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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC, EURATOM) No 58/97
of 20 December 1996
concerning structural business statistics

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213 thereof,

Having regard to the draft Regulation submitted by the Commission ⁽¹⁾,

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

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

(1) Whereas in its resolution of 14 November 1989 on internal trade in the context of the internal market ⁽⁴⁾ the Council requested the Commission in particular to improve trade statistics by making them compatible with Community definitions and increasing, as far as necessary, the supply of such statistics to the Statistical Office of the European Communities;

(2) Whereas in Decision 92/326/EEC ⁽⁵⁾ the Council adopted a two-year programme (1992 to 1993) for the development of European statistics on services; whereas this programme includes the compilation of harmonized statistics at national and regional levels, particularly for the distributive trades;

(3) Whereas in its Directive 78/660/EEC ⁽⁶⁾ the Council adopted measures to improve the coordination of national provisions concerning the presentation and content of annual accounts and annual reports, the valuation methods used therein and their publication in respect of certain types of company;

(4) Whereas the Community has, in the mean time, made substantial progress towards integration; whereas new economic, competition, social, environmental and enterprise policies and guidelines call for initiatives and decisions based on valid statistics; whereas the information provided for under existing

Community legislation or available in Member States is insufficient, inadequate or insufficiently comparable to serve as a reliable basis for the work of the Commission;

(5) Whereas by its Decision 93/379/EEC ⁽⁷⁾ the Council adopted a multiannual programme of Community measures to intensify the priority areas and to ensure the continuity and consolidation of policy for enterprise, in particular small and medium-sized enterprises, in the Community; whereas statistics are needed to assess the impact of the measures undertaken to achieve the objectives laid down in the Decision, in particular to have statistics which are comparable for businesses of all sectors, statistics on the national and international subcontracting relations between businesses and improved statistics on small and medium-sized enterprises; whereas these needs must not lead to the imposition of unreasonably onerous reporting requirements on small and medium-sized enterprises;

(6) Whereas in its Decision 93/464/EEC ⁽⁸⁾ the Council adopted a framework programme for priority actions in the field of statistical information for 1993 to 1997;

(7) Whereas there is a need for statistics on business conduct, in particular concerning research, development and innovation, environmental protection, investment, eco-industries, tourism and high-technology industries; whereas the development of the Community and the operation of the internal market increase the need for comparable data on the structure of earnings of employees, the cost of labour and on training;

(8) Whereas there is a need for complete and reliable statistical sources in order to enable a correct application of Council Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonization of the compilation of the gross national product at market prices ⁽⁹⁾;

⁽¹⁾ OJ No C 146, 13. 6. 1995, p. 6.

⁽²⁾ OJ No C 96, 1. 4. 1996, p. 236.

⁽³⁾ OJ No C 236, 11. 9. 1995, p. 61.

⁽⁴⁾ OJ No C 297, 25. 11. 1989, p. 2.

⁽⁵⁾ OJ No L 179, 1. 7. 1992, p. 131.

⁽⁶⁾ OJ No L 222, 14. 8. 1978, p. 11. Directive as last amended by Directive 94/8/EC (OJ No L 82, 25. 3. 1994, p. 33).

⁽⁷⁾ OJ No L 161, 2. 7. 1993, p. 68.

⁽⁸⁾ OJ No L 219, 28. 8. 1993, p. 1.

⁽⁹⁾ OJ No L 49, 21. 2. 1989, p. 26.

- (9) Whereas the compilation of national and regional accounts according to the European system of integrated economic accounts (ESA) requires the development of comparable, complete and reliable statistical sources;
- (10) Whereas there is a need for regional indicators and accounts;
- (11) Whereas, in order to carry out the tasks entrusted to it under the Treaties, especially with regard to the internal market, the Commission must have exhaustive, up-to-date, reliable and comparable information on the structure, activity, competitiveness and performance of enterprises in the Community;
- (12) Whereas standardization is required to meet Community needs for information concerning economic convergence;
- (13) Whereas businesses and their professional associations need such information in order to understand their markets and to compare their activity and performance with those of their competitors, at regional, national and international level;
- (14) Whereas the creation of common statistical standards that permit the production of harmonized data is an action which can only be undertaken efficiently at Community level; whereas such standards will be implemented in each Member State under the authority of the bodies and institutions in charge of compiling official statistics;
- (15) Whereas the best method of ascertaining the structure, activity, competitiveness and performance of enterprises in the Community consists in compiling statistics in accordance with common methodological principles and common definitions of characteristics; whereas it is only from coordinated compilation that harmonized statistics can be drawn up with reliability, speed, flexibility and the level of detail required to meet the needs of the Commission and of enterprises;
- (16) Whereas the definition of kind-of-activity units (KAU) corresponds to one or more operational subdivisions of the enterprise; whereas, for a KAU to be observable, the enterprise's information system must be capable of indicating or calculating for each KAU at least the value of production, intermediate consumption, manpower costs, the operating surplus and employment and gross fixed capital formation; whereas KAUs falling within a particular heading in the statistical classification of economic activities in the European Community (NACE REV. 1) can produce products outside the homogeneous group, on account of secondary activities connected with them which cannot be separately identified from available accounting documents; whereas it can be concluded that the enterprise and the KAU are indetical when it proves impossible for an enterprise to indicate or calculate information on all of the variables listed in this recital for one or more operational subdivisions;
- (17) Whereas the statistical data compiled within a Community system must be of a satisfactory quality and this quality, as well as the burden it entails, must be comparable from one Member State to another; whereas it is therefore necessary to establish jointly the criteria enabling these requirements to be met;
- (18) Whereas it is necessary to simplify the administrative procedures for enterprises, particularly small and medium-sized enterprises, including the promotion of new technologies for data collection and compilation of statistics; whereas it may still be necessary to collect directly from enterprises the data necessary to compile structural business statistics, using methods and techniques which will ensure that they are exhaustive, reliable and up to date, without giving rise for the parties concerned, in particular for small and medium-sized enterprises, to a burden which is disproportionate in relation to the results which users of the statistics can reasonably expect;
- (19) Whereas the signing of the General Agreement on Trade in Services (GATS) has led to a substantial need for information on the size of the signatories' markets and their shares of those markets for the purpose of managing and developing that Agreement;
- (20) Whereas it is necessary to have a legal framework common to all business activities and domains of business statistics covering also the activities and domains for which statistics are not yet developed;
- (21) Whereas Directive No 64/475/EEC⁽¹⁾ and Directive No 72/221/EEC⁽²⁾, which aimed to provide a body of coherent statistics, have not been able to take account of economic and technical changes that have occurred since their adoption and should therefore be repealed;
- (22) Whereas, in order to enable the rules for the collection and statistical processing of data and for processing and transmission of the results to be clarified further, it is necessary to confer on the Commission, assisted by the Statistical Programme Committee set up by Decision 89/382/EEC, Euratom⁽³⁾, the power to adopt measures for the application of this Regulation,
- (¹) Council Directive 64/475/EEC of 30 July 1964 concerning coordinated annual surveys of investment in industry (OJ No L 131, 13. 8. 1964, p. 2193). Directive as last amended by the 1985 Act of Accession.
- (²) Council Directive 72/211/EEC of 6 June 1972 concerning coordinated annual surveys of industrial activity (OJ No L 133, 10. 6. 1972, p. 57). Directive as last amended by the 1985 Act of Accession.
- (³) OJ No L 181, 28. 6. 1989, p. 47.

HAS ADOPTED THIS REGULATION:

Article 1

The objective of this Regulation shall be to establish a common framework for the collection, compilation, transmission and evaluation of Community statistics on the structure, activity, competitiveness and performance of businesses in the Community.

Article 2

The compilation of statistics shall have as its purpose, in particular, to analyse:

- (i) the structure and evolution of the activities of businesses;
- (ii) the factors of production used and other elements allowing business activity, performance and competitiveness to be measured;
- (iii) the regional, national, Community and international development of businesses and markets;
- (iv) business conduct;
- (v) small and medium-sized enterprises;
- (vi) specific characteristics of enterprises related to particular groupings of activities.

Article 3

1. This Regulation shall cover all market activities in Sections C to K and M to O of the statistical classification of economic activities in the European Community (NACE REV. 1).

2. Statistical units of the types listed in Section I of the Annex to Council Regulation (EEC) No 696/93 on the statistical units for the observation and analysis of the production system in the European Community⁽¹⁾ and which are classified under one of the activities referred to in paragraph 1 shall be included in the scope of this Regulation. The use of particular units for the compilation of statistics shall be specified in the Annexes to this Regulation.

Article 4

1. The statistics to be compiled for the areas referred to in Article 2 shall be grouped as modules. The modules shall be defined in the Annexes to this Regulation.

2. The following information shall be laid down in each module:

- (i) the activities for which the statistics are to be compiled, drawn from the coverage indicated in Article 3 (1);

- (ii) the types of statistical unit to be used for the compilation of the statistics, drawn from the list of statistical units referred to in Article 3 (2);
- (iii) lists of characteristics for which statistics are to be compiled for the domains listed in Article 2 and the reference periods for those characteristics;
- (iv) a list of statistics to be compiled on business demography;
- (v) the frequency for the compilation of the statistics, which shall be yearly or multi-yearly. If the compilation is multi-yearly, it shall be done at least once every 10 years;
- (vi) the timetable showing the first reference years for the statistics to be compiled;
- (vii) the standards relating to representativeness and quality evaluation;
- (viii) the period of time from the end of the reference period within which the statistics are to be transmitted;
- (ix) the maximum length of the transitional period which may be conceded.

Article 5

The modules in this Regulation shall be:

- a common module for annual structural statistics defined in Annex 1,
- a detailed module for structural statistics in industry defined in Annex 2,
- a detailed module for structural statistics in trade defined in Annex 3,
- a detailed module for structural statistics in construction defined in Annex 4.

Article 6

1. Member States shall acquire the necessary data for the observation of the characteristics in the lists referred to in the modules in Article 5.

2. Member States may acquire the necessary data using a combination of different sources specified below, applying the principle of administrative simplification:

- compulsory surveys: the legal units, to which the statistical units called on by the Member States belong or of which they are composed, shall be obliged to give accurate and complete information within the prescribed deadlines,
- other sources which are at least equivalent as regards accuracy and quality,
- statistical estimation procedures where some of the characteristics have not been observed for all of the units.

3. In order to reduce response burdens, the national authorities and the Community authority shall, under the limits and the conditions fixed by each Member State and by the Commission in their respective spheres of competence, have access to administrative data sources

⁽¹⁾ OJ No L 76, 30. 3. 1993, p. 1. Regulation as amended by the 1994 Act of Accession.

covering the fields of activity of their own public administrations to the extent that these data are necessary to meet the accuracy requirements referred to in Article 7.

4. Member States and the Commission, within their respective fields of competence, shall promote the conditions for increased use of electronic data transmission and automatic data-processing.

Article 7

1. Member States shall take the necessary measures to ensure that the data transmitted reflect the structure of the population of the statistical units laid down in the Annexes.

2. Quality evaluation shall be carried out comparing the benefits of the availability of the data with the costs of collection and the burden on business, especially on small enterprises.

3. Member States shall transmit to the Commission, at its request, all the information necessary for the evaluation referred to in paragraph 2.

Article 8

1. From the collected and estimated data Member States shall produce comparable results, following the breakdown stipulated for each module in Article 5.

2. In order that Community aggregates may be compiled, Member States will produce component national results according to the levels of NACE REV. 1, laid down in the modules in the Annexes, or determined in accordance with the procedure laid down in Article 13.

Article 9

1. Member States shall transmit the results provided for in Article 8 of this Regulation, including confidential data, to the Statistical Office of the European Communities in accordance with the existing Community provisions on transmission of data subject to statistical confidentiality. These Community provisions shall apply to the treatment of the results, in so far as they include confidential data.

2. The results shall be transmitted in an appropriate technical format and within a period of time from the end of the reference period which shall be laid down for each module referred to in Article 5 and shall be no longer than 18 months. In addition, a small number of estimated preliminary results shall be transmitted within a period of time from the end of the reference period which shall be laid down for each module referred to in Article 5 and shall be no longer than 10 months.

Article 10

Member States shall transmit to the Commission, at its request, any relevant information with regard to the implementation of the Regulation in the Member States.

Article 11

1. During the transitional periods, derogations from the provisions of the Annexes may be accepted in so far as the national statistical systems require major adaptations.

2. A supplementary transitional period may be accorded to a Member State for the compilation of statistics where it is impossible to meet the provisions of this Regulation because of derogations granted pursuant to Council Regulation (EEC) No 2186/93 of 22 July 1993 on Community coordination in drawing up business registers for statistical purposes⁽¹⁾.

3. The obligations under this Regulation shall be fully applied by Member States by the end of the transitional period.

Article 12

The Commission shall determine, under the procedure laid down in Article 13, the procedures for implementing this Regulation including the measures for adjustment to economic and technical developments concerning the collection and statistical processing of data, the processing and the transmission of the results, taking into consideration the principle that the benefits of the measure must outweigh its cost and provided that major additional resources are not involved either for the Member States or for enterprises as compared with the original provisions of this Regulation, in particular:

- (i) the updating of the lists of characteristics, statistics on business demography and preliminary results in so far as such updating, after a quantitative assessment, does not imply an increase in the number of units surveyed nor a burden on the units which is disproportionate to the anticipated results (Articles 4 and 9);
- (ii) the frequency of the compilation of the statistics (Article 4);
- (iii) the definitions of the characteristics and their relevance for certain activities (Article 4);
- (iv) the definition of the reference period (Article 4);
- (v) the first reference year for the compilation of the preliminary results (Article 9);
- (vi) criteria for the evaluation of quality (Article 7);
- (vii) the breakdown of results, in particular the classifications to be used and the combinations of the size classes (Article 8);
- (viii) the appropriate technical format for the transmission of results (Article 9);

⁽¹⁾ OJ No L 196, 5. 8. 1993, p. 1.

