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Legislation

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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1454/97

of 25 July 1997

**fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁴⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in

Article 13 of Regulation (EC) No 3072/95 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

Whereas a special refund should be set for North Korea so as to permit a Community operation for that country;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

For Community food aid operations for North Korea a refund of ECU 363/tonne is fixed for products falling within CN code 1006 30.

Article 3

This Regulation shall enter into force on 28 July 1997.

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

Done at Brussels, 25 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 25 July 1997 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

<i>(ECU/tonne)</i>	
Product code	Refund
1001 10 00 9400	0
1001 90 99 9000	0
1002 00 00 9000	19,00
1003 00 90 9000	3,00
1004 00 00 9400	5,00
1005 90 00 9000	43,00
1006 30 92 9100	303,00
1006 30 92 9900	303,00
1006 30 94 9100	303,00
1006 30 94 9900	303,00
1006 30 96 9100	303,00
1006 30 96 9900	303,00
1006 30 98 9100	303,00
1006 30 98 9900	303,00
1006 40 00 9000	—
1007 00 90 9000	43,00
1101 00 15 9100	0
1101 00 15 9130	0
1102 20 10 9200	60,48
1102 20 10 9400	51,84
1102 30 00 9000	—
1102 90 10 9100	4,22
1103 11 10 9200	0
1103 11 90 9200	0
1103 13 10 9100	77,76
1103 14 00 9000	—
1104 12 90 9100	9,32
1104 21 50 9100	5,62

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

COMMISSION REGULATION (EC) No 1455/97

of 25 July 1997

fixing for the 1997/98 marketing year the minimum price to be paid to producers for dried plums and the amount of production aid for prunes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, and in particular Articles 3 (3) and 4 (9) thereof,

Whereas Article 2 of Commission Regulation (EC) No 504/97 of 19 March 1997 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the system of production aid for products processed from fruit and vegetables⁽²⁾ fixes the dates of the marketing years;

Whereas Articles 3 and 4 of Regulation (EC) No 2201/96 set the criteria for fixing the minimum price and the amount of the production aid respectively;

Whereas Article 3 of Commission Regulation (EEC) No 1709/84 of 19 June 1984 on minimum prices payable to producers and amounts of production aid for certain processed fruit and vegetables eligible for production aid⁽³⁾, as last amended by Regulation (EEC) No 2322/89⁽⁴⁾, defines the categories of dried plums and prunes for which the minimum price and the aid are fixed; whereas, therefore, the minimum price and production aid for the 1997/98 marketing year should be fixed;

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

Article 1

For the 1997/98 marketing year:

1. the minimum price referred to in Article 3 of Regulation (EC) No 2201/96 shall be ECU 193,523 per 100 kilograms net from the producer for dried plums derived from prunes d'Ente in the size category corresponding to 66 fruit per 500 grams;
2. the production aid referred to in Article 4 of that Regulation shall be ECU 80,261 per 100 kilograms net for prunes ready to be offered for human consumption derived from prunes d'Ente of the size category corresponding to 66 fruit per 500 grams for products obtained from raw materials.

Article 2

Where processing takes place outside the Member State in which the produce was grown, such Member State shall furnish proof to the Member State paying the production aid that the minimum price payable to the producer has been paid.

Article 3

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

It shall apply from 1 September 1997.

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

Done at Brussels, 25 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ No L 78, 20. 3. 1997, p. 14.

⁽³⁾ OJ No L 162, 20. 6. 1984, p. 8.

⁽⁴⁾ OJ No L 220, 27. 9. 1989, p. 58.

COMMISSION REGULATION (EC) No 1456/97

of 25 July 1997

fixing for the 1997/98 marketing year the amount of the aid for the cultivation of grapes intended for the production of certain varieties of dried grapes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products⁽¹⁾, and in particular Article 7 (5) thereof,

Whereas the second subparagraph of Article 7 (1) of Regulation (EC) No 2201/96 establishes the criteria for fixing aid for the cultivation of grapes intended for the production of dried grapes of the sultana and Muscatel varieties and currants;

Whereas the third subparagraph of Article 7 (1) of Regulation (EC) No 2201/96 provides for the possibility to differentiate the amount of aid on the basis of the varieties of grapes and on other factors which may affect yield; whereas it is appropriate to provide such a differentiation by a coefficient derived from the ratio of average yield by variety to total average yield; whereas in the case of sultanas provision should be made for further differentiation between areas affected by phylloxera or replanted within the last five years, and other areas;

Whereas, however, it is appropriate to provide that areas having a yield lower than a threshold differentiated for the varieties concerned shall not be considered as specialized areas for the application of the aid arrangements; whereas, therefore, aid shall not be granted for the cultivation of such areas;

Whereas it is necessary to determine the aid to be granted to producers who replant their vineyards in order to combat phylloxera under the conditions laid down in Article 7 (4) of Regulation (EC) No 2201/96;

Whereas verification of the areas used for growing these grapes has revealed no overrun of the maximum guaranteed area fixed in Article 4 of Commission Regulation (EEC) No 2911/90 of 9 October 1990 laying down detailed rules of application for aid for the production of certain varieties of grapes for drying⁽²⁾, as last amended by Regulation (EC) No 2614/95⁽³⁾;

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

1. For the 1997/98 marketing year, which lasts from 1 September 1997 to 31 August 1998, the per hectare aid for the cultivation of grapes intended for the production of dried grapes of the sultana and Muscatel varieties and currants referred to in Article 7 (1) of Regulation (EC) No 2201/96 shall be as specified in the Annex hereto.

2. For the application of the second subparagraph of Article 7 (1) of Regulation (EC) No 2201/96, areas having a yield per hectare less than:

- 1 800 kilograms of dried grapes for sultanas affected by phylloxera or replanted within the last five years,
- 2 800 kilograms of dried grapes for other sultanas,
- 2 000 kilograms of dried grapes for currants,
- 500 kilograms of dried grapes for muscatels,

shall not be considered as specialized areas. The aid shall not be paid for the cultivation of the abovementioned products on these areas.

3. Member States shall take all necessary measures for checking this minimum yield.

Article 2

Pursuant to Article 7 (4) of Regulation (EC) No 2201/96, the per hectare aid to be granted to producers who replant their vineyards in order to combat phylloxera shall be ECU 3 917 per hectare.

The Member States concerned shall take the administrative provisions needed for the granting of this aid.

Article 1 (2) shall not apply in such cases.

Article 3

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

It shall apply from 1 September 1997.

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ No L 278, 10. 10. 1990, p. 35.

⁽³⁾ OJ No L 268, 10. 11. 1995, p. 7.

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

Done at Brussels, 25 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Aid for the cultivation of dried grapes

Variety	ECU/ha
Sultanas affected by phylloxera or replanted within the last five years	2 400
Other sultanas	3 290
Currants	3 080
Muscatels	880

COMMISSION REGULATION (EC) No 1457/97

of 25 July 1997

amending Annexes III (B), IV and VI to Council Regulation (EC) No 517/94 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules⁽¹⁾, as last amended by Commission Regulation (EC) No 1937/96⁽²⁾, and in particular Article 5 in conjunction with Article 25 (4) thereof,

Whereas the quantitative restrictions applicable to textile and clothing imports originating in the Republics of Bosnia-Herzegovina, Croatia, the Former Yugoslav Republic of Macedonia, the Federal Republic of Yugoslavia and North Korea are listed in Annexes III (B), IV and VI to Regulation (EC) No 517/94;

Whereas on 16 April 1997 the Commission initialled an agreement on trade in textile products with the Former Yugoslav Republic of Macedonia providing, *inter alia*, for the elimination as of 1 January 1997 of the quantitative restrictions applicable on imports of textiles and clothing products into the Community originating in that country;

Whereas the Former Yugoslav Republic of Macedonia must be excluded from the scope of application of Regulation (EC) No 517/94 from the date of the provisional application of the agreement;

Whereas the Commission has received requests from Member States to increase certain quantitative restrictions for imports of textile products originating in North Korea in order to satisfy certain market requirements;

Whereas it is necessary to strike a certain balance between providing the requisite protection for the relevant sectors

of the Community industry concerned and maintaining an acceptable level of trade with the republics of former Yugoslavia and North Korea, bearing in mind the various interests of the parties concerned;

Whereas on analysis of the situation in the Community industry concerned shows that the effective increase of the quantitative restrictions applied in respect of the Republics of Bosnia-Herzegovina and Croatia that will result from the elimination of the quantitative restrictions applied so far on imports into the Community on textile products originating in the Former Yugoslav Republic of Macedonia as well as the increase of the level of certain quotas for North Korea will not prejudice the abovementioned objective;

Whereas the Commission therefore considers it appropriate to adapt accordingly the level of some of the quantitative restrictions applied in respect of North Korea, taking also into account the request received from the Member States;

Whereas Annexes III (B), IV and VI to Council Regulation (EC) No 517/94 should therefore be adapted;

Whereas these measures are in conformity with the opinion of the Textiles Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes III (B), IV and VI to Regulation (EC) No 517/94 are hereby replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 August 1997.

⁽¹⁾ OJ No L 67, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 255, 9. 10. 1996, p. 4.

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

Done at Brussels, 25 July 1997.

For the Commission

Leon BRITTAN

Vice-President

ANNEX

ANNEX III B

ANNUAL COMMUNITY QUANTITATIVE LIMITS REFERRED TO IN THE FOURTH
INDENT OF ARTICLE 2 (1)

Republics of Bosnia-Herzegovina and Croatia

Category	Unit	Quantity
1	tonnes	6 926
2	tonnes	8 545
2a	tonnes	1 931
3	tonnes	935
5	1 000 pieces	2 416
6	1 000 pieces	1 415
7	1 000 pieces	813
8	1 000 pieces	2 664
9	tonnes	877
15	1 000 pieces	772
16	1 000 pieces	575
67	1 000 pieces	722

Federal Republic of Yugoslavia (Serbia and Montenegro)

Category	Unit	Quantity
1	tonnes	2 309
2	tonnes	2 848
2a	tonnes	644
3	tonnes	312
5	1 000 pieces	662
6	1 000 pieces	349
7	1 000 pieces	201
8	1 000 pieces	888
9	tonnes	292
15	1 000 pieces	257
16	1 000 pieces	192
67	1 000 pieces	241

ANNEX IV

ANNUAL COMMUNITY QUANTITATIVE LIMITS REFERRED TO IN THE FOURTH
INDENT OF ARTICLE 2 (1)

North Korea

Category	Unit	Quantity
1	tonnes	128
2	tonnes	145
3	tonnes	49
4	1 000 pieces	285
5	1 000 pieces	123
6	1 000 pieces	144
7	1 000 pieces	93
8	1 000 pieces	201
9	tonnes	71
12	1 000 pairs	1 290
13	1 000 pieces	1 509
14	1 000 pieces	96
15	1 000 pieces	108
16	1 000 pieces	55
17	1 000 pieces	38
18	tonnes	61
19	1 000 pieces	411
20	tonnes	142
21	1 000 pieces	3 411
24	1 000 pieces	263
26	1 000 pieces	173
27	1 000 pieces	179
28	1 000 pieces	285
29	1 000 pieces	75
31	1 000 pieces	293
36	1 000 pieces	91
37	1 000 pieces	356
39	1 000 pieces	51
59	1 000 pieces	466
61	1 000 pieces	40
68	1 000 pieces	75
69	1 000 pieces	184
70	1 000 pieces	270
73	1 000 pieces	93
74	1 000 pieces	133
75	1 000 pieces	39
76	tonnes	75
77	tonnes	9
78	tonnes	115
83	tonnes	34
87	1 000 pairs	5
109	tonnes	10
117	tonnes	51
118	tonnes	23
142	tonnes	10
151 A	tonnes	10
151 B	tonnes	10
161	tonnes	152

ANNEX VI

OUTWARD PROCESSING TRAFFIC

ANNUAL COMMUNITY LIMITS REFERRED TO IN ARTICLE 4

Republics of Bosnia-Herzegovina and Croatia

Category	Unit	Quantity
5	1 000 pieces	4 837
6	1 000 pieces	10 755
7	1 000 pieces	6 736
8	1 000 pieces	12 888
15	1 000 pieces	5 743
16	1 000 pieces	3 182

Federal Republic of Yugoslavia (Serbia and Montenegro)

Category	Unit	Quantity
5	1 000 pieces	1 231
6	1 000 pieces	3 585
7	1 000 pieces	1 832
8	1 000 pieces	4 296
15	1 000 pieces	1 914
16	1 000 pieces	1 061'

COMMISSION REGULATION (EC) No 1458/97
of 25 July 1997
concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 1195/97⁽²⁾, and in particular Article 9 thereof,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and these rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivisions to it and which is established by specific Community provisions, with a view to the application of tariff or other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to this Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is appropriate that, subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States which do not conform to this Regulation may continue to be invoked in accordance with the provisions of Article 12 (6) of Council Regulation (EEC) No 2913/92 of 12

October 1992, establishing the Community Customs Code⁽³⁾, for a period of 60 days by the holder;

Whereas the tariff and statistical nomenclature section of the Customs Code Committee has not delivered an opinion within the time limit set by its chairman as regards product No 4 in the annexed table;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the tariff and statistical nomenclature section of the Customs Code Committee as regards products Nos 1, 2, 3, 5 in the annexed table,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Subject to the measures in force in the Community relating to double checking systems and to prior and retrospective Community surveillance of textile products on importation into the Community, binding tariff information in the matter of classification of goods in the combined nomenclature issued by the customs authorities of the Member States which no longer conform to this Regulation may continue to be invoked in accordance with the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of 60 days.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 170, 28. 6. 1997, p. 11.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.

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

Done at Brussels, 25 July 1997.

For the Commission

Mario MONTI

Member of the Commission

ANNEX

Description of the goods	Classification (CN code)	Reason
(1)	(2)	(3)
1. Non-woven (length: 180 to 220 cm, width: 70 to 160 cm, thickness: approximately 5 cm, of a weight exceeding 150 g/m²), consisting of a web of several layers of coconut fibres assembled throughout the thickness of the web by means of a bonding substance (latex) and heat treatment.	5603 94 90	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, note 8 (b) to Section XI, note 3 to Chapter 56 and the wording of CN codes 5603, 5603 94 and 5603 94 90. See also the Harmonized System explanatory notes to heading 56.03. The article cannot be classified in heading 5305 because it has been transformed into an article of fibres.
2. Looped-pile knitted tubing, of mixed synthetic and artificial filaments, treated with polyglucoethylene. The product is put up in the piece, in rolls of about 23 metres in length with a width when flat, of 7,5 cm. This fabric tube, after processing, may be used as a 'damping cover' or 'damping tube' for cylinders of printing machinery.	6001 22 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature and the wording of CN codes 6001 and 6001 22 00 Classification under heading 5911 is excluded, because the requirements of note 7 (b) to Chapter 59 are not fulfilled since the product in question still has to undergo further processing.
3. Non-lightweight multicoloured garment made of several thick knitted fabrics raised on the inside (55 % cotton, 45 % polyester) of different thicknesses with more than 10 stitches per linear centimetre, cut straight, intended to cover the upper part of the body as far as the hips. It is hemmed at the sleeve end and lower edge. It has long sleeves, a close-fitting neckline with applied ribbing at the neckline and a partial opening at the front closed by means of a slide fastener. It also has decorative seams and, on the front, sewn-on decorative motifs. (Garment similar to a pullover) (See photograph No 563) (*)	6110 20 99	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, notes 4 and 9 to Chapter 61 and the wording of CN codes 6110, 6110 20 and 6110 20 99. Taking into account its cut and general appearance (in particular thick fabrics and the presence of applied ribbing at the neckline), this garment is to be classified as an article similar to a pullover.
4. Loose-fitting woven garment (65 % polyester, 35 % cotton), intended to cover the lower part of the body from the waist to the ankles, with a fly fastening buttoning left over right at the front. At the back it also has two tabs for tightening which allow the wearer to adjust the waist. The garment has two pockets sewn on at the front, two inside pockets at the back and two side pockets sewn on at thigh level. The garment also has pieces of the same fabric at the knees and in the seat. The leg bottoms end in a seam threaded with a drawstring which allows the wearer to tighten the trousers at the bottom. (Leisure trousers) (See photograph No 562) (*)	6203 43 19	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature, by subheading note 2 (A) to Section XI, by note 8 to Chapter 62 and by the wording of CN codes 6203, 6203 43 and 6203 43 19. The general appearance of this garment does not make it clear that it is designed to be worn solely or mainly in order to provide protection (physical or health) for other clothing and/or persons during industrial, professional or domestic activities.

