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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2064/97

of 15 October 1997

establishing detailed arrangements for the implementation of Council Regulation (EEC) No 4253/88 as regards the financial control by Member States of operations co-financed by the Structural Funds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4253/88 of 19 December 1988 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards coordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as last amended by Regulation (EC) No 3193/94⁽²⁾, and in particular the fourth subparagraph of Article 23 (1) thereof,

Having consulted the Advisory Committee on the Development and Conversion of Regions and the Committee set up pursuant to Article 124 of the Treaty,

Whereas Article 23 (1) of Regulation (EEC) No 4253/88 lays down the principles governing the financial control by Member States of the operations co-financed by the Structural Funds;

Whereas it is necessary, in order to ensure an acceptable level of financial control throughout the Community, for certain minimum control requirements to be specified in detail;

Whereas, in view of the specific constitutional and administrative characteristics of each Member State, it is necessary for this Regulation to be supplemented by appropriate administrative arrangements to be made between the Commission and each Member State;

Whereas this Regulation should apply to the forms of assistance provided for in Article 5 (2) of Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and on coordination of their activities between themselves and with the

operations of the European Investment Bank and the other existing financial instruments⁽³⁾, as last amended by Regulation (EC) No 3193/94, provided that the forms of assistance are administered by the Member States;

Whereas the Member States' management and control systems should be such as to ensure efficient and proper implementation of the operations co-financed by the Structural Funds;

Whereas rules should be established for the conduct of controls by the Member States and arrangements should be made for periodic consultations between Member States and the Commission designed to maximize the useful effect of the overall resources devoted to control at national and Community level;

Whereas the Member States should ensure that apparent irregularities reported by national or Community controls are investigated and satisfactorily treated;

Whereas the Member States should present to the Commission, as part of the closure of forms of assistance, an independent statement providing an overall conclusion as to the validity of the request for final payment and allowing the identification and satisfactory treatment of any weaknesses or irregularities;

Whereas the Member States should report to the Commission annually on their application of this Regulation;

Whereas the Member States are required by the second subparagraph of Article 23 (1) of Regulation (EEC) No 4253/88 to notify the Commission of the description of their management and control systems; whereas these descriptions should where necessary be completed and updated;

Whereas, in the case of forms of assistance involving more than one Member State, provision should be made for administrative cooperation between the Member States concerned and the Commission;

⁽¹⁾ OJ L 374, 31. 12. 1988, p. 1.

⁽²⁾ OJ L 337, 24. 12. 1994, p. 11.

⁽³⁾ OJ L 185, 15. 7. 1988, p. 9.

Whereas the Member States should be free to apply national control rules more rigorous than those prescribed in this Regulation;

Whereas this Regulation should be without prejudice to the provisions of Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities⁽¹⁾ and Council Regulation (EC) No 1681/94 of 11 July 1994 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organization of an information system in this field⁽²⁾;

Whereas, in accordance with Article 214 of the EC Treaty, it is necessary to ensure that professional secrets obtained in the course of the controls provided for by this Regulation are not disclosed to unauthorized persons;

Whereas the measures laid down in this Regulation are in accordance with the opinion delivered by the Management Committee on Agricultural Structures and Rural Development and the Standing Management Committee for Fisheries Structures,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply to the forms of assistance provided for in Article 5 (2) of Regulation (EEC) No 2052/88 and administered by the Member States.

Article 2

1. Member States' management and control systems shall:
 - (a) ensure the proper implementation of the forms of assistance in accordance with the objectives of sound financial management;
 - (b) provide satisfactory certification of the validity of claims for advance payments and final payments based on expenditure actually incurred;
 - (c) provide a sufficient audit trail;
 - (d) specify the organization of responsibilities and in particular the controls applied at the different levels to guarantee valid certifications;
 - (e) facilitate the identification of possible weaknesses or risks in the execution of actions and projects;
 - (f) provide for corrective measures to be taken to eliminate weaknesses, risks or irregularities identified in

the course of project execution, in particular as regards financial management.

2. For the purposes of this Regulation, a sufficient audit trail is one which permits:

- (a) reconciliation of the summary amounts certified to the Commission with the individual expenditure records and supporting documents at the various administrative and final beneficiary levels, and
- (b) verification of the allocation and the transfers of the available Community and national funds.

3. An indicative description of the information requirements for a sufficient audit trail is given at Annex I.

Article 3

1. Member States shall organize controls of projects or actions (hereinafter referred to as controls) on an appropriate sampling basis, designed in particular to:

- (a) verify the effectiveness of the management and control systems in place;
- (b) verify selectively, on the basis of risk analysis, expenditure declarations made at the various levels concerned.

2. The controls carried out before the closure of each form of assistance shall cover at least 5 % of the total eligible expenditure and a representative sample of the projects or actions approved, taking account of the requirements of paragraph 3.

For forms of assistance approved before the entry into force of this Regulation, the percentage may be reduced proportionally.

Member States shall seek to spread the implementation of the controls evenly over the period concerned.

3. The selection of the sample of projects or actions to be subject to controls shall take into account:

- (a) the need to control an appropriate mix of types and sizes of projects or actions;
- (b) any risk factors which have been identified by national or Community controls;
- (c) the concentration of projects under certain implementing authorities or certain final beneficiaries, so that the main implementing authorities and final beneficiaries are subject to at least one control before the closure of each form of assistance.

Article 4

Through the controls, the Member States shall seek to verify the following:

- (a) the practical application and effectiveness of the management and control systems;
- (b) for an adequate number of accounting records, the correspondence of those records with the supporting documents at the level of the final beneficiary and the intermediate authorities;

⁽¹⁾ OJ L 292, 15. 11. 1996, p. 2.

⁽²⁾ OJ L 178, 12. 7. 1994, p. 43.

- (c) the presence of a sufficient audit trail;
- (d) for an adequate number of expenditure items, that the nature and timing of the relevant expenditure (commitments and payments) correspond to the Community requirements, to the approved physical characteristics of the project and to the works actually executed;
- (e) that the use or intended use of the project is consistent with the use described in the application for Community co-financing;
- (f) that the Community financial contributions are within the limits provided for in Article 13 of Regulation (EEC) No 2052/88 and any other applicable Community provisions and are paid to final beneficiaries without any reductions or unjustified delays;
- (g) that the appropriate national co-financing has in fact been made available;
- (h) that the co-financed actions have been implemented in accordance with the requirements of Article 7 (1) of Regulation (EEC) No 2052/88.

Article 5

The controls shall establish whether any problems encountered are of a systemic character, carrying a risk for other projects sponsored by the same final beneficiary or administered by the same implementing authority; they shall also identify the causes of such situations, any further examination which may be required and the necessary corrective and preventive action.

