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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1337/97
of 11 July 1997
opening an invitation to tender for the refund or the tax for the export of barley
to all third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 1259/97⁽⁴⁾, and in particular Article 4 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened, in respect of barley to tender for the export refund or tax provided for in Article 4 of Regulation (EC) No 1501/95;

Whereas the detailed procedural rules governing invitations to tender are as regards the fixing of the export refund, or export tax in Regulation (EC) No 1501/95; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas it is necessary to provide for a specific period of validity for licences issued under that invitation to tender; whereas that period of validity must meet the needs of the world market for the 1997/98 marketing year;

Whereas, in order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit

and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund and/or export tax provided for in Article 4 of Regulation (EC) No 1501/95.
2. The tendering procedure shall concern barley for export to all third countries.
3. The invitation shall remain open until 28 May 1998. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 5 (3a) of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽⁵⁾, export licences issued under Article 8 (1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

⁽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. 7.

⁽⁴⁾ OJ No L 174, 2. 7. 1997, p. 10.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

2. Subject to the provisions of Article 1 of Commission Regulation (EC) No 1521/94⁽¹⁾ export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to fix a minimum export tax, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund, as well as to the tenderer or tenderers whose bid relates to an export tax.

3. Where a minimum export tax is fixed, a contract shall be awarded to any tenderer whose tender indicates a

rate of tax equal to or more than such minimum export tax.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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, 11 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 162, 30. 6. 1994, p. 47.

*ANNEX I***Weekly tender for the refund or the tax for the export of barley to all third countries**

(Regulation (EC) No 1337/97)

(Closing date for the submission of tenders (date/time))

1	2	3	
Number of tenderer	Quantity in tonnes	A	B
		Amount of export tax in ECU per tonne	Amount of export refund in ECU per tonne
1			
2			
3			
etc.			

ANNEX II

The only numbers to use to call Brussels (DG VI-C-1) are:

- telex: — 22037 AGREC B,
 — 22070 AGREC B (Greek characters);
 - fax: — 295 25 15,
 — 296 49 56.
-

COMMISSION REGULATION (EC) No 1338/97

of 11 July 1997

opening an invitation to tender for the refund or the tax for the export of rye to all third countries

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 1259/97⁽⁴⁾, and in particular Article 4 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened, in respect of rye to tender for the export refund or tax provided for in Article 4 of Regulation (EC) No 1501/95;

Whereas the detailed procedural rules governing invitations to tender are as regards the fixing of the export refund, or export tax in Regulation (EC) No 1501/95; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas it is necessary to provide for a specific period of validity for licences issued under that invitation to tender; whereas that period of validity must meet the needs of the world market for the 1997/1998 marketing year;

Whereas, in order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund and/or export tax provided for in Article 4 of Regulation (EC) No 1501/95.

⁽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. 7.

⁽⁴⁾ OJ No L 174, 2. 7. 1997, p. 10.

2. The tendering procedure shall concern rye for export to all third countries.

3. The invitation shall remain open until 28 May 1998. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 5 (3a) of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽⁵⁾, export licences issued under Article 8 (1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Subject to the provisions of Article 1 of Commission Regulation (EC) No 1521/94⁽⁶⁾ export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 162, 30. 6. 1994, p. 47.

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to fix a minimum export tax, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund, as well as to the tenderer or tenderers whose bid relates to an export tax.

3. Where a minimum export tax is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of tax equal to or more than such minimum export tax.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a

half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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, 11 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***Weekly tender for the refund or the tax for the export of rye to all third countries**

(Regulation (EC) No 1338/97)

(Closing date for the submission of tenders (date/time))

1	2	3	
Number of tenderer	Quantity in tonnes	A	B
		Amount of export tax in ECU per tonne	Amount of export refund in ECU per tonne
1			
2			
3			
etc.			

ANNEX II

The only numbers to use to call Brussels (DG VI-C-1) are:

- telex: — 22037 AGREC B,
 — 22070 AGREC B (Greek characters);
 - fax: — 295 25 15,
 — 296 49 56.
-

COMMISSION REGULATION (EC) No 1339/97

of 11 July 1997

opening an invitation to tender for the refund or the tax for the export of
common wheat to all third countries

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

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

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 1259/97⁽⁴⁾, and in particular Article 4 thereof,

Whereas, in view of the current situation on the cereals market, an invitation should be opened, in respect of common wheat to tender for the export refund or tax provided for in Article 4 of Regulation (EC) No 1501/95;

Whereas the detailed procedural rules governing invitations to tender are as regards the fixing of the export refund, or export tax in Regulation (EC) No 1501/95; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas it is necessary to provide for a specific period of validity for licences issued under that invitation to tender; whereas that period of validity must meet the needs of the world market for the 1997/1998 marketing year;

Whereas, in order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund and/or export tax provided for in Article 4 of Regulation (EC) No 1501/95.

2. The tendering procedure shall concern common wheat for export to all third countries.

3. The invitation shall remain open until 28 May 1998. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 1 000 tonnes.

Article 3

The security referred to in Article 5 (3a) of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

Article 4

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽⁵⁾, export licences issued under Article 8 (1) of Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Subject to the provisions of Article 1 of Commission Regulation (EC) No 1521/94⁽⁶⁾ export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 5

1. The Commission shall decide, pursuant to the procedure laid down in Article 23 of Regulation (EEC) No 1766/92:

⁽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. 7.
⁽⁴⁾ OJ No L 174, 2. 7. 1997, p. 10.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.
⁽⁶⁾ OJ No L 162, 30. 6. 1994, p. 47.

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to fix a minimum export tax, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

2. Where a maximum export refund is fixed, the contract shall be awarded to the tenderer or tenderers whose bids are equal to or lower than the maximum refund, as well as to the tenderer or tenderers whose bid relates to an export tax.

3. Where a minimum export tax is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of tax equal to or more than such minimum export tax.

Article 6

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a

half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or fax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 7

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 8

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, 11 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***Weekly tender for the refund or the tax for the export of common wheat to all third countries**

(Regulation (EC) No 1339/97)

(Closing date for the submission of tenders (date/time))

1	2	3	
Number of tenderer	Quantity in tonnes	A	B
		Amount of export tax in ECU per tonne	Amount of export refund in ECU per tonne
1			
2			
3			
etc.			

ANNEX II

The only numbers to use to call Brussels (DG VI-C-1) are:

- telex: — 22037 AGREC B,
 — 22070 AGREC B (Greek characters);
 - fax: — 295 25 15,
 — 296 49 56.
-

COMMISSION REGULATION (EC) No 1340/97

of 11 July 1997

amending Annex I to Council Regulation (EC) No 1808/95 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas for certain agricultural, industrial and fisheries products and establishing the detailed provisions for adapting these quotas

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

Having regard to Council Regulation (EC) No 1808/95 of 24 July 1995 opening and providing for the administration of Community tariff quotas bound in GATT and certain other Community tariff quotas for certain industrial, agricultural and fisheries products and establishing the detailed provisions for adapting these quotas⁽¹⁾, as last amended by Regulation (EC) No 2016/96⁽²⁾, and in particular Articles 9 and 10 thereof,

Whereas Regulation (EC) No 1808/95 opened Community tariff quotas in respect of a number of agricultural, industrial and fisheries products under the General Agreement on Tariffs and Trade (GATT);

Whereas Council Decision No 97/360/EC of 24 March 1997 on the elimination of duties on certain spirituous beverages⁽³⁾, provides for amendment of the list of WTO tariff quotas to be opened by the European Community, by adding a tariff quota for rum and taffia of a certain value, from 1 July 1997 until 1 January 2003, when the duty is reduced to zero;

Whereas Annex I to Regulation (EC) No 1808/95 should be amended accordingly by inserting the products listed in the Annex to this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The tariff quota referred to in the Annex to this Regulation shall be added to Annex I to Council Regulation (EC) No 1808/95.

Article 2

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

It shall apply with effect from 1 July 1997.

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

Done at Brussels, 11 July 1997.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 176, 27. 7. 1995, p. 1.

⁽²⁾ OJ No L 270, 23. 10. 1996, p. 1.

⁽³⁾ OJ No L 155, 12. 6. 1997, p. 60.

ANNEX

Order No	CN code	Taric-sub-division	Description	Quota duty	Quota volume (in litres of pure alcohol) (*)
09.0065	ex 2208 40 10	91 ⁽¹⁾	– Rum and taffia:		
			– – in containers holding 2 litres or less:		
			– – – other than rum with a content of volatile substances other than ethyl and methyl alcohol equal to or exceeding 225 grams per hectolitre of pure alcohol (with a 10 % tolerance):		
			– – – of a value exceeding 7,9 Ecu per litre of pure alcohol:		
			– from 1.7.1997 to 31.12.1997	0,7 Ecu/% vol/hl + 3,5 Ecu/hl	890 000
			– from 1.1.1998 to 31.12.1998	0,6 Ecu/% vol/hl + 2,9 Ecu/hl	1 950 000
			– from 1.1.1999 to 31.12.1999	0,5 Ecu/% vol/hl + 2,3 Ecu/hl	2 145 000
			– from 1.1.2000 to 31.12.2000	0,4 Ecu/% vol/hl + 1,8 Ecu/hl	2 359 500
	ex 2208 40 90	91 ⁽²⁾	– from 1.1.2001 to 31.12.2001	0,3 Ecu/% vol/hl + 1,2 Ecu/hl	2 595 450
			– from 1.1.2002 to 31.12.2002	0,2 Ecu/% vol/hl + 0,6 Ecu/hl	2 854 995
			– – in containers holding more than 2 litres:		
			– – – other than rum with a content of volatile substances other than ethyl and methyl alcohol equal to or exceeding 225 grams per hectolitre of pure alcohol (with a 10 % tolerance):		
			– – – of a value exceeding 2 Ecu per litre of pure alcohol:		
			– from 1.7.1997 to 31.12.1997	0,7 Ecu/% vol/hl	
			– from 1.1.1998 to 31.12.1998	0,6 Ecu/% vol/hl	
			– from 1.1.1999 to 31.12.1999	0,5 Ecu/% vol/hl	
			– from 1.1.2000 to 31.12.2000	0,4 Ecu/% vol/hl	
			– from 1.1.2001 to 31.12.2001	0,3 Ecu/% vol/hl	
			– from 1.1.2002 to 31.12.2002	0,2 Ecu/% vol/hl	

(*) The quota volume is applicable to both products taken together.

⁽¹⁾ From 1.1.1998 this product will be classified under CN code 2208 40 31.

⁽²⁾ From 1.1.1998 this product will be classified under CN code 2208 40 91.

COMMISSION REGULATION (EC) No 1341/97
of 11 July 1997

amending Regulation (EC) No 1222/94 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty and the criteria for fixing the amount of such refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular the first subparagraph of Article 8 (3) thereof,

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽²⁾, as last amended by Regulation (EC) No 229/96⁽³⁾, stipulates that, in the case of products obtained from the processing of basic products or products treated as such, the quantities of such products actually employed shall be converted into equivalent basic products by applying the coefficients set out in Annex E to the Regulation;

Whereas there have been amendments to certain combined nomenclature codes relating to the milk products involved; whereas, for reasons of clarity, it is desirable to adapt the Regulation to these amendments;

Whereas the rules for converting the quantities of processed sugar products actually used into basic product quantities should be retained, in consideration of the provisions of Article 4 (2) relating to the fixing of the amount of such refunds;

Whereas Annex B to Regulation (EC) No 1222/94, in the version amended by Regulation (EC) No 2915/95⁽⁴⁾, contains a number of errors which need to be corrected; whereas, moreover, the goods which in 1995 fell within CN code 1520 00 90 are now listed in Chapter 29 of the combined nomenclature and not under code 1520 00 00 as indicated in the amendment to Annex B;

Whereas Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽⁵⁾, which replaces Council Regulation

(EEC) No 1418/76⁽⁶⁾, amends the list of rice products eligible for export refunds; whereas the Annexes to Council Regulations (EEC) No 1766/92⁽⁷⁾, (EEC) No 2771/75⁽⁸⁾ and (EEC) No 1785/81⁽⁹⁾ listing the cereal, egg and sugar products respectively which are eligible for export refunds have also been amended; whereas, therefore, these amendments should likewise be incorporated in Annexes B and C to Regulation (EC) No 1222/94;

Whereas the German-, Finnish-, Portuguese- and English-language versions of Regulation (EC) No 2915/95 contained certain errors which need to be corrected;

Whereas Article 1 (5) of Regulation (EC) No 2915/95 simultaneously amended Article 1 (2) (f) and (3) of Regulation (EC) No 1222/94, while retaining the same wording; whereas the rewording of these two paragraphs cannot be the same in the German language; whereas, therefore, the German text should be adapted accordingly, albeit without changes in scope;

Whereas in consultation with the competent authorities of the Member State where the production takes place it should be permitted to make a simplified declaration of the products used, in the form of aggregated quantities of these products, in so far as the operators concerned keep detailed information on the products used at the disposal of the said authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1222/94 is hereby amended as follows:

1. (a) in Article 1 (1), '— in Annex B to Council Regulation (EEC) No 1418/76⁽²⁾,' is replaced by '— in Annex B to Council Regulation (EC) No 3072/95⁽²⁾,' and footnote 2 is replaced by the following footnote: '(2) OJ No L 329, 30. 12. 1995, p. 18.;

⁽¹⁾ OJ No L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽³⁾ OJ No L 30, 8. 2. 1996, p. 24.

