleaning and disinfection of holdings and equipment;
- 50 % of the costs incurred by Sweden in compensating the owner for the destruction of contaminated feedingstuffs and contaminated equipment.

Article 2

1. The Community financial contribution shall be granted after supporting documents have been submitted.
2. The documents referred to in paragraph 1 shall be sent by Sweden no later than three months from the notification of this Decision.
3. Nevertheless Sweden can, at its request, benefit from an advance payment of the amount of ECU 1 million.

Article 3

This Decision is addressed to Sweden.

Done at Brussels, 3 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2433/96 of 19 December 1996 altering the rate of refunds applicable for certain products of the cereals and rice sectors exported in the form of goods not covered by Annex II to the Treaty

(Official Journal of the European Communities No L 331 of 20 December 1996)

Pages 32 and 33, the Annex is modified as follows:

'ANNEX

to the Commission Regulation of 19 December 1996 altering the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,422
	— in other cases	0,649
1001 90 99	Common wheat and meslin:	
	— on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,747
	— in other cases:	
	— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2)	—
	— — in other cases	1,149
1002 00 00	Rye	3,199
1003 00 90	Barley	3,066
1004 00 00	Oats	2,812
1005 90 00	Maize (corn) used in the form of:	
	— starch:	
	— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2)	2,073
	— — in other cases	4,399
	— glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 (3):	
	— — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2)	1,260
	— — in other cases	3,587
	— other (including unprocessed)	4,399
	Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize:	
	— where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 (2)	2,073
	— in other cases	4,399
1006 20	Husked rice:	
	— round grain	19,375
	— medium grain	17,250
	— long grain	17,250

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
ex 1006 30	Wholly-milled rice: – round grain	25,000
	– medium grain	25,000
	– long grain	25,000
1006 40 00	Broken rice used in the form of: – starch of CN code 1108 19 10: – – where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾	0,857
	– – in other cases	3,306
	– other (including unprocessed)	3,306
1007 00 90	Sorghum	3,066
1101 00	Wheat or meslin flour: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,919
	– in other cases	1,413
1102 10 00	Rye flour	4,383
1103 11 10	Groats and durum wheat meal: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	0,599
	– in other cases	0,922
1103 11 90	Common wheat groats and spelt: – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America	1,061
	– in other cases	1,632

⁽¹⁾ As far as agricultural products obtained from the processing of a basic product or/and assimilated products are concerned, the coefficients shown in Annex E of amended Commission Regulation (EC) No 1222/94 shall be applied (OJ No L 136, 31. 5. 1994, p. 5).

⁽²⁾ The goods concerned are listed in Annex I of amended Regulation (EEC) No 1722/93 (OJ No L 159, 1. 7. 1993, p. 112).

⁽³⁾ For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.