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## Legislation

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<sup>(1)</sup> Text with EEA relevance

- \* **Corrigendum to Commission Regulation (EC) No 3009/95 of 22 December 1995 amending Annex I to Council Regulation (EEC) No 2658/87 on the Tariff and statistical nomenclature and on the Common Customs Tariff (OJ No L 319 of 30. 12. 1995) 42**

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 515/96**

**of 25 March 1996**

**repealing Regulation (EC) No 2674/94 imposing definitive anti-dumping measures on imports of furazolidone originating in the People's Republic of China**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community<sup>(1)</sup>, and in particular Article 23 thereof,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community<sup>(2)</sup>,

Having regard to the proposal submitted by the Commission after consulting the Advisory Committee,

Whereas:

**A. Previous procedure**

- (1) By Regulation (EC) No 2674/94<sup>(3)</sup>, the Council imposed a definitive anti-dumping duty on imports of furazolidone originating in the People's Republic of China following a complaint lodged by Orphahell BV, the sole Community producer of the product concerned.

**B. Prohibition of the product concerned, repeal of the existing measures**

- (2) By Commission Regulation (EC) No 1442/95 of 26 June 1995 amending Annexes I, II, III and IV

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<sup>(4)</sup>, the use of the product concerned in animal foodstuffs throughout the Community was prohibited.

- (3) As a result, the complainant informed the Commission that it had decided to cease production of furazolidone. There is therefore no longer any reason for maintaining Regulation (EC) No 2674/94 as Community production of furazolidone has ceased and the sale and import of the product concerned is banned.

**C. Repeal of anti-dumping duties**

- (4) In view of the foregoing, the anti-dumping duty in force on imports of furazolidone originating in the People's Republic of China should be repealed, thereby terminating the proceeding,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2674/94 is hereby repealed.

*Article 2*

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

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 1. Regulation as last amended by Regulation (EC) No 1251/95 (OJ No L 122, 2. 6. 1995, p. 1).

<sup>(2)</sup> OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

<sup>(3)</sup> OJ No L 285, 4. 11. 1994, p. 1.

<sup>(4)</sup> OJ No L 143, 27. 6. 1995, p. 26.

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

Done at Brussels, 25 March 1996.

*For the Council*

*The President*

S. AGNELLI

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COMMISSION REGULATION (EC) No 516/96  
of 26 March 1996

amending Regulation (EC) No 96/96 on the opening of a standing invitation to tender for 50 000 tonnes of barley held by the German intervention agency for processing in Greece

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 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as amended by Regulation (EC) No 120/94<sup>(4)</sup>, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 96/96<sup>(5)</sup> should be postponed;

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

*Article 1*

Article 7 (3) of Regulation (EC) No 96/96 is replaced by the following:

'3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 25 April 1996.'

*Article 2*

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

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

Done at Brussels, 26 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.

<sup>(5)</sup> OJ No L 18, 24. 1. 1996, p. 11.

## COMMISSION REGULATION (EC) No 517/96

of 26 March 1996

amending Regulation (EC) No 94/96 on the opening of a standing invitation to tender for 80 000 tonnes of rye held by the Danish intervention agency for processing in Spain

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 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as amended by Regulation (EC) No 120/94<sup>(4)</sup>, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 94/96<sup>(5)</sup> should be postponed;

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

*Article 1*

Article 7 (3) of Regulation (EC) No 94/96 is replaced by the following:

'3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 25 April 1996.'

*Article 2*

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

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

Done at Brussels, 26 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.  
<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.  
<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.  
<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.  
<sup>(5)</sup> OJ No L 18, 24. 1. 1996, p. 6.

## COMMISSION REGULATION (EC) No 518/96

of 26 March 1996

amending Regulation (EC) No 97/96 on the opening of a standing invitation to tender for 89 000 tonnes of barley held by the Danish intervention agency for processing in Sardinia

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 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as amended by Regulation (EC) No 120/94<sup>(4)</sup>, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 97/96<sup>(5)</sup> should be postponed;

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

*Article 1*

Article 7 (3) of Regulation (EC) No 97/96 is replaced by the following:

'3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 25 April 1996.'

*Article 2*

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

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

Done at Brussels, 26 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.

<sup>(5)</sup> OJ No L 18, 24. 1. 1996, p. 15.



COMMISSION REGULATION (EC) No 519/96  
of 26 March 1996

amending Regulation (EC) No 98/96 on the opening of a standing invitation to tender for 320 000 tonnes of rye held by the German intervention agency for processing in Spain

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 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95<sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93<sup>(3)</sup>, as amended by Regulation (EC) No 120/94<sup>(4)</sup>, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 98/96<sup>(5)</sup> should be postponed;

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

*Article 1*

Article 7 (3) of Regulation (EC) No 98/96 is replaced by the following:

'3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time), on 25 April 1996.'

*Article 2*

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

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

Done at Brussels, 26 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.

<sup>(5)</sup> OJ No L 18, 24. 1. 1996, p. 19.

**COMMISSION REGULATION (EC) No 520/96**  
**of 26 March 1996**  
**amending Regulation (EC) No 110/96 on the opening of a standing invitation to**  
**tender for 180 000 tonnes of barley held by the German intervention agency for**  
**processing in Spain**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95 <sup>(2)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93 <sup>(3)</sup>, as amended by Regulation (EC) No 120/94 <sup>(4)</sup>, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 110/96 <sup>(5)</sup> should be postponed;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Article 7 (3) of Regulation (EC) No 110/96 is replaced by the following:

'3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time), on 25 April 1996.'

*Article 2*

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

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

Done at Brussels, 26 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.

<sup>(5)</sup> OJ No L 19, 25. 1. 1996, p. 20.

## COMMISSION REGULATION (EC) No 521/96

of 26 March 1996

## suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco<sup>(1)</sup>, as amended by Regulation (EEC) No 3551/88<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94<sup>(3)</sup>, as last amended by Regulation (EC) No 3057/95<sup>(4)</sup>, opened and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days

during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2524/95<sup>(5)</sup> fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88<sup>(6)</sup>, as last amended by Regulation (EEC) No 2917/93<sup>(7)</sup>, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(8)</sup>, as last amended by Regulation (EC) No 150/95<sup>(9)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(10)</sup>, as last amended by Regulation (EC) No 2853/95<sup>(11)</sup>;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for uniflorous (standard) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of uniflorous (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

*Article 2*

This Regulation shall enter into force on 27 March 1996.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 199, 2. 8. 1994, p. 1.

<sup>(4)</sup> OJ No L 326, 30. 12. 1995, p. 3.

<sup>(5)</sup> OJ No L 258, 28. 10. 1995, p. 42.

<sup>(6)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(7)</sup> OJ No L 264, 23. 10. 1993, p. 33.

<sup>(8)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(9)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(10)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(11)</sup> OJ No L 299, 12. 12. 1995, p. 1.

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

Done at Brussels, 26 March 1996.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

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## COMMISSION REGULATION (EC) No 522/96

of 26 March 1996

amending Commission Regulation (EEC) No 94/92 laying down detailed rules for implementing the arrangements for imports from third countries provided for in Regulation (EEC) No 2092/91 and amending Commission Regulation (EC) No 529/95 deferring for imports from certain third countries the date of application of Article 11 (1) of Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and feedstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 418/96<sup>(2)</sup>, and in particular Article 11 thereof,

Whereas Article 11 (1) of Regulation (EEC) No 2092/91 stipulates that products which are imported from a third country may be marketed only where they originate from a third country appearing in a list drawn up in accordance with the conditions laid down in paragraph 2 of that Article;

Whereas Commission Regulation (EC) No 529/95<sup>(3)</sup>, deferred, in accordance with the provisions of Article 16 (3) of Regulation (EEC) No 2092/91, up to 1 March 1996, for imports from certain third countries, the implementation of the requirements of Article 11 (1);

Whereas Council Regulation (EC) No 1935/95<sup>(4)</sup> has clarified in Article 1 (29) and (30) the provisions of Regulation (EEC) No 2092/91 with regard to the articulation of the import arrangements at Community level pursuant to Article 11 (1) and those at national level in accordance with Article 11 (6);

Whereas several third countries introduced to the Commission requests to be included in the list provided for in Article 11 (1) of Regulation (EEC) No 2092/91 and

submitted the information required pursuant to Article 2 (2) of Commission Regulation (EEC) No 94/92<sup>(5)</sup>;

Whereas the examination of this information and consequent discussion with their authorities has led to the conclusion that in certain of these countries the requirements are equivalent to those resulting from Community legislation;

Whereas it is necessary to provide for an appropriate transitional period for the implementation of the amendments introduced by this Regulation;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EEC) No 94/92 is replaced by the Annex to the current Regulation.