⁽⁴⁾ OJ No L 305, 19. 12. 1995, p. 33.

⁽⁵⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁷⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽⁸⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽⁹⁾ OJ No L 177, 1. 7. 1981, p. 4.

(b) in the sixth subparagraph of Article 5 (2), 'in accordance with the conditions defined in the second subparagraph of Article 13 (4) of Regulation (EEC) No 1766/92 or in the second subparagraph of Article 17 (4) of Regulation (EEC) No 1418/76' shall be replaced by 'in accordance with the conditions defined in the second subparagraph of Article 13 (8) of Regulation (EEC) No 1766/92 or in the second subparagraph of Article 13 (11) of Regulation (EEC) No 3072/95';

2. in Article 1 (2), points (c) to (f) shall be replaced by the following points:

(c) — milk and the milk products falling within CN codes 0403 10 11, 0403 90 51 and 0404 90 21, not concentrated nor containing added sugar or other sweetening matter, even frozen, of a milk fat content, by weight, not exceeding 0,1 %, and

— milk and the milk products falling within CN codes 0403 10 11, 0403 90 11 and 0404 90 21 in powder, granules or other solid forms, not containing added sugar or other sweetening matter, of a milk fat content, by weight, of less than 1,5 %,

shall be assimilated to the skimmed-milk powder listed in Annex A (PG 2);

(d) — milk, cream and the milk products falling within CN codes 0403 10 11, 0403 10 13, 0403 90 51, 0403 90 53, 0404 90 21 and 0404 90 23, not concentrated nor containing added sugar or other sweetening matter, even frozen of a milk fat content, by weight, exceeding 0,1 % but not exceeding 6 %, and

— milk, cream and the milk products falling within CN codes 0403 10 11, 0403 10 13, 0403 10 19, 0403 90 13, 0403 90 19, 0404 90 23 and 0404 90 29 in powder, granules or other solid forms, not containing added sugar or other sweetening matter, of a milk fat content, by weight, not less than 1,5 % but less than 40 %,

shall be assimilated to the whole milk powder listed in Annex A (PG 3);

(e) — milk, cream and the milk products falling within CN codes 0403 10 19, 0403 90 59, 0404 90 23 and 0404 90 29, not concentrated nor containing added sugar or other sweetening matter, of a milk fat content, by weight, exceeding 6 %,

— milk, cream and the milk products falling within CN codes 0403 10 19, 0403 90 19 and 0404 90 29, in powder, granules or other solid

forms, not containing added sugar or other sweetening matter, of a milk fat content, by weight, not less than 40 %,

and

— butter and other milk fats with a milk fat content, by weight, other than 82 % but not less than 62 %,

shall be assimilated to butter listed in Annex A (PG 6);

(f) — milk, cream and the milk products falling within CN codes 0403 10 11 to 0403 10 19, 0403 90 51 to 0403 90 59 and 0404 90 21 to 0404 90 29 concentrated, other than in powder, granules or other solid forms, not containing added sugar or other sweetening matter;

and

— cheese,

shall be assimilated to:

(i) the skimmed-milk powder referred to in Annex A (PG 2) for the non-fat part of the dry matter content of the assimilated product; and

(ii) the butter referred to in Annex A (PG 6) for the milk fat part of the assimilated product;

3. (Concerns only the German version);

4. in Article 3 (1) (b) the first subparagraph is replaced by the following subparagraph:

'(b) (i) in the event of the use of a product covered by Article 1 of Regulation (EEC) No 1766/92 or Regulation (EC) No 3072/95:

— whether resulting from the processing of a basic product or of a product assimilated to that basic product,

— or assimilated to a product resulting from the processing of a basic product,

— or resulting from the processing of a product assimilated to a product resulting from the processing of a basic product,

this quantity shall be the quantity actually used in the manufacture of the export good, adjusted to correspond to a quantity of the basic product on the basis of the coefficients set out in Annex E.;

5. the following subparagraph is added to Article 3 (1) (b):

'(ii) in the event of the use of a product covered by Article 1 of Regulation (EEC) No 1785/81, the

quantity to be taken into account shall be the quantity of the product actually used pursuant to the rules on conversion into a basic product, as laid down at the same time as the fixing of the refund rates for products covered by this Regulation and exported in the form of goods as specified in Annex I to Regulation (EEC) No 1785/81;

6. (Concerns only the Finnish version);

7. the following paragraph 1a shall be inserted in Article 7:

'1a. By way of derogation from the preceding paragraph, and in consultation with the competent authorities, the declaration in respect of the products and/or goods used may be replaced by an aggregated declaration of the quantities of products used or by a reference to a declaration of these quantities, if the latter have already been determined pursuant to the third subparagraph of Article 3 (2) and on condition that the manufacturer places at the disposal of the authorities all the information necessary to verify the declaration.';

8. (Concerns only the Portuguese version);

9. in Article 7 (6), 'For the purpose of applying paragraph 1' is replaced by 'For the purpose of applying paragraphs 1 and 1a';

10. Annex B is replaced by the Annex to this Regulation;

11. in Annex C:

— reference (?) in CN code 1902 19 is deleted,

— 'not containing cocoa' in CN codes ex 1904 10 30, ex 1904 20 95 and ex 1904 90 10 is deleted;

12. in the English-language version of Annex E, the description of the processed agricultural product covered by CN code 1702 30 91 is replaced by the following description:

'fructose in the form of white crystalline powder whether or not agglomerated';

13. (Concerns only the German version).

Article 2

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

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

Done at Brussels, 11 July 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

ANNEX B

CN code	Description	Agricultural products for which an export refund can be granted				
		C: see Annex C				
		Cereals (⁽¹⁾)	Rice (⁽²⁾)	Eggs (⁽³⁾)	Sugar, molasses or isoglucose (⁽⁴⁾)	Milk, milk products (⁽⁵⁾)
1	2	3	4	5	6	7
ex 0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:					
0403 10	— Yoghurt:					
0403 10 51 to 0403 10 99	— — Flavoured or containing added fruit, nuts or cocoa:					
	— — — Flavoured	X	X	X	X	X
	— — — Other:					
	— — — — Containing added fruit and/or nuts	X	X		X	X
	— — — — Containing added cocoa	X	X	X	X	X
0403 90	— Other:					
0403 90 71 to 0403 90 99	— — Flavoured or containing added fruit, nuts or cocoa:					
	— — — Flavoured	X	X	X	X	X
	— — — Other:					
	— — — — Containing added fruit and/or nuts	X	X		X	X
	— — — — Containing added cocoa	X	X	X	X	X
0405	Butter and other fats and oils derived from butter; dairy spreads:					
0405 20	— Dairy spreads:					
0405 20 10	— — With a fat content of at least 39 % but less than 60 %					X
0405 20 30	— — With a fat content of at least 60 % but less than 75 %					X
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:					
0710 40 00	— Sweet corn:					
	— — In ear form	X			X	
	— — In grain form	C			X	

(⁽¹⁾) Commission Regulation (EC) No 923/96 (OJ No L 126, 24. 5. 1996, p. 37).

(⁽²⁾) Council Regulation (EC) No 3072/95 (OJ No L 329, 30. 12. 1995, p. 18).

(⁽³⁾) Commission Regulation (EC) No 1516/96 (OJ No L 189, 30. 7. 1996, p. 99).

(⁽⁴⁾) Commission Regulation (EC) No 1126/96 (OJ No L 150, 25. 6. 1996, p. 3).

(⁽⁵⁾) Commission Regulation (EC) No 2931/95 (OJ No L 307, 20. 12. 1995, p. 10).

1	2	3	4	5	6	7
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solution), but unsuitable in that state for immediate consumption:					
0711 90 30	— Sweet corn:					
	— — In ear form	X			X	
	— — In grain form	C			X	
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:					
1302 31 00 to 1302 39 00	— mucilages and thickeners, whether or not modified, derived from vegetable products	X			X	
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading No 1516:					
1517 10	— Margarine, excluding liquid margarine:					
1517 10 10	— — Containing more than 10 % but not more than 15 % by weight of milk fats					X
1517 90	— Other:					
1517 90 10	— — Containing more than 10 % but not more than 15 % by weight of milk fats					X
1518 00 10	Linoxyn	X				
1702 50 00	Chemically pure fructose				X	
1702 90 10	Chemically pure maltose	X			X	
1704	Sugar confectionery (including white chocolate), not containing cocoa:					
1704 10	— Chewing gum, whether or not sugar-coated	X			X	
1704 90	— Other:					
1704 90 30	— — White chocolate	X			X	X
1704 90 51 to 1704 90 99	— — Other products	X	X		X	X
1806	Chocolate and other food preparations containing cocoa:					
1806 10	— Cocoa powder, containing added sugar or other sweetening matter:					
	— — Not otherwise sweetened than by addition of sucrose	X		X	X	
	— — Other	X		X	X	X

1	2	3	4	5	6	7
1806 20	— Other preparations in block slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings of a content exceeding 2 kg: — — Chocolate milk crumb (of CN code 1806 20 70) — — Other preparations of heading No 1806 20					
		X		X	X	X
		X	X	X	X	X
1806 31 00 and 1806 32	— Other, in blocks, slabs or bars	X	X	X	X	X
1806 90	— Other:					
	— — ex 1806 90 (11, 19, 31, 39, 50)	X	X	X	X	X
	— — ex 1806 90 (60, 70, 90)	X		X	X	X
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa or containing less than 40 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa or containing less than 5 % by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:					
1901 10 00	— Preparations for infant use, put up for retail sale:					
	— — Food preparations of goods of heading Nos 0401 to 0404, containing less than 5 % by weight of cocoa calculated on a totally defatted basis	X	X	X	X	X
	— — Other	X	X		X	X
1901 20 00	— Mixes and doughs for the preparation of bakers' wares, pastrycooks' products or biscuits of heading No 1905:					
	— — Food preparations of goods of heading Nos 0401 to 0404, containing less than 5 % by weight of cocoa calculated on a totally defatted basis	X	X	X	X	X
	— — Other	X	X		X	X
1901 90	— Other:					
1901 90 11 to 1901 90 19	— — Malt extracts	X	X			
	— — Other:					
1901 90 91	— — — Containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % milk fat, 5 % sucrose (including invert sugar) or isoglucose, 5 % glucose or starch, excluding food preparations in powder form of goods of heading Nos 0401 to 0404	X	X		X	

1	2	3	4	5	6	7
1901 90 99	— — — Other: — — — — Food preparations of goods of heading Nos 0401 to 0404, containing less than 5 % by weight of cocoa calculated on a totally defatted basis — — — — Other	X	X	X	X	X
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:					
	— Uncooked pasta, not stuffed or otherwise prepared:					
1902 11 00	— — Containing eggs: — — — Obtained from durum wheat and other pasta made from cereals — — — Other	C		X		
		X		X		
1902 19	— — Other: — — — Obtained from durum wheat and other pasta made from cereals — — — Other	C				X
		X				X
1902 20	— Stuffed pasta whether or not cooked or otherwise prepared:					
1902 20 91 and 1902 20 99	— — Other	X	X		X	X
1902 30	— Other pasta	X	X		X	X
1902 40	— Couscous:					
1902 40 10	— — Unprepared: — — — Obtained from durum wheat — — — Other	C				
		X				
1902 40 90	— — Other	X	X		X	X
1903 00 00	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms	X				
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included:					
	— Puffed rice, unsweetened or pre-cooked rice:					
	— — Containing cocoa (1)	X	C	X	X	X
	— — Not containing cocoa	X	C		X	X
	— Other, containing cocoa (1)	X	X	X	X	X
	— Other	X	X		X	X

(1) Containing not more than 6 % cocoa.

