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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 250/97

of 12 February 1997

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either

directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question 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 Sugar,

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 February 1997.

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

Done at Brussels, 12 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,21	—	0,00
1703 90 00 ⁽¹⁾	12,08	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 251/97
of 12 February 1997
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 215/97⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 215/97 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 215/97, are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 February 1997.

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

Done at Brussels, 12 February 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 36, 6. 2. 1997, p. 3.

ANNEX

to the Commission Regulation of 12 February 1997 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund
	— ECU/100 kg —
1701 11 90 9100	39,02 ⁽¹⁾
1701 11 90 9910	37,11 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	39,02 ⁽¹⁾
1701 12 90 9910	37,11 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,4242
	— ECU/100 kg —
1701 99 10 9100	42,42
1701 99 10 9910	41,73
1701 99 10 9950	41,73
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,4242

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

COMMISSION REGULATION (EC) No 252/97**of 12 February 1997****fixing the maximum export refund for white sugar for the 26th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1464/96**

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

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

Whereas Commission Regulation (EC) No 1464/96 of 25 July 1996 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1464/96 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 26th partial invitation to

tender, the provisions set out in Article 1 should be adopted;

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

For the 26th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1464/96 the maximum amount of the export refund is fixed at ECU 44,787 per 100 kilograms.

Article 2

This Regulation shall enter into force on 13 February 1997.

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

Done at Brussels, 12 February 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 187, 26. 7. 1996, p. 42.

COMMISSION REGULATION (EC) No 253/97**of 12 February 1997****laying down to what extent applications for issue of export licences submitted during February 1997 for beef and veal products which may benefit from special import treatment in Canada may be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽¹⁾, as last amended by Regulation (EC) No 135/97⁽²⁾, and in particular Article 12 (a) (8) thereof,Whereas Regulation (EC) No 1445/95 lays down, in Article 12 (a), detailed rules for export licence applications for the products referred to in Article 1 of Commission Regulation (EC) No 2051/96⁽³⁾, laying down certain detailed rules for granting of assistance for the export of beef and veal which may benefit from a special import treatment in Canada, as amended by Regulation (EC) No 2333/96;

Whereas Regulation (EC) No 2051/96 fixed the quantities of meat which might be exported on special terms for the year 1997, whereas no applications were submitted for export licences for beef and veal,

HAS ADOPTED THIS REGULATION:

Article 1

No applications for export licences were lodged for the beef and veal referred to in Regulation (EC) No 2051/96 for the month of February 1997.

Article 2

Applications for licences in respect of the meat referred to in Article 1 may be entered in accordance with Article 12a of Regulation (EC) No 1445/95 during the first 5 days of the month of March 1997 the total quantity available being 5 000 tonnes.

Article 3

This Regulation shall enter into force on 13 February 1997.

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

Done at Brussels, 12 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 143, 27. 6. 1995, p. 35.⁽²⁾ OJ No L 24, 25. 1. 1997, p. 14.⁽³⁾ OJ No L 274, 26. 10. 1996, p. 18.

COMMISSION REGULATION (EC) No 254/97
of 12 February 1997
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 3 (3) thereof,

Whereas Article 3 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Commission Regulation (EEC) No 616/72⁽³⁾, as last amended by Regulation (EEC) No 2962/77⁽⁴⁾;

Whereas Article 3 (3) of Regulation No 136/66/EEC provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 3 (4) of Regulation No 136/66/EEC, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market; whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period; whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 3 (3) third indent, point (b) of Regulation No 136/66/EEC, it may be decided that the refund shall be fixed by tender; whereas the tendering procedure should cover the amount of the

refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 3 (3) of Regulation No 136/66/EEC provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 1482/96⁽⁸⁾;

Whereas the Management Committee for Oils and Fats 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 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 February 1997.

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

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 188, 27. 7. 1996, p. 22.

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

Done at Brussels, 12 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 12 February 1997 fixing the export refunds on olive oil

(ECU/100 kg)	
Product code	Amount of refund (1)
1509 10 90 9100	27,00
1509 10 90 9900	0,00
1509 90 00 9100	30,50
1509 90 00 9900	0,00
1510 00 90 9100	2,00
1510 00 90 9900	0,00

(1) For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 (OJ No L 351, 14. 12. 1987, p 1), as well as for exports to third countries.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 255/97

of 12 February 1997

fixing the maximum export refunds for olive oil for the sixth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by Regulation (EC) No 1581/96⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 2081/96⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Article 6 of Regulation (EC) No 2081/96 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the sixth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 February 1997.

Article 2

This Regulation shall enter into force on 13 February 1997.

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

Done at Brussels, 12 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

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

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 11.

⁽³⁾ OJ No L 279, 31. 10. 1996, p. 17.

ANNEX

to the Commission Regulation of 12 February 1997 fixing the maximum export refunds for olive oil for the fifth partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2081/96

<i>(ECU/100 kg)</i>	
Product code	Amount of refund
1509 10 90 9100	28,80
1509 10 90 9900	—
1509 90 00 9100	32,30
1509 90 00 9900	—
1510 00 90 9100	2,45
1510 00 90 9900	—

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 256/97
of 12 February 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 amended Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 February 1997.

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

Done at Brussels, 12 February 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 12 February 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	204	41,5
	212	113,6
	624	212,1
	999	122,4
0707 00 10	068	88,5
	999	88,5
0709 10 10	220	132,6
	999	132,6
0709 90 73	052	125,7
	204	132,8
	628	141,9
	999	133,5
0805 10 01, 0805 10 05, 0805 10 09	052	37,3
	204	42,9
	212	40,7
	220	49,0
	448	23,0
	600	56,4
	624	57,0
	999	43,8
805 20 11	204	90,1
	999	90,1
0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	55,2
	204	72,9
	400	104,7
	464	87,1
	600	101,0
	624	81,7
	662	57,7
	999	80,0
0805 30 20	052	69,7
	600	77,8
	999	73,8
0808 10 51, 0808 10 53, 0808 10 59	039	97,7
	052	59,3
	060	60,9
	068	36,2
	400	88,9
	404	82,8
	999	71,0
	388	83,4
0808 20 31	400	110,7
	512	75,2
	528	82,1
	624	77,2
	999	85,7

⁽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 257/97
of 12 February 1997
amending the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice ⁽¹⁾,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector ⁽²⁾, as amended by Regulation (EC) No 2131/96 ⁽³⁾, and in particular Article 4 (1) thereof,

Whereas import duties in the rice sector have been fixed by Commission Regulation (EC) No 221/97 ⁽⁴⁾;

Whereas Article 4 (1) of Regulation (EC) No 1503/96 provides that if during the period of application, the

average import duty calculated differs by ECU 10 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 221/97,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 221/97 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 13 February 1997.