- (ix) the updating of the periods of time for the transmission of data (Article 9);
- (x) the transitional period and derogations from the provisions of this Regulation granted during that period (Article 11).

Article 13

1. The Commission shall be assisted by the Statistical Programme Committee established by Decision 89/382/EEC, Euratom.

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

(b) 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 14

1. The Commission shall, within three years of the date of entry into force of this Regulation and again every three years thereafter, submit a report to the European Parliament and the Council on the statistics compiled pursuant to this Regulation and in particular on their quality and the burden on business.

2. In the reports referred to in paragraph 1, the Commission shall propose any amendments it considers necessary.

Article 15

Directives 64/475/EEC and 72/221/EEC shall cease to apply after the transmission of all the data for the 1994 reference year.

Article 16

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

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

Done at Brussels, 20 December 1996.

For the Council

The President

S. BARRETT

ANNEX 1

A COMMON MODULE FOR ANNUAL STRUCTURAL STATISTICS

Section 1

Aims

The aim of this Annex is to establish a common framework for the collection, compilation, transmission and evaluation of Community statistics on the structure, activity, competitiveness and performance of business in the Member States.

Section 2

Scope

The statistics to be compiled relate to the domains referred to in Article 2 (i), (ii) and (iii) of this Regulation, in particular to the analysis of value-added and of its main components.

Section 3

Coverage

1. The statistics are to be compiled for the activities listed in Section 9.
2. Pilot studies are to be conducted for the activities listed in Section 10.

Section 4

Characteristics

1. The lists of characteristics set out below indicate, where relevant, the type of statistical unit for which the statistics are to be compiled.
2. The Commission will, in accordance with the procedure laid down in Article 13 of this Regulation, lay down the corresponding titles of the characteristics for which the statistics are to be compiled on activities in Section J of NACE REV. 1 which correspond most closely to those listed in paragraphs 3 to 5.
3. Yearly demographic statistics:

Code	Title	Comment
11 11 0	Number of enterprises	
11 21 0	Number of local units	

4. Enterprise characteristics for which yearly statistics are to be compiled:

Code	Title	Comment
12 11 0	Turnover	Transmission optional
12 12 0	Production value	
12 14 0	Value-added at basic prices	
12 15 0	Value-added at factor cost	
13 31 0	Personnel costs	
13 11 0	Total purchases of goods and services	
13 12 0	Purchases of goods and services purchased for resale in the same condition as received	
15 11 0	Gross investment in tangible goods	
16 11 0	Number of persons employed	
16 13 0	Number of employees	

5. Characteristics for which yearly regional statistics are to be compiled:

Code	Title	Comment
13 32 0	Wages and salaries	Optional
15 11 0	Gross investment in tangible goods	
16 11 0	Number of persons employed	

6. Pilot studies are to be conducted for the characteristics listed in Section 10.

*Section 5***First reference year**

The first reference year for which statistics are to be compiled is the calendar year 1995.

*Section 6***Report on the quality of statistics**

For each of the characteristics listed in Section 4, point 4, Member States will indicate the degree of precision by reference to a confidence level of 95 %, which the Commission will include in the report provided for in Article 14 of this Regulation, taking account of the application in each Member State of that Article.

*Section 7***Production of results**

1. The results are to be broken down to the level of the groupings of activities listed in Section 9.
2. Some results are also to be broken down into size classes for each group of Sections C to G of NACE REV. 1 and to the level of the groupings listed in Section 9 for the other sections.
3. The results of the regional statistics are to be broken down to NACE REV. 1 2-digit level (divisions) and level II of the nomenclature of territorial units (NUTS).

*Section 8***Transmission of results**

1. The results are to be transmitted within 18 months of the end of the calendar year of the reference period.
2. Preliminary national results or estimates are transmitted within 10 months of the end of the calendar year of the reference period for the enterprise statistics compiled for the characteristics listed below:
12 11 0 (turnover)
16 11 0 (number of persons employed).

These preliminary results are to be broken down to NACE REV. 1 3-digit level (group), except for Sections H, I, J and K of NACE REV. 1, for which they are to be broken down according to the groupings laid down in Section 9.

*Section 9***Groupings of activities**

The following groupings of activities refer to the NACE REV. 1 classification.

SECTIONS C, D, E AND F

Mining and quarrying; manufacturing; electricity, gas and water supply; construction.

To enable Community statistics to be compiled, Member States will transmit component national results broken down to the classes of NACE REV. 1.

SECTION G

Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods.

To enable Community statistics to be compiled, Member States will transmit component national results broken down to the classes of NACE REV. 1.

SECTION H

Hotels and restaurants

- 55.1 + 55.2 'Hotels' and 'Campsites and other provision of short-stay accommodation'
55.3 + 55.4 + 55.5 'Restaurants' and 'Bars' and 'Canteens and catering'

SECTION I

Transport, storage and communication

- 60.1 Transport via railways
60.21 + 60.22 + 60.23 'Other land transport' without 'freight transport by road'
60.24 Freight transport by road
60.3 Transport via pipelines
61.1 Sea and coastal water transport
61.2 Inland water transport
62 Air transport
63.1 + 63.2 + 63.4 'Supporting and auxiliary transport activities' without 'activities of travel agencies and tour operators; tourist assistance activities nec'
63.3 'Activities of travel agencies and tour operators; tourist assistance activities nec'
64.11 National post activities
64.12 Courier activities other than national post activities
64.2 Telecommunications

SECTION J

Financial intermediation

- 65.11 Central banking
65.12 Other monetary intermediation
66.01 Life insurance
66.03 Non-life insurance

SECTION K

Real estate, renting and business activities

- 70 Real estate activities
71.1 + 71.2 'Renting of automobiles' and 'renting of other transport equipment'
71.3 Renting of other machinery and equipment
71.4 Renting of personal and household goods nec
72 Computer-related activities
73 Research and development
74.11 + 74.12 + 74.14 + 74.15 'Legal activities' and 'accounting bookkeeping and auditing activities, tax consultancy' and 'business and management consultancy activities' and 'management activities of holding companies'
74.13 Market research and public opinion polling
74.2 + 74.3 'Architectural and engineering activities and related technical consultancy' and 'Technical testing and analysis'
74.4 Advertising
74.5 Labour recruitment and provision of personnel
74.6 Investigation and security activities
74.7 Industrial cleaning
74.8 Other business activities nec

Section 10

Reports and pilot studies

1. Member States will provide the Commission with a report relating to the definition, structure and availability of information on statistical units which are classified under Group 652, Class 6602, Division 67 and Sections M to O of NACE REV. 1. The Commission will, in accordance with the procedure laid down in Article 13 of this Regulation, institute a series of pilot studies for these activities to be completed by Member States for the 1998 reference year at the latest. These pilot studies will be carried out in order to assess the feasibility of collecting the data necessary for the compilation of results for these activities, taking into account the benefits of the availability of the data in relation to the cost of collection and the burden on business.
2. For the activities listed in Section 9, Member States will provide the Commission with a report relating to the availability of the necessary data for the compilation of results for the following characteristics:

Code	Title	Comment
12 18 0	Financial surplus	Legal persons only
14 11 0	Turnover from intra-Community deliveries of goods and services	
14 12 0	Turnover from extra-Community exports of goods and services	
14 21 0	Intra-Community acquisitions of goods and services	
14 22 0	Extra-Community imports of goods and services	
15 11 0	Gross investment in tangible goods	For regional data only

The Commission will, in accordance with the procedure laid down in Article 13 of this Regulation, institute a series of pilot studies for these characteristics to be completed by Member States for the 1998 reference year at the latest. These pilot studies will be carried out in order to assess the feasibility of collecting the data necessary for the compilation of results for these characteristics, taking into account the benefits of the availability of the data in relation to the cost of collection and the burden on business.

3. For sections G to K of NACE REV. 1, Member States will provide the Commission with a report relating to the availability of the necessary data for the breakdown of results according to the existence or otherwise of a majority control by non-resident enterprises as defined in the GATS. The Commission will, in accordance with the procedure laid down in Article 13 of this Regulation, institute a series of pilot studies for this breakdown to be completed for the 1998 reference year at the latest. These pilot studies will be carried out in order to assess the feasibility of collecting the data necessary for the compilation of results for this breakdown, taking into account the benefits of the data in relation to the costs of collection and the burden on business.
4. The Commission will inform the Council of the possibilities of compiling statistics for the activities, characteristics and breakdowns listed in paragraphs 1, 2 and 3 and will include a recommendation on the addition of some or all of these activities, characteristics and breakdowns to the lists in Sections 4, 7 and 9.

Section 11

Transition period

For the purposes of the common module defined in this Annex, the transitional period will not extend more than four years beyond the first reference years for the compilation of the statistics indicated in Section 5.

*ANNEX 2***A DETAILED MODULE FOR STRUCTURAL STATISTICS IN INDUSTRY***Section 1***Aims**

The aim of this Annex is to establish a common framework for the collection, compilation, transmission and evaluation of Community statistics on the structure, activity, competitiveness and performance of the industry sector.

*Section 2***Scope**

The statistics to be compiled relate to the domains referred to in Article 2 (i), (ii), (iii), (iv) and (v) of this Regulation, in particular to:

- a central list of statistics for a detailed analysis of the structure, activity, performance and competitiveness of industrial activities,
- a further list of statistics for the study of special subjects.

*Section 3***Coverage**

The statistics are to be compiled for all activities classified within the coverage of Sections C, D and E of NACE REV. 1. These sections cover the activities of mining and quarrying (C), manufacturing (D) and electricity, gas and water supply (E). Enterprise statistics will relate to the population of all enterprises classified according to their main activity in Sections C, D and E.

*Section 4***Characteristics**

1. The lists of characteristics and statistics set out below indicate, where relevant, the type of statistical unit for which the statistics are to be compiled and whether they are to be compiled with a yearly or multi-yearly frequency. The statistics and characteristics in *italics* are also included in the lists in the common module.

2. Yearly demographic statistics:

Code	Title	Comment
11 11 0	<i>Number of enterprises</i>	
11 12 0	Number of births of enterprises	
11 13 0	Number of deaths of enterprises	
11 21 0	<i>Number of local units</i>	
11 31 0	Number of kind of activity units	

3. Enterprise characteristics for which yearly statistics are to be compiled:

Code	Title	Comment
12 11 0	<i>Turnover</i>	<i>Transmission optional</i>
12 12 0	<i>Production value</i>	
12 13 0	Gross margin on goods for resale	
12 14 0	<i>Value-added at basic prices</i>	
12 15 0	<i>Value-added at factor cost</i>	
12 17 0	Gross operating surplus	
13 11 0	<i>Total purchases of goods and services</i>	
13 12 0	<i>Purchases of goods and services purchased for resale in the same condition as received</i>	
13 13 1	Payments for agency workers	
13 21 3	Change in stocks of finished products and work in progress manufactured by the unit	
13 32 0	Wages and salaries	Section E excluded
13 33 0	Social security costs	
13 41 1	Payments for long-term rental and operational leasing of goods	
15 12 0	Gross investment in land	
15 13 0	Gross investment in existing buildings and structures	
15 14 0	Gross investment in construction and alteration of buildings	
15 15 0	Gross investment in machinery and equipment	
15 21 0	Sales of tangible investment goods	
15 31 0	Value of tangible goods acquired through financial leasing	
16 11 0	<i>Number of persons employed</i>	
16 13 0	<i>Number of employees</i>	
16 13 1	Number of part-time employees	
16 13 2	Number of apprentices	
16 14 0	Number of employees in full-time equivalent units	
16 15 0	Number of hours worked by employees	
18 11 0	Turnover from the principal activity at the NACE REV. 1 4-digit level	
18 12 0	Turnover from industrial activities	
18 15 0	Turnover from service activities	
18 16 0	Turnover from trading activities of purchase and resale and from intermediary activities	
20 11 0	Purchases of energy products (in value)	
21 11 0	Investment in equipment and plant for pollution control, and special anti-pollution accessories (mainly end-of-pipe equipment)(*)	
22 11 0	Total intramural R&D expenditure (*)	
22 12 0	Total number of R&D personnel (*)	

(*) If the total amount of the turnover and the number of persons employed in a division of NACE REV. 1 Sections C to E normally represent, in a Member State, less than 1 % of the Community total, the information necessary for the compilation of statistics relating to characteristics 21 11 0, 22 11 0 and 22 12 0 need not be collected for the purposes of the Regulation.

If necessary for Community policy requirements, the Commission may, in accordance with the procedure laid down in Article 13 of this Regulation, request *ad hoc* collection of this data.

