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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2800/95
of 29 November 1995
amending Regulation (EEC) No 1765/92 establishing a support system for
producers of certain arable crops

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

Having regard to the Act of Accession of Austria, Finland and Sweden,

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

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

Whereas Article 3 (6) of Regulation (EEC) No 1765/92 ⁽³⁾ provides for a specific measure in the event that a Member State chooses to establish production regions which do not correspond to the base areas, in order to ensure that the yields resulting from the plan applied in 1993 are complied with; whereas, in the case of the new Member States, which were not subject to this measure in 1993, it is necessary to ensure that the yields resulting from the plan applied in the first year of accession are complied with;

Whereas, within the framework of the General Agreement on Tariffs and Trade (GATT), the European Community has concluded agreements with certain third countries on certain oilseeds; whereas those agreements were approved in Council Decisions 93/355/EEC ⁽⁴⁾ and 94/87/EC ⁽⁵⁾; whereas those agreements have been applied within the framework of Regulation (EEC) No 1765/92;

Whereas the aforementioned agreements provide that, in the event of an enlargement of the Community, the area

used to calculate the oilseeds maximum guaranteed area is to be increased by an area not greater than the average area harvested in each new Member State in the three years immediately preceding accession;

Whereas it is necessary to allocate to the new Member States national reference areas for oilseeds;

Whereas Regulation (EEC) No 1765/92 introduces a support scheme for producers of certain arable crops; whereas certain legislative provisions of the scheme applicable prior to that Regulation have therefore redundant; whereas, in order to clarify and simplify Community legislation, those provisions should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1765/92 is hereby amended as follows:

1. the second sentence of Article 3 (6) shall be replaced by the following:

'If it emerges from this information that, in a Member State, the average yield resulting from the regionalization plan applied in 1993, in accordance with paragraph 2, or, in the case of the new Member States, the average yield resulting from the plan applied in 1995, is exceeded, all compensatory payments to be made in that Member State for the following marketing year shall be produced in proportion to the overrun which has been recorded.'

2. in Annex IV '5 128 000' shall be replaced by '5 482 000'.

⁽¹⁾ OJ No C 188, 22. 7. 1995, p. 7.

⁽²⁾ Opinion delivered on 27 October 1995 (not yet published in the Official Journal).

⁽³⁾ OJ No L 181, 1. 7. 1992, p. 12. Regulation as last amended by Regulation (EC) No 1460/95 (OJ No 144, 28. 6. 1995, p. 1).

⁽⁴⁾ OJ No L 147, 18. 6. 1993, p. 25.

⁽⁵⁾ OJ No L 47, 18. 2. 1994, p. 1.

3. the following shall be added to Annex V:

Member State	<i>(in '000 ha)</i>	
	1994/1995	1995/1996 and subsequent years
Austria	—	147
Finland	—	70
Sweden	—	137'

Article 2

Regulation No 115/67/EEC⁽¹⁾, Regulation No 167/67/EEC⁽²⁾, Regulation No 724/67/EEC⁽³⁾, Regulations (EEC) No 569/76⁽⁴⁾, (EEC) No 1774/76⁽⁵⁾, (EEC) No 3766/91⁽⁶⁾, (EEC) No 1431/82⁽⁷⁾, (EEC) No 2036/82⁽⁸⁾, (EEC) No 1491/85⁽⁹⁾, and (EEC) No 2194/85⁽¹⁰⁾ are hereby repealed.

Article 3

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

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

Done at Brussels, 29 November 1995.

For the Council

The President

L. ATIENZA SERNA

⁽¹⁾ OJ No 111, 10. 6. 1967, p. 2196/67.

⁽²⁾ OJ No 130, 28. 6. 1967, p. 2590/67.

⁽³⁾ OJ No 252, 19. 10. 1967, p. 10.

⁽⁴⁾ OJ No L 67, 15. 3. 1976, p. 29.

⁽⁵⁾ OJ No L 199, 24. 7. 1976, p. 1.

⁽⁶⁾ OJ No L 356, 24. 12. 1991, p. 17.

⁽⁷⁾ OJ No L 162, 12. 6. 1982, p. 28.

⁽⁸⁾ OJ No L 219, 28. 7. 1982, p. 1.

⁽⁹⁾ OJ No L 151, 10. 6. 1985, p. 15.

⁽¹⁰⁾ OJ No L 204, 2. 8. 1985, p. 1.

COUNCIL REGULATION (EC) No 2801/95

of 29 November 1995

amending Regulation No 79/65/EEC setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Article 1

Having regard to the proposal from the Commission,

1. Article 4 of Regulation No 79/65/EEC shall be replaced by the following text :

Having regard to the opinion of the European Parliament⁽¹⁾,

Article 4

Whereas Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community⁽²⁾ lays down for certain Member States the number of returning holdings in the field of survey ;

1. The field of survey referred to in Article 1 (2) (a) shall cover the agricultural holdings having an economic size equal to, or greater than, a threshold expressed in European size units (ESU), as defined in the Community typology.

Whereas the field of survey of the data network must comprise all agricultural holdings of a certain economic size, irrespective of any outside work the operator may engage in ; whereas this field should be re-examined periodically in the light of new Farm Structure Survey data ;

2. To qualify as a returning holding, an agricultural holding shall :

Whereas returning holdings must be selected in accordance with the rules laid down in the context of a selection plan aimed at obtaining a representative accounting sample of the field of survey ; whereas the number of holdings required to provide a representative sample should be examined following analysis of recent field of survey data ;

(a) have an economic size equal to, or greater than, a threshold to be determined in accordance with paragraph 1 ;

(b) be farmed by a farmer holding accounts or willing and able to keep farm accounts and willing to allow the accountancy data from his holding to be made available to the Commission ;

(c) be representative, together with the other holdings and at the level of each division, of the field of survey.

Whereas the detailed rules of application, in particular the threshold for the economic size and the number of returning holdings per division, are adopted under the Community Committee procedure ; whereas technical criteria such as the appropriate sample size should be laid down in the detailed rules of application ; whereas, in order to ensure a uniform approach, the number of returning holdings should be fixed under that procedure for all Member States ;

3. The maximum number of returning holdings shall be 80 000 for the Community.

4. Detailed rules for the application of this Article, and in particular the threshold for the economic size and the number of returning holdings per division, shall be adopted in accordance with the procedure laid down in Article 19.

Whereas, following the accession of Austria, Finland and Sweden to the European Union, the Annex to Regulation No 79/65/EEC should be supplemented by the list of divisions for these Member States,

2. The Annex to Regulation No 79/65/EEC shall be supplemented by the text appearing in the Annex to this Regulation.

Article 2

⁽¹⁾ Opinion delivered on 17 November 1995 (not yet published in the Official Journal).

⁽²⁾ OJ No 109, 23. 6. 1995, p. 1859/65. Regulation as last amended by the 1994 Act of Accession.

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

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

Done at Brussels, 29 November 1995.

For the Council
The President
L. ATIENZA SERNA

ANNEX

<i>Austria</i>	constitutes a single division
<i>Finland</i>	<ol style="list-style-type: none">1. Etelä-Suomi2. Sisä-Suomi3. Pohjanmaa4. Pohjois-Suomi
<i>Sweden</i>	<ol style="list-style-type: none">1. Plains of Southern and Central Sweden2. Forest and mixed agricultural and forest areas of Southern and Central Sweden3. Areas of Northern Sweden

COMMISSION REGULATION (EC) No 2802/95
of 4 December 1995
concerning the classification of certain goods in the combined nomenclature

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987⁽¹⁾ on the tariff and statistical nomenclature and on the Common Customs Tariff, as last amended by Commission Regulation (EC) No 2588/95⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation ;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods ;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3 ;

Whereas it is acceptance that binding tariff information issued by the customs authorities of Member States in respect of the classification of goods in the combined nomenclature and which do not conform to the rights established by this Regulation, can continue to be invoked, under the provisions in Article 12 (6) of Council Regulation (EEC) No 2913/92 of 12 October 1992

establishing the Community Customs Code⁽³⁾, for a period of three months by the holder ;

Whereas the tariff and statistical nomenclature section of the Customs Code Committee has not delivered an opinion with the time limit set by its chairman as regards products No 1 in the annexed table ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the tariff and statistical nomenclature section of the Customs Code Committee as regards products No 2 in the annexed table,

HAS ADOPTED THIS REGULATION :

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 21st day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 4 December 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 264, 7. 11. 1995, p. 4.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.

ANNEX

Description of the goods	Classification CN code	Reasons
(1)	(2)	(3)
<p>1. An amber syrup intended to correct iron deficiencies put up in 125 ml bottles.</p> <p>Its composition (per 100 g) is as follows :</p> <ul style="list-style-type: none"> — sodium ferredetate : 4,13 g⁽¹⁾ — sorbitol : 24 g — glycerine : 13 g — citric acid : 0,1 g — ethyl alcohol 95° : 0,09 g — flavouring agent : 0,01 g — propyl parahydroxybenzoate : 0,01 g — methyl parahydroxybenzoate : 0,08 g — water : quant. suff. 	2202 90 10	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the Combined Nomenclature, note 1a to Chapter 30, and by the wording of CN codes 2202, 2202 90 and 2202 90 10.
<p>2. Sweet, apple-tasting, alcoholic beverage made from cider, sugar syrup, apple flavouring and alcohol, in containers holding less than 2 litres with the following analytical characteristics :</p> <p>Density at 20°C : 1,0472 g/cm³</p> <p>Alcoholic strength by volume (pycnometer) : 19,5 % vol.</p> <p>Dry extract : 190 g/l</p> <p>Sugar content (by HPLC) : — fructose : 5,7 % by weight</p> <p style="padding-left: 100px;">— glucose : 6,3 % by weight</p> <p style="padding-left: 100px;">— sucrose : 5,4 % by weight</p>	2206 00 51	<p>Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, as well as the wording of CN codes 2206 00 and 2206 00 51.</p> <p>See also the HS Explanatory Notes to heading 2206, second paragraph.</p>

⁽¹⁾ Sodium ferredetate is a soluble ferric compound of crystallized sodium ethylenediamine tetraacetate.

**COMMISSION REGULATION (EC) No 2803/95
of 5 December 1995**

fixing for the 1995/96 marketing year the minimum purchase price for oranges, mandarins, clementines and satsumas delivered for processing and the financial compensation payable after processing of these oranges, mandarins and clementines

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

Having regard to Council Regulation (EC) No 3119/93 of 8 November 1993 laying down special measures to encourage the processing of certain citrus fruits⁽¹⁾, and in particular Article 10 thereof,

Whereas, pursuant to Articles 2 and 7 of Regulation (EC) No 3119/93, the minimum price which processors must pay, under the terms of the contracts, to producers is to be equal to the highest withdrawal price applying during periods of major withdrawals; whereas major withdrawals are carried out from January to April for oranges, in January and February for mandarins, in December and January for clementines and in November and December for satsumas;

Whereas, pursuant to Article 4 (1) and (2) of the said Regulation, financial compensation for oranges may not exceed the difference between the minimum price and the prices obtaining for the raw material in producer third countries; whereas financial compensation for mandarins and clementines for processing into juice is to be fixed at such a level that for each of those products the burden on the industry is equal to that on the industry for oranges, taking account of differences in juice yields;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1995/96 marketing year, the minimum prices to be paid to citrus fruit producers or producer organizations

delivering oranges, mandarins, clementines or satsumas for processing under contracts within the meaning of Article 2 of Regulation (EC) No 3119/93 shall be as follows:

Product	ECU/100 kg (net)
Oranges	15,33
Mandarins	16,64
Clementines	13,63
Satsumas	9,70

These minimum prices shall be for goods ex-producers' packing stations.

Article 2

For the 1995/96 marketing year, the financial compensation granted to processors following the processing for juice of oranges, mandarins and clementines shall be as follows:

Product	ECU/100 kg (net)
Oranges	11,1
Mandarins	13,3
Clementines	9,53

Article 3

The amounts referred to in Articles 1 and 2 shall apply only to products which satisfy at least the quality and minimum size requirements laid down for Class III.