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

Done at Brussels, 12 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽²⁾ OJ No L 189, 30. 7. 1996, p. 71.

⁽³⁾ OJ No L 285, 7. 11. 1996, p. 6.

⁽⁴⁾ OJ No L 36, 6. 2. 1997, p. 20.

ANNEX I

to the Commission Regulation of 12 February 1997 amending the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽¹⁾			
	Third countries (except ACP and Bangladesh) ⁽²⁾ ⁽⁷⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁷⁾	Basmati India and Pakistan ⁽⁶⁾	Egypt ⁽⁵⁾
1006 10 21	(7)	140,81		217,73
1006 10 23	(7)	140,81		217,73
1006 10 25	(7)	140,81		217,73
1006 10 27	(7)	140,81		217,73
1006 10 92	(7)	140,81		217,73
1006 10 94	(7)	140,81		217,73
1006 10 96	(7)	140,81		217,73
1006 10 98	(7)	140,81		217,73
1006 20 11	339,26	165,29		254,45
1006 20 13	339,26	165,29		254,45
1006 20 15	339,26	165,29		254,45
1006 20 17	260,27	125,80	10,27	195,20
1006 20 92	339,26	165,29		254,45
1006 20 94	339,26	165,29		254,45
1006 20 96	339,26	165,29		254,45
1006 20 98	260,27	125,80	10,27	195,20
1006 30 21	(7)	271,09		429,00
1006 30 23	(7)	271,09		429,00
1006 30 25	(7)	271,09		429,00
1006 30 27	(7)	271,09		429,00
1006 30 42	(7)	271,09		429,00
1006 30 44	(7)	271,09		429,00
1006 30 46	(7)	271,09		429,00
1006 30 48	(7)	271,09		429,00
1006 30 61	(7)	271,09		429,00
1006 30 63	(7)	271,09		429,00
1006 30 65	(7)	271,09		429,00
1006 30 67	(7)	271,09		429,00
1006 30 92	(7)	271,09		429,00
1006 30 94	(7)	271,09		429,00
1006 30 96	(7)	271,09		429,00
1006 30 98	(7)	271,09		429,00
1006 40 00	(7)	84,38		132,00

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11 (3) of Regulation (EC) No 3072/95.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ No L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ No L 88, 9. 4. 1991, p. 7).

⁽⁵⁾ No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).

⁽⁶⁾ For husked rice of the Basmati variety originating in India and Pakistan, a reduction of ECU 250 per tonne applies (Article 4b of amended Regulation (EC) No 1503/96).

⁽⁷⁾ Duties fixed in the Common Customs Tariff.

⁽⁸⁾ The duty on imports of rice originating in and coming from Egypt is applicable under the arrangements laid down in Council Regulation (EC) No 2184/96 (OJ No L 292, 15. 11. 1996, p. 1) and Commission Regulation (EC) No 196/97 (OJ No L 31, 1. 2. 1997, p. 53).

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	(¹)	260,27	572,00	339,26	572,00	(¹)
2. Elements of calculation:						
(a) Arag cif price (\$/tonne)	—	434,51	413,08	380,00	430,00	—
(b) fob price (\$/tonne)	—	—	—	350,00	400,00	—
(c) Sea freight (\$/tonne)	—	—	—	30,00	30,00	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 January 1997

amending Decision 95/343/EC providing for the specimens of the health certificate for the importation from third countries of heat-treated milk, milk-based products and raw milk for human consumption intended to be accepted at a collection centre, standardization centre, treatment establishment or processing establishment

(Text with EEA relevance)

(97/115/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products⁽¹⁾, as last amended by Directive 96/23/EC⁽²⁾,

Whereas Commission Decision 95/343/EC⁽³⁾, last amended by Decision 96/106/EC⁽⁴⁾, provides for the specimens of the health certificate for the importation from third countries of heat-treated milk, milk-based products and raw milk for human consumption intended to be accepted at a collection centre, standardization centre, treatment establishment or processing establishment;

Whereas the first indent of the first subparagraph of Article 13 (1) of Directive 92/46/EEC provides that animals on production holdings must undergo regular veterinary inspections to ensure that the requirements of Annex A, Chapter I, are being complied with;

Whereas Decision 95/343/EC must be amended accordingly;

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

Annexes A, B, C and D to Decision 95/343/EC are hereby replaced by Annexes A, B, C and D hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 January 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 14. 9. 1992, p. 1.

⁽²⁾ OJ No L 125, 23. 5. 1996, p. 10.

⁽³⁾ OJ No L 200, 24. 8. 1995, p. 52.

⁽⁴⁾ OJ No L 24, 31. 1. 1996, p. 34.

ANNEX A

HEALTH CERTIFICATE

for raw milk from third countries intended to be accepted at a collection centre, standardization centre, treatment establishment or processing establishment in the European Community and then to be used for human consumption

Reference number:

Country (and region, where applicable)⁽¹⁾ of dispatch:

Ministry:

Department responsible for certification:

I. Identification of products

— Raw milk from:
(Animal species)

— Code number (as appropriate):

— Packaging:

— Number of packaging units:

— Net weight:

II. Origin of products

Name and official approval or registration number of production holding(s)/collection centre/standardization centre⁽²⁾ approved for exportation to the Community:

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

III. Destination of products:

The raw milk is to be sent

from:
(Place of dispatch)

to:
(Country and place of destination)

by the following means of transport⁽³⁾:

Seal number:

Name and address of consignor:

.....

Name and address of consignee:

.....

⁽¹⁾ To be specified if the authorization to import into the Community is restricted to certain regions of the third country concerned.

⁽²⁾ Delete as appropriate.

⁽³⁾ Give the registration number, flight number or name of the means of goods transport. For bulk containers, include the container number.

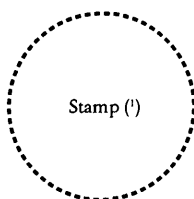
IV. Health attestation

The official veterinarian hereby certifies that the raw milk described above has been obtained from animals:

- under the control of the official veterinary service:
 - which where in a country or region that has been free of foot-and-mouth disease and of rinderpest for at least 12 months, and where vaccination against foot-and-mouth disease has not been carried out for at least 12 months,
 - belonging to holdings which were not under restrictions due to foot-and-mouth disease or rinderpest, and
- subject to regular veterinary inspections to ensure that they satisfy the animal health conditions laid down in Annex A, Chapter I of Directive 92/46/EEC.