*Article 2*

In Article 1 of Regulation (EC) No 529/95 the words '12 months' are replaced by the words '24 months'.

*Article 3*

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

It shall apply from 1 March 1996. However the provisions of Article 1 shall enter into force only on 1 March 1997.

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

Done at Brussels, 26 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 198, 22. 7. 1991, p. 1.

<sup>(2)</sup> OJ No L 59, 8. 3. 1996, p. 10.

<sup>(3)</sup> OJ No L 54, 10. 3. 1995, p. 10.

<sup>(4)</sup> OJ No L 186, 5. 8. 1995, p. 1.

<sup>(5)</sup> OJ No L 11, 17. 1. 1992, p. 14.

## ANNEX

## ANNEX

## LIST OF THIRD COUNTRIES AND RELEVANT SPECIFICATIONS

## ARGENTINA

1. **Product categories:** (a) unprocessed crop products and (b) foodstuffs composed essentially of one or more ingredients of plant origin in the meaning of Article 1 (1) of Regulation (EEC) No 2092/91
2. **Origin:** products of category 1 (a) and organically grown ingredients in products of category 1 (b) have been grown in Argentina
3. **Inspection body:** "Instituto Argentino para la Certificación y Promoción de Productos Agropecuarios Orgánicos SRL" (Argencert)
4. **Certificate issuing body:** as at point (3)
5. **Duration of the inclusion:** 28 February 2001

## AUSTRALIA

1. **Product categories:** (a) unprocessed crop products and (b) foodstuffs composed essentially of one or more ingredients of plant origin in the meaning of Article 1 (1) of Regulation (EEC) No 2092/91
2. **Origin:** products of category 1 (a) and organically grown ingredients in products of category 1 (b) have been grown in Australia
3. **Inspection body:** "Australian quarantine and inspection service (AQUIS)"
4. **Certificate issuing body:** as at point (3)
5. **Duration of the inclusion:** 28 February 2001

## HUNGARY

1. **Product categories:** (a) unprocessed crop products and (b) foodstuffs composed essentially of one or more ingredients of plant origin in the meaning of Article 1 (1) of Regulation (EEC) No 2092/91
2. **Origin:** products have been grown in Hungary
3. **Inspection body:** "Biokultura Association"
4. **Certificate issuing body:** as at point (3)
5. **Duration of the inclusion:** 28 February 2001

## ISRAEL

1. **Product categories:** (a) processed crop products and (b) foodstuffs composed essentially of one or more ingredients of plant origin in the meaning of Article 1 (1) of Regulation (EEC) No 2092/91
2. **Origin:** products of category 1 (a) and organically grown ingredients in products of category 1 (b) have been grown in Israel
3. **Inspection body:** Ministry of Agriculture, Department of Plant Protection and Inspection (DPPI), or Ministry of Industry and Trade, Food and Vegetable Products, Export Foodstuffs Inspection Service
4. **Certificate issuing body:** as at point (3)
5. **Duration of the inclusion:** 28 February 2001

## SWITZERLAND

1. **Product categories:** (a) processed crop products and (b) foodstuffs composed essentially of one or more ingredients of plant origin in the meaning of Article 1 (1) of Regulation (EEC) No 2092/91
2. **Origin:** products of category 1 (a) and organically grown ingredients in products of category 1 (b) have been grown in Switzerland
3. **Inspection bodies:** "Vereinigung Schweizerischer Biologischer Landbauorganisationen" (VSBLO), or "Institut für Marktökologie" (IMO)
4. **Certificate issuing body:** as at point (3)
5. **Duration of the inclusion:** 28 February 2001'

**COMMISSION REGULATION (EC) No 523/96**  
**of 26 March 1996**  
**adjusting the maximum annual fishing effort for certain fisheries**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2027/95 of 15 June 1995 establishing a system for the management of fishing effort relating to certain Community fishing areas and resources<sup>(1)</sup>, and in particular the second indent of Article 4 thereof,

Whereas the second indent of Article 4 of Regulation (EC) No 2027/95 provides that the Commission, at the request of a Member State, shall take appropriate measures so that the Member State in question can fish its quotas in accordance with the third subparagraph of Article 6 (2) of Council Regulation (EC) No 685/95 of 27 March 1995 on the management of fishing effort relating to certain Community fishing areas and resources<sup>(2)</sup>;

Whereas the Netherlands has asked the Commission to adjust the maximum annual fishing effort granted to its vessels in respect of certain quotas which are allocated to it under Council Regulation (EC) No 3074/95 of 22

December 1995, fixing for certain fish stocks and groups of fish stocks the total allowable catches for 1996 and certain conditions under which they may be fished<sup>(3)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum annual fishing effort for the Kingdom of the Netherlands in respect of demersal species using towed gear, as referred to in Annex I to Regulation (EC) No 2027/95, is amended as laid down in the Annex hereto.

*Article 2*

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

It shall apply from 18 March 1996.

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

Done at Brussels, 26 March 1996.

*For the Commission*

Emma BONINO

*Member of the Commission*

<sup>(1)</sup> OJ No L 199, 24. 8. 1995, p. 1.

<sup>(2)</sup> OJ No L 71, 31. 3. 1995, p. 5.

<sup>(3)</sup> OJ No L 330, 30. 12. 1995, p. 1.

## ANNEX

Fishery			Fishing effort (*)
Fishing gear	Target species	ICES or CECAF area	The Netherlands
Towed gear	Demersal species	V b (1), VI, VII, VIII, IX, X and CECAF 34.1.1, 34.1.2, 34.2.0	3 076
		of which:	
		V b (1), VI	0
		of which: (2)	0
		VII	3 076
		of which: (2)	0
		VII a	1 089
		VII f (2)	0
		VIII a, VIII b, VIII d	0
		VIII c, VIII e, IX, X and CECAF 34.1.1, 34.1.2, 34.2.0	0
		of which:	
		VIII c, VIII e, IX (3)	0
		IX (4)	0
		X (4)	0
CECAF 34.1.1 (3)	0		
CECAF 34.1.2 (3)	0		
CECAF 34.2.0 (3)	0		
CECAF 34.1.1 (4)	0		
CECAF 34.1.2 (4)	0		
CECAF 34.2.0 (4)	0		

(\*) Expressed in thousands of kW × days in the area.

(\*\*) Part of the area included in the area defined in Article 3 (5) of Regulation (EC) No 685/95. The fishing effort shown is for both towed and fixed gear.

(1) Except for waters under the sovereignty/jurisdiction of the Faeroes and Iceland.

(2) North of 50° 30' N.

(3) Solely in waters under the sovereignty/jurisdiction of Spain.

(4) Solely in waters under the sovereignty/jurisdiction of Portugal.



