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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 576/97

of 1 April 1997

amending Regulation (EC) No 1178/96 increasing to 800 005 tonnes the quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened

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

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

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

Whereas Commission Regulation (EC) No 1178/96⁽⁵⁾, last amended by Regulation (EC) No 2235/96⁽⁶⁾, opened a standing invitation to tender for the export of 600 039 tonnes of rye held by the German intervention agency; whereas, Germany informed the Commission of the intention of its intervention agency to increase by 199 966 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 800 005 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quanti-

ties in store; whereas Annex I to Regulation (EC) No 1178/96 must therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1178/96 is hereby amended as follows:

1. Article 2 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 800 005 tonnes of rye to be exported to all third countries.
 2. The regions in which the 800 005 tonnes of rye are stored are stated in Annex I to this Regulation.'
2. Annex I is replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 1 April 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 293, 16. 11. 1996, p. 1.

⁽⁵⁾ OJ No L 155, 28. 6. 1996, p. 32.

⁽⁶⁾ OJ No L 299, 23. 11. 1996, p. 9.

ANNEX

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	282 590
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	29 796
Berlin/Brandenburg/ Mecklenburg-Vorpommern	247 458
Sachsen/Sachsen-Anhalt/Thüringen	240 161'

COMMISSION REGULATION (EC) No 577/97

of 1 April 1997

laying down certain detailed rules for the application of Council Regulation (EC) No 2991/94 laying down standards for spreadable fats and of Council Regulation (EEC) No 1898/87 on the protection of designations used in the marketing of milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2991/94 of 5 December 1994 laying down standards for spreadable fats⁽¹⁾, and in particular Article 8 thereof,

Having regard to Council Regulation (EEC) No 1898/87 of 2 July 1987 on the protection of designations used in the marketing of milk and milk products⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 4 (2) thereof,

Whereas Article 2 (2) of Regulation (EC) No 2991/94 provides that the sales descriptions of the products referred to in Article 1 thereof must be those indicated in the Annex thereto; whereas there are exceptions to that rule; whereas the rule does not apply in particular to designations where the exact nature of the product is clear from traditional usage and/or where the designation is clearly used to describe a characteristic quality of the product; whereas certain detailed rules should be laid down for the application of that provision;

Whereas Article 1 (3) of Regulation (EC) No 2991/94, which stipulates that that Regulation is to be applied without prejudice in particular to Regulation (EEC) No 1898/87, must be complied with; whereas the aim of the two Regulations is essentially the same, namely to avoid any confusion in the mind of the consumer as to the true nature to the products in question; whereas, therefore, in order to ensure the consistency of Community legislation, the detailed rules for applying Regulations (EC) No 2991/94 and (EEC) No 1898/87 regarding the use of the designation 'butter' should be laid down in a single text;

Whereas, in order to identify clearly the scope of the derogations referred to in Regulation (EC) No 2991/94, an exhaustive list of the designations concerned should be drawn up, together with a description of the products to which they refer;

Whereas the first criterion of the derogation provided for in the first indent of the third subparagraph of Article 2

(2) of Regulation (EC) No 2991/94 relates to the traditional character of a designation; whereas such traditional character may be considered proven where the designation has been used for a period preceding the date of entry into force of this Regulation at least equal to the duration usually attributed to a human generation; whereas the derogation must be limited to those products for which the designation has actually been used so that such traditional character is not lost;

Whereas the second criterion of the abovementioned derogation relates to the use of the designations in the Annex to Regulation (EC) No 2991/94 to describe a characteristic feature of the marketed products; whereas in this case the exception relates logically to products which are not listed as such in that Annex;

Whereas that derogation should be restricted to products currently marketed; whereas the Member States have forwarded to the Commission the list of products which they consider to meet the criteria of that derogation within their territory;

Whereas Commission Decision 88/566/EEC of 28 October 1988 listing the products referred to in the second subparagraph of Article 3 (1) of Council Regulation (EEC) No 1898/87⁽³⁾ already contains exceptions with regard to the designation 'butter'; whereas account should be taken of them;

Whereas, in the Community list provided for in Regulation (EC) No 2991/94, the designations of the products in question should be listed only in the Community language in which those designations may be used;

Whereas the designations on the labelling of foodstuffs containing products as defined in the Annex to that Regulation or concentrated products as defined in the second indent of the third subparagraph of Article 2 (2) may refer to the corresponding designations given in that Annex, provided that Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of

⁽¹⁾ OJ No L 316, 9. 12. 1994, p. 2.

⁽²⁾ OJ No L 182, 3. 7. 1987, p. 36.