4. Enterprise characteristics for which multi-yearly statistics are to be compiled:

Code	Title	Comment
15 42 0	Gross investment in concessions, patents, licences, trade marks and similar rights	Optional
15 44 1	Investment in purchased software	
15 44 2	Investment in software produced by the unit	
16 13 5	Number of homeworkers	
		Divisions 17/18/19/21/22/25/28/ 31/32/36
20 21 0	Purchases of hard coal (in value)	Section E excluded
20 22 0	Purchases of coke (in value)	Section E excluded
20 23 0	Purchases of patent fuels (in value)	Section E excluded
20 24 0	Purchases of gas oil (in value)	Section E excluded
20 25 0	Purchases of heavy fuel oil (in value)	Section E excluded
20 26 0	Purchases of other petroleum products (in value)	Section E excluded
20 27 0	Purchases of natural gas (in value)	Section E excluded
20 28 0	Purchases of derived gas (in value)	Section E excluded
20 29 0	Purchases of renewable energy sources (in value)	Section E excluded
20 30 0	Purchases of heat (in value)	Section E excluded
20 31 0	Purchases of electricity (in value)	Section E excluded
23 11 0	Payments to subcontractors	

5. Characteristics for which yearly regional statistics are to be compiled:

Code	Title	Comment
13 32 0	<i>Wages and salaries</i>	
15 11 0	<i>Gross investment in tangible goods</i>	
16 11 0	<i>Number of persons employed</i>	

6. Kind-of-activity unit characteristics for which yearly statistics are to be compiled:

Code	Title	Comment
12 11 0	Turnover	
12 12 0	Product value	
13 32 0	Wages and salaries	
15 11 0	Gross investment in tangible goods	
16 11 0	Number of persons employed	

7. Pilot studies are to be conducted for the characteristics listed in Section 9.

Section 5

First reference year

1. The first reference year for which yearly statistics are to be compiled is the calendar year 1995. The first reference years for the statistics to be compiled with a multi-yearly frequency are specified below for the codes under which the characteristics are listed:

Calendar year 1997:	Codes	20 21 0 to 20 31 0 15 42 0, 15 44 1 and 15 44 2
Calendar year 1999:	Codes	23 11 0
Calendar year 2000:	Codes	16 13 5

2. Multi-yearly statistics are to be compiled at least every five years.

*Section 6***Report on the quality of statistics**

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 14 of this Regulation, taking account of the application in each Member State of that Article. The key characteristics are to be laid down by the Commission in accordance with the procedure laid down in Article 13 of this Regulation.

*Section 7***Production of results**

1. The results are to be broken down to the NACE REV. 1 4-digit level (class).
2. Some results are also to be broken down into size classes and to NACE REV. 1 3-digit level (group).
3. Some results are also to be broken down between public and private sector enterprises and to the NACE REV. 1 3-digit level (group).
4. The results for the statistics compiled from kind-of-activity units are to be broken down to the NACE REV. 1 4-digit level (class).
5. The results for the regional statistics are simultaneously to be broken down to the NACE REV. 1 2-digit level (division) and level II of the nomenclature of territorial units (NUTS).
6. The results for the characteristic 21 11 0 concerning investment for the protection of the environment, are to be compiled for the following groupings of NACE REV. 1:

Section C

Subsection DA

Subsections DB and DC

Subsection DD

Subsection DE

Subsection DF

Subsections DG and DH

Subsection DI

Division 27

Division 28

Subsections DK and DL and DM and DN

Division 40

Division 41

*Section 8***Transmission of results**

The results are to be transmitted within 18 months of the end of the calendar year of the reference period.

Preliminary national results or estimates are transmitted within 10 months of the end of the calendar year of the reference period for the enterprise statistics referred to in Section 4 (3) compiled for the characteristics listed below:

Codes	11 11 0	(Number of enterprises)
	12 11 0	(Turnover)
	12 12 0	(Production value)
	13 11 0	(Total purchases of goods and services)
	13 32 0	(Wages and salaries)
	15 11 0	(Gross investment in tangible goods)
	16 11 0	(Number of persons employed).

These preliminary results are to be broken down to the NACE REV. 1 3-digit level (group).

*Section 9***Reports and pilot studies**

Member States will provide the Commission with a report relating to the availability of the necessary data for the compilation of results for the following characteristics:

Code	Title	Comment
12 16 0	Income from ordinary activities	Legal persons only
12 18 0	Financial surplus	Legal persons only
12 19 0	Gross ordinary surplus	Legal persons only
12 20 0	Profit or loss for the year	Legal persons only
14 11 0	Turnover from intra-Community deliveries of goods and services	
14 12 0	Turnover from extra-Community exports of goods and services	
14 21 0	Intra-Community acquisitions of goods and services	
14 22 0	Extra-Community imports of goods and services	
15 43 0	Marketing expenditure	
15 61 0	Purchases of shares and participating interests	Legal persons only
15 62 0	Sales of shares and participating interests	Legal persons only
21 12 0	Investment in equipment and plant linked to cleaner technology ('integrated technology')	
21 14 0	Total current expenditure on environmental protection	
23 12 0	Income from subcontracting	

The Commission will, in accordance with the procedure laid down in Article 13 of this Regulation, institute a series of pilot studies for these characteristics to be completed by the Member States for the 1998 reference year at the latest. These pilot studies will be carried out in order to assess the feasibility of collecting the data necessary for the compilation of results for these characteristics, taking into account the benefits of the availability of the data in relation to the cost of collection and the burden on business. The Commission will inform the Council of the possibilities of compiling statistics for the characteristics and will submit a recommendation on the addition of some or all of these characteristics to the lists in Section 4.

*Section 10***Transitional period**

For the purposes of the detailed module defined in this Annex, the transitional period will not extend more than four years beyond the first reference years for the compilation of the statistics indicated in Section 5.

ANNEX 3

A DETAILED MODULE FOR STRUCTURAL STATISTICS ON DISTRIBUTIVE TRADES

Section 1

Aims

The aim of this Annex is to establish a common framework for the collection, compilation, transmission and evaluation of Community statistics on the structure, activity, competitiveness and performance of the distributive trade sector.

Section 2

Scope

The statistics to be compiled relate to the domains referred to in Article 2 (i), (ii), (iii) and (vi) of this Regulation, in particular to:

- the structure of the distributive trade network and its evolution,
- distributive activity and forms of selling, as well as patterns of supply and sale.

Section 3

Coverage

1. The statistics are to be compiled for all activities within the coverage of Section G of NACE REV. 1. This sector covers the activities of wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods. Enterprise statistics refer to the population of all enterprises whose main activity is classified in Section G.
2. If the total amount of the turnover and the number of persons employed in a division of NACE REV. 1 Section G normally represent, in a Member State, less than 1 % of the Community total, the information laid down in this Annex which is not in Annex 1 need not be collected for the purposes of the Regulation.
3. If necessary for Community policy requirements, the Commission may, in accordance with the procedure laid down in Article 13 of this Regulation, request *ad hoc* collection of the data referred to in paragraph 2.

Section 4

Characteristics

1. The lists of characteristics and statistics set out below indicate, where relevant, the type of statistical unit for which the statistics are to be compiled and whether they are to be compiled with a yearly or multi-yearly frequency. The statistics and characteristics in *italics* are also included in the common module lists.
2. Yearly demographic statistics:

Code	Title	Comment
	Demographic data	
11 11 0	<i>Number of enterprises</i>	
11 21 0	<i>Number of local units</i>	

3. Enterprise characteristics for which yearly statistics are to be compiled:

Code	Title	Comment
	Accounting data	
12 11 0	<i>Turnover</i>	<i>Optional</i>
12 12 0	<i>Production value</i>	
12 13 0	Gross margin on goods for resale	
12 14 0	<i>Value-added at basic prices</i>	
12 15 0	<i>Value-added at factor costs</i>	
12 17 0	Gross operating surplus	
13 11 0	<i>Total purchases of goods and services</i>	
13 12 0	<i>Purchases of goods and services for resale in the same condition as received</i>	
13 21 0	Change in stocks of goods and services	
13 21 1	Change in stocks of goods and services purchased for resale in the same condition as received	
13 31 0	<i>Personnel costs</i>	
13 32 0	Wages and salaries	
	Data relating to the capital account	
15 11 0	<i>Gross investment in tangible goods</i>	
15 12 0	Gross investment in land	
15 13 0	Gross investment in existing buildings and structures	
15 14 0	Gross investment in construction and alteration of buildings	
15 15 0	Gross investment in machinery and equipment	
15 21 0	Sales of tangible investment goods	
15 31 0	Value of tangible goods acquired through financial leasing	
	Data on employment	
16 11 0	<i>Number of persons employed</i>	
16 13 0	<i>Number of employees</i>	
16 13 1	Number of part-time employees	
	Breakdown of turnover by type of activity	
18 10 0	Turnover from agriculture, forestry, fishing and industrial activities	
18 13 0	Turnover from trading activities of purchase and resale	
18 14 0	Turnover from intermediary activities (agents)	
18 15 0	Turnover from service activities	

4. Enterprise characteristics for which multi-yearly statistics are to be compiled:

Code	Title	Comment
	Information on operating costs other than personnel costs	
13 41 0	Operating costs linked to buildings and equipment	Optional
13 42 0	Cost of selling	Optional
13 43 0	Other operating costs	Optional

Code	Title	Comment
	Information on forms of trading by enterprises	Division 52 only
17 32 0	Number of retail stores	
17 33 0	Category of sales space for retail stores engaged in retail trade	
17 34 0	Number of fixed market stands and/or stalls	
	Breakdown of turnover by product type	
18 21 0	Breakdown of turnover by product (according to Section G of CPA)	
	Information on types of supplier and types of customer	
	Percentage share of turnover by customer type, specifically:	Division 51 only
25 11 1	Resale traders: retail traders	Optional
25 11 2	Professional users (wholesalers, others)	Optional
25 11 3	Final consumers (retail trade activity)	Optional
	Percentage share of purchases by type of supplier, specifically:	Division 52 only
25 21 1	Wholesalers, purchasing groups	Optional
25 21 2	Producers	Optional

5. Characteristics for which yearly regional statistics are to be compiled:

Code	Title	Comment
13 32 0	<i>Wages and salaries</i>	
15 11 0	<i>Gross investment in tangible goods</i>	<i>Optional</i>
16 11 0	<i>Number of persons employed</i>	

6. Characteristics for which multi-yearly regional statistics are to be compiled:

Code	Title	Comment
	Accounting data	
12 11 0	Turnover	Divisions 50 and 52 only
	Information on forms of trading by enterprises	
17 33 1	Sales space	Division 52 only

7. Pilot studies are to be conducted for the characteristics listed in Section 9.

*Section 5***First reference year**

1. The first reference year for which yearly statistics are to be compiled is the calendar year 1995. The first reference years for the statistics to be compiled with a multi-yearly frequency are specified below for each of the divisions of NACE REV. 1 for which the data are to be collected and for the multi-yearly regional statistics:

Division 52:	1997
Division 51:	1998
Regional statistics:	1999
Division 50:	2000

2. The multi-yearly frequency is five years.

*Section 6***Report on the quality of statistics**

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 14 of this Regulation, taking account of the application in each Member State of that Article. The key characteristics are to be determined by the Commission in accordance with the procedure laid down in Article 13 of this Regulation.

*Section 7***Production of results**

1. In order that Community aggregates may be compiled, Member States are to produce component national results broken down to the classes of NACE REV. 1.
2. Some results are also to be broken down into size classes for each NACE REV. 1 group.
3. The regional statistics are simultaneously to be broken down to NACE REV. 1 3-digit level (group) and level II of the nomenclature of territorial units (NUTS).
4. The coverage of regional statistics to be compiled on a multi-yearly basis corresponds to the population of all local units whose main activity is classified in Section G. However, it may be limited to the local units dependent on enterprises classified in Section G of NACE REV. 1 if such a population covers more than 95 % of the total coverage. This ratio is to be calculated using the employment characteristic available in the business register.

*Section 8***Transmission of results**

1. The results are to be transmitted within 18 months of the end of the calendar year of the reference period.
2. Preliminary national results or estimates are to be transmitted within 10 months of the end of the calendar year of the reference period for the enterprise statistics compiled for the characteristics listed below:

12 11 0 (Turnover)

16 11 0 (Number of persons employed).

These preliminary results are to be broken down to NACE REV. 1 3-digit level (group).

*Section 9***Reports and pilot studies**

Member States will provide the Commission with a report relating to the availability of the necessary data for the compilation of results for the following characteristics:

Code	Title	Comment
12 18 0	Financial surplus	Legal persons only
13 41 0	Operating costs linked to buildings and equipment	
13 42 0	Cost of selling	
13 43 0	Other operating costs	
14 11 0	Turnover from intra-Community deliveries of goods and services	
14 12 0	Turnover from extra-Community exports of goods and services	For regional statistics only
14 21 0	Intra-Community acquisitions of goods and services	
14 22 0	Extra-Community imports of goods and services	
15 11 0	Gross investment in tangible goods	
15 41 0	Acquisitions of intangible fixed assets	
17 11 0	Number of enterprises having an association or cooperation agreement with other enterprises	Division 52 only
17 31 0	Information on forms of trading by enterprises	
25 11 1	Resale traders: retail traders	
25 11 2	Professional users (wholesalers, others)	
25 11 3	Final consumers (retail trade activity)	
25 21 1	Wholesalers, purchasing groups	
25 21 2	Producers	

The Commission will, in accordance with the procedure laid down in Article 13 of this Regulation, institute a series of pilot studies for these characteristics to be completed by the Member States for the 1998 reference year at the latest. These pilot studies will be carried out in order to assess the feasibility of collecting the data necessary for the compilation of results for these characteristics, taking into account the benefits of the availability of the data in relation to the cost of collection and the burden on business. The Commission will inform the Council of the possibilities of compiling statistics for these characteristics and will submit a recommendation on the addition of some or all of these characteristics to the lists in Section 4.