Article 4

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

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 279, 12. 11. 1993, p. 17.

COMMISSION REGULATION (EC) No 2804/95

of 5 December 1995

amending Annex II of Council Regulation (EEC) No 2377/90 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2377/90 of 26 June 1990 laying down a Community procedure for the establishment of maximum residue limits of veterinary medicinal products in foodstuffs of animal origin⁽¹⁾, as last amended by Commission Regulation (EC) No 2796/95⁽²⁾, and in particular Articles 7 and 8 thereof,

Whereas, in accordance with Regulation (EEC) No 2377/90, maximum residue limits must be established progressively for all pharmacologically active substances which are used within the Community in veterinary medicinal products intended for administration to food producing animals;

Whereas maximum residue limits should be established only after the examination within the Committee for Veterinary Medicinal Products of all relevant information concerning the safety of residues of the substance concerned for the consumer of foodstuffs of animal origin and the impact of residues on the industrial processing of foodstuffs;

Whereas, in establishing maximum residue limits of veterinary medicinal products in foodstuffs of animal origin, it is necessary to specify the animal species in which residues may be present, the levels which may be present in each of the relevant meat tissues obtained from the treated animal (target tissue) and the nature of the residue which is relevant for the monitoring of residues (marker residue);

Whereas, for the control of residues, as provided for in appropriate Community legislation, maximum residue limits should usually be established for the target of liver or kidney; whereas, however, the liver and kidney are frequently removed from carcasses moving in interna-

tional trade, and maximum residue limits should also always be established for muscle or fat tissues;

Whereas, in the case of veterinary medicinal products intended for use in laying birds, lactating animals or honey bees, maximum residue limits must also be established for eggs, milk or honey;

Whereas, mineral hydrocarbons should be inserted into Annex II to Regulation (EEC) No 2377/90;

Whereas a period of 60 days should be allowed before the entry into force of this Regulation in order to allow Member States to make any adjustment which may be necessary to the authorizations to place the veterinary medicinal products concerned on the market which have been granted in accordance with Council Directive 81/851/EEC⁽³⁾, as last amended by Directive 93/40/EEC⁽⁴⁾ to take account of the provisions of this Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for the Adaptation to Technical Progress of the Directives on the Removal of Technical Barriers to Trade in the Veterinary Medicinal Products Sector,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II of Regulation (EEC) No 2377/90 is hereby amended as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on the 60th day following its publication in the *Official Journal of the European Communities*.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 1.

⁽²⁾ OJ No L 290, 5. 12. 1995, p. 1.

⁽³⁾ OJ No L 317, 6. 11. 1981, p. 1.

⁽⁴⁾ OJ No L 214, 24. 8. 1993, p. 31.

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

Done at Brussels, 5 December 1995.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

Annex II is modified as follows

'2. Organic chemicals

Pharmacologically active substances	Animal species	Other provisions
2.28. Mineral hydrocarbons, low to high viscosity including microcrystalline waxes, approximately C10-C60; aliphatic, branched aliphatic and alicyclic compounds.	All food producing species	Excludes aromatic and unsaturated compounds'

COMMISSION REGULATION (EC) No 2805/95
of 5 December 1995
fixing the export refunds in the wine sector and repealing Regulation (EEC) No 2137/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1544/95 ⁽²⁾, and in particular Article 55 (8) thereof,

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

Whereas account must also be taken of the costs of these products, of the economic aspects of the proposed exports, and of the need to avoid disturbances on the Community market ; whereas, however, when fixing the amount of the refunds applicable to liqueur wines, account should be taken of the difference between Community prices and world market prices in respect only of wine and musts used in the manufacture of liqueur wines, since no such difference is recorded in respect of the products used in the manufacture of the wines in question ;

Whereas the international trade situation or the specific requirements of certain markets may make it necessary to vary the refund according to the use or distinction of a specific product ;

Whereas the agreement on agriculture concluded under the Uruguay Round of multilateral trade negotiations provides for annual commitments with regard to expenditure on export refunds ; whereas Article 55 (7) of Regulation (EEC) No 822/87 lays down that those commitments should be complied with on the basis of the export licences issued ; whereas Article 3 (4) of Commission Regulation (EC) No 1685/95 of 11 July 1995 on arrangements for issuing export licences for wine sector products and amending Regulation (EEC) No 3388/81 laying down special detailed rules in respect of import and export licences in the wine sector ⁽³⁾ lays down precise rules regarding those measures ;

Whereas Commission Regulation (EEC) No 2137/93 of 28 July 1993 fixing export refunds in the wine sector and repealing Regulation (EEC) No 646/86 ⁽⁴⁾, as last amended by Regulation (EC) No 582/95 ⁽⁵⁾, fixes the amount of the refund for certain products per hectolitre and per degree of alcohol ; whereas it is only possible to determine that degree of alcohol at the time of export, in the analysis certificate referred to in Article 3 (1) of Commission Regulation (EEC) No 3389/81 of 27 November 1981 laying down detailed rules for export refunds in the wine sector ⁽⁶⁾, as last amended by Regulation (EC) No 2730/95 ⁽⁷⁾ ; whereas, as a result, it is not possible to evaluate expenditure on export on the basis of licences issued and take the measures provided for in Article 3 (4) of Regulation (EC) No 1685/95 ;

Whereas it is therefore necessary to fix the amount of the export refunds per hectolitre for the various types of products in the sector, regardless of their degree of alcohol ; whereas, with a view to clarity, Regulation (EEC) No 2137/93 should be repealed and certain countries should be removed from the list of third countries in respect of which refunds apply ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The export refunds provided for in Article 55 of Regulation (EEC) No 822/87 are fixed in the Annex hereto.
2. Regulation (EEC) No 2137/93 is hereby repealed.

Article 2

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

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 31.

⁽³⁾ OJ No L 161, 12. 7. 1995, p. 2.

⁽⁴⁾ OJ No L 191, 31. 7. 1993, p. 91.

⁽⁵⁾ OJ No L 59, 17. 3. 1995, p. 4.

⁽⁶⁾ OJ No L 341, 28. 11. 1981, p. 24.

⁽⁷⁾ OJ No L 284, 28. 11. 1995, p. 6.

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

Done at Brussels, 5 December 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

CN code	Product code	For export to (1)	Refund (ECU/hl)
2009 60 11 2009 60 19 2009 60 51 2009 60 71 2004 30 92 2204 30 94 2204 30 96 2204 30 98	100	01	} 82,612 21,888 82,612 21,888
2204 21 79 2204 21 79 2204 21 83	120 220 120	02 and 09 02 and 09	4,782
2204 21 79 2204 21 80	180 180	02	21,217
2204 21 79 2204 21 80	180 180	09	19,854
2204 21 79 2204 21 80	280 280	02	24,84
2204 21 79 2204 21 80	280 280	09	23,244
2204 21 83 2204 21 84	180 180	02	28,98
2204 21 83 2204 21 84	180 180	09	27,118
2204 21 79	910	02 and 09	4,782
2204 21 94 2204 21 98	910	02 and 09	15,00
2204 29 62 2204 29 64 2204 29 65 2204 29 83	120	02 and 09	4,782
2204 29 62 2204 29 64 2204 29 65	220	02 and 09	4,782
2204 29 62 2204 29 64 2204 29 65 2204 29 71 2204 29 72 2204 29 75	180	02	21,217
2204 29 62 2204 29 64 2204 29 65 2204 29 71 2204 29 72 2204 29 75	180	09	19,854
2204 29 62 2204 29 64 2204 29 65 2204 29 71 2204 29 72 2204 29 75	280	02	24,840

CN code	Product code	For export to ⁽¹⁾	Refund (ECU/hl)
2204 29 62 2204 29 64 2204 29 65 2204 29 71 2204 29 72 2204 29 75	280	09	23,244
2204 29 83 2204 29 84	180	02	28,980
2204 29 83 2204 29 84	180	09	27,118
2204 29 62 2204 29 64 2204 29 65	910	02 and 09	4,782
2204 29 94 2204 29 98	910	02 and 09	15,00

(¹) The destinations are as follows :

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

COMMISSION REGULATION (EC) No 2806/95
of 5 December 1995
amending Regulation (EEC) No 3846/87 establishing an agricultural products
nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1544/95 ⁽²⁾, and in particular Article 55(8) thereof,

Whereas Commission Regulation (EC) No 2805/95 of 5 December 1995 fixing the export refunds in the wine sector and repealing Regulation (EC) No 2137/93 ⁽³⁾ has changed the fixation of the amount of the refunds by introducing rates for different new categories of products ;

Whereas Commission Regulation (EEC) No 3846/87 ⁽⁴⁾, as last amended by Regulation (EC) 2453/95 ⁽⁵⁾, establishes, on the basis of the combined nomenclature, the nomenclature applicable to export refunds for agricultural products ; whereas this nomenclature should be adapted according to the abovementioned amendments ;

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

Article 1

The data relating to CN codes 2204 21 79, 2204 21 80, 2204 21 83, 2204 21 84, 2204 29 62, 2204 29 64, 2204 29 65, 2204 29 71, 2204 29 72, 2204 29 75, 2204 29 83 and 2204 29 84 of the agricultural products nomenclature for export refunds given in sector 16 of the Annex to Regulation (EEC) No 3846/87 are hereby replaced by those listed in the Annex hereto.

Article 2

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

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 31.

⁽³⁾ See page 10 of this Official Journal.

⁽⁴⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 252, 20. 10. 1995, p. 15.

ANNEX

CN code	Description of goods	Product code
2204	Wine of fresh grapes, including fortified wines; grape must other than that of heading No 2009:	
	– Other wine; grape must with fermentation prevented or arrested by the addition of alcohol:	
2204 21	– – In containers holding two litres or less:	
	– – – Other:	
	– – – – Of an actual alcoholic strength by volume not exceeding 13 % vol:	
	– – – – – Other:	
2204 21 79	– – – – – White:	
	– – – – – – Table wine ⁽¹⁾ , of an actual alcoholic strength of 9,5 % vol or more, but not exceeding 11 % vol:	
	– – – – – – – Of types A II and A III ⁽²⁾	2204 21 79 120
	– – – – – – – Other	2204 21 79 180
	– – – – – – Table wine ⁽¹⁾ , of an actual alcoholic strength exceeding 11 % vol but not exceeding 13 % vol:	
	– – – – – – – Of types A II and A III ⁽²⁾	2204 21 79 220
	– – – – – – – Other	2204 21 79 280
	– – – – – – Other table wine ⁽¹⁾ of types A II and A III ⁽²⁾	2204 21 79 910
2204 21 80	– – – – – Other:	
	– – – – – – Red or rosé table wine ⁽¹⁾ of an actual alcoholic strength of 9,5 % vol or more, but not exceeding 11 % vol:	
	– – – – – – – Of type R III ⁽²⁾ and rosé wine from vine varieties of the Portugieser type	2204 21 80 120
	– – – – – – – Other	2204 21 80 180
	– – – – – – Red or rosé table wine ⁽¹⁾ of an actual alcoholic strength exceeding 11 % vol, but not exceeding 13 %:	
	– – – – – – – Of type R III ⁽²⁾ and rosé wine from vine varieties of the Portugieser type	2204 21 80 220
	– – – – – – – Other	2204 21 80 280
	– – – – – – Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:	
	– – – – – – Other:	
2204 21 83	– – – – – – White:	
	– – – – – – – Table wines ⁽¹⁾	
	– – – – – – – – Of types A II and A III ⁽²⁾	2204 21 83 120
	– – – – – – – – Other	2204 21 83 180
2204 21 84	– – – – – – Other:	
	– – – – – – – Red or rosé table wine ⁽¹⁾ :	
	– – – – – – – – Of type R III ⁽²⁾ and rosé wine from vine varieties of the Portugieser type	2204 21 84 120
	– – – – – – – – Other	2204 21 84 180
	– – – – – – – Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol:	
2204 21 94	– – – – – – Other:	
	– – – – – – – Quality wines produced in specified regions, as defined in additional note No 5	2204 21 94 100
	– – – – – – – Other:	
	– – – – – – – Liqueur wines ⁽⁴⁾	2204 21 94 910
	– – – – – – – Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:	