The undersigned official veterinarian declares that he is familiar with the animal health requirements of Directive 92/46/EEC.

Done at, on
(Place) (Date)



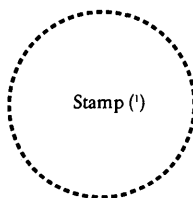
.....
(Signature of official veterinarian (¹))

.....
(Name in capital letters, rank and title of the signatory)

V. Public health attestation

- The official inspector hereby certifies that the raw milk described above:
 - does not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, contain residues of anti-microbial substances in excess of the limit laid down in Annexes I and III to Council Regulation (EEC) No 2377/90, as amended
 - does not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, contain pesticide residues in excess of the maximum levels laid down in Annex II to Council Directive 86/363/EEC, as amended
 - does not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, contain contaminants in excess of the maximum tolerances laid down in the Community list provided for in Article 2(3) of Council Regulation (EEC) No 315/93
 - comes from registered and checked holdings meeting the conditions of hygiene laid down in Chapter II of Annex A to Directive 92/46/EEC
 - was obtained, collected, cooled, stored and transported in accordance with the specific hygiene conditions laid down in Chapter III of Annex A to Directive 92/46/EEC
 - was transported, where applicable, in tanks as described in Article 16(2) of Directive 92/46/EEC
 - meets the plate and somatic cell count standards laid down in Chapter IV of Annex A to Directive 92/46/EEC
 - was collected and standardized, where necessary, in accordance with the hygiene conditions laid down in Chapters I, III and IV of Annex B to Directive 92/46/EEC.
- The official inspector whose signature is affixed below hereby declares that he is aware of the provisions contained in Directive 92/46/EEC, Annexes I and III to Regulation (EEC) No 2377/90, Annex II to Directive 86/363/EEC and Regulation (EEC) No 315/93.

Done at, on
(Place) (Date)



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

.....
(Name in capital letters, rank and title of the signatory)

(¹) The signature and seal must be a different colour to that of the printing of the certificate.

ANNEX B

HEALTH CERTIFICATE

for heat-treated milk, milk-based products made from heat-treated milk or heat-treated milk-based products intended for human consumption from third countries or parts of third countries included in column B of the Annex to Commission Decision 95/340/EC

Reference number:

Country (and region, where applicable)⁽¹⁾ of dispatch:

Ministry:

Department responsible for certification:

I. Identification of products

— Milk from:
(Animal species)

— Description of heat-treated milk-based product made from heat-treated milk/heat-treated milk-based product⁽²⁾:

— Code number (as appropriate):

— Type of packaging:

— Number of packaging units:

— Net weight:

II. Origin of products

Name(s) and official approval number(s) of treatment and/or processing establishment(s) approved for export to the Community:

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

III. Destination of products

The heat-treated milk/milk-based product made from heat-treated milk/heat-treated milk-based product⁽²⁾ is to be sent from:
(Place of dispatch)

to:
(Country and place of destination)

by the following means of transport⁽³⁾:

Seal number:

Name and address of consignor:

.....

Name and address of consignee:

.....

⁽¹⁾ To be specified if the authorization to import into the Community is restricted to certain regions of the third country concerned.

⁽²⁾ Delete as appropriate.

⁽³⁾ Give the registration number, flight number or name of the means of goods transport. For bulk containers, include the container number.

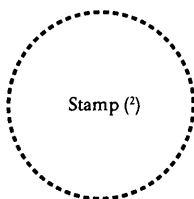
IV. Health attestation

The official veterinarian hereby certifies that the heat-treated milk/milk-based product made from heat-treated milk/heat-treated milk-based product ⁽¹⁾ described above has been obtained from animals:

- under the control of the official veterinary service:
 - which were in a country or region that has been free of foot-and-mouth disease and of rinderpest for at least 12 months, and where vaccination against foot-and-mouth disease has not been carried out for at least 12 months,
 - belonging to holdings which were not under restrictions due to foot-and-mouth disease or rinderpest, and
- subject to regular veterinary inspections to ensure that they satisfy the animal health conditions laid down in Annex A, Chapter I of Council Directive 92/46/EEC, with the exception of those in paragraph 1 (a) (i) and (b) (i).

The undersigned official veterinarian declares that he is familiar with the animal health requirements of Directive 92/46/EEC.

Done at, on
(Place) (Date)



.....
(Signature of official veterinarian) ⁽²⁾

.....
(Name in capital letters, rank and title of the signatory)

V. Public health attestation

- The official inspector hereby certifies that the heat-treated milk/milk-based product made from heat-treated milk/heat-treated milk-based product ⁽¹⁾ described above:

1. was manufactured from raw milk:

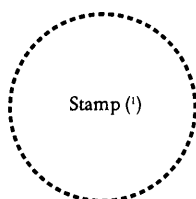
- not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, containing residues of anti-microbial substances in excess of the limits laid down in Annexes I and III to Regulation (EC) No 2377/90, as amended
- not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, containing pesticide residues in excess of the maximum levels laid down in Annex II to Directive 86/363/EEC, as amended
- not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, containing contaminants in excess of the maximum tolerances laid down in the Community list provided for in Article 2 (3) of Regulation (EEC) No 315/93
- which comes from registered and checked holdings meeting the hygiene conditions laid down in Chapter II of Annex A to Directive 92/46/EEC
- which was obtained, collected, cooled, stored and transported in accordance with the specific hygiene conditions laid down in Chapter III of Annex A to Directive 92/46/EEC
- which meets the plate and somatic cell count standards laid down in Chapter IV of Annex A to Directive 92/46/EEC
- which was collected and standardized, where necessary, in accordance with the hygiene conditions laid down in Chapters I, III and IV of Annex B to Directive 92/46/EEC

⁽¹⁾ Delete as appropriate.

⁽²⁾ The signature and seal must be in a different colour to that of the printing of the certificate.

2. comes from a treatment establishment and/or processing establishment offering equivalent guarantees to those laid down in Chapter II of Directive 92/46/EEC shown on the list of establishments authorized to export to the European Community and which is subject to supervision by the competent authority in accordance with the provisions of Chapter VI of Annex C to Directive 92/46/EEC
 3. has undergone heat treatment during manufacture in accordance with the specific requirements of Chapter I of Annex C to Directive 92/46/EEC
 4. meets the relevant microbiological criteria laid down in Chapter II of Annex C to Directive 92/46/EEC
 5. has been wrapped and packaged in accordance with Chapter III of Annex C to Directive 92/46/EEC
 6. was stored and transported in accordance with the requirements of Chapter V of Annex C to Directive 92/46/EEC
 7. was transported, where appropriate, in tanks as described in Article 16 (2) of Directive 92/46/EEC.
- The official inspector whose signature is affixed below hereby declares that he is aware of the provisions contained in Directive 92/46/EEC, Annexes I and III of Regulation (EEC) No 2377/90, Annex II to Directive 83/363/EEC and Regulation (EEC) No 315/93.

