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## Legislation

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

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2210/96  
of 14 November 1996  
amending Regulation (EC) No 3076/95 allocating, for 1996, certain catch quotas  
between Member States for vessels fishing in the Norwegian exclusive economic  
zone and the fishing zone around Jan Mayen**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture <sup>(1)</sup>, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 3076/95 <sup>(2)</sup> had to leave open the allocation of certain catch quotas to which Sweden is entitled under the Agreement on Fisheries between the Kingdom of Sweden and the Kingdom of Norway of 9 December 1976;

Whereas, in accordance with the procedure provided for in the aforementioned Agreement on Fisheries, the Community, on behalf of Sweden, continued to hold consultations with Norway concerning the relevant fishing rights for 1996;

Whereas these consultations have been concluded and, consequently, it is now necessary to implement the agreed measures,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex II to Regulation (EC) No 3076/95 shall be replaced by the Annex contained in the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 14 November 1996.

*For the Council*

*The President*

R. BRUTON

<sup>(1)</sup> OJ No L 389, 31. 12. 1992, p. 1. Regulation as amended by the 1994 Act of Accession.

<sup>(2)</sup> OJ No L 330, 30. 12. 1995, p. 51.

## ANNEX

## ANNEX II

## Allocation of Community catch quotas in Norwegian waters for 1996, as referred to in Article 1

*(Norwegian waters south of 62°00' N)*

Species	ICES division	Community catch quotas	Quotas allocated to Member States	
Norway pout <sup>(1)</sup>	IV	50 000	Denmark	47 500 <sup>(2)</sup>
			United Kingdom	2 500 <sup>(3)</sup>
Sandeel	IV	150 000	Denmark	142 500 <sup>(2)</sup>
			United Kingdom	7 500 <sup>(3)</sup>
Shrimp	IV	1 230	Denmark	1 080
			Sweden	150
Other species	IV	11 000	Denmark	5 500
			United Kingdom	4 125
			Germany	620
			Belgium	60
			France	255
			Netherlands	440
			Sweden	p.m. <sup>(4)</sup>
Cod, haddock, saithe, pollack, whiting	IV	2 560	Sweden	2 560
Herring	IV	840	Sweden	840 <sup>(5)</sup>
Mackerel	IV	240	Sweden	240 <sup>(5)</sup>
Industrial species	IV	800	Sweden	800 <sup>(4)</sup> <sup>(6)</sup>

<sup>(1)</sup> Including blue whiting and inextricably mixed horse mackerel.<sup>(2)</sup> Within a total quota for Norway pout and sandeel up to 38 000 tonnes may be interchanged upon request.<sup>(3)</sup> Within a total quota for Norway pout and sandeel up to 2 000 tonnes may be interchanged upon request.<sup>(4)</sup> Quota allocated by Norway to Sweden "other species" at a traditional level.<sup>(5)</sup> By-catches of cod, haddock, saithe, pollack and whiting are to be counted against the quotas for these species.<sup>(6)</sup> Of which no more than 400 tonnes of horse mackerel.

## COMMISSION REGULATION (EC) No 2211/96

of 20 November 1996

## fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 1 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96<sup>(2)</sup>, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

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

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

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

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

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

Whereas Council Regulation (EEC) No 990/93<sup>(6)</sup>, as amended by Regulation (EC) No 1380/95<sup>(7)</sup>, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96<sup>(8)</sup>; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(9)</sup>, as last amended by Regulation (EC) No 150/95<sup>(10)</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>(11)</sup>, as last amended by Regulation (EC) No 1482/96<sup>(12)</sup>;

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

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

Whereas, in the light of the amendment introduced by Regulation (EC) No 1222/96<sup>(13)</sup>, the figure 9 after the first eight digits corresponding to the combined nomenclature subheadings should be regarded as forming part of the refund nomenclature code from 1 January 1997;

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

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

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 89, 10. 4. 1968, p. 3.

<sup>(4)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(5)</sup> OJ No L 214, 8. 9. 1995, p. 16.

<sup>(6)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(7)</sup> OJ No L 138, 21. 6. 1995, p. 1.

<sup>(8)</sup> OJ No L 65, 15. 3. 1996, p. 1.

<sup>(9)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(10)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(11)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(12)</sup> OJ No L 188, 27. 7. 1996, p. 22.

<sup>(13)</sup> OJ No L 161, 29. 6. 1996, p. 62.

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 21 November 1996.

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

Done at Brussels, 20 November 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*ANNEX*

to the Commission Regulation of 20 November 1996 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund <sup>(1)</sup>
	— ECU/100 kg —
1701 11 90 100	39,60 <sup>(1)</sup>
1701 11 90 910	38,80 <sup>(1)</sup>
1701 11 90 950	<sup>(2)</sup>
1701 12 90 100	39,60 <sup>(1)</sup>
1701 12 90 910	38,80 <sup>(1)</sup>
1701 12 90 950	<sup>(2)</sup>
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,4305
	— ECU/100 kg —
1701 99 10 100	43,05
1701 99 10 910	43,97
1701 99 10 950	43,97
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,4305

<sup>(1)</sup> Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

<sup>(2)</sup> Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

<sup>(3)</sup> Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

## COMMISSION REGULATION (EC) No 2212/96

of 20 November 1996

fixing the maximum export refund for white sugar for the 16th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1464/96

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 1599/96 <sup>(2)</sup>, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1464/96 of 25 July 1996 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar <sup>(3)</sup>, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1464/96 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 16th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93 <sup>(4)</sup>, as amended by Regulation (EC) No 1380/95 <sup>(5)</sup>, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas

this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96 <sup>(6)</sup>; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. For the 16th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1464/96 the maximum amount of the export refund is fixed at ECU 47,002 per 100 kilograms.

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

*Article 2*

This Regulation shall enter into force on 21 November 1996.

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

Done at Brussels, 20 November 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 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 187, 26. 7. 1996, p. 42.

<sup>(4)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(5)</sup> OJ No L 138, 21. 6. 1995, p. 1.

<sup>(6)</sup> OJ No L 65, 15. 3. 1996, p. 1.

## COMMISSION REGULATION (EC) No 2213/96

of 20 November 1996

## fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar <sup>(1)</sup>, as last amended by Regulation (EC) No 1599/96 <sup>(2)</sup>,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 <sup>(3)</sup>, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 <sup>(4)</sup>; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or

if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 21 November 1996.

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

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 141, 24. 6. 1995, p. 12.

<sup>(4)</sup> OJ No L 145, 27. 6. 1968, p. 12.



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

Done at Brussels, 20 November 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

ANNEX

**fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector**

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 <sup>(2)</sup>
1703 10 00 <sup>(1)</sup>	7,42	0,00	—
1703 90 00 <sup>(1)</sup>	11,06	—	0,00

<sup>(1)</sup> For the standard quality as defined in Article 1 of amended Regulation (EEC) No 785/68.

<sup>(2)</sup> This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

## COMMISSION REGULATION (EC) No 2214/96

of 20 November 1996

## concerning harmonized indices of consumer prices: transmission and dissemination of sub-indices of the HICP

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2494/95 of 23 October 1995 concerning harmonized indices of consumer prices<sup>(1)</sup>,

Whereas, by virtue of Article 5 (1) (b) of Regulation (EC) No 2494/95, each member State is required to produce a harmonized index of consumer prices (HICP) starting with the index for January 1997;

Whereas Article 9 of Regulation (EC) No 2494/95 requires Member States to process the data collected in order to produce the HICP covering the categories of Coicop (classification of individual consumption by purpose); whereas these categories need to be adapted;

Whereas Article 11 of Regulation (EC) No 2494/95 requires that the HICP and corresponding sub-indices shall be published by the Commission (Eurostat); whereas these sub-indices need to be specified;

Whereas implementing measures are necessary for ensuring comparability of HICPs in accordance with Article 5 (3) of Regulation (EC) No 2494/95;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Statistical Programme Committee (SPC), established by Council Decision 89/382/EEC, Euratom<sup>(2)</sup>;

Whereas the European Monetary Institute has been consulted in accordance with Article 5 (3) of Regulation (EC) No 2494/95 and has given a positive opinion,

HAS ADOPTED THIS REGULATION:

*Article 1***Aim**

The aim of this Regulation is to establish the sub-indices of the harmonized index of consumer prices (HICP) which each month shall be produced by the Member States, and transmitted to and disseminated by the Commission (Eurostat).

<sup>(1)</sup> OJ No L 257, 27. 10. 1995, p. 1.

<sup>(2)</sup> OJ No L 181, 28. 6. 1989, p. 47.

*Article 2***Definitions**

For the purpose of this Regulation, a 'sub-index of the HICP' is defined as a price index for any of the categories of expenditure listed in Annex I and illustrated in Annex II to this Regulation. These are based on the Coicop/HICP classification (classification of individual consumption by purpose adapted to the needs of HICPs)<sup>(3)</sup>. 'Dissemination' refers to the release of data in any format.

*Article 3***Production and transmission of sub-indices**

Member States shall produce and transmit to the Commission (Eurostat) each month all sub-indices (Annex I) which have a weight accounting for more than one part in a thousand of the total expenditure covered by the HICP<sup>(4)</sup>. Together with the index for January 1997 Member States shall also transmit to the Commission (Eurostat) corresponding weighting information, and thereafter whenever the weighting structure is changed.

*Article 4***Dissemination of sub-indices**

The Commission (Eurostat) shall disseminate sub-indices of the HICPs for the categories listed in Annex I to this Regulation taking 1996 = 100.

*Article 5***Quality control**

Member States shall provide the Commission (Eurostat), at its request, with information on the allocation of goods and services to the categories of expenditure of Annex I and II sufficient to evaluate compliance with this Regulation.

*Article 6***Entry into force**

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

<sup>(3)</sup> Annex I to Commission Regulation (EC) No 1749/96 of 9 September 1996 on initial implementing measures for Council Regulation (EC) No 2494/95 concerning harmonized indices of consumer prices (OJ No L 229, 10. 9. 1996, p. 3).

<sup>(4)</sup> In accordance with Article 3 of Regulation (EC) No 1749/96.

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

Done at Brussels, 20 November 1996.

*For the Commission*  
Yves-Thibault DE SILGUY  
*Member of the Commission*

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## ANNEX I

## HICP SUB-INDICES

01.	FOOD AND NON-ALCOHOLIC BEVERAGES
01.1	<b>Food</b>
01.1.1	Bread and cereals
01.1.2	Meat
01.1.3	Fish
01.1.4	Milk, cheese and eggs
01.1.5	Oils and fats
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05.1.3	Repair of furniture, furnishings and floor coverings
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05.3	<b>Heating and cooking appliances, refrigerators, washing machines and similar major household appliances, including fittings and repairs</b>
05.3.1/2	Major household appliances whether electric or not and small electric household appliances
05.3.3	Repair of household appliances
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07.2	<b>Operation of personal transport equipment</b>
07.2.1	Squares parts and accessories
07.2.2	Fuels and lubricants
07.2.3	Maintenance and repairs
07.2.4A	Other services in respect of personal transport equipment
07.3	<b>Transport services</b>
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07.3.2A	Passenger transport by road
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07.3.4A	Passenger transport by sea and inland waterway
07.3.5A	Other purchased transport services
07.3.6A	Combined tickets
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08.1.1	Postal services
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09.1	<b>Equipment and accessories, including repairs</b>
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09.1.2	Photographic and cinematographic equipment and optical instruments
09.1.3	Data processing equipment
09.1.4	Other major durables for recreation and culture
09.1.5	Games, toys and hobbies, equipment for sport, camping and open-air recreation

09.1.6	Recording media for pictures and sound
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09.1.8	Pets
09.1.9	Repair of equipment and accessories for recreation and culture
09.2A	<b>Recreational and cultural services</b>
09.3	<b>Newspaper, books and stationery</b>
09.4	<b>Package holidays</b>
10.A	<b>EDUCATION — Commonly paid by consumers in Member States</b>
11.	<b>HOTELS, CAFES AND RESTAURANTS</b>
11.1	Catering
11.1.1	Restaurants and cafés
11.1.2	Canteens
11.2	<b>Accommodation services</b>
12.	<b>MISCELLANEOUS GOODS AND SERVICES</b>
12.1	<b>Personal care</b>
12.1.1	Hairdressing salons and personal grooming establishments
12.1.2	Appliances, articles and products for personal care
12.2	<b>Personal effects n.e.c.</b>
12.4A	<b>Insurance</b>
12.4.2A	Insurance connected with the dwelling — Contents insurance
12.4.4A	Insurance connected with transport — Car insurance
12.5A	<b>Banking services n.e.c.</b>
12.6A	<b>Other services n.e.c.</b>

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## ANNEX II

ILLUSTRATION OF HICP SUB-INDICES: BREAKDOWN BY DIVISION (two-digit level), GROUP (three-digit level) AND CLASS<sup>(1)</sup> (four-digit level)<sup>(2)</sup>

## 01. FOOD AND NON-ALCOHOLIC BEVERAGES

## 01.1 Food

The products classified here are those generally purchased for consumption at home. The heading thus excludes products normally sold for immediate consumption, such as sandwiches, hot dogs, ice creams, etc. (11.1.1). Also excluded are cooked dishes to take away and the products of prepared-food suppliers and catering contractors even if they are delivered to the customer's home (11.1.1). Products sold specifically as pet foods are covered by (09.1.8).