1	2	3	4	5	6	7
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:					
1905 10 00	— Crispbread	X			X	X
1905 20	— Gingerbread and the like	X		X	X	X
1905 30	— Sweet biscuits; waffles and wafers	X		X	X	X
1905 40	— Rusks, toasted bread and similar toasted products	X		X	X	X
1905 90	— Other:					
1905 90 10	— — Matzos	X				
1905 90 20	— — Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products	X	X			
1905 90 30	— — Bread, not containing added honey, eggs, cheese or fruit, and containing by weight in the dry matter state not more than 5 % of sugars and not more than 5 % of fat	X				
1905 90 40 to 1905 90 90	— — Other products	X		X	X	X
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:					
2001 90	— Other:					
2001 90 30	— — Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>):					
	— — — In ear form	X			X	
	— — — In grain form	C			X	
2001 90 40	— — Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	X			X	
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No 2006:					
2004 10	— Potatoes:					
	— — Other:					
2004 10 91	— — — In the form of flour, meal or flakes	X	X		X	X
2004 90	— Other vegetables and mixtures of vegetables:					
2004 90 10	— — Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>):					
	— — — In ear form	X			X	
	— — — In grain form	C			X	

1	2	3	4	5	6	7
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006:					
2005 20	– Potatoes:					
2005 20 10	– – In the form of flour, meal or flakes	X	X		X	X
2005 80 00	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>):					
	– – In ear form	X			X	
	– – In grain form	C			X	
2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:					
	– Nuts, ground-nuts and other seeds, whether or not mixed together:					
2008 11	– – Ground-nuts:					
2008 11 10	– – – Peanut butter	X	X		X	X
	– Other, including mixtures other than those of subheading 2008 19:					
2008 91 00	– – Palm hearts	X				
2008 99	– – Other:					
	– – – Not containing added spirit:					
	– – – – Not containing added sugar:					
2008 99 85	– – – – – Maize (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>):					
	– – – – – In ear form	X				
	– – – – – In grain form	C				
2008 99 91	– – – – – Yams, sweet potatoes and similar edible parts of plants, containing 5 % or more by weight of starch	X				
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof:					
	– Extracts, essences and concentrates of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:					
2101 11	– – Extracts, essences and concentrates	X			X	
2101 12	– – Preparations with a basis of extracts, essences or concentrates or with a basis of coffee:					
2101 12 92	– – – Preparations with a basis of extracts, essences or concentrates	X	X		X	
2101 12 98	– – – Other	X	X		X	X

1	2	3	4	5	6	7
2101 20	— Extracts, essences and concentrates, of tea or maté and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or maté:					
2101 20 20	— — Extracts, essences and concentrates	X			X	
	— — Preparations					
2101 20 92	— — Preparations with a basis of extracts, essences or concentrates of tea or maté	X	X		X	
2101 20 98	— — — Other	X	X		X	X
2101 30	— Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:					
	— — Roasted chicory and other roasted coffee substitutes:					
2101 30 11	— — — Roasted chicory				X	
2101 30 19	— — — Other	X			X	
	— Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes:					
2101 30 91	— — Of roasted chicory				X	
2101 30 99	— — Other	X			X	
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders:					
2102 10	— Active yeasts:					
2102 10 31 and 2102 10 39	— — Bakers' yeast	X			X	
2102 20	— Inactive yeasts; other single-cell micro-organisms, dead:					
2102 20 11 and 2102 20 19	— — Inactive yeasts	X			X	
ex 2103	Sauces and preparations therefor; mixed condiments and mixed seasonings (except mustard flour and meal and prepared mustard of heading No 2103 30)	X			X	
2104	Soups and broths and preparations therefor; homogenized composite food preparations:					
2104 10	— Soups and broths and preparations therefor	X				
2105	Ice-cream, whether or not containing cocoa:					
	— Containing cocoa	X	X	X	X	X
	— Other	X	X		X	X
2106	Food preparations not elsewhere specified or included:					
2106 10	— Protein concentrates and textured protein substances	X	X		X	X
2106 90	— Other:					
2106 90 10	— — Cheese fondues	X	X		X	X

1	2	3	4	5	6	7
2106 90 92 and 2106 90 98	— — Other	X	X		X	X
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009:					
2202 10 00	— Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	X			X	
2202 90	— Other:					
2202 90 10	— — Not containing products of heading Nos 0401 to 0404 or fat obtained from products of heading Nos 0401 to 0404:					
	— — — Beer made from malt of an alcoholic strength not exceeding 0,5 % by volume	C				
	— — — Other	X			X	
2202 90 91 to 2202 90 99	— — Other	X			X	X
2203	Beer made from malt	C				
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances	X			X	
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs, and other spirituous beverages:					
2208 20	— Spirits obtained by distilling grape wine or grape marc				X	
2208 30	— Whiskies:					
	— — Other than bourbon whisky:					
ex 2208 30 32 to 2208 30 88	— — — Whiskies other than those referred to in Regulation (EEC) No 2825/93 ⁽¹⁾	X				
2208 50 11 to 2208 50 19	— Gin	X				
2208 50 91 to 2208 50 99	— Geneva	X			X	
2208 60	Vodka	X				
2208 70	Liqueurs:	X		X	X	X
2208 90	— Other:					
2208 90 45	— — Other fruit spirits				X	
2208 90 48						
2208 90 71						
2208 90 41	— — Ouzo and other spirituous beverages	X			X	
2208 90 52						
2208 90 57						
2208 90 74						
2208 90 69	— — Other spirituous beverages	X			X	X
2208 90 78						

⁽¹⁾ OJ No L 258, 16. 10. 1993, p. 6.

1	2	3	4	5	6	7
2520	Gypsum; anhydrite; plasters (consisting of calcined gypsum or calcium sulphate) whether or not coloured, with or without small quantities of accelerators or retarders:					
2520 20	– Plasters	X			X	
2839	Silicates; commercial alkali metal silicates:					
2839 90 00	– Other	X			X	
Chapter 29	Organic chemicals					
	All the goods of the chapter except those of sub-heading Nos 2905 43 00, 2905 44 and 2941 10	X			X	
2905 43 00	Mannitol	C			C	
2905 44	D-glucitol (sorbitol)	C			C	
2941	Antibiotics:					
2941 10	– Penicillins and their derivatives with a penicillanic acid structure; salts thereof:					
	– – Which require more than 15,3 kg of white sugar for the manufacture of 1 kg	X			C	
	– – Other	X			X	
Chapter 30	Pharmaceutical products	X			X	
3203 00	Colouring matter of vegetable or animal origin (including dyeing extracts but excluding animal black), whether or not chemically defined; preparations as specified in note 3 to this Chapter based on colouring matter of vegetable or animal origin:					
3203 00 90	– Colouring material of vegetable or animal origin and preparations based thereon				X	
3204 11 00 to 3204 19 00	Synthetic organic colouring matter and preparations based thereon as specified in note 3 of this Chapter				X	
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solutions) with a basis of one or more of these substances, of a kind used as raw materials in industry; other preparations based on odoriferous substances, of a kind used for the manufacture of beverages:					
3302 10	– Of a kind used in the food or drink industries:					
	– – Of a kind used in the drink industries:					
	– – – Preparations containing all flavouring agents characterizing a beverage:					
	– – – – Other (of an actual alcoholic strength by volume not exceeding 0,5 %):					

1	2	3	4	5	6	7
3302 10 21	— — — — — Containing no milk fats, sucrose, isoglucose, glucose or starch or containing less than 1,5 % by weight of milk fat, less than 5 % of sucrose or isoglucose and less than 5 % of glucose or starch				X	
3302 10 29	— — — — — Other	X			X	X
3307	Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorizers, whether or not perfumed or having disinfectant properties: — Preparations for perfuming or deodorizing rooms, including odoriferous preparations used during religious rites:					
3307 49 00	— — Other than "Agarbatti" and other odoriferous preparations which operate by burning	X			X	
3307 90 00	— Other	X			X	
ex 3401	Soap and organic surface-active products and preparations, in the form of bars, cakes, moulded pieces or shapes and paper, wadding, felt and non-wovens, impregnated, coated or covered with soap or detergent:					
3401 19 00	— Other	X			X	
3402	Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of heading No 3401	X			X	
3403	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations of a kind used for the oil or grease treatment of textile materials, leather, furskins or other materials, but excluding preparations containing, as basic constituents, 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals: — Containing petroleum oils or oils obtained from bituminous minerals:					
3403 11 00	— — Preparations for the treatment of textile materials, leather, furskins or other materials	X				

1	2	3	4	5	6	7
3403 19	— — Other:					
3403 19 10	— — — Containing 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent	X			X	
3405	Polishes and cream, for footwear, furniture, floors, coachwork, glass or metal, scouring pastes and powder and similar preparations (whether or not in the form of paper, wadding, felt, non-wovens, cellular plastics or cellular rubber, impregnated, coated or covered with such preparations), excluding waxes of heading No 3404	X			X	
3407 00 00	Modelling pastes, including those put up for children's amusement; preparations known as "dental wax" or as "dental impression compounds", put up in sets, in packings for retail sale or in plates, horseshoe shapes, sticks or similar forms; other preparations for use in dentistry, with a basis of plaster (of calcined gypsum or calcium sulphate)	X			X	
Chapter 35	Albuminoidal substances; modified starches; glues; enzymes:					
	all the goods of heading Nos 3503, 3504, 3506 and 3507	X			X	
3501	Casein, caseinates and other casein derivatives; casein glues:					
3501 10	— Casein					C
3501 90	— Other:					
3501 90 10	— — Casein glues					X
3501 90 90	— — Other					C
3502	Albumins (including concentrates of two or more whey proteins, containing by weight more than 80 % whey proteins, calculated on the dry matter), albuminates and other albumin derivatives:					
	— Egg albumin:					
3502 11	— — Dried:					
3502 11 10	— — — Unfit or to be rendered unfit for human consumption	X			X	
3502 11 90	— — — Other	X		C	X	
3502 19	— — Other:					
3502 19 10	— — — Unfit, or to be rendered unfit, for human consumption	X			X	
3502 19 90	— — — Other	X		C	X	
3502 20	— Milk albumin, including concentrates of two or more whey proteins:					
3502 20 10	— — Unfit, or to be rendered unfit, for human consumption	X			X	

1	2	3	4	5	6	7
3502 20 91 and 3502 20 99	— — Other	X			X	C
3502 90	— Other	X			X	
ex 3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches with the exception of starches of subheading No 3505 10 50	X	X			
3505 10 50	Esterified and etherified starches	X				
Chapter 38	Miscellaneous chemical products:					
	— All goods	X				
	— All goods with the exclusion of heading No 3809	X			X	
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:					
3809 10	— With a basis of amylaceous substances	X	X			
3824 60	Sorbitol other than that of subheading No 2905 44	C			C	
Chapter 39	Plastics and articles thereof:					
3901 to 3914	— Primary forms	X			X	
3915 to 3926	— Waste, parings and scrap; semi-manufactures; articles	X				
4813	Cigarette paper, whether or not cut to size or in the form of booklets or tubes:					
4813 90	— Other:					
4813 90 90	— — Other	X				
4818 10	— Toilet paper	X				
4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape; other articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibres:					
4823 11 and 4823 19 00	— Gummed or adhesive paper, in strips or rolls	X				
4823 20 00	— Filter paper and paperboard	X				
4823 51 and 4823 59	— Other paper and paperboard, of a kind used for writing, printing or other graphic purposes	X				
4823 90 50 and 4823 90 90	— — — — Other	X				
ex 6809	Articles of plaster or of compositions based on plaster (boards, sheets, panels, files and similar articles)				X'	

COMMISSION REGULATION (EC) No 1342/97

of 11 July 1997

fixing the maximum buying-in price and the quantities of beef to be bought in
under the 185th partial invitation to tender as a general intervention measure
pursuant to Regulation (EEC) No 1627/89