Description of the goods	Classification (CN code)	Reason
(1)	(2)	(3)
5. Garment made of 0,3 mm thick self-coloured woven fabric (100 % polyester) intended to cover the lower part of the body from the waist to the ankles, with a black lining, a slide fastener at the front and a fly buttoning left over right. The garment has braces and two devices for tightening it at the waist. It also has an opening starting at the leg bottom fitted with a slide fastener and a 'Velcro-type' fastening. The fabric has a printed motif low down on the front of one leg and under the back pocket and is covered on the inside with a sheet of cellular plastic visible to the naked eye. (Ski trousers) (See photograph No 564)(*)	6210 40 00	Classification is determined by the provisions of General Rules 1 and 6 for the interpretation of the combined nomenclature note 2(a)(5) to Chapter 59, notes 5 and 8 to Chapter 62 and the wording of CN codes 6210 and 6210 40 00. Taking into account its thickness (approximately 0,2 mm textiles as against only 0,1 mm for the plastic sheet), its strength and stability, its tight weave and its use as the outer surface material, this fabric gives the garment its essential character (i.e. the fabric serves more than merely reinforcing purposes). See also the Harmonized System explanatory notes to Chapter 39, General Considerations (plastics and textile combinations).



(*) The photographs are purely for information.

COMMISSION REGULATION (EC) No 1459/97

of 25 July 1997

opening a standing invitation to tender for the export of rye held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas, given the current market situation, a standing invitation to tender should be opened for the export of 209 667 tonnes of rye held by the German intervention agency;

Whereas special procedures must be laid down to ensure that the operations and their monitoring are properly effected; whereas, to that end, provision should be made for a security lodgement scheme which ensures that aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, where removal of the rye is delayed by more than five days or the release of one of the securities required is delayed for reasons imputable to the intervention agency the Member State concerned must pay compensation;

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

Subject to the provisions of this Regulation the German intervention agency issues a standing invitation to tender for the export of rye held by it in accordance with Regulation (EEC) No 2131/93.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 293, 16. 11. 1996, p. 1.

Article 2

1. The invitation to tender shall cover a maximum of 209 667 tonnes of rye for export to third countries.
2. The regions in which the 209 667 tonnes of rye are stored are set out in Annex I.

Article 3

1. Notwithstanding the third paragraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for the export shall be that quoted in the tender.
2. No export refund or tax or monthly increase shall be granted on exports carried out pursuant to this Regulation.
3. Article 8 (2) of Regulation (EEC) No 2131/93 shall not apply.

Article 4

1. The export licences shall be valid from their date of issue within the meaning of Article 9 of Regulation (EEC) No 2131/93 until the end of the fourth month thereafter.
2. Tenders submitted in response to this invitation to tender may not be accompanied by export licence applications submitted pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁵⁾.

Article 5

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders in respect of the first partial invitation to tender shall be 9 a.m. (Brussels time) on 31 July 1997.
2. The time limit for submission of tenders in respect of subsequent partial invitations to tender shall be 9 a.m. (Brussels time) each Thursday thereafter.
3. The last partial invitation to tender shall be 9 a.m. (Brussels time) on 28 May 1998.
4. Tenders shall be lodged with the German intervention agency.

Article 6

1. The intervention agency, the storer and the successful tenderer shall, at the request of the latter and by common agreement, either before or at the time of

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

removal from storage as the successful tenderer chooses, take reference samples for counter-analysis at the rate of at least one sample for every 500 tonnes and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The analysis results shall be forwarded to the Commission in the event of a dispute.

Reference samples for counter-analysis shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples are taken on removal from storage. Where the final result of sample analyses indicates a quality:

(a) higher than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;

(b) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, providing that the differences having regard to those criteria do not exceed the following limits:

- one kilogram per hectolitre as regards specific weight, which must not, however, be less than 68 kg/hl,
- one percentage point as regards moisture content,
- half a percentage point as regards impurities as specified in points B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92⁽¹⁾, and
- half a percentage point as regards impurities as specified in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

(c) higher than the minimum characteristics laid down for intervention but below the quality described in the notice of invitation to tender, and a difference exceeding the limits set out in point (b), the successful tenderer may:

- accept the lot as established, or
- refuse to take over the lot in question. The successful tenderer shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II;

however, if he requests the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall notify the Commission immediately thereof in accordance with Annex II;

(d) below the minimum characteristics laid down for intervention, the successful tenderer may not remove the lot in question. He shall be discharged of all his obligations relating to the lot in question and the securities shall be released only once he has informed the Commission and the intervention agency forthwith in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention rye of the quality laid down at no additional charge. In that case, the security shall not be released. The lot must be replaced within three days of the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

2. However, if the rye is removed before the results of the analyses are known, all risks shall be borne by the successful tenderer from the time the lot is removed, without prejudice to any means of redress of which he may avail himself against the storer.

3. If, as a result of successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for a replacement, he shall be discharged of all his obligations and the securities shall be released once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. Except where the final results of analyses indicate a quality below the minimum characteristics laid down for intervention, the costs of taking the samples and conducting the analyses provided for in paragraph 1 but not of inter-bin transfers shall be borne by the EAGGF in respect of up to one analysis per 500 tonnes. The costs of inter-bin transfers and any additional analyses requested by the successful tenderer shall be borne by him.

Article 7

By derogation from Article 12 of Regulation (EEC) No 3002/92, the documents relating to the sale of rye in accordance with this Regulation, and in particular the export licence, the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration and, where necessary, the T5 copy shall carry the entry:

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

- Centeno de intervención sin aplicación de restitución ni gravamen, Reglamento (CE) n° 1459/97
- Rug fra intervention uden restitutionsydelse eller -afgift, forordning (EF) nr. 1459/97
- Interventionsroggen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Verordnung (EG) Nr. 1459/97
- Σίκαλη παρέμβασης χωρίς εφαρμογή επιστροφής ή φόρου, κανονισμός (ΕΚ) αριθ. 1459/97
- Intervention rye without application of refund or tax, Regulation (EC) No 1459/97
- Seigle d'intervention ne donnant pas lieu à restitution ni taxe, règlement (CE) n° 1459/97
- Segala d'intervento senza applicazione di restituzione né di tassa, regolamento (CE) n. 1459/97
- Rogge uit interventie, zonder toepassing van restitutie of belasting, Verordening (EG) nr. 1459/97
- Centeio de intervenção sem aplicação de uma restituição ou imposição, Regulamento (CE) n° 1459/97
- Interventioruista, johon ei sovelleta vientitukea eikä vientimaksua, asetus (EY) N:o 1459/97
- Interventionsråg, utan tillämpning av bidrag eller avgift, förordning (EG) nr 1459/97.

Article 8

1. The security lodgement pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.
2. The obligation to export to the third countries shall be covered by a security amounting to ECU 50 per tonne of which ECU 30 per tonne shall be lodged when the export licence is issued, with the balance of ECU 20 per tonne being lodged before removal of the cereals.

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

Done at Brussels, 25 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

Article 15 (2) of Commission Regulation (EEC) No 3002/92 ⁽¹⁾ notwithstanding:

- the amount of ECU 30 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the rye removed has left the customs territory of the Community,
- the amount of ECU 20 per tonne must be released within 15 working days of the date on which the successful tenderer supplies proof of entry for consumption into a third country. This proof shall be supplied in accordance with Article 18 of Commission Regulation (EEC) No 3665/87 ⁽²⁾.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the time limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to ECU 0,015 per 10 tonnes for each day's delay.

This compensation shall not be charged to the European Agricultural Guidance and Guarantee Fund (EAGGF).

Article 9

Within two hours of the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notification shall be made using the model set out in Annex III and the telex or fax numbers set out in Annex IV.

Article 10

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

⁽¹⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽²⁾ OJ No L 351, 14. 12. 1987, p. 1.

ANNEX I

Place of storage	Quantity (tonnes)
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	124 859
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	15 378
Berlin/Brandenburg/ Mecklenburg-Vorpommern	51 019
Sachsen/Sachsen-Anhalt/Thüringen	18 411

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
rye held by the German intervention agency**

(Article 6 (1) of Regulation (EC) No 1459/97)

- Name of successful tenderer:
- Date of award of contract:
- Date of refusal of lot by successful tenderer:

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other

ANNEX III

Standing invitation to tender for the export of rye held by the German intervention agency

(Regulation (EC) No 1459/97)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) (1)	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(1) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

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

— telex: 22037 AGREC B,
22070 AGREC B (Greek characters);

— fax: 296 49 56,
295 25 15.

COMMISSION REGULATION (EC) No 1460/97

of 25 July 1997

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

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

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 1300/97⁽²⁾, and in particular Article 5 (2) (b) thereof,

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

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Commission Regulation (EC) No 1375/97⁽⁴⁾, opened and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

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

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

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 989/97⁽⁵⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EC) No 1239/97⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 26 July 1997.

It shall apply until 31 December 1997 at the latest.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 177, 5. 7. 1997, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 189, 18. 7. 1997, p. 1.

⁽⁵⁾ OJ No L 141, 31. 5. 1997, p. 71.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 173, 1. 7. 1997, p. 71.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 25 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1461/97

of 25 July 1997

determining the extent to which applications lodged in July 1997 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 2698/93 ⁽¹⁾ laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by the Agreements between the European Economic Community and the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic, as last amended by Regulation (EC) No 691/97 ⁽²⁾, and in particular Article 4 ⁽⁵⁾ thereof,

Whereas the applications for import licences lodged for the third quarter of 1997 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas, it is appropriate, for the first mentioned category of products, to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1997 submitted pursuant to Regulation (EEC) No 2698/93 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1997 applications may be lodged pursuant to Regulation (EEC) No 2698/93 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 26 July 1997.

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

Done at Brussels, 25 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 245, 1. 10. 1993, p. 80.

⁽²⁾ OJ No L 102, 19. 4. 1997, p. 12.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1997
1	100
2	100
3	100
4	100
H1	100
H2	100
5	100
6	100
7	100
8	100
9	100
10	100
11	100
12	100
13	100

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1997
1	2 596,5
2	220,7
3	1 427,5
4	8 675,3
H1	2 400,0
H2	500,0
5	3 000,0
6	1 822,8
7	8 421,0
8	1 400,0
9	9 800,0
10	1 262,0
11	710,0
12	2 130,0
13	210,0

COMMISSION REGULATION (EC) No 1462/97

of 25 July 1997

determining the extent to which applications lodged in July 1997 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with Bulgaria and Romania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1590/94 of 30 June 1994 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Bulgaria and Romania⁽¹⁾, as last amended by Regulation (EC) No 691/97⁽²⁾, and in particular Article 4 (4) thereof,

Whereas the applications for import licences lodged for the third quarter of 1997 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for

products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1997 submitted pursuant to Regulation (EC) No 1590/94 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 October to 31 December 1997 applications may be lodged pursuant to Regulation (EC) No 1590/94 for import licences for a total quantity as referred to in Annex II of this Regulation.

3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 26 July 1997.

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

Done at Brussels, 25 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 167, 1. 7. 1994, p. 16.

⁽²⁾ OJ No L 102, 19. 4. 1997, p. 12.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1997
14	100,00
15	100,00
16	100,00
17	100,00

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1997
14	230,00
15	1 015,00
16	1 964,28
17	14 470,00

COMMISSION REGULATION (EC) No 1463/97**of 25 July 1997****determining the extent to which applications lodged in July 1997 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 July 1997 to 30 June 1998**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas the surplus to be added to the quantity available for the following period should be determined,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to Commission Regulation (EC) No 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector⁽¹⁾, as amended by Regulation (EC) No 1244/97⁽²⁾, and in particular Article 5 (5) thereof,

1. Applications for import licences for the period 1 July to 30 September 1997 submitted under Regulation (EC) No 1486/95 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 October to 31 December 1997 applications may be lodged pursuant to Regulation (EC) No 1486/95 for import licences for a total quantity as referred to in Annex II.

Whereas the applications for import licences lodged for the third quarter of 1997 are for quantities less than the quantities available and can therefore be met in full;

Article 2

This Regulation shall enter into force on 26 July 1997.

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

Done at Brussels, 25 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 145, 29. 6. 1995, p. 58.

⁽²⁾ OJ No L 173, 1. 7. 1997, p. 80.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1997
G2	100
G3	100
G4	100
G5	100
G6	100
G7	100

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1997
G2	6 961,0
G3	1 152,2
G4	550,0
G5	1 220,0
G6	2 978,0
G7	851,5

COMMISSION REGULATION (EC) No 1464/97

of 25 July 1997

determining the extent to which applications lodged in July 1997 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2068/96⁽²⁾, and in particular Article 4 (4) thereof,

Whereas the applications for import licences lodged for the third quarter of 1997 are for quantities less than the quantities available and can therefore be met in full;

Whereas the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1997 submitted pursuant to Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1997 applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 26 July 1997.

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

Done at Brussels, 25 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 156, 23. 6. 1994, p. 14.

⁽²⁾ OJ No L 277, 30. 10. 1996, p. 12.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1997
1	100,00

ANNEX II

<i>(tonnes)</i>	
Group No	Total quantity available for the period 1 October to 31 December 1997
1	2 036

COMMISSION REGULATION (EC) No 1465/97

of 25 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 vege-
tables ⁽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 Regu-
lation (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 multila-
teral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third
countries, in respect of the products and periods stipu-
lated 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 26 July 1997.

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

Done at Brussels, 25 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 25 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
0709 90 77	052	51,2
	999	51,2
0805 30 30	388	63,0
	524	66,2
	528	51,7
	999	60,3
	052	158,1
0806 10 40	412	124,1
	512	126,2
	600	140,0
	624	149,6
	999	139,6
	388	85,3
0808 10 71, 0808 10 73, 0808 10 79	400	70,0
	508	76,0
	512	54,0
	524	72,0
	528	57,0
	800	154,7
	804	94,4
	999	82,9
	388	59,3
	512	78,2
0808 20 51	528	85,6
	999	74,4
0809 10 40	052	214,8
	064	104,7
	999	159,8
0809 20 59	052	235,2
	064	184,0
	400	234,4
	616	180,9
	999	208,6
0809 40 30	064	117,8
	999	117,8

⁽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'.