CN code	Description of goods	Product code
2204 21 98	<ul style="list-style-type: none"> ----- Other : ----- Quality wines produced in specified regions, as defined in additional note No 5 ----- Other : ----- Liqueur wines (*) 	<ul style="list-style-type: none"> 2204 21 98 100 2204 21 98 910
2204 29	<ul style="list-style-type: none"> ----- Other : ----- Of an actual alcoholic strength by volume not exceeding 13 % vol : ----- Other : ----- White : 	
2204 29 62	<ul style="list-style-type: none"> ----- Sicilia (Sicily) : ----- Table wine (1), of an actual alcoholic strength of 9,5 % vol, or more but not exceeding 11 %/ vol : ----- Of types A II and A III (2) ----- Other ----- Table wine (1), of an actual alcoholic strength exceeding 11 % vol but not exceeding 13 % vol : ----- Of types A II and A III (2) ----- Other ----- Other tables wine (1) of types A II and A III (2) 	<ul style="list-style-type: none"> 2204 29 62 120 2204 29 62 180 2204 29 62 220 2204 29 62 280 2204 29 62 910
2204 29 64	<ul style="list-style-type: none"> ----- Veneto : ----- Table wine (1), of an actual alcoholic strength of 9,5 % vol or more, but not exceeding 11 % : ----- Of types A II and A III (2) ----- Other ----- Table wine (1), of an actual alcoholic strength of not less than 11 % vol but not exceeding 13 % : ----- Of types A II and A III (2) ----- Other ----- Other table wine (1) of types A II and A III (2) 	<ul style="list-style-type: none"> 2204 29 64 120 2204 29 64 180 2204 29 64 220 2204 29 64 280 2204 29 64 910
2204 29 65	<ul style="list-style-type: none"> ----- Other ----- Table wine (1), of an actual alcoholic strength exceeding 9,5 % vol or more, but not exceeding 11 % vol : ----- Of types A II and A III (2) ----- Other : ----- Table wine (1), of an actual alcoholic strength exceeding 11 % vol but not exceeding 13 % vol : ----- Of types A II and A III (2) ----- Other : ----- Other table wine (1) of types A II and A III (2) ----- Other 	<ul style="list-style-type: none"> 2204 29 65 120 2204 29 65 180 2204 29 65 220 2204 29 65 280 2204 29 65 910
2204 29 71	<ul style="list-style-type: none"> ----- Puglia (Apuglia) : ----- Red or rosé table wine (1), of an actual alcoholic strength of 9,5 % vol or more but not exceeding 11 % : ----- Of type R III (2) and rosé wine from vine varieties of the Portugieser type ----- Other ----- Red or rosé table wine (1), of an actual alcoholic strength exceeding 11 % vol, but not exceeding 13 % vol : ----- Of type R III (2) and rosé wine from vine varieties of the Portugieser type ----- Other 	<ul style="list-style-type: none"> 2204 29 71 120 2204 29 71 180 2204 29 71 220 2204 29 71 280

CN code	Description of goods	Product code
2204 29 72	----- Sicilia (Sicily):	
	----- Red or rosé table wine ⁽¹⁾ , of an actual alcoholic strength of 9,5 % vol, or more but not exceeding 11 % vol:	
	----- Of type R III ⁽²⁾ and rosé wine from vine varieties of the Portugieser type	2204 29 72 120
	----- Other	2204 29 72 180
	----- Red or rosé table wine ⁽¹⁾ , of an actual alcoholic strength exceeding 11 % vol but not exceeding 13 % vol:	
	----- Of type R III ⁽²⁾ and rosé wine from varieties of the Portugieser type	2204 29 72 220
2204 29 75	----- Other	2204 29 72 280
	----- Red or rosé table wine ⁽¹⁾ , of an actual alcoholic strength of 9,5 % vol, or more but not exceeding 11 % vol:	
	----- Of type R III ⁽²⁾ and rosé wine from vine varieties of the Portugieser type	2204 29 75 120
	----- Other	2204 29 75 180
	----- Red or rosé table wine ⁽¹⁾ , of an actual alcoholic strength of 11 % vol or more but not exceeding 13 % vol:	
	----- of type R III ⁽²⁾ and rosé wine from vine varieties of the Portugieser type	2204 29 75 220
2204 29 83	----- Other	2204 29 75 280
	----- Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol:	
	----- Other:	
	----- White:	
	----- Table wines ⁽¹⁾ :	
	----- Of types A II and A III ⁽²⁾	2204 29 83 120
2204 29 84	----- Other	2204 29 83 180
	----- Other:	
	----- Table wines ⁽¹⁾ :	
	----- Of type R III ⁽²⁾ and rosé wine from vine varieties of the Portugieser type	2204 29 84 120
	----- Other	2204 29 84 180
	----- Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol:	
2204 29 94	----- Other:	
	----- Quality wines produced in specified regions, as defined in additional note No 5	2204 29 94 100
	----- Other:	
	----- Liqueur wines ⁽⁴⁾	2204 29 94 910
	----- Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol:	
	----- Other:	
2204 29 98	----- Quality wines produced in specified regions, as defined in additional note No 5	2204 29 98 100
	----- Other:	
	----- Liqueur wines ⁽⁴⁾	2204 29 98 910

⁽¹⁾ As defined in point 13 of Annex I to Council Regulation (EEC) No 822/87 (OJ No L 84, 27. 3. 1987, p. 1).

⁽²⁾ As defined in point 2 of Annex III to Council Regulation (EEC) No 822/87.

⁽³⁾ As defined in point 1 of Annex III to Council Regulation (EEC) No 822/87.

⁽⁴⁾ As defined in point 14 to Annex I to Council Regulation (EEC) No 822/87.

COMMISSION REGULATION (EC) No 2807/95
of 5 December 1995
amending Regulation (EC) No 1685/95 on arrangements for issuing export
licences for wine sector products

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

Having regard to Council Regulation (EEC) No 822/87 of
16 March 1987 on the common organization of the
market in wine ⁽¹⁾, as last amended by Regulation (EC) No
1544/95 ⁽²⁾, and in particular Articles 52(3) and 83
thereof,

Whereas Regulation (EC) No 2805/95 of 5 December
1995 amending Regulation (EEC) No 2137/93 fixing the
export refunds in the wine sector ⁽³⁾, amends the basic
unit for the rates of the refunds by fixing that rate per
hectolitre instead of degree of alcohol per hectolitre ;
whereas that change also necessitates an adjustment of the
various categories of products listed in Annex I to
Commission Regulation (EC) No 1685/95 of 11 July
1995 on arrangements for issuing export licences for wine
sector products and amending Regulation (EEC) No
3388/81 laying down special detailed rules in respect of

import and export licences in the wine sector ⁽⁴⁾ to avoid
different refund rates within the same category ;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

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

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 31.

⁽³⁾ See page 10 of this Official Journal.

⁽⁴⁾ OJ No L 161, 12. 7. 1995, p. 2.

ANNEX

ANNEX I

Code	Category
2009 60 11 100 2009 60 19 100 2009 60 51 100 2009 60 71 100 2204 30 92 100 2204 30 96 100	1
2204 30 94 100 2204 30 98 100	2
2204 21 79 120 2204 21 79 220 2204 21 79 910 2204 21 83 120 2204 29 62 120 2204 29 62 220 2204 29 62 910 2204 29 64 120 2204 29 64 220 2204 29 64 910 2204 29 65 120 2204 29 65 220 2204 29 65 910 2204 29 83 120	3
2204 21 79 180 2204 21 80 180 2204 29 62 180 2204 29 64 180 2204 29 65 180 2204 29 71 180 2204 29 72 180 2204 29 75 180	4
2204 21 79 280 2204 21 80 280 2204 29 62 280 2204 29 64 280 2204 29 65 280 2204 29 71 280 2204 29 72 280 2204 29 75 280	5
2204 21 83 180 2204 21 84 180 2204 29 83 180 2204 29 84 180	6
2204 21 94 910 2204 21 98 910 2204 29 94 910 2204 29 98 910	7

Code	Category
2204 21 80 120 2204 29 71 120 2204 29 72 120 2204 29 75 120	8
2204 21 80 220 2204 29 71 220 2204 29 72 220 2204 29 75 220	9
2204 21 84 120 2204 29 84 120	10
2204 21 94 100 2204 21 98 100 2204 29 94 100 2204 29 98 100	11'

COMMISSION REGULATION (EC) No 2808/95

of 5 December 1995

amending Regulation (EC) No 3392/93 on detailed rules for the application of Council Regulation (EEC) No 1842/83 laying down general rules for the supply of milk and certain milk products at reduced prices to schoolchildren

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 1538/95⁽²⁾, and in particular Article 26 (4) thereof,

Whereas Article 1 (3) of Council Regulation (EEC) No 1842/83⁽³⁾, as last amended by Regulation (EEC) No 2748/93⁽⁴⁾, provides for the Community aid amounts for milk products other than whole milk to be set by reference to the milk content of the products in question;

Whereas pursuant to the Act of Accession, Finland and Sweden are authorized to derogate for three years from the Community requirements on the minimum fat content of milk for human consumption as laid down in Article 3 (1) (b) of Council Regulation (EEC) No 1411/71⁽⁵⁾, as last amended by Regulation (EEC) No 2138/92⁽⁶⁾; whereas these Member States have included in their national lists of milk products qualifying for the abovementioned aid types of milk with a fat content that differs from that of the milk products for which the aid amounts are fixed in Article 4 (1) of Commission Regula-

tion (EC) No 3392/93⁽⁷⁾, as last amended by Regulation (EC) No 1802/95⁽⁸⁾; whereas aid amounts should accordingly be established for these products;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph is added to Article 4 (1) of Regulation (EC) No 3392/93:

'However, the Community aid shall be:

- ECU 26,73 per 100 kg of milk whose fat content is at least 3,00 % but less than 3,50 %,
- ECU 15,87 per 100 kg for milk whose fat content is at least 1,00 % but less than 1,50 %.'

Article 2

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

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 17.

⁽³⁾ OJ No L 183, 7. 7. 1983, p. 1.

⁽⁴⁾ OJ No L 249, 7. 10. 1993, p. 1.

⁽⁵⁾ OJ No L 148, 3. 7. 1971, p. 4.

⁽⁶⁾ OJ No L 214, 30. 7. 1992, p. 6.

⁽⁷⁾ OJ No L 306, 11. 12. 1993, p. 27.

⁽⁸⁾ OJ No L 174, 26. 7. 1995, p. 27.

COMMISSION REGULATION (EC) No 2809/95
of 5 December 1995
amending Regulation (EEC) No 3846/87 as regards the agricultural product
nomenclature for export refunds in the pigmeat sector

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 13 (12) thereof,

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾, as last amended by Regulation (EC) No 2806/95 ⁽⁴⁾, establishes an agricultural product nomenclature for export refunds ; whereas it is necessary to amend this nomenclature with a view to limiting any grants of the export refund in respect of boned meat to certain fresh, chilled or frozen cuts ; whereas fresh or chilled cuts that can be frozen pursuant to Articles 4 and 28 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products ⁽⁵⁾, as last amended by Regulation (EC) No 1384/95 ⁽⁶⁾, should be excluded to prevent these products being exported with a refund to distant destinations ;

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

HAS ADOPTED THIS REGULATION :

Article 1

Sector 7 of the Annex to Regulation (EEC) No 3846/87 is amended as follows :

1. CN codes 0203 19 55 and 0203 29 55 of the agricultural product nomenclature for export refunds are replaced by the corresponding codes in the Annex to this Regulation ;
2. footnote (11) in the Annex to this Regulation is added.