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Regulation (EEC) No 805/68 of
27 June 1968 on the common organization of the market
in beef and veal⁽¹⁾, as last amended by Regulation (EC)
No 2222/96⁽²⁾, and in particular Article 6 (7) thereof,

Whereas, pursuant to Commission Regulation (EEC) No
2456/93 of 1 September 1993 laying down detailed rules
for the application of Council Regulation (EEC) No
805/68 as regards the general and special intervention
measures for beef⁽³⁾, as last amended by Regulation (EC)
No 1304/97⁽⁴⁾, an invitation to tender was opened
pursuant to Article 1 (1) of Commission Regulation (EEC)
No 1627/89 of 9 June 1989 on the buying in of beef by
invitation to tender⁽⁵⁾, as last amended by Regulation (EC)
No 1298/97⁽⁶⁾;

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

Whereas, once tenders submitted in respect of the 185th
partial invitation to tender have been considered and
taking account, pursuant to Article 6 (1) of Regulation
(EEC) No 805/68, of the requirements for reasonable
support of the market and the seasonal trend in slaugh-
terings, the maximum buying-in price and the quantities
which may be bought in should be fixed;

Whereas the quantities offered at present exceed the
quantities which may be bought in; whereas a reducing
coefficient or, where appropriate, depending on the
differences in prices and the quantities tendered for,
several reducing coefficients should accordingly be

applied to the quantities which may be bought in in
accordance with Article 13 (3) of Regulation (EEC) No
2456/93;

Whereas the scale of the quantities awarded warrants the
application of the possibility provided for in Article 16 (2)
of Regulation (EEC) No 2456/93 of extending the period
during which the intervention products are to be de-
livered;

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

HAS ADOPTED THIS REGULATION:

Article 1

Under the 185th partial invitation to tender opened
pursuant to Regulation (EEC) No 1627/89:

(a) for category A:

- the maximum buying-in price shall be ECU
269,99 per 100 kg of carcasses or half-carcasses of
quality R3,
- the maximum quantity of carcasses, half-carcasses or
forequarters accepted shall be 11 027 tonnes,
- the quantities offered at a price greater than ECU
255,30 and less than or equal to ECU 265,89 shall
be multiplied by a coefficient of 30 % in
accordance with Article 13 (3) of Regulation (EEC)
No 2456/93 and those offered at a price greater
than ECU 265,89 shall be multiplied by a coeffi-
cient of 15 %;

(b) for category C:

- the maximum buying-in price shall be ECU
269,99 per 100 kg of carcasses or half-carcasses of
quality R3,
- the maximum quantity of carcasses, half-carcasses or
forequarters accepted shall be 5 041 tonnes,
- the quantities offered at a price greater than ECU
255,30 and less than or equal to ECU 265,89 shall
be multiplied by a coefficient of 30 %, in
accordance with Article 13 (3) of Regulation (EEC)
No 2456/93, and those offered at a price greater
than ECU 265,89 shall be multiplied by a coeffi-
cient of 15 %.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 225, 4. 9. 1993, p. 4.

⁽⁴⁾ OJ No L 177, 5. 7. 1997, p. 8.

⁽⁵⁾ OJ No L 159, 10. 6. 1989, p. 36.

⁽⁶⁾ OJ No L 176, 4. 7. 1997, p. 36.

Article 2

The first sentence of Article 16 (2) of Regulation (EEC) No 2456/93 notwithstanding, the time limit for delivery to intervention stores is extended by one week.

Article 3

This Regulation shall enter into force on 14 July 1997.

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

Done at Brussels, 11 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1343/97**of 11 July 1997****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 Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 12 July 1997.

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

Done at Brussels, 11 July 1997.

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 11 July 1997 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
ex 0707 00 25	052	53,5
	999	53,5
0709 90 77	052	108,2
	999	108,2
0805 30 30	388	70,8
	524	49,5
	528	53,6
	999	58,0
0808 10 71, 0808 10 73, 0808 10 79	388	87,3
	400	87,7
	508	76,5
	512	66,5
	524	73,8
	528	61,4
	800	163,8
	804	91,7
	999	88,6
	388	64,1
0808 20 47	512	34,2
	528	64,6
	804	120,5
	999	70,8
0809 20 49	052	273,6
	064	191,5
	068	191,5
	400	244,7
	616	207,0
	999	221,7
0809 30 31, 0809 30 39	052	99,9
	999	99,9

⁽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 97/38/EC

of 20 June 1997

amending Annex C to Council Directive 92/51/EEC on a second general system
for the recognition of professional education and training to supplement
Council Directive 89/48/EEC

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/51/EEC of 18 June 1992 on a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC⁽¹⁾, as last amended by Commission Directive 95/43/EC⁽²⁾, and in particular Article 15 thereof,

Whereas the government of the United Kingdom has made a reasoned request to remove three of its training courses from Annex C to the Directive;

Whereas the United Kingdom has altered its education and training course for medical laboratory scientific officer, with the result that this course now requires three years of higher education and thus comes under Council Directive 89/48/EEC⁽³⁾; whereas, accordingly, the course of education and training for the profession of medical laboratory scientific officer should no longer be included in Annex C since holders of qualifications obtained under the former regulation and which are covered by Directive 92/51/EEC could, by virtue of Article 1 (a) of Directive 89/48/EEC, apply to be treated in the same way;

Whereas the profession of prosthetist is currently not regulated in the United Kingdom;

Whereas the profession of probation officer is no longer regulated in the United Kingdom;

Whereas the measures provided for by the present directive are in conformity with the opinion given by the Committee established by Article 15 of Council Directive 92/51/EEC,

Article 1

Annex C to Directive 92/51/EEC is hereby amended as shown in the Annex to this Directive.

Article 2

1. Member States shall adopt the laws, regulations and administrative provisions necessary for them to comply with this Directive by 30 September 1997. They shall forthwith inform the Commission thereof.

When Member States adopt these measures, the latter shall include a reference to this Directive or be accompanied by such reference at the time of their official publication. The methods of making such a reference shall be laid down by the Member States.

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

Article 3

This Directive is addressed to the Member States.

Article 4

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

Done at Brussels, 20 June 1997.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 209, 24. 7. 1992, p. 25.

⁽²⁾ OJ No L 184, 3. 8. 1995, p. 21.

⁽³⁾ OJ No L 19, 24. 1. 1989, p. 16.

ANNEX

Annex C of Directive 92/51/EEC is amended as follows:

Under '5. United Kingdom courses accredited as National Vocational Qualifications or Scottish Vocational Qualifications' the following indents are deleted:

- medical laboratory scientific officer,
 - probation officer,
 - prosthetist.
-

COUNCIL DIRECTIVE 97/41/EC

of 25 June 1997

amending Directives 76/895/EEC, 86/362/EEC, 86/363/EEC and 90/642/EEC relating to the fixing of maximum levels for pesticide residues in and on, respectively, fruit and vegetables, cereals, foodstuffs of animal origin, and certain products of plant origin, including fruit and vegetables

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas Council Directives 86/362/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on cereals ⁽⁴⁾, 86/363/EEC of 24 July 1986 on the fixing of maximum levels for pesticide residues in and on foodstuffs of animal origin ⁽⁵⁾ and 90/642/EEC of 27 November 1990 relating to the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables ⁽⁶⁾ have established a common regime providing for mandatory residue levels applicable throughout the Community;

Whereas this regime provides for a gradual transfer of the maximum residue levels established pursuant to Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for pesticide residues in and on fruit and vegetables ⁽⁷⁾ to Directive 90/642/EEC after technical consideration; whereas such transfer has already been realized for certain levels and is still in preparation for others;

Whereas Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on

the market ⁽⁸⁾ has provided for a mechanism linking the authorization of a plant protection product containing an active substance included in Annex I of that Directive to the obligation for the Member State having granted the authorization to establish a provisional maximum residue level of the active substance concerned in the treated crops; whereas this mechanism also provides for a mandate to the Commission to establish, on the basis of the provisional maximum residue level set by a Member State, provisional maximum residue levels applicable throughout the Community; whereas for reasons of clarity, the provisional maximum residue levels set according to this mechanism, should be integrated in an appropriate way in the Annexes to Directives 86/362/EEC, 86/363/EEC and 90/642/EEC;

Whereas rules have to be set concerning the maximum residue levels which are acceptable in dried and/or processed single agricultural products and in composite foodstuffs in order to ensure proper human health protection as well as proper functioning of the internal market with regard to such products;

Whereas Member States should provide for the possibility to establish maximum residue levels for products from other Member States in order to prevent as much as possible trade problems due to the absence of harmonized maximum residue levels for certain residue/product combinations;

Whereas a conciliation procedure is necessary in cases where in practice barriers to intra-Community trade have appeared owing to the absence of harmonized maximum residue levels for certain residue/product combinations;

Whereas effective monitoring of pesticide residues should be systematically organized at both national and Community stages in order to ensure compliance with the mandatory levels set and to contribute to the highest degree of consumer confidence in the degree of protection of human health achieved;

Whereas it is essential, in order to guarantee a high level of consumer protection, to ensure that checks on compliance with the maximum residue levels established are carried out; whereas such checks should cover as far as

⁽¹⁾ OJ No C 201, 5. 8. 1995, p. 8, and OJ No C 103, 2. 4. 1997, p. 20.

⁽²⁾ OJ No C 320, 28. 10. 1996, p. 96.

⁽³⁾ OJ No C 82, 19. 3. 1996, p. 1.

⁽⁴⁾ OJ No L 221, 7. 8. 1986, p. 37. Directive as last amended by Directive 96/33/EC (OJ No L 144, 18. 6. 1996, p. 35).

⁽⁵⁾ OJ No L 221, 7. 8. 1986, p. 43. Directive as last amended by Directive 96/33/EC (OJ No L 144, 18. 6. 1996, p. 35).

⁽⁶⁾ OJ No L 350, 14. 12. 1990, p. 71. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).

⁽⁷⁾ OJ No L 340, 9. 12. 1976, p. 26. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).

⁽⁸⁾ OJ No L 230, 19. 8. 1991, p. 1. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).

possible all plant products covered by the residue Directives; whereas, however, optimum use should be made of available resources and therefore it may appear unnecessary to perform checks on processed, dried or composite foods or on intermediate products in processing insofar as sufficient checks are carried out on raw materials;

Whereas it is necessary to update certain provisions of Directives 76/895/EEC, 86/362/EEC and 86/363/EEC in order to align them on the similar provisions in Directive 90/642/EEC to ensure consistency in the implementation of all the provisions concerning maximum residue levels;

Whereas the introduction of amendments in the Annexes as a result of developments in scientific and technical knowledge, the setting of temporary maximum residue levels and the establishment of dilution or concentration factors related to certain drying or processing operations are technical measures; whereas a Regulatory Committee decision procedure seems appropriate for the adoption of such measures in order to ensure an effective and streamlined operation of the implementation measures pursuant to Directives 76/895/EEC, 86/362/EEC, 86/363/EEC, 90/642/EEC, 91/414/EEC and other relevant Directives;

Whereas an adequate protection of human health and the proper functioning of the internal market require that the amendments introduced in the Annexes are swiftly applied by all the Member States,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 76/895/EEC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

1. This Directive concerns products intended for human or, in exceptional cases, animal consumption listed under the Common Customs Tariff headings set out in Annex I and in or on which are found the pesticide residues listed in Annex II.

2. This Directive shall also apply to the same products after drying or processing or after inclusion in a composite food in so far as they may contain certain pesticide residues.

3. This Directive shall apply without prejudice to Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae (*) and

Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children (**). However, until maximum levels have been established in accordance with the provisions of Article 6 of Directive 91/321/EEC or Article 6 of Directive 96/5/EC the provisions of Article 5a (1) and (3) to (6) of this Directive shall apply for the products concerned.

(*) OJ No L 175, 4. 7. 1991, p. 35. Directive as last amended by Directive 96/4/EC (OJ No L 49, 28. 2. 1996, p. 12).