## 01.1.1 Bread and cereals (ND)

- Rice in all forms including rice prepared with meat, fish, seafood or vegetables
- Maize, wheat, barley, oats, rye and other cereals in the form of grains, flour or meal
- Bread and other bakery products such as crispbread, rusks, toasted bread, biscuits, gingerbread, wafers, waffles, crumpets and muffins
- Pastry-cook products such as cakes, tarts, pies, quiches and pizzas
- Pasta products in all forms including pasta products containing meat, fish, seafood, cheese or vegetables
- Other products such as malt, malt flour, malt extract, potato starch, tapioca, sago, other starches, cereal preparations (cornflakes, oat flakes, etc.) and homogenized babyfoods, dietary products and culinary ingredients based on flour, starch or malt extract

*Includes:* Couscous and similar farinaceous products prepared with meat, fish, seafood or vegetables; mixes and doughs for the preparation of bakery products or pastry-cook products.

*Excludes:* Meat pies (01.1.2); fish pies (01.1.3); sweetcorn (01.1.7); homogenized babyfoods, dietary products and culinary ingredients containing at least 50 % cocoa (01.1.8).

## 01.1.2 Meat (ND)

- Fresh, chilled or frozen meat of:
  - bovine animals, sheep, goat and swine,
  - poultry and edible poultry offal,
  - hare, rabbit and game (deer, boar, pheasant, grouse, etc.),
  - horse, mule, donkey, camel and the like,
- fresh, chilled or frozen edible meat offal,
- dried, salted or smoked meat and edible meat offal (sausages, salami, bacon, ham, pâté, etc.),
- other preserved or processed meat and meat preparations (canned meat, meat extracts, meat juices, meat pies, etc.).

*Includes:* Meat and edible offal of marine mammals (seals, walruses, whales, etc.).

*Excludes:* Farinaceous products containing meat (01.1.1); frogs, land and sea snails (01.1.3); soups containing meat (01.1.9); lard and other edible animal fats (01.1.5).

<sup>(1)</sup> Most classes comprise either goods or services. Classes containing goods are denoted by either (ND, (SD) or (D) indicating either 'non-durable', 'semi-durable' or 'durable' respectively. (S) denotes classes consisting of 'services'. Some classes contain both goods and services because it is difficult to break them down into goods and services. Such classes are usually assigned an (S) as the service component is considered to be predominant. (E) indicates 'energy' and (SEA) 'seasonal products'.

<sup>(2)</sup> Based on the final draft on the Coicop classification as adopted at a joint UN-ECE/OECD/Eurostat meeting on national accounts held in Geneva 30 April to 3 May 1996.

- 01.1.3 Fish (ND) (SEA)
- Fresh, chilled or frozen fish
  - Fresh, chilled or frozen seafood (crustaceans including land crabs, molluscs and other shellfish, land and sea snails, frogs)
  - Dried, smoked or salted fish and seafood
  - Other preserved or processed fish and seafood and fish and seafood preparations (canned fish and seafood, caviar and other hard roes, fish pies, etc.)
- Excludes:* Farinaceous products containing fish (01.1.1); fish soups (01.1.9).
- 01.1.4 Milk, cheese and eggs (ND)
- Fresh, pasteurized or sterilized whole milk and low fat milk
  - Preserved (condensed, evaporated or powdered) milk
  - Yoghurt, cream, milk-based desserts, milk-based beverages and other similar milk-based products
  - Cheese and curd
  - Poultry eggs, egg powder and other egg products made wholly with eggs
- Includes:* Milk, cream and yoghurt containing sugar, cocoa, fruit or flavourings.
- 01.1.5 Oils and fats (ND)
- Butter
  - Margarine and other vegetable fats including peanut butter
  - Edible oils (olive oil, corn oil, sunflower-seed oil, cotton-seed oil, soybean oil, groundnut oil, etc.)
  - Edible animal fats (lard, etc.)
- Excludes:* Cod or halibut liver oil (06.A).
- 01.1.6 Fruit (ND) (SEA)
- Fresh or chilled fruit
  - Dried fruit, fruit peel, fruit kernels, nuts and edible seeds
  - Frozen and other preserved fruit and fruit-based products including homogenized babyfood, dietary preparations and culinary ingredients based exclusively on fruit
- Excludes:* Vegetables grown for their fruit such as tomatoes, cucumbers and aubergines (01.1.7); jams, marmalades, compotes, jellies, fruit purees and pastes (01.1.8); parts of plants preserved in sugar (01.1.8); fruit juices (01.2.2); fruit concentrates and syrups for culinary use (01.1.9) or for the preparation of beverages (01.2.2).
- 01.1.7 Vegetables including potatoes and other tubers (ND) (SEA)
- Fresh or chilled vegetables
  - Frozen vegetables
  - Dried vegetables
  - Other preserved or processed vegetables and vegetable-based products including homogenized babyfood, dietary preparations and culinary ingredients based exclusively on vegetables
  - Fresh or chilled potatoes and other tubers (manioc, arrowroot, cassava, sweet potatoes and other starchy roots)
  - Products of tuber vegetables (flours, meals, flakes, purees, chips and crisps) including frozen preparations such as chipped potatoes
- Includes:* Sweetcorn, sea fennel and other edible seaweed, culinary herbs (parsley, rosemary, thyme, etc.); mushrooms and other edible fungi
- Excludes:* Potato starch, tapioca, sago and other starches (01.1.1); soups, broths and stocks (01.1.9); garlic, ginger, pimento and other spices and condiments (01.1.9); vegetable juices (01.2.2).



- 01.1.8 Sugar, jam, honey, syrups, chocolate and confectionery (ND)
- Cane or beet sugar, unrefined or refined, powdered, crystallized or in lumps
  - Jams, marmalades, compotes, jellies, fruit purees and pastes, natural and artificial, honey, syrups and molasses, including parts of plants preserved in sugar
  - Chocolate in bars or slabs, chewing gum, sweets, toffees, pastilles and other confectionery products
  - Dessert preparations, homogenized babyfoods, dietary products and culinary ingredients containing at least 90 % cocoa
  - Edible ices and ice cream
- Includes:* Artificial sugar substitutes
- Excludes:* Cocoa and powdered chocolate (01.2.1); syrups for the preparation of beverages (01.2.2).
- 01.1.9 Food products n.e.c. (ND)
- Salt, spices, sauces, condiments, seasonings (mustard, mayonnaise, ketchup, soy sauce, etc.), vinegar, prepared baking powders, baker's yeast, dessert preparations, soups, broths, stocks, fruit concentrates and syrups for culinary use, etc.
- Includes:* garlic, ginger, pimento; homogenized babyfood, dietary preparations and culinary ingredients except for those based on flour starch or malt extract (01.1.1) or based exclusively on fruits (01.1.6) or vegetables (01.1.7) or containing at least 50 % cocoa (01.1.8).
- Excludes:* culinary herbs (01.1.7); dessert preparations containing at least 50 per cent cocoa (01.1.8).
- 01.2 **Non-alcoholic beverages**
- Non-alcoholic beverages served for immediate consumption, including those from automatic vending machines, are covered by (11.1.1) and (11.1.2).
- 01.2.1 Coffee, tea and cocoa (ND)
- Coffee, whether or not decaffeinated, roasted or ground, including instant coffee, coffee extracts and essences and coffee substitutes
  - Tea, maté and other plant products for infusions
  - Cocoa, whether or not sweetened, and powdered chocolate
- Includes:* Preparations for beverages containing cocoa, milk, malt, etc.; coffee and tea substitutes; extracts and essences of coffee and tea.
- 01.2.2 Mineral waters, soft drinks and juices (ND)
- Mineral waters
  - Soft drinks such as sodas, lemonades and colas
  - fruit and vegetables juices
  - Syrups and concentrates for the preparation of beverages
- Excludes:* Non-alcoholic spirits, liqueurs, etc (02.1.1); non-alcoholic wine, cider, etc. (02.1.2) and non-alcoholic beer (02.1.3).
02. **ALCOHOLIC BEVERAGES AND TOBACCO**
- 02.1 **Alcoholic beverages**
- Alcoholic beverages served for immediate consumption, including those from automatic vending machines, are covered by (11.1.1) and (11.1.2).
- 02.1.1 Spirits (ND)
- Spirits and liqueurs.
- Includes:* Mead; aperitifs other than wine-based aperitifs; non-alcoholic spirits, liqueurs, etc.

- 02.1.2 Wine (ND)
- Wine from grape or other fruit including cider and perry
  - Wine-based aperitifs, fortified wine, champagne and other sparkling wines, sake and the like
- Includes:* Non-alcoholic wine, cider, etc.
- 02.1.3 Beer (ND)
- All kinds of beer such as ale, lager and porter
- Includes:* Low-alcohol beer and non-alcoholic beer.
- 02.2 Tobacco (ND)
- Cigarettes and cigarette papers
  - Cigars, pipe tobacco, chewing tobacco or snuff
- Includes :* Purchases of tobacco in cafés, bars, restaurants, service stations, etc.
- Excludes:* Other smokers' articles (12.2).
03. CLOTHING AND FOOTWEAR
- 03.1 Clothing
- 03.1.1 Clothing materials (SD)
- Fabrics of natural fibres, of man-made fibres and of mixtures of natural and man-made fibres
- Excludes:* Furnishing fabrics (05.2).
- 03.1.2 Garments (SD)
- Garments for men, women, children (3 to 13 years) and infants (0 to 2 years), either ready-to-wear or made-to-measure, in all materials (including leather, furs, plastics and rubber), for everyday wear, for sport or for work:
    - capes, overcoats, raincoats, anoraks, parkas, blousons, etc.
    - jackets, trousers, waistcoats, dresses, skirts, costumes, tailored suits, etc.
    - shirts, blouses, pullovers, sweaters, cardigans, etc.
    - T-shirts, vests, underpants, socks, stockings, tights, brassières, knickers, girdles, corsets
    - pyjamas, night-shirts, housecoats, dressing gowns and swimsuits
    - babyclothes including babies' napkins made of fabric and babies' booties made of fabric
- Excludes:* Articles of medical hosiery such as elasticated stockings (06.A); babies' napkins made of paper and cotton wool (12.1.2).
- 03.1.3 Other articles of clothing and clothing accessories (SD)
- Ties, handkerchiefs, scarves, squares, gloves, mittens, muffs, belts, braces, aprons smocks, bibs, sleeve protectors, hats, caps, berets, bonnets, crash helmets
  - Sewing threads, knitting wools and accessories for making clothing such as buckles, buttons, press-studs, zip-fasteners, ribbons, laces, trimming, etc
- Excludes:* Gloves and other articles made of rubber (05.6.1); pins, sewing and knitting needles (05.6.1); protective headgear for sports (such as those used in ice hockey, American football, baseball, cricket, cycling, boxing, etc.) (09.1.5); other protective gear for sports such as life jackets, boxing gloves, shin-guards, pads and padding, goggles, belts, etc. (09.1.5); paper handkerchiefs (12.1.2); watches, jewellery, cufflinks, tie-pins (12.2); walking sticks and canes, umbrellas, fans, key rings (12.2).
- 03.1.4 Dry-cleaning, repair and hire of clothing (S)
- Dry-cleaning, laundering and dyeing
  - Darning, mending, repair and altering of garments
  - Hire of garments
- Excludes:* Hire of household linen (5.6.2).