⁽³⁾ OJ No L 310, 16. 11. 1988, p. 32.

the Member States relating to the labelling, presentation and advertising of foodstuffs⁽¹⁾, as last amended by Directive 97/4/EC⁽²⁾, is complied with; whereas there is therefore no need for the list of the abovementioned exceptions to mention such foodstuffs;

Whereas, in view of present technical conditions, any obligation to indicate the exact fat content without any tolerance would involve considerable practical difficulties; whereas, therefore, certain special rules should be laid down in that regard;

Whereas Regulations (EC) No 2991/94 and (EEC) No 1898/87 cover composite products of which an essential part is butter; whereas, therefore, those products should be dealt with consistently, whilst adhering to the approach employed in Article 2 (3) of Regulation (EEC) No 1898/87; whereas the scope of the abovementioned Article 2 (3) should therefore be defined more clearly with regard to composite products of which an essential part is butter, by laying down an objective criterion for determining whether an essential part of the composite products is actually butter and whether the designation 'butter' is therefore justified; whereas a minimum milk-fat content of 75 % in the final product seems to be the most appropriate criterion;

Whereas provision should nevertheless be made for a special procedure allowing the Member States and the Commission to assess, on application by the parties concerned, whether for technical and/or organoleptic reasons, in the case of a product of which an essential part is butter, the minimum fat content of the final product must be lower than 75 % and to authorize the use of the designation 'butter' in that case;

Whereas the introduction of the rules for applying Article 2 (3) of Regulation (EEC) No 1898/87 to composite products of which an essential part is butter calls for certain transitional provisions to allow operators a certain period in which to adapt to the rules;

Whereas the second subparagraph of Article 2 (2) of Regulation (EC) No 2991/94 provides that the sales descriptions listed in the Annex thereto are to be reserved for products which meet the criteria set out in that Annex; therefore, trade marks which employ those designations may continue to be used in the future solely for products which meet those criteria;

Whereas actual market conditions will show whether or not it will be appropriate to lay down measures at a later date with regard to composite products of which the main ingredient is margarine or composite fats;

Whereas the management committees concerned have not delivered an opinion within the time limit laid down by their chairmen,

HAS ADOPTED THIS REGULATION:

Article 1

1. The list of products covered by the derogation provided for in the first indent of the third subparagraph of Article 2 (2) of Regulation (EC) No 2991/94 shall be as shown in the Annex hereto.

2. The designations listed in the Annex to Decision 88/566/EEC which contain the word 'butter' in one of the Community languages shall not be affected by this Regulation.

Article 2

1. The indication of the fat content as provided for in Article 3 (1) (b) of Regulation (EC) No 2991/94 shall comply with the following rules:

- (a) the average fat content shall be declared without the use of decimals;
- (b) the fat content of an individual sample may not differ by more than one percentage point from the percentage declared;
- (c) in all cases, individual samples must comply with the limits laid down in the Annex to Regulation (EC) No 2991/94.

2. Notwithstanding points (a) and (b) of paragraph 1, the minimum fat content declared in respect of the products referred to in Part A (1) of the Annex to Regulation (EC) No 2991/94 shall correspond to the minimum fat content of the product.

3. Compliance with paragraph 1 shall be verified by a method to be established before 1 July 1997.

Article 3

The designation 'butter' may be used only for composite products of which an essential part within the meaning of Article 2 (3) of Regulation (EEC) No 1898/87 is butter if the end product contains at least 75 % milk fat and has been manufactured solely from butter within the meaning of Part A (1) of the Annex to Regulation (EC) No 2991/94 and the other added ingredient(s) mentioned in the description.

Article 4

1. Any manufacturer may submit a reasoned request to the competent authorities of the Member State in which he has his registered office with a view to obtaining authorization to use the designation 'butter' for a composite product of which an essential part is butter but of which the milk-fat content does not comply with the minimum laid down in Article 3 for technical and/or organoleptic reasons.

⁽¹⁾ OJ No L 33, 8. 2. 1979, p. 1.

⁽²⁾ OJ No L 43, 14. 2. 1997, p. 21.

The Member State shall consider such requests and forward them to the Commission, together with the documents on which it has based its decision, where it deems that the requirements set out in the first subparagraph are met.

2. Notwithstanding the procedure set out in the first subparagraph of paragraph 1, Member States may, in the six months following the entry into force of this Regulation and of their own initiative, forward requests to the Commission together with the documents upon which they have based their opinion that the requirements set out in the first subparagraph of paragraph 1 are met, in order to obtain the authorization mentioned in that subparagraph. Such requests may only be presented in respect of products being marketed in the requesting Member State at the date of the entry into force of this Regulation.