**COMMISSION REGULATION (EC) No 524/96**  
of 26 March 1996

**fixing the compensation for Community bananas marketed in 1995 and the unit amount of the advance for 1996 and derogating from Regulation (EEC) No 1858/93 as regards the time limit for payment of the balance of the aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas <sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94 <sup>(2)</sup>, and in particular Article 12 (6) and Article 14 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 <sup>(3)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(4)</sup>, and in particular Article 12 and Article 13 (1) thereof,

Whereas Commission Regulation (EEC) No 1858/93 of 9 July 1993 <sup>(5)</sup>, as last amended by Regulation (EC) No 796/95 <sup>(6)</sup>, lays down detailed rules for applying Regulation (EEC) No 404/93 as regards the aid scheme to compensate for loss of income from marketing in the banana sector;

Whereas, pursuant to Article 12 of Regulation (EEC) No 404/93, the compensation is to be calculated on the basis of the difference between the flat-rate reference income from bananas produced and marketed within the Community and the average production income obtained on the Community market during the year in question;

Whereas prices for bananas produced and marketed in the Community during 1995 were such that the average price for bananas delivered to the first port of unloading in the rest of the Community, less the average costs of transport fob, is lower than the reference income fixed in Article 2 (2) of Regulation (EEC) No 1858/93; whereas compensation should therefore be fixed for 1995;

Whereas, moreover, the unit amounts of advances and securities covering bananas marketed during a given year depend on the aid paid in respect of the preceding year pursuant to Article 4 (2) of Regulation (EEC) No 1858/93;

Whereas, pursuant to Article 11 of Regulation (EEC) No 1858/93, the rates to be used for converting advances and aid into national currency are the agricultural conversion rates in force on the first day of each marketing period for which the amounts are paid;

Whereas two amounts should be fixed for the aid to be paid in respect of 1995; whereas the operative event for the conversion rate for the first two months of that year occurred prior to 1 February; whereas, as a result, when fixing the amount to be applied during that first period, a conversion rate incorporating the correcting factor 1,207509 should be used;

Whereas, since all the data required were not available at the right time, the definitive compensation for 1995 could not be fixed in time to permit payment within the time limit laid down in Article 10 of Regulation (EEC) No 1858/93; whereas, therefore, a time limit of two months from the date of publication of this Regulation should be set for payment of the balance of the compensation;

Whereas this Regulation must enter into force on the day of its publication to achieve its full effects;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The compensation provided for in Article 12 of Regulation (EEC) No 404/93 for Community bananas covered by CN code ex 0803, excluding plantains, marketed fresh during 1995 shall be:

- (a) ECU 22,51 per 100 kg for the period January to February;
- (b) ECU 27,18 per 100 kg for subsequent periods.

2. The unit amount of the advance for Community bananas marketed from 1 January to 31 October 1996

<sup>(1)</sup> OJ No L 47, 25. 2. 1993, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(5)</sup> OJ No L 170, 13. 7. 1993, p. 5.

<sup>(6)</sup> OJ No L 80, 8. 4. 1995, p. 17.

shall be ECU 19,03 per 100 kg. The security relating thereto shall be ECU 9,51 per 100 kg.

*Article 2*

Notwithstanding Article 10 of Regulation (EEC) No 1858/93, the competent authorities of the Member States

shall pay the balance of the compensation for 1995 within two months of publication of this Regulation.

*Article 3*

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

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

Done at Brussels, 26 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 525/96

of 26 March 1996

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<sup>(1)</sup>, as last amended by Regulation (EC) No 2933/95<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, and in particular Article 3 (3) thereof,

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 27 March 1996.

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

Done at Brussels, 26 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.<sup>(2)</sup> OJ No L 307, 20. 12. 1995, p. 21.<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

## ANNEX

to the Commission Regulation of 26 March 1996 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 15	052	99,4	0805 30 20	052	90,3
	060	80,2		204	88,8
	064	59,6		220	74,0
	066	41,7		388	78,7
	068	62,3		400	88,5
	204	75,6		512	54,8
	208	44,0		520	66,5
	212	46,9		524	100,8
	624	177,5		528	69,0
	999	76,4		600	65,0
0707 00 15	052	104,3	0808 10 51, 0808 10 53, 0808 10 59	624	73,9
	053	156,2		999	77,3
	060	61,0		052	64,0
	066	53,8		064	78,6
	068	69,1		388	118,6
	204	144,3		400	76,0
	624	87,1		404	64,8
	999	96,5		508	111,3
0709 10 10	220	343,9	512	71,9	
	999	343,9	524	114,1	
0709 90 73	052	104,3	528	76,0	
	204	77,5	624	86,5	
	412	54,2	728	107,3	
	624	241,0	800	78,0	
	999	119,3	804	21,0	
0805 10 01, 0805 10 05, 0805 10 09	052	43,6	0808 20 31	999	82,2
	204	44,6		039	90,4
	208	58,0		052	86,2
	212	46,6		064	72,5
	220	53,3		388	77,4
	388	40,5		400	102,9
	400	37,8		512	62,2
	436	41,6		528	68,5
	448	25,8		624	79,0
	600	46,6		728	115,4
	624	54,8		800	55,8
	999	44,8		804	112,9
				999	83,9

(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 526/96

of 26 March 1996

## amending representative prices and additional duties for the import of certain products in the sugar sector

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1101/95<sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses<sup>(3)</sup>, as amended by Regulation (EC) No 2528/95<sup>(4)</sup>, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95<sup>(5)</sup>, as last amended by Regulation (EC) No 506/96<sup>(6)</sup>;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 March 1996.

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

Done at Brussels, 26 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 110, 17. 5. 1995, p. 1.

<sup>(3)</sup> OJ No L 141, 24. 6. 1995, p. 16.

<sup>(4)</sup> OJ No L 258, 28. 10. 1995, p. 50.

<sup>(5)</sup> OJ No L 150, 1. 7. 1995, p. 36.

<sup>(6)</sup> OJ No L 75, 23. 3. 1996, p. 36.

## ANNEX

to the Commission Regulation of 26 March 1996 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 <sup>(1)</sup>	24,40	4,10
1701 11 90 <sup>(1)</sup>	24,40	9,33
1701 12 10 <sup>(1)</sup>	24,40	3,91
1701 12 90 <sup>(1)</sup>	24,40	8,90
1701 91 00 <sup>(2)</sup>	31,60	9,43
1701 99 10 <sup>(2)</sup>	31,60	4,91
1701 99 90 <sup>(2)</sup>	31,60	4,91
1702 90 99 <sup>(3)</sup>	0,32	0,34

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Council Regulation (EEC) No 431/68 (OJ No L 89, 10. 4. 1968, p. 3).

<sup>(2)</sup> For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1).

<sup>(3)</sup> By 1 % sucrose content.

**DIRECTIVE 96/9/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

of 11 March 1996

on the legal protection of databases

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 57 (2), 66 and 100a thereof,

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

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

Acting in accordance with the procedure laid down in Article 189b of the Treaty (3),

- (1) Whereas databases are at present not sufficiently protected in all Member States by existing legislation; whereas such protection, where it exists, has different attributes;
- (2) Whereas such differences in the legal protection of databases offered by the legislation of the Member States have direct negative effects on the functioning of the internal market as regards databases and in particular on the freedom of natural and legal persons to provide on-line database goods and services on the basis of harmonized legal arrangements throughout the Community; whereas such differences could well become more pronounced as Member States introduce new legislation in this field, which is now taking on an increasingly international dimension;
- (3) Whereas existing differences distorting the functioning of the internal market need to be removed and new ones prevented from arising, while differences not adversely affecting the functioning of the internal market or the development of an information market within the Community need not be removed or prevented from arising;
- (4) Whereas copyright protection for databases exists in varying forms in the Member States according to

legislation or case-law, and whereas, if differences in legislation in the scope and conditions of protection remain between the Member States, such unharmonized intellectual property rights can have the effect of preventing the free movement of goods or services within the Community;

- (5) Whereas copyright remains an appropriate form of exclusive right for authors who have created databases;
- (6) Whereas, nevertheless, in the absence of a harmonized system of unfair-competition legislation or of case-law, other measures are required in addition to prevent the unauthorized extraction and/or re-utilization of the contents of a database;
- (7) Whereas the making of databases requires the investment of considerable human, technical and financial resources while such databases can be copied or accessed at a fraction of the cost needed to design them independently;
- (8) Whereas the unauthorized extraction and/or re-utilization of the contents of a database constitute acts which can have serious economic and technical consequences;
- (9) Whereas databases are a vital tool in the development of an information market within the Community; whereas this tool will also be of use in many other fields;
- (10) Whereas the exponential growth, in the Community and worldwide, in the amount of information generated and processed annually in all sectors of commerce and industry calls for investment in all the Member States in advanced information processing systems;
- (11) Whereas there is at present a very great imbalance in the level of investment in the database sector both as between the Member States and between the Community and the world's largest database-producing third countries;
- (12) Whereas such an investment in modern information storage and processing systems will not take place within the Community unless a stable and uniform legal protection regime is introduced for the protection of the rights of makers of databases;

(1) OJ No C 156, 23. 6. 1992, p. 4 and

OJ No C 308, 15. 11. 1993, p. 1.

(2) OJ No C 19, 25. 1. 1993, p. 3.