Article 6

Each Member State and the Commission shall consult at least once a year with a view to coordinating their programmes of controls so as to maximize the useful effect of the overall resources devoted to controls at national and Community level. These consultations shall cover the risk analysis techniques to be applied and shall take account of recent controls, reports and communications by national authorities, the Commission and the European Court of Auditors.

Article 7

1. Member States shall ensure investigation and satisfactory treatment of apparent irregularities reported following national or Community controls.
2. If an apparent irregularity has not received satisfactory treatment within six months of being reported to the implementing authority concerned, the Member State shall inform the Commission of the situation, unless it has already done so pursuant to Regulation (EC) No 1681/94.
3. For the purposes of paragraphs 1 and 2, 'satisfactory treatment' shall mean the presentation, by the final beneficiary or the implementing authority to the appropriate

person or organization responsible for control in the Member State, of sufficient evidence that the apparent irregularity does not exist or has been corrected.

If an irregularity is of a systemic character, satisfactory treatment shall further mean the adoption of the necessary steps for the correction of the cases which have not been individually identified by the controls and for the prevention of recurrence.

4. The evidence referred to in paragraph 3 may consist of copies of the accounting records and supporting documents or any other necessary element.

Article 8

1. No later than at the time of the request for the final payment and the final declaration of expenditure in respect of each form of assistance, Member States shall present to the Commission a statement, of which an indicative model is given at Annex II, drawn up by a person or organization functionally independent of the implementing service. The statement shall summarize the conclusions of the control examinations made in the previous years and provide an overall conclusion as to the validity of the request for the final payment and the legality and regularity of the operations underlying the final declaration of expenditure.

2. If the presence of important management or control weaknesses or the high frequency of irregularities encountered does not allow the provision of a positive overall assurance as to the validity of the request for final payment and the final declaration of expenditure, the statement shall refer to these circumstances and shall estimate the extent of the problem and its financial impact.

In such a case the Commission may ask that a further control be carried out with a view to the identification and rectification of irregularities within a specified period of time.

Article 9

Member States shall inform the Commission by 30 June each year and for the first time by 30 June 1998 of their application of this Regulation in the previous calendar year, with special reference to the requirements of Article 2 and including any necessary completion or updating of the description of their management and control systems required by the second subparagraph of Article 23 (1) of Regulation (EEC) No 4253/88.

Article 10

The Commission and the Member States shall work together to ensure that the objectives of this Regulation are achieved within the framework of the administrative arrangement drawn up with each Member State.

Article 11

In the case of forms of assistance in which more than one Member State participates or where there are beneficiaries in more than one Member State, the Member States concerned and the Commission shall provide one another with any administrative assistance necessary for ensuring proper control.

Article 12

1. The persons or organizations responsible for the implementation of the Community co-financed operations shall ensure that all documents and accounting records required for the controls are supplied to the officials responsible for the controls or to the persons empowered for that purpose.

2. The officials responsible for the controls or the persons empowered for that purpose may require that extracts or copies of the documents or the accounting records referred to in paragraph 1 be supplied to them.

Article 13

Information collected in the course of the controls shall be protected by professional secrecy, in accordance with the relevant provisions of national and Community law. It may not be communicated to any persons other than those who, by reason of their duties in the Member States or in the institutions of the Community, are required to

have knowledge thereof for the purposes of performing those duties.

Article 14

In accordance with the relevant national laws, Commission officials shall have access to all documents prepared either with a view to or following the controls carried out under this Regulation and to the data held, including those stored in data-processing systems.

Article 15

Nothing in this Regulation shall prevent Member States applying national control rules more rigorous than those prescribed herein.

Article 16

In so far as they relate to EAGGF Guidance Section, the controls carried out pursuant to Council Regulation (EEC) No 3508/92⁽¹⁾ and Commission Regulation (EEC) No 3887/92⁽²⁾ may also be regarded as carried out pursuant to this Regulation.

Article 17

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

Article 8 shall apply from 1 January 1998.

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

Done at Brussels, 15 October 1997.

For the Commission

Anita GRADIN

Member of the Commission

⁽¹⁾ OJ L 355, 5. 12. 1992, p. 1.

⁽²⁾ OJ L 391, 31. 12. 1992, p. 36.

ANNEX I

INDICATIVE DESCRIPTION OF INFORMATION REQUIREMENTS FOR AUDIT TRAIL

(Article 2 (3))

A sufficient audit trail, as referred to in Article 2 (3), is present when, for a given form of assistance:

1. Accounting records kept at the appropriate management level provide detailed information about expenditure actually incurred by final beneficiaries for each co-financial project, including the date of the accounting record, the amount of each expenditure item, the identification of the supporting document and the date and method of payment; the records are supported by the necessary documentary evidence (e.g. invoices).
 2. In cases of expenditure items relating only partly to the Community co-financed operation, sufficient justification is present of the accuracy of the allocation of the amount between the Community co-financed and the other operations. Similar justification is present also for types of expenditure which are recognized as eligible within limits or in proportion to other costs.
 3. The technical and financial plans of the project, the progress reports, the documents concerning the grant approval, the tendering and contracting procedures, etc., are kept available at the appropriate management level.
 4. In reporting expenditure actually incurred to an intermediate authority, the information referred to in paragraph 1 is aggregated in a detailed statement of expenditure indicating for each Community co-financed project all individual expenditure items with a view to composing the total certified amount. These detailed statements of expenditure constitute the supporting documents of the accounting records of the intermediate authorities.
 5. The intermediate authorities keep accounting records for each individual project and for the summary amounts of expenditure certified each time by the final beneficiaries. In reporting to the designated authority referred to in Article 21 (5) of Regulation (EEC) No 4253/88, intermediate authorities present a list of the projects approved under each form of assistance, together with information for each individual project comprising at least a complete identification of the project and the final beneficiary, the date of approval of the grant, the amounts committed and paid, the expenditure period covered and the sums of expenditure by measure and by sub-programme. This information constitutes the supporting documentation of the accounting records of the designated authority and is the basis for the preparation of the declarations of expenditure to be presented to the Commission.
 6. In cases of final beneficiaries reporting directly to the designated authority, the detailed statements of expenditure referred to in paragraph 4 constitute the supporting documentation of the accounting records of the designated authority, which is responsible for drawing up the list of projects referred to in paragraph 5.
 7. In cases of more than one intermediate authority intervening between the final beneficiary and the designated authority, each intermediate authority for its area of responsibility requires detailed statements of the expenditure amounts processed at the lower level to be used as supporting documentation for its own accounting records of which it reports upwards at least a summary of the expenditure amounts for each individual project.
 8. In cases of other models of organization of the management and information procedures, including computerized data transfers, all authorities concerned obtain sufficient information from the lower level to justify their accounting records and the sums reported upwards, thus ensuring a satisfactory audit trail from the summary amounts certified to the Commission to the individual expenditure items and the supporting documents at the final beneficiary level.
-

ANNEX II

Indicative model for the statement at the closure of forms of assistance

(Article 8)

To the European Commission, Directorate-General

INTRODUCTION

1. I, (*state name, title and service*), have examined the final declaration of expenditure for (*indicate the form of assistance, the Structural Fund concerned and the period covered*) together with the request to the Commission for payment of the balance of the Community aid.