3. The Commission shall, as soon as possible, consider requests as referred to in paragraphs 1 and 2 and shall decide, in accordance with the procedure laid down in Article 30 of Council Regulation (EEC) No 804/68⁽¹⁾, whether they may be accepted. The Commission may take any steps necessary to obtain information on the

technical aspects of the requests. The Commission's decision to grant authorization shall be published in the *Official Journal of the European Communities*.

4. Authorizations as provided for in paragraph 3 shall also be valid for the same products produced by other manufacturers.

Article 5

Composite products using the designation 'butter' in accordance with Article 2 (3) of Regulation (EEC) No 1898/87 and marketed at the time of entry into force of this Regulation which do not comply with the provisions of Articles 3 and 4 of this Regulation may continue to be marketed using the designation 'butter' for two years following the date of the latter's entry into force.

Article 6

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

However, Article 2 shall apply at the same time as the method provided for in paragraph 3 thereof.

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

Done at Brussels, 1 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

ANNEX

- I. *(Spanish)* 'Mantequilla de Soria' or 'Mantequilla de Soria dulce', 'Mantequilla de Soria azucarada': for a sweetened aromatized milk product with a minimum milk-fat content of 39 %
- II. *(Danish)*
- III. *(German)*
- 'Butterkäse': for cow's milk cheese which has a semi-soft, fatty consistency and a minimum milk-fat content in the dry matter of 45 %
 - 'Kräuterbutter': for a butter-based preparation containing herbs and a minimum milk-fat content of 62 %
 - 'Milchmargarine': for margarine containing at least 5 % whole milk, skimmed milk or other suitable milk products
- IV. *(Greek)*
- V. *(English)*
- 'Brandy butter', 'Sherry butter' or 'Rum butter': for a sweetened, alcoholic product with a minimum milk-fat content of 34 %
 - 'Buttercream': for a sweetened product with a minimum milk-fat content of 22,5 %
- VI. *(French)* 'Beurre d'anchois, de crevettes, de langouste, de homard, de crabe, de langoustine, de saumon, de saumon fumé, de coquille Saint-Jacques, de sardine': for products containing sea foods and a minimum milk-fat content of 10 %
- VII. *(Italian)*
- VIII. *(Dutch)*
- IX. *(Portuguese)*
- X. *(Finnish)* 'Munavoi': for a product containing eggs and a minimum milk-fat content of 35 %
- XI. *(Swedish)*
- 'flytande margarin': for a product of a liquid consistency containing at least 80 % vegetable fats such as margarine yet whose composition is such that the product is not spreadable
 - 'messmör': for a whey-based milk product, whether or not sweetened, of a minimum milk-fat content of 2 %
 - 'vitlökssmör', 'persiljesmör' or 'pepparrotssmör': for a product containing foodstuffs having a flavouring effect and of a minimum milk-fat content of 66 %
-

COMMISSION REGULATION (EC) No 578/97

of 1 April 1997

fixing advance payments in respect of the production levies in the sugar sector
for the 1996/97 marketing year

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 Article 28 (8) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector⁽³⁾, as last amended by Regulation (EC) No 392/94⁽⁴⁾, provides for the fixing before 1 April and the collection before the following 1 June, of the unit amounts to be paid by sugar producers, isoglucose producers and inulin syrup producers as advance payments of the production levies for the current marketing year; whereas the estimate of the basic production levy and of the B levy, referred to in Article 6 of Regulation (EEC) No 1443/82, gives an amount which is more than 60 % of the maximum amounts indicated in Article 28 (3), (4) and (5) of Regulation (EEC) No 1785/81; whereas, in accordance with Article 6 of Regulation (EEC) No 1443/82, the unit amounts for sugar and inulin syrup should therefore be fixed at 50 % of the maximum amounts concerned and for isoglucose the unit amount of the advance payment should therefore be fixed at 40 % of the unit amount of the basic production levy estimated for sugar;

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

HAS ADOPTED THIS REGULATION:

Article 1

The unit amounts referred to in Article 5 (1) (b) of Regulation (EEC) No 1443/82 in respect of the 1996/97 marketing year are hereby fixed as follows:

- (a) the advance payment of the basic production levy for A sugar and B sugar shall be ECU 0,632 per 100 kilograms of white sugar;
- (b) the advance payment of the B levy for B sugar shall be ECU 11,848 per 100 kilograms of white sugar;
- (c) the advance payment of the basic production levy for A isoglucose and B isoglucose shall be ECU 0,506 per 100 kilograms of dry matter;
- (d) the advance payment of the basic production levy for A inulin syrup and B inulin syrup shall be ECU 0,632 per 100 kilograms of dry matter equivalent sugar/isoglucose;
- (e) the advance payment of the B levy for B inulin syrup shall be ECU 11,848 per 100 kilograms of dry matter equivalent sugar/isoglucose.