(3) Opinion of the European Parliament of 23 June 1993 (OJ No C 194, 19. 7. 1993, p. 144), Common Position of the Council of 10 July 1995 (OJ No C 288, 30. 10. 1995, p. 14), Decision of the European Parliament of 14 December 1995 (OJ No C 17, 22. 1. 1996) and Council Decision of 26 February 1996.

- (13) Whereas this Directive protects collections, sometimes called 'compilations', of works, data or other materials which are arranged, stored and accessed by means which include electronic, electromagnetic or electro-optical processes or analogous processes;
- (14) Whereas protection under this Directive should be extended to cover non-electronic databases;
- (15) Whereas the criteria used to determine whether a database should be protected by copyright should be defined to the fact that the selection or the arrangement of the contents of the database is the author's own intellectual creation; whereas such protection should cover the structure of the database;
- (16) Whereas no criterion other than originality in the sense of the author's intellectual creation should be applied to determine the eligibility of the database for copyright protection, and in particular no aesthetic or qualitative criteria should be applied;
- (17) Whereas the term 'database' should be understood to include literary, artistic, musical or other collections of works or collections of other material such as texts, sound, images, numbers, facts, and data; whereas it should cover collections of independent works, data or other materials which are systematically or methodically arranged and can be individually accessed; whereas this means that a recording or an audiovisual, cinematographic, literary or musical work as such does not fall within the scope of this Directive;
- (18) Whereas this Directive is without prejudice to the freedom of authors to decide whether, or in what manner, they will allow their works to be included in a database, in particular whether or not the authorization given is exclusive; whereas the protection of databases by the *sui generis* right is without prejudice to existing rights over their contents, and whereas in particular where an author or the holder of a related right permits some of his works or subject matter to be included in a database pursuant to a non-exclusive agreement, a third party may make use of those works or subject matter subject to the required consent of the author or of the holder of the related right without the *sui generis* right of the maker of the database being invoked to prevent him doing so, on condition that those works or subject matter are neither extracted from the database nor re-utilized on the basis thereof;
- (19) Whereas, as a rule, the compilation of several recordings of musical performances on a CD does not come within the scope of this Directive, both because, as a compilation, it does not meet the conditions for copyright protection and because it does not represent a substantial enough investment to be eligible under the *sui generis* right;
- (20) Whereas protection under this Directive may also apply to the materials necessary for the operation or consultation of certain databases such as thesaurus and indexation systems;
- (21) Whereas the protection provided for in this Directive relates to databases in which works, data or other materials have been arranged systematically or methodically; whereas it is not necessary for those materials to have been physically stored in an organized manner;
- (22) Whereas electronic databases within the meaning of this Directive may also include devices such as CD-ROM and CD-i;
- (23) Whereas the term 'database' should not be taken to extend to computer programs used in the making or operation of a database, which are protected by Council Directive 91/250/EEC of 14 May 1991 on the legal protection of computer programs<sup>(1)</sup>;
- (24) Whereas the rental and lending of databases in the field of copyright and related rights are governed exclusively by Council Directive 92/100/EEC of 19 November 1992 on rental right and lending right and on certain rights related to copyright in the field of intellectual property<sup>(2)</sup>;
- (25) Whereas the term of copyright is already governed by Council Directive 93/98/EEC of 29 October 1993 harmonizing the term of protection of copyright and certain related rights<sup>(3)</sup>;
- (26) Whereas works protected by copyright and subject matter protected by related rights, which are incorporated into a database, remain nevertheless protected by the respective exclusive rights and may not be incorporated into, or extracted from, the database without the permission of the right-holder or his successors in title;
- (27) Whereas copyright in such works and related rights in subject matter thus incorporated into a database

(1) OJ No L 122, 17. 5. 1991, p. 42. Directive as last amended by Directive 93/98/EEC (OJ No L 290, 24. 11. 1993, p. 9.)

(2) OJ No L 346, 27. 11. 1992, p. 61.

(3) OJ No L 290, 24. 11. 1993, p. 9.



- are in no way affected by the existence of a separate right in the selection or arrangement of these works and subject matter in a database;
- (28) Whereas the moral rights of the natural person who created the database belong to the author and should be exercised according to the legislation of the Member States and the provisions of the Berne Convention for the Protection of Literary and Artistic Works; whereas such moral rights remain outside the scope of this Directive;
- (29) Whereas the arrangements applicable to databases created by employees are left to the discretion of the Member States; whereas, therefore nothing in this Directive prevents Member States from stipulating in their legislation that where a database is created by an employee in the execution of his duties or following the instructions given by his employer, the employer exclusively shall be entitled to exercise all economic rights in the database so created, unless otherwise provided by contract;
- (30) Whereas the author's exclusive rights should include the right to determine the way in which his work is exploited and by whom, and in particular to control the distribution of his work to unauthorized persons;
- (31) Whereas the copyright protection of databases includes making databases available by means other than the distribution of copies;
- (32) Whereas Member States are required to ensure that their national provisions are at least materially equivalent in the case of such acts subject to restrictions as are provided for by this Directive;
- (33) Whereas the question of exhaustion of the right of distribution does not arise in the case of on-line databases, which come within the field of provision of services; whereas this also applies with regard to a material copy of such a database made by the user of such a service with the consent of the right-holder; whereas, unlike CD-ROM or CD-i, where the intellectual property is incorporated in a material medium, namely an item of goods, every on-line service is in fact an act which will have to be subject to authorization where the copyright so provides;
- (34) Whereas, nevertheless, once the rightholder has chosen to make available a copy of the database to a user, whether by an on-line service or by other means of distribution, that lawful user must be able to access and use the database for the purposes and in the way set out in the agreement with the right-holder, even if such access and use necessitate performance of otherwise restricted acts;
- (35) Whereas a list should be drawn up of exceptions to restricted acts, taking into account the fact that copyright as covered by this Directive applies only to the selection or arrangements of the contents of a database; whereas Member States should be given the option of providing for such exceptions in certain cases; whereas, however, this option should be exercised in accordance with the Berne Convention and to the extent that the exceptions relate to the structure of the database; whereas a distinction should be drawn between exceptions for private use and exceptions for reproduction for private purposes, which concerns provisions under national legislation of some Member States on levies on blank media or recording equipment;
- (36) Whereas the term 'scientific research' within the meaning of this Directive covers both the natural sciences and the human sciences;
- (37) Whereas Article 10 (1) of the Berne Convention is not affected by this Directive;
- (38) Whereas the increasing use of digital recording technology exposes the database maker to the risk that the contents of his database may be copied and rearranged electronically, without his authorization, to produce a database of identical content which, however, does not infringe any copyright in the arrangement of his database;
- (39) Whereas, in addition to aiming to protect the copyright in the original selection or arrangement of the contents of a database, this Directive seeks to safeguard the position of makers of databases against misappropriation of the results of the financial and professional investment made in obtaining and collection the contents by protecting the whole or substantial parts of a database against certain acts by a user or competitor;
- (40) Whereas the object of this *sui generis* right is to ensure protection of any investment in obtaining, verifying or presenting the contents of a database for the limited duration of the right; whereas such investment may consist in the deployment of financial resources and/or the expending of time, effort and energy;