**03.2 Footwear, including repairs (SD)**

- All footwear for men, women, children (3 to 13 years) and infants (0 to 2 years) including sports footwear suitable for everyday or leisure wear (shoes for jogging, cross-training, tennis, basket ball, boating, etc.)
- Parts of footwear (heels, soles, etc.)
- Repair of footwear, including shoe-cleaning services
- Hire of footwear, *except* hire of game-specific footwear (bowling shoes, football boots, running spikes, ski boots, footwear fitted with ice skates or rollers, etc.) (09.2).

*Includes:* Gaiters, leggings and similar articles; accessories for footwear such as shoe trees and stretchers.

*Excludes:* Babies' booties made of fabric (03.1.2); orthopaedic footwear (06.A); game-specific footwear (bowling shoes, football boots, running spikes, ski boots, footwear fitted with ice skates or rollers, etc.) (09.1.5); shin-guards, cricket pads and other protective apparel for sport (09.1.5).

**04. HOUSING, WATER, ELECTRICITY, GAS AND OTHER FUELS****04.1 Actual rentals for housing (S)**

Rentals normally include payment for the use of the land on which the property stands, space occupied and fixtures and fittings for heating, plumbing, lighting, etc.

Rentals also include payment for the use of a garage to provide parking in connection with the dwelling. The garage does not have to be physically contiguous to the dwelling; nor does it have to be leased from the same landlord.

Rentals do not include charges for electricity, gas, heating, water, hot water supply and waste collection.

Covers:

- Rentals actually paid by tenants or subtenants occupying unfurnished or furnished premises as their main residence.
- Rentals actually paid for secondary residences.

*Includes:* Payment for the use of the furniture in the case of dwellings let furnished; rentals of households occupying accommodation for the duration of the holiday period (*NB:* if available for purchase in the economic territory included for the same reasons as package holidays); payments by households occupying a room in a hotel or boarding house as their main residence.

*Excludes:* Rentals for garages or parking spaces not providing parking in connection with the dwelling (07.2.4A); rentals paid by persons accommodated in hostels and similar establishments (11.2); rentals for accommodation in holiday villages and holiday centres (11.2).

**04.3 Regular maintenance and repair of the dwelling**

Regular maintenance and repair of dwellings are distinguished by two features: first, they are activities that the owner or tenant is obliged to undertake regularly in order to maintain the dwelling in good working order; second, they do not change the dwellings performance, capacity or expected service life.

All expenditures which tenants incur on materials and services for the regular repair and maintenance of dwellings are part of individual consumption expenditure of households.

Expenditures by owner-occupiers on materials for the regular repair and maintenance of dwellings to be undertaken by the owner-occupiers themselves are part of individual consumption expenditure by households. Expenditures by owner-occupiers on services for the regular repair and maintenance of dwellings equivalent to similar expenditures incurred by tenants are also part of individual consumption expenditure. Other expenditures by owner-occupiers on services for the regular repair and maintenance of dwellings constitute intermediate consumption.

Purchases of materials made by tenants or owner-occupiers with the intention of undertaking the maintenance or repairs themselves should be shown under 04.3.1. If, however, tenants or owner-occupiers pay an establishment to carry out the maintenance or repairs then the total value of the service, including the costs of the materials used, should be shown under 04.3.2.

- 04.3.1 Products for the regular maintenance and repair of the dwelling (ND)  
 — Products such as paints and varnishes, renderings, wallpapers, fabric wall coverings, window panes, plaster, cement, putty, wallpaper pastes. Small plumbing items (pipes, tapes, joints, etc.) and surfacing materials (floor boards, ceramic tiles, etc.) are included.  
*Excludes:* Fitted carpets and linoleum (05.1.2); hand tools, door fittings, power sockets, wiring flex and lamp bulbs (05.5); brooms, scrubbing and dusting brushes and cleaning products (05.6.1); products used for major repairs, extensions and conversions of dwellings (capital formation).
- 04.3.2 Services for the regular maintenance and repair of the dwelling (S)  
 — Services of plumbers, electricians, carpenters, glaziers, painters, decorators, floor polishers, etc. engaged for the regular maintenance and repair of the dwelling. Covers the total value of the service, that is both the cost of labour and the cost of materials are included.  
*Excludes:* Services engaged for major repairs, extensions and conversions of dwellings (capital formation).
- 04.4A **Other services relating to the dwelling (S) <sup>(1)</sup>**  
 — Refuse collection — consumers pay according to consumption (04.4.1A)  
 — Sewerage services — consumers pay according to consumption (04.4.2A)  
 — Water supply — consumers pay according to consumption (04.4.3A)  
 — Other services relating to the dwelling n.e.c. (04.4.4):  
   — caretaking, gardening, stairwell cleaning and lighting, maintenance of lifts and refuse disposal chutes in multi-occupied buildings,  
   — snow removal and chimney sweeping,  
   — street cleaning  
*Includes:* Associated expenditure such as hire of meters, reading of meters, standing charges, etc.  
*Excludes:* Supply of hot water or steam (04.5.5); disinfecting and pest extermination (05.6.2).
- 04.5 **Electricity, gas and other fuels**
- 04.5.1 Electricity (ND) (E)  
*Includes:* Associated expenditure such as hire of meters, reading of meters, standing charges, etc.
- 04.5.2 Gas (ND) (E)  
 — Town gas and natural gas  
 — Liquefied hydrocarbons (butane, propane, etc.)  
*Includes:* Associated expenditure such as hire of meters, reading of meters, storage containers, standing charges, etc.
- 04.5.3 Liquid fuels (ND) (E)  
 — Domestic heating oil and lamp oil
- 04.5.4 Solid fuels (ND) (E)  
 — Coal, coke, briquettes, firewood, charcoal, peat and the like
- 04.5.5 Hot water, steam and ice (ND) (E)  
 — Purchased hot water and steam  
 — Ice used for cooling and refrigeration purposes
05. **FURNISHINGS, HOUSEHOLD EQUIPMENT AND ROUTINE MAINTENANCE OF THE HOUSE**
- 05.1 **Furniture, furnishings and decorations, carpets and other floor coverings and repairs**
- 05.1.1 Furniture and furnishings (D)  
 — Beds, sofas, couches, tables, chairs, cupboards, chests of drawers and bookshelves  
 — Lighting equipment such as ceiling lights, standard lamps, globe lights and bedside lamps

<sup>(1)</sup> 'Consumers pay according to consumption': (i) when they pay metered (measured) charges, (ii) when they pay a flat rate which can be regarded as an estimation of their consumption of the service, or (iii) when they pay a connection fee which allows a certain amount of consumption of the service; consumers do not pay according to consumption when the service is financed out of taxation.

- Pictures, sculptures, engravings and other art objects including reproductions of works of art and other ornaments
- Screens, folding partitions and other furniture and fixtures

*Includes:* Installation when applicable; base-mattresses, tatamis; bathroom cabinets; baby furniture such as cradles, high-chairs and play-pens; blinds with the exception of fabric blinds (05.2); camping and garden furniture with the exception of sunshades (05.2); mirrors, candle-holders and candlesticks.

*Excludes:* Safes (05.3.1/2); clocks (12.2); wall thermometers and barometers, baby carriages and push-chairs (12.2).

#### 05.1.2 Carpets and other floor coverings (D)

- Loose carpets, fitted carpets, linoleum and other such floor coverings

*Includes:* Laying of floor coverings.

*Excludes:* Floor boards and ceramic floor tiles (04.3.1); bathroom mats, rush mats and door mats (05.2).

#### 05.1.3 Repair of furniture, furnishings and floor coverings (S)

*Includes:* Restoration of antique furniture and works of art; cleaning of furniture, furnishings and floor coverings.

*Excludes:* Installation 05.1.1 or 05.1.2.

#### 05.2 Household textiles (SD)

- Furnishing fabrics, curtains, double curtains, awnings, door curtains and fabric blinds
- Bedding such as mattresses, futons, pillows, bolsters and hammocks
- Bedlinen such as sheets, pillowcases, blankets, travelling rugs, plaids, eiderdowns, counterpanes and mosquito nets
- Table and bathroom linen such as tablecloths and napkins, bathrobes, towels and face-cloths
- Other household textiles such as shopping bags, laundry bags, covers for clothes and furniture, flags, sunshades, etc.
- Repair of household textiles

*Includes:* Cloth bought by the piece; oilcloth; bathroom mats, rush mats and door mats.

*Excludes:* Fabric wall coverings (04.3.1); floor coverings such as carpets and fitted carpets (05.1.2); hire of household linen (05.6.2); covers for motor cars, motor cycles, etc. (07.2.1); air mattresses and sleeping bags (09.1.5).

#### 05.3 Heating and cooking appliances, refrigerators, washing machines and similar major household appliances, including fittings and repairs

##### 05.3.1/2 Major household appliances whether electric or not (D) and small electric household appliances (SD)

- Refrigerators, freezers and fridge-freezers
- Clothes washing machines, clothes drying machines, dish washing machines and ironing and pressing machines
- Cookers, spit roasters, hobs, ranges, ovens and micro-wave ovens
- Air conditioners, humidifiers, space heaters, water heaters, ventilators and extractor hoods
- Vacuum cleaners, steam-cleaning machines, carpet shampooing machines and machines for scrubbing, waxing and polishing floors
- Other major household appliances such as safes, sewing and knitting machines, water softeners and drying cabinets
- Coffee mills, coffee-makers, juice extractors, can openers, food mixers, deep fryers, meat grills, knives, toasters, ice cream and sorbet makers, yoghurt makers, hotplates, irons, kettles, fans, household scales

*Includes:* Installation of the appliances.

*Excludes:* Such appliances that are built into the structure of the building (capital formation); small non-electric household appliances and utensils (05.4); personal weighing machines and baby scales (12.1.2).

05.3.3 Repair of household appliances (S)

*Excludes:* Installation of major household appliances

05.4 **Glassware, tableware and household utensils (SD)**

- Glass and crystal-ware for household, office and decoration
- Tableware and household or toilet articles of porcelain, ceramic, stoneware, china, terra-cotta
- Cutlery, flatware and silverware
- Non-electric kitchen utensils of all materials such as saucepans, stewpots, frying pans, grills, coffee mills, purée-makers, mincers, hotplates, household scales and other such mechanical devices
- Other household articles of all materials such as containers for bread, coffee, spices, etc., waste bins, waste-paper baskets, laundry baskets, portable money-boxes and strong-boxes, towel rails, bottle racks, irons and ironing boards, letter boxes, feeding bottles, thermos flasks and ice boxes
- Repair of these articles

*Excludes:* Lighting equipment (05.1.1); electric household appliances (05.3.1/2); cardboard tableware (05.6.1); personal weighing machines and baby scales (12.1.2).

05.5. **Tools and equipment for house and garden (D, SD)**

- Motorized tools and equipment such as electric drills, saws, sanders and hedge cutters, garden tractors, motor-driven lawn mowers, cultivators, chain saws and water pumps
- Hand tools such as hammers, screwdrivers, spanners and pliers
- Garden tools such as hand lawn mowers, wheel barrows, spades, shovels, rakes, forks, scythes, sickles and secateurs
- Ladders and steps
- Door fittings (hinges, handles and locks), fittings for radiators and fireplaces and other metal articles for the house (curtain rails, carpet rods, hooks, etc.) or for the garden (chains, grids, stakes and hoop segments for fencing and bordering)
- Small electrical accessories such as power sockets, switches, wiring flex, electric bulbs, fluorescent lighting tubes, torches, hand-lamps, electric batteries for general use, bells and alarms
- Repair of these articles

05.6 **Goods and services for routine household maintenance**

05.6.1 Non-durable household goods (ND)

- Cleaning and maintenance products such as soaps, washing powders, scouring powders, detergents, disinfectant bleaches, conditioners, window-cleaning products, waxes, polishes, dyes, unblocking agents, disinfectants, insecticides, fungicides and distilled water
- Paper products such as filters, tablecloths and napkins, kitchen paper, vacuum cleaner bags and cardboard tableware, including aluminium foil and plastic bin liners
- Articles for cleaning such as brooms, scrubbing brushes, dust pans and dust brushes, dusters, tea towels, floorcloths, sponges, scourers, steel wool and chamois leathers
- Other non-durable household articles such as matches, candles, lamp wicks, methylated spirits, clothes pegs, hangers, sewing and knitting needles, thimbles, safety pins, nails, screws, nuts and bolts, drawing pins, tacks, washers, glues and adhesive tapes for household use, string, twine and rubber gloves

*Excludes:* Products for the upkeep of ornamental gardens (09.1.7); paper handkerchiefs, toilet paper, toilet soaps and other products for personal hygiene (12.1.2).