SCOPE OF THE CONTROLS

2. I conducted the control examination in accordance with the provisions of Regulation (EC) No 2064/97. I planned and performed the examination with a view to obtaining reasonable assurance about whether the final declaration of expenditure and the request for the payment of the balance of the Community aid are free of material misstatement (*Describe briefly the practical steps taken for the execution of the control*).

OBSERVATIONS

3. The scope of the control examination has been limited by the following:

- (a)
(b)
(c), etc.

(Indicate any limitations to the control examination for example systemic problems, management weaknesses, lack of audit trail, lack of supporting documentation, cases under legal proceedings, etc.; estimate the amounts of expenditure affected by these limitations and the corresponding Community aid).

4. The control examination, together with the conclusions of any other national or Community controls to which I have had access, revealed a low/high (*indicate as appropriate; if high, explain*) frequency of errors/irregularities. Any reported errors/irregularities have been satisfactorily treated by the management authorities and they do not appear to affect the amount of the Community aid payable, with the following exceptions:

- (a)
(b)
(c), etc.

(Indicate the errors/irregularities which have not been satisfactorily treated, and for each case, the possible systemic character and extent of the problem and the amounts of Community aid which appear to be affected).

CONCLUSION

Either

If there are no limitations to the control examination, the frequency of errors found is low and all problems have been satisfactorily treated:

COMMISSION REGULATION (EC) No 2065/97

of 22 October 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 rep-

resentative 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,

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 23 October 1997.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 22 October 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⁾	8,04	—	0,17
1703 90 00 ⁽¹⁾	11,48	—	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 2066/97

of 22 October 1997

fixing the export refunds on white sugar and raw sugar exported in its unaltered 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 1 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 point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽³⁾, as amended by Regulation (EC) No 3290/94⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, 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⁽⁸⁾, as last amended by Regulation (EC) No 1482/96⁽⁹⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

Whereas it follows from applying the rules set out above to the present situation on the market in sugar and in particular to quotations or prices for sugar within the Community and on the world market that the refund should be as set out in the Annex hereto;

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

Article 2

This Regulation shall enter into force on 23 October 1997.

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 89, 10. 4. 1968, p. 3.

⁽⁴⁾ OJ L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ 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, 22 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 22 October 1997 fixing 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	36,00 ⁽¹⁾
1701 11 90 9910	33,32 ⁽¹⁾
1701 11 90 9950	⁽²⁾
1701 12 90 9100	36,00 ⁽¹⁾
1701 12 90 9910	33,32 ⁽¹⁾
1701 12 90 9950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 9000	0,3914
	— ECU/100 kg —
1701 99 10 9100	39,14
1701 99 10 9910	39,59
1701 99 10 9950	39,59
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 9100	0,3914

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

COMMISSION REGULATION (EC) No 2067/97
of 22 October 1997

fixing the maximum export refund for white sugar for the 12th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1408/97

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 1408/97 of 22 July 1997 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 1408/97 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 12th 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 12th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1408/97 the maximum amount of the export refund is fixed at ECU 43,035 per 100 kilograms.

Article 2

This Regulation shall enter into force on 23 October 1997.

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

Done at Brussels, 22 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ L 194, 23. 7. 1997, p. 16.

COMMISSION REGULATION (EC) No 2068/97

of 22 October 1997

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 October 1997.

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

Done at Brussels, 22 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 22 October 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 40	204	50,8
	999	50,8
0709 90 79	052	193,9
	999	193,9
0805 30 30	052	92,4
	388	65,5
	512	34,9
	524	41,5
	528	58,9
0806 10 40	999	58,6
	052	76,6
	064	53,8
	400	205,4
	504	265,3
0808 10 92, 0808 10 94, 0808 10 98	999	150,3
	052	58,8
	060	52,5
	064	47,2
	388	63,4
	400	85,3
	404	75,4
	512	53,1
0808 20 57	528	45,1
	999	60,1
	052	93,3
	064	87,7
	400	73,0
	999	84,7

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

COMMISSION REGULATION (EC) No 2069/97

of 22 October 1997

altering the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 2033/97 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2033/97 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as last amended by Regulation (EC) No 150/95 ⁽⁵⁾, 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 ⁽⁶⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to Regulation (EC) No 2033/97 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 23 October 1997.

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

Done at Brussels, 22 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 285, 17. 10. 1997, p. 29.

⁽⁴⁾ OJ L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 22 October 1997 altering the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination ⁽¹⁾	Amount of refund	Product code	Destination ⁽¹⁾	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	01	5,50
1001 90 91 9000	—	—	1101 00 15 9130	01	5,00
1001 90 99 9000	03	0	1101 00 15 9150	01	4,75
	02	—	1101 00 15 9170	01	4,25
1002 00 00 9000	03	17,00	1101 00 15 9180	01	4,00
	02	0	1101 00 15 9190	—	—
1003 00 10 9000	—	—	1101 00 90 9000	—	—
1003 00 90 9000	03	4,00	1102 10 00 9500	01	36,50
	02	0	1102 10 00 9700	—	—
1004 00 00 9200	—	—	1102 10 00 9900	—	—
1004 00 00 9400	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 10 90 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1005 90 00 9000	—	—	1103 11 10 9900	—	—
1007 00 90 9000	—	—	1103 11 90 9200	01	0 ⁽²⁾
1008 20 00 9000	—	—	1103 11 90 9800	—	—

⁽¹⁾ The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein.

⁽²⁾ No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 2070/97

of 22 October 1997

providing for the rejection of applications for export licences in relation to
cereal products

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

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

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾, as last amended by Regulation (EC) No 932/97⁽⁴⁾, and in particular Article 7 (3) thereof,

Whereas the quantity covered by applications for advance fixing of refunds for flour of common wheat and spelt, could give rise to speculation; whereas it has therefore

been decided to reject all applications for export licences of such products made on 22 October 1997,

HAS ADOPTED THIS REGULATION:

Article 1

In accordance with Article 7 (3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN code 1101 00 15 made on 22 October 1997 shall be rejected.