- (41) Whereas the objective of the *sui generis* right is to give the maker of a database the option of preventing the unauthorized extraction and/or re-utilization of all or a substantial part of the contents of that database; whereas the maker of a database is the person who takes the initiative and the risk of investing; whereas this excludes subcontractors in particular from the definition of maker;
- (42) Whereas the special right to prevent unauthorized extraction and/or re-utilization relates to acts by the user which go beyond his legitimate rights and thereby harm the investment; whereas the right to prohibit extraction and/or re-utilization of all or a substantial part of the contents relates not only to the manufacture of a parasitical competing product but also to any user who, through his acts, causes significant detriment, evaluated qualitatively or quantitatively, to the investment;
- (43) Whereas, in the case of on-line transmission, the right to prohibit re-utilization is not exhausted either as regards the database or as regards a material copy of the database or of part thereof made by the addressee of the transmission with the consent of the rightholder;
- (44) Whereas, when on-screen display of the contents of a database necessitates the permanent or temporary transfer of all or a substantial part of such contents to another medium, that act should be subject to authorization by the rightholder;
- (45) Whereas the right to prevent unauthorized extraction and/or re-utilization does not in any way constitute an extension of copyright protection to mere facts or data;
- (46) Whereas the existence of a right to prevent the unauthorized extraction and/or re-utilization of the whole or a substantial part of works, data or materials from a database should not give rise to the creation of a new right in the works, data or materials themselves;
- (47) Whereas, in the interests of competition between suppliers of information products and services, protection by the *sui generis* right must not be afforded in such a way as to facilitate abuses of a dominant position, in particular as regards the creation and distribution of new products and services which have an intellectual, documentary, technical, economic or commercial added value; whereas, therefore, the provisions of this Directive are without prejudice to the application of Community or national competition rules;
- (48) Whereas the objective of this Directive, which is to afford an appropriate and uniform level of protection of databases as a means to secure the remuneration of the maker of the database, is different from the aim of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(1)</sup>, which is to guarantee free circulation of personal data on the basis of harmonized rules designed to protect fundamental rights, notably the right to privacy which is recognized in Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms; whereas the provisions of this Directive are without prejudice to data protection legislation;
- (49) Whereas, notwithstanding the right to prevent extraction and/or re-utilization of all or a substantial part of a database, it should be laid down that the maker of a database or rightholder may not prevent a lawful user of the database from extracting and re-utilizing insubstantial parts; whereas, however, that user may not unreasonably prejudice either the legitimate interests of the holder of the *sui generis* right or the holder of copyright or a related right in respect of the works or subject matter contained in the database;
- (50) Whereas the Member States should be given the option of providing for exceptions to the right to prevent the unauthorized extraction and/or re-utilization of a substantial part of the contents of a database in the case of extraction for private purposes, for the purposes of illustration for teaching or scientific research, or where extraction and/or re-utilization are/is carried out in the interests of public security or for the purposes of an administrative or judicial procedure; whereas such operations must not prejudice the exclusive rights of the maker to exploit the database and their purpose must not be commercial;
- (51) Whereas the Member States, where they avail themselves of the option to permit a lawful user of a database to extract a substantial part of the contents for the purposes of illustration for teaching or scientific research, may limit that permission to certain categories of teaching or scientific research institution;

<sup>(1)</sup> OJ No L 281, 23. 11. 1995, p. 31.

- (52) Whereas those Member States which have specific rules providing for a right comparable to the *sui generis* right provided for in this Directive should be permitted to retain, as far as the new right is concerned, the exceptions traditionally specified by such rules;
- (53) Whereas the burden of proof regarding the date of completion of the making of a database lies with the maker of the database;
- (54) Whereas the burden of proof that the criteria exist for concluding that a substantial modification of the contents of a database is to be regarded as a substantial new investment lies with the maker of the database resulting from such investment;
- (55) Whereas a substantial new investment involving a new term of protection may include a substantial verification of the contents of the database;
- (56) Whereas the right to prevent unauthorized extraction and/or re-utilization in respect of a database should apply to databases whose makers are nationals or habitual residents of third countries or to those produced by legal persons not established in a Member State, within the meaning of the Treaty, only if such third countries offer comparable protection to databases produced by nationals of a Member State or persons who have their habitual residence in the territory of the Community;
- (57) Whereas, in addition to remedies provided under the legislation of the Member States for infringements of copyright or other rights, Member States should provide for appropriate remedies against unauthorized extraction and/or re-utilization of the contents of a database;
- (58) Whereas, in addition to the protection given under this Directive to the structure of the database by copyright, and to its contents against unauthorized extraction and/or re-utilization under the *sui generis* right, other legal provisions in the Member States relevant to the supply of database goods and services continue to apply;
- (59) Whereas this Directive is without prejudice to the application to databases composed of audiovisual works of any rules recognized by a Member State's legislation concerning the broadcasting of audiovisual programmes;
- (60) Whereas some Member States currently protect under copyright arrangements databases which do not meet the criteria for eligibility for copyright

protection laid down in this Directive; whereas, even if the databases concerned are eligible for protection under the right laid down in this Directive to prevent unauthorized extraction and/or re-utilization of their contents, the term of protection under that right is considerably shorter than that which they enjoy under the national arrangements currently in force; whereas harmonization of the criteria for determining whether a database is to be protected by copyright may not have the effect of reducing the term of protection currently enjoyed by the rightholders concerned; whereas a derogation should be laid down to that effect; whereas the effects of such derogation must be confined to the territories of the Member States concerned,

HAVE ADOPTED THIS DIRECTIVE:

#### CHAPTER I

#### SCOPE

##### *Article 1*

##### Scope

1. This Directive concerns the legal protection of databases in any form.
2. For the purposes of this Directive, 'database' shall mean a collection of independent works, data or other materials arranged in a systematic or methodical way and individually accessible by electronic or other means.
3. Protection under this Directive shall not apply to computer programs used in the making or operation of databases accessible by electronic means.

##### *Article 2*

##### Limitations on the scope

This Directive shall apply without prejudice to Community provisions relating to:

- (a) the legal protection of computer programs;
- (b) rental right, lending right and certain rights related to copyright in the field of intellectual property;
- (c) the term of protection of copyright and certain related rights.

## CHAPTER II

## COPYRIGHT

*Article 3***Object of protection**

1. In accordance with this Directive, databases which, by reason of the selection or arrangement of their contents, constitute the author's own intellectual creation shall be protected as such by copyright. No other criteria shall be applied to determine their eligibility for that protection.

2. The copyright protection of databases provided for by this Directive shall not extend to their contents and shall be without prejudice to any rights subsisting in those contents themselves.

*Article 4***Database authorship**

1. The author of a database shall be the natural person or group of natural persons who created the base or, where the legislation of the Member States so permits, the legal person designated as the rightholder by that legislation.

2. Where collective works are recognized by the legislation of a Member State, the economic rights shall be owned by the person holding the copyright.

3. In respect of a database created by a group of natural persons jointly, the exclusive rights shall be owned jointly.

*Article 5***Restricted acts**

In respect of the expression of the database which is protectable by copyright, the author of a database shall have the exclusive right to carry out or to authorize:

- (a) temporary or permanent reproduction by any means and in any form, in whole or in part;
- (b) translation, adaptation, arrangement and any other alteration;
- (c) any form of distribution to the public of the database or of copies thereof. The first sale in the Community of a copy of the database by the rightholder or with his consent shall exhaust the right to control resale of that copy within the Community;
- (d) any communication, display or performance to the public;

- (e) any reproduction, distribution, communication, display or performance to the public of the results of the acts referred to in (b).

*Article 6***Exceptions to restricted acts**

1. The performance by the lawful user of a database or of a copy thereof of any of the acts listed in Article 5 which is necessary for the purposes of access to the contents of the databases and normal use of the contents by the lawful user shall not require the authorization of the author of the database. Where the lawful user is authorized to use only part of the database, this provision shall apply only to that part.

2. Member States shall have the option of providing for limitations on the rights set out in Article 5 in the following cases:

- (a) in the case of reproduction for private purposes of a non-electronic database;
- (b) where there is use for the sole purpose of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved;
- (c) where there is use for the purposes of public security or for the purposes of an administrative or judicial procedure;
- (d) where other exceptions to copyright which are traditionally authorized under national law are involved, without prejudice to points (a), (b) and (c).

3. In accordance with the Berne Convention for the protection of Literary and Artistic Works, this Article may not be interpreted in such a way as to allow its application to be used in a manner which unreasonably prejudices the rightholder's legitimate interests or conflicts with normal exploitation of the database.

## CHAPTER III

***SUI GENERIS* RIGHT***Article 7***Object of protection**

1. Member States shall provide for a right for the maker of a database which shows that there has been qualitatively and/or quantitatively a substantial investment in either the obtaining, verification or presentation of the contents to prevent extraction and/or re-utilization of the whole or of a substantial part, evaluated qualitatively and/or quantitatively, of the contents of that database.

2. For the purposes of this Chapter:

- (a) 'extraction' shall mean the permanent or temporary transfer of all or a substantial part of the contents of a database to another medium by any means or in any form;
- (b) 're-utilization' shall mean any form of making available to the public all or a substantial part of the contents of a database by the distribution of copies, by renting, by on-line or other forms of transmission. The first sale of a copy of a database within the Community by the rightholder or with his consent shall exhaust the right to control resale of that copy within the Community;

Public lending is not an act of extraction or re-utilization.