Article 2

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

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

Done at Brussels, 1 April 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 158, 9. 6. 1982, p. 17.

⁽⁴⁾ OJ No L 53, 24. 2. 1994, p. 7.

COMMISSION REGULATION (EC) No 579/97

of 1 April 1997

amending Regulation (EC) No 1588/94 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Europe Agreements between the Community of the one part and Bulgaria and Romania of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3383/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3382/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part⁽²⁾, and in particular Article 1 thereof,

Whereas Council Decision No 1/97 of the Association Council, association between the European Communities and their Member States, of the one part and of Romania of the other part⁽³⁾, amends Protocol 4 to the Europe Agreement with effect from 31 January 1997; whereas the new Protocol lays down that the proof of origin of products imported into the Community may be established by a declaration by the exporter under certain conditions as well as by the submission of the EUR.1 certificate; whereas, therefore, Commission Regulation (EEC) No 1588/94⁽⁴⁾, as last amended by Regulation (EC) No 2499/96⁽⁵⁾, should be amended as regards the rules on the release for free circulation of products imported from Romania;

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

Article 8 of Regulation (EEC) No 1588/94 is replaced by the following:

'Article 8

The products shall be placed in free circulation on presentation of an EUR.1 certificate issued by the exporting country in accordance with Protocol 4 to the Europe Agreements concluded with the said countries, or, in the case of products imported from Romania, of a declaration by the exporter in accordance with the provisions of the said Protocol.'

Article 2

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

It shall apply from 31 January 1997.

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

Done at Brussels, 1 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 368, 31. 12. 1994, p. 5.

⁽²⁾ OJ No L 368, 31. 12. 1994, p. 1.

⁽³⁾ OJ No L 54, 24. 2. 1997, p. 1.

⁽⁴⁾ OJ No L 167, 1. 7. 1994, p. 8.

⁽⁵⁾ OJ No L 338, 28. 12. 1996, p. 58.

COMMISSION REGULATION (EC) No 580/97

of 1 April 1997

amending Regulation (EC) No 413/97 of 3 March 1997 adopting exceptional support measures for the market in pigmeat in the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Articles 20 and 22, second paragraph, thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in the Netherlands, exceptional support measures for the market in pigmeat in that Member State were adopted in Commission Regulation (EC) No 413/97 ⁽³⁾;

Whereas, given the duration of the health protection and trade restrictions in the areas affected by the disease, young piglets should be included in the exceptional measures provided for in Regulation (EC) No 413/97 and aid levels should be set for the different categories of piglets;

Whereas transport costs should be deducted from the aid, calculated in accordance with the provisions of Article 4 (1) of Regulation (EC) No 413/97, since, unlike in normal marketing practice, the cost of transport carried out under the exceptional measures is not borne by the producer;

Whereas the protection and surveillance zone around Rijsbergen should be included in the exceptional measures by replacing Annex II to Regulation (EC) No 413/97 with a new Annex;

Whereas rapid and effective application of the exceptional market support measures is one of the best means of combating the spread of classical swine fever; whereas this justifies the application of most of the measures provided for in this Regulation from 18 March 1997;

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

Regulation (EC) No 413/97 is amended as follows:

1. Article 1 is amended as follows:

(a) the following paragraph 3 is inserted:

'3. From 18 March 1997 producers may benefit, on request, from an aid granted by the competent Dutch authorities for the delivery to them of young piglets falling under CN code 0103 91 10 weighing 8 kilogrammes or more on average per batch.';

(b) the present paragraph 3 becomes paragraph 4.

2. in Article 2, the words 'fattened pigs and piglets' are replaced by the words 'fattened pigs, piglets and young piglets';

3. Article 4 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. For fattened pigs weighing 120 kilograms or more on average per batch, the aid provided for in Article 1 (1), at farm gate, shall be equal to the market price for slaughtered pigs of grade E, within the meaning of Article 4 (2) of Regulation (EEC) No 2759/75, of Commission Regulation 3537/89 ⁽¹⁾ and of Commission Regulation (EEC) No 2123/89 ⁽²⁾, recorded in the Netherlands during the week preceding the delivery of the fattened pigs to the competent authorities, minus transport costs of ECU 2,3/100 kg slaughter weight.';

(b) paragraph 4 is replaced by the following:

'The aid provided for in Article 1 (2) and (3), at farm gate, shall be:

- ECU 45 per head for piglets weighing 25 kilograms or more on average per batch,
- ECU 38 per head for piglets weighing more than 24 kilogramms on average per batch, but less than 25 kilograms,
- ECU 32 per head for young piglets weighing 8 kilograms or more on average per batch,
- ECU 27 per head for young piglets weighing more than 7,6 kilograms on average per batch, but less than 8 kilograms.';

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 62, 4. 3. 1997, p. 26.