Article 2

This Regulation shall enter into force on 1 January 1996.

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

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

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ See page 14 of this Official Journal.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 134, 20. 6. 1995, p. 14.

ANNEX

CN code	Description of goods	Product code
0203 19 55	----- Boneless :	
	----- Legs, fore-ends, shoulders or loins and cuts thereof ⁽¹⁾ ⁽¹¹⁾	0203 19 55 110
	----- Bellies and cuts thereof, with a total cartilage content of less than 15 % by weight ⁽¹⁾ ⁽¹¹⁾	0203 19 55 310
0203 29 55	----- Boneless :	
	----- Legs, fore-ends, shoulders and cuts thereof ⁽¹⁾	0203 29 55 110

⁽¹¹⁾ Freezing of the products pursuant to the first paragraph of Article 4 (3) and Article 28 (4) (g) of Regulation (EEC) No 3665/87 is not permitted.

COMMISSION REGULATION (EC) No 2810/95

of 5 December 1995

on the tariff classification of pig carcasses and half-carcasses and amending Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 11 (4) thereof,

Whereas it has been noted that the classification of pig carcasses and half-carcasses poses problems arising from the fact that the manner in which the half-carcasses are derived from the whole carcass as defined in the tariff and statistical nomenclature established by Council Regulation (EEC) No 2658/87⁽³⁾, as last amended by Commission Regulation (EC) No 2588/95⁽⁴⁾, does not correspond exactly to technical and commercial practices; whereas this definition must be adjusted in order to ensure that the duties in the Common Customs Tariff are uniformly applied in the pigmeat sector;

Whereas Article 9 of Regulation (EEC) No 2759/75 states that the rates of duty of the Common Customs Tariff are to apply to the products subject to the common organization of the market in pigmeat;

Whereas, pursuant to Article 15 (1) of Regulation (EEC) No 2759/75, the tariff nomenclature resulting from the application of that Regulation is incorporated in the Common Customs Tariff; whereas it should therefore be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of applying the customs duties in the pigmeat sector, the following expressions shall have the meanings hereunder assigned to them:

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

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

⁽³⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁴⁾ OJ No L 264, 7. 11. 1995, p. 4.

'carcasses or half-carcasses', for the purposes of subheadings 0203 11 10 and 0203 21 10: slaughtered pigs in the form of carcasses of domestic swine which have been bled and eviscerated and from which the bristles and hooves have been removed. Half-carcasses are derived from whole carcasses by division through each cervical dorsal, lumbar and sacral vertebra, through or along the sternum and through the ischio-pubic symphysis. These carcasses and half-carcasses may be with or without head, feet, flare fat, kidneys, tail or diaphragm. Half-carcasses may be with or without spinal cord, brain or tongue. Carcasses and half-carcasses of sows may be with or without udders (mammary glands).

Article 2

Additional note 2.A.(a) in Chapter 2 of Annex I to Regulation (EEC) No 2658/87 is replaced by the following:

'2.A. The following expressions shall have the meanings hereunder assigned to them:

- (a) "carcasses or half-carcasses", for the purposes of subheadings 0203 11 10 and 0203 21 10; slaughtered pigs in the form of carcasses of domestic swine which have been bled and eviscerated and from which the bristles and hooves have been removed. Half-carcasses are derived from whole carcasses by division through each cervical dorsal, lumbar and sacral vertebra, through or along the sternum and through the ischio-pubic symphysis. These carcasses and half-carcasses may be with or without head, feet, flare fat, kidneys, tail or diaphragm. Half-carcasses may be with or without spinal cord, brain or tongue. Carcasses and half-carcasses of sows may be with or without udders (mammary glands);'

Article 3

This Regulation shall enter into force on 1 January 1996.

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

Done at Brussels, 5 December 1995.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 2811/95
of 5 December 1995
amending the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the export refunds on eggs were fixed by Commission Regulation (EC) No 2646/95 ⁽³⁾, as amended by Regulation (EC) No 2685/95 ⁽⁴⁾;

Whereas it follows from foreseen criteria contained in Article 8 of Regulation (EEC) No 2771/75 to the informa-

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) of Regulation (EEC) No 2771/75, exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 2646/95, are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 6 December 1995.

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

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

⁽³⁾ OJ No L 272, 15. 11. 1995, p. 7.

⁽⁴⁾ OJ No L 279, 22. 11. 1995, p. 5.

ANNEX

to the Commission Regulation of 5 December 1995 altering the export refunds on eggs

Product code	Destination (1)	Amount of refund (2)
		ECU/100 units
0407 00 11 000	02	3,50
0407 00 19 000	05	1,60
		ECU/100 kg
0407 00 30 000	03	9,00
	04	6,00
0408 11 80 100	01	45,00
0408 19 81 100	01	20,00
0408 19 89 100	01	20,00
0408 91 80 100	01	27,00
0408 99 80 100	01	7,00

(1) The destinations are as follows :

- 01 All destinations except Switzerland,
- 02 All destinations except the United States of America,
- 03 Kuwait, Bahrein, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong, Russia, South Korea, Japan, Malaysia, Thailand and Taiwan,
- 04 All destinations except Switzerland and those of 03,
- 05 All destinations except the United States of America, Poland, Hungary, Slovakia, the Czech Republic, Bulgaria, Romania and Turkey.

(2) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

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

COMMISSION REGULATION (EC) No 2812/95

of 5 December 1995

on the issuing of export licences for fruit and vegetables with advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1488/95 of 28 June 1995 on implementing rules for export refunds on fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2702/95⁽²⁾, and in particular Article 4 (1) thereof,Whereas Commission Regulation (EC) No 1489/95⁽³⁾, as last amended by Regulation (EC) No 2703/95⁽⁴⁾, specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid ;

Whereas Article 4 of Regulation (EC) No 1488/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted ;

Whereas, in view of the information available to the Commission as of today, the quantities of 76 539 tonnes of oranges, 1 097 tonnes of table grapes and 14 616 tonnes of apples in Annex I to Regulation (EC) No 1489/95, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1488/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 30 November 1995 ;

Whereas a reducing factor should accordingly be applied to the quantities of table grapes applied for on 30

November 1995, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected ; whereas applications submitted from 30 November to 11 December 1995 with regard to oranges and apples should be rejected for administrative reasons,

HAS ADOPTED THIS REGULATION :

Article 1

Export licences with advance fixing of the refund for the table grapes for which applications are submitted on 30 November 1995 under Article 1 of Regulation (EC) No 1489/95 shall be issued for 67,82 % of the quantities applied for.

Applications for export licences with advance fixing of the refund for the above product submitted after 30 November 1995 and before 3 January 1996 shall be rejected.

Applications for export licences with advance fixing of the refund for oranges and apples submitted from 30 November to 11 December 1995 are hereby rejected.

Article 2

This Regulation shall enter into force on 6 December 1995.

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 145, 29. 6. 1995, p. 68.⁽²⁾ OJ No L 280, 23. 11. 1995, p. 30.⁽³⁾ OJ No L 145, 29. 6. 1995, p. 75.⁽⁴⁾ OJ No L 280, 23. 11. 1995, p. 31.

COMMISSION REGULATION (EC) No 2813/95
of 5 December 1995
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 1740/95⁽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 multi-lateral 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 6 December 1995.

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 167, 18. 7. 1995, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 5 December 1995 establishing the standard import values
for determining the entry price of certain fruit and vegetables

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 45	052	63,5	0805 30 40	052	85,8
	060	80,2		388	67,5
	064	59,6		400	85,9
	066	41,7		512	54,8
	068	62,3		520	66,5
	204	51,7		524	100,8
	208	44,0		528	94,7
	212	117,9		600	72,2
	624	116,3		624	78,0
	999	70,8		999	78,5
0707 00 40	052	77,6	0808 10 92, 0808 10 94, 0808 10 98	064	78,6
	053	166,9		388	39,2
	060	61,0		400	74,9
	066	53,8		404	56,5
	068	60,4		508	68,4
	204	49,1		512	51,2
	624	122,2		524	57,4
	999	84,4		528	48,0
0709 90 79	052	100,1	800	78,0	
	204	77,5	804	21,0	
	624	153,8	999	57,3	
	999	110,5	0808 20 67	052	143,7
0805 10 61, 0805 10 65, 0805 10 69	052	42,6		064	70,4
	204	49,7		388	79,6
	388	37,9		400	84,7
	999	43,4		512	89,7
	0805 20 31	204		68,7	528
999		68,7		624	79,0
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39		052		55,0	728
	464	165,7		800	55,8
	624	132,1		804	112,9
	999	117,6	999	91,5	

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin.'

COMMISSION REGULATION (EC) No 2814/95
of 5 December 1995
providing for the rejection of applications for export licences in relation to
products falling within CN code 1001 90 99

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 Regulation (EC) No 1863/95⁽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 2147/95⁽⁴⁾, and in particular Article 7 (3) thereof,

Whereas the quantity covered by applications for advance fixing of refunds on common wheat is of great importance and could give rise to speculation;

Whereas it has therefore been decided to reject all applications for export licences of such products made on 1, 4 and 5 December 1995,

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 1001 90 99 made on 1, 4 and 5 December 1995 shall be rejected.

Article 2

This Regulation shall enter into force on 6 December 1995.

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

Done at Brussels, 5 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ No L 215, 9. 9. 1995, p. 4.

COUNCIL DIRECTIVE 95/57/EC**of 23 November 1995****on the collection of statistical information in the field of tourism**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Resolutions of the European Parliament of 11 June 1991⁽¹⁾ and 18 January 1994⁽²⁾ stress that the Community has a major role to play in developing tourism statistics;

Whereas the elaboration of a Directive aimed at channeling efforts currently expended in a fragmented manner at national level has been approved by the Economic and Social Committee⁽³⁾;

Whereas, under Decision 90/655/EEC⁽⁴⁾, a Community methodological framework for the compilation of Community tourism statistics has been developed;

Whereas the results of the two-year programme (1991-1992) for developing Community tourism statistics under Decision 90/655/EEC highlight the needs of users in the private and public sector for reliable and comparable statistics on tourism demand and supply at Community level available at short notice;

Whereas the development of Community statistics on tourism was recognized as a priority by Council Decision 92/421/EEC of 13 July 1992 on a Community action plan to assist tourism⁽⁵⁾;

Whereas the recognized role of tourism as a tool of development and socioeconomic integration can be better ensured through knowledge of the basic related statistics, notably established at regional level;

Whereas, in order to assess the competitiveness of the Community tourist industry, it is necessary to gain greater knowledge of the volume of tourism, the characteristics thereof, the profile of the tourist and tourist expenditure;

Whereas monthly information is required to be able to measure the seasonal influences of demand on tourist accommodation capacity and thereby to assist public authorities and economic operators to develop more suitable

strategies and policies for improving the seasonal spread of holidays and the performance of tourist activities;

Whereas further Community activity in this field must continue to be based on a pragmatic approach which is consistent with the principle of subsidiarity;

Whereas the necessary synergies between national, international and Community statistical projects impinging on tourism must be ensured in order to reduce the onus of collecting information;

Whereas methodological work developed in cooperation with other international organizations, such as the Organization for Economic Cooperation and Development and the World Tourism Organization, and the Recommendations adopted by the Statistical Commission of the United Nations in March 1993 should be taken into account in order to ensure better comparability of tourism statistics at world level;

Whereas reliable and efficient monitoring of the structure and evolution of tourism demand and supply can be significantly improved by establishing an appropriate recognized Community framework;

Whereas such a system may generate economies of scale, while producing information benefiting all Member States and parties concerned;

Whereas a Community instrument could facilitate the dissemination of comparable tourism statistics;

Whereas Council Decision 93/464/EEC of 22 July 1993 on the framework programme for priority actions in the field of statistical information, 1993 to 1997⁽⁶⁾ provides for the setting-up of an information system on tourism supply and demand;

Whereas a Council Directive can provide a common framework to maximize the benefits of the various actions which are being carried out at national level;

Whereas the statistical data compiled under a Community system must be reliable and appropriate to ensure comparability between Member States; whereas it is therefore necessary to establish jointly the criteria enabling these requirements to be met,

⁽¹⁾ OJ No C 183, 15. 7. 1991, p. 74.