3. The right referred to in paragraph 1 may be transferred, assigned or granted under contractual licence.

4. The right provided for in paragraph 1 shall apply irrespective of the eligibility of that database for protection by copyright or by other rights. Moreover, it shall apply irrespective of eligibility of the contents of that database for protection by copyright or by other rights. Protection of databases under the right provided for in paragraph 1 shall be without prejudice to rights existing in respect of their contents.

5. The repeated and systematic extraction and/or re-utilization of insubstantial parts of the contents of the database implying acts which conflict with a normal exploitation of that database or which unreasonably prejudice the legitimate interests of the maker of the database shall not be permitted.

#### Article 8

##### Rights and obligations of lawful users

1. The maker of a database which is made available to the public in whatever manner may not prevent a lawful user of the database from extracting and/or re-utilizing insubstantial parts of its contents, evaluated qualitatively and/or quantitatively, for any purposes whatsoever. Where the lawful user is authorized to extract and/or re-utilize only part of the database, this paragraph shall apply only to that part.

2. A lawful user of a database which is made available to the public in whatever manner may not perform acts which conflict with normal exploitation of the database or unreasonably prejudice the legitimate interests of the maker of the database.

3. A lawful user of a database which is made available to the public in any manner may not cause prejudice to

the holder of a copyright or related right in respect of the works or subject matter contained in the database.

#### Article 9

##### Exceptions to the *sui generis* right

Member States may stipulate that lawful users of a database which is made available to the public in whatever manner may, without the authorization of its maker, extract or re-utilize a substantial part of its contents:

- (a) in the case of extraction for private purposes of the contents of a non-electronic database;
- (b) in the case of extraction for the purposes of illustration for teaching or scientific research, as long as the source is indicated and to the extent justified by the non-commercial purpose to be achieved;
- (c) in the case of extraction and/or re-utilization for the purposes of public security or an administrative or judicial procedure.

#### Article 10

##### Term of protection

1. The right provided for in Article 7 shall run from the date of completion of the making of the database. It shall expire fifteen years from the first of January of the year following the date of completion.

2. In the case of a database which is made available to the public in whatever manner before expiry of the period provided for in paragraph 1, the term of protection by that right shall expire fifteen years from the first of January of the year following the date when the database was first made available to the public.

3. Any substantial change, evaluated qualitatively or quantitatively, to the contents of a database, including any substantial change resulting from the accumulation of successive additions, deletions or alterations, which would result in the database being considered to be a substantial new investment, evaluated qualitatively or quantitatively, shall qualify the database resulting from that investment for its own term of protection.

#### Article 11

##### Beneficiaries of protection under the *sui generis* right

1. The right provided for in Article 7 shall apply to database whose makers or rightholders are nationals of a Member State or who have their habitual residence in the territory of the Community.

2. Paragraph 1 shall also apply to companies and firms formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the Community; however, where such a company or firm has only its registered office in the territory of the Community, its operations must be genuinely linked on an ongoing basis with the economy of a Member State.

3. Agreements extending the right provided for in Article 7 to databases made in third countries and falling outside the provisions of paragraphs 1 and 2 shall be concluded by the Council acting on a proposal from the Commission. The term of any protection extended to databases by virtue of that procedure shall not exceed that available pursuant to Article 10.

#### CHAPTER IV

#### COMMON PROVISIONS

##### *Article 12*

##### **Remedies**

Member States shall provide appropriate remedies in respect of infringements of the rights provided for in this Directive.

##### *Article 13*

##### **Continued application of other legal provisions**

This Directive shall be without prejudice to provisions concerning in particular copyright, rights related to copyright or any other rights or obligations subsisting in the data, works or other materials incorporated into a database, patent rights, trade marks, design rights, the protection of national treasures, laws on restrictive practices and unfair competition, trade secrets, security, confidentiality, data protection and privacy, access to public documents, and the law of contract.

##### *Article 14*

##### **Application over time**

1. Protection pursuant to this Directive as regards copyright shall also be available in respect of databases created prior to the date referred to in Article 16 (1) which on that date fulfil the requirements laid down in this Directive as regards copyright protection of databases.

2. Notwithstanding paragraph 1, where a database protected under copyright arrangements in a Member State on the date of publication of this Directive does not fulfil the eligibility criteria for copyright protection laid down in Article 3 (1), this Directive shall not result in any

curtailing in that Member State of the remaining term of protection afforded under those arrangements.

3. Protection pursuant to the provisions of this Directive as regards the right provided for in Article 7 shall also be available in respect of databases the making of which was completed not more than fifteen years prior to the date referred to in Article 16 (1) and which on that date fulfil the requirements laid down in Article 7.

4. The protection provided for in paragraphs 1 and 3 shall be without prejudice to any acts concluded and rights acquired before the date referred to in those paragraphs.

5. In the case of a database the making of which was completed not more than fifteen years prior to the date referred to in Article 16 (1), the term of protection by the right provided for in Article 7 shall expire fifteen years from the first of January following that date.

##### *Article 15*

##### **Binding nature of certain provisions**

Any contractual provision contrary to Articles 6 (1) and 8 shall be null and void.

##### *Article 16*

##### **Final provisions**

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 1 January 1998.

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

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

3. Not later than at the end of the third year after the date referred to in paragraph 1, and every three years thereafter, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Directive, in which, *inter alia*, on the basis of specific information supplied by the Member States, it shall examine in particular the application of the *sui generis* right, including Articles 8 and 9, and shall verify especially whether the application of this right has led to abuse of a dominant position or other interference with free competition which would justify appropriate measures being taken, including the establishment of non-voluntary licensing arrangements. Where necessary, it shall submit proposals for adjustment of this Directive in line with developments in the area of databases.

*Article 17*

This Directive is addressed to the Member States.

Done at Strasbourg, 11 March 1996.

*For the European Parliament*

*The President*

K. HÄNSCH

*For the Council*

*The President*

L. DINI

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## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 19 March 1996

appointing a member of the Committee of the Regions

(96/230/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to the Council Decision of 26 January 1994 appointing members and alternate members of the Committee of the Regions for the period 26 January 1994 to 25 January 1998<sup>(1)</sup>,

Whereas a seat as a member of the Committee has become vacant following the resignation of Mr Peter Radunski, notified to the Council on 4 March 1996;

Having regard to the proposal from the German Government,

HAS DECIDED AS FOLLOWS:

*Sole Article*

Mr Gerd Wartenberg is hereby appointed a member of the Committee of the Regions in place of Mr Peter Radunski for the remainder of the latter's term of office, which runs until 25 January 1998.

Done at Brussels, 19 March 1996.

*For the Council*

*The President*

W. LUCHETTI

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<sup>(1)</sup> OJ No L 31, 4. 2. 1994, p. 29.



**COUNCIL DECISION**  
**of 19 March 1996**  
**appointing two alternate members of the Committee of the Regions**  
**(96/231/EC)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to the Council Decision of 26 January 1994 appointing members and alternate members of the Committee of the Regions for the period 26 January 1994 to 25 January 1998 <sup>(1)</sup>,

Whereas two seats as alternate members of the Committee have become vacant following the resignation of Mr Angelo Romano, notified to the Council on 12 February 1996, and Mr Thomas Mirow, notified to the Council on 11 March 1996;

Having regard to the proposal from the Italian Government and the proposal from the German Government,

HAS DECIDED AS FOLLOWS:

*Sole Article*

1. Mr Silvano Moffa is hereby appointed an alternate member of the Committee of the Regions in place of Mr Angelo Romano for the remainder of the latter's term of office, which runs until 25 January 1998.
2. Mr Knut Nevermann is hereby appointed an alternate member of the Committee of the Regions in place of Mr Thomas Mirow for the remainder of the latter's term of office, which runs until 25 January 1998.

Done at Brussels, 19 March 1996.

*For the Council*

*The President*

W. LUCHETTI

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<sup>(1)</sup> OJ No L 31, 4. 2. 1994, p. 29.