(**) OJ No L 49, 28. 2. 1996, p. 17.;

2. Article 2 shall be replaced by the following:

'Article 2

For the purposes of this Directive:

1. "pesticide residues" shall mean residues of the pesticides and of their metabolites, and breakdown or reaction products as defined in Annex II, which are present in or on the products referred to in Article 1;
2. "putting into circulation" shall mean any post-harvest handing over, whether or not for a consideration, of the products referred to in Article 1.;

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

'1. Where a Member State, as a result of new information or of a reassessment of existing information considers that a maximum level fixed in Annex II endangers human or animal health, and therefore requires swift action to be taken, that Member State may temporarily reduce the level in its own territory. In that case, it shall immediately notify the other Member States and the Commission of the measures taken, attaching a statement of the reasons therefor.;

4. Article 5 shall be replaced by the following:

'Article 5

Amendments to Annexes I and II as a result of developments in scientific or technical knowledge shall be adopted in accordance with the procedure laid down in Article 7. In particular, when establishing maximum residue levels, account shall be taken of a relevant dietary intake risk assessment and of the number and quality of the data available.;

5. the following Article shall be inserted:

Article 5a

1. For the purposes of this Article a Member State of origin shall be defined as the Member State in whose territory a product specified in Article 1 (1) and (2) is either legally produced and marketed or put into free circulation, and a Member State of destination as the Member State into whose territory such product is introduced and put into circulation for operations other than transit to another Member State or third country.

2. Member States shall introduce arrangements for establishing maximum residue levels, whether permanent or temporary, for products referred to in Article 1 (1) and (2), brought into their territories from a Member State of origin, taking into account good agricultural practice in the Member State of origin, and without prejudice to conditions necessary to protect the health of consumers, in cases where no maximum residue levels have been established for these products in accordance with Article 5.

3. Where

- no maximum residue level has been established for a product referred to in Article 1 (1) and (2) in accordance with Article 5, and
- that product, which satisfies the maximum residue levels applied by its Member State of origin, has been subjected in the Member State of destination to measures whose effect is to prohibit or restrict its putting into circulation, on the grounds that the product contains pesticide residue levels in excess of the maximum residue level accepted in the Member State of destination, and
- either the Member State of destination has introduced new maximum residue levels or has altered the levels laid down in its legislation, or it has made changes to its controls which are disproportionate and/or discriminatory compared with those for its domestic production, or the maximum residue level applied by the Member State of destination differs substantially from the corresponding levels established by other Member States, or the maximum residue level applied by the Member State of destination represents a disproportionate level of protection compared with the level of protection applied by the Member State to pesticides carrying a similar risk or to similar agricultural products or foodstuffs,

the following exceptional provisions shall apply:

- (a) the Member State of destination shall communicate the measures adopted to the other Member State concerned and the Commission within 20

days of their application. The notification shall document the facts involved;

- (b) on the basis of the notification referred to in (a), the two Member States concerned shall contact each other without delay in order to remove, whenever possible, the prohibitive or restrictive effect of the measures adopted by the Member State of destination by means of measures agreed between them; the Member States shall submit all the requisite information to each other.

Within a period of three months of the notification referred to in (a), the Member States concerned shall inform the Commission of the result of such contacts and in particular the measures they intend to apply, if any, including the maximum residue level they have agreed. The Member State of origin shall inform the other Member States of the result of such contacts;

- (c) the Commission shall immediately refer the matter to the Standing Committee on Plant Health and, if possible, submit a proposal aimed at establishing in Annex II a temporary maximum residue level, which shall be adopted in accordance with the procedure laid down in Article 7.

In its proposal, the Commission shall take account of existing technical and scientific knowledge on the matter and in particular data submitted by the Member States with an interest, especially the toxicological assessment and estimated ADI, good agricultural practice and the trial data which the Member State of origin used to establish the maximum residue level, together with the reasons given by the Member State of destination for deciding on the measures in question.

The period of validity of the temporary maximum level shall be laid down in the legal act adopted and may not exceed four years. That period may be linked to the supply, by the Member State of origin and/or other Member States with an interest, of the trial data required by the Commission in order to set the maximum residue level in accordance with Article 5. At their request, the Commission and the Member States shall be kept informed regarding the programme of trials established.

4. Any measure provided for in paragraphs 2 or 3 shall be taken by a Member State with due regard for its obligations under the Treaty, in particular Articles 30 to 36 thereof.

5. Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and

regulations(*) shall not apply to measures adopted and notified by Member States in accordance with paragraph 3 of this Article.

6. Detailed measures for the implementation of the procedure set out in this Article may be adopted in accordance with the procedure laid down in Article 8.

(*) OJ No L 109, 26. 4. 1983, p. 8. Directive as last amended by Decision 96/139/EC (OJ No L 32, 10. 2. 1996, p. 31).¹

6. paragraphs 2, 3 and 4 of Article 7 shall be replaced by the following:

'2. 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 called upon 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.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

4. If the measures are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

5. If, within three months following the date on which the matter was referred to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission save where the Council has decided against the said measures by a simple majority.²

7. paragraphs 2, 3 and 4 of Article 8 shall be replaced by the following:

'2. 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 called upon 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.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

4. If the measures are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall without delay submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

5. If, within 15 days, following the date on which the matter was referred to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission save where the Council has decided against the measures by a simple majority.³

8. the following Article shall be added:

'Article 8a

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 the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.⁴

9. Article 9 shall be replaced by the following:

'Article 9

1. This Directive shall apply to products referred to in Article 1 intended for export to third countries. However, maximum pesticide residue levels set in accordance with this Directive shall not apply in the case of products treated before export where it can be satisfactorily proved that:

(a) the third country of destination requires a particular treatment in order to prevent the introduction of harmful organisms into its territory; or

- (b) the treatment is necessary in order to protect the products against harmful organisms during transport to the third country of destination and storage there.

2. This Directive shall not apply to the products referred to in Article 1 where it can be satisfactorily proved that they are intended for:

- (a) the manufacture of products other than foodstuffs or animal feed; or
- (b) sowing or planting¹;

10. after Article 10, the following Article shall be inserted:

Article 10a

Member States shall bring into force the laws, regulations and administrative provisions necessary to ensure that the amendments in Annex II resulting from Decisions referred to in Article 5 can be implemented in their territory within a maximum period of eight months from their adoption, and within a shorter implementation period when required for urgent reasons of human health protection.

In order to safeguard legitimate expectations, Community legal implementing acts may provide for transitional periods for the implementation of certain maximum residue levels allowing the normal marketing of the harvested products.

Article 2

Directive 86/362/EEC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

Article 1

1. This Directive shall apply to the products listed in Annex I, to the products obtained from them after drying or processing and to the composite foods in which they are included, in so far as they may contain pesticide residues.

2. This Directive shall apply without prejudice to:

- (a) Council Directive 74/63/EEC of 17 December 1973 on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs^(*);
- (b) Council Directive 76/895/EEC of 23 November 1976 relating to the fixing of maximum levels for

pesticide residues in and on fruit and vegetables^(**);

- (c) Council Directive 90/642/EEC of 27 November 1990 on fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables^(***);

- (d) Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae^(****) and Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children^(****). However, until maximum levels have been established in accordance with Article 6 of Directive 91/321/EEC or Article 6 of Directive 96/5/EC the provisions of Article 5a (1) and (3) to (6) of this Directive shall apply for the products concerned.

3. This Directive shall also apply to products referred to in paragraph 1 intended for export to third countries. However, maximum pesticide residue levels set in accordance with this Directive shall not apply in the case of products treated before export where it can be satisfactorily proved that:

- (a) the third country of destination requires a particular treatment in order to prevent the introduction of harmful organisms into its territory; or
- (b) the treatment is necessary in order to protect the products against harmful organisms during transport to the third country of destination and storage there.

4. This Directive shall not apply to the products referred to in paragraph 1 where it can satisfactorily be proved that they are intended for:

- (a) the manufacture of products other than foodstuffs or animal feed; or
- (b) sowing or planting.

(^{*}) OJ No L 38, 11. 2. 1974, p. 31. Directive as last amended by Directive 96/25/EC (OJ No L 125, 23. 5. 1996, p. 35).

(^{**}) OJ No L 340, 9. 12. 1976, p. 26. Directive as last amended by Directive 96/32/EC (OJ L 144, 18. 6. 1996, p. 12).

(^{***}) OJ No L 350, 14. 12. 1990, p. 71. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).

(^{****}) OJ No L 175, 4. 7. 1991, p. 35. Directive as last amended by Directive 96/4/EC (OJ No L 49, 28. 2. 1996, p. 12).

(^{*****}) OJ No L 49, 28. 2. 1996, p. 17¹;

2. in Article 2 (1) the words 'listed in Annex II' shall be deleted;

3. Article 4 shall be replaced by the following:

'Article 4

1. Notwithstanding Article 6, the products referred to in Article 1 shall not contain, from the time they are put into circulation, pesticide residue levels higher than those specified in the list referred to in Annex II.

The list of pesticide residues concerned and their maximum levels shall be established in Annex II in accordance with the procedure laid down in Article 12, having regard to current scientific and technical knowledge.

2. In the case of dried and processed products for which maximum levels are not explicitly fixed in Annex II, the maximum residue level applicable shall be that laid down in Annex II, taking into account, respectively, the concentration caused by the drying process or the concentration or dilution caused by processing. A concentration or dilution factor covering the concentration and/or dilution caused by certain drying or processing operations may be determined for certain dried or processed products in accordance with the procedure laid down in Article 12.

3. In the case of composite foods which contain a mixture of ingredients and for which maximum residue levels are not fixed, the maximum residue levels applied may not exceed the levels laid down in Annex II, taking into account the relative concentrations of the ingredients in the mixture and also the provisions of paragraph 2.

4. Member States shall ensure, at least by check sampling, compliance with the maximum levels referred to in paragraph 1. The necessary inspections and monitoring shall be carried out in accordance with Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs^(*), except for Article 14 thereof, and Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs^(**), except for Articles 5, 6 and 8 thereof.

^(*) OJ No L 186, 30. 6. 1989, p. 23.

^(**) OJ No L 290, 24. 11. 1993, p. 14.;

4. Article 5 shall be replaced by the following two Articles:

'Article 5

Where for a product belonging to a group referred to in Annex I, a provisional maximum residue level applicable throughout the Community is set by the Commission in accordance with the provisions of Article 4 (1) (f) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market^(*), this level will be indicated in Annex II with a reference to that procedure.

Article 5a

1. For the purposes of this Article a Member State of origin shall be defined as the Member State in whose territory a product specified in Article 1 (1) is either legally produced and marketed or put into free circulation, and a Member State of destination as the Member State into whose territory such product is introduced and put into circulation for operations other than transit to another Member State or third country.

2. Member States shall introduce arrangements for establishing maximum residue levels, whether permanent or temporary, for products referred to in Article 1 (1), brought into their territories from a Member State of origin, taking into account good agricultural practice in the Member State of origin, and without prejudice to conditions necessary to protect the health of consumers, in cases where no maximum residue levels have been established for these products in accordance with the provisions of Articles 4 (1) or 5.

3. Where

- no maximum residue level has been established for a product referred to in Article 1 (1) in accordance with Articles 4 (1) or 5, and
- that product, which satisfies the maximum residue levels applied by its Member State of origin, has been subjected in the Member State of destination to measures whose effect is to prohibit or restrict its putting into circulation, on the grounds that the product contains pesticide residue levels in excess of the maximum residue level accepted in the Member State of destination, and
- either the Member State of destination has introduced new maximum residue levels or has altered the levels laid down in its legislation, or it has made changes to its controls which are disproportionate and/or discriminatory compared with those for its domestic production, or the maximum residue level applied by the Member State of destination differs substantially from the

corresponding levels established by other Member States, or the maximum residue level applied by the Member State of destination represents a disproportionate level of protection compared with the level of protection applied by the Member State to pesticides carrying a similar risk or to similar agricultural products or foodstuffs,

the following exceptional provisions shall apply:

(a) the Member State of destination shall communicate the measures adopted to the other Member State concerned and the Commission within 20 days of their application. The notification shall document the facts involved;

(b) on the basis of the notification referred to in (a), the two Member States concerned shall contact each other without delay in order to remove, whenever possible, the prohibitive or restrictive effect of the measures adopted by the Member State of destination by means of measures agreed between them; the Member States shall submit all the requisite information to each other.