*Section 10***Transitional period**

For the purposes of the detailed module defined in this Annex, the transitional period will not extend more than four years beyond the first reference years for the compilation of the statistics indicated in Section 5.

ANNEX 4

A DETAILED MODULE FOR STRUCTURAL STATISTICS IN CONSTRUCTION

Section 1

Aims

The aim of this Annex is to establish a common framework for the collection, compilation, transmission and evaluation of Community statistics on the structure, activity, competitiveness and performance of the construction sector.

Section 2

Scope

The statistics to be compiled relate to the domains referred to in Article 2 (i), (ii), (iii), (iv) and (v) of this Regulation, in particular to:

- a central list of statistics for a detailed analysis of the structure, activity, performance and competitiveness of construction activities,
- a further list of statistics for the study of special subjects.

Section 3

Coverage

1. The statistics are to be compiled for all activities classified within the coverage of Section F of NACE REV. 1. Enterprise statistics will relate to the population of all enterprises classified according to their main activity in Section F.
2. If the total amount of the turnover and the number of persons employed in a division of NACE REV. 1 Section F normally represent, in a Member State, less than 1 % of the European Community total, the information laid down in this Annex which is not in Annex 1 need not be collected for the purposes of this Regulation.
3. If necessary for Community policy requirements, the Commission may, in accordance with the procedure laid down in Article 13 of this Regulation, request *ad hoc* collection of the data referred to in paragraph 2.

Section 4

Characteristics

1. The lists of characteristics and statistics set out below indicate, where relevant, the type of statistical unit for which the statistics are to be compiled and whether they are to be compiled with a yearly or multi-yearly frequency. The statistics and characteristics in italics are also included in the lists in the common module.
2. Yearly demographic statistics:

Code	Title	Comment
11 11 0	<i>Number of enterprises</i>	
11 12 0	Number of births of enterprises	
11 13 0	Number of deaths of enterprises	
11 21 0	<i>Number of local units</i>	

3. Enterprise characteristics for which yearly statistics are to be compiled:

Code	Title	Comment
12 11 0	<i>Turnover</i>	
12 12 0	<i>Production value</i>	
12 13 0	Gross margin on goods for resale	Groups 451 and 452 — optional
12 14 0	<i>Value-added at basic prices</i>	<i>Optional</i>
12 15 0	<i>Value-added at factor cost</i>	
12 17 0	Gross operating surplus	
13 11 0	<i>Total purchases of goods and services</i>	
13 12 0	<i>Purchases of goods and services for resale in the same condition as received</i>	Groups 451 and 452 — optional
13 13 1	Payments for agency workers	
13 21 3	Change in stocks of finished products and work in progress manufactured by the unit	
13 32 0	Wages and salaries	
13 33 0	Social security costs	
13 41 1	Payments for long-term rental and operational leasing of goods	
15 12 0	Gross investment in land	
15 13 0	Gross investment in existing buildings and structures	
15 14 0	Gross investment in construction and alteration of buildings	
15 15 0	Gross investment in machinery and equipment	
15 21 0	<i>Sales of tangible investment goods</i>	
15 31 0	<i>Value of tangible goods acquired through financial leasing</i>	
16 11 0	<i>Number of persons employed</i>	
16 13 0	<i>Number of employees</i>	
16 14 0	Number of employees in full-time equivalent units	
16 15 0	Number of hours worked by employees	
18 11 0	Turnover from the principal activity at the NACE REV. 1 4-digit level	
18 12 1	Turnover from industrial activities excluding construction	
18 12 2	Turnover from construction activities	
18 15 0	Turnover from service activities	
18 16 0	Turnover from trading and intermediary activities	
18 31 0	Turnover from building	Only groups 451 and 452
18 32 0	Turnover from civil engineering	Only groups 451 and 452
20 11 0	Purchases of energy products (in value)	
22 11 0	Total intramural R&D expenditure	
22 12 0	Total number of R&D personnel	

4. Enterprise characteristics for which multi-yearly statistics are to be compiled:

Code	Title	Comment
15 42 0	Gross investment in concessions, patents, licences, trade marks and similar rights	Optional
15 44 1	Investment in purchased software	
15 44 2	Investment in software produced by the unit	Optional
16 13 1	Number of part-time employees	
16 13 2	Number of apprentices	

Code	Title	Comment
20 21 0	Purchases of hard coal (in value)	Optional
20 22 0	Purchases of coke (in value)	Optional
20 23 0	Purchases of patent fuels (in value)	Optional
20 24 0	Purchases of gas oil (in value)	Optional
20 25 0	Purchases of heavy fuel oil (in value)	Optional
20 26 0	Purchases of other petroleum products (in value)	Optional
20 27 0	Purchases of natural gas (in value)	Optional
20 28 0	Purchases of derived gas (in value)	Optional
20 29 0	Purchases of renewable energy sources (in value)	Optional
20 30 0	Purchases of heat (in value)	Optional
20 31 0	Purchases of electricity (in value)	Optional
23 11 0	Payments to subcontractors	
23 12 0	Income from subcontracting	

5. Characteristics for which yearly regional statistics are to be compiled:

Code	Title	Comment
13 32 0	<i>Wages and salaries</i>	<i>Optional</i>
15 11 0	<i>Gross investment in tangible goods</i>	
16 11 0	<i>Number of persons employed</i>	

6. Kind-of-activity unit characteristics for which yearly statistics are to be compiled:

Code	Title	Comment
12 11 0	Turnover	
12 12 0	Production value	
13 32 0	Wages and salaries	
15 11 0	Gross investment in tangible goods	
16 11 0	Number of persons employed	

7. Pilot studies are to be conducted for the characteristics listed in Section 9.

Section 5

First reference year

1. The first reference year for which yearly statistics are to be compiled is the calendar year 1995. The first reference years for the statistics to be compiled with a multi-yearly frequency are specified below for the codes under which the characteristics are listed.

Calendar year 1997	Codes	20 21 0 to 20 31 0 15 42 0, 15 44 1 and 15 44 2
Calendar year 1998	Codes	16 13 1 and 16 13 2
Calendar year 1999	Codes	23 11 0 and 23 12 0

2. Multi-yearly statistics are to be compiled at least every five years.

Section 6

Report on the quality of statistics

For each key characteristic Member States will indicate the degree of precision by reference to a confidence level of 95 % which the Commission will include in the report provided for in Article 14 of this Regulation, taking account of the application in each Member State of that Article. The key characteristics are to be established by the Commission in accordance with the procedure laid down in Article 13 of this Regulation.

Section 7

Production of results

1. The results for the statistics, except for characteristics 22 11 0, 22 12 0, 15 42 0, 15 44 1 and 15 44 2, are to be broken down to NACE REV. 1 4-digit level (class).
The results for characteristics 15 42 0, 15 44 1 and 15 44 2 are to be broken down to NACE REV. 1 3-digit level (group).
The results for characteristics 22 11 0 and 22 12 0 are to be broken down to NACE REV. 1 2-digit level (division).
2. Some results are also to be broken down into size classes and to NACE REV. 1 3-digit level (group).
3. Some results are also to be broken down between public and private sector enterprises and to NACE REV. 1 3-digit level (group).
4. The results for the statistics compiled from kind-of-activity units are to be broken down to NACE REV. 1 4-digit level (class).
5. The results for the regional statistics are to be broken down to NACE REV. 1 2-digit level (divisions) and level II of the nomenclature of territorial units (NUTS).

Section 8

Transmission of results

The results are to be transmitted within 18 months of the end of the calendar year of the reference period.

Preliminary national results or estimates are transmitted within 10 months of the end of the calendar year of the reference period for the enterprise statistics compiled for the characteristics listed below:

Codes	11 11 0	(Number of enterprises)
	12 11 0	(Turnover)
	12 12 0	(Production value)
	13 11 0	(Total purchases of goods and services)
	13 32 0	(Wages and salaries)
	15 11 0	(Gross investment in tangible goods)
	16 11 0	(Number of persons employed)

These preliminary results are to be broken down to NAVE REV. 1 3-digit level (group).

Section 9

Reports and pilot studies

Member States will provide the Commission with a report relating to the availability of the necessary data for the compilation of results for the following characteristics:

Code	Title	Comment
12 16 0	Income from ordinary activities	Legal persons only
12 18 0	Financial surplus	Legal persons only
12 19 0	Gross ordinary surplus	Legal persons only
12 20 0	Profit or loss for the year	Legal persons only
14 11 0	Turnover from intra-Community deliveries of goods and services	
14 12 0	Turnover from extra-Community exports of goods and services	
14 21 0	Intra-Community acquisitions of goods and services	
14 22 0	Extra-Community imports of goods and services	
15 42 0	Gross investment in concessions, patents, licences, trade marks and similar rights	
15 43 0	Marketing expenditure	
15 44 2	Investment in software produced by the unit	
15 61 0	Purchases of shares and participating interests	Legal persons only
15 62 0	Sales of shares and participating interests	Legal persons only

The Commission will, in accordance with the procedure laid down in Article 13 of this Regulation, adopt a series of pilot studies for these characteristics to be completed by the Member States for the 1998 reference year at the latest. These pilot studies will be carried out in order to assess the feasibility of collecting the data necessary for the compilation of results for these characteristics, taking into account the advantages of the availability of the data compared to the cost of collection and the burden on the enterprises. The Commission will inform the Council of the possibilities of compiling statistics for these characteristics and will submit a recommendation on the addition of some or all of these characteristics to the lists in Section 4.

Section 10

Transitional period

For the purposes of the detailed module defined in this Annex, the transitional period will not extend more than four years beyond the first reference years for the compilation of the statistics indicated in Section 5.

COMMISSION REGULATION (EC) No 59/97

of 16 January 1997

concerning aid for the processing of sugar cane into sucrose syrup or agricultural rum in the French overseas departments and amending Regulation (EEC) No 1713/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 19 thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Articles 3 (3), 6 (2) and 12 thereof,

Whereas Article 18 of Regulation (EEC) No 3763/91 provides for the granting of Community aid for the processing of sugar cane into sugar syrup, hereinafter called 'sucrose syrup', or into agricultural rum as defined in Article 1 (4) (a) (2) of Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden; whereas this aid is paid on condition that the sugar cane producer is paid a minimum price to be determined and up to the limit of an overall quantity corresponding to the average quantity of agricultural rum sold during the three marketing years 1987/88, 1988/89 and 1989/90 and of a maximum annual quantity of 250 tonnes of sucrose syrup;

Whereas the second paragraph of Article 19 of Regulation (EEC) No 3763/91 provides that when the relevant detailed rules of application are adopted account will be taken in particular of the production objectives within the context of the arrangements applicable to sugar and of the supply requirements of the French overseas departments;

Whereas a minimum price for sugar cane should be laid down which takes into account the reference price for

sugar cane intended for the production of sugar applicable in the department in question and provision should also be made for a system to reduce, where appropriate, the quantities of rum or sucrose syrup eligible for aid so as to ensure that the overall quantity limit laid down by Article 18 (2) of Regulation (EEC) No 3763/91 is observed; whereas a regular review of the situation, particularly as regards the trend in sugar prices, should be provided for; whereas sucrose syrup, which is not a sugar product within the meaning of Articles 26 to 29 of Council Regulation (EEC) No 1785/81⁽⁶⁾, as last amended by Regulation (EC) No 1599/96⁽⁷⁾, should be defined;

Whereas provisions should be laid down in respect of aid unduly paid out;

Whereas Regulation (EC) No 2598/95, amending Regulation (EEC) No 3763/91, entered into force at the end of October 1995;

Whereas, now that the aid scheme is being extended to production of sucrose syrup, Commission Regulation (EEC) No 1488/92⁽⁸⁾, as amended by Regulation (EC) No 260/96⁽⁹⁾, setting out rules for its application should for clarity be repealed and replaced by the present Regulation; whereas it is also necessary to amend Commission Regulation (EEC) No 1713/93⁽¹⁰⁾, as last amended by Regulation (EC) No 2926/94⁽¹¹⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Aid for the direct processing of sugar cane into sucrose syrup or agricultural rum as provided for in Article 18 of Regulation (EEC) No 3763/91 may be paid in accordance with the terms of this Regulation to any sucrose syrup manufacturer or distiller:

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 160, 12. 6. 1989, p. 1.

⁽⁶⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁷⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽⁸⁾ OJ No L 156, 10. 6. 1992, p. 10.

⁽⁹⁾ OJ No L 34, 13. 2. 1996, p. 16.

⁽¹⁰⁾ OJ No L 159, 1. 7. 1993, p. 94.

⁽¹¹⁾ OJ No L 307, 1. 12. 1994, p. 56.

(a) whose plant is located in one of the French overseas departments;

and

(b) who produces directly from cane harvested in the same French overseas department:

— sucrose syrup of less than 75 % purity used in the manufacture of aperitifs,

or

— agricultural rum as defined in Article 1 (4) (a) (2) of Regulation (EEC) No 1576/89.

2. Aid shall be paid out each year for the quantities of sugar cane processed directly into sucrose syrup or agricultural rum for which the sucrose syrup manufacturer or distiller shows proof that he has paid the sugar cane producers in question the minimum price referred to in Article 2. This last condition shall not apply in the case of the manufacturer or distiller's own sugar cane production.