DIRECTIVE 97/33/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 30 June 1997****on interconnection in Telecommunications with regard to ensuring universal service and interoperability through application of the principles of Open Network Provision (ONP)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a thereof,

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

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

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾ in the light of the joint text approved by the Conciliation Committee on 19 March 1997,

- (1) Whereas from 1 January 1998, with transition periods for certain Member States, the provision of telecommunications services and infrastructure in the Community will be liberalized; whereas the Council Resolution of 7 February 1994 on universal service principles in the telecommunications sector ⁽⁴⁾ recognizes that in order to promote Community-wide telecommunications services there is a need to ensure interconnection of public networks and, in the future competitive environment, interconnection between different national and Community operators; whereas Council Directive 90/387/EEC of 28 June 1990 on the establishment of the internal market for telecommunications services through the implementation of open network provision ⁽⁵⁾ lays down harmonized principles for open and efficient access to, and use of, public telecommunications networks and, where applicable, publicly available services; whereas the Council Resolution of 22 July 1993 on the review of the situation in the telecommunications sector and the need for further development in that market ⁽⁶⁾ recognizes that open network provision measures provide an appropriate framework for harmonizing

interconnection conditions; whereas this harmonization is essential for the establishment and proper functioning of the internal market for telecommunications services; whereas the Council Resolution of 18 September 1995 on the implementation of the future regulatory framework for telecommunications ⁽⁷⁾ recognizes as key factors of this future regulatory framework the maintenance and development of a universal service as well as a specific regulation on interconnection, and sets out some guidelines on these subjects;

- (2) Whereas a general framework for interconnection to public telecommunications networks and publicly available telecommunications services, irrespective of the supporting technologies employed, is needed in order to provide end-to-end interoperability of services for Community users; whereas fair, proportionate and non-discriminatory conditions for interconnection and interoperability are key factors in fostering the development of open and competitive markets;
- (3) Whereas the abolition of special and exclusive rights in telecommunications means that certain existing definitions need to be revised; whereas for the purposes of this Directive, telecommunications services do not include radio and television broadcasting services; whereas the technical conditions, tariffs, usage and supply conditions that apply to interconnection may be different from the conditions that apply at end-user/network interfaces;
- (4) Whereas the regulatory framework for interconnection covers those situations where the interconnected networks are used for the commercial provision of publicly available telecommunications services; whereas the regulatory framework for interconnection does not cover cases where a telecommunications network is used for the provision of telecommunications services available only to a specific end-user or to a closed user group, but covers only cases where a telecommunications network is used for the provision of publicly available services; whereas telecommunications networks which are interconnected may be owned by the parties involved or may be based on leased lines and/or transmission capacity not owned by the parties involved;

⁽¹⁾ OJ No C 313, 24. 11. 1995, p. 7.

⁽²⁾ OJ No C 153, 28. 5. 1996, p. 21.

⁽³⁾ Opinion of the European Parliament of 14 February 1996 (OJ No C 65, 4. 3. 1996, p. 69), Council Common Position of 18 June 1996 (OJ No C 220, 29. 7. 1996, p. 13) and Decision of the European Parliament of 19 September 1996 (OJ No C 320, 28. 10. 1996, p. 138). Council Decision of 2 June 1997. Decision of European Parliament of 11 June 1997.

⁽⁴⁾ OJ No C 48, 16. 2. 1994, p. 1.

⁽⁵⁾ OJ No L 192, 24. 7. 1990, p. 1.

⁽⁶⁾ OJ No C 213, 6. 8. 1993, p. 1.

⁽⁷⁾ OJ No C 258, 3. 10. 1995, p. 1.

- (5) Whereas, following the removal of special and exclusive rights for telecommunications services and infrastructure in the Community, the provision of telecommunications networks or services may require some form of authorization by Member States; whereas organizations authorized to provide public telecommunications networks or publicly available telecommunications services in all or part of the Community should be free to negotiate interconnection agreements on a commercial basis in accordance with Community law, subject to supervision and, if necessary, intervention by national regulatory authorities; whereas it is necessary to ensure adequate interconnection within the Community of certain networks and interoperability of services essential for the social and economic well-being of Community users, notably fixed and mobile public telephone networks and services, and leased lines; whereas, for the purpose of this Directive 'public' does not refer to ownership, nor does it refer to a limited set of offerings designated as 'public networks' or 'public services', but means any network or service that is made publicly available for use by third parties;
- (6) Whereas it is necessary to define those organizations which have rights and obligations for interconnection; whereas in order to stimulate development of new types of telecommunications services, it is important to encourage new forms of interconnection and special network access at points other than the network termination points offered to the majority of end-users; whereas the market power of an organization depends on a number of factors including its share of the relevant product or service market in the relevant geographical market, its turnover relative to the size of the market, its ability to influence market conditions, its control of the means of access to end-users, its international links, its access to financial resources and its experience in providing products and services in the market; whereas, the determination of which organizations have significant market power should be undertaken by national regulatory authorities taking into account the situation in the relevant market;
- (7) Whereas the concept of universal service must evolve to keep pace with advances in technology, market development and changes in user demand; whereas the new conditions for the provision of universal service should be assessed in the future review of this Directive;
- (8) Whereas obligations for the provision of universal service contribute to the Community objective of economic and social cohesion and territorial equity; whereas there may be more than one organization in a Member State with universal service obligations; whereas Member States should encourage the early introduction of new technologies like the integrated services digital network (ISDN) on as broad a basis as possible; whereas at its current stage of development in the Community, ISDN is not accessible for all users and is not subject to the universal service provisions of this Directive; whereas it may be appropriate in due course to consider whether ISDN should be part of the universal service; whereas the calculation of the net cost of universal service should take due account of costs and revenues, as well as economic externalities and the intangible benefits resulting from providing universal service but should not hinder the on-going process of tariff rebalancing; whereas costs of universal service obligations should be calculated on the basis of transparent procedures; whereas financial contributions related to the sharing of universal service obligations should be unbundled from charges for interconnection; whereas, when a universal service obligation represents an unfair burden on an organization, it is appropriate to allow Member States to establish mechanisms for sharing the net cost of universal provision of a fixed public telephone network or a fixed public telephone service with other organizations operating public telecommunications networks and/or publicly available voice telephony services; whereas this should respect the principles of Community law, in particular those of non-discrimination and proportionality and should be without prejudice to Article 100a (2) of the Treaty;
- (9) Whereas it is important to lay down principles to guarantee transparency, access to information, non-discrimination and equality of access, in particular for organizations with significant market power;
- (10) Whereas pricing for interconnection is a key factor in determining the structure and the intensity of competition in the transformation process towards a liberalized market; whereas organizations with significant market power must be able to demonstrate that their interconnection charges are set on the basis of objective criteria and follow the principles of transparency and cost orientation, and are sufficiently unbundled in terms of network and service elements offered; whereas publication of a list of interconnection services, charges, terms and conditions enhances the necessary transparency and non-discrimination;

whereas flexibility in the methods of charging for interconnection traffic should be possible, including capacity-based charging; whereas the level of charges should promote productivity and encourage efficient and sustainable market entry, and should not be below a limit calculated by the use of long-run incremental cost and cost allocation and attribution methods based on actual cost causation, nor above a limit set by the stand-alone cost of providing the interconnection in question; whereas charges for interconnection based on a price level closely linked to the long-run incremental cost for providing access to interconnection are appropriate for encouraging the rapid development of an open and competitive market;

(11) Whereas, where an organization with special or exclusive rights in a non-telecommunications field also provides telecommunications services, accounting separation or structural separation are appropriate means to discourage unfair cross-subsidies at least above a certain turnover in telecommunications activities; whereas, when an organization enjoys significant market power, appropriate accounting separation between interconnection activities and other telecom activities, so as to identify all elements of cost and revenue related to those activities, ensures transparency of internal cost transfers;

(12) Whereas national regulatory authorities have an important role in encouraging the development of a competitive market in the interests of Community users, and of securing adequate interconnection of networks and interoperability of services; whereas adequate interconnection takes account of the requests of the operator wishing to interconnect, in particular concerning the most appropriate interconnection points, with each operator having responsibility for carrying calls and setting charges to each other up to the interconnection point; whereas negotiation of interconnection agreements can be facilitated by national regulatory authorities setting down certain conditions in advance, in accordance with Community law, taking into account the recommendations defined by the Commission so as to facilitate the development of a genuine European home market, and identifying other areas to be covered in interconnection agreements; whereas in the event of a dispute over interconnection between parties in the same Member State, an aggrieved party must be able to call on the national regulatory authority to resolve the dispute; whereas national regulatory authorities must be able to require organizations

to interconnect their facilities, where it can be demonstrated that this is in the users' interests;

(13) Whereas, in accordance with Directive 90/387/EEC, the essential requirements justifying restrictions on access to and use of public telecommunications networks or services are limited to security of network operations, maintenance of network integrity, interoperability of services in justified cases, and protection of data as appropriate; whereas the reasons for these restrictions must be made public; whereas the provisions of this Directive do not prevent a Member State from taking measures justified on grounds set out in Articles 36 and 56 of the Treaty, and in particular on grounds of public security, public policy and public morality;

(14) Whereas facility sharing can be of benefit for town planning, environmental, economic or other reasons, and should be encouraged by national regulatory authorities on the basis of voluntary agreements; whereas compulsory facility sharing may be appropriate in some circumstances, but should be imposed on organizations only after full public consultation;

(15) Whereas numbering is a key element for equal access; whereas national regulatory authorities should have the responsibility for administering and controlling national numbering plans, and those naming and addressing aspects of telecommunications services where coordination at a national level is required, so as to ensure effective competition; whereas in exercising this responsibility, national regulatory authorities must have regard to the principle of proportionality, particularly as to the effect of any measures on network operators, resellers and consumers; whereas number portability is an important facility for users, and should be implemented as soon as practicable; whereas numbering schemes should be developed in full consultation with all the parties involved and in harmony with a long-term Europe-wide numbering framework and international numbering schemes as being considered in the European Conference of Postal and Telecommunications Administrations (CEPT); whereas numbering requirements in Europe, the need for the provision of pan-European and new services and the globalization and synergy of the telecommunications market require coordination of national positions in accordance with the Treaty in international organizations and fora where numbering decisions are taken;

- (16) Whereas, in accordance with Directive 90/387/EEC, the harmonization of technical interfaces and access conditions must be based on common technical specifications which take account of international standardization; whereas the development of new European standards for interconnection may be needed; whereas, in accordance with 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⁽¹⁾, new national standards must not be developed in areas where harmonized European standards are under development;
- (17) Whereas, in accordance with Directive 90/387/EEC, open network provision conditions must be transparent and published in an appropriate manner; whereas that Directive set up a Committee (the ONP Committee) to assist the Commission, and provides a procedure for consultation with telecommunications organizations, users, consumers, manufacturers and service providers;
- (18) Whereas, in addition to the rights of recourse granted under national or Community law, there is a need for a simple procedure to resolve cross-border disputes which lie outside the competence of a single national regulatory authority; whereas this procedure, to be initiated at the request of either party in dispute, should be responsive, inexpensive and transparent;
- (19) Whereas, to enable the Commission to monitor effectively the application of this Directive, it is necessary that Member States notify to the Commission the national regulatory authorities which will be responsible for the functions created by this Directive and the organizations covered by its provisions;
- (20) Whereas, given the dynamic development in this sector, a responsive procedure for adjustment of some Annexes to this Directive should be established which takes full account of the views of Member States and should involve the ONP Committee;
- (21) Whereas a *modus vivendi*⁽²⁾ between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty was concluded on 20 December 1994;
- (22) Whereas the implementation of certain obligations must be linked to the date of liberalization of telecommunications services and infrastructure and, in particular in regard to the relevant Member States, take full account of the relevant transition periods, including the retention of special or exclusive rights in relation to direct interconnection between the mobile networks of those Member States and the fixed or mobile networks of other Member States; whereas deferment of the obligation to provide number portability may be granted where the Commission agrees that the obligation would impose an excessive burden on certain organizations;
- (23) Whereas this Directive does not, in the case of undertakings which are not established in the Community, prevent the adoption of measures in accordance with both Community law and existing international obligations designed to ensure that nationals of the Member States enjoy similar treatment in third countries; whereas Community undertakings should benefit in third countries from treatment and effective access that is comparable to the treatment and access to the market which is conferred on nationals of the countries concerned within the Community context; whereas in negotiations on telecommunications the Community will have to seek a balanced multilateral agreement which provides Community operators with effective and comparable access in third countries;
- (24) Whereas the functioning of this Directive should be reviewed by 31 December 1999, in particular to examine the scope of universal service and the timetable for number portability; whereas the situation with regard to interconnection with third countries should also be periodically reviewed, to allow appropriate action to be taken;
- (25) Whereas the essential goal of interconnection of networks and interoperability of services throughout the Community cannot be sufficiently achieved at Member State level, and can therefore be better achieved at Community level by this Directive; whereas it is desirable, when this Directive is reviewed, to assess the case for the establishment of a European Regulatory Authority, taking into account *inter alia* preparatory work undertaken by the Commission; whereas when effective competition is achieved in the market the competition rules of the Treaty will in principle be sufficient to monitor fair competition *ex-post* so that the need for this Directive will be reconsidered, with the exception of the provisions on universal service and the settlement of disputes;

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

⁽²⁾ OJ No C 102, 4. 4. 1996, p. 1.

- (26) Whereas this Directive is without prejudice to the application of the competition rules of the Treaty,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope and aim

This Directive establishes a regulatory framework for securing in the Community the interconnection of telecommunications networks and in particular the interoperability of services, and with regard to ensuring provision of universal service in an environment of open and competitive markets.

It concerns the harmonization of conditions for open and efficient interconnection of and access to public telecommunications networks and publicly available telecommunications services.

Article 2

Definitions

1. For the purposes of this Directive:

- (a) 'interconnection' means the physical and logical linking of telecommunications networks used by the same or a different organization in order to allow the users of one organization to communicate with users of the same or another organization, or to access services provided by another organization. Services may be provided by the parties involved or other parties who have access to the network;
- (b) 'public telecommunications network' means a telecommunications network used, in whole or in part, for the provision of publicly available telecommunications services;
- (c) 'telecommunications network' means transmission systems and, where applicable, switching equipment and other resources which permit the conveyance of signals between defined termination points by wire, by radio, by optical or by other electromagnetic means;
- (d) 'telecommunications services' means services whose provision consists wholly or partly in the transmission and routing of signals on telecommunications networks, with the exception of radio and television broadcasting;
- (e) 'users' means individuals, including consumers or organizations, using or requesting publicly available telecommunications services;
- (f) 'special rights' means rights that are granted by a Member State to a limited number of undertakings through any legislative, regulatory or administrative instrument which, within a given geographical area, limits to two or more the number of such undertakings authorized to provide a service or undertake

an activity, otherwise than according to objective, proportionate and non-discriminatory criteria, or designates, otherwise than according to such criteria, several competing undertakings as being authorized to provide a service or undertake an activity, or confers, on any undertaking or undertakings, otherwise than according to such criteria, legal or regulatory advantages which substantially affect the ability of any other undertaking to provide the same service or to undertake the same activity in the same geographical area under substantially the same conditions;

- (g) 'universal service' means a defined minimum set of services of specified quality which is available to all users independent of their geographical location and, in the light of specific national conditions, at an affordable price.

2. Further definitions given in Directive 90/387/EEC shall apply, where relevant.

Article 3

Interconnection at national and Community level

1. Member States shall take all necessary measures to remove any restrictions which prevent organizations authorized by Member States to provide public telecommunications networks and publicly available telecommunications services from negotiating interconnection agreements between themselves in accordance with Community law. The organizations concerned may be in the same Member State or in different Member States. Technical and commercial arrangements for interconnection shall be a matter for agreement between the parties involved, subject to the provisions of this Directive and the competition rules of the Treaty.