4. The following indent is added to Article 6:

— number and total weight of young piglets delivered;

5. In Annex I, the words 'North Brabant' are deleted and the word 'piglets' is replaced by the words 'piglets and young piglets'.

6. Annex II is replaced by the Annex to this Regulation.

Article 2

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

The provisions of Article 1 (1), (2), (3) (b), (4), (5) and (6) shall apply from 18 March 1997.

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

Done at Brussels, 1 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

'ANNEX II

The protection and surveillance zones in the following areas:

- Venhorst,
 - Best,
 - Rijsbergen.'
-

COMMISSION REGULATION (EC) No 581/97

of 1 April 1997

adopting exceptional support measures for the market in pigmeat in Belgium

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 3290/94⁽²⁾, and in particular Article 20 and the second paragraph of Article 22 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in the Netherlands situated in the border region with Belgium, surveillance zones have been established by the Belgian authorities pursuant to Article 9 of Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by Decision 93/384/EEC⁽⁴⁾; whereas, as a result, trade in live pigs, fresh pigmeat and pigmeat products which have not undergone heat treatment is temporarily prohibited in those zones;

Whereas restrictions on the free movement of goods resulting from the application of veterinary measures are likely to cause a serious disturbance of the pigmeat market in Belgium; whereas it is therefore necessary to adopt exceptional market support measures limited to live animals from the areas directly affected and to apply for no longer than is strictly necessary;

Whereas, with the aim of preventing a further spread of the disease, pigs produced in the said zones should be separated from normal trade in products intended for human consumption and processed into products intended for uses other than human consumption, in accordance with the provisions of Article 3 of Council Directive 90/667/EEC⁽⁵⁾, as amended by Directive 92/118/EEC⁽⁶⁾, and the Belgian authorities should be allowed to organise buying-in operations as required by the health and veterinary situation in the zones in question;

Whereas a price should be set for the buying-in of live piglets and pigs, where necessary, by the intervention

agency in the surveillance zone; whereas the premises in which the animals may be killed should also be specified;

Whereas, in view of the extent of the disease and, in particular, of its duration, and consequently of the magnitude of the efforts needed to support the market, it would be appropriate for such measures to be shared by the Community and the Member State concerned;

Whereas provision should be made for the Belgian authorities to adopt all necessary control and surveillance measures and to inform the Commission thereof;

Whereas the restrictions in the free movement of live pigs have been operative for several weeks in the zones in question, provoking a substantial increase in the weight of the animals and consequently leading to an intolerable situation where the welfare of the animals is concerned; whereas retroactive application of this Regulation from 18 March 1997 is therefore justified;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. From 18 March 1997 the Belgium intervention agency shall buy in, as required by the health and veterinary situation, piglets falling within CN code 0103 91 10 weighing 8 kilograms or more on average per batch.
2. From 18 March 1997 the Belgian intervention agency shall buy in, as required by the health and veterinary situation, live fattening pigs falling within CN code 0103 92 19 weighing 120 kilograms or more on average per batch.
3. Seventy per cent of the expenditure related to those buying-in operations shall be financed by the Community budget, for a maximum number of animals as laid down in Annex I hereto.

Article 2

Only fattening pigs and piglets raised in the surveillance zone situated within the regions referred to in Annex II to this Regulation may be delivered, provided that the veterinary provisions laid down by the Belgian authorities apply in the zone on the day the animals are bought in.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ No L 166, 8. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 363, 27. 12. 1990, p. 51.

⁽⁶⁾ OJ No L 62, 15. 3. 1993, p. 49.

Article 3

On the day they are bought in the animals shall be weighed and killed, either at the farm, in collection centres or in rendering plants, in such a way as to prevent the disease from spreading.

In exceptional cases and if the veterinary situation so requires, fattening pigs may be killed in a slaughterhouse once the Commission has been informed thereof.

They shall be transported without delay to a rendering plant and processed into products falling within CN codes 1501 00 11, 1506 00 00 and 2301 10 00 in accordance with the provisions of Article 3 of Directive 90/667/EEC.

Those operations shall be carried out under the continuous supervision of the competent Belgian authorities.

