

II

(Preparatory Acts)

COMMISSION

Amendment of the proposal for a Council Directive amending Directive 81/602/EEC concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action (*)

COM(85) 607 final

(Submitted by the Commission to the Council pursuant to the second paragraph of Article 149 of the EEC Treaty on 8 November 1985)

(85/C 313/05)

Council Regulation (EEC) No ... of ... concerning the prohibition of certain substances having a hormonal action and of any substances having a thyrostatic action.

Article 1

Without prejudice to Article 4 of Directive 81/602/EEC no derogation may be made from Article 2 of the abovementioned Directive. However, the administering to farm animals for therapeutic purposes of oestradiol 17 β , testosterone and progesterone and those derivatives which readily yield the parent compound on hydrolysis after absorption from the site of application, shall be authorized.

Article 2

The substances mentioned in Article 1 may only be administered to farm animals that have been clearly identified. The dosage must be recorded and the animal may not be slaughtered before the expiry of the delay period laid down in application of Article 3. The substances must be administered only by a veterinary surgeon or by a person acting under his direction.

Article 3

Before 1 April 1986 in accordance with the procedure laid down in Article 8 and pursuant to the relevant principles and criteria of Directives 81/851/EEC and 81/852/EEC there shall be established:

- a list of products containing as active substances the substances referred to in Article 1,
- the conditions of use of products contained in the abovementioned list in application of Article 2, in particular the delay period necessary and detailed provisions concerning the control of these conditions of use,
- the means of identification of animals.

Article 4

The products mentioned in Article 3 are subject to the rules of Articles 24 to 50 of Directive 81/851/EEC except for those rules which relate to the national authorization of marketing.

Article 5

In order to take account of scientific and technical progress, the group of substances mentioned in Article 1 which may be administered to animals for therapeutic purposes, may be supplemented or amended in accordance with the procedure laid down in Article 8.

Any substances which may be authorized:

- must have a favourable effect on farm animal production,
- must not endanger human or animal health or harm the consumer by altering the characteristics of farm animal products,
- must comply with the relevant principles and criteria of Directives 81/851/EEC and 81/852/EEC.

Article 6

Any decision concerning the possible inclusion of trenbolone or zeranol in the group of substances mentioned in Article 1 shall be taken by the Council, acting by a qualified majority on a proposal from the Commission, and in conformity with the other conditions laid down in Article 5.

Article 7

The maximum natural physiological levels of authorized substances shall be published by the Commission.

(*) OJ No C 106, 27. 5. 1985, p. 7.

Article 8

1. Where the procedure laid down in this Article is to be used, matters shall without delay be referred by the chairman, either on his own initiative or at the request of a Member State, to the Standing Veterinary Committee (hereinafter called 'the Committee') set up by the Council Decision of 15 October 1968.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by a majority of forty-five votes, the votes of the Member States being weighted as provided for in Article 148 (2) of the Treaty. The Chairman shall not vote.

3. The Commission shall adopt the measures and implement them immediately where they are in accordance with the opinion of the Committee. Where they are not in accordance with the opinion of the Committee or if no opinion is delivered, the Commission shall immediately submit to the Council a proposal on the measures to be taken. The Council shall act by a qualified majority.

If within three months of the date on which a matter was referred to it the Council has not adopted any measures, the Commission shall adopt the proposed measures and implement them immediately, save where the Council has decided against the measures by a simple majority.

Article 9

Directive 72/462/EEC is hereby amended as follows:

1. The following is added to Article 6:

'2. Member States shall not authorize the importation of animals covered by this Directive to which have been administered, by any means whatsoever, substances having a thyrostatic action or substances having an oestrogenic, androgenic and gestagenic action, with the exception of those animals which have been treated for therapeutic purposes with substances authorized for use to that end in accordance with Community provisions.'

2. Article 20 (b) (i) is replaced by the following:

'(b) fresh meat:

- (i) — from animals to which have been administered, by any means whatsoever, stilbenes or stilbene derivatives, their salts or esters, or trenbolone or zeranol, or thyrostatic substances; and
- from animals to which have been administered, by any means whatsoever, other substances having an oestrogenic, androgenic or gestagenic action, with the exception of those animals which have been treated for therapeutic purposes with substances authorized for use to that end in accordance with Community provisions.'

Article 10

This Regulation shall enter into force on 1 January 1986.

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

Proposal for a Council Directive imposing a standstill on VAT and excise duties

COM(85) 606 final

(Submitted by the Commission to the Council on 21 November 1985)

(85/C 313/06)

THE COUNCIL OF THE EUROPEAN COMMUNITIES;

Having regard to the Treaty establishing the European Economic Community, and in particular Article 99 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas the completion of the internal market, which is one of the fundamental objectives of the Community, necessitates the abolition of fiscal frontiers, that is, doing

away with the remission of tax on exportation and the imposition of tax on importation and with frontier controls on taxable persons as well as on private persons;

Whereas if distortions are to be avoided, such abolition implies in the case of value added tax, a uniform tax base, the same number of rates and rate levels which are sufficiently close as between Member States;

Whereas the attainment of this objective, in the case of excise duties, requires that the scope and structures of the most important excises be harmonized and their rates brought sufficiently close together; whereas provision should be made to abolish other excise duties, except for