2. Member States shall ensure the adequate and efficient interconnection of the public telecommunications networks set out in Annex I, to the extent necessary to ensure interoperability of these services for all users within the Community.

3. Member States shall ensure that organizations which interconnect their facilities to public telecommunications networks and/or publicly available telecommunications services respect at all times the confidentiality of information transmitted or stored.

Article 4

Rights and obligations for interconnection

1. Organizations authorized to provide public telecommunications networks and/or publicly available telecommunications services as set out in Annex II shall have a right and, when requested by organizations in that category, an obligation to negotiate interconnection with each other for the purpose of providing the services in question, in order to ensure provision of these networks and services throughout the Community. On a case-by-

case basis, the national regulatory authority may agree to limit this obligation on a temporary basis and on the grounds that there are technically and commercially viable alternatives to the interconnection requested, and that the requested interconnection is inappropriate in relation to the resources available to meet the request. Any such limitation imposed by a national regulatory authority shall be fully reasoned and made public in accordance with Article 14 (2).

2. Organizations authorized to provide public telecommunications networks and publicly available telecommunications services as set out in Annex I which have significant market power shall meet all reasonable requests for access to the network including access at points other than the network termination points offered to the majority of end-users.

3. An organization shall be presumed to have significant market power when it has a share of more than 25 % of a particular telecommunications market in the geographical area in a Member State within which it is authorized to operate.

National regulatory authorities may nevertheless determine that an organization with a market share of less than 25 % in the relevant market has significant market power. They may also determine that an organization with a market share of more than 25 % in the relevant market does not have significant market power. In either case, the determination shall take into account the organization's ability to influence market conditions, its turnover relative to the size of the market, its control of the means of access to end-users, its access to financial resources and its experience in providing products and services in the market.

Article 5

Interconnection and universal service contributions

1. Where a Member State determines, in accordance with the provisions of this Article, that universal service obligations represent an unfair burden on an organization, it shall establish a mechanism for sharing the net cost of the universal service obligations with other organizations operating public telecommunications networks and/or publicly available voice telephony services. Member States shall take due account of the principles of transparency, non-discrimination and proportionality in setting the contributions to be made. Only public telecommunications networks and publicly available telecommunications

services as set out in Part 1 of Annex I may be financed in this way.

2. Contributions to the cost of universal service obligations if any may be based on a mechanism specifically established for the purpose and administered by a body independent of the beneficiaries, and/or may take the form of a supplementary charge added to the interconnection charge.

3. In order to determine the burden if any which the provision of universal service represents, organizations with universal service obligations shall, at the request of their national regulatory authority, calculate the net cost of such obligations in accordance with Annex III. The calculation of the net cost of universal service obligations shall be audited by the national regulatory authority or another competent body, independent of the telecommunications organization, and approved by the national regulatory authority. The results of the cost calculation and the conclusions of the audit shall be open to the public in accordance with Article 14 (2).

4. Where justified on the basis of the net cost calculation referred to in paragraph 3, and taking into account the market benefit if any which accrues to an organization that offers universal service, national regulatory authorities shall determine whether a mechanism for sharing the net cost of universal service obligations is justified.

5. Where a mechanism for sharing the net cost of universal service obligations as referred to in paragraph 4 is established, national regulatory authorities shall ensure that the principles for cost sharing, and details of the mechanism used, are open to public inspection in accordance with Article 14 (2).

National regulatory authorities shall ensure that an annual report is published giving the calculated cost of universal service obligations, and identifying the contributions made by all the parties involved.

6. Until such time as the procedure described in paragraphs 3, 4 and 5 is implemented, any charges payable by an interconnected party which include or serve as a contribution to the cost of universal service obligations shall be notified, prior to their introduction, to the national regulatory authority. Without prejudice to Article 17 of this Directive, where the national regulatory authority finds, on its own initiative, or after a substantiated request by an interested party, that such charges are excessive, the organization concerned shall be required to reduce the relevant charges. Such reductions shall be applied retrospectively, from the date of introduction of the charges, but not before 1 January 1998.

Article 6

Non-discrimination and transparency

For interconnection to public telecommunications networks and publicly available telecommunications services as set out in Annex I provided by organizations which have been notified by national regulatory authorities as having significant market power, Member States shall ensure that:

- (a) the organizations concerned adhere to the principle of non-discrimination with regard to interconnection offered to others. They shall apply similar conditions in similar circumstances to interconnected organizations providing similar services, and shall provide interconnection facilities and information to others under the same conditions and of the same quality as they provide for their own services, or those of their subsidiaries or partners;
- (b) all necessary information and specifications are made available on request to organizations considering interconnection, in order to facilitate conclusion of an agreement; the information provided should include changes planned for implementation within the next six months, unless agreed otherwise by the national regulatory authority;
- (c) interconnection agreements are communicated to the relevant national regulatory authorities, and made available on request to interested parties, in accordance with Article 14 (2), with the exception of those parts which deal with the commercial strategy of the parties. The national regulatory authority shall determine which parts deal with the commercial strategy of the parties. In every case, details of interconnection charges, terms and conditions and any contributions to universal service obligations shall be made available on request to interested parties;
- (d) information received from an organization seeking interconnection is used only for the purpose for which it was supplied. It shall not be passed on to other departments, subsidiaries or partners for whom such information could provide a competitive advantage.

Article 7

Principles for interconnection charges and cost accounting systems

1. Member States shall ensure that the provisions of paragraphs 2 to 6 apply to organizations operating the public telecommunications networks and/or publicly avail-

able telecommunications services as set out in Parts 1 and 2 of Annex I, which have been notified by national regulatory authorities as having significant market power.

2. Charges for interconnection shall follow the principles of transparency and cost orientation. The burden of proof that charges are derived from actual costs including a reasonable rate of return on investment shall lie with the organization providing interconnection to its facilities. National regulatory authorities may request an organization to provide full justification for its interconnection charges, and where appropriate shall require charges to be adjusted. This paragraph shall also apply to organizations set out in Part 3 of Annex I which have been notified by national regulatory authorities as having significant market power on the national market for interconnection.

3. National regulatory authorities shall ensure the publication, in accordance with Article 14 (1), of a reference interconnection offer. The reference interconnection offer shall include a description of the interconnection offerings broken down into components according to market needs, and the associated terms and conditions including tariffs.

Different tariffs, terms and conditions for interconnection may be set for different categories of organizations which are authorized to provide networks and services, where such differences can be objectively justified on the basis of the type of interconnection provided and/or the relevant national licensing conditions. National regulatory authorities shall ensure that such differences do not result in distortion of competition, and in particular that the organization applies the appropriate interconnection tariffs, terms and conditions when providing interconnection for its own services or those of its subsidiaries or partners, in accordance with Article 6 (a).

The national regulatory authority shall have the ability to impose changes in the reference interconnection offer, where justified.

Annex IV provides a list of examples of elements for further elaboration of interconnection charges, tariff structures and tariff elements. Where an organization makes changes to the published reference interconnection offer, adjustments required by the national regulatory authority may be retrospective in effect, from the date of introduction of the change.

4. Charges for interconnection shall, in accordance with Community law, be sufficiently unbundled, so that the applicant is not required to pay for anything not strictly related to the service requested.

5. The Commission shall, acting in accordance with the procedure laid down in Article 15, draw up recommendations on cost accounting systems and accounting separation in relation to interconnection. National regulatory authorities shall ensure that the cost accounting systems used by the organizations concerned are suitable for implementation of the requirements of this Article, and are documented to a sufficient level of detail, as indicated in Annex V.

National regulatory authorities shall ensure that a description of the cost accounting system, showing the main categories under which costs are grouped and the rules used for the allocation of costs to interconnection, is made available on request. Compliance with the cost accounting system shall be verified by the national regulatory authority or another competent body, independent of the telecommunications organization and approved by the national regulatory authority. A statement concerning compliance shall be published annually.

6. Where they exist, charges related to the sharing of the cost of universal service obligations, as described in Article 5, shall be unbundled and identified separately.

Article 8

Accounting separation and financial reports

1. Member States shall require organizations providing public telecommunications networks and/or publicly available telecommunications services which have special or exclusive rights for the provision of services in other sectors in the same or another Member State to keep separate accounts for the telecommunications activities, to the extent that would be required if the telecommunications activities in question were carried out by legally independent companies, so as to identify all elements of cost and revenue, with the basis of their calculation and the detailed attribution methods used, related to their telecommunications activities including an itemized breakdown of fixed asset and structural costs, or to have structural separation for the telecommunications activities.

Member States may choose not to apply the requirements referred to in the first subparagraph to these organizations where their annual turnover in telecommunications activities in the Community is less than the limit set in Part 1 of Annex VI.

2. Member States shall require organizations operating public telecommunications networks and/or publicly available telecommunications services as set out in Parts 1 and 2 of Annex I and notified by national regulatory authorities as organizations having significant market

power which provide public telecommunications networks and/or telecommunications services available for users and which offer interconnection services to other organizations, to keep separate accounts for, on the one hand, their activities related to interconnection — covering both interconnection services provided internally and interconnection services provided to others — and, on the other hand, other activities, so as to identify all elements of cost and revenue, with the basis of their calculation and the detailed attribution methods used, related to their interconnection activity, including an itemized breakdown of fixed asset and structural costs.

Member States may choose not to apply the requirements referred to in the first subparagraph to organizations where their annual turnover in telecommunications activities in the Member States is less than the limit set in Part 2 of Annex VI.

3. Organizations providing public telecommunications networks and/or publicly available telecommunications services shall provide financial information to their national regulatory authority promptly on request and to the level of detail required. National regulatory authorities may publish such information as would contribute to an open and competitive market, while taking account of considerations of commercial confidentiality.

4. The financial reports of organizations providing public telecommunications networks or publicly available telecommunications services shall be drawn up and submitted to independent audit and published. The audit shall be carried out in accordance with the relevant rules of national legislation.

The first subparagraph shall also apply to the separate accounts required in paragraphs 1 and 2.

Article 9

General responsibilities of the national regulatory authorities

1. National regulatory authorities shall encourage and secure adequate interconnection in the interests of all users, exercising their responsibility in a way that provides maximum economic efficiency and gives the maximum benefit to end-users. In particular, national regulatory authorities shall take into account:

- the need to ensure satisfactory end-to-end communications for users,
- the need to stimulate a competitive market,
- the need to ensure the fair and proper development of a harmonized European telecommunication market,

- the need to cooperate with their counterparts in other Member States,
- the need to promote the establishment and development of trans-European networks and services, and the interconnection of national networks and interoperability of services, as well as access to such networks and services,
- the principles of non-discrimination (including equal access) and proportionality,
- the need to maintain and develop universal service.

2. General conditions set down in advance by the national regulatory authority shall be published in accordance with Article 14 (1).

In particular, in relation to interconnection between organizations set out in Annex II, national regulatory authorities:

- may set *ex ante* conditions in the areas listed in Part 1 of Annex VII;
- shall encourage coverage in interconnection agreements of the issues listed in Part 2 of Annex VII.

3. In pursuit of the aims stated in paragraph 1, national regulatory authorities may intervene on their own initiative at any time, and shall do so if requested by either party, in order to specify issues which must be covered in an interconnection agreement, or to lay down specific conditions to be observed by one or more parties to such an agreement. National regulatory authorities may, in exceptional cases, require changes to be made to interconnection agreements already concluded, where justified to ensure effective competition and/or interoperability of services for users.

Conditions set by the national regulatory authority may include *inter alia* conditions designed to ensure effective competition, technical conditions, tariffs, supply and usage conditions, conditions as to compliance with relevant standards, compliance with essential requirements, protection of the environment, and/or the maintenance of end-to-end quality of service.

The national regulatory authority may, on its own initiative at any time or if requested by either party, also set time limits within which negotiations on interconnection are to be completed. If agreement is not reached within the time allowed, the national regulatory authority shall take steps to bring about an agreement under procedures laid down by that authority. The procedures shall be open to the public in accordance with Article 14 (2).

4. Where an organization authorized to provide public telecommunications networks or publicly available tele-

communications services enters into interconnection agreements with others, the national regulatory authority shall have the right to inspect all such interconnection agreements in their entirety.

5. In the event of an interconnection dispute between organizations in a Member State, the national regulatory authority of that Member State shall, at the request of either party, take steps to resolve the dispute within six months of this request. The resolution of the dispute shall represent a fair balance between the legitimate interests of both parties.

In so doing, the national regulatory authority shall take into account, *inter alia*:

- the user interest,
- regulatory obligations or constraints imposed on any of the parties,
- the desirability of stimulating innovative market offerings, and of providing users with a wide range of telecommunications services at a national and at a Community level,
- the availability of technically and commercially viable alternatives to the interconnection requested,
- the desirability of ensuring equal access arrangements,
- the need to maintain the integrity of the public telecommunications network and the interoperability of services,
- the nature of the request in relation to the resources available to meet the request,
- the relative market positions of the parties,
- the public interest (e.g. the protection of the environment),
- the promotion of competition,
- the need to maintain a universal service.

A decision on the matter by a national regulatory authority shall be made available to the public in accordance with national procedures. The parties concerned shall be given a full statement of the reasons on which it is based.

6. In cases where organizations which are authorized to provide public telecommunications networks and/or publicly available telecommunications services have not interconnected their facilities, national regulatory authorities, in compliance with the principle of proportionality and in the interest of users, shall be able, as a last resort, to require the organizations concerned to interconnect their facilities in order to protect essential public interests and, where appropriate, shall be able to set terms of interconnection.

*Article 10***Essential requirements**

Without prejudice to action which may be taken in accordance with Articles 3 (5) and 5 (3) of Directive 90/387/EEC, the essential requirements as specified in Article 3 (2) of Directive 90/387/EEC shall for the purpose of this Directive apply to interconnection to public telecommunications networks and/or publicly available telecommunications services as set out in points (a) to (d) of this Article.

Where the national regulatory authority imposes conditions based on essential requirements in interconnection agreements, these conditions shall be published in the manner laid down in Article 14 (1).

- (a) *Security of network operations:* Member States shall take all necessary steps to ensure that the availability of public telecommunications networks and publicly available telecommunications services is maintained in the event of catastrophic network breakdown or in exceptional cases of force majeure, such as extreme weather, earthquakes, flood, lightning or fire.

In the event of the circumstances referred to in the first subparagraph, the bodies concerned shall make every endeavour to maintain the highest level of service to meet any priorities laid down by the competent national authorities.

The need to meet these requirements shall not constitute a valid reason for refusal to negotiate terms for interconnection.

Furthermore, the national regulatory authority shall ensure that any conditions for interconnection related to the security of networks as regards risk of accidents are proportionate and non-discriminatory in nature, and are based on objective criteria identified in advance.

- (b) *Maintenance of network integrity:* Member States shall take all necessary steps to ensure that the integrity of public telecommunications networks is maintained. The need to maintain network integrity does not constitute a valid reason for refusal to negotiate terms for interconnection. The national regulatory authority shall ensure that any conditions for interconnection related to protection of network integrity are proportionate and non-discriminatory in nature, and are based on objective criteria identified in advance.
- (c) *Interoperability of services:* Member States may impose conditions in interconnection agreements in order to ensure interoperability of services, including conditions designed to ensure satisfactory end-to-end

quality. Such conditions may include implementation of specific technical standards, or specifications, or codes of conduct agreed by the market players.

- (d) *Protection of data:* Member States may impose conditions in interconnection agreements in order to ensure the protection of data, to the extent necessary to ensure compliance with relevant regulatory provisions on the protection of data including protection of personal data, the confidentiality of information processed, transmitted or stored, and the protection of privacy, compatible with Community law.