Within a period of three months of the notification referred to in (a), the Member States concerned shall inform the Commission of the result of such contacts and in particular the measures they intend to apply, if any, including the maximum residue level they have agreed. The Member State of origin shall inform the other Member States of the result of such contacts;

(c) the Commission shall immediately refer the matter to the Standing Committee on Plant Health and, if possible, submit a proposal aimed at establishing in Annex II a temporary maximum residue level, which shall be adopted in accordance with the procedure laid down in Article 12.

In its proposal, the Commission shall take account of existing technical and scientific knowledge on the matter and in particular data submitted by the Member States with an interest, especially the toxicological assessment and estimated ADI, good agricultural practice and the trial data which the Member State of origin used to establish the maximum residue level, together with the reasons given by the Member State of destination for deciding on the measures in question.

The period of validity of the temporary maximum level shall be laid down in the legal act adopted and may not exceed four years. That period may be linked to the supply, by the Member State of origin and/or other Member States with an interest, of the trial data required by the Commission

in order to set the maximum residue level in accordance with Article 4 (1). At their request, the Commission and the Member States shall be kept informed regarding the programme of trials established.

4. Any measure provided for in paragraphs 2 or 3 shall be taken by a Member State with due regard for its obligations under the Treaty, in particular Articles 30 to 36 thereof.

5. Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations^(*) shall not apply to measures adopted and notified by Member States in accordance with paragraph 3 of this Article.

6. Detailed measures for the implementation of the procedure set out in this Article may be adopted in accordance with the procedure laid down in Article 11a.

(*) OJ No L 230, 19. 8. 1991, p. 1. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).

(**) OJ No L 109, 26. 4. 1983, p. 8. Directive as last amended by Decision 96/139/EC (OJ No L 32, 10. 2. 1996, p. 31).;

5. Article 7 shall be replaced by the following:

Article 7

1. Member States shall designate and authority to ensure that the monitoring specified in Article 4 (4) is carried out.

2. (a) By 30 June each year, Member States shall send to the Commission their forward national monitoring programmes for the following calendar year. These forward programmes shall specify at least:

- the products to be inspected and the number of inspections to be carried out,
- the pesticide residues to be inspected,
- the criteria applied in drawing up these programmes.

(b) By 30 September each year, the Commission shall submit to the Standing Committee on Plant Health a draft recommendation setting out a coordinated Community monitoring programme identifying the taking of specific samples to be included in the national monitoring programmes. The recommendation shall be adopted in accordance with the procedure laid down in Article 11b. The basic objective of the Community monitoring programme

shall be to make optimum use at Community level of the sampling of cereals included in the groups listed in Annex I, produced in the Community or imported into it, when problems have been identified, in order to ensure compliance with the maximum levels for pesticide residues set out in Annex II.

3. By 31 August each year, Member States shall send to the Commission and the other Member States the results of the analyses of the samples taken during the previous year under their national monitoring programmes and under the coordinated Community monitoring programme. The Commission shall collate and compile this information together with the results of the checks carried out in accordance with Directives 86/363/EEC (*) and 90/642/EEC and analyse:

- infringements of the maximum residue levels, and
- the average actual levels of residues and their relative values with respect to the maximum residue levels established.

The Commission should progressively work towards a system, when preparing the coordinated monitoring programme, which could permit the estimation of actual pesticide dietary exposure.

The Commission shall forward this information to the Member States in the framework of the Standing Committee on Plant Health before 30 September for each year, for review and adoption of any necessary measures such as:

- any action to be taken at Community level in the case of reported infringements of the maximum levels,
- the desirability of publication of the collated and compiled information.

4. The following may be adopted in accordance with the procedure laid down in Article 11a:

- (a) amendments to paragraphs 2 and 3 of this Article in so far as these amendments concern the dates for notification;
- (b) detailed implementing rules necessary for proper functioning of the provisions of paragraphs 2 and 3.

5. Not later than 31 December 1999 the Commission shall forward to the Council a report on the application of this Article, accompanied, if necessary, by any appropriate proposals.

(*) OJ No L 221, 7. 8. 1986, p. 43. Directive as last amended by Directive 96/33/EC (OJ No L 144, 18. 6. 1996, p. 35).;

6. in Article 8 (1) the words 'Article 12' shall be replaced by 'Article 11a';

7. Article 9 shall be replaced by the following:

'Article 9

1. Where a Member State, as a result of new information or of a reassessment of existing information considers that a maximum level fixed in Annex II endangers human or animal health, and therefore requires swift action to be taken, that Member State may temporarily reduce the level in its own territory. In that case, it shall immediately notify the other Member States and the Commission of the measures, attaching a statement of the reasons therefor.

2. The Commission shall quickly examine the reasons given by the Member State referred to in paragraph 1 and shall consult the Member States within the Standing Committee on Plant Health, hereinafter referred to as 'the committee'; it shall then deliver its opinion forthwith and take the appropriate measures. The Commission shall immediately notify the Council and the Member States of any measures taken. Any Member State may refer the Commission's measures to the Council within 15 days of such notification. The Council acting by a qualified majority may take a different decision within 15 days of the date on which the matter was referred to it.

3. If the Commission considers that the maximum levels laid down in Annex II should be amended to resolve the difficulties mentioned in paragraph 1 and to guarantee public health protection, it shall initiate the procedure laid down in Article 13, with a view to adopting those amendments. In this case, the Member State which has taken measures under paragraph 1 may maintain them until the Council or the Commission has taken a decision in accordance with the said procedure.;

8. Article 10 shall be replaced by the following:

'Article 10

Without prejudice to the amendments made to the Annexes in accordance with Articles 5, 5a (3) and 9, amendments to the Annexes shall be adopted in accordance with the procedure laid down in Article 12, having regard to current scientific and technical knowledge. In particular, when establishing maximum residue levels, account shall be taken of a relevant dietary intake risk assessment and of the number and quality of the data available.;

9. Article 11 shall be deleted.

10. the following Articles shall be inserted:

Article 11a

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 the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 11b

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 the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the

measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of 15 days from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.';

11. Article 12 (2), (3) and (4) shall be replaced by the following:

'2. 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.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

4. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

5. If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the measures by a simple majority.';

12. Article 14 shall be replaced by the following:

Article 14

Member States shall bring into force the laws, regulations and administrative provisions necessary to ensure that the amendments in Annex II resulting from decisions referred to in Articles 4 (1) and (2), 5, 5a (3), 9 (3) and 10 can be implemented in their territory within a maximum period of eight months from their adoption, and within a shorter implementation period when required for urgent reasons of human health protection.

In order to safeguard legitimate expectations, Community legal implementing acts may provide for transitional periods for the implementation of certain maximum residue levels allowing the normal marketing of the harvested products.'

Article 3

Directive 86/363/EEC is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

1. This Directive shall apply to the foodstuffs of animal origin listed in Annex I, to the products obtained from them after drying or processing and to the composite foods in which they are included, in so far as they may contain pesticide residues.

2. This Directive shall apply without prejudice to

- (a) Council Directive 74/63/EEC of 17 December 1973 on the fixing of maximum permitted levels for undesirable substances and products in feedingstuffs (*);
- (b) Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae (**) and Commission Directive 96/5/EC of 16 February 1996 on processed cereal-based foods and baby foods for infants and young children (***). However, until maximum levels have been established in accordance with Article 6 of Directive 91/321/EEC or Article 6 of Directive 96/5/EC the provisions of Article 5a (1) and 5a (3) to (6) of this Directive shall apply for the products concerned.

3. This Directive shall also apply to products referred to in paragraph 1 intended for export to third countries.

4. This Directive shall not apply to the products referred to in paragraph 1 where it can satisfactorily be proved that they are intended for the manufacture of products other than foodstuffs or animal feed.

(*) OJ No L 38, 11. 2. 1974, p. 31. Directive as last amended by Directive 96/25/EC (OJ No L 125, 23. 5. 1996, p. 35).

(**) OJ No L 175, 4. 7. 1991, p. 35. Directive as last amended by Directive 96/4/EC (OJ No L 49, 28. 2. 1996, p. 12).

(***) OJ No L 49, 28. 2. 1996, p. 17;.

2. in Article 2 (1) the words 'listed in Annex II' shall be deleted.

3. Article 4 shall be replaced by the following:

'Article 4

1. Notwithstanding Article 6, the products referred to in Article 1 shall not contain, from the time they are put into circulation, pesticide residue levels higher

than those specified in the list referred to in Annex II.

The list of pesticide residues concerned and their maximum levels shall be established in Annex II in accordance with the procedure laid down in Article 12, having regard to current scientific and technical knowledge.

2. In the case of dried and processed products for which maximum levels are not explicitly fixed in Annex II, the maximum residue level applicable shall be that laid down in Annex II, taking into account, respectively, the concentration caused by the drying process or the concentration or dilution caused by processing. A concentration or dilution factor covering the concentration and/or dilution caused by certain drying or processing operations may be determined for certain dried or processed products in accordance with the procedure laid down in Article 12.

3. In the case of composite foods which contain a mixture of ingredients and for which maximum residue levels are not fixed, the maximum residue levels applied may not exceed the levels laid down in Annex II, taking into account the relative concentrations of the ingredients in the mixture and also the provisions of paragraph 2.

4. Member States shall ensure, at least by check sampling, compliance with the maximum levels referred to in paragraph 1. The necessary inspections and monitoring shall be carried out in accordance with Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs (*), except for Article 14 thereof, and Council Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs (**), except for Articles 5, 6 and 8 thereof and any other relevant legal provisions for the monitoring of residues in foodstuffs of animal origin.

(*) OJ No L 186, 30. 6. 1989, p. 23.

(**) OJ No L 290, 24. 11. 1993, p. 14;.

4. Article 5 shall be replaced by the following two Articles:

'Article 5

Where for a product belonging to a group referred to in Annex I, a provisional maximum residue level application throughout the Community is set by the Commission in accordance with the provisions of

Article 4 (1) (f) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (*), that level will be indicated in Annex II with a reference to that procedure.

Article 5a

1. For the purposes of this Article a Member State of origin shall be defined as the Member State in whose territory a product specified in Article 1 (1) is either legally produced and marketed or put into free circulation and a Member State of destination as the Member State into whose territory such product is introduced and put into circulation for operations other than transit to another Member State or third country.

2. Member States shall introduce arrangements for establishing maximum residue levels, whether permanent or temporary, for products referred to in Article 1 (1), brought into their territories from a Member State of origin, taking into account good agricultural practice in the Member State of origin, and without prejudice to conditions necessary to protect the health of consumers, in cases where no maximum residue levels have been established for these products in accordance with the provisions of Articles 4 (1) or 5.

3. Where

- no maximum residue level has been established for a product referred to in Article 1 (1) in accordance with Articles 4 (1) or 5, and
- that product, which satisfies the maximum residue levels applied by its Member State of origin, has been subjected in the Member State of destination to measures whose effect is to prohibit or restrict its putting into circulation, on the grounds that the product contains pesticide residue levels in excess of the maximum residue level accepted in the Member State of destination, and
- either the Member State of destination has introduced new maximum residue levels or has altered the levels laid down in its legislation, or it has made changes to its controls which are disproportionate and/or discriminatory compared with those for its domestic production, or the maximum residue level applied by the Member State of destination differs substantially from the corresponding levels established by other Member State of destination represents a disproportionate level of protection compared with the level of protection applied by the Member State to pesticides carrying a similar risk or to similar agricultural products or foodstuffs,

the following exceptional provisions shall apply:

- (a) the Member State of destination shall communicate the measures adopted to the other Member State concerned and the Commission within 20 days of their application. The notification shall document the facts involved;
- (b) on the basis of the notification referred to in (a), the two Member States concerned shall contact each other without delay in order to remove, whenever possible, the prohibitive or restrictive effect of the measures adopted by the Member State of destination by means of measures agreed between them; the Member States shall submit all the requisite information to each other.

Within a period of three months of the notification referred to in (a), the Member States concerned shall inform the Commission of the result of such contacts and in particular the measures they intend to apply, if any, including the maximum residue level they have agreed. The Member State of origin shall inform the other Member States of the result of such contacts;

- (c) the Commission shall immediately refer the matter to the Standing Committee on Plant Health and, if possible, submit a proposal aimed at establishing in Annex II a temporary maximum residue level which shall be adopted in accordance with the procedure laid down in Article 12.