Article 2

This Regulation shall enter into force on 23 October 1997.

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

Done at Brussels, 22 October 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ L 135, 27. 5. 1997, p. 2.

DIRECTIVE 97/55/EC OF EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 6 October 1997****amending Directive 84/450/EEC concerning misleading advertising so as to include comparative advertising**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 25 June 1997,

- (1) Whereas one of the Community's main aims is to complete the internal market; whereas measures must be adopted to ensure the smooth running of the said market; whereas the internal market comprises an area which has no internal frontiers and in which goods, persons, services and capital can move freely;
- (2) Whereas the completion of the internal market will mean an ever wider range of choice; whereas, given that consumers can and must make the best possible use of the internal market, and that advertising is a very important means of creating genuine outlets for all goods and services throughout the Community, the basic provisions governing the form and content of comparative advertising should be uniform and the conditions of the use of comparative advertising in the Member States should be harmonized; whereas if these conditions are met, this will help demonstrate objectively the merits of the various comparable products; whereas comparative advertising can also stimulate competition between suppliers of goods and services to the consumer's advantage;
- (3) Whereas the laws, regulations and administrative provisions of the individual Member States concerning comparative advertising differ widely; whereas

advertising reaches beyond the frontiers and is received on the territory of other Member States; whereas the acceptance or non-acceptance of comparative advertising according to the various national laws may constitute an obstacle to the free movement of goods and services and create distortions of competition; whereas, in particular, firms may be exposed to forms of advertising developed by competitors to which they cannot reply in equal measure; whereas the freedom to provide services relating to comparative advertising should be assured; whereas the Community is called on to remedy the situation;

- (4) Whereas the sixth recital of Council Directive 84/450/EEC of 10 September 1984 relating to the approximation of laws, regulations and administrative provisions of the Member States concerning misleading advertising ⁽⁴⁾ states that, after the harmonization of national provisions against misleading advertising, 'at a second stage . . . , as far as necessary, comparative advertising should be dealt with, on the basis of appropriate Commission proposals';
- (5) Whereas point 3 (d) of the Annex to the Council Resolution of 14 April 1975 on a preliminary programme of the European Economic Community for a consumer protection and information policy ⁽⁵⁾ includes the right to information among the basic rights of consumers; whereas this right is confirmed by the Council Resolution of 19 May 1981 on a second programme of the European Economic Community for a consumer protection and information policy ⁽⁶⁾, point 40 of the Annex, which deals specifically with consumer information; whereas comparative advertising, when it compares material, relevant, verifiable and representative features and is not misleading, may be a legitimate means of informing consumers of their advantage;
- (6) Whereas it is desirable to provide a broad concept of comparative advertising to cover all modes of comparative advertising;
- (7) Whereas conditions of permitted comparative advertising, as far as the comparison is concerned, should be established in order to determine which practices relating to comparative advertising may distort

⁽¹⁾ OJ C 180, 11. 7. 1991, p. 14, and OJ C 136, 19. 5. 1994, p. 4.

⁽²⁾ OJ C 49, 24. 2. 1992, p. 35.

⁽³⁾ Opinion of the European Parliament of 18 November 1992 (OJ C 337, 21. 12. 1992, p. 142), Common Position of the Council of 19 March 1996 (OJ C 219, 27. 7. 1996, p. 14) and Decision of the European Parliament of 23 October 1996 (OJ C 347, 16. 11. 1996, p. 69). Decision of the European Parliament of 16 September 1997 and Decision of the Council of 15 September 1997.

⁽⁴⁾ OJ L 250, 19. 9. 1984, p. 17.

⁽⁵⁾ OJ C 92, 25. 4. 1975, p. 1.

⁽⁶⁾ OJ C 133, 3. 6. 1981, p. 1.

- competition, be detrimental to competitors and have an adverse effect on consumer choice; whereas such conditions of permitted advertising should include criteria of objective comparison of the features of goods and services;
- (8) Whereas the comparison of the price only of goods and services should be possible if this comparison respects certain conditions, in particular that it shall not be misleading;
- (9) Whereas, in order to prevent comparative advertising being used in an anti-competitive and unfair manner, only comparisons between competing goods and services meeting the same needs or intended for the same purpose should be permitted;
- (10) Whereas the international conventions on copyright as well as the national provisions on contractual and non-contractual liability shall apply when the results of comparative tests carried out by third parties are referred to or reproduced in comparative advertising;
- (11) Whereas the conditions of comparative advertising should be cumulative and respected in their entirety; whereas, in accordance with the Treaty, the choice of forms and methods for the implementation of these conditions shall be left to the Member States, insofar as those forms and methods are not already determined by this Directive;
- (12) Whereas these conditions should include, in particular, consideration of the provisions resulting from Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs⁽¹⁾, and in particular Article 13 thereof, and of the other Community provisions adopted in the agricultural sphere;
- (13) Whereas Article 5 of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks⁽²⁾ confers exclusive rights on the proprietor of a registered trade mark, including the right to prevent all third parties from using, in the course of trade, any sign which is identical with, or similar to, the trade mark in relation to identical goods or services or even, where appropriate, other goods;
- (14) Whereas it may, however, be indispensable, in order to make comparative advertising effective, to identify the goods or services of a competitor, making reference to a trade mark or trade name of which the latter is the proprietor;
- (15) Whereas such use of another's trade mark, trade name or other distinguishing marks does not breach this exclusive right in cases where it complies with the conditions laid down by this Directive, the intended target being solely to distinguish between them and thus to highlight differences objectively;
- (16) Whereas provisions should be made for the legal and/or administrative means of redress mentioned in Articles 4 and 5 of Directive 84/450/EEC to be available to control comparative advertising which fails to meet the conditions laid down by this Directive; whereas according to the 16th recital of the Directive, voluntary control by self-regulatory bodies to eliminate misleading advertising may avoid recourse to administrative or juridical action and ought therefore to be encouraged; whereas Article 6 applies to unpermitted comparative advertising in the same way;
- (17) Whereas national self-regulatory bodies may coordinate their work through associations or organizations established at Community level and *inter alia* deal with cross-border complaints;
- (18) Whereas Article 7 of Directive 84/450/EEC allowing Member States to retain or adopt provisions with a view to ensuring more extensive protection for consumers, persons carrying on a trade, business, craft or profession, and the general public, should not apply to comparative advertising, given that the objective of amending the said Directive is to establish conditions under which comparative advertising is permitted;
- (19) Whereas a comparison which presents goods or services as an imitation or a replica of goods or services bearing a protected trade mark or trade name shall not be considered to fulfil the conditions to be met by permitted comparative advertising;
- (20) Whereas this Directive in no way affects Community provisions on advertising for specific products and/or services or restrictions or prohibitions on advertising in particular media;
- (21) Whereas, if a Member State, in compliance with the provisions of the Treaty, prohibits advertising regarding certain goods or services, this ban may, whether it is imposed directly or by a body or organization
- ⁽¹⁾ OJ L 208, 24. 7. 1992, p. 1.
⁽²⁾ OJ L 40, 11. 2. 1989, p. 1. Directive as last amended by Decision 92/10/EEC (OJ L 6, 11. 1. 1992, p. 35).