# COMMISSION

## COMMISSION DECISION

of 13 March 1996

setting out the arrangements for Community comparative tests of seed potatoes  
under Directive 66/403/EEC on the marketing of seed potatoes

(96/232/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes<sup>(1)</sup>, as last amended by Commission Decision 96/16/EC<sup>(2)</sup>, and in particular Article 14 (4) thereof,

Whereas Article 14 (4) of Directive 66/403/EEC provides for the carrying out of Community comparative tests of seed potatoes;

Whereas it is necessary for all Member States to participate in the Community comparative tests, in so far as seed potatoes are usually reproduced or marketed in their territories, in order to ensure that proper conclusions may be drawn therefrom;

Whereas the Commission is responsible for making the necessary arrangements for the Community comparative tests;

Whereas the arrangements for the tests should also cover, *inter alia*, certain harmful organisms which come within the scope of Directive 66/403/EEC as well as Council Directive 77/93/EEC on protective measures against the introduction into Member States of organisms harmful to plants or plant products<sup>(3)</sup>, as last amended by Directive 95/41/EC<sup>(4)</sup>, and Council Directive 93/85/EEC of 4 October 1993 on the control of potato ring rot<sup>(5)</sup>;

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

on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

HAS ADOPTED THIS DECISION:

### *Article 1*

1. Community comparative tests shall be carried out during 1996 on seed potatoes harvested in 1995.
2. All Member States shall participate in the Community comparative tests.

### *Article 2*

1. The general arrangements for the carrying out of the Community comparative tests are set out in the Annex hereto.
2. Further detailed arrangements for the carrying out of the tests shall be submitted to the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry.

### *Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 13 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No 125, 11. 7. 1966, p. 2320/66.

<sup>(2)</sup> OJ No L 6, 9. 1. 1996, p. 19.

<sup>(3)</sup> OJ No L 26, 31. 1. 1977, p. 20.

<sup>(4)</sup> OJ No L 182, 2. 8. 1995, p. 17.

<sup>(5)</sup> OJ No L 259, 18. 10. 1993, p. 1.

## ANNEX

**General arrangements for the carrying out of the Community comparative tests of seed potatoes in 1996**

1. *Responsible body*

Landbrugs- og fiskeriministeriet  
Plantedirektoratet  
Denmark

2. *Number of samples*

The total number is 325:

(a) 295 samples in the producer Member States shall be taken as follows:

Belgium	10
Denmark	25
Germany	30
Greece	20
Spain	25
France	25
Ireland	24
Italy	20
Luxembourg	6
The Netherlands	35
Austria	10
Portugal	10
Finland	10
Sweden	10
The United Kingdom	35

(b) Twenty additional samples shall be taken in the Member States of destination where material is sent from a producer to another Member State.

(c) Ten samples from Switzerland shall be taken under the Community equivalence arrangements mentioned in Article 15 (1) of Directive 66/403/EEC.

3. *Samples*

In respect of samples taken under paragraph 2 (a) above, an official sampling procedure shall be ensured. The sampling of the lot shall be performed using an appropriate technique. For the purpose of taking the samples, persons shall be designated by the Commission services; these persons shall act under the responsibility of the Commission services. Sampling shall be carried out on the producer holding, at the place of loading, in the sorting sheds or at any place where seed potatoes are stored.

In the case of all samples taken under paragraph 2 above each sample shall consist of 225 tubers.

4. *Assessment of the minimum conditions to be satisfied by seed potatoes in the direct progeny of the sample*

Post-control tests on field plots shall be carried out and, where appropriate, confirmation by laboratory tests. The sample size shall be 100 plants.

5. *Assessment of freedom of seed potatoes from potato brown rot (*Pseudomonas solanacearum*) and potato ring rot (*Corynebacterium sepedonicum*)*

Laboratory tests shall be carried out, in accordance with appropriate methods. The sample size shall be of 200 tubers from which tissues shall be removed for the purposes of the field plots.

6. *Assessment of freedom of seed potatoes from potato spindle tuber viroid (PSTV)*

Laboratory tests shall be carried out, in accordance with appropriate methods. The responsible body under 1 shall ensure that the sample size is that given in such methods, in so far as this specification exists.

7. *Confidentiality*

In relation to the assessments under 5 and 6 above, each sample to be submitted to the laboratory tests shall have been previously coded by the responsible body under 1, under the responsibility of the Commission services. In the case of samples confirmed to be contaminated by any of the relevant harmful organisms, the Commission shall ensure that the measures required under Directive 77/93/EEC or Directive 93/85/EEC or their implementing measures, as appropriate, are taken.

This is without prejudice to the general conditions applicable to the examination of the annual reports on the confirmed results and conclusions of Community comparative tests.

**COMMISSION DECISION**  
of 14 March 1996  
establishing the list of approved fish farms in Denmark  
(Text with EEA relevance)

(96/233/EC)

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

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products<sup>(1)</sup>, as last amended by Directive 95/22/EC<sup>(2)</sup>, and in particular Article 6 thereof,

Whereas the Member States may obtain, for fish farms situated in zones which are not approved with regard to infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS), the status of approved farm free of these diseases;

Whereas, by Commission Decision 94/864/EC<sup>(3)</sup> and 95/336/EC<sup>(4)</sup>, Denmark has already obtained approval for a number of fish farms as being free of infectious haematopoietic necrosis (IHN) and viral haemorrhagic septicaemia (VHS);

Whereas, by letter of 18 October 1995, Denmark submitted to the Commission the justifications for obtaining the status of approved farm in respect of VHS for one fish farm in a non-approved zone, as well as the national rules ensuring compliance with the rules on maintenance of approval;

Whereas the Commission and the Member States examined the justifications notified by Denmark for the farm in question;

Whereas the result of this examination is that the farm in question meets all the requirements of Article 6 of Council Directive 91/67/EEC;

Whereas it is necessary to consolidate the Decisions taken previously concerning the approval of fish farms in Denmark;

Whereas Denmark is already recognized as an approved zone in respect of IHN;

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

HAS ADOPTED THIS DECISION:

*Article 1*

The fish farms listed in the Annex are recognized as approved farms with regard to IHN and VHS, situated in a zone not approved with regard to VHS.

*Article 2*

Decision 95/336/EC is herewith repealed.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 14 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 46, 19. 2. 1991, p. 1.

<sup>(2)</sup> OJ No L 243, 11. 10. 1995, p. 1.

<sup>(3)</sup> OJ No L 352, 31. 12. 1994, p. 74.

<sup>(4)</sup> OJ No L 195, 18. 8. 1995, p. 26.

*ANNEX***Fish farms in Denmark approved with regard to IHN and VHS**

1. Værum Mølle Dambrug  
DK-8900 Randers
  2. Trehøje Klækkeri  
DK-8766 Nr. Snede
  3. Hallesøhus Dambrug  
DK-8766 Nr. Snede
  4. Løvet Dambrug  
DK-8654 Bryrup
  5. Hallesø Dambrug  
DK-8766 Nr. Snede
  6. Sillerupvæld Dambrug  
DK-7470 Karup
  7. Skade Dambrug  
DK-8765 Klovborg
  8. Vork Dambrug  
DK-6040 Egtved
  9. Egebæk Dambrug  
DK-6880 Tarm
  10. Søstremosegård  
DK-4400 Kalundborg
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## COMMISSION DECISION

of 18 March 1996

## on the organization in Ireland of training programmes for personnel working in the veterinary sector

(Only the English text is authentic)

(96/234/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/424/EEC of 26 June 1990 on expenditure in the veterinary sector<sup>(1)</sup>, as last amended by Decision 94/370/EC<sup>(2)</sup>, and in particular Article 36, paragraph 2 thereof,

Whereas the Irish authorities have asked the Commission to entrust the Faculty of Veterinary Medicine, University College Dublin, with the organization of refresher courses meeting the requirements laid down in Article 36 of Decision 90/424/EEC;

Whereas rules should be established to determine how such courses should be organized and to fix the financial participation of the Community;

Whereas because of the objectives of this measure the courses should be open to supervision by persons from other Member States appointed for this purpose;

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*

For the purposes of this Decision, the responsible authority shall be the Faculty of Veterinary Medicine, University College Dublin, represented by the Dean of Faculty.