In its proposal, the Commission shall take account of existing technical and scientific knowledge on the matter and in particular data submitted by the Member States with an interest, especially the toxicological assessment and estimated ADI, good agricultural practice and the trial data which the Member State of origin used to establish the maximum residue level, together with the reasons given by the Member State of destination for deciding on the measures in question.

The period of validity of the temporary maximum level shall be laid down in the legal act adopted and may not exceed four years. That period may be linked to the supply, by the Member State of origin and/or other Member States with an interest, of the trial data required by the Commission in order to set the maximum residue level in accordance with Article 4 (1). At their request, the Commission and the Member States shall be kept informed regarding the programme of trials established.

4. Any measure provided for in paragraphs 2 or 3 shall be taken by a Member State with due regard for its obligations under the Treaty, in particular Articles 30 to 36 thereof.

5. Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations^(*), shall not apply to measures adopted and notified by Member States in accordance with paragraph 3 of this Article.

6. Detailed measures for the implementation of the procedure set out in this Article may be adopted in accordance with the procedure laid down in Article 11a.

(*) OJ No L 230, 19. 8. 1991, p. 1. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).

(**) OJ No L 109, 26. 4. 1983, p. 8. Directive as last amended by Decision 96/139/EC (OJ No L 32, 10. 2. 1996, p. 31).;

5. the following paragraph shall be added at the end of Article 7:

‘The Commission shall collate and combine this information and process it, together with the results of the checks carried out in accordance with Directives 86/362/EEC^(*) and 90/642/EEC^(**).

(*) OJ No L 221, 7. 8. 1986, p. 1. Directive as last amended by Directive 96/33/EC (OJ No L 144, 18. 6. 1996, p. 35).

(**) OJ No L 350, 14. 12. 1990, p. 71. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).;

6. in Article 8 (1), the terms ‘Article 12’ shall be replaced by ‘Article 11a’;

7. Article 9 shall be replaced by the following:

‘Article 9

1. Where a Member State, as a result of new information or of a reassessment of existing information considers that a maximum level fixed in Annex II endangers human or animal health, and therefore requires swift action to be taken, that Member State may temporarily reduce the level in its own territory. In that case, it shall immediately notify the other Member States and the Commission of the measures, attaching a statement of the reasons therefor.

2. The Commission shall quickly examine the reasons given by the Member State referred to in paragraph 14 and shall consult the Member States within the Standing Committee on Plant Health, hereinafter referred to as “the committee”; it shall then deliver its opinion forthwith and take the appropriate measures. The Commission shall immediately notify the Council and the Member States of any

measures taken. Any Member State may refer the Commission’s measures to the Council within 15 days of such notification. The Council acting by a qualified majority may take a different decision within 15 days of the date on which the matter was referred to it.

3. If the Commission considers that the maximum levels laid down in Annex II should be amended to resolve the difficulties mentioned in paragraph 1 and to guarantee public health protection, it shall initiate the procedure laid down in Article 13, with a view to adopting those amendments. In this case, the Member State which has taken measures under paragraph 1 may maintain them until the Council or the Commission has taken a decision in accordance with the said procedure.’;

8. Article 10 shall be replaced by the following:

‘Article 10

Without prejudice to the amendments made to the Annexes in accordance with Articles 5, 5a (3) and 9, amendments to the Annexes shall be adopted in accordance with the procedure laid down in Article 12, having regard to current scientific and technical knowledge. In particular, when establishing maximum residue levels, account shall be taken of a relevant dietary intake risk assessment and of the number and quality of the data available.’;

9. Article 11 shall be deleted;

10. the following Articles shall be inserted:

‘Article 11a

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 the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is

delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 11b

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 the measures envisaged if they are in accordance with the opinion on the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of 15 days from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.;

11. Article 12 (2), (3) and (4) shall be replaced by the following:

'2. 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.

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

4. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

5. If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the measures by a simple majority.;

12. Article 14 shall be replaced by the following:

Article 14

Member States shall bring into force the laws, regulations and administrative provisions necessary to ensure that the amendments in Annex II resulting from decisions referred to in Articles 4 (1) and (2), 5, 5a (3), 9 (3) and 10 can be implemented in their territory within a maximum period of eight months from their adoption, and within a shorter implementation period when required for urgent reasons of human health protection.

In order to safeguard legitimate expectations, Community legal implementing acts may provide for transitional periods for the implementation of certain maximum residue levels allowing the normal marketing of the harvested products.'

Article 4

Directive 90/642/EEC is hereby amended as follows:

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

'1. This Directive shall apply to products within the groups specified in column 1 of Annex I, examples of which are given in column 2, in so far as products in those groups, or the parts of product described in column 3, may contain certain pesticide residues.

The Directive shall also apply to the same products after drying or processing or after inclusion in a composite food in so far as they may contain certain pesticide residues.;

2. the following shall be added to Article 1 (2):

'(e) the provisions of Commission Directive 91/321/EEC of 14 May 1991 on infant formulae and follow-on formulae (*) and Commission Directive 96/5/EC of 16 February 1996 on processed

cereal-based foods and baby foods for infants and young children ("). However, until maximum levels have been established in accordance with Article 6 of Directive 91/321/EEC or Article 6 of Directive 96/5/EC the provisions of Article 5a (1) and (3) to (6) of this Directive shall apply for the products concerned.

(^(*)) OJ No L 175, 4. 7. 1991, p. 35. Directive as last amended by Directive 96/4/EC (OJ No L 49, 28. 2. 1996, p. 12).

(^(**)) OJ No L 49, 28. 2. 1996, p. 17.;

3. Article 2 (a) shall be replaced by the following:

'(a) "pesticide residues" shall mean residues of pesticides and of their metabolites, and breakdown or reaction products, which are present in or on the products referred to in Article 1.;

4. Article 3 shall be replaced by the following:

'Article 3

1. The products in the groups or, where applicable, the parts of products referred to in Article 1 shall not contain, from the time they are put into circulation, pesticide residue levels higher than those specified in the list referred to in Annex II.

The list of pesticide residues concerned and their maximum levels shall be established in Annex II in accordance with the procedure laid down in Article 10a having regard to current scientific and technical knowledge. A pesticide residue will be included on the list for as long as Directive 76/895/EEC fixes a maximum level for that residue.

2. In the case of dried and processed products for which maximum levels are not explicitly fixed in Annex II, the maximum residue level applicable shall be that laid down in Annex II, taking into account, respectively, the concentration caused by the drying process or the concentration or dilution caused by processing. A concentration or dilution factor covering the concentration and/or dilution caused by certain drying or processing operations may be determined for certain dried or processed products in accordance with the procedure laid down in Article 10a.

3. In the case of compound foods which contain a mixture of ingredients and for which maximum residue levels are not fixed, the maximum residue levels applied may not exceed the levels laid down in Annex II, taking into account the relative concentrations of the ingredients in the mixture and also the provisions of paragraph 2.

4. Member States shall ensure, at least by check sampling, compliance with the maximum levels

referred to in paragraph 1. The necessary inspections and monitoring shall be carried out in accordance with Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs(^(*)), except for Article 14 thereof, and Directive 93/99/EEC of 29 October 1993 on the subject of additional measures concerning the official control of foodstuffs(^(**)) except for Articles 5, 6 and 8 thereof.

(^(*)) OJ No L 186, 30. 6. 1989, p. 23.

(^(**)) OJ No L 290, 24. 11. 1993, p. 14.;

5. Article 4 shall be replaced by the following:

'Article 4

1. Member States shall designate an authority to ensure that the monitoring specified in Article 3 (4) is carried out.

2. (a) By 30 June each year, Member States shall send to the Commission their forward national monitoring programmes for the following calendar year. These forward programmes shall specify at least:

- the products to be inspected and the number of inspections to be carried out,
- the pesticide residues to be inspected,
- the criteria applied in drawing up these programmes.

(b) By 30 September each year, the Commission shall submit to the Standing Committee on Plant Health a draft recommendation setting out a coordinated Community monitoring programme identifying the taking of specific samples to be included in the national monitoring programmes. The recommendation shall be adopted in accordance with the procedure laid down in Article 10. The basic objective of the Community monitoring programme shall be to make optimum use at Community level of the sampling of plant products included in the groups listed in Annex I, produced in the Community or imported into it, when problems have been identified, in order to ensure compliance with the maximum levels for pesticide residues set out in Annex II.

3. By 31 August each year, Member States shall send to the Commission and the other Member States the results of the analyses of the samples taken during the previous year under their national monitoring programmes and under the coordinated Community monitoring programme. The Commission shall collate and combine this information together with the results of the checks carried out in accordance with Directives 86/362/EEC and 86/363/EEC and analyse:

- infringements of the maximum residue levels, and
- the average actual levels of residues and their relative values with respect to the maximum residue levels established.

The Commission should progressively work towards a system, when preparing the coordinated monitoring programme, which could permit the estimation of actual pesticide dietary exposure.

The Commission shall forward this information to the Member States in the framework of the Standing Committee on Plant Health before 30 September for each year, for review and adoption of any necessary measures such as:

- any action to be taken at Community level in the case of reported infringements of the maximum levels,
- the desirability of publication of the collated and compiled information.

4. The following may be adopted in accordance with the procedure laid down in Article 9:

- (a) amendments to paragraphs 2 and 3 of this Article in so far as these amendments concern the dates for notification;
- (b) detailed implementing rules necessary for proper functioning of the provisions of paragraphs 2 and 3.

5. Not later than 31 December 1999 the Commission shall forward to the Council a report on the application of this Article, accompanied, if necessary, by any appropriate proposals;

6. after Article 5, the following Articles shall be inserted:

Article 5a

Where for a product belonging to a group referred to in Annex I, a provisional maximum residue level applicable throughout the Community is set by the Commission in accordance with the provisions of Article 4 (1) (f) of Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (*), this level will be indicated in Annex II with a reference to that procedure.

Article 5b

1. For the purposes of this Article a Member State of origin shall be defined as the Member State in whose territory a product specified in Article 1 (1) is either legally produced and marketed or put into free

circulation and a Member State of destination as the Member State into whose territory such product is introduced and put into circulation for operations other than transit to another Member State or third country.

2. Member States shall introduce arrangements for establishing maximum residue levels, whether permanent or temporary, for products referred to in Article 1 (1), brought into their territories from a Member State of origin, taking into account good agricultural practice in the Member State of origin, and without prejudice to conditions necessary to protect the health of consumers, in cases where no maximum residue levels have been established for these products in accordance with the provisions of Articles 3 (1) or 5a.

3. Where

- no maximum residue level has been established for a product referred to in Article 1 (1) in accordance with Articles 3 (1) or 5a, and

- that product, which satisfies the maximum residue levels applied by its Member State of origin, has been subjected in the Member State of destination to measures whose effect is to prohibit or restrict its putting into circulation, on the grounds that the product contains pesticide residue levels in excess of the maximum residue level accepted in the Member State of destination, and

- either the Member State of destination has introduced new maximum residue levels or has altered the levels laid down in its legislation, or it has made changes to its controls which are disproportionate and/or discriminatory compared with those for its domestic production, or the maximum residue level applied by the Member State of destination differs substantially from the corresponding levels established by other Member States, or the maximum residue level applied by the Member State of destination represents a disproportionate level of protection compared with the level of protection applied by the Member State to pesticides carrying a similar risk or to similar agricultural products or foodstuffs,

the following exceptional provisions shall apply:

- (a) the Member State of destination shall communicate the measures adopted to the other Member State concerned and the Commission within 20 days of their application. The notification shall document the facts involved;

- (b) on the basis of the notification referred to in (a), the two Member States concerned shall contact each other without delay in order to remove, whenever possible, the prohibitive or restrictive effect of the measures adopted by the Member State of destination by means of measures agreed between them; the Member States shall submit all the requisite information to each other.

Within a period of three months of the notification referred to in (a), the Member States concerned shall inform the Commission of the result of such contacts and in particular the measures they intend to apply, if any, including the maximum residue level they have agreed. The Member State of origin shall inform the other Member States of the result of such contacts;

- (c) the Commission shall immediately refer the matter to the Standing Committee on Plant Health and, if possible, submit a proposal aimed at establishing in Annex II a temporary maximum residue level, which shall be adopted in accordance with the procedure laid down in Article 10a.

In its proposal, the Commission shall take account of existing technical and scientific knowledge on the matter and in particular data submitted by the Member States with an interest, especially the toxicological assessment and estimated ADI, good agricultural practice and the trial data which the Member State of origin used to establish the maximum residue level, together with the reasons given by the Member State of destination for deciding on the measures in question.