responsible under the law of that Member State for regulating the exercise of a commercial, industrial, craft or professional activity, be extended to comparative advertising;

- (22) Whereas Member States shall not be obliged to permit comparative advertising for goods or services on which they, in compliance with the provisions of the Treaty, maintain or introduce bans, including bans as regards marketing methods or advertising which targets vulnerable consumer groups; whereas Member States may, in compliance with the provisions of the Treaty, maintain or introduce bans or limitations on the use of comparisons in the advertising of professional services, whether imposed directly or by a body or organization responsible under the law of the Member States for regulating the exercise of a professional activity;
- (23) Whereas regulating comparative advertising is, under the conditions set out in this Directive, necessary for the smooth running of the internal market and whereas action at Community level is therefore required; whereas the adoption of a Directive is the appropriate instrument because it lays down uniform general principles while allowing the Member States to choose the form and appropriate method by which to attain these objectives; whereas it is in accordance with the principle of subsidiarity,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 94/450/EEC is hereby amended as follows:

- (1) The title shall be replaced by the following:

‘Council Directive of 10 September 1984 concerning misleading and comparative advertising’;

- (2) Article 1 shall be replaced by the following:

Article 1

The purpose of this Directive is to protect consumers, persons carrying on a trade or business or practising a craft or profession and the interests of the public in general against misleading advertising and the unfair consequences thereof and to lay down the conditions under which comparative advertising is permitted.’;

- (3) The following point shall be inserted in Article 2:

‘2a “comparative advertising” means any advertising which explicitly or by implication identifies a

competitor or goods or services offered by a competitor.’

- (4) The following Article shall be added:

Article 3a

1. Comparative advertising shall, as far as the comparison is concerned, be permitted when the following conditions are met:

- (a) it is not misleading according to Articles 2 (2), 3 and 7 (1);
- (b) it compares goods or services meeting the same needs or intended for the same purpose;
- (c) it objectively compares one or more material, relevant, verifiable and representative features of those goods and services, which may include price;
- (d) it does not create confusion in the market place between the advertiser and a competitor or between the advertiser’s trade marks, trade names, other distinguishing marks, goods or services and those of a competitor;
- (e) it does not discredit or denigrate the trade marks, trade names, other distinguishing marks, goods, services, activities, or circumstances of a competitor;
- (f) for products with designation of origin, it relates in each case to products with the same designation;
- (g) it does not take unfair advantage of the reputation of a trade mark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing products;
- (h) it does not present goods or services as imitations or replicas of goods or services bearing a protected trade mark or trade name.

2. Any comparison referring to a special offer shall indicate in a clear and unequivocal way the date on which the offer ends or, where appropriate, that the special offer is subject to the availability of the goods and services, and, where the special offer has not yet begun, the date of the start of the period during which the special price or other specific conditions shall apply.’;

- (5) The first and second subparagraphs of Article 4 (1) shall be replaced by the following:

‘1. Member States shall ensure that adequate and effective means exist to combat misleading advertising and for the compliance with the provisions on comparative advertising in the interests of consumers as well as competitors and the general public.

Such means shall include legal provisions under which persons or organizations regarded under national law as having a legitimate interest in prohibiting misleading advertising or regulating comparative advertising may:

- (a) take legal action against such advertising; and/or
- (b) bring such advertising before an administrative authority competent either to decide on complaints or to initiate appropriate legal proceedings;'

(6) Article 4 (2) is hereby amended as follows:

- (a) the indents in the first subparagraph shall be replaced by the following:

— to order the cessation of, or to institute appropriate legal proceedings for an order for the cessation of, misleading advertising or unpermitted comparative advertising, or

— if the misleading advertising or unpermitted comparative advertising has not yet been published but publication is imminent, to order the prohibition of, or to institute appropriate legal proceedings for an order for the prohibition of, such publication;'

- (b) the introductory wording to the third subparagraph shall be replaced by the following:

'Furthermore, Member States may confer upon the courts or administrative authorities powers enabling them, with a view to eliminating the continuing effects of misleading advertising or unpermitted comparative advertising, the cessation of which has been ordered by a final decision;'

(7) Article 5 shall be replaced by the following:

Article 5

This Directive does not exclude the voluntary control, which Member States may encourage, of misleading or comparative advertising by self-regulatory bodies and recourse before such bodies are in addition to the court of administrative proceedings referred to in that Article;'

(8) Article 6 (a) shall be replaced by the following:

- '(a) to require the advertiser to furnish evidence as to the accuracy of factual claims in advertising if, taking into account the legitimate interest of the advertiser and any other party to the proceedings, such a requirement appears appropriate on the basis of the circumstances of the particular case and in the case of comparative advertising to require the advertiser to furnish such evidence in a short period of time; and'

(9) Article 7 shall be replaced by the following:

Article 7

1. This Directive shall not preclude Member States from retaining or adopting provisions with a view to ensuring more extensive protection, with regard to misleading advertising, for consumers, persons carrying on a trade, business, craft or profession, and the general public.

2. Paragraph 1 shall not apply to comparative advertising as far as the comparison is concerned.

3. The provisions of this Directive shall apply without prejudice to Community provisions on advertising for specific products and/or services or to restrictions or prohibitions on advertising in particular media.

4. The provisions of this Directive concerning comparative advertising shall not oblige Member States which, in compliance with the provisions of the Treaty, maintain or introduce advertising bans regarding certain goods or services, whether imposed directly or by a body or organization responsible, under the law of the Member States, for regulating the exercise of a commercial, industrial, craft or professional activity, to permit comparative advertising regarding those goods or services. Where these bans are limited to particular media, the Directive shall apply to the media not covered by these bans.

5. Nothing in this Directive shall prevent Member States from, in compliance with the provisions of the Treaty, maintaining or introducing bans or limitations on the use of comparisons in the advertising of professional services, whether imposed directly or by a body or organization responsible, under the law of the Member States, for regulating the exercise of a professional activity.'