3. The aid shall be:

(a) for sucrose syrup ECU 9 per 100 kilograms of sugar expressed as white sugar;

(b) for agricultural rum ECU 64,22 per hectolitre of pure alcohol produced.

4. So that permanent account can be taken of production objectives in management of the sugar market in relation to both the prices set for each sugar marketing year and the supply trend in the French overseas departments, the situation shall be regularly reviewed and any necessary adjustments shall be made.

Article 2

1. The minimum price referred to in the second subparagraph of Article 18 (1) of Regulation (EEC) No 3763/91 shall be the reference price applied by the French overseas department in question to the purchase of sugar cane used for sugar production in that department. The minimum price shall apply to cane of sound, fair and merchantable quality, of standard sugar content. The delivery stage shall be determined by agreement between the sugar cane producer and the syrup manufacturer or distiller.

2. The standard sugar content and the scale of increases and reductions to be applied to the minimum price when the sugar content of the cane differs from the standard sugar content shall be adopted by the competent authority designated by France on the proposal of a joint committee of distillers or syrup manufacturers and sugar cane producers.

Article 3

1. Proof that the minimum price has been paid to the sugar cane producer shall be established by a certificate

drawn up on unstamped paper by the syrup manufacturer or distiller. It shall show:

(a) the name of the syrup manufacturer or distiller;

(b) the name of the sugar cane producer;

(c) the total quantities of sugar cane for which the minimum price determined for the calendar year in question has been paid and which have been delivered to the syrup factory or distillery by the producer in question during that calendar year;

(d) the quality of the product for which the minimum price is paid.

2. The certificate shall be signed by the sugar cane producer and the syrup manufacturer or distiller.

3. The syrup manufacturer or distiller shall keep the original of the certificate. A copy shall be sent to the sugar cane producer.

4. A syrup manufacturer or distiller using his own sugar cane production shall keep separate stock records for that cane.

Article 4

1. The overall quantity referred to in Article 18 (2) of Regulation (EEC) No 3763/91 shall be 75 600 hectolitres of agricultural rum expressed as pure alcohol.

2. When the sum of the quantities for which aid is requested is greater in a given calendar year than, as appropriate, the quantity of rum referred to in paragraph 1 or the quantity of sucrose syrup referred to in the first indent of Article 18 (2) of Regulation (EEC) No 3763/91, a standard percentage reduction shall be applied to each application in respect of the product in question.

3. Nevertheless, France may allocate the quantity of rum referred to in paragraph 1 by department on the basis of the average quantity of agricultural rum sold by each department during the three marketing years 1987/88, 1988/89 and 1989/90. If the overall quantities for which aid is requested are exceeded, the percentage reductions may be differentiated by department.

4. Applications for aid shall be submitted to the competent authorities designated by France.

Article 5

France shall take all the additional measures necessary to implement this Regulation, particularly those relating to submission of applications for aid, inspection of the supporting documents required under Article 3 and checks on the quantities of sucrose syrup and agricultural rum produced.

Article 6

France shall notify to the Commission:

- (a) within three months following entry into force of this Regulation, the additional measures adopted pursuant to Article 5;
- (b) within 45 working days of the end of each calendar year:

- the total quantities of sucrose syrup and agricultural rum for which aid has been requested, expressed as white sugar or hectolitres of pure alcohol,
- the factories and distilleries in receipt of aid,
- the aid received and quantity of sucrose syrup or agricultural rum produced by each factory or distillery.

Article 7

Point XVI(b) of the Annex to Regulation (EEC) No 1713/93 is replaced by:

'b) Aid granted pursuant to Article 18 of Regulation (EEC) No 3763/91 for direct processing of sugar cane in the French overseas departments into:

— sucrose syrup:

rate applicable on the day the cane is processed into sucrose syrup,

— agricultural rum:

rate applicable on the day the cane juice is distilled.'

Article 8

1. Where aid has been paid out unduly, the competent French authorities shall recover the sums paid out, with interest from the date on which the aid was paid out to that on which it is actually recovered. The rate of interest shall be that in force for similar recovery operations under national law.

2. The aid recovered shall be made over to the relevant paying departments and the Community contribution to it deducted by them from the expenditure financed by the European Agricultural Guidance and Guarantee Fund.

Article 9

Regulation (EEC) No 1488/92 is hereby repealed.

Article 10

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

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

Done at Brussels, 16 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 60/97

of 16 January 1997

amending Regulation (EEC) No 1859/82 concerning the selection of returning holdings for the purpose of determining incomes of agricultural holdings

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

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community⁽¹⁾, as last amended by Regulation (EC) No 2801/95⁽²⁾, and in particular Articles 4 (4) and 6 (2) thereof,

Whereas Article 3 of Commission Regulation (EEC) No 1859/82⁽³⁾, as last amended by Regulation (EC) No 1381/96⁽⁴⁾, fixes the number of returning holdings to be selected in each division for each accounting year; whereas, in order to cover the field of survey better as regards agricultural holdings in Italy and Finland, the number of returning holdings to be selected in each division in the abovementioned Member States should be fixed for the 1997 and subsequent accounting years; whereas Annex I to Regulation (EEC) No 1859/82 should therefore be amended;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Community Committee on the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

The tables relating to Italy and Finland in Annex I to Regulation (EEC) No 1859/82 are hereby replaced by those in the Annex hereto.

Article 2

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

It shall apply from the 1997 accounting year.

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

Done at Brussels, 16 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 109, 23. 6. 1965, p. 1859/65.

⁽²⁾ OJ No L 291, 6. 12. 1995, p. 3.

⁽³⁾ OJ No L 205, 13. 7. 1982, p. 5.

⁽⁴⁾ OJ No L 179, 18. 7. 1996, p. 6.

ANNEX

NUMBER OF RETURNING HOLDINGS BY DIVISION

Reference number	Name of division	Number of returning holdings (1997 accounting year onwards)
	ITALY	
221	Valle d'Aosta	367
222	Piemonte	1 110
230	Lombardia	917
241	Trentino	404
242	Alto Adige	404
243	Veneto	1 589
244	Friuli-Venezia Giulia	795
250	Liguria	590
260	Emilia-Romagna	914
270	Toscana	620
281	Marche	951
282	Umbria	668
291	Lazio	931
292	Abruzzo	882
301	Molise	445
302	Campania	748
303	Calabria	911
311	Puglia	1 013
312	Basilicata	1 138
320	Sicilia	1 350
330	Sardegna	1 253
Total Italy		18 000

Reference number	Name of division	Number of returning holdings (1997 accounting year onwards)
	FINLAND	
670	Etelä-Suomi	581
680	Sisä-Suomi	272
690	Pohjanmaa	277
700	Pohjois-Suomi	170
Total Finland		1 300

COMMISSION REGULATION (EC) No 61/97
of 16 January 1997
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 1875/96 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 247, 28. 9. 1996, p. 36.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽³⁾, as last amended by Regulation (EEC) No 222/88⁽⁴⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within

the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 17 January 1997.

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

Done at Brussels, 16 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

ANNEX

to the Commission Regulation of 16 January 1997 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0401 10 10 9000	+	4,748	0402 21 99 9600	+	131,29
0401 10 90 9000	+	4,748	0402 21 99 9700	+	137,24
0401 20 11 9100	+	4,748	0402 21 99 9900	+	143,96
0401 20 11 9500	+	7,340	0402 29 15 9200	+	0,6300
0401 20 19 9100	+	4,748	0402 29 15 9300	+	0,9530
0401 20 19 9500	+	7,340	0402 29 15 9500	+	1,0040
0401 20 91 9100	+	9,775	0402 29 15 9900	+	1,0802
0401 20 91 9500	+	11,39	0402 29 19 9200	+	0,6300
0401 20 99 9100	+	9,775	0402 29 19 9300	+	0,9530
0401 20 99 9500	+	11,39	0402 29 19 9500	+	1,0040
0401 30 11 9100	+	14,62	0402 29 19 9900	+	1,0802
0401 30 11 9400	+	22,55	0402 29 91 9100	+	1,0878
0401 30 11 9700	+	33,87	0402 29 91 9500	+	1,1851
0401 30 19 9100	+	14,62	0402 29 99 9100	+	1,0878
0401 30 19 9400	+	22,55	0402 29 99 9500	+	1,1851
0401 30 19 9700	+	33,87	0402 91 11 9110	+	4,748
0401 30 31 9100	+	40,34	0402 91 11 9120	+	9,775
0401 30 31 9400	+	63,00	0402 91 11 9310	+	14,00
0401 30 31 9700	+	69,47	0402 91 11 9350	+	17,15
0401 30 39 9100	+	40,34	0402 91 11 9370	+	20,85
0401 30 39 9400	+	63,00	0402 91 19 9110	+	4,748
0401 30 39 9700	+	69,47	0402 91 19 9120	+	9,775
0401 30 91 9100	+	79,18	0402 91 19 9310	+	14,00
0401 30 91 9400	+	116,37	0402 91 19 9350	+	17,15
0401 30 91 9700	+	135,80	0402 91 19 9370	+	20,85
0401 30 99 9100	+	79,18	0402 91 31 9100	+	19,31
0401 30 99 9400	+	116,37	0402 91 31 9300	+	24,65
0401 30 99 9700	+	135,80	0402 91 39 9100	+	19,31
0402 10 11 9000	+	63,00	0402 91 39 9300	+	24,65
0402 10 19 9000	+	63,00	0402 91 51 9000	+	22,55
0402 10 91 9000	+	0,6300	0402 91 59 9000	+	22,55
0402 10 99 9000	+	0,6300	0402 91 91 9000	+	79,18
0402 21 11 9200	+	63,00	0402 91 99 9000	+	79,18
0402 21 11 9300	+	95,30	0402 99 11 9110	+	0,0475
0402 21 11 9500	+	100,40	0402 99 11 9130	+	0,0978
0402 21 11 9900	+	108,00	0402 99 11 9150	+	0,1336
0402 21 17 9000	+	63,00	0402 99 11 9310	+	16,14
0402 21 19 9300	+	95,30	0402 99 11 9330	+	19,37
0402 21 19 9500	+	100,40	0402 99 11 9350	+	25,75
0402 21 19 9900	+	108,00	0402 99 19 9110	+	0,0475
0402 21 91 9100	+	108,78	0402 99 19 9130	+	0,0978
0402 21 91 9200	+	109,53	0402 99 19 9150	+	0,1336
0402 21 91 9300	+	110,88	0402 99 19 9310	+	16,14
0402 21 91 9400	+	118,51	0402 99 19 9330	+	19,37
0402 21 91 9500	+	121,15	0402 99 19 9350	+	25,75
0402 21 91 9600	+	131,29	0402 99 31 9110	+	0,2094
0402 21 91 9700	+	137,24	0402 99 31 9150	+	26,81
0402 21 91 9900	+	143,96	0402 99 31 9300	+	0,4034
0402 21 99 9100	+	108,78	0402 99 31 9500	+	0,6947
0402 21 99 9200	+	109,53	0402 99 39 9110	+	0,2094
0402 21 99 9300	+	110,88	0402 99 39 9150	+	26,81
0402 21 99 9400	+	118,51	0402 99 39 9300	+	0,4034
0402 21 99 9500	+	121,15			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0402 99 39 9500	+	0,6947	0404 90 29 9160	+	136,02
0402 99 91 9000	+	0,7918	0404 90 29 9180	+	142,66
0402 99 99 9000	+	0,7918	0404 90 81 9100	+	0,6194
0403 10 11 9400	+	4,748	0404 90 81 9910	+	0,0475
0403 10 11 9800	+	7,340	0404 90 81 9950	+	16,00
0403 10 13 9800	+	9,775	0404 90 83 9110	+	0,6194
0403 10 19 9800	+	14,62	0404 90 83 9130	+	0,9445
0403 10 31 9400	+	0,0475	0404 90 83 9150	+	0,9950
0403 10 31 9800	+	0,0734	0404 90 83 9170	+	1,0703
0403 10 33 9800	+	0,0978	0404 90 83 9911	+	0,0475
0403 10 39 9800	+	0,1462	0404 90 83 9913	+	0,0978
0403 90 11 9000	+	61,94	0404 90 83 9915	+	0,1462
0403 90 13 9200	+	61,94	0404 90 83 9917	+	0,2255
0403 90 13 9300	+	94,45	0404 90 83 9919	+	0,3387
0403 90 13 9500	+	99,50	0404 90 83 9931	+	16,00
0403 90 13 9900	+	107,03	0404 90 83 9933	+	19,20
0403 90 19 9000	+	107,83	0404 90 83 9935	+	25,52
0403 90 31 9000	+	0,6194	0404 90 83 9937	+	26,55
0403 90 33 9200	+	0,6194	0404 90 89 9130	+	1,0783
0403 90 33 9300	+	0,9445	0404 90 89 9150	+	1,1746
0403 90 33 9500	+	0,9950	0404 90 89 9930	+	0,4843
0403 90 33 9900	+	1,0703	0404 90 89 9950	+	0,6947
0403 90 39 9000	+	1,0783	0404 90 89 9990	+	0,7918
0403 90 51 9100	+	4,748	0405 10 11 9500	+	185,37
0403 90 51 9300	+	7,340	0405 10 11 9700	+	190,00
0403 90 53 9000	+	9,775	0405 10 19 9500	+	185,37
0403 90 59 9110	+	14,62	0405 10 19 9700	+	190,00
0403 90 59 9140	+	22,55	0405 10 30 9100	+	185,37
0403 90 59 9170	+	33,87	0405 10 30 9300	+	190,00
0403 90 59 9310	+	40,34	0405 10 30 9500	+	185,37
0403 90 59 9340	+	63,00	0405 10 30 9700	+	190,00
0403 90 59 9370	+	69,47	0405 10 50 9100	+	185,37
0403 90 59 9510	+	79,18	0405 10 50 9300	+	190,00
0403 90 59 9540	+	116,37	0405 10 50 9500	+	185,37
0403 90 59 9570	+	135,80	0405 10 50 9700	+	190,00
0403 90 61 9100	+	0,0475	0405 10 90 9000	+	196,95
0403 90 61 9300	+	0,0734	0405 20 90 9500	+	173,78
0403 90 63 9000	+	0,0978	0405 20 90 9700	+	180,73
0403 90 69 9000	+	0,1462	0405 90 10 9000	+	240,00
0404 90 21 9100	+	61,94	0405 90 90 9000	+	190,00
0404 90 21 9910	+	4,748	0406 10 20 9100	+	—
0404 90 21 9950	+	13,87	0406 10 20 9230	037	—
0404 90 23 9120	+	61,94		039	—
0404 90 23 9130	+	94,45		099	24,03
0404 90 23 9140	+	99,50		400	24,72
0404 90 23 9150	+	107,03		...	36,05
0404 90 23 9911	+	4,748	0406 10 20 9290	037	—
0404 90 23 9913	+	9,775		039	—
0404 90 23 9915	+	14,62		099	22,36
0404 90 23 9917	+	22,55		400	22,99
0404 90 23 9919	+	33,87		...	33,54
0404 90 23 9931	+	13,87		037	—
0404 90 23 9933	+	17,00		039	—
0404 90 23 9935	+	20,66		099	9,820
0404 90 23 9937	+	24,43		400	11,78
0404 90 23 9939	+	25,54		...	14,73
0404 90 29 9110	+	107,83	0406 10 20 9300	037	—
0404 90 29 9115	+	108,54		039	—
0404 90 29 9120	+	109,89		099	—
0404 90 29 9130	+	117,46		400	—
0404 90 29 9135	+	120,05		...	—
0404 90 29 9150	+	130,11			—