Article 4

1. For fattening pigs weighing 120 kilograms or more on average per batch, the buying-in price provided for in Article 1 (1), at farm gate, shall be equal to the market price for slaughtered pigs of grade E within the meaning of Article 4 (2) Regulation (EEC) No 2759/75, of Commission Regulation (EEC) No 3537/89⁽¹⁾ and of Commission Regulation (EEC) No 2123/89⁽²⁾, recorded in Belgium in the week preceding the purchase of the fattening pigs and less transport costs of ECU 1,3/100 kg slaughtered weight.

2. For fattening pigs weighing less than 120 kilograms but more than 110 kilograms on average per batch, the buying-in price fixed pursuant to paragraph 1 shall be reduced by 15 %.

3. The buying-in price shall be calculated on the basis of recorded slaughtered weight. However, where the animals are only weighed live the buying-in price shall be multiplied by a coefficient of 0,81.

4. The buying-in price at farm gate for piglets weighing 25 kilograms or more but less than 26 kilo-

grams on average per batch shall be equal to the average price of the '+25 kg' price category recorded on St Truiden market in the week preceding the purchase of the piglets by the intervention agency.

5. For the other piglet weight categories, the buying-in price shall be equal to the buying-in price calculated according to point 4,

- (a) reduced by ECU 12,5 per head for piglets weighing 8 kilograms or more but less than 23 kilograms on average per batch;
- (b) reduced by ECU 5 per head for piglets weighing 23 kilograms or more but less than 25 kilograms on average per batch;
- (c) increased by ECU 2,5 per head for piglets weighing 26 kilograms or more on average per batch.

Article 5

The competent Belgian authorities shall adopt all measures necessary to ensure compliance with the provisions of this Regulation, and in particular with Article 2 thereof. They shall inform the Commission thereof as soon as possible.

Article 6

The competent Belgian authorities shall send the Commission each Wednesday the following information relating to the previous week:

- number and total weight of pigs bought in,
- number and total weight of piglets bought in,
- buying-in price for the piglets referred to in Article 4 (4).

Article 7

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

It shall apply from 18 March 1997.

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

Done at Brussels, 1 April 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 347, 28. 11. 1989, p. 20.

⁽²⁾ OJ No L 203, 15. 7. 1989, p. 23.

ANNEX I

	Antwerp
fattening pigs	18 000 head
piglets	16 000 head

ANNEX II

In the province of Antwerp, the Hoogstraten surveillance zone, as defined in Article 1 of the Ministerial Decree of 17 February 1997.

COMMISSION REGULATION (EC) No 582/97

of 1 April 1997

concerning the stopping of fishing for salmon by vessels flying the flag of Sweden

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2489/96⁽²⁾, and in particular Article 21 (3) thereof,

Whereas Council Regulation (EC) No 404/97 of 20 December 1996 allocating, for 1997, catch quotas between Member States for vessels fishing in Polish waters⁽³⁾, provides for salmon quotas for 1997;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of salmon in the waters of ICES division III d (Polish waters) by vessels flying the flag of Sweden or registered in Sweden have reached the quota allocated for 1997; whereas Sweden has prohibited fishing

for this stock as from 5 February 1997; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of salmon in the waters of ICES division III d (Polish waters) by vessels flying the flag of Sweden or registered in Sweden are deemed to have exhausted the quota allocated to Sweden for 1997.

Fishing for salmon in the waters of ICES division III d (Polish waters) by vessels flying the flag of Sweden or registered in Sweden is prohibited, as well as the retention on board, the trans-shipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 5 February 1997.

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

Done at Brussels, 1 April 1997.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 338, 28. 12. 1996, p. 12.

⁽³⁾ OJ No L 66, 6. 3. 1997, p. 110.

COMMISSION REGULATION (EC) No 583/97
of 1 April 1997
establishing the standard import values for determining the entry price of
certain fruit and vegetables

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

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

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 April 1997.

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

Done at Brussels, 1 April 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 1 April 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 20	052	100,8
	204	74,5
	212	102,8
	624	141,6
	999	104,9
0709 10 10	220	197,5
	999	197,5
0709 90 75	052	78,6
	204	78,6
	999	78,6
0805 10 11, 0805 10 15, 0805 10 19	052	56,6
	204	46,3
	212	54,9
	220	29,3
	400	38,2
	448	24,8
	456	26,6
	600	36,3
	624	51,1
	625	39,2
0805 30 20	999	40,3
	052	65,4
	600	81,3
	999	73,4
0808 10 61, 0808 10 63, 0808 10 69	060	61,1
	388	95,3
	400	91,7
	404	100,8
	508	75,0
	512	82,0
	524	71,0
	528	81,8
	999	82,3
	052	119,8
0808 20 37	388	69,7
	400	82,5
	512	72,5
	528	74,3
	999	83,8