Done at, on
(Place) (Date)



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

.....
(Name in capital letters, rank and title of the signatory)

(1) The signature and seal must be in a different colour to that of the printing of the certificate.

ANNEX C

HEALTH CERTIFICATE

for heat-treated milk, milk-based products made from heat-treated milk or heat-treated milk based products intended for human consumption from third countries or parts of third countries included in column C of the Annex to Commission Decision 95/340/EC

Reference number:

Country (and region, where applicable)⁽¹⁾ of dispatch:

Ministry:

Department responsible for certification:

I. Identification of products

— Milk from:
(Animal species)

— Description of heat-treated milk/milk-based product made from heat-treated milk / heat-treated milk-based product⁽²⁾:

— Code number (as appropriate):

— Type of packaging:

— Number of packaging units:

— Net weight:

II. Origin of products

Name(s) and official approval number(s) of treatment and/or processing establishment(s) approved for export to the Community:

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

III. Destination of products

The heat-treated milk/milk-based product from heat-treated milk/heat-treated milk-based product⁽²⁾ is to be sent from:
(Place of dispatch)

to:
(Country and place of destination)

by the following means of transport⁽³⁾:

Seal number:

Name and address of consignor:

.....

Name and address of consignee:

.....

⁽¹⁾ To be specified if the authorization to import into the Community is restricted to certain regions of the third country concerned.

⁽²⁾ Delete as appropriate.

⁽³⁾ Give the registration number, flight number or name of the means of goods transport. For bulk containers, include the container number.

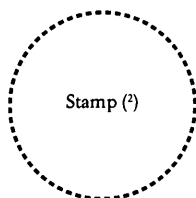
IV. Animal health attestation

The official veterinarian hereby certifies that the heat treated milk/milk-based product made from heat-treated milk/heat-treated milk-based product⁽¹⁾ described above has been obtained from animals:

- under the control of the official veterinary service belonging to holdings which were not under restrictions due to foot-and-mouth disease or rinderpest, and
- subject to regular veterinary inspections to ensure that they satisfy the animal health conditions laid down in Annex A, Chapter I of Council Directive 92/46/EEC, with the exception of those in paragraph 1 (a) (i) and (b) (i).

The undersigned official veterinarian declares that he is familiar with the animal health requirements of Directive 92/46/EEC.

Done at on
(Place) (Date)



.....
(Signature of official veterinarian)⁽²⁾

.....
(Name in capital letters, rank and title of the signatory)

V. Public health attestation

- The official inspector hereby certifies that the heat-treated milk/milk-based product made from heat-treated milk/heat-treated milk-based product⁽¹⁾ described above:

1. was manufactured from raw milk:

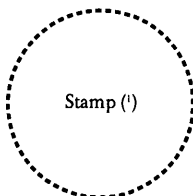
- not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, containing residues of anti-microbial substances in excess of the limits laid down in Annexes I and III to Regulation (EEC) No 2377/90, as amended
- not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, containing pesticide residues in excess of the maximum levels laid down in Annex II to Directive 86/363/EEC, as amended
- not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, containing contaminants in excess of the maximum tolerances laid down in the Community list provided for in Article 2 (3) of Regulation (EEC) No 315/93
- which comes from registered and checked holdings meeting the hygiene conditions laid down in Chapter II of Annex A to Directive 92/46/EEC
- which was obtained, collected, cooled, stored and transported in accordance with the specific hygiene conditions laid down in Chapter III of Annex A to Directive 92/46/EEC
- which meets the plate and somatic cell count standards laid down in Chapter IV of Annex A to Directive 92/46/EEC
- which was collected and standardized, where necessary, in accordance with the hygiene conditions laid down in Chapters I, III and IV of Annex B to Directive 92/46/EEC

⁽¹⁾ Delete as appropriate.

⁽²⁾ The signature and the seal must be in a different colour to that of the printing of the certificate.

2. comes from a treatment establishment and/or processing establishment offering equivalent guarantees to those laid down in Chapter II of Directive 92/46/EEC shown on the list of establishments authorized to export to the European Community and which is subject to supervision by the competent authority in accordance with the provisions of Chapter VI of Annex C to Directive 92/46/EEC
 3. has undergone, prior to import into the territory of the Community:
 - (a) a sterilization process, whereby an F_c value equal to or greater than 3 was achieved
 - or
 - (b) an initial heat treatment having an effect at least equivalent to that achieved by pasteurization at a temperature of at least 72 °C for at least 15 seconds, so as to produce a negative reaction to the phosphates test, followed by:
 - (i) a second heat treatment involving high-temperature pasteurization, UHT or sterilization, so as to produce a negative reaction to the peroxidase test
 - or
 - (ii) in the case of milk powder or a dry milk-based product, a second heat treatment having an effect at least equivalent to that achieved by the first heat treatment, so as to produce a negative reaction to the phosphatase test, followed by a drying process
 - or
 - (iii) an acidification process such that the pH value is lowered and kept below 6 for at least one hour
 4. meets the relevant microbiological criteria laid down in Chapter II of Annex C to Directive 92/46/EEC
 5. has been wrapped and packaged in accordance with Chapter III of Annex C to Directive 92/46/EEC
 6. was stored and transported in accordance with the requirements of Chapter V of Annex C to Directive 92/46/EEC
 7. was transported, where appropriate, in tanks as described in Article 16 (2) of Directive 92/46/EEC.
- The official inspector whose signature is affixed below hereby declares that he is aware of the provisions contained in Directive 92/46/EEC, Annexes I and III of Regulation (EEC) No 2377/90, Annex II to Directive 86/363/EEC and Regulation (EEC) No 315/93.

Done at, on
(Place) (Date)



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

.....
(Name in capital letters, rank and title of signatory)

(1) The signature and the seal must be in a different colour to that of the printing of the certificate.

ANNEX D

HEALTH CERTIFICATE

for raw milk products from third countries intended for human consumption

Reference number:

Country (and region, where applicable ⁽¹⁾) of dispatch:

Ministry:

Department responsible for certification:

I. Identification of products

— Milk from:
(Animal species)

— Description of raw milk product:

— Code number (as appropriate):

— Type of packaging:

— Number of packaging units:

— Net weight:

II. Origin of products

Name(s) and official approval number(s) of processing establishment(s) approved for export to the Community:

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

III. Destination of products

The raw milk product is to be sent from:
(Place of dispatch)to:
(Country and place of destination)by the following means of transport ⁽²⁾:

Seal number:

Name and address of consignor:

.....