⁽²⁾ OJ No C 44, 14. 2. 1994, p. 61.

⁽³⁾ OJ No C 52, 19. 2. 1994, p. 22.

⁽⁴⁾ OJ No L 358, 21. 12. 1990, p. 89.

⁽⁵⁾ OJ No L 231, 13. 8. 1992, p. 26.

⁽⁶⁾ OJ No L 219, 28. 8. 1993, p. 1.

HAS ADOPTED THIS DIRECTIVE :

Article 1

Aim

For the purpose of establishing an information system on tourism statistics at Community level, Member States shall carry out the collection, compilation, processing and transmission of harmonized Community statistical information on tourism supply and demand.

Article 2

Domain of information collection and basic definitions

For the purposes of this Directive, the data to be collected shall relate to :

- (a) the capacity of collective tourist accommodation establishments

The types of collective accommodation in question are as follows :

1. hotels and similar establishments
2. other collective accommodation establishments, *inter alia* :
 - 2.1. tourist campsites
 - 2.2. holiday dwellings
 - 2.3. other collective accommodation ;

- (b) guest flows in collective accommodation establishments :

The collection shall cover internal tourism, i.e. domestic and inbound tourism ; 'domestic tourism' shall mean residents of the given country travelling only within this country and 'inbound tourism' shall mean non-residents travelling within the given country ;

- (c) tourism demand :

The collection shall cover national tourism, i.e. domestic and outbound tourism ; 'outbound tourism' shall mean residents of a country travelling in another country. The information on tourism demand shall concern trips the main purpose of which is holidays or business and which involve at least one or more consecutive nights spent away from the usual place of residence.

Article 3

Information collection characteristics

1. A list of data collection characteristics, showing their periodicity and their territorial breakdown appears in the Annex.
2. The definitions to be applied to the data collection characteristics and any adjustments to the list of data collection characteristics shall be determined by the

Commission in accordance with the procedure laid down in Article 12.

Article 4

Accuracy of statistical information

1. The collection of the statistical information shall, where possible, ensure that the results meet the necessary minimum accuracy requirements. These requirements, and the procedures for ensuring the harmonized processing of systematic biases, shall be established by the Commission in accordance with the procedure laid down in Article 12. The minimum accuracy requirements shall be determined with particular reference to annual overnight stays at national level.

2. As regards the basis on which the information is collected, Member States shall take whatever measures they deem appropriate to maintain the quality and comparability of the results.

Article 5

Collection of statistical information

1. Member States may, where appropriate, base the collection of the statistical information referred to in Article 3 on existing data, sources and systems.

2. For the characteristics with annual periodicity, the first reference period shall begin on 1 January 1996. For the characteristics relating to the columns on monthly and quarterly data appearing in sections B and C respectively of the Annex, the first reference period shall begin on 1 January 1997.

Article 6

Processing of data

Member States shall process the information collected under Article 3 in accordance with the accuracy requirements stipulated in Article 4 and the detailed rules adopted in accordance with the procedure laid down in Article 12. The regional level shall be in accordance with the Nomenclature of Territorial Units (NUTS) of the Statistical Office of the European Communities.

Article 7

Transmission of data

1. Member States shall transmit the data processed in accordance with Article 6, including the information declared confidential by Member States pursuant to domestic legislation or practice concerning statistical confidentiality, and in accordance with the provisions of Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statis-

tical confidentiality to the Statistical Office of the European Communities⁽¹⁾. The said Regulation governs the confidential treatment of information.

2. The transmission of provisional annual data shall take place within six months of the end of the reference period, and the revised annual results shall be transmitted within a maximum period of 12 months following the end of the reference period. The transmission of provisional monthly and quarterly data shall take place within three months of the end of the corresponding reference period, and the revised monthly and quarterly results shall be transmitted within a maximum period of six months following the end of the corresponding reference period.

3. Acting in accordance with the procedure laid down in Article 12, the Commission may, for the purpose of facilitating the task of the parties responsible for providing information, establish, standardized data transmission procedures and create the conditions for increased use of automatic data processing and electronic data transmission.

Article 8

Reports

1. Member States shall provide the Commission at its request with all information necessary to evaluate the quality, comparability and completeness of the statistical information. Member States shall also provide the Commission with details of any subsequent changes in the methods used.

2. The Commission shall present to the European Parliament, the Council and the Economic and Social Committee a report on the experience acquired in the work carried out pursuant to this Directive after data have been collected over a period of three years.

Article 9

Dissemination of the results

The arrangements for the dissemination of the data by the Commission shall be determined pursuant to the procedure laid down in Article 12.

Article 10

Transition period

1. Without prejudice to Article 13, Member States shall take all the measures necessary to make the Community information system operational during a transition period, which shall end three years after entry into force of this Directive for monthly and annual data, and five years after entry into force of this Directive for quarterly data.

2. During the transition period, the Commission may, in accordance with the procedure laid down in Article 12, accept derogations from the provisions of this Directive,

in so far as the national statistical systems require adaptations in the field of tourism.

Article 11

Committee

As regards the procedures for implementing this Directive, and any measures for adjustment to economic and technical developments, concerning in particular:

- the definitions to be applied to the information collection characteristics and any adjustments to the list of data collection characteristics (Article 3), in so far as these adjustments do not make the collection process more onerous,
- accuracy requirements and the harmonized processing of systematic biases (Article 4),
- processing of data (Article 6), data transmission procedures (Article 7) and dissemination of the results (Article 9),
- the derogations from the provisions of this Directive during the transition period (Article 10),

the Commission shall be assisted, in accordance with the provisions laid down in Article 12, by the Statistical Programme Committee established by Decision 89/382/EEC, Euratom⁽²⁾, hereinafter referred to as the 'Committee'.

Article 12

Procedure

1. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time-limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

2. (a) The Commission shall adopt measures which shall apply immediately.
- (b) However, if these measures are not in accordance with the opinion of the committee, they shall be communicated by the Commission to the Council forthwith. In that event:
 - the Commission shall defer application of the measures which it has decided for a period of three months from the date of communication,
 - the Council, acting by a qualified majority, may take a different decision within the time-limit referred to in the first indent.

⁽¹⁾ OJ No L 151, 15. 6. 1990, p. 1.

⁽²⁾ OJ No L 181, 28. 6. 1989, p. 47.

*Article 13***Implementation of the Directive**

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 23 November 1996.

*Article 14***Entry into force**

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

*Article 15***Final provision**

This Directive is addressed to the Member States.

Done at Brussels, 23 November 1995.

For the Council

The President

C. WESTENDORP y CABEZA

ANNEX

STATISTICAL INFORMATION IN THE FIELD OF TOURISM

NB : For the information requested under B.1.3, C.1.1.2 and C.1.1.4, the world geographical breakdown is listed at the end of this Annex.

A. Capacity of collective tourist accommodation : local units on national territory

A.1. Information to be transmitted on an annual basis

Number	Accommodation breakdown	Variables	Geographical breakdown (1)
A.1.1.	Hotels and similar establishments	Number of establishments Number of bedrooms Number of bedplaces	National and regional NUTS III
A.1.2.	Other collective accommodation establishments : — tourist camp-sites — holiday dwellings — other collective accommodation	Number of establishments Number of bedplaces (2)	National and regional NUTS III

(1) Data on bedrooms and bedplaces at NUTS III level may include estimates ; estimates must be clearly identified as such.

(2) For camp-sites, where a Member State has no standard of its own, one camping pitch may be regarded as equivalent to four bedplaces.

B. Occupancy in collective accommodation establishments : domestic and inbound tourism

B.1. Information to be transmitted on an annual basis

Number	Accommodation breakdown	Variables	Geographical breakdown
B.1.1.	Hotels and similar establishments	Arrivals of residents Nights spent by residents Arrivals of non-residents Nights spent by non-residents	National and regional NUTS II
B.1.2.	Other collective accommodation establishments : — tourist camp-sites — holiday dwellings — other collective accommodation	Arrivals of residents Nights spent by residents Arrivals of non-residents Nights spent by non-residents	National and regional NUTS II
B.1.3.	Hotels and similar establishments Other collective accommodation establishments	By country of residence (breakdown by calendar month): — Arrivals of non-residents — Nights spent by non-residents	National

B.2. Information to be transmitted on a monthly basis

Number	Accommodation breakdown	Variables	Geographical breakdown
B.2.1.	Hotels and similar establishments Other collective accommodation establishments	Arrivals of residents Nights spent by residents Arrivals of non-residents Nights spent by non-residents	National
B.2.2.	Hotels and similar establishments	Use of bedplaces : — gross — net	National

C. Tourism demand : domestic and outbound tourism (excluding day-trips)

C.1. Information to be transmitted nationally

Number	Variables	Breakdown	Annual data	Quarterly data	
			Breaks of four nights or more ⁽¹⁾	Holidays ⁽²⁾	Business trips ⁽³⁾
C.1.1.	Data on volume of tourism				
C.1.1.1.	Number of tourists (persons engaged in tourism)	Total — domestic — outbound — domestic and outbound			
C.1.1.2.	Number of tourism trips	Total — domestic — outbound : world geographical break-down (national level)		AD	AD
C.1.1.3.	Number of tourism trips (by month of departure)	during each calendar month : — total — domestic — outbound			
C.1.1.4.	Number of tourism nights	Total — domestic — outbound : world geographical break-down (national level)		AD	AD
C.1.2.	Data on characteristics of trips				
C.1.2.1.	Length of stay	Nights — from 1 to 3 — 4 or more consecutive nights — from 4 to 7 — from 8 to 14 — from 15 to 28 — from 29 to 91 — from 92 to 365	NR NR	NR NR NR NR NR	NR NR NR NR NR
C.1.2.2.	Organization of stays	Direct reservation with transport/accommodation operator Use of travel agent, tour operator : — including package travel		NR NR NR	NR NR NR
C.1.2.3.	Principal mode of transport used	Air Sea Land : — railway — bus, coach (regular, tourist) — private and hired vehicles — other		NR NR NR NR NR NR	NR NR NR NR NR NR

Number	Variables	Breakdown	Annual data	Quarterly data	
			Breaks of four nights or more ⁽¹⁾	Holidays ⁽²⁾	Business trips ⁽³⁾
C.1.2.4.	Main type of accommodation used for tourism : — domestic — outbound	Hotels and similar establishments Other collective accommodation establishments : — tourist camp-sites — holiday dwellings — other collective accommodation Specialized establishments Private tourist accommodation : — rented accommodation — secondary residence — other types of private accommodation		NR NR NR	NR NR NR
C.1.3.	Data on the tourist profile				
C.1.3.1.	Number of tourists	By sex : — male — female			
C.1.3.2.	Number of tourists	By age : — 0-14 years (optional) — 15-24 years — 25-44 years — 45-64 years — 65 years and over		NR NR NR NR NR	NR NR NR NR NR
C.1.4.	Data on tourist spending				
C.1.4.1.	Spending (national currency) for tourist trips : — domestic — tourist trips :	Total including : — journeys, holidays and package travel		NR	NR

⁽¹⁾ This column covers long trips (i.e. four or more consecutive nights spent away from the usual place of residence the main reasons for which are *holidays, recreation or leisure*).

⁽²⁾ This column covers information on all tourist holidays (i.e. trips of at least one or more consecutive nights spent away from the usual place of residence, the main reasons for which are *holidays, recreation or leisure*).

⁽³⁾ This column covers information on business tourism (i.e. trips of one or more consecutive nights spent away from the usual place of residence, the main reasons for which are *business and professional*).