*Article 11***Collocation and facility sharing**

Where an organization providing public telecommunications networks and/or publicly available telecommunications services has the right under national legislation to install facilities on, over or under public or private land, or may take advantage of a procedure for the expropriation or use of property, national regulatory authorities shall encourage the sharing of such facilities and/or property with other organizations providing telecommunications networks and publicly available services, in particular where essential requirements deprive other organizations of access to viable alternatives.

Agreements for collocation or facility sharing shall normally be a matter for commercial and technical agreement between the parties concerned. The national regulatory authority may intervene to resolve disputes, as provided for in Article 9.

Member States may impose facility and/or property sharing arrangements (including physical collocation) only after an appropriate period of public consultation during which all interested parties must be given an opportunity to express their views. Such arrangements may include rules for apportioning the costs of facility and/or property sharing.

*Article 12***Numbering**

1. Member States shall ensure the provision of adequate numbers and numbering ranges for all publicly available telecommunications services.
2. In order to ensure full interoperability of Europe-wide networks and services, Member States in accordance with the Treaty shall take all necessary steps to ensure the coordination of their national positions in international organizations and fora where numbering decisions are taken, taking into account possible future developments in numbering in Europe.

3. Member States shall ensure that national telecommunications numbering plans are controlled by the national regulatory authority, in order to guarantee independence from organizations providing telecommunications networks or telecommunications services and facilitate number portability. In order to ensure effective competition, national regulatory authorities shall ensure that the procedures for allocating individual numbers and/or numbering ranges are transparent, equitable and timely and the allocation is carried out in an objective, transparent and non-discriminatory manner. National regulatory authorities may lay down conditions for the use of certain prefixes or certain short codes, in particular where these are used for services of general public interest (e.g. freephone services, kiosk billed services, directory services, emergency services), or to ensure equal access.

4. National regulatory authorities shall ensure that the main elements of the national numbering plans, and all subsequent additions or amendments to them, are published in accordance with Article 14 (1), subject only to limitations imposed on the grounds of national security.

5. National regulatory authorities shall encourage the earliest possible introduction of the number portability facility whereby end-users who so request can retain their number(s) on the fixed public telephone network at a specific location independent of the organization providing service, and shall ensure that this facility is available at least in all major centres of population before 1 January 2003.

In order to ensure that charges to consumers are reasonable, national regulatory authorities shall ensure that pricing for interconnection related to the provision of this facility is reasonable.

6. National regulatory authorities shall ensure that numbering plans and procedures are applied in a manner that gives fair and equal treatment to all providers of publicly available telecommunications services. In particular, Member States shall ensure that an organization allocated a range of numbers shall avoid undue discrimination in the number sequences used to give access to the services of other telecommunications operators.

Article 13

Technical standards

1. Without prejudice to Article 5 (3) of Directive 90/387/EEC whereby the implementation of specified European standards may be made compulsory, national regulatory authorities shall ensure that organizations

providing public telecommunications networks or publicly available telecommunications services take full account of standards listed in the *Official Journal of the European Communities* as being suitable for the purpose of interconnection.

In the absence of such standards, national regulatory authorities shall encourage the provision of technical interfaces for interconnection according to the standards or specifications listed below:

- standards adopted by European standardization bodies such as the European Telecommunications Standards Institute (ETSI) or the European Committee for Standardization/European Committee for Electrotechnical Standardization (CEN/CENELEC), or, in the absence of such standards,
- international standards or recommendations adopted by the International Telecommunications Union (ITU), the International Organization for Standardization (ISO) or the International Electrotechnical Committee (IEC), or, in the absence of such standards,
- national standards.

2. The Commission may, acting in accordance with the procedure laid down in Article 15, request standards for interconnection and access to be drawn up, where appropriate, by European standardization bodies. Reference to standards for interconnection and access may be published in the *Official Journal of the European Communities* in accordance with Article 5 of Directive 90/387/EEC.

Article 14

Publication of and access to information

1. With regard to the information identified in Article 7 (3), Article 9 (2), Article 10 and Article 12 (4), national regulatory authorities shall ensure that up-to-date information is published in an appropriate manner in order to provide easy access to that information for interested parties. Reference shall be made in the national Official Gazette of the Member State concerned to the manner in which this information is published.

2. With regard to the information identified in Article 4 (1), Article 5 (3), Article 5 (5), Article 6 (c) and Article 9 (3), national regulatory authorities shall ensure that up-to-date specific information referred to in those Articles is made available on request to interested parties, free of charge, during normal working hours. Reference shall be made in the national Official Gazette of the Member State concerned to the times and location(s) at which the information is available.

3. Member States shall notify to the Commission before 1 January 1998 — and immediately thereafter in case of any change — the manner in which the information referred to in paragraphs 1 and 2 is made available. The Commission shall regularly publish a corresponding reference to such notifications in the *Official Journal of the European Communities*.

Article 15

Advisory Committee procedure

1. The Commission shall be assisted by the committee set up by Article 9 (1) of Directive 90/387/EEC, hereinafter referred to as the 'ONP Committee'.

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, if necessary by taking a vote.

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

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

Article 16

Regulatory Committee procedure

1. Notwithstanding the provisions of Article 15, the following procedure shall apply in respect of the matters covered by Article 19.

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.

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 17

Procedure for resolving disputes between organizations operating under authorizations provided by different Member States

1. Without prejudice to:

- (a) any action that the Commission or any Member State may take pursuant to the Treaty;
- (b) the rights of the party invoking the procedure in paragraphs 2 and 3, of the organizations concerned or of any other party under applicable national law;

the procedure set out in paragraphs 2 and 3 shall be available for the resolution of interconnection disputes between organizations operating under authorizations granted by different Member States, where such dispute does not fall within the responsibility of a single national regulatory authority exercising its power in accordance with Article 9.

2. Any party having a complaint against another organization over interconnection may refer the complaint to the national regulatory authority of the Member State that has granted the authorization of the organization against which the complaint is made. The national regulatory authority shall take steps to resolve the dispute in accordance with the procedures and timescale set out in Article 9 (5).

3. Where there are concurrent disputes between the same two organizations, the national regulatory authorities concerned shall, on request of either party in dispute, coordinate their efforts in order to bring about resolution of the disputes, in accordance with the principles set out in Article 9 (1), within 6 months of referral. The solutions shall represent a fair balance between the legitimate interests of both parties in dispute and be consistent with interconnection rules in the Member States concerned, in conformity with Community law.

Article 18

Notification

1. Member States shall ensure that national regulatory authorities have the necessary means for carrying out the tasks identified in this Directive, and shall notify to the Commission by 31 January 1997 the national regulatory authorities responsible for those tasks.

2. National regulatory authorities shall notify to the Commission by 31 January 1997, and immediately thereafter in the event of any change, the names of those organizations which:

- have universal service obligations for the provision of the public telecommunications networks and publicly available telecommunications services set out in Part 1 of Annex I and which are authorized to collect directly a contribution to the net cost of universal service under the procedure in Article 5 (2),
- are subject to the provisions of this Directive concerning organizations with significant market power,
- are covered by Annex II.

The Commission may request national regulatory authorities to provide their reasons for classifying an organization as having or not having significant market power.

3. The Commission shall publish the names referred to in paragraph 2 in the *Official Journal of the European Communities*.

Article 19

Technical adjustment

Modifications necessary to adapt Annexes IV, V and VII to the Directive to new technological developments or to changes in market and consumer demand shall be determined by the Commission in accordance with the procedure laid down in Article 16.

Article 20

Deferment

1. Deferment of the obligations under Articles 3 (1), 3 (2), 4 (1), 4 (2), 9 (1) and 9 (3) insofar as those obligations concern direct interconnection between the mobile networks of that Member State and the fixed or mobile networks of other Member States, and under Article 5, shall be granted to those Member States identified in the Council Resolutions of 22 July 1993 and 22 December 1994 which benefit from an additional transition period for the liberalization of telecommunications services for as long as and to the extent that they avail themselves of such transition periods. Member States shall inform the Commission of their intention to make use of them.
2. Deferment of the obligations under Article 12 (5) may be requested where the Member State concerned can prove that they would impose an excessive burden on certain organizations or classes of organization. The Member State shall inform the Commission of the reasons for requesting a deferment, the date by which the requirements can be met, and the measures envisaged in order to meet this deadline. The Commission shall consider the request taking into account the particular situation in that Member State and the need to ensure a

coherent regulatory environment at a Community level, and shall inform the Member State whether it deems that the particular situation in that Member State justifies a deferment and, if so, until which date such deferment is justified.

Article 21

Interconnection with third country organizations

1. Member States may inform the Commission of any general difficulties encountered, *de jure* or *de facto*, by Community organizations in interconnecting with organizations in third countries, which have been brought to their attention.
2. Whenever the Commission is informed of the existence of such difficulties, the Commission may, if necessary, submit proposals to the Council for an appropriate mandate for negotiation of comparable rights for Community organizations in these third countries. The Council shall decide by qualified majority.
3. Measures taken pursuant to paragraph 2 shall be without prejudice to the Community's and Member States' obligations under relevant international agreements.

Article 22

Review

1. The Commission shall report to the European Parliament and to the Council by 31 December 1997, and periodically thereafter, on the availability of rights to interconnect in third countries for the benefit of Community organizations.
2. The Commission shall examine and report periodically to the European Parliament and to the Council on the functioning of this Directive, on the first occasion not later than 31 December 1999. For this purpose, the Commission may request information from the Member States.

The report shall examine what provisions of this Directive should be adapted in the light of the developments in the market, the evolution of technology and the changes in user demand, in particular:

- (a) for the provisions under Article 5,
- (b) to confirm the timetable laid down in Article 12 (5).

The Commission shall also investigate in the report the added value of the setting up of a European Regulatory Authority to carry out those tasks which would prove to be better undertaken at Community level.

*Article 23***Transposition**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1997. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by 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 covered by this Directive.

*Article 24***Entry into force**

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

*Article 25***Addressees**

This Directive is addressed to the Member States.

Done at Brussels, 30 June 1997.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

A. NUIS

ANNEX I

SPECIFIC PUBLIC TELECOMMUNICATIONS NETWORKS AND PUBLICLY AVAILABLE TELECOMMUNICATIONS SERVICES

(referred to in Article 3 (2))

The following public telecommunications networks and publicly available telecommunications services are considered of major importance at European level.

Organizations providing the public telecommunications networks and/or publicly available services identified below which have significant market power are subject to specific obligations with regard to interconnection and access, as specified in Articles 4 (2), 6 and 7.

Part 1

The fixed public telephone network

The fixed public telephone network means the public switched telecommunications network which supports the transfer between network termination points at fixed locations of speech and 3,1 kHz bandwidth audio information, to support *inter alia*:

- voice telephony,
- facsimile Group III communications, in accordance with ITU-T Recommendations in the 'T-series',
- voice band data transmission via modems at a rate of at least 2 400 bit/s, in accordance with ITU-T Recommendations in the 'V-series'.

Access to the end-user's network termination point is via a number or numbers in the national numbering plan.

The fixed public telephone service according to Directive 95/62/EC of the European Parliament and of the Council of 13 December 1995 on the application of open network provision (ONP) to voice telephony⁽¹⁾.

The fixed public telephone service means the provision to end-users at fixed locations of a service for the originating and receiving of national and international calls, and may include access to emergency (112) services, the provision of operator assistance, directory services, provision of public pay phones, provision of service under special terms and/or provision of special facilities for customers with disabilities or with special social needs.

Access to the end-user is via a number or numbers in the national numbering plan.

Part 2

The leased lines service

Leased lines means the telecommunications facilities which provide for transparent transmission capacity between network termination points, and which do not include on-demand switching (switching functions which the user can control as part of the leased line provision). They may include systems which allow flexible use of the leased line bandwidth, including certain routing and management capabilities.

Part 3

Public mobile telephone networks

A public mobile telephony network is a public telephone network where the network termination points are not at fixed locations.

Public mobile telephone services

A public mobile telephone service is a telephony service whose provision consists, wholly or partly, in the establishment of radiocommunications to one mobile user, and makes use wholly or partly of a public mobile telephone network.

⁽¹⁾ OJ No L 321, 30. 12. 1995, p. 6.

*ANNEX II***ORGANIZATIONS WITH RIGHTS AND OBLIGATIONS TO NEGOTIATE INTERCONNECTION WITH EACH OTHER IN ORDER TO ENSURE COMMUNITY-WIDE SERVICES***(referred to in Article 4 (1))*

This Annex covers those organizations which provide switched and unswitched bearer capabilities to users upon which other telecommunications services depend.

Organizations in the following categories have both rights and obligations to interconnect with each other, in accordance with Article 4 (1). Interconnection between these organizations is subject to additional supervision by national regulatory authorities, in accordance with Article 9 (2). Special interconnection charges, terms and conditions may exist for these categories of organizations in accordance with Article 7 (3).

1. Organizations which provide fixed and/or mobile public switched telecommunications networks and/or publicly available telecommunications services, and in so doing control the means of access to one or more network termination points identified by one or more unique numbers in the national numbering plan. (See notes below).
2. Organizations which provide leased lines to users' premises.
3. Organizations which are authorized in a Member State to provide international telecommunications circuits between the Community and third countries, for which purpose they have exclusive or special rights.
4. Organizations providing telecommunications services which are permitted in this category to interconnect in accordance with relevant national licensing or authorization schemes.

Notes

Control of the means of access to a network termination point means the ability to control the telecommunications services available to the end-user at that network termination point and/or the ability to deny other service providers access to the end-user at the network termination point.

Control of the means of access may entail ownership or control of the physical link to the end-user (whether wire or wireless), and/or the ability to change or withdraw the national number or numbers needed to access an end-user's network termination point.

*ANNEX III***CALCULATING THE COST OF UNIVERSAL SERVICE OBLIGATIONS FOR VOICE TELEPHONY***(referred to in Article 5 (3))*

Universal service obligations refer to those obligations placed upon an organization by a Member State which concern the provision of a network and service throughout a specified geographical area, including — where required — averaged prices in that geographical area for the provision of that service.

The cost of universal service obligations shall be calculated as the difference between the net cost for an organization of operating with the universal service obligations and operating without the universal service obligations.

This applies whether the network in a particular Member State is fully developed or is still undergoing development and expansion.

The calculation shall be based upon the costs attributable to:

- (i) elements of the identified services which can only be provided at a loss or provided under cost conditions falling outside normal commercial standards.

This category may include service elements such as access to emergency telephone services, provision of certain public pay telephones, provision of certain services or equipment for disabled people, etc.

- (ii) specific end-users or groups of end-users who, taking into account the cost of providing the specified network and service, the revenue generated and any geographical averaging of prices imposed by the Member State, can only be served at a loss or under cost conditions falling outside normal commercial standards.

This category includes those end-users or groups of end-users which would not be served by a commercial operator which did not have an obligation to provide universal service.

In peripheral regions with expanding networks, the cost calculation should be based on the additional cost of serving those end-users or groups of end-users which an operator applying the normal commercial principles of a competitive environment would choose not to serve.

Revenues shall be taken into account in calculating the net costs. Costs and revenues should be forward-looking.

*ANNEX IV***LIST OF EXAMPLES OF ELEMENTS FOR INTERCONNECTION CHARGES***(referred to in Article 7 (3))*

Interconnection charges refer to the actual charges payable by interconnected parties.

The tariff structure refers to the broad categories into which interconnection charges are divided, e.g.