Name and address of consignee:

.....

⁽¹⁾ To be specified if the authorization to import into the Community is restricted to certain regions of the third country concerned.⁽²⁾ Give the registration number, flight number or name of the means of goods transport. For bulk containers, include the container number.

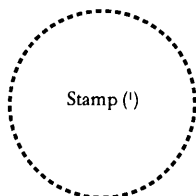
IV. Animal health attestation

The official veterinarian hereby certifies that the raw milk product described above has been manufactured from raw milk obtained from animals:

- under the control of the official veterinary service:
 - which were in a country or region that has been free of foot-and-mouth disease and of rinderpest for at least 12 months, and where vaccination against foot-and-mouth disease has not been carried out for at least 12 months
 - belonging to holdings which were not under restrictions due to foot-and-mouth disease or rinderpest, and
- subject to regular veterinary inspections to ensure that they satisfy the animal health conditions laid down in Annex A, Chapter I of Council Directive 92/46/EEC.

The undersigned official veterinarian declares that he is familiar with the animal health requirements of Directive 92/46/EEC.

Done at on
(Place) (Date)



.....
(Signature of official veterinarian) (!)

.....
(Name in capital letters, rank and title of the signatory)

V. Public health attestation

- The official inspector hereby certifies that the raw milk product described above:

1. was manufactured from raw milk:

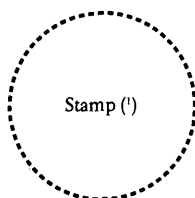
- not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, containing residues of anti-microbial substances in excess of the limits laid down in Annexes I and III to Regulation (EEC) No 2377/90, as amended
- not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, containing pesticide residues in excess of the maximum levels laid down in Annex II to Directive 86/363/EEC, as amended
- not, according to the findings of monitoring plans at least equivalent to those provided for in Directive 92/46/EEC, containing contaminants in excess of the maximum tolerances laid down in the Community list provided for in Article 2 (3) of Regulation (EEC) No 315/93
- which comes from registered and checked holdings meeting the hygiene conditions laid down in Chapter II of Annex A to Directive 92/46/EEC
- which was obtained, collected, cooled, stored and transported in accordance with the specific hygiene conditions laid down in Chapter III of Annex A to Directive 92/46/EEC
- which meets the plate and somatic cell count standards laid down in Directive 92/46/EEC, Annex A, Chapter IV, paragraph A, point 3 as regards cow's milk, paragraph B, point 2 as regards buffalo milk, and paragraph C, point 2 as regards goat's and sheep's milk
- which, where necessary, was collected and standardized in accordance with the hygiene conditions laid down in Chapters I, III and IV of Annex B to Directive 92/46/EEC

2. comes from a processing establishment offering equivalent guarantees to those laid down in Chapter II of Directive 92/46/EEC shown on the list of establishments authorized to export to the European Community and which is subject to supervision by the competent authority in accordance with the provisions of Chapter VI of Annex C to Directive 92/46/EEC

(!) The signature and the stamp must be in a different colour to that of the printing of the certificate.

3. has not undergone any heat treatment during its manufacture from raw milk
 4. meets the relevant microbiological criteria laid down in Chapter II of Annex C to Directive 92/46/EEC
 5. has been wrapped and packaged in accordance with Chapter III of Annex C to Directive 92/46/EEC
 6. was stored and transported in accordance with the requirements of Chapter V of Annex C to Directive 92/46/EEC
- The official inspector whose signature is affixed below hereby declares that he is aware of the provisions contained in Directive 92/46/EEC, Annexes I and III of Regulation (EEC) No 2377/90, Annex II to Directive 86/363/EEC and Regulation (EEC) No 315/93.

Done at, on
(Place) (Date)



.....
(Signature of official inspector) (!)

.....
(Name in capital letters, rank and title of signatory)

(!) The signature and the stamp must be in a different colour to that of the printing of the certificate.

COMMISSION DECISION

of 11 February 1997

concerning certain protection measures relating to classical swine fever in
Germany and repealing Decision 95/296/EC

(Text with EEA relevance)

(97/116/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 10 (4) thereof,

1. Germany shall not send pigs to other Member States unless the pigs:

- (a) come from an area outside the areas described in Annex I;
- (b) come from a holding where no live pigs have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question.

Whereas as a result of outbreaks of classical swine fever in different parts of Germany, the Commission adopted Decision 95/296/EC of 26 July 1995 concerning certain protection measures relating to classical swine fever in Germany and repealing Decision 94/462/EC⁽³⁾, as last amended by Decision 96/359/EC⁽⁴⁾;

2. Movements of pigs to other Member States coming from areas outside the areas described in Annex I shall only be allowed following three days advance notification to the central and local veterinary authorities in the Member State of destination and dispatched by the local competent veterinary authority.

Whereas a number of outbreaks of classical swine fever have occurred in Germany; whereas some of the outbreaks have occurred in parts with a high density of pigs and some in areas where the disease is present in the wild boar population;

Article 2

Whereas in view of the trade in live pigs, these outbreaks are liable to endanger the herds of other Member States;

The health certificate provided for in Council Directive 64/432/EEC⁽⁵⁾ accompanying pigs sent from Germany must be completed by the following:

Whereas Germany has taken measures within the framework of Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

'Animals in accordance with Commission Decision 97/116/EC of 11 February 1997 concerning certain protection measures relating to classical swine fever in Germany'.

Whereas, since it is possible to identify geographically areas which present a particular risk, the restrictions on trade can apply on a regional basis;

Article 3

Whereas it appears essential to launch an information and inspection campaign concerning swill feeding;

1. The Commission assisted by the Standing Veterinary Committee shall regularly review the classical swine fever situation in Germany and in particular the situation in the area described in Annex I.

Whereas the protection measures introduced by Decision 95/296/EC, in the interest of clarity, must be repealed;

2. Germany shall with eight-day intervals present data on the classical swine fever situation in the format indicated in Annex III.

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

3. When 45 days have elapsed since the last outbreak of classical swine fever has occurred in an area listed under an indent in Annex I the Commission shall within the

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 182, 2. 8. 1995, p. 33.

⁽⁴⁾ OJ No L 138, 11. 6. 1996, p. 23.

⁽⁵⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽⁶⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

context of the review referred to in paragraph 1 present a proposal to the Standing Veterinary Committee concerning the amendment or the withdrawal of the measures provided for in this Decision. The measures, however shall stay in place for at least 60 days.