NB: The initials AD mean that these data should be transmitted ANNUALLY and not quarterly.

Information not requested for the various areas of tourism is indicated by the initials NR.

BREAKDOWN BY GEOGRAPHICAL AREAS**TOTAL WORLD****TOTAL EUROPEAN ECONOMIC AREA****TOTAL EUROPEAN UNION (15)**

- Belgium
- Denmark
- Germany
- Greece
- Spain
- France
- Ireland
- Italy
- Luxembourg
- Austria
- Netherlands
- Portugal
- Finland
- Sweden
- United Kingdom

TOTAL EUROPEAN FREE TRADE AREA (EFTA)

- Iceland
- Norway
- Switzerland (and Liechtenstein)

TOTAL OTHER EUROPEAN COUNTRIES (apart from (EFTA) countries)

including :

- Turkey
- Poland
- Czech Republic
- Slovakia
- Hungary

TOTAL AFRICA**NORTH AMERICA :**

- United States
- Canada

TOTAL SOUTH AND CENTRAL AMERICA**TOTAL ASIA**

including :

- Japan

AUSTRALIA, OCEANIA AND OTHER TERRITORIES

including :

- Australia
- New Zealand

UNSPECIFIED

COUNCIL DIRECTIVE 95/59/EC

of 27 November 1995

**on taxes other than turnover taxes which affect the consumption of
manufactured tobacco**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament ⁽¹⁾,

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

(1) Whereas Council Directive 72/464/EEC of 19 December 1972 on taxes other than turnover taxes which affect the consumption of manufactured tobacco ⁽³⁾ and Second Council Directive 79/32/EEC of 18 December 1978 on taxes other than turnover taxes which affect the consumption of manufactured tobacco ⁽⁴⁾ have been amended substantially and on a number of occasions; whereas for reasons of rationality and clarity the said Directives should be consolidated in a single text;

(2) Whereas the objective of the Treaty is to establish an economic union within which there is healthy competition and whose characteristics are similar to those of a domestic market; and, as regards manufactured tobacco, achievement of this aim presupposes that the application in the Member States of taxes affecting the consumption of products in this sector does not distort conditions of competition and does not impede their free movement within the Community;

(3) Whereas, as far as excise duties are concerned, harmonization of structures must, in particular, result in competition in the different categories of manufactured tobacco belonging to the same group not being distorted by the effects of the charging of the tax and, consequently, in the opening of the national markets of the Member States;

(4) Whereas the structure of the excise duty on cigarettes must include, in addition to a specific component calculated per unit of the product, a proportional

component based on the retail selling price, inclusive of all taxes; whereas the turnover tax on cigarettes has the same effect as a proportional excise duty and this fact should be taken into account when the ratio between the specific component of the excise duty and the total tax burden is being established;

(5) Whereas, as regards cigarettes, the abovementioned objective is best achieved by a system which provides for a degression in the incidence of the tax and whereas for this purpose, the tax imposed on these products should consist of a proportional excise duty combined with a specific excise duty, the amount of which is fixed by each Member State in accordance with Community criteria;

(6) Whereas the structures for excise duties on manufactured tobacco should be harmonized by stages;

(7) Whereas the imperative needs of competition imply a system of freely formed prices for all groups of manufactured tobacco;

(8) Whereas there are several types of manufactured tobacco, distinguished by their characteristics and by the way in which they are used;

(9) Whereas these different types of manufactured tobacco should be defined;

(10) Whereas, for economic reasons, temporary derogations should be provided for certain Member States;

(11) Whereas a distinction needs to be made between fine-cut tobacco for the rolling of cigarettes and other smoking tobacco;

(12) Whereas a manufacturer needs to be defined as a natural or legal person who actually prepares tobacco products and sets the maximum retail selling price for each of the Member States for which the products in question are to be released for consumption;

(13) Whereas a majority of Member States grant exemptions from excise duty or make refunds of excise duty in respect of certain types of manufactured tobacco depending on the use which is made of them, and whereas the exemptions or refunds for particular uses need to be specified in this Directive;

(14) Whereas rolls of tobacco capable of being smoked as they are after simple handling should also be deemed to be cigarettes for the purposes of uniform taxation of these products;

⁽¹⁾ OJ No C 56, 6. 3. 1995, p. 164.

⁽²⁾ OJ No C 133, 31. 5. 1995, p. 1.

⁽³⁾ OJ No L 303, 31. 12. 1972, p. 1. Directive as last amended by Directive 92/78/EEC (OJ No L 316, 31. 10. 1992, p. 5).

⁽⁴⁾ OJ No L 10, 16. 1. 1979, p. 8. Directive as last amended by Directive 92/78/EEC.

(15) Whereas the Federal Republic of Germany should be authorized to tax rolls at least at the rate or amount applicable to fine-cut tobacco for the rolling of cigarettes until 31 December 1998 at the latest;

(16) Whereas this Directive must not affect the obligations of Member States concerning the deadlines for implementation of the Directives set out in Annex I, Part B,

HAS ADOPTED THIS DIRECTIVE :

TITLE I

General principles

Article 1

1. The structure of the excise duty to which the Member States subject manufactured tobacco shall be harmonized in several stages.

2. This Directive lays down general principles for this harmonization, as well as the special criteria applicable during the stages of harmonization.

3. The transition from one stage of harmonization to the next shall be decided on by the Council on a proposal from the Commission, taking into account the effects produced during the stage in progress by the measures introduced by the Member States into their system of excise duties in order to comply with the provisions applicable during that stage. The transition from one stage to the next may be deferred especially if it is likely to involve disproportionate losses of revenue for a Member State.

Article 2

1. The following shall be considered to be manufactured tobacco :

- (a) cigarettes ;
- (b) cigars and cigarillos ;
- (c) smoking tobacco
 - fine-cut tobacco for the rolling of cigarettes,
 - other smoking tobacco ;

as defined in Articles 3 to 7.

2. The Council shall, on a proposal from the Commission, adopt the provisions necessary to determine the way in which manufactured tobacco should be defined and classified in groups.

3. Notwithstanding existing Community provisions, the definitions referred to in Articles 3 to 7 shall be without prejudice to the choice of system or the level of

taxation which shall apply to the different groups of products referred to in these Articles.

Article 3

The following shall be deemed to be cigars or cigarillos if they can be smoked as they are :

1. rolls of tobacco made entirely of natural tobacco ;
2. rolls of tobacco with an outer wrapper of natural tobacco ;
3. rolls of tobacco with an outer wrapper of the normal colour of a cigar, and a binder, of reconstituted tobacco, where at least 60 % by weight of the tobacco particles are both wider and longer than 1,75 mm and where the wrapper is fitted in spiral form with an acute angle of at least 30° to the longitudinal axis of the cigar ;
4. rolls of tobacco with an outer wrapper, of the normal colour of a cigar, of reconstituted tobacco, where the unit weight, not including filter or mouth-piece, is not less than 2,3 g and if at least 60 % by weight of the tobacco particles are both wider and longer than 1,75 mm and the circumference over at least one third of the length is not less than 34 mm.

Article 4

1. The following shall be deemed to be cigarettes :
- (a) rolls of tobacco capable of being smoked as they are and which are not cigars or cigarillos within the meaning of Article 3 ;
 - (b) rolls of tobacco which, by simple non-industrial handling, are inserted into cigarette-paper tubes ;
 - (c) rolls of tobacco which, by simple non-industrial handling, are wrapped in cigarette paper.

Until 31 December 1998, the Federal Republic of Germany shall be authorized to tax the rolls of tobacco referred to in (b) at least at the rate or amount applicable to fine-cut tobacco for the rolling of cigarettes.

2. A roll of tobacco referred to in paragraph 1 shall, for excise duty purposes, be considered as two cigarettes where, excluding filter or mouth piece, it is longer than 9 cm but not longer than 18 cm, as three cigarettes where, excluding filter or mouthpiece, it is longer than 18 cm but not longer than 27 cm, and so on.

Article 5

The following shall be deemed to be smoking tobacco :

1. tobacco which has been cut or otherwise split, twisted or pressed into blocks and is capable of being smoked without further industrial processing ;
2. tobacco refuse put up for retail sale which does not fall under Articles 3 and 4 and which can be smoked.

Article 6

Smoking tobacco as defined in Article 5 in which more than 25 % by weight of the tobacco particles have a cut width of less than 1 millimetre shall be deemed to be fine-cut tobacco for the rolling of cigarettes. Member States which do not apply this cut width of 1 millimetre on 1 January 1993 shall have until 31 December 1997 to comply with this provision.

Member States may also deem smoking tobacco in which more than 25 % by weight of the tobacco particles have a cut width of more than 1 millimetre and which was sold or intended to be sold for the rolling of cigarettes to be fine-cut tobacco for the rolling of cigarettes.

Article 7

1. Products consisting in part of substances other than tobacco but otherwise conforming to the criteria set out in Article 3 shall be treated as cigars and cigarillos provided they have respectively :

- a wrapper of natural tobacco,
- a wrapper and binder of tobacco, both of reconstituted tobacco,
- a wrapper of reconstituted tobacco.

2. Products consisting in whole or in part of substances other than tobacco but otherwise conforming to the criteria set out in Article 4 or 5 shall be treated as cigarettes and smoking tobacco.

Notwithstanding the first subparagraph, products containing no tobacco and used exclusively for medical purposes shall not be treated as manufactured tobacco.

Article 8

1. Cigarettes manufactured in the Community and those imported from non-member countries shall be subject to a proportional excise duty calculated on the maximum retail selling price, including customs duties, and also to a specific excise duty calculated per unit of the product.

2. The rate of the proportional excise duty and the amount of the specific excise duty must be the same for all cigarettes.

3. At the final stage of harmonization of structures, the same ratio shall be established for cigarettes in all Member States between the specific excise duty and the sum of the proportional excise duty and the turnover tax, in such a way that the range of retail selling prices reflects fairly the difference in the manufacturers' delivery prices.

4. Where necessary, the excise duty on cigarettes may include a minimum tax component, the ceiling for which shall be determined for each stage by the Council on a proposal from the Commission.

Article 9

1. A natural or legal person established in the Community who converts tobacco into manufactured products prepared for retail sale shall be deemed to be a manufacturer.

Manufacturers, or, where appropriate, their representatives or authorized agents in the Community and importers of tobacco from non-member countries shall be free to determine the maximum retail selling price for each of their products for each Member State for which the products in question are to be released for consumption.

The second paragraph may not, however, hinder implementation of national systems of legislation regarding the control of price levels or the observance of imposed prices, provided that they are compatible with Community legislation.

2. In order to facilitate the levying of the excise duty, Member States may, for each group of manufactured tobacco, fix a scale of retail selling prices on condition that each scale has sufficient scope and variety to correspond in fact with the variety of Community products. Each scale shall be valid for all the products belonging to the group of manufactured tobacco which it concerns, without distinction on the basis of quality, presentation, the origin of the products or of the materials used, the characteristics of the undertakings or of any other criterion.

Article 10

1. At the final stage at the latest the rules for collecting the excise duty shall be harmonized. During the preceding stages the excise duty shall, in principle, be collected by means of tax stamps. If they collect the excise duty by means of tax stamps, Member States shall be obliged to make these stamps available to manufacturers and dealers in other Member States. If they collect the excise duty by other means, Member States shall ensure that no obstacle, either administrative or technical, affects trade between Member States on that account.

2. Importers and national manufacturers of manufactured tobacco shall be subject to the system set out in paragraph 1 as regards the detailed rules for levying and paying the excise duty.

Article 11

The following may be exempted from excise duty or excise duty already paid on them may be refunded :

- (a) denatured manufactured tobacco used for industrial or horticultural purposes ;
- (b) manufactured tobacco which is destroyed under administrative supervision ;
- (c) manufactured tobacco which is solely intended for scientific tests and for tests connected with product quality ;
- (d) manufactured tobacco which is reworked by the producer.