- charges to cover initial implementation of the physical interconnection, based on the costs of providing the specific interconnection requested (e.g. specific equipment and resources; compatibility testing),
- rental charges to cover the on-going use of equipment and resources (connection maintenance, etc.),
- variable charges for ancillary and supplementary services (e.g. access to directory services; operator assistance; data collection; charging; billing; switch-based and advanced services etc.),
- traffic related charges, for the conveyance of traffic to and from the interconnected network (e.g. the costs of switching and transmission), which may be on a per minute basis, and/or on the basis of additional network capacity required.

Tariff elements refer to the individual prices set for each network component or facility provided to the interconnected party.

Tariffs and charges for interconnection must follow the principles of cost orientation and transparency, in accordance with Article 7 (2).

Interconnection charges may include a fair share, according to the principle of proportionality, of joint and common costs and the costs incurred in providing equal access, and number portability, and the costs of ensuring essential requirements (maintenance of the network integrity; network security in cases of emergency; interoperability of services; and protection of data).

ANNEX V

COST ACCOUNTING SYSTEMS FOR INTERCONNECTION

(referred to in Article 7 (5))

Article 7 (5) calls for details of the cost accounting system; the list below indicates, by way of example, some elements which may be included in such accounting systems.

The purpose of publishing this information is to provide transparency in the calculation of interconnection charges, so that other market players are in a position to ascertain that the charges have been fairly and properly calculated.

This objective should be taken into account by the national regulatory authority and the organizations affected when determining the level of detail in the information published.

The list below indicates the elements to be included in the information published.

1. *The cost standard used*

e.g. fully distributed costs, long-run average incremental costs, marginal costs, stand-alone costs, embedded direct costs, etc.

including the cost base(s) used,

i.e. historic costs (based on actual expenditure incurred for equipment and systems) or forward-looking costs (based on estimated replacement costs of equipment or systems).

2. *The cost elements included in the interconnection tariff*

Identification of all the individual cost components which together make up the interconnection charge, including the profit element.

3. *The degrees and methods of cost allocation, in particular the treatment of joint and common costs*

Details of the degree to which direct costs are analyzed, and the degree and method by which joint and common costs are included in interconnection charges.

4. *Accounting conventions*

i.e. the accounting conventions used for the treatment of costs covering:

- the timescale for depreciation of major categories of fixed asset (e.g. land, buildings, equipment, etc.),
- the treatment, in terms of revenue versus capital cost, of other major expenditure items (e.g. computer software and systems, research and development, new business development, direct and indirect construction, repairs and maintenance, finance charges, etc.)

The information on cost accounting systems, as identified in this Annex, may be amended in accordance with the procedure referred to in Article 19.

*ANNEX VI***THRESHOLDS FOR TELECOMMUNICATIONS TURNOVER***(referred to in Article 8 (1) and 8 (2))***Part 1**

The threshold for annual turnover in telecommunications activities referred to in Article 8 (1) shall be fifty million ecus. (ECU 50 million)

Part 2

The threshold for annual turnover in telecommunications activities referred to in Article 8 (2) shall be twenty million ecus. (ECU 20 million)

ANNEX VII

FRAMEWORK FOR NEGOTIATION OF INTERCONNECTION AGREEMENTS

*(referred to in Article 9 (2))***Part 1***Areas where the national regulatory authority may set ex ante conditions*

- (a) Dispute resolution procedure,
- (b) Requirements for publication/access to interconnection agreements and other periodic publication duties,
- (c) Requirements for the provision of equal access and number portability,
- (d) Requirements to provide facility sharing, including collocation,
- (e) Requirements to ensure the maintenance of essential requirements,
- (f) Requirements for allocation and use of numbering resources (including access to directory services, emergency services and pan-European numbers),
- (g) Requirements concerning the maintenance of end-to-end quality of service,
- (h) Where applicable, determination of the unbundled part of the interconnection charge which represents a contribution to the net cost of universal service obligations.

Part 2*Other issues the coverage of which in interconnection agreements is to be encouraged*

- (a) Description of interconnection services to be provided,
 - (b) Terms of payment, including billing procedures,
 - (c) Locations of the points of interconnection,
 - (d) Technical standards for interconnection,
 - (e) Interoperability tests,
 - (f) Measures to comply with essential requirements,
 - (g) Intellectual property rights,
 - (h) Definition and limitation of liability and indemnity,
 - (i) Definition of interconnection charges and their evolution over time,
 - (j) Dispute resolution procedure between parties before requesting national regulatory authority intervention,
 - (k) Duration and renegotiation of agreements,
 - (l) Procedure in the event of alterations being proposed to the network or service offerings of one of the parties,
 - (m) Achievement of equal access,
 - (n) Provision of facility sharing,
 - (o) Access to ancillary, supplementary and advanced services,
 - (p) Traffic/network management,
 - (q) Maintenance and quality of interconnection services,
 - (r) Confidentiality of non-public parts of the agreements,
 - (s) Training of staff.
-

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 1 July 1997

concerning a request for exemption submitted by Germany pursuant to Article 8 (2) (c) of Council Directive 70/156/EEC on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers

(Only the German text is authentic)

(97/465/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers ⁽¹⁾, as last amended by European Parliament and Council Directive 96/79/EC ⁽²⁾, and in particular Article 8 (2) (c) thereof,

Whereas the request submitted by Germany on 5 June 1996 and consolidated by letter of 25 September 1996, which reached the Commission on 2 October 1996, contained the information required by Article 8 (2) (c); whereas the request concerns the fuelling with compressed natural gas of a class M₁ type of vehicle;

Whereas the reasons given in the request, according to which such fuelling systems do not meet the requirements of the Directives concerned, in particular Council Directive 70/220/EEC of 20 March 1970 on the approximation of the laws of the Member States relating to measures to be taken against air pollution by gases from spark-ignition engines of motor vehicles ⁽³⁾, as last amended by Commission Directive 96/69/EC ⁽⁴⁾, and

Council Directive 80/1268/EEC of 16 December 1980 on the approximation of the laws of the Member States relating to the fuel consumption of motor vehicles ⁽⁵⁾, as last amended by Commission Directive 93/116/EC of 17 December 1993 ⁽⁶⁾ are well founded; whereas, however, the tests performed in accordance with the abovementioned Directives were conducted using both petrol and natural gas as fuel; whereas the relevant limit values were respected with both types of fuel, while recorded emissions of pollutants were lower with natural gas; whereas equivalent environmental protection is thus ensured;

Whereas, in order to assure themselves of the safety of vehicles in service, Member States may periodically carry out leaktightness tests at a pressure of at least the service pressure;

Whereas the Community Directives concerned will be amended in order to permit the production of vehicles powered by compressed natural gas;

Whereas the measure provided for by this Decision is in accordance with the opinion of the Committee on Adaptation to Technical Progress set up by Directive 70/156/EEC,

⁽¹⁾ OJ No L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ No L 18, 21. 1. 1997, p. 7.

⁽³⁾ OJ No L 76, 6. 4. 1970, p. 1.

⁽⁴⁾ OJ No L 282, 1. 11. 1996, p. 64.

⁽⁵⁾ OJ No L 375, 31. 12. 1980, p. 36.

⁽⁶⁾ OJ No L 329, 30. 12. 1993, p. 39.

HAS ADOPTED THIS DECISION:

Article 2

This Decision is addressed to the Federal Republic of Germany.

Article 1

Done at Brussels, 1 July 1997.

The request submitted by Germany for an exemption concerning the production and placing on the market of a class M₁ type of vehicle powered by compressed natural gas is hereby approved.

For the Commission

Martin BANGEMANN

Member of the Commission

COMMISSION DECISION

of 2 July 1997

modifying for the fifth time Decision 95/33/EC approving parts of the Finnish programme for the implementation of Articles 138 to 140 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden

(Only the Finnish and Swedish texts are authentic)

(97/466/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act concerning the conditions of accession of Austria, Finland and Sweden, and in particular Article 138 thereof,

Whereas on 26 October 1994 Finland notified the Commission, pursuant to Article 143 of the abovementioned Act, the Finnish programme for the implementation of aid provided for in Articles 138, 139 and 140 for a number of products and activities for the period 1995 to 1999 inclusive;

Whereas parts of this programme, as modified by letter dated 16 December 1994 were approved by Commission Decision 95/33/EC⁽¹⁾; whereas that Decision was modified by Commission Decision 95/330/EC⁽²⁾, 95/529/EC⁽³⁾, 96/188/EC⁽⁴⁾ and Commission Decision of 30 July 1996⁽⁵⁾;

Whereas on 20 February 1997 Finland notified the Commission pursuant to Article 143 of the abovementioned

Act a request for Commission authorization to modify that programme as regards the maximum level of aid for onions;

Whereas Finland considers that the maximum level of aid for onions foreseen in Decision 95/33/EC is too low and has provided information on the level of support for this product prior to accession; whereas, consistent with the provisions of paragraph 2 of Article 138 of the abovementioned Act, the reduction in support justifies the Finnish request; whereas no change in the maximum aid rates permitted in Decision 95/33/EC for vegetables is warranted due to removal of onions from this category,

HAS ADOPTED THIS DECISION:

Article 1

The aid levels in Annex I of Decision 95/33/EC, for 1996 onwards, for horticulture, are hereby replaced by the following:

'Area related aid	Maximum rate of aid in Fmk/ha for production in each of the years shown				
	1996	1997	1998	1999	2000
Horticulture					
— apples (all regions)	2 890	2 190	1 490	790	0
— berries, region A	2 890	2 190	1 490	790	0
— berries, regions B and C	2 000	1 500	1 000	500	0
— onions, region A	11 070	8 520	5 880	3 240	0
— onions, region B	10 350	8 000	5 560	3 120	0
— onions, region C	10 350	7 560	5 150	2 770	0
— other vegetables, field production, region A	5 070	3 870	2 670	1 470	0
— other vegetables, field production, region B	4 350	3 350	2 350	1 350	0
— other vegetables, field production, region C	4 350	2 910	1 940	1 000	0 ⁵

⁽¹⁾ OJ No L 43, 25. 2. 1995, p. 56.

⁽²⁾ OJ No L 191, 12. 8. 1995, p. 37.

⁽³⁾ OJ No L 302, 15. 12. 1995, p. 33.

⁽⁴⁾ OJ No L 60, 9. 3. 1996, p. 25.

⁽⁵⁾ Not yet published.

Article 2

This Decision is addressed to the Republic of Finland.

Done at Brussels, 2 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 7 July 1997

drawing up provisional lists of third country establishments from which the
Member States authorize imports of rabbit meat and farmed game meat

(Text with EEA relevance)

(97/467/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 (1) and Article 7
thereof,

Whereas Commission Decision 94/278/EC⁽³⁾, as last
amended by Decision 96/344/EC⁽⁴⁾, draws up a list of
third countries from which the Member States authorize
imports of rabbit meat;

Whereas a list of third countries from which the Member
States authorize imports of farmed game meat has been
drawn up pursuant to Council Directive 92/118/EEC⁽⁵⁾,
as last amended by Directive 96/90/EC⁽⁶⁾;

Whereas, for many of the countries on that list the animal
health and veterinary certification requirements for
importation of rabbit meat and farmed game meat
products have been laid down in Commission Decision
97/219/EC⁽⁷⁾;

Whereas the Commission has received from certain third
countries lists of establishments, with guarantees that they
fully meet the appropriate Community health require-
ments and that should an establishment fail to do so its
export activities to the European Community will be
suspended;

Whereas the Commission has been unable to ascertain in
all the third countries concerned the compliance of their
establishments with the Community requirements and
the validity of the guarantees provided by the competent
authorities;

Whereas, to prevent the interruption of trade in rabbit
meat and farmed game meat from those countries, it is
necessary to grant them a further period during which
Member States will be able to continue to import rabbit
meat and farmed game meat from the establishments they
have recognized under the reservation that the trade in
these meats will be limited to the national market;
whereas during that further period the Commission will
collect from those countries the guarantees needed in
order to be able to add them to the list in accordance
with the procedure laid down in Decision 95/408/EC;

Whereas, concerning the Czech Republic, a list of estab-
lishments has been drawn up by Commission Decision
97/299/EC⁽⁸⁾;

Whereas on the expiry of that period third countries
which have not transmitted their lists of establishments in
accordance with the Community rules will no longer be
permitted to export rabbit meat and farmed game meat to
the Community;

Whereas Member States will be responsible therefore for
satisfying themselves that the establishments from which
they import rabbit meat and farmed game meat meet
requirements for production and placing on the market
which are no less stringent than the Community require-
ments;

Whereas provisional lists of establishments producing
rabbit meat and farmed game meat can thus be drawn up
in respect of certain countries;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States shall authorize imports of rabbit
meat and farmed game meat from the establishments of
third countries listed in the Annex hereto.

⁽¹⁾ OJ No L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ No L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ No L 120, 11. 5. 1994, p. 44.

⁽⁴⁾ OJ No L 133, 4. 6. 1996, p. 28.

⁽⁵⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽⁶⁾ OJ No L 13, 16. 1. 1997, p. 24.

⁽⁷⁾ OJ No L 88, 3. 4. 1997, p. 45.

⁽⁸⁾ OJ No L 124, 16. 5. 1997, p. 50.

2. Concerning third countries other than those in the Annex, Member States may authorize establishments for import of rabbit meat and farmed game meat up to 1 January 1998.

3. Imports of rabbit meat and farmed game meat shall remain subject to the Community veterinary provisions adopted elsewhere.