Article 4

1. Germany shall ensure that breeding pigs and production pigs do not leave the areas listed in Annex II to other parts of Germany unless the pigs:

(a) come from a holding where no live pigs have been introduced during the 30-day period immediately prior to the dispatch of the pigs in question;

(b) have been subject to a test for detecting:

— antibodies to classical swine fever virus and found negative,

— classical swine fever virus and found negative.

The samples for serological and virological examination shall be collected in accordance with the provisions of Annex IV, point 1 of Directive 80/217/EEC. The laboratory examinations shall be carried out in accordance with the provisions of Annex I to the said Directive. For detection of virus, however an antigen detection Elisa test approved by the competent authority of Germany may be used.

The examination for antibodies and virus/antigen shall be carried out within five days of certification;

(c) have undergone a clinical examination on the farm of origin. The examination shall comprise all pigs and related facilities on the holding of origin. The clinical examination shall take place within 24 hours of loading;

(d) are properly identified by eartags at the holding of origin and at any assembly centre so that these can be ascertained and traced back.

2. The movement of pigs referred to in paragraph 1 shall only be allowed:

— following three days advanced notification to the competent local veterinary authority responsible for the holding of destination and dispatched by the local veterinary authority,

— to holdings of destination where the pigs are subject to official observation during a 30-day period after arrival.

Such pigs must not be dispatched to another Member State.

3. The pigs referred to in paragraph 1 shall during transport be accompanied by a health certificate issued by an official veterinarian. The means of transport shall be officially sealed.

Article 5

Germany shall ensure that pigs for slaughter originating from a holding situated in the areas described in Annex II are slaughtered at:

(a) slaughterhouses situated within the said areas whenever possible;

or

(b) slaughterhouses in Germany designated by the competent veterinary authorities. The means of transport shall be officially sealed.

Article 6

Germany shall ensure that vehicles which have been used to transport pigs are cleaned and disinfected after each operation and the transporter shall furnish proof of such disinfection.

Article 7

1. Germany shall take measures to prevent the spread of classical swine fever through the feeding of waste food (swill) to pigs; the measures shall include:

(a) inspections twice a month of all holdings authorized to treat swill intended for feeding to pigs. The objective of the inspections shall be to verify the compliance with conditions of the issued authorization and the application of sanitary measures to prevent recontamination;

(b) information on the spread of classical swine fever, disease eradication, the potential trade implications and on ways to ensure safe waste disposal. The information should target pig holders, hunters and owners of restaurants and similar catering facilities.

2. By 1 June 1997 Germany shall present a report to the Commission on the implementation of the campaign referred to under paragraph 1 including at the level of each *Länd*:

(a) the number of holdings authorized, in accordance with Article 15 (3) of Directive 80/217/EEC, to carry out treatment of swill to be fed to pigs;

(b) the number of restaurants and similar catering facilities from which the collection of waste food (swill) is authorized;

(c) the findings and actions taken in relation to inspections carried out.

Article 8

The present Decision shall repeal Decision 95/296/EC.

Article 9

The Member States shall amend the measures they apply to trade so as to bring them into compliance within this Decision. They shall immediately inform the Commission thereof.

Article 10

This Decision is addressed to Member States.

Done at Brussels, 11 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Land Mecklenburg-Western Pomerania

Land Lower Saxony

Land North Rhine-Westphalia

Land Bremen

Land Freistaat Bayern

Kreise Prignitz and Ostprignitz-Ruppin in *Land* Brandenburg

ANNEX II

All affected districts (*Kreise*), i.e. all districts where outbreaks have been recorded or where protection or surveillance zones have been established:

Mecklenburg-Western Pomerania:	all districts and district-free towns, except the districts Ludwigslust and North-West-Mecklenburg and the district-free towns Schwerin and Wismar
Lower Saxony:	the districts Cloppenburg, Lüchow-Dannenberg, Lüneburg (except the <i>Amt</i> Neuhaus), Oldenburg, Uelzen and Vechta
North Rhine-Westphalia:	districts Gütersloh, Lippe-Detmold, Paderborn, Soest and the district-free town Bielefeld
Sachsen-Anhalt:	district Altmark-Salzwedel
Bavaria:	districts Dachau and Fürstenfeldbruck

ANNEX III

Classical swine fever report

Land:

Reporting period:

[illegible]

(¹) *Kreis*: name and animal disease notification system code.

(2) Pigs: total pig population in *Kreis*.

(³) Total: total number of outbreaks recorded since 1 January 1997.

(4) Last: date of last outbreak recorded in 1997.

(⁵) Suspect herd: number of suspected herds in accordance with the provisions of Article 4 of Directive 80/217/EEC in reporting period.

(6) Serology: number of positive and negative samples examined during the reporting period.

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 112/96/COL

of 11 September 1996

on the 10th amendment of the procedural and substantive rules in the field of
State aid

THE EFTA SURVEILLANCE AUTHORITY

has amended the procedural and substantive rules in the field of State aid ⁽¹⁾, adopted on 19 January 1994 ⁽²⁾, as last amended on 15 May 1996 ⁽³⁾, as follows:

Chapter 10 of the State aid guidelines shall be replaced by the following:

‘10. AID TO SMALL AND MEDIUM-SIZED ENTERPRISES (SME) ⁽¹⁾

- (1) The rules in this chapter are without prejudice to schemes already authorized at the date of their adoption. Such schemes may however be reviewed under Article 1 (1) of Protocol 3 to the Surveillance and Court Agreement ⁽²⁾.
- (2) The rules in this chapter apply to aid granted to SMEs in all industries, with the exception of those covered by industry-specific rules. Any aid given to SMEs in those industries is subject to the relevant rules for the particular industry. Such rules currently exist for steel, shipbuilding, synthetic fibres, the motor vehicle industry and transport.

10.1. *Introduction*

- (1) SMEs play a decisive role in job creation and, more generally, act as a factor of social stability and economic drive. It is generally accepted that SMEs suffer from a number of handicaps that can slow down their development. One such handicap is the difficulty in obtaining capital and credit, the chief causes of which are imperfect information, the risk-shy nature of financial markets and the limited guarantees that SMEs are in a position to offer. SMEs' limited resources restrict their access to information, notably regarding new technology and potential markets. The introduction of new regulatory arrangements often entails higher costs for SMEs. Imperfections in the market which limit the socially desirable development of SMEs justify the favourable consideration which the Authority has been prepared to give to State aid to SMEs, provided that such aid does not affect trade to a disproportionate extent relative to the contribution it makes to the achievement of objectives of common interest allowed by Article 61 (3) EEA.