Member States shall determine the conditions and formalities to which the abovementioned exemptions or refunds are subject.

TITLE II**Special provisions applicable during the first stage of harmonization***Article 12*

1. Subject to Article 1 (3), the first stage of harmonization of the structures of the excise duty on manufactured tobacco shall cover a period of sixty months from 1 July 1973.
2. During the first stage of harmonization Articles 13 and 14 shall be applicable.

Article 13

1. The amount of the specific excise duty levied on cigarettes shall be established for the first time by reference to cigarettes in the most popular price category according to the data available on 1 January 1973.
2. Without prejudice to the solution to be finally adopted regarding the ratio between the specific component and the proportional component, the amount referred to in paragraph 1 may not be lower than 5 % or higher than 75 % of the aggregate amount of the proportional excise duty and the specific excise duty levied on these cigarettes.
3. If the excise duty on the price category referred to in paragraph 1 is amended after 1 January 1973, the amount of the specific excise duty shall be established by reference to the new tax burden on the cigarettes referred to in paragraph 1.

Article 14

Notwithstanding Article 8 (1), each Member State may exclude customs duties from the basis for calculating the proportional excise duty on cigarettes.

TITLE III**Special provisions applicable during the second stage of harmonization***Article 15*

1. The second stage of harmonization of the structures of the excise duty on manufactured tobacco shall run from 1 July 1978.
2. During the second stage of harmonization Article 16 shall apply.

Article 16

1. The amount of the specific excise duty on cigarettes shall be established by reference to cigarettes in the most popular price category according to the information available at 1 January each year, beginning 1 January 1978.
2. The specific component of the excise duty may not be less than 5 % or more than 55 % of the amount of the

total tax burden resulting from the aggregation of the proportional excise duty, the specific excise duty and the turnover tax levied on these cigarettes.

3. If the excise duty or the turnover tax levied on the price category referred to in paragraph 1 is amended after 1 January 1978, the amount of the specific excise duty shall be established by reference to the new total tax burden on the cigarettes referred to in paragraph 1.
4. Notwithstanding Article 8 (1), each Member State may exclude customs duties from the basis for calculating the proportional excise duty on cigarettes.
5. Member States may levy a minimum excise duty on cigarettes and on fine-cut tobacco for the rolling of cigarettes, provided that this does not have the effect of raising the total tax to more than 90 % of the total tax on the most popular price category of cigarettes or the most popular price category of fine-cut tobacco for the rolling of cigarettes respectively.

TITLE IV**Final provisions***Article 17*

Where necessary, the Council shall, on a proposal from the Commission, adopt provisions for the application of this Directive.

Article 18

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

Article 19

1. The Directives listed in Annex 1, Part A shall be repealed, without prejudice to the obligations of the Member States concerning the time-limits for implementation set out in Annex I, Part B.
2. References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex II.

Article 20

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

Article 21

This Directive is addressed to the Member States.

Done at Brussels, 27 November 1995.

For the Council

The President

P. SOLBES MIRA

ANNEX I

PART A

REPEALED DIRECTIVES

(referred to in Article 19)

1. Directive 72/464/EEC
 2. Directive 79/32/EEC
- and their successive amendments :
- Directive 74/318/EEC
 - Directive 75/786/EEC
 - Directive 76/911/EEC
 - Directive 77/805/EEC
 - Directive 80/369/EEC
 - Directive 80/1275/EEC
 - Directive 81/463/EEC
 - Directive 82/2/EEC
 - Directive 82/877/EEC
 - Directive 84/217/EEC
 - Directive 86/246/EEC
 - Directive 92/78/EEC.

PART B

Directive	Time-limits for transposition
— 72/464/EEC	1. 7. 1973 ⁽¹⁾
— 79/32/EEC	1. 1. 1980
— 74/318/EEC	
— 75/786/EEC	
— 76/911/EEC	
— 77/805/EEC	
— 80/369/EEC	
— 80/1275/EEC	
— 81/463/EEC	
— 82/2/EEC	
— 82/877/EEC	
— 84/217/EEC	
— 86/246/EEC	1. 1. 1986
— 92/78/EEC	31. 12. 1992

⁽¹⁾ The United Kingdom and Ireland were allowed to postpone this time-limit until 31 December 1977.

ANNEX II

CORRELATION TABLE

This Directive	Directive 72/464/EEC	Directive 79/32/EEC
Title I	Title I	
Article 1, (1) and (2)	Article 1, (1) and (2)	
Article 1, (3)	Article 1, (4)	
Article 2, (1) and (2)	Article 3, (1) and (2)	Article 1, (1)
Article 2, (3)		Article 1, (2)
Article 3		Article 2
Article 4		Article 3
Article 5		Article 4
Article 6		Article 4a
Article 7		Article 7
Article 8	Article 4	
Article 9	Article 5	
Article 10	Article 6	
Article 11	Article 6a	
Title II	Title II	
Article 12	Article 7	
Article 13	Article 8	
Article 14	Article 9	
Title III	Title II a	
Article 15	Article 10a	
Article 16	Article 10b	
Title IV	Title III	
Article 17	Article 11	
Article 18	Article 12, (2)	
Article 19	—	—
Article 20	—	—
Article 21	Article 13	Article 10

COUNCIL DIRECTIVE 95/60/EC
of 27 November 1995
on fiscal marking of gas oils and kerosene

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas the Community measures envisaged by this Directive are not only necessary but also indispensable for the attainment of the objectives of the internal market; whereas these objectives cannot be achieved by Member States individually; whereas furthermore their attainment at Community level is already provided for in Directive 92/81/EEC ⁽⁴⁾, and in particular Article 9 thereof; whereas this Directive conforms with the principle of subsidiarity;

Whereas Directive 92/82/EEC ⁽⁵⁾ lays down provisions in respect of the minimum rates of excise duty applicable to certain mineral oils and in particular to the different categories of gas oil and kerosene;

Whereas the proper functioning of the internal market now requires that common rules be established for fiscal marking of gas oil and kerosene which have not borne duty at the full rate applicable to such mineral oils used as propellant;

Whereas certain Member States should be allowed to derogate from the measures laid down in this Directive because of special national circumstances;

Whereas Directive 92/12/EEC ⁽⁶⁾ lays down provisions on the general arrangements for products subject to excise duty and in particular Article 24 thereof provides for the establishment of an Excise Committee which may examine matters concerning the application of Community provisions on excise duties;

Whereas it is appropriate that certain technical matters relating to the specification of products to be used for

fiscal marking of gas oil and kerosene be dealt with under the provisions of the said Article,

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Without prejudice to national provisions on fiscal marking, Member States shall apply a fiscal marker in accordance with the provisions of this Directive to:

- all gas oil falling within CN code 2710 00 69 which has been released for consumption within the meaning of Article 6 of Directive 92/12/EEC and has been exempt from, or subject to, excise duty at a rate other than that laid down in Article 5 (1) of Directive 92/82/EEC;
- kerosene falling within CN code 2710 00 55 which has been released for consumption within the meaning of Article 6 of Directive 92/12/EEC and has been exempt from, or subject to, excise duty at a rate other than that laid down in Article 8 (1) of Directive 92/82/EEC.

2. Member States may allow exceptions to the application of the fiscal marker provided for in paragraph 1 on grounds of public health or safety or for other technical reasons, provided they take appropriate fiscal supervision measures.

Moreover, Ireland may decide not to use or allow use of this marker in accordance with Article 21 (4) of Directive 92/12/EEC. In such a situation Ireland shall inform the Commission, which shall inform the other Member States.

Article 2

1. The marker shall consist of a well-defined combination of chemical additives to be added under fiscal supervision before the mineral oils concerned are released for consumption.

However,

- in the case of direct deliveries from another Member State under a tax suspension arrangements outside a tax warehouse, Member States may require the marker to be added before the product leaves the tax warehouse of despatch;

⁽¹⁾ OJ No C 15, 18. 1. 1994, p. 18.

⁽²⁾ OJ No C 128, 9. 5. 1995, p. 178.

⁽³⁾ OJ No C 133, 16. 5. 1994, p. 35.

⁽⁴⁾ OJ No L 316, 31. 10. 1992, p. 2. Directive as last amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

⁽⁵⁾ OJ No L 316, 31. 10. 1992, p. 19. Directive as amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

⁽⁶⁾ OJ No L 76, 23. 3. 1992, p. 1. Directive as last amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

- Member States which adopted this measure before 1 January 1996 may, in certain exceptional cases or situations, allow markers to be added after the mineral oils in question are released for consumption under fiscal supervision. Any Member State which applies such a measure shall so inform the Commission. The Commission shall inform the other Member States of the measure. In the latter case, Member States may reimburse the excise duty paid when the product was released for consumption ;
- Denmark may, provided that the goods remain subject to fiscal control, delay the addition of the marker until the moment of final retail sale, at the latest.
2. The marker to be used shall be established in accordance with the procedure laid down in Article 24 of Directive 92/12/EEC.

Article 3

Member States shall take the necessary steps to ensure that improper use of the marked products is avoided and, in particular, that the mineral oils in question cannot be used for combustion in the engine of a road-going motor vehicle or kept in its fuel tank unless such use is permitted in specific cases determined by the competent authorities of the Member States.

Member States shall provide that the use of the mineral oils in question in the cases mentioned in the first subparagraph is to be considered as an offence under the national law of the Member State concerned. Each Member State shall take the measures required to give full effect to all the provisions of this Directive and shall, in particular, determine the penalties to be imposed in the event of failure to comply with the said measures ; such penalties shall be commensurate with their purpose and shall have adequate deterrent effect.

Article 4

Member States may add a national marker or colour in addition to the marker provided for in Article 1 (1).

No person shall add to the mineral oils concerned any marker or colour other than those provided for in Community law or in the national law of the Member State concerned.

Article 5

1. Member States shall bring into force the provisions necessary to comply with this Directive on the entry into force of the provisions adopted in accordance with the procedure provided for in Article 2. They shall forthwith inform the Commission thereof.

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

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

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 27 November 1995.

For the Council

The President

P. SOLBES MIRA

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 24 November 1995

authorizing Member States temporarily to take additional measures against the dissemination of *Pseudomonas solanacearum* (Smith) Smith as regards the Kingdom of the Netherlands

(95/506/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 95/41/EC⁽²⁾, and in particular Article 15(3) thereof,

Whereas, where a Member State considers that there is an imminent danger of the introduction into its territory of *Pseudomonas solanacearum* (Smith) Smith, the cause of potato brown rot, from another Member State, it may temporarily take any additional measures necessary to protect itself from that danger;

Whereas the Kingdom of the Netherlands informed the other Member States and the Commission on 3 October 1995 that some samples of potatoes originating in that country were identified as infected by *Pseudomonas solanacearum*; whereas complementary reports supplied by the Netherlands indicated that more samples of the 1995 potato production showed infection by *Pseudomonas solanacearum*;

Whereas Sweden, Italy and Denmark, on the basis of the abovementioned information from the Netherlands, had adopted on 27 October 1995, 6 November 1995 and 3 November 1995, respectively, certain additional measures applicable to potatoes originating in the Netherlands, with a view to strengthening protection against the introduction of *Pseudomonas solanacearum* from the Netherlands;

Whereas Greece, Portugal, Finland and France have confirmed the intention to adopt similar additional measures applicable to potatoes originating in the Netherlands;

Whereas these additional measures include special testing requirements;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 182, 2. 8. 1995, p. 17.