Article 2

This Decision shall apply from 1 July 1997.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 7 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

*ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA*

**LISTA DE LOS ESTABLECIMIENTOS / LISTE OVER VIRKSOMHEDER / VERZEICHNIS DER
BETRIEBE / ΠΙΝΑΚΑΣ ΤΩΝ ΕΓΚΑΤΑΣΤΑΣΕΩΝ / LIST OF ESTABLISHMENTS / LISTE DES
ÉTABLISSEMENTS / ELENCO DEGLI STABILIMENTI / LIJST VAN BEDRIJVEN / LISTA DOS
ESTABELECIMENTOS / LUETTELO LAITOKSISTA / FÖRTECKNING ÖVER ANLÄGGNINGAR**

**Producto: Carne de conejo y carne de caza de cría (*) / Produkt: Kød af kanin og af opdrættet vildt (*) /
Erzeugnis: Kaninchenfleisch und Fleisch von Zuchtwild (*) / Προϊόν: Κρέας κουνελιού και εκτρεφόμενων
θηραμάτων (*) / Product: Rabbit meat and farmed game meat (*) / Produit: Viande de lapin et viande de
gibier d'élevage (*) / Prodotto: Carni di coniglio e carni di selvaggina d'allevamento (*) / Product:
Konijnenvlees en vlees van gekweekt wild (*) / Produto: Carne de coelho e carne de caça de criação (*) /
Tuote: Tarhatun riistan ja kanin liha (*) / Varuslag: Kaninkött och kött från vilda djur i hägn (*)**

(*) = Carne fresca / Fersk kød / Frisches Fleisch / Νωπό Κρέας / Fresh Meat / Viande fraîche / Carni fresche /
Vers vlees / Carne fresca / Tuore liha / Färskt kött

1 = Referencia nacional / National reference / National-Code / Εθνικός αριθμός έγκρισης / National reference /
Référence nationale / Riferimento nazionale / Nationale code / Referência nacional / Kansallinen referenssi /
Nationell referens

2 = Nombre / Navn / Name / Τίτλος εγκατάστασης / Name / Nom / Nome / Naam / Nome / Nimi / Namn

3 = Ciudad / By / Stadt / Πόλη / Town / Ville / Città / Stad / Cidade / Kaupunki / Stad

4 = Región / Region / Region / Περιοχή / Region / Région / Regione / Regio / Região / Alue / Region

5 = Actividad / Aktivitet / Tätigkeit / Είδος εγκατάστασης / Activity / Activité / Attività / Activiteit / Actividade
/ Toimintamuoto / Verksamhet

SH = Matadero / slagteri / Schlachthof / Σφαγιοτεχνική εγκατάσταση / slaughterhouse / abattoir / macello /
Slachthuis / matadouro / teurastamo / Slakteri

CP = Sala de despiece / opskæringsvirksomheder / Zerlegungsbetrieb / Εργαστήριο τεμαχισμού / cutting plant
/ découpe / sala di sezionamento / Uitsnijderij / sala de corte / leikkaamo / Styckningsanläggning

CS = Almacén frigorífico / frysehus / Kühlhaus / Ψυκτική εγκατάσταση / cold store / entreposage / deposito
frigorifero / Koelhuis / armazém frigorífico / kylmävarasto / Kyl- och fryshus

6 = Menciones especiales / Særlige bemærkninger / Spezielle Bemerkungen / Ειδικές παρατηρήσεις / Special
remarks / Mentions spéciales / Note particolari / Bijzondere opmerkingen / Menções especiais /
Erikoismainintoja / Anmärkningar

a = Conejo / kanin / Kaninchen / κουνέλι, κουνέλια / rabbit / lapin / coniglio / Konijn / coelho / kanit / Kanin

b = Biungulados / klovbærende dyr / Paarhufer / δίχηλα / bi-ungulates / biungulés / biungulati / Tweehoevigen /
biungulados / sorkkaeläimet / Klövdjur

c = Aves de caza silvestres / opdrættet fjervildt / Zuchtfederwild / εκτρεφόμενα περωτά θηράματα / farmed
game birds / gibier d'élevage à plumes / selvaggina da penna di allevamento / Gekweekt vederwild / aves de
caça de criação / tarhatut riistalinnut / Vildfågel i hägn

d = Otros mamíferos / andre landlevende dyr / andere Landsäugetiere / άλλα χερσαία θηλαστικά / other land
mammals / autres mammifères terrestres / altri mammiferi terrestri / Andere landzoogdieren / outros
mamíferos terrestres / muut maalla elävät nisäkkäät / Andra landdäggdjur

e = Estrucioniformes / strudse / Zucht-Flachbrustvögel / στρουθιονίδες / ratites / ratites / ratiti / Loopvogels /
ratites / sileälätaiset linnut / Ratiter

Las instalaciones sólo podrán homologarse sobre una base comunitaria cuando se hayan adoptado los
certificados. / Anlæggene kan ikke godkendes på fællesskabsplan før certifikaterne foreligger. /
Gemeinschaftsweit zugelassen werden nur ordnungsgemäß abgenommene Betriebe. / Οι εγκαταστάσεις δεν
θα εγκρίνονται σε κοινοτική βάση πριν από την έκδοση των πιστοποιητικών. / Plants will not be
approved on a Community basis until certificates have been adopted. / Les établissements ne peuvent être
agréés sur une base communautaire avant l'adoption des certificats. / Gli stabilimenti possono essere
riconosciuti a livello comunitario soltanto previa adozione dei certificati. / Inrichtingen worden slechts op
communautair niveau erkend nadat de certificaten zijn goedgekeurd. / Os estabelecimentos não podem ser
aprovados numa base comunitária antes da adopção dos certificados. / Laitokset hyväksytään yhteisön tasolla
vasta todistusten antamisen jälkeen. / Anläggningarna kan inte godkännas på gemenskapsnivå innan intygen
har antagits.

País: AUSTRALIA / Land: AUSTRALIEN / Land: AUSTRALIEN / Χώρα: ΑΥΣΤΡΑΛΙΑ / Country: AUSTRALIA / Pays: AUSTRALIE / Paese: AUSTRALIA / Land: AUSTRALIË / País: AUSTRÁLIA / Maa: AUSTRALIA / Land: AUSTRALIEN

1	2	3	4	5	6
124	Gold Medal Holdings Pty Ltd	CASUARINA	WESTERN AUSTRALIA	SH-CP-CS	e
167	Dromaius Australia Ltd	WUBIN	WESTERN AUSTRALIA	SH-CP-CS	e
398	Gunnedah Abattoir Holdings Pty Ltd	GUNNEDAH	NEW SOUTH WALES	SH-CP-CS	b
533	Metro Meat International Ltd	MURRAY BRIDGE	SOUTH AUSTRALIA	SH-CP-CS	b
572	Metro Meat International Ltd	KATANNING	WESTERN AUSTRALIA	SH-CP-CS	b
689	Australian Lamb Co. Pty Ltd	SUNSHINE	VICTORIA	CP-CS	b
1027	Metro Meat International Ltd	WOOROLOO	WEST AUSTRALIA	SH-CP-CS	b
1471	Agro Australia Pty Ltd	GEPPS CROSS	SOUTH AUSTRALIA	SH-CP-CS	b
1549	Select Meat Exports Pty Ltd	MOUNT SCHANK	SOUTH AUSTRALIA	SH-CP-CS	b
1857	AGP (VIC) Pty Ltd	WYCHEPROOF	VICTORIA	SH-CP-CS	e
1889	Australian Lamb Co. Pty Ltd	WEST FOOTSCRAY	VICTORIA	CP-CS	b
2019	The Emu Company Pty Ltd	EUROBIN	VICTORIA	SH-CP-CS	e
2346	Pyramid Hill Processing Pty Ltd	PYRAMID HILL	VICTORIA	SH-CP-CS	e
2773	Crown Meats Pty Ltd	DANDENONG	VICTORIA	CP-CS	b
3085	Castricum Brothers Pty Ltd	DANDENONG	VICTORIA	SH-CP-CS	b
3416	Meramist Pty Ltd	CABOOLTURE	QUEENSLAND	SH-CP-CS	b

País: BULGARIA / Land: BULGARIEN / Land: BULGARIEN / Χώρα: ΒΟΥΛΓΑΡΙΑ / Country: BULGARIA / Pays: BULGARIE / Paese: BULGARIA / Land: BULGARIJE / País: BULGÁRIA / Maa: BULGARIA / Land: BULGARIEN

1	2	3	4	5
62	Gorna Oryahovitsa	GORNA ORIAHOVITZA		

País: CHILE / Land: CHILE / Land: CHILE / Χώρα: ΧΙΛΗ / Country: CHILE / Pays: CHILI / Paese: CILE / Land: CHILI / País: CHILE / Maa: CHILE / Land: CHILE

1	2	3	4	5	6
5	Comercial Mañihuales Ltda	COYHAIQUE	XI REGIÓN	CP-CS	c
8	Comercial Mac Lean Y Cia Ltda	PUERTO NATALES	XII REGIÓN	CP-CS	a

País: HUNGRÍA / Land: UNGARN / Land: UNGARN / Χώρα: ΟΥΓΓΑΡΙΑ / Country: HUNGARY / Pays: HONGRIE / Paese: UNGHERIA / Land: HONGARIJE / País: HUNGRIA / Maa: UNKARI / Land: UNGERN

1	2	3	4	5	6
44	Komyei Mezogazdasagi Kombinat	KORNYE	KOMAROM MEGYE	SH-CP	a
48	Fotk Kereskedelmi es Szolgaltaro Rt Kisallat Feldolgozo Uzem	JASZBERENY	SZOLNOK MEGYE	SH	a
H-100	Szeker Kft Nyulvago	SZADA	PEST MEGYE	SH	a
H-112	Hajdu Bet Rt Kisvardai Gyara	KISVARDA	SZABOLES-SZATMAR-BEREG MEGYE	SH-CP	a
H-115	Bacska Agrar-Ipari Rt Kisallat Vagouzem	VASKUT	BACS-KISKUN MEGYE	SH-CP	a
H-116	Gerecse Rt Nyulfeldolgozo Uzeme	BAJ	KOMAROM MEGYE	SH-CP	a
H-124	Timek Kft Nyulvago Uzeme	GYOMA	BEKES MEGYE	SH	a
H-136	Olivia Kft Nyulvagohid	LAJOSMIZSE	PEST MEGYE	SH-CP	a

País: POLONIA / Land: POLEN / Land: POLEN / Χώρα: ΠΟΛΩΝΙΑ / Country: POLAND / Pays: POLOGNE / Paese: POLONIA / Land: POLEN / País: POLÓNIA / Maa: PUOLA / Land: POLEN

1	2	3	4	5	6
169	Rzeznia i przetownia Krolikow "Poparex"	TARNOWO PODGORNE	POZNAN	SH-CP	a
190	Eksportowa Rzeznia Krolikow	RYMANOW	KROSNO	SH-CP	a
194	Eksportowa Rzeznia Krolikow "Kanwil" Sp. z.o.o.	DEBICA	TARNOW	SH-CP	a
196	Eksportowa Rzeznia Krolikow	MAKOW	RADOM	SH-CP	a
232	Eksportowa Rzeznia Krolikow	WASILKOW	BIALYSTOK	SH-CP	a
240	Eksportowa Rzeznia Krolikow	KSAWEROW	LODZ	SH-CP	a
249	Eksportowa Rzeznia Krolikow	TOMNICE	KALISZ	SH-CP	a
788A	Hubertus Sp. z.o.o.	DOBRZYCA K/PILY	PILA	SH-CP	a

COMMISSION DECISION

of 7 July 1997

**drawing up provisional lists of third country establishments from which the
Member States authorize imports of wild game meat**

(Text with EEA relevance)

(97/468/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 Council Decision 97/34/EC⁽²⁾, and in particular Article 2 (1) and Article 7 thereof,

Whereas Commission Decision 94/86/EC⁽³⁾, as last amended by Decision 96/137/EC⁽⁴⁾, draws up a list of third countries from which the Member States authorize imports of wild game meat;

Whereas, for many of the countries on that list the animal health and veterinary certification requirements for importation of wild game meat have been laid down in Commission Decision 97/218/EC⁽⁵⁾, and in Decision 97/220/EC⁽⁶⁾;

Whereas the Commission has received from certain third countries lists of establishments, with guarantees that they fully meet the appropriate Community health requirements and that should an establishment fail to do so its export activities to the European Community will be suspended;

Whereas the Commission has been unable to ascertain in all the third countries concerned the compliance of their establishments with the Community requirements and the validity of the guarantees provided by the competent authorities;

Whereas, to prevent the interruption of trade in wild game meat from those countries, it is necessary to grant a further period during which Member States will be able to continue to import wild game meat from the establishments they have recognized under the reservation that the trade in this meat will be limited to the national market;

whereas during that further period the Commission will collect from those countries the guarantees needed in order to be able to add them to the list in accordance with the procedure laid down in Decision 95/408/EC;

Whereas, concerning the Czech Republic, a list of establishments has been drawn up by Commission Decision 97/299/EC⁽⁷⁾;

Whereas on the expiry of that period third countries which have not transmitted their lists of establishments in accordance with the Community rules will no longer be permitted to export wild game meat to the Community;

Whereas Member States will be responsible therefore for satisfying themselves that the establishments from which they import wild game meat meet requirements for production and placing on the market which are no less stringent than the Community requirements;

Whereas provisional lists of establishments producing wild game meat can thus be drawn up in respect of certain countries;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States shall authorize imports of wild game meat from the establishments of the third countries listed in the Annex hereto.
2. Concerning third countries other than those in the Annex, Member States may authorize establishments for import of wild game meat up to 1 January 1998.
3. Imports of wild game meat shall remain subject to the Community veterinary provisions adopted elsewhere.

Article 2

This Decision shall apply from 1 July 1997.

⁽¹⁾ OJ No L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ No L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ No L 44, 17. 2. 1994, p. 33.

⁽⁴⁾ OJ No L 31, 9. 2. 1996, p. 31.

⁽⁵⁾ OJ No L 88, 3. 4. 1997, p. 25.

⁽⁶⁾ OJ No L 88, 3. 4. 1997, p. 70.

⁽⁷⁾ OJ No L 124, 16. 5. 1997, p. 50.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 7 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANEXO — BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO —
BIJLAGE — ANEXO — LIITE — BILAGA

LISTA DE LOS ESTABLECIMIENTOS / LISTE OVER VIRKSOMHEDER / VERZEICHNIS DER
BETRIEBE / ΠΙΝΑΚΑΣ ΤΩΝ ΕΓΚΑΤΑΣΤΑΣΕΩΝ / LIST OF ESTABLISHMENTS / LISTE DES
ÉTABLISSEMENTS / ELENCO DEGLI STABILIMENTI / LIJST VAN BEDRIJVEN / LISTA DOS
ESTABELECIMENTOS / LUETTELO LAITOKSISTA / FÖRTECKNING ÖVER ANLÄGGNINGAR

Producto: Carne de caza salvaje / Produkt: Kød af vildtlevende vildt / Erzeugnis: Wildfleisch / Προϊόν:
Κρέας άγριων θηραμάτων / Product: Wild game meat / Produit: Viande de gibier sauvage / Prodotto:
Carni di selvaggina / Product: Vlees van vrij wild / Produto: Carne de caça selvagem / Tuote:
Luonnonvaraisen riistan liha / Varuslag: Viltkött

- 1 = Referencia nacional / National reference / National-Code / Εθνικός αριθμός έγκρισης / National reference /
Référence nationale / Riferimento nazionale / Nationale code / Referência nacional / Kansallinen referenssi /
Nationell referens
- 2 = Nombre / Navn / Name / Τίτλος εγκατάστασης / Name / Nom / Nome / Naam / Nome / Nimi / Namn
- 3 = Ciudad / By / Stadt / Πόλη / Town / Ville / Città / Stad / Cidade / Kaupunki / Stad
- 4 = Región / Region / Region / Περιοχή / Region / Région / Regione / Regio / Região / Alue / Region
- 5 = Actividad / Aktivitet / Tätigkeitt / Είδος εγκατάστασης / Activity / Activité / Attività / Activiteit / Actividade
/ Toimintamuoto / Verksamhet

PH = Sala de tratamiento de la caza / vildtbehandlingsvirksomhed / Wildbearbeitungsbetrieb / κέντρο
επεξεργασίας κυνηγιού / wild game processing house / atelier de traitement du gibier sauvage / centro di
lavorazione della selvaggina / Wildverwerkingsseenheid / estabelecimento de tratamento de caça selvagem /
luonnonvaraisen riistan käsittelytila / Viltbearbetningsanläggning

CS = Almacén frigorífico / frysehus / Kühlhaus / Ψυκτική εγκατάσταση / cold store / entreposage / deposito
frigorifero / Koelhuis / armazém frigorífico / kylmävarasto / Kyl- och fryshus

6 = Menciones especiales / Særlige bemærkninger / Spezielle Bemerkungen / Ειδικές παρατηρήσεις / Special
remarks / Mentions spéciales / Note particolari / Bijzondere opmerkingen / Menções especiais /
Erikoismainintoja / Anmärkningar

a = Caza mayor / vildtlevende storvildt / Großwild / μεγάλα άγρια θηράματα / large wild game / gros gibier
sauvage / selvaggina grossa / Grof vrij wild / Caça maior selvagem / luonnonvarainen suurriista / Storvilt

b = Lepóridos / leporidae / Leporiden / λαγόμορφα / leporidae / Léporidés / leporidi / Haasachtigen (leporidae) /
Leporídeos / Leporidae-suvun eläimet / Hardjur

c = Aves de caza silvestres / vildtlevende fjervildt / Federwild / άγρια πτερωτά θηράματα / wild game birds /
oiseaux sauvages de chasse / selvaggina da penna selvatica / Vrij vederwild / Aves de caça selvagem /
luonnonvaraiset riistalinnut / Vildfågel