⁽¹⁾ Hereinafter referred to as the State aid guidelines.

⁽²⁾ OJ No L 231, 3. 9. 1994, p. 1.

⁽³⁾ OJ No L 245, 26. 9. 1996, p. 28.

- (2) Article 61 (1) EEA imposes a general ban, subject to certain exceptions, on "any aid granted by EC Member States, EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods ... in so far as it affects trade between Contracting Parties ...". State aid given to SMEs will usually be caught by this provision. Such aid confers an advantage on particular firms, unlike general measures, which may benefit all enterprises throughout the economy. It may affect trade within the EEA because many SMEs export part of their output and because in most industries a strengthening in the position of SMEs on the local or national market will make it more difficult for producers from elsewhere in the EEA to penetrate that market.
- (3) Nevertheless, some SMEs, and certain micro-enterprises in particular, carry on businesses in which there is no trade between Contracting Parties to the EEA Agreement (providing local services, for example). Aid given to them for activities of this sort falls outside the scope of Article 61 (1) EEA.
- (4) Any aid given to a firm is capable of distorting competition; but not all aid has a perceptible effect on trade and competition within the EEA. This is particularly true where the amount of aid involved is small, although such aid is not, as a general rule, intended exclusively for SMEs. What is known as the *de minimis* rule⁽³⁾ sets a threshold figure below which Article 61 (1) EEA can be said not to apply, so that a measure need not be notified in advance to the Authority in accordance with Article 1 (3) of Protocol 3 to the Surveillance and Court Agreement.

10.2. *Definition of SMEs*

- (1) For the purpose of applying these guidelines, an SME is defined⁽⁴⁾ as an enterprise which:
- has fewer than 250 employees⁽⁵⁾, and
 - has either:
 - an annual turnover⁽⁶⁾⁽⁷⁾ not exceeding ECU 40 million, or
 - an annual balance-sheet total not exceeding ECU 27 million, and
 - conforms to the criterion of independence defined below.
- (2) Where it is necessary to distinguish between "small" and "medium-sized" enterprises, a "small" enterprise is defined as one which:
- has fewer than 50 employees, and
 - has either:
 - an annual turnover not exceeding ECU 7 million, or
 - an annual balance-sheet total not exceeding ECU 5 million, and
 - conforms to the criterion of independence defined below.
- (3) An enterprise is considered independent unless 25 % or more of the capital or of the voting rights is owned by an enterprise falling outside the definition of an SME or of a small enterprise whichever may apply, or jointly by several such enterprises. This ceiling may be exceeded in two cases:
- if the enterprise is held by public investment corporations, venture capital companies or institutional investors, provided no control is exercised either individually or jointly,

- if the capital is spread in such a way that it is not possible to determine by whom it is held and if the enterprise declares that it can legitimately presume that it is not owned as to 25 % or more by one enterprise, or jointly by several enterprises, falling outside the definitions of an SME or a small enterprise, whichever may apply.

- (4) The three tests — workforce, turnover or balance-sheet total, and independence — are cumulative: all three must be satisfied. The independence test, according to which a large enterprise must not hold 25 % or more of the SME's capital, is based on practice in a number of EEA States where this percentage is the threshold at which supervision becomes possible. In order to ensure that only genuinely independent SMEs are included, there has to be a way of eliminating legal arrangements in which SMEs form an economic group much stronger than an individual SME. In calculating the thresholds referred to above, it is therefore necessary to cumulate the relevant figures for the recipient enterprise and for all the enterprises which it directly or indirectly controls through possession of 25 % or more of the capital or of the voting rights.

10.3. *The tests applied in assessing aid*

10.3.1. **General principles**

- (1) The Authority may consider aid compatible with the common market in accordance with Article 61 (3) (c) if it is intended "to facilitate the development of certain economic activities... where such aid does not adversely affect trading conditions to an extent contrary to the common interest". To qualify for exemption under this provision, a State aid measure must in the first place be in the nature of an incentive: it must under no circumstances have the sole effect of continuously or periodically reducing the costs which the enterprise would normally have to bear, while otherwise leaving the *status quo* untouched, as in the case of operating aid⁽⁸⁾, and it must be necessary in order to achieve objectives which market forces alone would not secure. The objectives pursued must be in the common interest. Lastly, the aid must be proportionate to the handicaps which have to be overcome in order to secure the socio-economic benefits deemed to be desirable on grounds of the common interest: the positive effect must outweigh the damaging effect which State aid has on competition and trade.

10.3.2. **Purpose of the aid and admissible intensities**

10.3.2.1. *Tangible investment*

- (1) Tangible "investment" is defined⁽⁹⁾ as investment in fixed assets:
- "in the creation of a new establishment, the extension of an existing establishment or in engaging in an activity involving a fundamental change in the product or production process of an existing establishment (by means of rationalization, restructuring or modernization)",
 - or
 - "by way of take-over of an establishment which has closed or which would have closed had such take-over not taken place".
- (2) The intensity is to be calculated by reference to the eligible costs, namely the actual costs of land, buildings and plant. In the case of a take-over of an establishment the selling price of the assets should be looked at.

- (3) Outside areas qualifying for regional aid ⁽¹⁰⁾, the Authority may grant exemption under Article 61 (3) (c) for aid to SMEs where the intensity of the aid, measured in gross grant equivalent ⁽¹¹⁾ as a proportion of the costs referred to in the preceding paragraph, does not exceed 15 % in the case of small enterprises, or 7,5 % in the case of medium-sized enterprises.
- (4) In assisted areas, the Authority may approve aid to SMEs which exceeds the level of regional investment aid it has authorized for large enterprises in the area:
 - by 10 percentage points gross in areas covered by Article 61 (3) (c), provided the total does not exceed 30 % net,
 - by 15 percentage points gross in areas covered by Article 61 (3) (a), provided the total does not exceed 75 % net.
- (5) Where an EFTA State proposes financing in respect of costs other than the eligible costs defined above, the aid will have to be recalculated by reference to the eligible costs ⁽¹²⁾. The EFTA States are also free to grant aid within the limits authorized by the *de minimis* rule towards expenditure which would not be eligible under the definitions given in the present guidelines.