Article 2

Complaints systems

The Commission shall study the feasibility of establishing effective means to deal with cross-border complaints in respect of comparative advertising. Within two years after the entry into force of this Directive the Commission shall submit a report to the European Parliament and the Council on the results of the studies, accompanied if appropriate by proposals.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive at the latest 30 months after its publication in the *Official Journal of the European Communities*. They shall forthwith inform the Commission thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

3. Member States shall communicate to the Commission the text of the main provisions of domestic law which they adopt in the field governed by this Directive.

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 6 October 1997.

For the European Parliament

The President

J. M. GIL-ROBLES

For the Council

The President

J. POOS

Commission declaration

The Commission declares that it intends to submit the report referred to in Article 2 as far as possible at the same time as the report on complaints systems provided for in Article 17 of Directive 97/7/EC on the protection of consumers in respect of distance contracts.

II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 39/97

of 10 July 1997

amending Protocol 47 to the EEA Agreement, on the abolition of technical barriers to trade in wine

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 4/96⁽¹⁾;

Whereas Council Regulation (EC) No 1544/95 of 29 June 1995 amending Regulation (EEC) No 822/87 on the common organization of the market in wine⁽²⁾ is to be incorporated into the Agreement;

Whereas it follows from the adaptation texts to Regulation (EEC) No 822/87 that only Article 1 (1), (2), (6) and (7) of the amending Regulation shall, for the purposes of the Agreement, apply,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 15 (Council Regulation (EEC) No 822/87) in Appendix 1 of Protocol 47 to the Agreement:

— 395 R 1544: Council Regulation (EC) No 1544/95 of 29 June 1995 (OJ L 148, 30. 6. 1995, p. 31).'

Article 2

The texts of Regulation (EC) No 1544/95 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

⁽¹⁾ OJ L 102, 25. 4. 1996, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 31.

Article 3

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1997.

For the EEA Joint Committee

The President

E. BULL

DECISION OF THE EEA JOINT COMMITTEE

No 40/97

of 27 June 1997

amending Protocol 47 to the EEA Agreement, on the abolition of technical barriers to trade in wine

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 4/96 ⁽¹⁾;

Whereas Council Regulation (EC) No 3011/95 of 19 December 1995 amending Regulation (EEC) No 823/87 laying down special provisions relating to quality wines produced in specific regions ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 16 (Council Regulation (EEC) No 823/87) in Appendix 1 of Protocol 47 to the Agreement:

— 395 R 3011: Council Regulation (EC) No 3011/95 of 19 December 1995 (OJ L 314, 28. 12. 1995, p. 14).'

Article 2

The texts of Regulation (EC) No 3011/95 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 July 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 27 June 1997.

*For the EEA Joint Committee**The President*

C. DAY

⁽¹⁾ OJ L 102, 25. 4. 1996, p. 45.

⁽²⁾ OJ L 314, 28. 12. 1995, p. 14.

DECISION OF THE EEA JOINT COMMITTEE**No 41/97****of 10 July 1997****amending Protocol 47 to the EEA Agreement, on the abolition of technical barriers to trade in wine**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 4/96⁽¹⁾;

Whereas Council Regulation (EC) No 1547/95 of 29 June 1995 amending Regulation (EEC) No 2332/92 as regards sparkling wines produced in the Community and Regulation (EEC) No 4252/88 on the preparation and marketing of liqueur wines produced in the Community⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

1. The following indent shall be added in point 19 (Council Regulation (EEC) No 4252/88) in Appendix 1 of Protocol 47 to the Agreement:

‘— 395 R 1547: Council Regulation (EC) No 1547/95 of 29 June 1995 (OJ No L 148, 30. 6. 1995, p. 35).’

2. The following indent shall be added in point 38 (Council Regulation (EEC) No 2332/92) in Appendix 1 of Protocol 47 to the Agreement:

‘— 395 R 1547: Council Regulation (EC) No 1547/95 of 29 June 1995 (OJ L 148, 30. 6. 1995, p. 35).’

Article 2

The texts of Regulation (EC) No 1547/95 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1997.

For the EEA Joint Committee

The President

E. BULL

⁽¹⁾ OJ L 102, 25. 4. 1996, p. 45.

⁽²⁾ OJ L 148, 30. 6. 1995, p. 35.

DECISION OF THE EEA JOINT COMMITTEE**No 42/97****of 10 July 1997****amending Protocol 47 to the EEA Agreement, on the abolition of technical barriers to trade in wine**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 4/96 ⁽¹⁾;

Whereas Commission Regulation (EC) No 69/96 of 18 January 1996 amending Regulation (EEC) No 2676/90 determining Community methods for the analysis of wines ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 25 (Commission Regulation (EEC) No 2676/90) in Appendix 1 of Protocol 47 to the Agreement:

— 396 R 0069: Commission Regulation (EC) No 69/96 of 18 January 1996 (OJ L 14, 19. 1. 1996, p. 13).'

Article 2

The texts of Regulation (EC) No 69/96 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1997.

For the EEA Joint Committee

The President

E. BULL

⁽¹⁾ OJ L 102, 25. 4. 1996, p. 45.

⁽²⁾ OJ L 14, 19. 1. 1996, p. 13.

DECISION OF THE EEA JOINT COMMITTEE

No 43/97

of 10 July 1997

amending Protocol 47 to the EEA Agreement, on the abolition of technical barriers to trade in wine

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 4/96⁽¹⁾;

Whereas Commission Regulation (EC) No 2603/95 of 8 November 1995 amending Regulation (EEC) No 3201/90 laying down detailed rules for the description and presentation of wines and grape musts⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 26 (Commission Regulation (EEC) No 3201/90) in Appendix 1 of Protocol 47 to the Agreement:

— 395 R 2603: Commission Regulation (EC) No 2603/95 of 8 November 1995 (OJ L 267, 9. 11. 1995, p. 16).'

Article 2

The texts of Regulation (EC) No 2603/95 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1997.

For the EEA Joint Committee

The President

E. BULL

⁽¹⁾ OJ L 102, 25. 4. 1996, p. 45.

⁽²⁾ OJ L 267, 9. 11. 1995, p. 16.

DECISION OF THE EEA JOINT COMMITTEE**No 44/97****of 10 July 1997****amending Protocol 47 to the EEA Agreement, on the abolition of technical barriers to trade in wine**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 4/96 ⁽¹⁾;

Whereas Commission Regulation (EC) No 692/96 of 17 April 1996 amending Regulation (EEC) No 3201/90 laying down detailed rules for the description and presentation of wines and grape musts ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 26 (Commission Regulation (EEC) No 3201/90) in Appendix 1 of Protocol 47 to the Agreement:

‘— 396 R 0692: Commission Regulation (EC) No 692/96 of 17 April 1996 (OJ L 97, 18. 4. 1996, p. 15).’