05.6.2 Domestic services and home care services (S)

- The employment of paid staff in private service such as butlers, cooks, maids, cleaners, drivers, gardeners, governesses, secretaries, tutors and au pairs
- Domestic services, including baby-sitting, supplied by agencies or self-employed persons
- Hire of furniture, furnishings, household equipment and household linen
- Other home care services such as window cleanings, disinfecting, fumigation and pest extermination

*Excludes:* Dry-cleaning, laundering and dyeing (03.1.4); payments by tenants of furnished accommodation for the use of furniture (04.1); refuse collection and sewerage services (04.4.1/2A); care-taking, gardening, stairwell cleaning and lighting maintenance of lifts and refuse disposal chutes in multi-occupied buildings (04.4.4); snow removal and chimney sweeping (04.4.4); street cleaning (04.4.4); repair and installation of furniture and floor coverings (05.1); repair and installation of household appliances (05.3); services of wet-nurses, crèches, nurseries, day care centres and other child-minding facilities (not in the index).

06.A **HEALTH: Medical and pharmaceutical products and therapeutic appliances and equipment — paid by the consumer and not reimbursed (ND, SD, D)**

Covers medical and pharmaceutical products and therapeutic appliances and equipment outside the social security system of the Member State; the products covered are not reimbursable within the year.

*May include for example:*

- Vitamins and minerals, painkillers, cough medicine, cod liver oil and halibut liver oil,
- clinical thermometers, adhesive and non-adhesive bandages, hypodermic syringes, first-aid kits, hot-water bottles and ice bags, medical hosiery items such as elastic stockings and knee-pads,
- condoms and other contraceptives,
- corrective eye-glasses and contact lenses, hearing aids, glass eyes, orthopaedic braces and supports, surgical belts, trusses and supports, neck braces, medical massage equipment and health lamps, powered and unpowered wheelchairs and invalid carriages,
- dentures but not fitting costs,
- orthopaedic footwear.

*Excludes:* Medical and pharmaceutical products and therapeutic appliances and equipment which are partly or wholly reimbursed or paid by the social security system of the Member State (not in the index); all services, for example hire of therapeutic equipment and other services (not in the index); sun-glasses not fitted with corrective lenses (12.2); protective goggles, belts and supports for sport (09.1.5); medicinal soaps (12.1.2); veterinary products (09.1.8).

07. TRANSPORT

07.1 **Purchase of vehicles**

Purchases of recreational vehicles such as camper vans, caravans, trailers, aeroplanes and boats are covered by (09.1.4).

The weight for new and second-hand motor cars reflects the net acquisition of the index population. Member States have the choice to take:

- (i) a net weight for new cars (gross weight minus the trade-in value of used cars) and a net weight for second-hand cars reflecting all purchases of the index population from or through intermediaries, which are typically garages or car dealers, less the value of traded-in used cars;
- (ii) a gross weight for new cars (not taking into account the trade-in of used cars), and a weight for second-hand cars reflecting the purchases of the index population from the business sector plus the trade-margin for second-hand cars changing ownership within the index population; the assumption is that traded-in used cars are sold to the index population which is thus a transaction within the index population.

07.1.1 **New and second-hand motor cars (D)**

- New motor cars, passenger vans, station wagons, estate car and the like with either two-wheel drive or four-wheel drive
- Second-hand motor cars, passenger vans, station wagons, estate car and the like with either two-wheel drive or four-wheel drive

*Excludes:* Invalid carriages (06A); camper vans (09.1.4); golf carts (09.1.4).

**07.1.2/3 Motor cycles and bicycles (D)**

- Motor cycles of all types, scooters and powered bicycles
- Bicycles and tricycles of all types, except toy bicycles and tricycles (09.1.5).

*Includes:* Side cars; snowmobiles.

*Excludes:* Invalid carriages (06.A); golf carts (09.1.4).

**07.2 Operation of personal transport equipment**

Purchases of materials made by households with the intention of undertaking the maintenance or repairs themselves should be shown under 07.2.1 or 07.2.2. If, however, households pay an establishment to carry out the maintenance or repairs then the total value of the service, including the costs of the materials used, should be shown under 07.2.3.

**07.2.1 Spare parts and accessories (SD)**

- Tyres (new, used or retreaded), inner tubes, spark plugs, batteries, shock absorbers, filters, pumps and other spare parts or accessories for personal transport equipment

*Includes:* Products specifically for the cleaning and maintenance of transport equipment such as paints, chrome cleaners, sealing compounds and bodywork polishes; covers for motor cars, motor cycles, etc.

*Excludes:* Non-specific products for cleaning and maintenance such as distilled water, sponges, chamois leathers, detergents, etc. (05.6.1); charges for the fitting of spare parts and accessories and for the painting, washing and polishing of bodywork (07.2.3); car radios (09.1.1) and radio-telephones (8.1.2/3).

**07.2.2 Fuels and lubricants (ND) (E)**

- Petrol and other fuels such as diesel, liquid petroleum gas, alcohol and two-stroke mixtures
- Lubricants, brake and transmission fluids, coolants and additives

*Includes:* fuel for recreational vehicles covered under 09.1.4.

*Excludes:* Charges for oil changes and greasing (07.2.3).

**07.2.3 Maintenance and repairs (S) (1)**

- Services purchased for the maintenance and repair of transport equipment such as fitting of parts and accessories, wheel balancing, technical inspection, breakdown services, oil changes, greasing and washing. Covers the total value of the service, that is both the cost of labour and the cost of materials used are included.

**07.2.4A Other services in respect of personal transport equipment (S)**

Following the conventions of ESA 1995 included are payments by households for licences, permits, etc. which are regarded as purchases of services from government (ESA 1995, paragraph 3.76.h). In that case the government issues licences as part of some regulatory function, such as checking the competence, or qualifications, of the persons concerned (ESA 1995, paragraph 4.80.d and its footnote).

- Hire of personal transport equipment without driver
- Hire of garages or parking spaces not providing parking in connection with the dwelling
- Driving lessons (cars or motor cycles), driving tests and driving licences
- Toll facilities (bridges, tunnels, shuttle-ferries, motorways) and parking meters
- Road worthiness test

*Excludes:* Hire of a car with driver (07.3.2); hire of a garage to provide parking in connection with the dwelling (4.1); licences to own or use vehicles (not in the index).

**07.3 Transport services**

Purchases of transport services are classified by mode of transport. When a ticket covers two or more modes of transport — for example, intra-urban bus and underground or inter-urban train and ferry — then such purchases should be classified in 07.3.6A.

(1) The weight for this position should be adjusted to include repairs paid out of claims direct from insurance companies (see also 12.4A).



## 07.3.1A Passenger transport by railway (S)

- Local and long-distance transport of individuals and groups of persons and luggage by train, tram and underground

*Includes:* Transport of private vehicles; accommodation services.

*Excludes:* Funicular transport (07.3.5A); costs of meals and refreshments unless included in the fare (11.1.1).

## 07.3.2A Passenger transport by road (S)

- Local and long distance transport of individuals and groups of persons and luggage by bus, coach, taxi and hired car with driver

*Excludes:* Ambulances (not in the index); costs of meals and refreshments unless included in the fare (11.1.1).

## 07.3.3A Passenger transport by air (S)

- Transport of individuals and groups of persons and luggage by aeroplane and helicopter

*Excludes:* Ambulances (not in the index); costs of meals and refreshments unless included in the fare (11.1.1).

## 07.3.4A Passenger transport by sea and inland waterway (S)

- Transport of individuals and groups of persons and luggage by ship, boat, ferry, hovercraft and hydrofoil

*Includes:* Transport of private vehicles; accommodation services.

*Excludes:* Ambulances (not in the index); costs of meals and refreshments unless included in the fare (11.1.1).

## 07.3.5A Other purchased transport services (S)

- Funicular, teleferic and cable-car transport
- Moving and storage of household goods
- Services of porters and left-luggage and luggage-forwarding offices
- Travel agents' commissions

*Excludes:* Ambulances (not in the index); teleferic, cable cars and ski lifts at ski resorts and holiday centres (09.2).

## 07.3.6A Combined tickets (S)

- Ticket covering two or more modes of transport and the expenditure cannot be apportioned between them

*Excludes:* Ambulances (not in the index); teleferic, cable cars and ski lifts at ski resorts and holiday centres (09.2).

## 08. COMMUNICATIONS

08.01 **Communications**

## 08.1.1 Postal services (S)

- Payments for the delivery of letters, postcards and parcels

*Includes:* All purchases of new postage stamps, pre-franked postcards and aerogrammes; private mail and parcel delivery.

*Excludes:* Purchase of used or cancelled postage stamps (09.1.5); financial services of post offices (12.5A).

- 08.1.2/3 Telephone and telefax equipment and telephone, telegraph and telefax services (S)
- Purchases of telephones, radio-telephones, telefax machines, telephone-answering machines and telephone loudspeakers
  - Installation and subscription costs of personal telephone equipment
  - Telephone calls from a private or public line
  - Telegraphy, telex and telefax services
  - Data transmission services
- Includes:* Repair of such equipment; radiotelephony, radiotelegraphy and radiotelex; telephone calls in hotels, cafés or restaurants; hire of telephones, telefax machines, telephone answering-machines and telephone loudspeakers, access to Internet.
- Excludes:* Telefax and telephone answering facilities provided by personal computers (09.1.3).
09. RECREATION AND CULTURE
- 09.1 **Equipment and accessories, including repairs**
- 09.1.1 Equipment for the reception, recording and reproduction of sound and pictures (D)
- Radio sets, car radios, radio clocks, two-way radios and amateur radio receivers and transmitters
  - Television sets, video-cassette players and recorders, television aerials of all types
  - Gramophones, tape players and recorders, cassette players and recorders, CD-players, personal stereos, stereo systems and their constituent units (turntables, tuners, amplifiers, speakers, etc.), microphones and earphones
- Excludes:* Video cameras, cam-corders and sound-recording cameras (09.1.2); repair of such equipment (09.1.9); hire of such equipment, licence fees and taxes on audio-visual equipment, subscriptions to private television networks (09.2).
- 09.1.2 Photographic and cinematographic equipment and optical instruments (D)
- Still cameras, movie cameras and sound-recording cameras, video cameras and cam-corders, film and slide projectors, enlargers and film processing equipment, and accessories such as screens, viewers, lenses, flash attachments, filters, and exposure meters
  - Binoculars, microscopes, telescopes and compasses.
- 09.1.3 Data processing equipment (D)
- Personal computers and visual display units, printers, software and miscellaneous accessories accompanying them
  - Calculators, including pocket calculators
  - Typewriters and word processors
- Includes:* Telefax and telephone answering facilities provided by personal computers.
- Excludes:* Video game software, video game cassettes and game computers to be plugged into a television set (09.1.5); typewriter ribbons (09.3); slide rules (09.3).
- 09.1.4 Other major durables for recreation and culture (D)
- Camper vans, caravans and trailers
  - Aeroplanes, microlight aircraft and hang-gliders
  - Pleasure boats, outboard motors, sails rigging and superstructures
  - Major items for games and sport such as canoes, kayaks, wind-surfing boards, body-building apparatus, sea-diving equipment, billiard tables, ping-pong tables, pin-ball machines, gaming machines and golf carts
  - Swimming pools which are not permanent fixtures
  - Musical instruments, including electronic musical instruments, such as pianos, organs, violins, guitars, trumpets, clarinets and flutes
  - Horses and ponies

*Excludes:* Small musical instruments such as recorders, harmonicas etc. (09.1.5); inflatable boats and swimming pools (09.1.5).