The period of validity of the temporary maximum level shall be laid down in the legal act adopted and may not exceed four years. That period may be linked to the supply, by the Member State of origin and/or other Member States with an interest, of the trial data required by the Commission in order to set the maximum residue level in accordance with Article 3 (1). At their request, the Commission and the Member States shall be kept informed regarding the programme of trials established.

4. Any measure provided for in paragraphs 2 or 3 shall be taken by a Member State with due regard for its obligations under the Treaty, in particular Articles 30 to 36 thereof.

5. Council Directive 83/189/EEC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations (") shall not apply to measures adopted and notified by Member States in accordance with paragraph 3 of this Article.

6. Detailed measures for the implementation of the procedure set out in this Article may be adopted in accordance with the procedure laid down in Article 9.

(^{*}) OJ No L 230, 19. 8. 1991, p. 1. Directive as last amended by Directive 96/32/EC (OJ No L 144, 18. 6. 1996, p. 12).

(^{**}) OJ No L 109, 26. 4. 1983, p. 8. Directive as last amended by Decision 96/139/EC (OJ No L 32, 10. 2. 1996, p. 31).';

7. Article 7 shall be replaced by the following:

'Article 7

Without prejudice to the amendments made to the Annexes in accordance with Articles 5a, 5b (3) and 8, amendments to Annexes I and II as a result of developments in scientific or technical knowledge shall be adopted in accordance with the procedure laid down in Article 10a. In particular, when establishing maximum residue levels, account shall be taken of a relevant dietary intake risk assessment and of the number and quality of the data available.';

8. the following Articles shall be inserted after Article 10:

'Article 10a

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 the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission, save where the Council has decided against the said measures by a simple majority.

Article 10b

Member States shall bring into force the laws, regulations and administrative provisions necessary to ensure that the amendments in Annex II resulting from decisions referred to in Articles 3 (1) and (2), 5a, 5b (3), 7 and 8 (3) can be implemented in their territory within a maximum period of eight months from their adoption, and within a shorter implementation period when required for urgent reasons of human health protection.

In order to safeguard legitimate expectations, Community legal implementing acts may provide for transitional periods for the implementation of certain maximum residue levels allowing the normal marketing of the harvested products.

Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1998.

When 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 the Member States.

Article 6

This Directive is addressed to the Member States.

Done at Luxembourg, 25 June 1997.

For the Council

The President

J. VAN AARTSEN

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 July 1996

approving a Finnish aid programme implementing in particular Article 141 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and other related measures

(Only the Finnish and Swedish texts are authentic)

(97/428/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community and in particular Article 93 thereof,

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Article 141 thereof,

Having regard to Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside ⁽¹⁾, as last amended by Regulation (EC) No 2772/95 ⁽²⁾,

Whereas, on 3 June 1996, Finland notified the Commission, pursuant in particular to Article 143 of the Act of Accession, of an aid programme implementing in particular Article 141 and containing other related measures; whereas by letter dated 26 July 1996 Finland undertook to ensure that at least 70 % of total commitments under Article 141 envisaged in the current programme were made prior to the end of 1999;

Whereas this notification was modified by letter dated 18 July 1996;

Whereas the aid for diversification, of an amount not exceeding ECU 100 000 during a three-year period for

on-farm non-agricultural activities (products not falling within Annex II to the Treaty) comply with the Commission notice on the *de minimis* rule for State aid ⁽³⁾;

Whereas the aid in the form of a one-off payment for farms, farmland and for production rights when giving up agricultural production complies with Article 92 of the Treaty in so far as it will facilitate the development of certain economic activities or of certain economic areas, and does not adversely affect trading conditions to an extent contrary to the common interest;

Whereas the aid for setting-up for young farmers of an amount not exceeding 35 % of the costs of setting-up, supplementary to aid provided under Commission Decision C(95) 2522 of 8 December 1995, complies with Article 92 of the Treaty in so far as it will facilitate the development of certain economic activities or of certain economic areas, and does not adversely affect trading conditions to an extent contrary to the common interest;

Whereas the aid for the development of quality systems for training, studies, technical assistance services and quality controls, of an amount not exceeding 100 % of the costs (70 % for the quality controls) complies with Article 92 of the Treaty in so far as it will facilitate the

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 85.

⁽²⁾ OJ No L 288, 1. 12. 1996, p. 35.

⁽³⁾ OJ No C 68, 6. 3. 1996, p. 9.

development of certain economic activities or of certain economic areas, and does not adversely affect trading conditions to an extent contrary to the common interest;

Whereas the aid for utilized agricultural areas to supplement those approved by Commission Decisions C(95) 2056 of 10 October 1995 and C(96) 5 of 5 February 1996 and the aid to farmers not participating under these schemes but giving the same undertakings comply with the objective of Regulation (EEC) No 2078/92 regarding the nature of the measures and with Commission policy on State aid;

Whereas, where there are serious difficulties resulting from accession which remain after full utilization of the provisions of Articles 138, 139, 140 and 142. Article 141 of the Act of Accession enables the Commission to authorize Finland to grant national aid to producers so as to facilitate their full integration into the common agricultural policy;

Whereas the said measures and the measures already adopted in accordance with Articles 138, 139, 140 and 142 have been shown to be insufficient to avoid serious difficulties;

Whereas owing to climatic conditions as well as to the small size of the farms and the higher levels of fixed costs, the profitability of agricultural production in southern Finland is greatly reduced; whereas this situation linked to a reduction of support would cause a significant fall in farmers' income and endanger the continuation of agricultural production; whereas therefore aid for structural improvement should be granted to the extent to which it contributes to maintaining and improving the existing production patterns;

Whereas the aid for investment in primary production of no more than 50 % for the pigmeat, poultrymeat and eggs sectors, and 75 % for other sectors of the total cost of the investment complies with Article 141 in so far as it redresses serious difficulties resulting from Finland's accession;

Whereas investment aid complying with the individual maximum limits laid down by Commission Decision C(96) 733 of 19 April 1996 on improving the efficiency of agricultural structures in Finland within the meaning of Council Regulation (EEC) No 2328/91⁽¹⁾, as last amended by Commission Regulation (EC) No 2387/95⁽²⁾ is insufficient, and Finland should be allowed to derogate from the maximum total amount of investment laid down in Article 12 (2) of Regulation (EEC) No 2328/91; whereas the aid should not entail an increase in total production

capacity; whereas the aid can be authorized under Article 141;

Whereas the aid for income support for a maximum amount of FM 25 000 per beneficiary per year over five years in case of change of production complies with Article 141 in so far as it redresses serious remaining difficulties resulting from Finland's accession;

Whereas the duration of the measures adopted pursuant to Article 141 should be from 1 January 1997 to 31 December 2001; whereas, nonetheless, the Commission should, before 31 December 1999, review the result of the measures in solving the serious difficulties and in assisting the full integration of Finnish farmers in the common agricultural policy,

HAS ADOPTED THIS DECISION:

Article 1

The Commission authorizes Finland to grant from 1 January 1997 to 31 December 2001:

- (a) an aid of at most 50 % for the pigmeat, poultrymeat and eggs sector and 75 % for other sectors of the total cost of the investment to farmers with a development plan for investments in primary production (on-farm agriculture and horticultural activities) which do not entail an increase in the total production capacity of the sectors existing at the date of this Decision. However, the individual maximum limits laid down by Commission Decision C(96) 733 of 19 April 1996 shall be observed,
- (b) an aid to farmers of a maximum amount of FM 25 000 per beneficiary per year for no more than five years, as an income support in case of change of production.

Article 2

Finland may grant the following aid, for an indeterminate period, which is considered as compatible with Article 92 of the Treaty:

- (a) an aid to farmers of at most ECU 100 000 per beneficiary during a three-year period for on-farm non-agricultural activities (products not falling within Annex II of the Treaty) and of at most ECU 1 000 for training but not exceeding 100 % of the costs;
- (b) a one-off payment to farmers when giving up permanently agricultural production by selling farms, farmland and milk quotas, such quotas being only linked to the sale of land. The amount of the aid is calculated on the basis of the following maximum rates of compensation:

⁽¹⁾ OJ No L 218, 6. 8. 1991, p. 1.

⁽²⁾ OJ No L 244, 12. 10. 1995, p. 50.

- sales of milk quota: FM 1/litre,
 - sales of arable land: FM 5 000/ha,
 - sales of livestock: FM 3 000/LU;
- (c) to the beneficiaries of measure provided for in Regulation (EEC) No 2328/91 for setting up young farmers an aid to supplement those approved by Commission Decision C(95) 2522 of 8 December 1995 of a maximum amount of FM 30 000 but not exceeding 35 % of the costs of setting-up;
- (d) an aid for development of quality systems of an amount of:
- 100 % of the expenses for training and technical assistance services,
 - 70 % of the expenses for quality control;
- (e) to the beneficiaries of measures provided for in Regulation (EEC) No 2078/92 an aid to supplement those approved by Decisions C(95) 2056 of 10 October 1995 and C(96) 5 of 5 February 1996 and to other farmers not participating under these schemes but giving the same undertakings of an amount of up to:

Regions	A	B	Archipelago
(a) cereals, starch potatoes, etc. (1):	1 050	850	FM 1 050/ha
(b) grass, potatoes, sugar beets:	1 200	1 200	FM 1 200/ha
(c) vegetables, annual plants:	3 350	2 350	FM 2 350/ha
(d) fruits and berries, perennial plants:	3 560	3 560	FM 3 560/ha

(1) Limited to cereals including whole crop for fodder, peas for human consumption, broad beans and all oil seeds.

Article 3

The Commission shall, before 31 December 1999 and on the basis of the information to be provided by Finland before 1 July 1999, examine the results of the measures provided for in Article 1 and decide, in accordance with Article 141, upon their possible continuation.

Article 4

This Decision is addressed to the Republic of Finland.

Done at Brussels, 30 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 30 June 1997

amending Decision 97/296/EC drawing up the list of third countries from which
the import of fishery products is authorized for human consumption

(Text with EEA relevance)

(97/429/EC)

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

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as last amended by Decision 97/34/EC⁽²⁾, and in particular Article 2 (2) thereof,

Whereas Commission Decision 97/296/EC⁽³⁾ established the list of third countries from which the import of fishery products is authorized for human consumption;

Whereas Commission Decision 97/426/EC⁽⁴⁾ laid down special conditions for the import of fishery and aquaculture products originating in Australia;

Whereas, therefore, Australia should be added to the list of third countries from which the import of fishery products is authorized;

Whereas Article 3 (4) (b) of Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽⁵⁾, as last amended by Directive 96/23/EC⁽⁶⁾, lays down that processed bivalve molluscs must, before processing, satisfy the requirements

laid down in Directive 91/492/EEC; whereas, therefore, the list of third countries satisfying the conditions laid down in Directive 91/492/EEC also applies to imports of processed bivalve molluscs, echinoderms, tunicates and marine gastropods;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 97/296/EC is replaced by the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 June 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ No L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ No L 122, 14. 5. 1997, p. 21.

⁽⁴⁾ OJ No L 183, 11. 7. 1997.

⁽⁵⁾ OJ No L 268, 24. 9. 1991, p. 15.

⁽⁶⁾ OJ No L 125, 23. 5. 1996, p. 10.

ANNEX

List of third countries from which the import of fishery products in whatever form intended for human consumption is authorized*I. Third countries covered by a specific Decision on the basis of Council Directive 91/493/EEC*

Albania	Gambia	Senegal
Argentina	Indonesia	Singapore
Australia	Japan	South Africa
Brazil	Malaysia	South Korea
Canada	Mauritania	Taiwan
Chile	Morocco	Thailand
Colombia	New Zealand	Turkey
Côte d'Ivoire	Peru	Uruguay
Ecuador	Philippines	
Faeroes	Russia	

II. Third countries satisfying the requirements of Article 2 (2) of Council Decision 95/408/EC

Bangladesh	Guatemala	Seychelles
Belize	Honduras	Slovenia
China	India	Switzerland
Costa Rica	Madagascar	Togo
Croatia	Maldives	Tunisia
Cuba	Mexico	United States of America
Falkland Islands	Namibia	Venezuela
Greenland	Panama	Vietnam
	Poland	