T = Prueba para la detección de triquinas / undersøgelse for trikiner / Untersuchung auf Trichinen / εξέταση
παρουσίας τριχινών / examination for trichinae / examen pour le dépistage des trichines / esame per
l'individuazione di trichine / Onderzoek op de aanwezigheid van trichinen / exame para a detecção de
triquinas / trikiinien tutkiminen / trikinkontroll

País: ARGENTINA / Land: ARGENTINA / Land: ARGENTINIEN / Χώρα: ΑΡΓΕΝΤΙΝΗ / Country:
ARGENTINA / Pays: ARGENTINE / Paese: ARGENTINA / Land: ARGENTINIË / País: ARGENTINA
/ Maa: ARGENTIINA / Land: ARGENTINA

1	2	3	4	5	6
286	Frigorífico URIBE SRL	COMODORO RIVADAVIA	CHUBUT	PH	b
1326	Est. Frigorífico Azul SA	AZUL	BUENOS AIRES	PH	b
1417	Est. Frigorífico Azul SA	I. ALVEAR	LA PAMPA	PH	b
1425	Infriba SA	BATÁN	BUENOS AIRES	PH	a b
1426	Est. Tapalque SA	TAPALQUE	BUENOS AIRES	PH	b
1462	Frigo-Oeste SA	CARLOS TEJEDOR	BUENOS AIRES	PH	b
1550	Orlando Tosoni SA	LINCOLN	BUENOS AIRES	PH	b
1629	Guinea Hermanos	PEHUAJO	BUENOS AIRES	PH	b

1	2	3	4	5	6
1762	Vizental y Cia SA	GENERAL PICO	LA PAMPA	PH	b
1780	Rigon SRL	RUFINO	SANTA FE	PH	b
1782	Rigon SRL	RIO CUARTO	CÓRDOBA	PH	b
1785	Frigorífico San Cayetano SA	SAN CAYETANO	BUENOS AIRES	PH	b
1788	Ind. Alimentaria Cnel. Vidal SA	CORONEL VIDAL	BUENOS AIRES	PH	b
1879	Troncomar SA	AYACUCHO	BUENOS AIRES	PH	b
2066	Planta Patagonia Sur de Frigorífico Faimali SA	RÍO GALLEGOS	SANTA CRUZ	PH	b
2598	Fco. Esquel SA	ESQUEL	CHUBUT	PH	b
3048	UN-AR SA	ASCENSIÓN	BUENOS AIRES	PH	b
3502	Ciervos Pampeanos SA	SANTA ROSA	LA PAMPA	PH	a

País: AUSTRALIA / Land: AUSTRALIEN / Land: AUSTRALIEN / Χώρα: ΑΥΣΤΡΑΛΙΑ / Country: AUSTRALIA / Pays: AUSTRALIE / Paese: AUSTRALIA / Land: AUSTRALIË / País: AUSTRÁLIA / Maa: AUSTRALIA / Land: AUSTRALIEN

1	2	3	4	5	6
141	Keith Thomas Burke & Jane Zemlicka	WALGETT	NEW SOUTH WALES	PH-CS	a T
588	Aussie Game Meats Pty Ltd	ROMA	QUEENSLAND	PH-CS	a T
1552	Victor Walter Bates, William John Bates & Clifford Ernest Dee	EAGLE FARM	QUEENSLAND	PH-CS	a b T
1560	Southern Game Meat Pty Ltd	CHULLORA	NEW SOUTH WALES	PH-CS	a b T
2158	Wild Game Resources Pty Ltd	HAMILTON	QUEENSLAND	PH-CS	a b T
3372	Wild Game Resources Pty Ltd	LONGREACH	QUEENSLAND	PH-CS	a b T

País: BULGARIA / Land: BULGARIEN / Land: BULGARIEN / Χώρα: ΒΟΥΛΓΑΡΙΑ / Country: BULGARIA / Pays: BULGARIE / Paese: BULGARIA / Land: BULGARIJE / País: BULGÁRIA / Maa: BULGARIA / Land: BULGARIEN

1	2	3	4	5	6
80	Sokol Ltd	HASKOVO	HASKOVO	CS	a b T
81	Sokol Ltd	SAMAKOV	SOGIA	PH-CS	a b T
82	Proslav	PLOVDIV	PLOVDIV	CS	a b T
83	Loznitsa	LOZNITSA	RAZGRAD	CS	a b T

País: CHILE / Land: CHILE / Land: CHILE / Χώρα: ΧΙΛΗ / Country: CHILE / Pays: CHILI / Paese: CILE / Land: CHILI / País: CHILE / Maa: CHILE / Land: CHILE

1	2	3	4	5	6
5	Comercial Mañihuales Ltda	COYHAIQUE	XI REGIÓN	PH-CS	b
8	Comercial Mac Lean Y Cia Ltda	PUERTO NATALES	XII REGIÓN	PH-CS	b

País: HUNGRÍA / Land: UNGARN / Land: UNGARN / Χώρα: ΟΥΤΤΑΡΙΑ / Country: HUNGARY / Pays: HONGRIE / Paese: UNGHERIA / Land: HONGARIJE / País: HUNGRIA / Maa: UNKARI / Land: UNGERN

1	2	3	4	5	6
50	Mavad RT	VECSSES	PEST MEGYE	PH	a b c
68	Oreglaki Vadfeldolgozo Kft	OREGLAK	SOMOGYE MEGYE	PH	a
70	Vadex Mezőföldi Rt. Vadfeldolgozo Uzem	SOPONYA	FEJER MEGYE	PH	a b c
91	FIWI-HUT Kft	TATA.	KOMÁROM MEGYE	PH	a b c
161	Keletvad Termeltető és Keresk. Kft	UJFEHERTO	SZABOLCS SZ. MEGYE	PH	a b c
163	Vadhutóház Kft	ZALAEGRSZEG	ZALA MEGYE	PH	a

País: LITUANIA / Land: LITAUEN / Land: LITAUEN / Χώρα: ΛΙΘΟΥΑΝΙΑ / Country: LITHUANIA / Pays: LITUANIE / Paese: LITUANIA / Land: LITOUWEN / País: LITUÂNIA / Maa: LIETTUA / Land: LITAUEN

1	2	3	4	5	6
62-27	JSC "Viltlit"	MOLAINIAI	PANEVEZYS	PH-CS	a T

País: POLONIA / Land: POLEN / Land: POLEN / Χώρα: ΠΟΛΩΝΙΑ / Country: POLAND / Pays: POLOGNE / Paese: POLONIA / Land: POLEN / País: POLÓNIA / Maa: PUOLA / Land: POLEN

1	2	3	4	5	6
4	PHUP "Konrad Baza Las"	KIELCE	KIELCE	PH	a T
151	Las-An	POZNAN	POZNAN	PH	a T
194w	Zaklad Przetworstwa Dzikizny "Kanwil"	DEBICA	TARNOW	PH	a T
200	Przetwornia Dzikizny "Las"	OLSZTYN	OLSZTYN	PH	a T
225	Zaklad Przetworstwa Miesa Dzikizny "Agno"	BRODNICA	TORUN	PH	a T
239	Zaklad Przetworstwa Dzikizny "Las-Skwierzyna-Gorzów"	SKWIERZYNA	GORZOW	PH	a T
249w	Las Kalisz Sp. z.o.o.	TOMNICE	KALISZ	PH	a T
251	Animex Forest Production	BIALYSTOK	BIALYSTOK	PH	a T
253	Animex Wild Animal Meat Production	BIALOGARD	KOSZALIN	PH	a T
254	Wild-Las-Bochnia	BOCHNIA	TARNOW	PH	a T
259	Opolas	OPOLE	OPOLE	PH	a T
261	Las-Olsztyn	LUBLIN	LUBLIN	PH	a T
263	Wild Sp. z.o.o.	ELK	SUWALKI	PH	a T
264	PPUH "Alces"	TLOKINIA KOSCIELNA	KALISZ	PH	a T
273	Towarzystwo Produkcyjno-Handlowe "Las"	WIESZOWA	KATOWICE	PH	a T
274	Przedsiębiorstwo Handlowe "Wild"	PRZECHELEWO	SLUPSK	PH	a T
279	Baza Eksportowa Dzikizny "Las"	ZARSZYN K/SANOKA	KROSNO	PH	a T

1	2	3	4	5	6
280	Las-Pol	GRUSZCZYN	POZNAN	PH	a T
281	Zakład Przetworstwa Dzikizny "Gregor"	LUBLIN	LUBLIN	PH	a T
284	Baza Eksportu Dzikizny "Biurkom-Flampol"	SZELIGOWO	KOSZALIN	PH	a T
391	LNP Lingenfelder	ZBASZYNEK	GORZOW	PH	a T
600	Agro-Bor Szczecin	GRYFINO	SZOCECIN	PH	a T
788	Hubertus Sp. z.o.o.	DOBRZYCA K/PILY	PILA	PH	a T
950	Hunter wild	WALBRZYCH	WALBRYZCH	PH	a T

País: RUMANÍA / Land: RUMÆNIEN / Land: RUMÄNIEN / Χώρα: ΡΟΥΜΑΝΙΑ / Country: ROMANIA / Pays: ROUMANIE / Paese: ROMANIA / Land: ROEMENIË / País: ROMÉNIA / Maa: ROMANIA / Land: RUMÄNIEN

1	2	3	4	5	6
1	S.C. Carne SA Frigorifer	ARAD	ARAD	PH-CS	a b c T
23	S.C. Scandia SA Frigorifer	SIBIU	SIBIU	PH-CS	a b c T
26	S.C. Carbac SA Frigorifer	BACAU	SIBIU	PH-CS	a b c T
42	S.C. Facos SA Frigorifer	SUCEAVA	SUCEAVA	PH-CS	a b c T
73	S.C. Cominca SA Frigorifer	ORADEA	BIHOR	PH-CS	a b c T

País: ESLOVENIA / Land: SLOVENIEN / Land: SLOWENIEN / Χώρα: ΣΛΟΒΕΝΙΑ / Country: SLOVENIA / Pays: SLOVÉNIE / Paese: SLOVENIA / Land: SLOVENIË / País: ESLOVÉNIA / Maa: SLOVENIA / Land: SLOVENIEN

1	2	3	4	5	6
222	Pomurksa mesna industrija	LENDAVA	MURSKA SOBOTA	PH-CS	a b c T
226	Mercator	LJUBLJANA	LJUBLJANA	PH-CS	a b c T

País: ESLOVAQUIA / Land: SLOVAKIET / Land: SLOWAKEI / Χώρα: ΣΛΟΒΑΚΙΑ / Country: SLOVAKIA / Pays: SLOVAQUIE / Paese: SLOVACCHIA / Land: SLOWAKIJE / País: ESLOVÁQUIA / Maa: SLOVAKIA / Land: SLOVAKIEN

1	2	3	4	5	6
105	Tverex s.r.o.	LUZIANKY	NITRA	PH-CS	a c T
107	Zverex s.r.o. Sala	SALA	SALA	PH-CS	a c T
205	Stredoslovenska Statne lesy	MICHALOVA	BREZNO	CS	a T
303	Podtatranska hydina a.s	KEZMAROK	KEZMAROK	PH-CS	a T

País: SUDÁFRICA / Land: SYDAFRIKA / Land: SÜDAFRIKA / Χώρα: ΝΟΤΙΑ ΑΦΡΙΚΗ / Country:
SOUTH AFRICA / Pays: AFRIQUE DU SUD / Paese: SUDAFRICA / Land: ZUID-AFRIKA / País:
ÁFRICA DO SUL / Maa: ETELÄ-AFRIKKA / Land: SYDAFRIKA

1	2	3	4	5	6
96	S.A Venison (Pty) Ltd	DE AAR		PH	a (1)

(1) Únicamente carne deshuesada — excluidos los despojos / kun udbenet kød — eksklusive slagteaffald / nur entbeintes Fleisch — keine Schlachtnebenerzeugnisse / μόνο κρέας χωρίς κόκκαλα — παραπροϊόντα σφαγίων αποκλείονται / deboned meat only — offals excluded / viande désossée seulement — abats exclus / solamente carni disossate — frattaglie escluse / Uitsluitend uitgebeend vlees — geen slachtafval / unicamente carne desossada — com exclusão das miudezas / vain luuttomaksi leikattua lihaa — ilman sivutuotteita / endast benfritt kött — ej inbegripet slaktbiprodukter

CORRIGENDA**Corrigendum to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed**

(Official Journal of the European Communities, Special Edition 1965-1966)

On page 148, in Article 16 (1) (b), first line:

for: '(b) cereal grain harvested ...',

read: '(b) cereal seed harvested ...'.

Corrigendum to Council Regulation (EC) 1310/97 of 30 June 1997 amending Regulation (EEC) No 4064/89 on the control of concentrations between undertakings

(Official Journal of the European Communities No L 180 of 9 July 1997)

On page 4, in Article 1 (5) (a), second indent:

for: '(c) Without prejudice to paragraph 1 (a), ...',

read: '(c) Without prejudice to paragraph 1a, ...';

and in Article 1 (5) (b), paragraph 1c:

for: '1c. In the cases referred to in paragraph 1 (b), ...',

read: '1c. In the cases referred to in paragraph 1c, ...'.

Corrigendum to Commission Regulation (EC) No 1394/97 of 18 July 1997 establishing projected regional reference amounts and the value of the advance to be made to producers of soya beans, rape seed, colza seed and sunflower seed, for the 1997/98 marketing year

(Official Journal of the European Communities No L 190 of 19 July 1997)

On page 38 in Annex II:

for:

'Nederland:	1	Cereals	7,110	670,04
	2	Cereals	5,060	476,85',

read:

'Nederland:	1	Cereals	7,100	669,10
	2	Cereals	5,000	471,20'.

On page 39 in Annex II:

for:

'Portugal:	Sequeiro	S-C.1	Cereals	1,800	169,63
		S-C.2	Cereals	1,400	131,93
		S-C.3	Cereals	2,500	235,60
		S-C.4	Cereals	4,000	376,96
		S-C.5	Cereals	3,500	329,84
		S-C.6	Cereals	3,000	282,72
		S-C.7	Cereals	1,000	94,24
	Regadio	S-M.1	Cereals	2,000	188,48
		S-A.1	Cereals	3,800	358,11
		R-C.1	Cereals	9,900	932,97
		R-C.2	Cereals	8,400	791,61
		R-C.3	Cereals	4,900	461,77
		R-C.4	Cereals	2,910	274,24
		R-C.5	Cereals	9,000	848,15
		R-C.6	Cereals	7,000	659,67
		R-M.1	Cereals	4,400	414,65',

read:

'Portugal:	Sequeiro	S-C.1	Cereals	1,550	146,07
		S-C.2	Cereals	1,100	103,66
		S-C.3	Cereals	2,150	202,61
		S-C.4	Cereals	3,500	329,84
		S-C.5	Cereals	2,750	259,16
		S-M.1	Cereals	2,000	188,48
		S-A.1	Cereals	3,800	358,11
	Regadio	R-C.1	Cereals	8,500	801,03
		R-C.2	Cereals	7,000	659,67
		R-C.3	Cereals	4,400	414,65
		R-C.4	Cereals	2,400	226,17
		R-C.5	Cereals	7,200	678,52
		R-C.6	Cereals	5,200	490,04
		R-C.7	Cereals	5,800	546,59
		R-C.8	Cereals	4,600	433,50
		R-C.9	Cereals	3,300	310,99
		R-M.1	Cereals	4,400	414,65'.