09.1.5 Games, toys and hobbies, equipment for sport, camping and open-air recreation (SD)

- Card games, parlour games, chess sets and the like
- Toys of all kinds including dolls, soft toys, toy cars and trains, toy bicycles and tricycles, toy construction sets, puzzles, plasticine, electronic games, masks, disguises, jokes, novelties, fire-works, festoons and Christmas-tree decorations
- Stamp-collecting requisites such as used or cancelled postage stamps and stamp albums and other items for collections (mineralogy, zoology, botany, etc.)
- Gymnastics, physical education and sport equipment such as balls, rackets, bats, skis, ice skates, roller skates, poles, weights, discuses, javelins, dumb-bells and chest expanders
- Firearms and ammunition for hunting and sport, fishing rods and other equipment for fishing
- Equipment for beach and open-air games such as bowls, croquet, frisbee, including inflatable swimming pools, boats and rafts
- Camping equipment such as tents and accessories, sleeping bags and back-packs, air mattresses and inflating pumps, camping stoves and barbecues

*Includes:* Music boxes and small musical instruments such as recorders, harmonicas, whistles, etc.; video game software, video game cassettes and game computers to be plugged into a television set; game-specific footwear such as bowling shoes, football boots, running spikes, ski boots and footwear fitted with ice skates or roller skates; protective headgear for sports (such as those used in ice hockey, American football, baseball, cricket, cycling, boxing, etc.); other protective gear for sports such as life jackets, boxing gloves, shin-guards, pads, padding, goggles, belts, supports, etc.

*Excludes:* Camping and garden furniture (05.1.1); collectors' items falling into the category of works of art or antiques (05.1.1); body-building apparatus (09.1.4); Christmas trees (09.1.7); children's scrapbooks (09.3); unused postage stamps (8.1.1).

09.1.6 Recording media for pictures and sound (SD)

- Records and compact discs
- Pre-recorded tapes, cassettes, video cassettes, diskettes and CD-ROMs for tape recorders, cassette recorders, video recorders and personal computers
- Unrecorded tapes, cassettes, video cassettes, diskettes and CD-ROM's for tape recorders, cassette recorders, video recorders and personal computers
- Unexposed films, cartridges and discs for photographic and cinematographic use

*Includes:* Photographic supplies such as paper and flash bulbs.

*Excludes:* Batteries (05.5); video game cassettes (09.1.5); processed photographs and transparencies (09.2).

09.1.7 Gardening (ND)

- Plants, shrubs, bulbs, tubers, seeds, fertilizers, composts, specially treated soils for ornamental gardens, natural or artificial flowers and foliage, pots and pot holders

*Includes:* Natural and artificial Christmas trees.

*Excludes:* Gardening tools (05.5).

09.1.8 Pets (ND)

- Pets, pet foods, veterinary and grooming products for pets, collars, leashes, kennels, birdcages, fish tanks, cat litters, etc.

*Excludes:* Horses and ponies (09.1.4); veterinary services (09.2).

09.1.9 Repair of equipment and accessories for recreation and culture (S)

- Repair of audio-visual equipment, personal computers, musical instruments, aeroplanes and boats for recreation, games, toys and equipment for sport, hunting, fishing and camping

**09.2A Recreational and cultural services (S)**

- Services provided by:
  - cinemas, theatres, opera houses, concert halls, music halls,
  - sports stadia, cycle tracks, horse-racing tracks, etc.,
  - museums, libraries, art galleries, exhibitions,
  - historic monuments, national parks, zoological and botanical gardens,
  - sound and light shows,
  - circuses, fairs and amusement parks,
  - roundabouts, see-saws and other playground facilities for children,
  - pin-ball machines and other games for adults other than games of chance,
  - ski slopes and ski lifts
- Hire of equipment and accessories for recreation and culture, in particular television sets, video cassettes, aeroplanes, boats, horses, skiing or camping equipment
- Entrance fees to swimming pools and hire of tennis courts, squash courts and bowling alleys
- Out-of-school individual or group lessons in bridge, dancing, music, skiing, swimming or other pastimes
- Services of musicians, clowns, performers for private entertainment
- Services of photographers such as developing, printing, enlarging, portrait photography, etc.
- Veterinary and other services for pets such as grooming and boarding
- Services of mountain guides, tour guides, etc.

*Includes:* Teleferics and cable cars at ski resorts or holiday centres; television and radio broadcasting, in particular licence fees for and subscriptions to television networks; pay TV; hire of game-specific footwear such as bowling shoes, football boots, running spikes, ski boots and footwear fitted with ice skates or rollers.

*Excludes:* Teleferics and cable cars not at ski resorts or holiday centres (07.3.5A); bars providing entertainment (11.1.1); computer courses, language courses, typing courses etc. (10.A); service charges for lotteries, bookmakers, totalizers, casinos and other gambling establishments, gaming machines, bingo halls, scratch cards, sweepstakes, etc. (not in the index).

**09.3 Newspapers, books and stationery (SD, ND)**

- Books, including atlases, dictionaries, encyclopaedias and text books
- Newspapers, magazines and other periodicals
- Catalogues and advertising material
- Posters, greeting cards and visiting cards, announcement and message cards, plain or picture postcards, calendars
- Road maps, world maps and globes
- Writing pads, envelopes, account books, notebooks, diaries, etc.
- Pens, pencils, fountain pens, ball-point pens, felt-tip pens, inks, ink erasers, rubbers, pencil sharpeners, etc.
- Stencils, carbon paper, typewriter ribbons, inking pads, correcting fluids, etc.
- Paper punches, paper cutters, paper scissors, office glues and adhesives, staplers and staples, paper clips, drawing pins, etc.
- Drawing and painting materials such as canvas, paper, card, paints, crayons, pastels and brushes

*Includes:* Scrapbooks and albums for children, educational materials such as school books, exercise books, slide rules, compasses, squares, protractors, slates, chalks and pencil boxes.

*Excludes:* Stamp albums (09.1.5), pre-franked postcards and aerogrammes (8.1.1), pocket calculators (09.1.3).

**09.4 Package holidays (S)**

- All inclusive holidays or tours which provide for travel, food, accommodation, guides, etc.

*Includes:* Half-day and one-day excursion tours.

*Excludes:* Travel insurance (not in the index); rentals of households occupying accommodation for the duration of the holiday period (04.1); rentals for accommodation in holiday villages and holiday centres (11.2).

10.A **EDUCATION — Commonly paid by consumers in Member States (S)**

Covers education services commonly paid for by consumers in Member States; as such identified by member States in the following:

- Level 9 of the International Standard Classification of Education (Isced): educational programmes, generally for adults, which do not require any special prior instruction, in particular vocational training and cultural development.

*Includes:* Computer courses, language courses, typing courses, etc.

*Excludes:* Education not 'commonly paid for by consumers in Member States', which are levels 0 and 1 of Isced, i.e. nursery school, primary school, literacy programmes for children of all ages, levels 2 and 3 of Isced, i.e. general, vocational or technical secondary education, and levels 5, 6 and 7 of Isced, i.e. education at the third level, university or otherwise (not in the index); recreational, sport or tourist activities not constituting organized and progressive training courses, for example music, sport or bridge lessons given by independent teachers (09.2A); educational material (09.3); canteens in schools, universities and other educational establishments (11.1.2); accommodation services of boarding schools, universities and other educational establishment (11.2).

11. **HOTELS, CAFES AND RESTAURANTS**

11.1 **Catering**

11.1.1. **Restaurants and cafés (S)**

- Catering services (meals, drinks and refreshments) provided by cafés, restaurants, buffets, bars, tea-rooms, etc., including those provided:
  - in places providing recreational, cultural and sporting services, theatres, cinemas, sports stadia, swimming pools, sports complexes, museums, art galleries, etc.,
  - on public transport (coaches, trains, boats, aeroplanes) except where the price of the meal is included in the fare (for example, a meal on an aeroplane),
  - in places serving drinks in conjunction with entertainment: cabaret theatres, night clubs, dancing establishments with bars, etc.
- Also included are:
  - the sale of products for immediate consumption such as sandwiches, hot dogs, ice creams, etc.,
  - the sale of meals and snacks by prepared-food suppliers and catering contractors whether or not delivered,
  - cooked dishes to take away,
  - products dispensed ready for consumption by automatic vending machines (sandwiches, snack bars, soft drinks, coffee, etc.)

*Includes:* Tips.

*Excludes:* Tobacco purchases (02.2).

11.1.2 **Canteens (S)**

Catering services of works canteens, office canteens and canteens in schools, universities and other educational establishments.

*Excludes:* Food and drink provided to hospital patients (not in the index).

11.2 **Accommodation services (S)<sup>(1)</sup>**

- Accommodation services in hotels, boarding houses, motels and inns
- Accommodation services of holiday villages and holiday centres, camping and caravan sites, youth hostels and mountain chalets
- Accommodation services of boarding schools, universities and other educational establishments

*Includes:* Tips, porters.

*Excludes:* Rentals of households occupying a room in a hotel or boarding house as their main residence (04.1); rentals of households occupying accommodation for the duration of the holiday period (04.1); catering services in such establishments except for breakfast included in the price of the accommodation (11.1.1); persons housed in orphanages, homes for the disabled or maladjusted, hotels for young workers or immigrants (not in the index).

<sup>(1)</sup> Covered are all purchases of accommodation services available for purchase in the economic territory of the Member States.

12. MISCELLANEOUS GOODS AND SERVICES
- 12.1 **Personal care**
- 12.1.1 Hairdressing salons and personal grooming establishments (S)
- Services of hairdressing salons, barbers, beauty shops, manicures, baths and saunas, solariums, non-medical massages, etc.
- 12.1.2 Appliances, articles and products for personal care (ND)
- Electrical appliances: electric razors and hair trimmers, hand held and hood hair dryers, curling tongs and styling combs, sun-lamps, vibrators, electric tooth brushes and other electrical appliances for dental hygiene, etc.
  - Non-electrical appliances: non-electrical razors and hair trimmers and blades therefore, scissors, nail files, combs, shaving brushes, hairbrushes, toothbrushes, nail brushes, hairpins, curlers, personal weighing machines, baby scales, etc.
  - Articles for personal hygiene: toilet soap, medicinal soap, cleansing oil and milk, shaving soap, shaving cream and foam, toothpaste, etc.
  - Beauty products, perfumes and deodorants: lipstick, nail varnish, make-up and make-up removal products (including powder compacts, brushes and powder puffs), hair lacquers and lotions, pre-shave and after-shave products, sun-bathing products, hair removers, perfumes and toilet waters, personal deodorants and bath products
  - Other products: toilet paper, paper handkerchiefs, paper towels, sanitary towels, cotton wool, cotton tips, disposable babies napkins
- Includes:* Repair of such appliances.
- Excludes:* Babies' napkins made of fabric (03.1.2); handkerchiefs made of fabric (03.1.3).
- 12.2 **Personal effects n.e.c. (D, SD)**
- Precious stones, jewellery, including costume jewellery, cuff-links and tie-pins
  - Clocks, watches, stop-clocks, alarm clocks
  - Repair of such articles
  - Articles for smokers: pipes, lighters, cigarette cases, etc.
  - Articles for babies: baby carriages, push-chairs, recliners, car beds and seats, back-carriers, front carriers, reins and harnesses, etc.
  - Travel goods and other carriers of personal effects: suitcases, trunks, travel bags, attaché cases, satchels, hand-bags, wallets, purses, etc.
  - Miscellaneous personal articles; sun-glasses, walking sticks and canes, umbrellas, fans, key rings, etc.
  - Funerary articles such as urns, coffins and gravestones
- Includes:* Travelling alarm clocks; wall thermometers and barometers.
- Excludes:* Ornaments (05.1.1 or 05.4); radio clocks (09.1.1); baby furniture (05.1.1); pencil boxes (09.3.4); shopping bags (05.2).
- 12.4A **Insurance (S)<sup>(1)</sup>**
- Service charges for insurance are classified by type of insurance. Service charges for multi-risk insurance covering several risks are not classified separately. For such insurance, if it is not possible to allocate the service charges to the various risks covered, the service charges should be classified on the basis of the cost of the principal risk.
- 12.4.2A Insurance connected with the dwelling: Contents (S)
- Service charges paid by owner occupiers and by tenants for the kinds of insurance typically taken out by tenants against fire, theft, water damage, etc.
- Excludes:* Service charges paid by owner occupiers for the kinds of insurance typically taken out by landlords (intermediate consumption).