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 10 20 9610	037	—	0406 20 90 9990	+	—
	039	—	0406 30 31 9710	037	—
	099	41,70		039	—
	400	50,04		099	12,55
	...	62,55		400	12,55
0406 10 20 9620	037	—		...	18,82
	039	—	0406 30 31 9730	037	—
	099	45,73		039	—
	400	54,87		099	18,41
	...	68,59		400	18,41
0406 10 20 9630	037	—		...	27,62
	039	—	0406 30 31 9910	037	—
	099	51,63		039	—
	400	61,95		099	12,55
	...	77,44		400	12,55
0406 10 20 9640	037	—		...	18,82
	039	—	0406 30 31 9930	037	—
	099	60,59		039	—
	400	72,70		099	18,41
	...	90,88		400	18,41
0406 10 20 9650	037	—		...	27,62
	039	—	0406 30 31 9950	037	—
	099	63,07		039	—
	400	38,26		099	26,79
	...	94,61		400	26,79
0406 10 20 9660	+	—		...	40,18
0406 10 20 9830	037	—	0406 30 39 9500	037	—
	039	—		039	—
	099	16,77		099	18,41
	400	20,12		400	18,41
	...	25,15		...	27,62
0406 10 20 9850	037	—	0406 30 39 9700	037	—
	039	—		039	—
	099	20,33		099	26,79
	400	24,39		400	26,79
	...	30,49		...	40,18
0406 10 20 9870	+	—	0406 30 39 930	037	—
0406 10 20 9900	+	—		039	—
0406 20 90 9100	+	—		099	26,79
0406 20 90 9913	037	—		400	26,79
	039	—		...	40,18
	099	39,59	0406 30 39 9950	037	—
	400	47,50		039	—
	...	59,38		099	31,78
0406 20 90 9915	037	—		400	31,78
	039	—		...	47,66
	099	52,78	0406 30 90 9000	037	—
	400	63,34		039	—
	...	79,17		099	31,78
0406 20 90 9917	037	—		400	31,78
	039	—		...	47,66
	099	56,07	0406 40 50 9000	037	—
	400	67,29		039	—
	...	84,11		099	58,96
0406 20 90 9919	037	—		400	49,60
	039	—		...	88,44
	099	62,67			
	400	75,21			
	...	94,01			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 40 90 9000	037	—	0406 90 33 9151	037	—
	039	—		039	—
	099	58,96		099	42,01
	400	49,60		400	32,34
	...	88,44		...	63,02
0406 90 13 9000	037	—	0406 90 33 9919	037	—
	039	—		039	—
	099	68,69		099	39,83
	400	97,72		400	30,57
	...	103,03		...	59,74
0406 90 15 9100	037	—	0406 90 33 9951	037	—
	039	—		039	—
	099	72,30		099	39,08
	400	102,86		400	30,08
	...	108,45		...	58,62
0406 90 17 9100	037	—	0406 90 35 9190	037	30,47
	039	—		039	30,47
	099	68,69		099	75,47
	400	97,72		400	79,25
	...	103,03		...	113,21
0406 90 21 9900	037	—	0406 90 35 9990	037	—
	039	—		039	—
	099	70,69		099	57,56
	400	66,96		400	60,44
	...	106,04		...	86,34
0406 90 23 9900	037	—	0406 90 37 9000	037	—
	039	—		039	—
	099	48,04		099	74,25
	400	27,93		400	102,86
	...	72,06		...	111,38
0406 90 25 9900	037	—	0406 90 61 9000	037	42,75
	039	—		039	42,75
	099	58,34		099	82,02
	400	31,81		400	86,12
	...	87,51		...	123,03
0406 90 27 9900	037	—	0406 90 63 9100	037	39,07
	039	—		039	39,07
	099	48,04		099	67,25
	400	27,93		400	100,88
	...	72,06		...	100,88
0406 90 31 9119	037	—	0406 90 63 9900	037	31,07
	039	—		039	31,07
	099	45,07		099	46,62
	400	34,60		400	69,93
	...	67,61		...	69,93
0406 90 31 9151	037	—	0406 90 69 9100	+	—
	039	—	0406 90 69 9910	037	—
	099	42,01		039	—
	400	32,34		099	51,51
	...	63,02		400	77,27
0406 90 33 9119	037	—		...	77,27
	039	—	0406 90 73 9900	037	—
	099	45,07		039	—
	400	34,60		099	70,37
	...	67,61		400	73,89
				...	105,56

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 75 9900	037	—	0406 90 85 9995	037	—
	039	—		039	—
	099	58,71		099	59,92
	400	33,48		400	31,81
	...	88,06		...	89,88
0406 90 76 9100	037	—	0406 90 85 9999	+	—
	039	—		+	—
	099	43,06		0406 90 86 9100	—
	400	27,27		0406 90 86 9200	—
	...	64,59		039	—
0406 90 76 9300	037	—	0406 90 86 9300	099	39,59
	039	—		400	41,57
	099	52,73		...	59,38
	400	30,26		037	—
	...	79,09		039	—
0406 90 76 9500	037	—	0406 90 86 9400	099	43,39
	039	—		400	45,56
	099	52,73		...	65,08
	400	34,92		037	—
	...	79,09		039	—
0406 90 78 9100	037	—	0406 90 86 9900	099	49,09
	039	—		400	51,54
	099	43,06		...	73,63
	400	27,27		037	—
	...	64,59		039	—
0406 90 78 9300	037	—	0406 90 87 9100	099	57,63
	039	—		400	60,52
	099	52,73		...	86,45
	400	30,26		+	—
	...	79,09		0406 90 87 9200	—
0406 90 78 9500	037	—	0406 90 87 9300	039	—
	039	—		099	36,61
	099	52,73		400	38,44
	400	34,92		...	54,92
	...	79,09		037	—
0406 90 79 9900	037	—	0406 90 87 9400	039	—
	039	—		099	40,13
	099	53,45		400	42,13
	400	28,91		...	60,19
	...	80,17		037	—
0406 90 81 9900	037	—	0406 90 87 9951	039	—
	039	—		099	66,49
	099	57,56		400	69,82
	400	60,44		...	99,74
	...	86,34		037	—
0406 90 85 9910	037	30,47	0406 90 87 9971	039	—
	039	30,47		099	55,36
	099	75,47		400	51,74
	400	79,25		...	83,04
	...	113,21			
0406 90 85 9991	037	—			
	039	—			
	099	57,56			
	400	60,44			
	...	86,34			

Product code	Destination (*)	Amount of refund	Product code	Destination (*)	Amount of refund
0406 90 87 9972	099	21,09	2309 10 19 9100	+	—
	400	20,55	2309 10 19 9200	+	—
	...	31,64	2309 10 19 9300	+	—
0406 90 87 9973	037	—	2309 10 19 9400	+	—
	039	—	2309 10 19 9500	+	—
	099	55,36	2309 10 19 9600	+	—
	400	36,22	2309 10 19 9700	+	—
	...	83,04	2309 10 19 9800	+	—
0406 90 87 9974	037	—	2309 10 70 9010	+	—
	039	—	2309 10 70 9100	+	14,58
	099	55,36	2309 10 70 9200	+	19,44
	400	36,22	2309 10 70 9300	+	24,30
	...	83,04	2309 10 70 9500	+	29,16
0406 90 87 9979	037	—	2309 10 70 9600	+	34,02
	039	—	2309 10 70 9700	+	38,88
	099	55,36	2309 10 70 9800	+	42,77
	400	36,22	2309 90 35 9010	+	—
	...	83,04	2309 90 35 9100	+	—
0406 90 88 9100	+	—	2309 90 35 9200	+	—
0406 90 88 9105	037	—	2309 90 35 9300	+	—
	039	—	2309 90 35 9400	+	—
	099	43,39	2309 90 35 9500	+	—
	400	45,56	2309 90 35 9700	+	—
	...	65,08	2309 90 39 9010	+	—
0406 90 88 9300	037	—	2309 90 39 9100	+	—
	039	—	2309 90 39 9200	+	—
	099	43,39	2309 90 39 9300	+	—
	400	45,56	2309 90 39 9400	+	—
	...	65,08	2309 90 39 9500	+	—
2309 10 15 9010	+	—	2309 90 39 9600	+	—
2309 10 15 9100	+	—	2309 90 39 9700	+	—
2309 10 15 9200	+	—	2309 90 39 9800	+	—
2309 10 15 9300	+	—	2309 90 70 9010	+	—
2309 10 15 9400	+	—	2309 90 70 9100	+	14,58
2309 10 15 9500	+	—	2309 90 70 9200	+	19,44
2309 10 15 9700	+	—	2309 90 70 9300	+	24,30
2309 10 19 9010	+	—	2309 90 70 9500	+	29,16
			2309 90 70 9600	+	34,02
			2309 90 70 9700	+	38,88
			2309 90 70 9800	+	42,77

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

However, '099' covers all destination codes from 053 to 096 inclusive.

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

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

COMMISSION REGULATION (EC) No 62/97
of 16 January 1997
temporarily suspending the issuing of export licences in the wine sector

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

Having regard to Commission Regulation (EC) No 1685/95 of 10 July 1995 on arrangements for issuing export licences for wine sector products and amending Regulation (EEC) No 3388/81 laying down special detailed rules in respect of import and export licences in the wine sector⁽¹⁾, as last amended by Regulation (EC) No 2807/95⁽²⁾, and in particular Article 3 (4) thereof,

Whereas under Article 55 (7) of Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine⁽³⁾, as amended by Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the Agreements concluded during the Uruguay Round of multilateral trade negotiations⁽⁴⁾, export refunds are granted for products in the wine sector only within the limits on volumes and expenditure laid down in those Agreements;

Whereas Article 3 of Regulation (EC) No 1685/95 lays down the conditions in which special measures may be taken by the Commission to avoid early exhaustion of the annual quantity commitment provided for under the Agreement;

Whereas on the basis of information available to the Commission on 15 January 1997 concerning applications for export licences, it appears that there is a serious risk that the quantity provided for in the Agreement will shortly be exhausted; whereas it is necessary to avoid a volume of applications likely to lead to a distortion in competition between operators and to threaten the continuity of exports during the remainder of the year; whereas, consequently, applications for which licences have not yet been granted should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences with advance fixing of refunds in the wine sector lodged from 8 January 1997 to 16 January 1997 shall be rejected.

Article 2

This Regulation shall enter into force on 17 January 1997.

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

Done at Brussels, 16 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 161, 12. 7. 1995, p. 2.

⁽²⁾ OJ No L 291, 6. 12. 1995, p. 18.

⁽³⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁴⁾ OJ No L 349, 31. 12. 1994, p. 105.

COMMISSION REGULATION (EC) No 63/97

of 16 January 1997

establishing the standard import values for determining the entry price of
certain fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2375/96⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third

countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 January 1997.