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

COMMISSION DIRECTIVE 97/14/EC

of 21 March 1997

amending Annex III to Council Directive 77/93/EEC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 97/3/EC⁽²⁾, and in particular Article 13, second subparagraph, fourth indent thereof,

Whereas some provisions for protective measures against tubers of *Solanum tuberosum* L., should be modified because it is no longer appropriate to maintain the current prohibitions set out in Directive 77/93/EEC in respect of tubers of *Solanum tuberosum* L., other than those intended for planting, from Algeria;

Whereas therefore the relevant Annex to Directive 77/93/EEC should be amended accordingly;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 77/93/EEC is hereby amended as indicated in the Annex to this Directive.

Article 2

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

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The procedure for such a reference shall be adopted by the Member States.

2. The Member States shall immediately communicate to the Commission the essential provisions of domestic law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 21 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 27, 30. 1. 1997, p. 30.

ANNEX

In Annex III, Part A, point 12, right hand column, of Directive 77/93/EEC, 'Algeria' is added after 'third countries other than'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 25 March 1997

on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC concerning Italy

(Text with EEA relevance)

(97/215/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 (6) (g) thereof,

Whereas in February 1997 outbreaks of classical swine fever in Italy were declared by the Italian Veterinary Authorities;

Whereas pursuant to Article 9 (1) of Directive 80/217/EEC a surveillance zone was immediately established around outbreak sites;

Whereas the surveillance zone for an outbreak confirmed in Teggiano in the Province of Salerno on 23 February was established;

Whereas all pig holdings in the established surveillance zone have been subject to a regular inspection by a veterinarian. During this inspection samples for laboratory examination are collected if deemed necessary. No evidence of classical swine fever in the zone has been detected;

Whereas the provisions for the use of a health mark on fresh meat are given in Council Directive 64/433/EEC⁽²⁾

on health conditions for the production and marketing of fresh meat, as last amended by Directive 95/23/EEC⁽³⁾;

Whereas Italy has submitted a request for the adoption of a specific solution concerning marking and use of pigmeat coming from pigs kept on holdings situated in an established surveillance zone and slaughtered subject to a specific authorization issued by the competent authority;

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. Without prejudice for the provisions of Directive 80/217/EEC, in particular, Article 9 (6), Italy is authorized to apply the mark described in Article 3 (1) (A) (e) of Directive 64/433/EEC to pigmeat obtained from pigs originating from holdings situated in a surveillance zone in the Province of Salerno established in accordance with the provisions of Article 9 (1) of Directive 80/217/EEC on the condition that the pigs in question:

- (a) originate from a holding to which, following the epidemiological inquiry, no contact has been established with an infected holding;
- (b) originate from a holding which for a period of at least three weeks has been subject to a regular inspection by a veterinarian. The inspection has included all pigs kept on the holding;

⁽¹⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽²⁾ OJ No 121, 29. 7. 1964, p. 2012/64.

⁽³⁾ OJ No L 243, 11. 10. 1995, p. 7.

- (c) have been subject to protection measures established on 23 February 1997 in accordance with the provisions of Article 9 (6) (f) and (g) of Directive 80/217/EEC;
- (d) have been included in a programme for monitoring body temperature and clinical examination. The programme shall be carried out as given in Annex I;
- (e) have been slaughtered within 12 hours of arrival at the slaughterhouse.

2. Italy shall ensure that a certificate as given in Annex II is issued in respect of meat referred to in paragraph 1.

Article 2

Pigmeat which complies with the conditions of Article 1 (1) and enters into intra-Community trade must be accompanied by the certificate referred to in Article 1 (2).

Article 3

Italy shall ensure that abattoirs designated to receive the pigs referred to in Article 1 (1) do not on the same day accept pigs for slaughter other than the pigs in question.

Article 4

Italy shall provide Member States and the Commission with:

- (a) the name and location of slaughterhouses designated to receive pigs for slaughter referred to in Article 1 (1),
- (b) a monthly report which contains information on:
 - the area to which the provisions of Article 1 apply,
 - number of pigs slaughtered at the designated slaughterhouses,
 - identification system and movement controls applied to slaughter pigs, as required pursuant to Article 9 (6) (f) (i) of Directive 80/217/EEC,
 - instructions issued concerning the application of the programme for monitoring body temperature referred to in Annex I.

Article 5

This Decision is applicable until 1 May 1997.