<sup>(1)</sup> The weights and prices for this position should be net of claims. However, a price index of gross premiums may be used as a proxy or estimate for changes in net premiums. The weights for other positions need to be adjusted for the repairs paid out of claims direct from insurance companies, for example maintenance and repairs (07.2.3), and new and second-hand motor cars (07.1.1).

- 12.4.4A Insurance connected with transport: Cars (S)
- Service charges for insurance in respect of personal transport equipment
- Excludes:* Service charges for travel insurance and luggage insurance (not in the index).
- 12.5A **Banking services n.e.c. (S)**
- Actual charges for bank services
  - Charges for money orders and other financial services of post offices and savings banks
- Excludes:* Interest payments and charges expressed as a proportion of the transaction value.
- 12.6A **Other services n.e.c. (S)**
- Fees for legal services, employment agencies, etc.
  - Charges for undertaking and other funeral services
  - Payment for the services of property managers and agents, operators of salesrooms and various intermediaries
  - Payment for photocopies and other reproductions of documents
  - Fees for the issue of passports, birth, marriage or death certificates — following the conventions of ESA 1995 (footnote 5 to paragraph 4.79) and the system of national accounts (paragraph 8.54) such payments are considered as purchases of services from government and thus covered by the HICP
  - Payment for newspaper notices and advertisements
  - Payment for the services of graphologists, astrologers, private detectives, matrimonial agencies and marriage guidance counsellors, public writers, miscellaneous concessions (seats, toilets, cloakrooms), etc.
- Excludes:* Following the conventions of ESA 1995 excluded are contributions and dues for membership of professional associations, churches and social, cultural, recreational and sports clubs (ESA 1995, paragraph 3.77 e).
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**COMMISSION REGULATION (EC) No 2215/96**  
**of 20 November 1996**  
**providing for derogating measures in respect of 'Glühwein'**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails<sup>(1)</sup>, as last amended by Regulation (EC) No 2061/96<sup>(2)</sup>, and in particular Article 4 (4) thereof,

Having regard to Regulation (EC) No 2061/96 of the European Parliament and of the Council of 8 October 1996 amending Regulation (EEC) No 1601/91 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails, and in particular Article 2 thereof,

Whereas Article 2 (3) (f) of Regulation (EEC) No 1601/91 prohibits the addition of water to 'Glühwein', except through sweetening; whereas Article 2 of Regulation (EC) No 2061/96 provides for the introduction of measures derogating therefrom in respect of that product for a transitional period extending to 31 January 1998; whereas, those derogating measures should be adopted;

Whereas the measures provided for in this Regulation are accordance with the opinion of the Implementation Committee for aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails,

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

Done at Brussels, 20 November 1996.

HAS ADOPTED THIS REGULATION:

*Article 1*

1. Without prejudice to operations involving sweetening, 'Glühwein' may be prepared with added water until 31 January 1998, provided that the minimum proportions of wine laid down for the preparation of aromatized wine-based drinks in accordance with Article 2 (1) (b) of Regulation (EEC) No 1601/91 are complied with.

2. For the purposes of this Regulation, 'prepared' refers to a finished product which has been bottled and labelled and is intended for the final consumer.

3. Products prepared in accordance with paragraph 1 which have actually left manufacturers' plants and places of storage at 31 January 1998 may be held with a view to sale, placed on the market and exported until stocks are used up.

*Article 2*

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

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 149, 14. 6. 1991, p. 1.

<sup>(2)</sup> OJ No L 277, 30. 10. 1996, p. 1.



**COMMISSION REGULATION (EC) No 2216/96**  
**of 20 November 1996**  
**fixing the export refunds on milk and milk products**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by Regulation (EC) No 1587/96 <sup>(2)</sup>, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products <sup>(3)</sup>, as last amended by Regulation (EC) No 1875/96 <sup>(4)</sup>, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 206, 16. 8. 1996, p. 21.

<sup>(3)</sup> OJ No L 144, 28. 6. 1995, p. 22.

<sup>(4)</sup> OJ No L 247, 28. 9. 1996, p. 36.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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 1599/96<sup>(2)</sup>;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84<sup>(3)</sup>, as last amended by Regulation (EEC) No 222/88<sup>(4)</sup>, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

Whereas Council Regulation (EEC) No 990/93<sup>(5)</sup>, as amended by Regulation (EC) No 1380/95<sup>(6)</sup> prohibits trade between the European Community and the Federal

Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96<sup>(7)</sup>; whereas account should be taken of this fact when fixing the refunds;

Whereas, in the light of the amendment introduced by Regulation (EC) No 1222/96<sup>(8)</sup>, the figure 9 after the first eight digits corresponding to the combined nomenclature subheadings should be regarded as forming part of the refund nomenclature code from 1 January 1997;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 024, 028, 043, 044, 045, 046, 052, 404, 600, 800 and 804 for products falling within CN code 0406.

*Article 2*

This Regulation shall enter into force on 21 November 1996.

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

Done at Brussels, 20 November 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 206, 16. 8. 1996, p. 43.

<sup>(3)</sup> OJ No L 91, 1. 4. 1984, p. 71.

<sup>(4)</sup> OJ No L 28, 1. 2. 1988, p. 1.

<sup>(5)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(6)</sup> OJ No L 138, 21. 6. 1995, p. 1.

<sup>(7)</sup> OJ No L 65, 15. 3. 1996, p. 1.

<sup>(8)</sup> OJ No L 161, 29. 6. 1996, p. 62.