Article 2

The texts of Regulation (EC) No 692/96 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1997.

For the EEA Joint Committee

The President

E. BULL

⁽¹⁾ OJ L 102, 25. 4. 1996, p. 45.

⁽²⁾ OJ L 97, 18. 4. 1996, p. 15.

DECISION OF THE EEA JOINT COMMITTEE**No 45/97****of 10 July 1997****amending Protocol 47 to the EEA Agreement, on the abolition of technical barriers to trade in wine**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 4/96⁽¹⁾;

Whereas Commission Regulation (EC) No 693/96 of 17 April 1996 amending for the fourth time Regulation (EEC) No 586/93 providing for an exception in respect of the volatile acid content of certain wines⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 41 (Commission Regulation (EEC) No 586/93) in Appendix 1 of Protocol 47 to the Agreement:

— 396 R 0693: Commission Regulation (EC) No 693/96 of 17 April 1996 (OJ L 97, 18. 4. 1996, p. 17).'

Article 2

The texts of Regulation (EC) No 693/96 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1997.

For the EEA Joint Committee

The President

E. BULL

⁽¹⁾ OJ L 102, 25. 4. 1996, p. 45.

⁽²⁾ OJ L 97, 18. 4. 1996, p. 17.

DECISION OF THE EEA JOINT COMMITTEE**No 46/97****of 11 July 1997****amending Protocol 47 to the EEA Agreement on the abolition of technical barriers to trade in wine**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 4/96 ⁽¹⁾;

Whereas Commission Regulation (EC) No 1243/95 of 31 May 1995 amending for the second time Regulation (EEC) No 586/93 providing for an exception in respect of the volatile acid content of certain wines ⁽²⁾, and Commission Regulation (EC) No 1278/95 of 6 June 1995 amending for the third time Regulation (EEC) No 586/93 providing for an exception in respect of the volatile acid content of certain wines ⁽³⁾ are to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indents shall be added in point 41 (Commission Regulation (EEC) No 586/93) of Appendix 1 to Protocol 47 to the Agreement:

- 395 R 1243: Commission Regulation (EC) No 1243/95 of 31 May 1995 (OJ L 121, 1. 6. 1995, p. 64).
- 395 R 1278: Commission Regulation (EC) No 1278/95 of 6 June 1995 (OJ L 124, 7. 6. 1995, p. 4).'

Article 2

In the adaptation to point 41 of Appendix 1 to Protocol 47 the words 'Article 1 (d) shall not apply' shall be replaced by the words 'Article 1 (e) shall not apply'.

Article 3

The texts of Regulations (EC) No 1243/95 and (EC) No 1278/95 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 4

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 5

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 11 July 1997.

For the EEA Joint Committee
The President
E. BULL

⁽¹⁾ OJ L 102, 25. 4. 1996, p. 45.

⁽²⁾ OJ L 121, 1. 6. 1995, p. 64.

⁽³⁾ OJ L 124, 7. 6. 1995, p. 4.

DECISION OF THE EEA JOINT COMMITTEE

No 47/97

of 10 July 1997

**amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 7/94 of 21 March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement ⁽¹⁾;

Whereas Commission Regulation (EC) No 1712/95 of 13 July 1995 amending Regulation (EEC) No 1014/90 laying down detailed implementing rules on the definition, description and presentation of spirit drinks ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 2 (Commission Regulation (EEC) No 1014/90) in Chapter XXVII of Annex II to the Agreement:

‘— 395 R 1712: Commission Regulation (EC) No 1712/95 of 13 July 1995 (OJ L 163, 14. 7. 1995, p. 4).’

Article 2

The texts of Regulation (EC) No 1712/95 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1997.

For the EEA Joint Committee

The President

E. BULL

⁽¹⁾ OJ L 160, 28. 6. 1994, p. 1.

⁽²⁾ OJ L 163, 14. 7. 1995, p. 4.

DECISION OF THE EEA JOINT COMMITTEE

No 48/97

of 10 July 1997

**amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 7/94 of 21 March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement⁽¹⁾;

Whereas Commission Regulation (EEC) No 2626/95 of 10 November 1995 amending Regulation (EEC) No 1014/90 laying down detailed implementing rules on the definition, description and presentation of spirit drinks⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 2 (Commission Regulation (EEC) No 1014/90) in Chapter XXVII of Annex II to the Agreement:

— 395 R 2626: Commission Regulation (EC) No 2626/95 of 10 November 1995 (OJ L 269, 11. 11. 1995, p. 5).'

Article 2

The texts of Regulation (EC) No 2626/95 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1997.

For the EEA Joint Committee

The President

E. BULL

⁽¹⁾ OJ L 160, 28. 6. 1994, p. 1.

⁽²⁾ OJ L 269, 11. 11. 1995, p. 5.

DECISION OF THE EEA JOINT COMMITTEE
No 49/97
of 10 July 1997
amending Annex IV (Energy) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex IV to the Agreement was amended by Decision of the EEA Joint Committee No 5/97 of 14 March 1997⁽¹⁾;

Whereas the adaptations to Commission Decision 77/190/EEC of 26 January 1977 implementing Directive 76/491/EEC regarding a Community procedure for information and consultation on the prices of crude oil and petroleum products in the Community⁽²⁾, Council Directive 90/547/EEC of 29 October 1990 on the transit of electricity through transmission grids⁽³⁾ and Council Directive 91/296/EEC of 31 May 1991 on the transit of natural gas through grids⁽⁴⁾ made by Chapter XII (Energy), points 3, 5 and 6 of Annex I to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded, need to be taken account of in the EEA Agreement;

Whereas other adjustments of Annex IV to the Agreement needs to be carried out, such as replacement of the texts of Appendices 1, 2 and 3 with new texts, as a consequence of the accession of Austria, Finland and Sweden to the European Union,

HAS DECIDED AS FOLLOWS:

Article 1

Annex IV to the Agreement, and in particular Appendices 1, 2 and 3 to that Annex, shall be amended as specified in the Annex to this Decision.

Article 2

The texts of the adaptations to Decision 77/190/EEC, Directives 90/547/EEC and 91/296/EEC made by Chapter XII (Energy), points 3, 5 and 6 of Annex I to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded, in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 August 1997, provided that all the notifications under Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA section of, and in the EEA supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 10 July 1997.

For the EEA Joint Committee
The President
E. BULL

⁽¹⁾ OJ L 182, 10. 7. 1997, p. 34.

⁽²⁾ OJ L 62, 5. 3. 1977, p. 34.

⁽³⁾ OJ L 313, 13. 11. 1990, p. 30.