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

Done at Brussels, 16 January 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 16 January 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
0702 00 15	052	41,9
	204	53,4
	212	113,8
	404	37,5
	624	211,7
	999	91,7
0707 00 10	053	198,8
	624	130,5
	999	164,7
0709 10 10	220	174,4
	999	174,4
0709 90 71	052	133,1
	053	197,1
	204	146,3
	999	158,8
0805 10 01, 0805 10 05, 0805 10 09	052	44,0
	204	43,4
	212	47,3
	220	35,1
	448	23,9
	600	64,3
	624	69,9
	999	46,8
0805 20 11	052	55,0
	204	69,0
	999	62,0
0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	66,7
	464	89,9
	624	94,0
	999	83,5
0805 30 20	052	77,3
	528	46,8
	600	89,4
	999	71,2
0808 10 51, 0808 10 53, 0808 10 59	052	79,7
	060	46,6
	064	56,0
	400	92,1
	404	83,4
	720	78,1
	728	103,6
	999	77,1
	052	132,8
0808 20 31	064	67,0
	400	98,7
	624	73,5
	999	93,0

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

COMMISSION REGULATION (EC) No 64/97
of 16 January 1997
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 57/97⁽⁴⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 57/97,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 57/97 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 17 January 1997.

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

Done at Brussels, 16 January 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 161, 29. 6. 1996, p. 125.

⁽⁴⁾ OJ No L 13, 16. 1. 1997, p. 21.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	15,90	5,90
1001 90 91	Common wheat seed	32,89	22,89
1001 90 99	Common high quality wheat other than for sowing ⁽¹⁾	32,89	22,89
	medium quality	39,73	29,73
	low quality	60,27	50,27
1002 00 00	Rye	73,27	63,27
1003 00 10	Barley, seed	73,27	63,27
1003 00 90	Barley, other ⁽³⁾	73,27	63,27
1005 10 90	Maize seed other than hybrid	85,85	75,85
1005 90 00	Maize other than seed ⁽³⁾	85,85	75,85
1007 00 90	Grain sorghum other than hybrids for sowing	73,27	63,27

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

*ANNEX II***Factors for calculating duties**

(for 15 January 1997)

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	118,89	125,88	114,97	88,23	171,27 ⁽¹⁾	113,91 ⁽¹⁾
Gulf premium (ECU/tonne)	35,19	21,36	11,94	12,89	—	—
Great lake premium (ECU/tonne)	—	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 12,89 per tonne; Great Lakes — Rotterdam: ECU 22,72 per tonne.

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

COMMISSION REGULATION (EC) No 65/97

of 16 January 1997

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁵⁾ OJ No L 312, 23. 12. 1995, p. 25.

Article 2

This Regulation shall enter into force on 17 January 1997.

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

Done at Brussels, 16 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 16 January 1997 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund	Product code	Refund
1102 20 10 9200 ⁽¹⁾	54,60	1104 23 10 9100	58,50
1102 20 10 9400 ⁽¹⁾	46,80	1104 23 10 9300	44,85
1102 20 90 9200 ⁽¹⁾	46,80	1104 29 11 9000	12,84
1102 90 10 9100	47,64	1104 29 51 9000	12,59
1102 90 10 9900	32,40	1104 29 55 9000	12,59
1102 90 30 9100	52,60	1104 30 10 9000	3,15
1103 12 00 9100	52,60	1104 30 90 9000	9,75
1103 13 10 9100 ⁽¹⁾	70,20	1107 10 11 9000	22,41
1103 13 10 9300 ⁽¹⁾	54,60	1107 10 91 9000	56,53
1103 13 10 9500 ⁽¹⁾	46,80	1108 11 00 9200	25,18
1103 13 90 9100 ⁽¹⁾	46,80	1108 11 00 9300	25,18
1103 19 10 9000	33,09	1108 12 00 9200	62,40
1103 19 30 9100	49,23	1108 12 00 9300	62,40
1103 21 00 9000	12,84	1108 13 00 9200	62,40
1103 29 20 9000	32,40	1108 13 00 9300	62,40
1104 11 90 9100	47,64	1108 19 10 9200	50,25
1104 12 90 9100	58,44	1108 19 10 9300	50,25
1104 12 90 9300	46,75	1109 00 00 9100	0,00
1104 19 10 9000	12,84	1702 30 51 9000 ⁽²⁾	67,72
1104 19 50 9110	62,40	1702 30 59 9000 ⁽²⁾	51,84
1104 19 50 9130	50,70	1702 30 91 9000	67,72
1104 21 10 9100	47,64	1702 30 99 9000	51,84
1104 21 30 9100	47,64	1702 40 90 9000	51,84
1104 21 50 9100	63,52	1702 90 50 9100	67,72
1104 21 50 9300	50,82	1702 90 50 9900	51,84
1104 22 20 9100	46,75	1702 90 75 9000	70,96
1104 22 30 9100	49,67	1702 90 79 9000	49,25
		2106 90 55 9000	51,84

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

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

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

COMMISSION REGULATION (EC) No 66/97

of 16 January 1997

fixing the export refunds on cereal-based compound feedingstuffs

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 17 January 1997.

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

Done at Brussels, 16 January 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 147, 30. 6. 1995, p. 51.

ANNEX

to the Commission Regulation of 16 January 1997 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund⁽¹⁾:

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

<i>(ECU/tonne)</i>	
Cereal products ⁽²⁾	Amount of refund
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	39,00
Cereal products excluding maize and maize products	22,18

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

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

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

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

COMMISSION REGULATION (EC) No 67/97
of 16 January 1997

**altering the rate of refunds applicable for certain products of the cereals and rice
sectors exported in the form of goods not covered by Annex II to the Treaty**

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 fourth subparagraph of Article 13 (3) thereof,

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

Whereas the rates of the refunds applicable from 1 January 1997 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 2478/96⁽⁴⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 2478/96 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto;

Whereas the second and third subparagraphs of Article 3 (3) of Commission Regulation (EC) No 1223/94⁽⁵⁾, as amended by Regulation (EC) No 2340/96⁽⁶⁾, provide that

applications for advance-fixing certificates may be accepted by the Commission, in which case certificates are issued without waiting for the expiry of the five-day period;

Whereas the certificate applications made are justified by the market situation,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of refund fixed by Regulation (EC) No 2478/96 are hereby altered as shown in the Annex hereto.

Article 2

Advance-fixing certificates applied for by 1 p.m. on 16 January 1997 for maize exported in the form of goods not covered by Annex II to the Treaty may be issued from 17 January 1997 at the rate in force on the day of the application.

Article 3

This Regulation shall enter into force on 17 January 1997.

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

Done at Brussels, 16 January 1997.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 335, 24. 12. 1996, p. 22.

⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 33.

⁽⁶⁾ OJ No L 318, 7. 12. 1996, p. 9.

ANNEX

to the Commission Regulation of 16 January 1997 altering the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product
1001 10 00	Durum wheat: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases	0,493 0,759
1001 90 99	Common wheat and meslin: — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in other cases: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases	0,818 — 1,259
1002 00 00	Rye	3,309
1003 00 90	Barley	3,176
1004 00 00	Oats	2,922
1005 90 00	Maize (corn) used in the form of: — starch: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ : — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed) Potato starch of CN code 1108 13 00 similar to a product obtained from processed maize: — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — in other cases	1,697 3,900 1,037 3,240 3,900 1,697 3,900
1006 20	Husked rice: — round grain — medium grain — long grain	19,375 17,250 17,250
ex 1006 30	Wholly-milled rice: — round grain — medium grain — long grain	25,000 25,000 25,000
1006 40 00	Broken rice used in the form of: — starch of CN code 1108 19 10: — — where pursuant to Article 4 (5) of Regulation (EC) No 1222/94 ⁽²⁾ — — in other cases — other (including unprocessed)	0,987 3,306 3,306

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

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

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

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

COMMISSION REGULATION (EC) No 68/97
of 16 January 1997
amending Regulation (EC) No 2805/95 fixing the export refunds in the wine
sector

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

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1592/96 ⁽²⁾, and in particular Article 55 (3) thereof,

Whereas, pursuant to Article 55 of Regulation (EEC) No 822/87 to the extent necessary to enable the products listed in Article 1 (2) (a) and (b) of that Regulation to be exported on the basis of the prices for those products on the world market and within the limits of the Agreements concluded in accordance with Article 228 of the Treaty, the difference between those prices and the prices in the Community may be covered by an export refund;

Whereas, pursuant to Article 56 (3) of Regulation (EEC) No 822/87, refunds are to be fixed taking into account the situation and likely trends with regard to:

- prices and availability of the products in question on the Community market,
- world market prices for those products;

Whereas there may be differences in the way prices for white wine and red wine develop on the internal market and in international trade; whereas those differences should be taken into account;

Whereas account must also be taken of the other criteria and objectives referred to in Article 56 (3) of Regulation

(EEC) No 822/87; whereas, in particular, consideration must be given to the limits of the Agreements concluded in accordance with Article 228 of the Treaty, and in particular those resulting from the agreements concluded in the framework of the Uruguay Round of multilateral trade negotiations, hereinafter referred to as the 'GATT Agreements';

Whereas, when applying the abovementioned rules to the current market situation, the refunds should be fixed in accordance with the Annex to this Regulation; whereas Commission Regulation (EC) No 2805/95 of 5 December 1995 fixing the export refunds in the wine sector ⁽³⁾, as amended by Regulation (EC) No 2083/96 ⁽⁴⁾, should be amended accordingly and provision made to implement it immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 2805/95 is hereby replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 17 January 1997.

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

Done at Brussels, 16 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.
⁽²⁾ OJ No L 206, 16. 8. 1996, p. 31.

⁽³⁾ OJ No L 291, 6. 12. 1995, p. 10.
⁽⁴⁾ OJ No L 279, 31. 10. 1996, p. 23.

ANNEX

ANNEX

CN code	Product code	For export to (1)	Refund (ECU/ht)
2009 60 11 2009 60 19 2009 60 51 2009 60 71 2004 30 92 2204 30 94 2204 30 96 2204 30 98	9100	01	52,161 52,161 52,161 52,161 52,161 13,820 52,161 13,820
2204 21 79 2204 21 79 2204 21 83	9120 9220 9120	02 and 09 02 and 09	4,782
2204 21 79	9180	02	13,918
2204 21 80	9180	02	15,136
2204 21 79	9180	09	13,024
2204 21 80	9180	09	14,164
2204 21 79	9280	02	16,295
2204 21 80	9280	02	17,721
2204 21 79	9280	09	15,248
2204 21 80	9280	09	16,582
2204 21 83	9180	02	19,011
2204 21 84	9180	02	20,675
2204 21 83	9180	09	17,790
2204 21 84	9180	09	19,346
2204 21 79	9910	02 and 09	4,782
2204 21 94 2204 21 98	9910	02 and 09	15,000
2204 29 62 2204 29 64 2204 29 65 2204 29 83	9120	02 and 09	4,782
2204 29 62 2204 29 64 2204 29 65	9220	02 and 09	4,782
2204 29 62 2204 29 64 2204 29 65	9180	02	13,918
2204 29 71 2204 29 72 2204 29 75	9180	09	15,136

CN code	Product code	For export to ⁽¹⁾	Refund (ECU/ht)
2204 29 62 2204 29 64 2204 29 65	9180	09	13,024
2204 29 71 2204 29 72 2204 29 75	9180	09	14,164
2204 29 62 2204 29 64 2204 29 65	9280	02	16,298
2204 29 71 2204 29 72 2204 29 75	9280	02	17,721
2204 29 62 2204 29 64 2204 29 65	9280	09	15,248
2204 29 71 2204 29 72 2204 29 75	9280	09	16,582
2204 29 83	9180	02	19,011
2204 29 84	9180	02	20,675
2204 29 83	9180	09	17,790
2204 29 84	9180	09	19,346
2204 29 62 2204 29 64 2204 29 65	9910	02 and 09	4,782
2204 29 94 2204 29 98	9910	02 and 09	15,000

⁽¹⁾ The destinations are as follows:

- 01 — Libya, Nigeria, Cameroon, Gabon,
 - Saudi Arabia, United Arab Emirates, India, Thailand, Vietnam, Indonesia, Malaysia, Brunei, Singapore, Philippines, China, South Korea, Japan, Taiwan, Equatorial Guinea,
- 02 all countries of the African continent with the exception of those explicitly excluded under 09,
- 09 all destinations other than those in 02, with the exception of the following third countries and territories:
 - all countries of the American continent within the meaning of Commission Regulation (EEC) No 208/93 (OJ No L 25, 2. 2. 1993, p. 11),
 - Algeria,
 - Australia,
 - Bosnia-Herzegovina,
 - Croatia,
 - Cyprus,
 - Israel,
 - Morocco,
 - The Republic of Serbia and Montenegro,
 - Slovenia,
 - South Africa,
 - Switzerland,
 - The former Yugoslav Republic of Macedonia,
 - Tunisia,
 - Turkey,
 - Hungary,
 - Bulgaria,
 - Romania.

COMMISSION REGULATION (EC) No 69/97

of 16 January 1997

amending Regulation (EC) No 1685/95 on arrangements for issuing export
licences for wine sector products

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

Having regard to Council Regulation (EEC) No 822/87 of
16 March 1987 on the common organization of the
market in wine ⁽¹⁾, as last amended by Regulation (EC) No
1592/96 ⁽²⁾, and in particular Articles 52 (3) and 83
thereof,

Whereas Regulation (EC) No 2805/95 of 5 December
1995 amending Regulation (EEC) No 2137/93 fixing the
export refunds in the wine sector ⁽³⁾, as amended by Regu-
lation (EC) No 68/97 ⁽⁴⁾, fixes different rates for red wines
and white wines; whereas that change also necessitates an
adjustment of the various categories of products listed in
Annex I to Commission Regulation (EC) No 1685/95 of
11 July 1995 on arrangements for issuing export licences
for wine sector products and amending Regulation (EEC)
No 3388/81 laying down special detailed rules in respect

of import and export licences in the wine sector ⁽⁵⁾, as last
amended by Regulation (EC) No 2807/95 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1685/95 is hereby
replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 17 January
1997.