## ANNEX

## to the Commission Regulation of 20 November 1996 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000	+	4,748	0402 21 99 600	+	131,29
0401 10 90 000	+	4,748	0402 21 99 700	+	137,24
0401 20 11 100	+	4,748	0402 21 99 900	+	143,96
0401 20 11 500	+	7,340	0402 29 15 200	+	0,6300
0401 20 19 100	+	4,748	0402 29 15 300	+	0,9530
0401 20 19 500	+	7,340	0402 29 15 500	+	1,0040
0401 20 91 100	+	9,775	0402 29 15 900	+	1,0802
0401 20 91 500	+	11,39	0402 29 19 200	+	0,6300
0401 20 99 100	+	9,775	0402 29 19 300	+	0,9530
0401 20 99 500	+	11,39	0402 29 19 500	+	1,0040
0401 30 11 100	+	14,62	0402 29 19 900	+	1,0802
0401 30 11 400	+	22,55	0402 29 91 100	+	1,0878
0401 30 11 700	+	33,87	0402 29 91 500	+	1,1851
0401 30 19 100	+	14,62	0402 29 99 100	+	1,0878
0401 30 19 400	+	22,55	0402 29 99 500	+	1,1851
0401 30 19 700	+	33,87	0402 91 11 110	+	4,748
0401 30 31 100	+	40,34	0402 91 11 120	+	9,775
0401 30 31 400	+	63,00	0402 91 11 310	+	14,00
0401 30 31 700	+	69,47	0402 91 11 350	+	17,15
0401 30 39 100	+	40,34	0402 91 11 370	+	20,85
0401 30 39 400	+	63,00	0402 91 19 110	+	4,748
0401 30 39 700	+	69,47	0402 91 19 120	+	9,775
0401 30 91 100	+	79,18	0402 91 19 310	+	14,00
0401 30 91 400	+	116,37	0402 91 19 350	+	17,15
0401 30 91 700	+	135,80	0402 91 19 370	+	20,85
0401 30 99 100	+	79,18	0402 91 31 100	+	19,31
0401 30 99 400	+	116,37	0402 91 31 300	+	24,65
0401 30 99 700	+	135,80	0402 91 39 100	+	19,31
0402 10 11 000	+	63,00	0402 91 39 300	+	24,65
0402 10 19 000	+	63,00	0402 91 51 000	+	22,55
0402 10 91 000	+	0,6300	0402 91 59 000	+	22,55
0402 10 99 000	+	0,6300	0402 91 91 000	+	79,18
0402 21 11 200	+	63,00	0402 91 99 000	+	79,18
0402 21 11 300	+	95,30	0402 99 11 110	+	0,0475
0402 21 11 500	+	100,40	0402 99 11 130	+	0,0978
0402 21 11 900	+	108,00	0402 99 11 150	+	0,1336
0402 21 17 000	+	63,00	0402 99 11 310	+	16,14
0402 21 19 300	+	95,30	0402 99 11 330	+	19,37
0402 21 19 500	+	100,40	0402 99 11 350	+	25,75
0402 21 19 900	+	108,00	0402 99 19 110	+	0,0475
0402 21 91 100	+	108,78	0402 99 19 130	+	0,0978
0402 21 91 200	+	109,53	0402 99 19 150	+	0,1336
0402 21 91 300	+	110,88	0402 99 19 310	+	16,14
0402 21 91 400	+	118,51	0402 99 19 330	+	19,37
0402 21 91 500	+	121,15	0402 99 19 350	+	25,75
0402 21 91 600	+	131,29	0402 99 31 110	+	0,2094
0402 21 91 700	+	137,24	0402 99 31 150	+	26,81
0402 21 91 900	+	143,96	0402 99 31 300	+	0,4034
0402 21 99 100	+	108,78	0402 99 31 500	+	0,6947
0402 21 99 200	+	109,53	0402 99 39 110	+	0,2094
0402 21 99 300	+	110,88	0402 99 39 150	+	26,81
0402 21 99 400	+	118,51	0402 99 39 300	+	0,4034
0402 21 99 500	+	121,15			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0402 99 39 500	+	0,6947	0404 90 29 160	+	136,02
0402 99 91 000	+	0,7918	0404 90 29 180	+	142,66
0402 99 99 000	+	0,7918	0404 90 81 100	+	0,6194
0403 10 11 400	+	4,748	0404 90 81 910	+	0,0475
0403 10 11 800	+	7,340	0404 90 81 950	+	16,00
0403 10 13 800	+	9,775	0404 90 83 110	+	0,6194
0403 10 19 800	+	14,62	0404 90 83 130	+	0,9445
0403 10 31 400	+	0,0475	0404 90 83 150	+	0,9950
0403 10 31 800	+	0,0734	0404 90 83 170	+	1,0703
0403 10 33 800	+	0,0978	0404 90 83 911	+	0,0475
0403 10 39 800	+	0,1462	0404 90 83 913	+	0,0978
0403 90 11 000	+	61,94	0404 90 83 915	+	0,1462
0403 90 13 200	+	61,94	0404 90 83 917	+	0,2255
0403 90 13 300	+	94,45	0404 90 83 919	+	0,3387
0403 90 13 500	+	99,50	0404 90 83 931	+	16,00
0403 90 13 900	+	107,03	0404 90 83 933	+	19,20
0403 90 19 000	+	107,83	0404 90 83 935	+	25,52
0403 90 31 000	+	0,6194	0404 90 83 937	+	26,55
0403 90 33 200	+	0,6194	0404 90 89 130	+	1,0783
0403 90 33 300	+	0,9445	0404 90 89 150	+	1,1746
0403 90 33 500	+	0,9950	0404 90 89 930	+	0,4843
0403 90 33 900	+	1,0703	0404 90 89 950	+	0,6947
0403 90 39 000	+	1,0783	0404 90 89 990	+	0,7918
0403 90 51 100	+	4,748	0405 10 11 500	+	185,37
0403 90 51 300	+	7,340	0405 10 11 700	+	190,00
0403 90 53 000	+	9,775	0405 10 19 500	+	185,37
0403 90 59 110	+	14,62	0405 10 19 700	+	190,00
0403 90 59 140	+	22,55	0405 10 30 100	+	185,37
0403 90 59 170	+	33,87	0405 10 30 300	+	190,00
0403 90 59 310	+	40,34	0405 10 30 500	+	185,37
0403 90 59 340	+	63,00	0405 10 30 700	+	190,00
0403 90 59 370	+	69,47	0405 10 50 100	+	185,37
0403 90 59 510	+	79,18	0405 10 50 300	+	190,00
0403 90 59 540	+	116,37	0405 10 50 500	+	185,37
0403 90 59 570	+	135,80	0405 10 50 700	+	190,00
0403 90 61 100	+	0,0475	0405 10 90 000	+	196,95
0403 90 61 300	+	0,0734	0405 20 90 500	+	173,78
0403 90 63 000	+	0,0978	0405 20 90 700	+	180,73
0403 90 69 000	+	0,1462	0405 90 10 000	+	240,00
0404 90 21 100	+	61,94	0405 90 90 000	+	190,00
0404 90 21 910	+	4,748	0406 10 20 100	+	—
0404 90 21 950	+	13,87	0406 10 20 230	037	—
0404 90 23 120	+	61,94		039	—
0404 90 23 130	+	94,45		099	24,03
0404 90 23 140	+	99,50		400	24,72
0404 90 23 150	+	107,03		...	36,05
0404 90 23 911	+	4,748			
0404 90 23 913	+	9,775	0406 10 20 290	037	—
0404 90 23 915	+	14,62		039	—
0404 90 23 917	+	22,55		099	22,36
0404 90 23 919	+	33,87		400	22,99
0404 90 23 931	+	13,87		...	33,54
0404 90 23 933	+	17,00	0406 10 20 300	037	—
0404 90 23 935	+	20,66		039	—
0404 90 23 937	+	24,43		099	9,820
0404 90 23 939	+	25,54		400	11,78
0404 90 29 110	+	107,83		...	14,73
0404 90 29 115	+	108,54			
0404 90 29 120	+	109,89			
0404 90 29 130	+	117,46			
0404 90 29 135	+	120,05			
0404 90 29 150	+	130,11			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 10 20 610	037	—	0406 20 90 990	+	—
	039	—	0406 30 31 710	037	—
	099	41,70		039	—
	400	50,04		099	12,55
	...	62,55		400	12,55
0406 10 20 620	037	—		...	18,82
0406 10 20 620	039	—	0406 30 31 730	037	—
	099	45,73		039	—
	400	54,87		099	18,41
	...	68,59		400	18,41
	0406 10 20 630	037		—	...
0406 10 20 630	039	—	0406 30 31 910	037	—
	099	51,63		039	—
	400	61,95		099	12,55
	...	77,44		400	12,55
	0406 10 20 640	037		—	...
0406 10 20 640	039	—	0406 30 31 930	037	—
	099	60,59		039	—
	400	72,70		099	18,41
	...	90,88		400	18,41
	0406 10 20 650	037		—	...
0406 10 20 650	039	—	0406 30 31 950	037	—
	099	63,07		039	—
	400	38,26		099	26,79
	...	94,61		400	26,79
	0406 10 20 660	+		—	...
0406 10 20 830	037	—	0406 30 39 500	037	—
	039	—		039	—
	099	16,77		099	18,41
	400	20,12		400	18,41
	...	25,15		...	27,62
0406 10 20 850	037	—	0406 30 39 700	037	—
	039	—		039	—
	099	20,33		099	26,79
	400	24,39		400	26,79
	...	30,49		...	40,18
0406 10 20 870	+	—	0406 30 39 930	037	—
0406 10 20 900	+	—		039	—
0406 20 90 100	+	—		099	26,79
0406 20 90 913	037	—		400	26,79
	039	—		...	40,18
	099	39,59	0406 30 39 950	037	—
	400	47,50		039	—
	...	59,38		099	26,79
0406 20 90 915	037	—		400	26,79
0406 20 90 915	039	—		...	40,18
	099	52,78	0406 30 90 000	037	—
	400	63,34		039	—
	...	79,17		099	31,78
	0406 20 90 917	037		—	400
0406 20 90 917	039	—		...	47,66
	099	56,07	0406 40 50 000	037	—
	400	67,29		039	—
	...	84,11		099	58,96
	0406 20 90 919	037		—	400
0406 20 90 919	039	—		...	88,44
	099	62,67			
	400	75,21			
	...	94,01			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)	
0406 40 90 000	037	—	0406 90 31 119	037	—	
	039	—		039	—	
	099	58,96		099	45,07	
	400	49,60		400	34,60	
	...	88,44		...	67,61	
0406 90 07 000	037	—	0406 90 31 151	037	—	
	039	—		039	—	
	099	68,69		099	42,01	
	400	97,72		400	32,34	
	...	103,03		...	63,02	
0406 90 08 100	037	—	0406 90 33 119	037	—	
	039	—		039	—	
	099	72,30		099	45,07	
	400	102,86		400	34,60	
	...	108,45		...	67,61	
0406 90 08 900	+	—	0406 90 33 151	037	—	
0406 90 09 100	037	—		039	—	
	039	—		099	42,01	
	099	68,69		400	32,34	
	400	97,72		...	63,02	
	...	103,03	0406 90 33 919	037	—	
0406 90 09 900	+	—		039	—	
	0406 90 12 000	037		—	099	39,83
		039		—	400	30,57
		099		68,69	...	59,74
		400	97,72	0406 90 33 951	037	—
...		103,03	039		—	
0406 90 14 100	037	—	099		39,08	
	039	—	400		30,08	
	099	72,30	...		58,62	
	400	102,86	0406 90 35 190	037	30,47	
	...	108,45		039	30,47	
0406 90 14 900	+	—		099	75,47	
	0406 90 16 100	037		—	400	79,25
		039		—	...	113,21
		099	68,69	0406 90 35 990	037	—
		400	97,72		039	—
...		103,03	099		57,56	
0406 90 16 900	+	—	400		60,44	
	0406 90 21 900	037	—		...	86,34
		039	—	0406 90 37 000	037	—
		099	70,69		039	—
		400	66,96		099	74,25
...		106,04	400		102,86	
0406 90 23 900	037	—	...		111,38	
	039	—	0406 90 61 000	037	42,75	
	099	48,04		039	42,75	
	400	27,93		099	82,02	
	...	72,06		400	86,12	
0406 90 25 900	037	—		...	123,03	
	039	—	0406 90 63 100	037	39,07	
	099	58,34		039	39,07	
	400	31,81		099	67,25	
	...	87,51		400	100,88	
0406 90 27 900	037	—		...	100,88	
	039	—				
	099	48,04				
	400	27,93				
	...	72,06				

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)	
0406 90 63 900	037	31,07	0406 90 81 900	037	—	
	039	31,07		039	—	
	099	46,62		099	57,56	
	400	69,93		400	60,44	
	...	69,93		...	86,34	
0406 90 69 100	+	—	0406 90 85 910	037	30,47	
0406 90 69 910	037	—		039	30,47	
	039	—		099	75,47	
	099	51,51		400	79,25	
	400	77,27		...	113,21	
	...	77,27	0406 90 85 991	037	—	
0406 90 73 900	037	—		039	—	
	039	—		099	57,56	
	099	70,37		400	60,44	
	400	73,89		...	86,34	
	...	105,56	0406 90 85 995	037	—	
0406 90 75 900	037	—		039	—	
	039	—		099	59,92	
	099	58,71		400	31,81	
	400	33,48		...	89,88	
	...	88,06	0406 90 85 999	+	—	
0406 90 76 100	037	—		0406 90 86 100	+	—
	039	—		0406 90 86 200	037	—
	099	43,06			039	—
	400	27,27			099	39,59
	...	64,59	400		41,57	
0406 90 76 300	037	—	...		59,38	
	039	—	0406 90 86 300	037	—	
	099	52,73		039	—	
	400	30,26		099	43,39	
	...	79,09		400	45,56	
0406 90 76 500	037	—		...	65,08	
	039	—	0406 90 86 400	037	—	
	099	52,73		039	—	
	400	34,92		099	49,09	
	...	79,09		400	51,54	
0406 90 78 100	037	—		...	73,63	
	039	—	0406 90 86 900	037	—	
	099	43,06		039	—	
	400	27,27		099	57,63	
	...	64,59		400	60,52	
0406 90 78 300	037	—		...	86,45	
	039	—	0406 90 87 100	+	—	
	099	52,73		0406 90 87 200	037	—
	400	30,26			039	—
	...	79,09			099	36,61
0406 90 78 500	037	—			400	38,44
	039	—	...		54,92	
	099	52,73	0406 90 87 300	037	—	
	400	34,92		039	—	
	...	79,09		099	40,13	
0406 90 79 900	037	—		400	42,13	
	039	—		...	60,19	
	099	53,45				
	400	28,91				
	...	80,17				

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 87 400	037	—	2309 10 15 010	+	—
	039	—	2309 10 15 100	+	—
	099	45,41	2309 10 15 200	+	—
	400	47,68	2309 10 15 300	+	—
	...	68,11	2309 10 15 400	+	—
0406 90 87 951	037	—	2309 10 15 500	+	—
	039	—	2309 10 15 700	+	—
	099	66,49	2309 10 19 010	+	—
	400	69,82	2309 10 19 100	+	—
	...	99,74	2309 10 19 200	+	—
0406 90 87 971	037	—	2309 10 19 300	+	—
	039	—	2309 10 19 400	+	—
	099	55,36	2309 10 19 500	+	—
	400	51,74	2309 10 19 600	+	—
	...	83,04	2309 10 19 700	+	—
0406 90 87 972	099	21,09	2309 10 19 800	+	—
	400	20,55	2309 10 70 010	+	—
	...	31,64	2309 10 70 100	+	14,58
0406 90 87 973	037	—	2309 10 70 200	+	19,44
	039	—	2309 10 70 300	+	24,30
	099	55,36	2309 10 70 500	+	29,16
	400	36,22	2309 10 70 600	+	34,02
	...	83,04	2309 10 70 700	+	38,88
0406 90 87 974	037	—	2309 10 70 800	+	42,77
	039	—	2309 90 35 010	+	—
	099	55,36	2309 90 35 100	+	—
	400	36,22	2309 90 35 200	+	—
	...	83,04	2309 90 35 300	+	—
0406 90 87 979	037	—	2309 90 35 400	+	—
	039	—	2309 90 35 500	+	—
	099	55,36	2309 90 35 700	+	—
	400	36,22	2309 90 39 010	+	—
	...	83,04	2309 90 39 100	+	—
0406 90 88 100	+	—	2309 90 39 200	+	—
0406 90 88 105	037	—	2309 90 39 300	+	—
	039	—	2309 90 39 400	+	—
	099	43,39	2309 90 39 500	+	—
	400	45,56	2309 90 39 600	+	—
	...	65,08	2309 90 39 700	+	—
0406 90 88 300	037	—	2309 90 39 800	+	—
	039	—	2309 90 70 010	+	—
	099	43,39	2309 90 70 100	+	14,58
	400	45,56	2309 90 70 200	+	19,44
	...	65,08	2309 90 70 300	+	24,30
			2309 90 70 500	+	29,16
			2309 90 70 600	+	34,02
			2309 90 70 700	+	38,88
			2309 90 70 800	+	42,77

(\*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

However, '099' covers all destination codes from 053 to 096 inclusive.

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '...'.  
Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

(\*\*) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), as amended.



## COMMISSION REGULATION (EC) No 2217/96

of 20 November 1996

## re-establishing the preferential customs duty on imports of multiflorous (spray) 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 last amended by Regulation (EC) No 539/96<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs 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 of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94<sup>(3)</sup>, as last amended by Regulation (EC) No 1877/96<sup>(4)</sup>, opens 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 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EC) No 1985/96<sup>(5)</sup> fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88<sup>(6)</sup>, as last amended by Regulation (EEC) No 2917/93<sup>(7)</sup>, laid

down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(8)</sup>, as 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 amended by Regulation (EC) No 1482/96<sup>(11)</sup>;

Whereas the preferential customs duty fixed for multiflorous (spray) carnations originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 2167/96<sup>(12)</sup>;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for multiflorous (spray) carnations originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of multiflorous (spray) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

*Article 2*

This Regulation shall enter into force on 21 November 1996.

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

<sup>(2)</sup> OJ No L 79, 29. 3. 1996, p. 6.

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

<sup>(4)</sup> OJ No L 249, 1. 10. 1996, p. 1.