10.3.2.2. *Intangible investment in the form of transfers of technology*

- (1) The Authority takes a sympathetic approach towards aid for research and development (R&D). The concept of aid for training and consultancy includes therefore aid that is designed to encourage SMEs to use advanced technology which they would not have been able to develop themselves, by authorizing limited assistance towards the transfer of technology to SMEs from research laboratories or from other firms. Inequality in the information available to licensors and licensees regarding new technology, and other types of market imperfection associated with technology transfers, along with the irrecoverable character of the costs of acquiring specific technology or know-how, may provide justification for public assistance towards spending of this kind by SMEs, while limiting the impact on competition. For SMEs outside areas qualifying for domestic regional aid, therefore, the Authority may authorize aid which does not exceed the following gross intensities, measured as a percentage of the cost of acquiring patent rights, licences, know-how or unpatented technical knowledge ⁽¹³⁾: 15 % in the case of small enterprises, or 7,5 % in the case of medium-sized enterprises.
- (2) In assisted areas the Authority may approve aid to SMEs which exceeds the level of regional investment aid it has authorized for large enterprises in the area:
 - by 10 percentage points gross in areas covered by Article 61 (3) (c), provided the total does not exceed 30 % net,
 - by 15 percentage points gross in areas covered by Article 61 (3) (a), provided the total does not exceed 75 % net.

10.3.2.3. *Consultancy services, training and dissemination of knowledge*

- (1) Aid of up to 50 % gross will generally be allowed for consultancy services provided by outside consultants to new or established SMEs or for the training given to their staff in such fields as management, financial matters, new technology (especially information technology), pollution control, protection of intellectual property rights or the like, or for the purpose of assessing the feasibility of new ventures. Each scheme will, however, be judged on its merits, with particular reference to the distance of the activity

from the market place, any cost ceilings for individual firms, any possibilities of combination with other forms of aid, and other relevant factors. In certain exceptional circumstances, the Authority may allow aid of more than 50 %. Assisted areas are one such case. Aid for general information campaigns may also qualify for a higher intensity if the financial benefit to the individual firm is small.

(2) It is important to specify that such measures do not cover:

- aid relating to investment liable to be entered on the assets side of the enterprise's balance sheet as intangible assets (costs of R&D, concessions, patents, licences, etc.) and dealt with at sections 10.3.2.2. and 10.3.2.6., or
- continuous or periodic aid not acting as an incentive and relating to the enterprise's usual operating expenditure (routine tax consultancy services, regular legal services, advertising, etc.).

10.3.2.4. *Aid for the transfer of SMEs*

- (1) The Authority recognizes the problems of SMEs, and particularly family businesses, being forced to cease trading owing to insuperable difficulties in transferring them. If the buyer is an SME too, it may be given aid to help with the take over in accordance with the rules on aid to tangible investment at section 10.3.2.1. above.

10.3.2.5. *Aid for environmental protection*

- (1) Aid for environmental protection will be considered in the light of the rules contained in Chapter 15 of these guidelines. Environmental aid granted to SMEs may be up to 10 percentage points gross above the rate ordinarily allowed in the case of large enterprises.

10.3.2.6. *Aid for R&D*

- (1) Aid for R&D will be considered in the light of the rules contained in Chapter 14 of these guidelines. R&D aid granted to SMEs may be up to 10 percentage points gross above the rate ordinarily allowed in the case of large enterprises.

10.3.2.7. *Aid for employment*

- (1) Aid for employment will be considered in the light of the rules contained in Chapter 18 of these guidelines. In particular the Authority will be favourably disposed towards aid to create new jobs in SMEs.

10.3.2.8. *Aid for other purposes*

- (1) The majority of the aid schemes for SMEs which are notified to the Authority fall into the categories listed above. But the Authority may be prepared to authorize aid towards other justified measures designed to help SMEs, e.g. by encouraging cooperation between them, or towards measures to promote culture and heritage conservation, provided that they do not affect trading conditions and competition to an extent that is contrary to the common interest.

- (¹) This chapter corresponds to the Community guidelines on aid for small and medium-sized enterprises adopted by the Commission on 20 March 1996 (OJ No C 213, 23. 7. 1996, p. 4). The operation of the Community guidelines will be reviewed after they have been in force for three years; they may be revised if necessary.
- (²) See Chapter 7 of these guidelines.
- (³) See Chapter 12 of these guidelines.
- (⁴) In accordance with Commission recommendation 96/280/EC of 3 April 1996 concerning the definition of small and medium-sized enterprises (OJ No L 107, 30. 4. 1996, p. 4). The Commission will amend the ceilings chosen for turnover or balance-sheet total as the need arises and normally every four years from the adoption of this recommendation, to take account of changing circumstances in the Community.
- (⁵) The number of employees is the number of annual work units (AWUs), that is to say the number of wage- and salary-earners employed full-time for a whole year, with part-time or seasonal work being counted as fractions of a unit. The year to be taken is the last completed financial year.
- (⁶) The "turnover" referred to here is the "net turnover" defined in Article 28 of the European Council's Fourth Company Law Directive 78/660/EEC (the act referred to in Annex XXII.4 of the EEA Agreement) on the annual accounts of certain types of companies (OJ No L 222, 14. 8. 1978, p. 11), as last amended by Directive 94/8/EC (OJ No L 82, 25. 3. 1994, p. 33), that is to say "the amounts derived from the sale of products and the provision of services falling within the company's ordinary activities, after deduction of sales rebates and of value added tax and other taxes directly linked to the turnover".
- (⁷) Where at the final balance sheet date, an enterprise exceeds or falls below the employee thresholds or financial ceilings, this is to result in its acquiring or losing the status of "SME", "medium-sized enterprise", "small enterprise" or "micro-enterprise" (fewer than ten employees) only if the phenomenon is repeated over two consecutive financial years. The turnover and balance sheet total thresholds are those of the last approved 12-month accounting period. In the case of newly established enterprises whose accounts have not yet been approved, the thresholds to apply shall be derived from a reliable estimate made in the course of the financial year.
- (⁸) There are certain exceptional circumstances in which operating aid is admissible in regions qualifying for regional aid under Article 61 (3) (a) and (c). See Chapter 28 of these guidelines.
- (⁹) In accordance with paragraph 25 (11) of these guidelines.
- (¹⁰) See Chapter 28 of these guidelines.
- (¹¹) That is to say, the nominal (before-tax) value of grants and the discounted before-tax value of interest subsidies as a proportion of the investment cost. Net figures are after tax.
- (¹²) This rule does not apply to costs which are eligible for the classes of aid described below.
- (¹³) The rules which follow do not concern the costs of acquiring patent rights, licences, etc. which form part of the eligible costs of an R&D project put forward by the recipient in accordance with the fourth indent of paragraph 14.6.(1) of these guidelines and which qualify for the rates admissible for the type of R&D project of which they form part.

Done at Brussels, 11 September 1996.

For the EFTA Surveillance Authority
The President
Knut ALMESTAD