⁽⁴⁾ OJ L 147, 12. 6. 1991, p. 37.

ANNEX

to Decision No 49/97 of the EEA Joint Committee

Annex IV (Energy) to the EEA Agreement, and in particular Appendices 1, 2 and 3 to that Annex, shall be amended as specified below.

Article 1

1. The following indent shall be added in point 3 (a) (Commission Decision 77/190/EEC):
 '— 194 H: Act concerning the conditions of accession to the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ C 241, 29. 8. 1994, p. 21, as adjusted by OJ L 1, 1. 1. 1995, p. 1).'
2. The text of the adaptation to point 3 (a) (Commission Decision 77/190/EEC) shall be replaced by the following:
 'Appendices A, B and C to the Decision shall be supplemented by Tables 1, 2 and 3, as set out in Appendix 1 to this Annex.'

Article 2

Appendix 3 to Annex IV to the Agreement shall be replaced by the following:

'Appendix 1

Tables to be added to Appendices A, B and C of Commission Decision 77/190/EEC:

Table 1

Ad Appendix A

NAMES OF PETROLEUM PRODUCTS

I. Motor fuels

	Norway	Iceland	Liechtenstein
1	Høyoktanbensin 98	Bensín 98 oktan	Superbenzin
2	Lavoktanbensin 95, blyfri	Bensín 95 oktan, blýlaust	Bleifrei 95
3		Bensín 92 oktan, blýlaust	
4	Autodiesel	Dísilolía	Dieseltreibstoff

II. Domestic heating fuels

	Norway	Iceland	Liechtenstein
5	Fyringsolje nr 1	Gasolía	
6		Svartolía	Heizöl extra leicht
7	Fyringsparafin	Steinolía	

III. Industrial fuels

	Norway	Iceland	Liechtenstein
8	Tung fyringsolje	(*)	(*)
9		(*)	(*)

(*) Not applicable.

Table 2

Ad Appendix B

SPECIFICATION OF MOTOR FUELS

	Norway	Iceland	Liechtenstein	
(a) Premium gasoline				
specific gravity (15 °C)	0,730-0,770	maximum 0,755	0,725-0,780	
Octane No: RON	minimum 98,0	minimum 98,0	minimum 98,0	
Octane No: MON	minimum 87,0	minimum 88,0	minimum 88,0	
calorific value (Kcal/kg)	—	10 200	—	
lead content (g/l)	maximum 0,15	maximum 0,15	maximum 0,15	
(b) Euro-Super 95				
specific gravity (15 °C)	0,730-0,770	maximum 0,755	0,725-0,780	
Octane No: RON	minimum 95,0	minimum 95,0	minimum 95,0	
Octane No: MON	minimum 85,0	minimum 85,0	minimum 85,0	
calorific value (Kcal/kg)	—	10 200	—	
lead content (g/l)	maximum 0,013	maximum 0,005	maximum 0,013	
(c) Regular gasoline (Unleaded)				
specific gravity (15 °C)		maximum 0,745		
Octane No: RON		maximum 92,0		
Octane No: MON		minimum 81,0		
calorific value (Kcal/kg)		10 200		
lead content (g/l)		maximum 0,005		
			Summer quality	Winter quality
(d) Automotive gas oil				
specific gravity (15 °C)	0,800-0,870	0,845	0,820-0,860	0,800-0,845
Cetane No:	minimum 45	minimum 47	minimum 49	minimum 47
calorific value (Kcal/kg)	—	10 200	—	—
sulphur content (%)	maximum 0,2	maximum 0,2	maximum 0,05	maximum 0,05

Table 3

Ad Appendix C

SPECIFICATION OF FUELS

	Norway	Iceland	Liechtenstein
(a) Fuel used for domestic heating			
Gas oil			
specific gravity (15 °C)	0,820-0,870	maximum 0,845	—
calorific value (Kcal/kg)	—	maximum 10 200	—
sulphur content (%)	0,2	0,2	—
pour point (°C)	— 8	— 15	—
Light fuel oil			
specific gravity (15 °C)	—	maximum 0,918	maximum 0,815-0,860
calorific value (Kcal/kg)	—	9 870	maximum 10 000
sulphur content (%)	—	maximum 2,0	maximum 0,20
pour point (°C)	—	— 5	— 9,0
Medium fuel oil			
specific gravity (15 °C)	—	—	—
calorific value (Kcal/kg)	—	—	—
sulphur content (%)	—	—	—
pour point (°C)	—	—	—
Paraffin			
specific gravity (15 °C)	0,780-0,820	—	—
calorific value (Kcal/kg)	—	—	—
(c) Industrial fuels			
High sulphur		(*)	
specific gravity (15 °C)	—		—
calorific value (Kcal/kg)	—		—
sulphur content (%)	2,5		—
Low sulphur		(*)	
specific gravity (15 °C)	—		—
calorific value (Kcal/kg)	—		—
sulphur content (%)	1,0		—

(*) Not applicable.

Article 3

1. The following index shall be added in point 8 (Council Directive 90/547/EEC):

‘, as amended by:

- 194 H: Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ C 241, 29. 8. 1994, p. 21, as adjusted by OJ L 1, 1. 1. 1995, p. 1).’

2. The text of adaptation (b) to point 8 (Council Directive 90/547/EEC) shall be replaced by the following:

‘Appendix 2 contains the list of entities and grids relevant for the application of this Directive in respect of EFTA States.’

Article 4

Appendix 1 to Annex IV to the Agreement shall be replaced by the following:

'Appendix 2

List of entities and grids covered by Council Directive 90/547/EEC of 29 October 1990 on the transit of electricity through transmission grids

EFTA State	Entity	Grid
Norway	Statnett SF	High voltage transmission grid
Iceland	Landsvirkjun	High voltage transmission grid
Liechtenstein	Liechtensteinische Kraftwerke	Interconnection grid'

Article 5

1. The following indent shall be added in point 9 (Council Directive 91/296/EEC):

‘, as amended by:

— 194 H: Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ C 241, 29. 8. 1994, p. 21 as adjusted by OJ L 1, 1. 1. 1995, p. 1).’

2. The text of adaptation (b) to point 9 (Directive 91/296/EEC) shall be replaced by the following:

‘Appendix 3 contains the list of entities and grids relevant for the application of this Directive in respect of EFTA States.’

Article 6

Appendix 2 to Annex IV to the Agreement shall be replaced by the following:

'Appendix 3

List of entities and high pressure gas transmission grids covered by Council Directive 91/296/EEC of 31 May 1991 on the transit of natural gas through grids

EFTA State	Entity	Grid
Liechtenstein	Liechtensteinische Gasversorgung	High pressure gas grid'