Whereas it has not yet been possible to identify the source of contamination nor to determine the extent thereof in the Netherlands;

Whereas it is therefore justified for the Member States to adopt additional measures to protect themselves against that danger;

Whereas additional measures have to take into account the production and distribution structures in the Netherlands, as well as the reduced risk involved in potatoes for which it is ensured that they are not planted and that they do not come directly or indirectly into contact with potatoes to be planted;

Whereas the additional measures adopted or about to be adopted by the abovementioned Member States should be brought into line with Community safeguard measures at least in respect of the main types of potato commodities such as seed potatoes, ware potatoes for consumption and potatoes for industrial processing;

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

HAS ADOPTED THIS DECISION :

Article 1

1. The Kingdom of the Netherlands shall ensure for potatoes of the 1995 crop, until 30 June 1996 for seed potatoes and until 30 September 1996 for other potatoes, that the conditions laid down in paragraph 2 are met, in addition to those laid down in Directive 77/93/EEC and in particular Annex IV, part A, Section II, points 19.1 and 19.5 thereof, if tubers of potatoes (*Solanum tuberosum* L.) originating in the Netherlands are to be moved into other Member States and within the Netherlands.

2. For the purpose of paragraph 1, the following conditions shall be met:

(a) The tubers:

(aa) in the case of seed potatoes originating in areas where *Pseudomonas solanacearum* is known to occur,

(aaa) grown on places of production confirmed to be infested by *Pseudomonas solanacearum* using the testing and sampling procedure referred to in (bb), shall not be used as seed potatoes and shall, under the control of the responsible official body referred to in Directive 77/93/EEC, when belonging to:

— infected lots and all other lots from the same field: be destroyed in the Netherlands, by incineration, by appropriate deep burial or by industrial processing at a processing premises with officially approved facilities for waste disposal, such that the risk of spreading *Pseudomonas solanacearum* is obviated,

— all other lots: be destroyed or otherwise disposed of within the Netherlands in such a way that it is established that there is no identifiable risk of *Pseudomonas solanacearum* spreading;

(aab) grown on places of production included in the official investigation carried out in the Netherlands in order to determine the extent of the infection by *Pseudomonas solanacearum*, shall be placed under the control of the responsible official body such that the said body shall subject the tubers to the testing and sampling procedure referred to in (bb), and when belonging to:

— lots for which infection is confirmed, these lots as well as all other tubers, grown on the relevant place of production shall be treated as laid down in (aaa) first and second indents,

- lots grown in places of production covered by (aab), other than those referred to in the first indent and tested negative for *Pseudomonas solanacearum* and for which it can be officially established that there has been no clonal or contact relationship with any potatoes found to be infected by *Pseudomonas solanacearum* or for which there has been irrigation with water from any source used in common with places of production confirmed or suspected to be infested with *Pseudomonas solanacearum*, may be used as seed potatoes,
 - lots other than those referred to in (aab) first and second indents shall be destroyed or otherwise disposed of as referred to in (aaa), second indent ;
- (bb) in the case of seed potatoes originating in areas other than those referred to in (aa) or grown in places of production not covered by (aaa) and (aab), shall have been subjected prior to the issuing of the required plant passport to official or unofficial supervised testing in accordance with quarantine procedure No 26 for *Pseudomonas solanacearum* as established by the European and Mediterranean Plant Protection Organization (EPPO)⁽¹⁾ or by some other procedure approved in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC on a representative sample of at least 200 tubers per lot and per 25 tonnes or less drawn officially, and shall have been found free, in this testing, from *Pseudomonas solanacearum* ;
- (cc) in the case of ware potatoes for consumption and potatoes for fodder originating in areas where *Pseudomonas solanacearum* is known to occur,
- (cca) grown on places of production confirmed to be infested by *Pseudomonas solanacearum* using the testing and sampling procedure referred to in (bb), shall be placed under the control of the responsible official body such that the said body shall subject the tubers to the testing and sampling procedure referred to in (bb), and when belonging to :
- infected lots and all other lots from the same field, shall be destroyed, as referred to in (aaa), first indent ;
 - other lots, shall be destroyed or otherwise disposed of as referred to in (aaa), second indent ;
- (ccb) grown on places of production included in the investigation as referred to in (aab), shall be placed under the control of the responsible official body such that the said body shall subject the tubers to the testing and sampling procedure referred to in (bb) and when belonging to
- lots for which infection is confirmed, these lots as well as all other tubers grown on the relevant place of production shall be treated as laid down in (aaa) first and second indents,
 - lots grown in places of production covered by (ccb), other than those referred to in the first indent and tested negative for *Pseudomonas solanacearum* and for which it can be officially established that there has been no clonal or contact relationship with any potatoes found to be infected by *Pseudomonas solanacearum* or for which there has been

⁽¹⁾ Bulletin EPPO/OEPP 20, 255-262 (1990).

- irrigation with water from any source used in common with places of production confirmed or suspected to be infested by *Pseudomonas solanacearum* shall be accompanied, when moved from the places of production, by a document stating that the tubers belonging to the lot, have been tested and found free from *Pseudomonas solanacearum*,
- lots other than those referred to in (ccb) first and second indents shall be destroyed or otherwise disposed of as referred to in (aaa), second indent ;
- (dd) in the case of ware potatoes for consumption and potatoes for fodder originating in areas other than those referred to in (cc), shall be monitored during grading at packing stations or before delivery to the final consumer in the case of potatoes for fodder, by means of cutting and inspecting of waste tubers, and testing of suspicious tubers for the presence of *Pseudomonas solanacearum* in accordance with the provisions referred to in (bb) ;
- (ee) in the case of potatoes for industrial processing originating in areas where *Pseudomonas solanacearum* is known to occur, grown on places of production confirmed to be infested by *Pseudomonas solanacearum* using the testing and sampling procedure referred to in (bb) or on places of production included in the investigation as referred to in (aab), shall be subjected to the testing as referred to in (bb) and ;
- if found free from *Pseudomonas solanacearum* in this test, shall be intended for direct and immediate delivery to a processing plant with officially approved facilities for waste disposal. When these facilities are situated in a Member State other than the Netherlands, prior to the delivery referred to above, there shall be appropriate communication between the responsible official bodies concerned to ensure a proper approval of the facilities concerned and proper monitoring as referred to in Article 1.3, first indent,
 - if found infested, be destroyed, as referred to in (aaa), first indent ;
- (ff) in the case of potatoes for industrial processing originating in areas other than those referred to in (ee) shall be monitored, inspected and tested, where appropriate, before delivery to a processing plant ;
- (b) the selection of the places of production to be included in the investigation referred to in (a) shall be made according to the following criteria :
- growing or have grown, potatoes which are clonally related to potatoes found to be infested with *Pseudomonas solanacearum*,
 - growing or have grown, potatoes which have been placed under official control because of the suspected occurrence of *Pseudomonas solanacearum*,
 - growing or have grown, potatoes which are clonally related to potatoes that have been grown on places of production suspected to be infested with *Pseudomonas solanacearum*,
 - location in the neighbourhood of infested places of production, including places of production sharing production equipment and facilities directly or through a common contractor,
 - places of production using irrigation water from any source used in common with places of production confirmed or suspected to be infested with *Pseudomonas solanacearum* ;
- (c) without prejudice to the reporting requirements under Article 15 of Directive 77/93/EEC, the Netherlands shall notify to the Commission and to the other Member States, full details of :

- the places of production confirmed to be infested as referred to under (a), as soon as infestation is confirmed,
- the delimitation of the area infested with *Pseudomonas solanacearum*, on completion of the investigation referred to in (b), and without prejudice to the results of the survey established under Article 3.

Article 2

The Member States of destination :

- shall subject consignments of potatoes for industrial processing from the Netherlands to official monitoring to ensure direct and immediate delivery to the intended processing plant ;
- shall notify to the other Member States and the Commission the type of facilities officially approved for the purposes of the first indents of Article 1 (2) (a) (aaa), (aab) and (ee) ;
- may subject consignments of potatoes from the Netherlands to testing as described in Article 1 (2) (a) (bb) ;
- may take further appropriate steps to carry out official monitoring in respect of potatoes originating in the Netherlands and moved into their territory.

Article 3

1. Member States shall conduct official surveys for *Pseudomonas solanacearum* on tubers of potatoes, originating in their country, for the confirmation of absence of *Pseudomonas solanacearum*, using the testing and sampling method referred to in Article 1 (2) (a) (bb).

The survey conducted by the Netherlands in accordance with paragraph 1 first sentence shall be monitored by the experts referred to in Article 19 (a) of Directive 77/93/EEC under the procedure laid down therein. By 1 January 1996 a first report of the results of the survey conducted in the Netherlands and of the said monitoring shall be submitted to the other Member States and to the Commission.

The results of the surveys provided for in paragraph 1 first sentence shall be notified to the other Member States and to the Commission by 1 May 1996.

2. For the survey referred to in paragraph 1, Member States shall, where appropriate, take into account the relevant information which will be submitted to them by the Netherlands, in accordance with the provision laid down in paragraph 3.

3. For the purpose of paragraph 2, the Netherlands shall submit by 15 December 1995 to the other Member States and to the Commission information on seed potatoes grown in the Netherlands from the 1994 and 1995 crop and moved into the relevant Member State, indicating the plant passport number, the variety, the quantity as well as the name and address of the consignee. These provisions are without prejudice, in respect of personal data, to Community and national legislation on the protection of individuals with regard to the processing and free movement of personal data.

Article 4

The Member States shall adjust the measure which they have adopted with a view to protecting themselves against the introduction and the spread of *Pseudomonas solanacearum*, in such a manner that the measures comply with Articles 1 and 2.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 24 November 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 27 November 1995

laying down the details of the Community's financial contribution to the setting up of the Animo computerized network in Italy

(Only the Italian text is authentic)

(95/507/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market⁽¹⁾, as last amended by Directive 92/118/EEC⁽²⁾, and in particular Article 20 (2) thereof,

Having regard to Council Decision 90/424/EC of 26 June 1990 on expenditure in the veterinary field⁽³⁾, as last amended by Commission Decision 94/370/EC⁽⁴⁾, and in particular Article 37 (1) thereof,

Whereas Italy was unable to avail itself of the Community financial contribution provided for in Commission Decision 91/426/EEC of 22 July 1991 laying down the details of the Community's financial contribution to the setting up of a computerized network linking veterinary authorities (Animo)⁽⁵⁾;

Whereas the Italian authorities have since signed a contract guaranteeing the required collaboration with the Animo server centre;

Whereas the Italian authorities have undertaken to adopt all the measures needed to implement this Decision;

Whereas, in view of the progress achieved and the undertaking given by the Italian authorities, provisions should be made for a financial contribution from the Community;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Community's financial contribution to the setting up of the Animo computerized network in Italy is

hereby fixed at 50 % of expenditure on the equipment referred to in the first, second and third indents of Article 2 (2) of Commission Decision 91/398/EEC⁽⁶⁾ with a maximum of ECU 2 000 per unit equipped.

2. The Community's financial contribution is limited to a maximum of 200 units.

Article 2

1. The expenditure referred to in Article 1 shall be reimbursed to Italy by the Commission on presentation of the following supporting documents:

- the purchase invoices or certified copies thereof,
- a declaration from the Italian authorities to the effect that they have complied with Community provisions relating to the award of public contracts,
- the identity of the service responsible for the purchase and the inventory numbers assigned to the equipment,
- confirmation that the transmission links are operational.

2. The supporting documents referred to in paragraph 1 shall be forwarded by the Italian authorities by 1 July 1996 at the latest.

3. The reimbursements referred to in paragraph 1 shall cover expenditure exclusive of VAT.

Article 3

The Commission may carry out checks to ensure that the equipment is in place and is functioning properly.

The absence of equipment and any anomalies found will be reported to the competent authority. This may lead to repayment of all or part of the Community financial contribution, in proportion to the number of items of equipment eligible within the meaning of Article 2 of Decision 91/398/EEC and the consequences for the functioning of the network.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

⁽²⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽³⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽⁴⁾ OJ No L 168, 2. 7. 1994, p. 31.

⁽⁵⁾ OJ No L 234, 23. 8. 1991, p. 27.

⁽⁶⁾ OJ No L 221, 9. 8. 1991, p. 30.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 27 November 1995.

For the Commission

Franz FISCHLER

Member of the Commission