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 25 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

MONITORING OF BODY TEMPERATURE

The programme for monitoring body temperature and clinical examination referred to in Article 1 (1) (b) shall include the following:

1. Within the 24-hour period before loading a consignment of pigs intended for slaughter, the competent veterinary authority shall ensure that the body temperature of a number of pigs of the said consignment is monitored by an official veterinarian inserting a thermometer into the rectum. The number of pigs to be monitored for temperature shall be as given below:

Number of pigs in consignment	Number of pigs to be monitored
0 to 25	all
26 to 30	26
31 to 40	31
41 to 50	35
51 to 100	45
101 to 200	51
200 +	60

At the time of examination, the following information shall be recorded for each pig on a table issued by the competent veterinary authorities: number of eartag, time of examination and temperature.

In cases where the examination shows a temperature of 40 °C or above, the official veterinarian shall immediately be informed. A disease investigation shall be initiated and take into account the provisions of Article 4 of Council Directive 80/217/EEC introducing Community measures for the control of classical swine fever.

2. Shortly (0 to 3 hours) before loading of the consignment examined as described under 1 above, a clinical examination shall be carried out by an official veterinarian designated by the competent veterinary authorities.
3. At the time of loading of the consignment of pigs examined as described under 1 and 2 above, the official veterinarian shall issue a health document, which shall accompany the consignment to the designated slaughterhouse.
4. At the slaughterhouse of designation the results of the temperature monitoring shall be made available to the veterinarian who performs the *ante-mortem* examination.

ANNEX II

CERTIFICATE

for fresh meat referred to in Article 1 (1) of Commission Decision 97/215/EC

No ⁽¹⁾:

Place of loading:

Ministry:

Department:

I. Identification of meat

Meat of pigs

Nature of cuts:

Number of cuts or packages:

Net weight:

II. Origin of meat

Address and veterinary approval number of the approved slaughterhouse:

.....

.....

III. Destination of meat

The meat will be sent

from:

(place of loading)

to:

(place of destination)

by the following means of transport ⁽²⁾:

Name and address of consignee:

.....

⁽¹⁾ Serial No issued by the official veterinarian.⁽²⁾ In the case of rail trucks and lorries, state the registration number and in the case of boats, name and, where necessary, the number of the container.

IV. Health attestation

I, the undersigned official veterinarian, certify that the meat described above was obtained under the conditions governing production and control laid down in Directive 64/433/EEC and is in conformity with the provisions of Commission Decision 97/215/EC on marking and use of pigmeat in application of Article 9 of Council Directive 80/217/EEC.

Done at, on

.....
(name and signature of the official veterinarian)

COMMISSION DECISION

of 26 March 1997

concerning protection measures relating to classical swine fever in the Netherlands and repealing Decision 97/122/EC

(Text with EEA relevance)

(97/216/EC)

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

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,

Whereas a number of outbreaks of Classical Swine Fever have occurred in the Netherlands in an area with a high density of pigs;

Whereas the Netherlands have 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⁽³⁾, as last amended by the act of Accession of Austria, Finland and Sweden;

Whereas due to the increased number of outbreaks it was found necessary on 14 February 1997 to adopt Commission Decision 97/122/EC concerning certain protection measures relating to Classical Swine Fever in the Netherlands⁽⁴⁾;

Whereas due to the spread of Classical Swine Fever to two semen collection centres, it is necessary to take additional measures to reduce the risk of spread of the disease to other Member States;

Whereas it is necessary to forbid the movement of live pigs and boar semen from the Netherlands to other Member States;

Whereas pig embryos and ova in accordance with the provisions of Annex IV of Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC⁽⁵⁾, as last amended by Commission Decision 95/166/EC⁽⁶⁾ are subject to the same restrictions as live pigs and therefore their movement from the Netherlands to other Member States are also forbidden;

Whereas it is necessary to review this Decision before 15 April 1997;

Whereas the protection measures introduced by Commission Decision 97/122/EC, in the interest of clarity, must be repealed;

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

HAS ADOPTED THIS DECISION:

Article 1

The Netherlands shall not send the following to other Member States:

- (a) live pigs,
- (b) boar semen.

Article 2

1. The Netherlands shall, at eight day intervals, present data on the Classical Swine Fever situation in the format indicated in the Annex.

2. This Decision shall be reviewed before 15 April 1997.

Article 3

Commission Decision 97/122/EC is hereby repealed.

Article 4

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

Article 5

This Decision is addressed to Member States.

Done at Brussels, 26 March 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ No L 45, 15. 2. 1997, p. 48.

⁽⁵⁾ OJ No L 268, 14. 9. 1992, p. 54.

⁽⁶⁾ OJ No L 117, 24. 5. 1995, p. 23.

ANNEX

Classical swine fever report

Kringen:

Reporting period:

[illegible]

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

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

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

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

(⁵) Suspect herds: 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.