*Article 2*

The responsible authority shall undertake:

1. to organize in 1996, 1997, 1998, 1999 and 2000 training programmes for personnel working in the veterinary sector. The nature, content and timetable of these courses shall be as set out in the Annex;
2. to reserve half of the places offered for official personnel from other Member States. Account shall be

taken in the allocation of places, of a balance between the Member States;

3. to avail if necessary of the provisions of Article 36 (1), line 2 of Decision 90/424/EEC;
4. to present an annual report on the progress of the courses to the Commission and the Member States within the framework of the Standing Veterinary Committee, the first report to be presented in December 1996.

*Article 3*

The financial participation of the Community is fixed as follows:

- 50 % of the costs incurred by the responsible authority for the training of Irish personnel working in the veterinary sector and 25 % of the costs of the accommodation of these personnel,
- 100 % of the costs incurred by the responsible authority for the accommodation and training of personnel from other Member States.

*Article 4*

1. The costs referred to in the first indent of Article 3 shall be as follows:

- cost of instruction (lecturers' fees),
- cost of equipment (hire of venue, teaching materials, equipment and background material),
- general organizational costs, but restricted to a maximum of 20 % of the costs claimed under the first two indents above,
- travel and subsistence costs of lecturers,
- accommodation costs for Irish participants.

2. The costs referred to in the second indent of Article 3 shall be as follows:

- cost referred to in paragraph 1, indents 1 — 4 inclusive,
- the cost of providing information to responsible authorities in other Member States concerning the training courses,
- the cost of linguistic support needed to ensure the operation of the programme,
- accommodation costs of participants from other Member States.

<sup>(1)</sup> OJ No L 224, 18. 8. 1990, p. 19.

<sup>(2)</sup> OJ No L 168, 2. 7. 1994, p. 31.

*Article 5*

1. The Community's financial contribution shall be granted after presentation of the supporting documents.
2. At the request of the responsible authority an advance may be granted to a maximum of 50 % of the estimated costs of one course. The request must be presented by the responsible authority before 30 June 1996.

*Article 6*

On the basis of a report by the responsible authority the Commission shall draw up before 31 December 2000 a review of the educational and financial aspects.

Depending on the results, a further decision may be taken on the extension and improvement of future training measures.

*Article 7*

This Decision is addressed to Ireland.

Done at Brussels, 18 March 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*ANNEX I***Nature of the courses**

1. The various training courses are intended for persons working within the veterinary sector. The courses are designed to widen existing knowledge and strengthen mutual trust by means of the exchange of experience.
  2. In principle, the courses will last for two weeks and there will be 30 places on each. The courses will combine theory and practice. As part of each course the participants will prepare and present reports on topics of relevance to the Community.
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## ANNEX II

## 1. COURSE No 1

**Diagnosis, management and control of certain diseases in cattle, sheep and goats**

The aim of this course is to examine diagnostic, management and control aspects of certain diseases.

The following diseases will be discussed:

*Cattle*

- Tuberculosis
- Brucellosis
- Bovine Spongiform Encephalopathy
- Paratuberculosis
- Enzootic Bovine Leucosis

*Sheep and Goats*

- Scrapie
- Maedi/visna
- *Brucella melitensis*

In addition other disease of zoonotic importance will be addressed.

The course will include:

- an examination of the relevant Community provisions,
- a description of the decision making processes in the Community veterinary field,
- discussion of application of Community legislation at national level.

The practical components will include:

- appropriate field trips (farm visits, etc.),
- workshops on data collection and analysis, geographic information systems,
- demonstration of information systems (Animo),
- demonstration of modern aids to diagnosis (laboratory visit).

## 2. COURSE No 2

**Diagnosis, management and control of certain diseases in pigs, poultry and horses**

The aim of this course is to examine diagnostic, management and control aspects of certain diseases.

The following diseases will be discussed:

*Pigs*

- Aujeszky's disease
- Transmissible gastro-enteritis
- Porcine brucellosis

*Poultry*

- Newcastle disease
- Avian influenza
- Mycoplasmosis

*Horses*

- Equine viral arteritis
- African horse sickness
- Equine infectious anaemia

In addition other diseases of zoonotic importance will be addressed.

The course will include:

- an examination of the relevant Community provisions,
- a description of the decision-making processes in the Community veterinary field,
- discussion of the application of Community legislation at national level.

The practical components will include:

- appropriate field trips (farm visits, etc.),
- workshops on data collection and analysis, geographic information systems,
- demonstration of information systems (Animo),
- demonstration of modern aids to diagnosis (laboratory visit).

### 3. COURSE No 3

#### Animal welfare

The aim of this course is to enable participants to recognize the principal animal stress factors they are likely to encounter in the course of their official duties.

The major items will be:

- protection of animals during transport,
- protection of animals at slaughter,
- protection of animals on the farm (poultry, pigs and calves).

The course will include:

- an examination of the relevant Community and Council of Europe provisions,
- a description of the decision-making processes in the Community veterinary field,
- discussion of the application of Community legislation at national level.

The practical components will include:

- appropriate field trips (farm and slaughterhouse visits),
- demonstration of transport conditions and means of transport,
- demonstration of loading of animals for transport by road and/or sea.

### 4. COURSE No 4

#### Public health — fresh meat (bovine and ovine)

The aim of this course is to examine the principles of the hygienic production of fresh meat with a view to the protection of public health.

Particular attention will be paid to:

- ante- and post-mortem inspection procedures,
- application of the hazard analysis critical control point in slaughterhouse systems,
- regime of checking for residues,
- microbiological controls.

The course will include:

- an examination of the relevant Community provisions,
- a description of the decision-making processes in the Community veterinary field,
- discussion of the application of Community legislation at national level.

The practical components will include:

- appropriate field trips (slaughterhouse visits),
  - demonstration of laboratory aids for microbiological controls and residue checks,
  - workshops on data collection and analysis,
  - presentation and discussion of on-farm assurance schemes.
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*ANNEX III***PROVISIONAL TIMETABLE**

September 1996	Course No 1
April 1997	Course No 2
September 1997	Course No 3
April 1998	Course No 4
September 1998	Course No 1
April 1999	Course No 2
September 1999	Course No 3
April 2000	Course No 4

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## ANNEX IV

## ESTIMATED COSTS

(Five-year programme of eight courses)

*(Irish punts)*

	Item	Cost to Irish authorities	Cost to Commission	Total
1	Cost of instruction	20 000	60 000	80 000
2	Cost of books, equipment, teaching materials and venue	7 440	42 320	49 760
	— teaching material in English	2 400	7 200	9 600
	— teaching material in other languages		20 000	20 000
	— hire of venue	5 040	15 120	20 160
3	General organization costs	6 488	19 464	25 952
4	Travel and subsistence costs of teaching staff	17 600	52 800	70 400
5	Cost of information and communication to authorities in other Member States		8 000	8 000
6	Cost of linguistic services, equipment, fees and expenses		196 000	196 000
7	Accommodation costs of participants from other Member States		132 000	132 000
8	Accommodation costs of participants from Ireland	99 000	33 000	132 000
9	Total	150 528	543 584	694 112

## CORRIGENDA

**Corrigendum to Commission Regulation (EC) No 3009/95 of 22 December 1995 amending Annex I to Council Regulation (EEC) No 2658/87 on the Tariff and statistical nomenclature and on the Common Customs Tariff**

*(Official Journal of the European Communities No L 319 of 30 December 1995)*

On page 19:

*for:* '2 8316 m<sup>3</sup>',  
*read:* '2,8316 m<sup>3</sup>'.

On page 271, CN codes 2915 70 30 and 2915 70 80, under the column 4:

*for:* '5,9',  
*read:* '5,5'.

On page 272, CN codes 2916 39 00, under the column 4:

*for:* '6,7',  
*read:* '6,5'.

On page 907, under the column CN code:

*for:* '2930 90 15',  
*read:* '2930 90 16'.

On page 1006, in footnote (1):

*for:* '0303 80 00 \* 11, 0303 80 00 \* 19, 0303 80 00 \* 21 and 0303 80 00 \* 29',  
*read:* '0303 80 00 \* 30'.

On page 1009, CN code 2933 39 80 (2), under the column 4:

*for:* '6',  
*read:* '0'.

On page 1014, CN code 8703 10 10 (9), under the column 4:

*for:* '0',  
*read:* '5'.

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