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

Done at Brussels, 16 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 31.

⁽³⁾ OJ No L 291, 6. 12. 1995, p. 10.

⁽⁴⁾ See page 51 of this Official Journal.

⁽⁵⁾ OJ No L 161, 12. 7. 1995, p. 2.

⁽⁶⁾ OJ No L 291, 6. 12. 1995, p. 18.

ANNEX

ANNEX I

Code	Category
2009 60 11 9100 2009 60 19 9100 2009 60 51 9100 2009 60 71 9100 2204 30 92 9100 2204 30 96 9100	1
2204 30 94 9100 2204 30 98 9100	2
2204 21 79 9120 2204 21 79 9220 2204 21 79 9910 2204 21 83 9120 2204 29 62 9120 2204 29 62 9220 2204 29 62 9910 2204 29 64 9120 2204 29 64 9220 2204 29 64 9910 2204 29 65 9120 2204 29 65 9220 2204 29 65 9910 2204 29 83 9120	3
2204 21 79 9180 2204 29 62 9180 2204 29 64 9180 2204 29 65 9180	4.1
2204 21 80 9180 2204 29 71 9180 2204 29 72 9180 2204 29 75 9180	4.2
2204 21 79 9280 2204 29 62 9280 2204 29 64 9280 2204 29 65 9280	5.1
2204 21 80 9280 2204 29 71 9280 2204 29 72 9280 2204 29 75 9280	5.2
2204 21 83 9180 2204 29 83 9180	6.1
2204 21 84 9180 2204 29 84 9180	6.2

Code	Category
2204 21 94 9910 2204 21 98 9910 2204 29 94 9910 2204 29 98 9910	7
2204 21 80 9120 2204 29 71 9120 2204 29 72 9120 2204 29 75 9120	8
2204 21 80 9220 2204 29 71 9220 2204 29 72 9220 2204 29 75 9220	9
2204 21 84 9120 2204 29 84 9120	10
2204 21 94 9100 2204 21 98 9100 2204 29 94 9100 2204 29 98 9100	11'

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 18 December 1996

amending Decision 93/196/EEC and 93/197/EEC on imports of *Equidae* from Iceland

(Text with EEA relevance)

(97/36/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of *Equidae*⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 15 (a) and 16 thereof,

Whereas the veterinary authorities in Iceland have provided the Commission with assurances as to the absence of equine infectious anaemia from their territory;

Whereas the serological test for this disease ('Coggins test') should therefore be discontinued on the importation of *Equidae* from Iceland; whereas the veterinary authorities in Iceland should nevertheless certify that Iceland is officially free of the disease;

Whereas Commission Decision 93/196/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of *Equidae* for slaughter⁽²⁾, as last amended by Decision 96/279/EC⁽³⁾, and Decision 93/197/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of registered

Equidae and *Equidae* for breeding and production⁽⁴⁾, as last amended by Decision 96/279/EC, should therefore be amended;

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. Decision 93/196/EEC is hereby amended as follows:

(a) in Annex I (III) (j), the first indent is replaced by:

— (i) a Coggins test for equine infectious anaemia⁽¹⁾, or

(ii) in the case of *Equidae* which have resided in Iceland from birth, it is certified that Iceland is officially free of equine infectious anaemia⁽³⁾.

(b) in Annex II (III) (j), the first indent is replaced by:

— (i) a Coggins test for equine infectious anaemia⁽⁴⁾, or

(ii) in the case of *Equidae* which have resided in Iceland from birth, it is certified that Iceland is officially free of equine infectious anaemia⁽⁴⁾.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 42.

⁽²⁾ OJ No L 86, 6. 4. 1993, p. 7.

⁽³⁾ OJ No L 107, 30. 4. 1996, p. 1.

⁽⁴⁾ OJ No L 86, 6. 4. 1993, p. 16.

2. In Decision 93/197/EEC, Annex II (Health Certificate A) (III) (j), the first indent is replaced by:

— (i) a Coggins test for equine infectious anaemia⁽²⁾, or

(ii) in the case of *Equidae* which have resided in Iceland from birth, it is certified that Iceland is officially free of equine infectious anaemia⁽³⁾.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 18 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 18 December 1996

granting derogations pursuant to Article 21 (3) (ii) (b) of Council Regulation (EEC) No 3763/91 (Poseidom) and Article 1 (2) of Commission Decision 94/173/EC (selection criteria) in respect of single programming documents for the French overseas departments

(Only the French text is authentic)

(97/37/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 2598/95⁽²⁾, and in particular Article 21 (3) (ii) (b) thereof,

Having regard to Council Regulation (EEC) No 866/90 of 29 March 1990 on improving the processing and marketing conditions for agricultural products⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8 thereof,

Whereas Article 1 (2) of Commission Decision 94/173/EC⁽⁴⁾ provides that the selection criteria to be adopted for investments for improving the processing and marketing conditions for agricultural and forestry products may be the subject of *ad hoc* derogations to be decided in the framework of the implementation of specific measures approved by the Council for the remotest regions;

Whereas, by Decisions 94/631/EC, 94/632/EC, 94/633/EC and 94/634/EC⁽⁵⁾, the Commission approved the single programming documents for Community structural measures in Guadeloupe, French Guiana, Martinique and Réunion respectively, with regard to Objective 1 in France;

Whereas those single programming documents provide for a measure for the implementation of joint action in

respect of Objective 5 (a) to improve the processing and marketing conditions for agricultural products under Regulation (EEC) No 866/90;

Whereas on 14 April 1995 and 6 September 1996, the French authorities submitted an application to the Commission for a derogation from the second indent of Article 13 of Regulation (EEC) No 866/90 and an application for derogations from the Annex to Decision 94/173/EC relating, in the latter case, to cereals for investment in storage and animal feed, in the case of oilseeds and protein plants, for investments in animal feed and, in the case of eggs and poultry, for investments in the market preparation of eggs and the slaughter of chickens;

Whereas the *ad hoc* derogations from the second indent of Article 13 of Regulation (EEC) No 866/90 and from the selection criteria adopted by abovementioned Decision 94/173/EC, as requested by the French authorities, are warranted having regard to the specific requirements of the overseas departments and the recognized need, under measures pursuant to Regulation (EEC) No 3763/91, to develop the agricultural product processing and marketing industry;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

Article 1

The applications for derogations from Regulation (EEC) No 866/90 and from the selection criteria laid down in Decision 94/173/EC which have been submitted under the single programming documents for the implementation of Community structural measures in Guadeloupe, French Guiana, Martinique and Réunion, as listed in the Annex hereto, are hereby accepted.

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 267, 9. 11. 1995, p. 1.

⁽³⁾ OJ No L 91, 6. 4. 1990, p. 1.

⁽⁴⁾ OJ No L 79, 23. 3. 1994, p. 29.

⁽⁵⁾ OJ No L 250, 26. 9. 1994, pp. 28, 32, 36 and 40.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 18 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

1. **Regulation (EEC) No 866/90**

- The second indent of Article 13 of Regulation (EEC) No 866/90 does not apply provided the processed and/or marketed products resulting from the investments financed are intended exclusively for the market in the French overseas departments,
- this derogation is applicable to all French overseas departments.

2. **Decision 94/173/EC (selection criteria)**

2.1 *Cereals and oilseeds/Protein crops*

- The investments relating to silos are eligible,
- the maximum capacity of 20 000 tonnes for animal feed facilities does not apply,
- this derogation is applicable to Réunion and Martinique.

2.2 *Meat (poultry meat)*

- The obligation to reduce poultry slaughter capacity does not apply,
- this derogation applies to Martinique and French Guiana.

2.3 *Eggs*

- The prohibition on an increase in egg packaging capacity does not apply,
 - this derogation applies to Martinique and French Guiana.
-

COMMISSION DECISION

of 18 December 1996

setting specific public health requirements for imports of egg products for human consumption

(Text with EEA relevance)

(97/38/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A (I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC⁽¹⁾, as last amended by Commission Decision 96/405/EC⁽²⁾, and in particular the first indent of Chapter 2 of Annex II,

Having regard to Council Directive 89/437/EEC of 20 June 1989 on hygiene and health problems affecting the production and the placing on the market of egg products⁽³⁾, as last amended by Directive 96/23/EC⁽⁴⁾, and in particular Article 11 (4) thereof,

Whereas Chapter III of Directive 92/118/EEC lays down general provisions applying to imports into the Community; whereas specific public health requirements should be laid down for egg product imports; whereas these must be at least as stringent as those in force for placing on the market;

Whereas at this first stage a standard public health certificate that must accompany imported egg products should be specified, whereas the Community list of third country establishments and the treatments approved at Community level will be determined at a later date; whereas pending these decisions it is for the competent authority of each third country to certify that the egg products come from an approved establishment and have undergone treatment enabling them to meet the analytical specifications set out in Chapter VI of the Annex to Directive 89/437/EEC;

Whereas, in addition, where it is possible to recognize conditions offering equivalent guarantees, a third country

may submit a proposal for such recognition to the Commission for appropriate consideration;

Whereas the requirements set by this Decision are in accordance with the opinion of the Standing Veterinary Committee;

HAS ADOPTED THIS DECISION:

Article 1

This Decision sets specific public health requirements for egg products for direct human consumption or manufacture of foodstuffs.

Article 2

For the purposes of this Decision the definitions set out in Article 2 of Directive 89/437/EEC shall apply.

Article 3

Importation of egg products is subject to the requirement that they:

1. were obtained from hen, duck, goose, turkey, guinea fowl or quail eggs but not from a mixture of eggs of different species;
2. were treated and prepared in an establishment/establishments approved by the competent authority and meeting the requirements of Chapters I and II of the Annex to Directive 89/437/EEC;
3. were prepared in observance of the hygiene requirements of Chapters III and V of the Annex to Directive 89/437/EEC and from eggs meeting the requirements of Chapter IV of that Annex;
4. were treated so as to enable them to meet the analytical specifications of Chapter VI of the Annex to Directive 89/437/EEC;
5. meet the analytical specifications of Chapter VI of the Annex to Directive 89/437/EEC;

⁽¹⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽²⁾ OJ No L 165, 4. 7. 1996, p. 40.

⁽³⁾ OJ No L 212, 22. 7. 1989, p. 87.

⁽⁴⁾ OJ No L 125, 23. 5. 1996, p. 10.

6. were subjected to health control as specified in Chapter VII of the Annex to Directive 89/437/EEC;
7. were packaged as specified in Chapter VIII of the Annex to Directive 89/437/EEC;
8. were stored and transported as specified in Chapters IX and X of the Annex to Directive 89/437/EEC;
9. meet Community standards on residues of substances that are harmful or might alter the organoleptic characteristics of the product or make its consumption dangerous or harmful to human health.

Article 4

Every consignment of egg products must be accompanied by the original of a numbered public health certificate, completed, signed and dated, made out on a single sheet and in accordance with the specimen annexed hereto.

Article 5

The certificate shall be drawn up in at least one of the official languages of the Member State of introduction into the Community.

Article 6

This Decision shall apply from 1 January 1997.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 18 December 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

PUBLIC HEALTH CERTIFICATE

for egg products

Number:

Exporting country:

Competent authority:

Ministry:

I. Identification of products

Egg product of: (species of origin)

Nature of product:

Egg content percentage ⁽¹⁾:

Type of package:

Number of packages:

Date of treatment:

Storage and transport temperature:

Assured conservation period:

Net weight:

II. Provenance of products

Address(es) and approval number(s) of production establishment(s):

.....

.....

III. Destination of products

Consignment:

from:
(place whence consigned)to:
(country and place of destination)

by the following means of transport:

Name and address of consignor:

Name of consignee and address of destination:

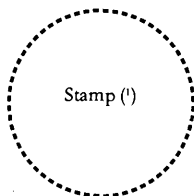
IV. Health declaration

The undersigned certifies that the egg products indicated above:

1. were obtained from hen, duck, goose, turkey, guinea fowl or quail eggs but not from a mixture of eggs of different species;
2. were treated and prepared in an establishment/establishments approved by the competent authority and meeting the requirements of Chapter I and II of the Annex to Directive 89/437/EEC;

⁽¹⁾ Where the products are partly supplemented by other foodstuffs or by authorized additives within the permitted limits.

3. were prepared in observance of the hygiene requirements of Chapters III and V of the Annex to Directive 89/437/EEC and from eggs meeting the requirements of Chapter IV of that Annex;
4. were treated so as to enable them to meet the analytical specifications of Chapter VI of the Annex to Directive 89/437/EEC;
5. meet the analytical specifications of Chapter IV of the Annex to Directive 89/437/EEC;
6. were subjected to health control as specified in Chapter VII of the Annex to Directive 89/437/EEC;
7. were packaged as specified in Chapter VIII of the Annex to Directive 89/437/EEC;
8. were stored and transported as specified in Chapters IX and X of the Annex to Directive 89/437/EC;
9. meet Community standards on residues of substances that are harmful or might alter the organoleptic characteristics of the product or make its consumption dangerous or harmful to human health.



Done at, on
(place) (date)

.....

.....

(signature of competent authority)(¹)
(name in capital letters and capacity)

⁽¹⁾ Signature and stamp must be in a different colour from that of the print of the form.