<sup>(5)</sup> OJ No L 264, 17. 10. 1996, p. 14.

<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. 96.

<sup>(11)</sup> OJ No L 188, 27. 7. 1996, p. 22.

<sup>(12)</sup> OJ No L 290, 13. 11. 1996, p. 10.

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

Done at Brussels, 20 November 1996.

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

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**COMMISSION REGULATION (EC) No 2218/96**  
**of 20 November 1996**  
**fixing the import duties in the rice sector**

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

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice <sup>(1)</sup>,

Having regard to Commission Regulation (EC) No 1503/96 of 29 July 1996 laying down detailed rules for the application of Council Regulation (EC) No 3072/95 as regards import duties in the rice sector <sup>(2)</sup>, as amended by Regulation (EC) No 2131/96 <sup>(3)</sup>, and in particular Article 4 (1) thereof,

Whereas Article 11 of Regulation (EC) No 3072/95 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by a certain percentage according to whether it is husked or milled rice, minus the cif import price provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (3) of Regulation (EC) No 3072/95, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market or on the Community import market for the product;

Whereas Regulation (EC) No 1503/96 lays down detailed rules for the application of Regulation (EC) No 3072/95 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available from the source referred to in Article 5 of Regulation (EC) No 1503/96 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1503/96 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import duties in the rice sector referred to in Article 11 (1) and (2) of Regulation (EC) No 3072/95 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

*Article 2*

This Regulation shall enter into force on 21 November 1996.

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

Done at Brussels, 20 November 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 329, 30. 12. 1995, p. 18.

<sup>(2)</sup> OJ No L 189, 30. 7. 1996, p. 71.

<sup>(3)</sup> OJ No L 285, 7. 11. 1996, p. 6.

## ANNEX I

## to the Commission Regulation of 20 November 1996 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties <sup>(1)</sup>			
	Third countries (except ACP and Bangladesh) <sup>(2)</sup> <sup>(3)</sup>	ACP Bangladesh <sup>(1)</sup> <sup>(2)</sup> <sup>(3)</sup> <sup>(4)</sup>	Basmati India <sup>(5)</sup> Article 4 of Regulation (EC) No 1573/95	Basmati Pakistan <sup>(7)</sup> Article 4 of Regulation (EC) No 1573/95
1006 10 21	<sup>(8)</sup>	140,81		
1006 10 23	<sup>(8)</sup>	140,81		
1006 10 25	<sup>(8)</sup>	140,81		
1006 10 27	<sup>(8)</sup>	140,81		
1006 10 92	<sup>(8)</sup>	140,81		
1006 10 94	<sup>(8)</sup>	140,81		
1006 10 96	<sup>(8)</sup>	140,81		
1006 10 98	<sup>(8)</sup>	140,81		
1006 20 11	<sup>(8)</sup>	177,31		
1006 20 13	<sup>(8)</sup>	177,31		
1006 20 15	<sup>(8)</sup>	177,31		
1006 20 17	314,91	153,12	64,91	264,91
1006 20 92	<sup>(8)</sup>	177,31		
1006 20 94	<sup>(8)</sup>	177,31		
1006 20 96	<sup>(8)</sup>	177,31		
1006 20 98	314,91	153,12	64,91	264,91
1006 30 21	<sup>(8)</sup>	271,09		
1006 30 23	<sup>(8)</sup>	271,09		
1006 30 25	<sup>(8)</sup>	271,09		
1006 30 27	<sup>(8)</sup>	271,09		
1006 30 42	<sup>(8)</sup>	271,09		
1006 30 44	<sup>(8)</sup>	271,09		
1006 30 46	<sup>(8)</sup>	271,09		
1006 30 48	<sup>(8)</sup>	271,09		
1006 30 61	<sup>(8)</sup>	271,09		
1006 30 63	<sup>(8)</sup>	271,09		
1006 30 65	<sup>(8)</sup>	271,09		
1006 30 67	<sup>(8)</sup>	271,09		
1006 30 92	<sup>(8)</sup>	271,09		
1006 30 94	<sup>(8)</sup>	271,09		
1006 30 96	<sup>(8)</sup>	271,09		
1006 30 98	<sup>(8)</sup>	271,09		
1006 40 00	<sup>(8)</sup>	84,38		

<sup>(1)</sup> Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

<sup>(2)</sup> In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

<sup>(3)</sup> The import levy on rice entering the overseas department of Réunion is specified in Article 11 (3) of Regulation (EC) No 3072/95.

<sup>(4)</sup> The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ No L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ No L 88, 9. 4. 1991, p. 7).

<sup>(5)</sup> No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).

<sup>(6)</sup> For husked rice of the Basmati variety originating in India, a reduction of ECU 250 per tonne applies (Article 4 of Regulation (EC) No 1503/96).

<sup>(7)</sup> For husked rice of the Basmati variety originating in Pakistan, a reduction of ECU 50 per tonne applies (Article 4 of Regulation (EC) No 1503/96).

<sup>(8)</sup> Duties fixed in the Common Customs Tariff.

## ANNEX II

## Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)	( <sup>1</sup> )	314,91	572,00	363,30	572,00	( <sup>1</sup> )

## 2. Elements of calculation:

(a) Arag cif price (\$/tonne)	—	407,02	368,75	380,00	420,00	—
(b) fob price (\$/tonne)	—	—	—	350,00	390,00	—
(c) Sea freight (\$/tonne)	—	—	—	30,00	30,00	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(<sup>1</sup>) Duties fixed in the Common Customs Tariff.

## COMMISSION REGULATION (EC) No 2219/96

of 20 November 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 1599/96 <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 last amended by Regulation (EC) No 1127/96 <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 1195/96 <sup>(5)</sup>, as last amended by Regulation (EC) No 2181/96 <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 21 November 1996.

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

Done at Brussels, 20 November 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 206, 16. 8. 1996, p. 43.

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

<sup>(4)</sup> OJ No L 150, 25. 6. 1996, p. 12.

<sup>(5)</sup> OJ No L 161, 29. 6. 1996, p. 3.

<sup>(6)</sup> OJ No L 291, 14. 11. 1996, p. 24.

## ANNEX

to the Commission Regulation of 20 November 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>	20,80	5,90
1701 11 90 <sup>(1)</sup>	20,80	11,39
1701 12 10 <sup>(1)</sup>	20,80	5,71
1701 12 90 <sup>(1)</sup>	20,80	10,87
1701 91 00 <sup>(2)</sup>	24,00	13,61
1701 99 10 <sup>(2)</sup>	24,00	8,71
1701 99 90 <sup>(2)</sup>	24,00	8,71
1702 90 99 <sup>(3)</sup>	0,24	0,40

<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.

**COMMISSION REGULATION (EC) No 2220/96**  
**of 20 November 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 1890/96<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 Commission fixes the standard values for imports from third

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 21 November 1996.

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

Done at Brussels, 20 November 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 249, 1. 10. 1996, p. 29.

<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 20 November 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(ECU/100 kg)</i>		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 45	204	48,6
	999	48,6
0707 00 40	624	124,4
	999	124,4
0709 90 79	052	81,7
	999	81,7
0805 20 31	204	106,5
	999	106,5
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	62,2
	999	62,2
0805 30 40	052	73,6
	400	84,0
	528	44,9
	600	71,5
	999	68,5
0808 10 92, 0808 10 94, 0808 10 98	052	70,1
	060	46,5
	064	43,5
	400	77,9
	404	59,9
	999	59,6
	999	59,6
0808 20 67	052	70,8
	064	82,6
	400	80,9
	624	63,2
	999	74,4

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

**COMMISSION REGULATION (EC) No 2221/96**  
**of 20 November 1996**  
**fixing the agricultural conversion rates**

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

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

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 2145/96 <sup>(3)</sup>;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates <sup>(4)</sup>, as last amended by Regulation (EC) No 1482/96 <sup>(5)</sup>; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 10 to 20 November 1996, it is necessary to fix a new agricultural conversion rate for the Belgian franc;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in

advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

*Article 1*

The agricultural conversion rates are fixed in Annex I hereto.

*Article 2*

In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

*Article 3*

Regulation (EC) No 2145/96 is hereby repealed.

*Article 4*

This Regulation shall enter into force on 21 November 1996.

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

Done at Brussels, 20 November 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(3)</sup> OJ No L 286, 8. 11. 1996, p. 14.

<sup>(4)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(5)</sup> OJ No L 188, 27. 7. 1996, p. 22.

## ANNEX I

## Agricultural conversion rates

ECU 1 =	39,6918	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,92441	German marks
	311,761	Greek drachmas
	198,202	Portuguese escudos
	6,61023	French francs
	6,02811	Finnish marks
	2,15852	Dutch guilders
	0,812908	Irish punt
1	973,93	Italian lire
	13,5396	Austrian schillings
	165,198	Spanish pesetas
	8,64446	Swedish kroner
	0,809915	Pound sterling

## ANNEX II

## Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	38,1652	Belgian and Luxembourg francs	ECU 1 =	41,3456	Belgian and Luxembourg francs
	7,21151	Danish kroner		7,81247	Danish kroner
	1,85039	German marks		2,00459	German marks
	299,770	Greek drachmas		324,751	Greek drachmas
	190,579	Portuguese escudos		206,460	Portuguese escudos
	6,35599	French francs		6,88566	French francs
	5,79626	Finnish marks		6,27928	Finnish marks
	2,07550	Dutch guilders		2,24846	Dutch guilders
	0,781642	Irish punt		0,846779	Irish punt
1	898,01	Italian lire	2	056,18	Italian lire
	13,0188	Austrian schillings		14,1038	Austrian schillings
	158,844	Spanish pesetas		172,081	Spanish pesetas
	8,31198	Swedish kroner		9,00465	Swedish kroner
	0,778764	Pound sterling		0,843661	Pound sterling

**COUNCIL REGULATION (EC) No 2222/96**  
**of 18 November 1996**  
**amending Regulation (EEC) No 805/68 on the common organization of the**  
**market in beef and veal**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas the market in beef and veal has been seriously disturbed, mainly as a result of consumer fears concerning bovine spongiform encephalopathy (BSE); whereas this situation has led to a sudden, continuing deterioration on the market, entailing a sharp fall in consumption, a collapse in prices paid to producers and public intervention buying in; whereas forecasts show that, despite the battery of measures adopted by the Community in this area, consumption is unlikely to return to previous levels in the near future; whereas measures should therefore be taken to restore balance on the market while safeguarding the operational practicability of the support arrangements for the beef industry; whereas, to that end, production must be brought more closely into line with consumption;

Whereas, in adopting Regulation (EC) No 1997/96 <sup>(3)</sup>, the Council has already taken certain urgent measures relating in particular to increasing the maximum quantity to be bought into intervention until mid November 1996; whereas, since this Regulation only partially exhausts the Commission proposal, the Council has stated that it will act at a later date on the other parts of the said proposal, including possible further increases in the maximum quantity;

Whereas the special premium for male bovine animals referred to in Article 4b of Regulation (EEC) No 805/68 <sup>(4)</sup> may currently be granted twice, by age bracket, in the life of each animal; whereas the granting of a second premium for bulls over 22 months old is an incentive to the rearing of particularly heavy animals; whereas, in order to remedy that situation, the second

payment should be discontinued; whereas this measure must be accompanied by an increase in the premium paid once only to avoid penalizing producers economically;

Whereas in some Member States there are herds of bulls bred in regions where traditional extensive production is practised; whereas, in order to enable this type of production to adapt to the new situation, the Member States concerned must be authorized to continue on a transitional basis to grant the second premium during 1997 and 1998, while limiting the number of animals thus eligible and setting the amount of the second premium so that the sum of the two premiums received is equivalent to the sum of the two premiums which may be granted for castrated animals;

Whereas the total number of animals qualifying for the special premium each calendar year depends on the regional ceilings fixed in Article 4b (3) and (3a) of Regulation (EEC) No 805/68; whereas, in line with past experience, the number of animals covered by premium applications in certain Member States is substantially below those ceilings while in others it is significantly above them; whereas, in order to adjust the ceilings to actual production, they should be redefined on the basis of actual applications; whereas, with a view to reducing the total quantity produced, the adjusted ceiling should be further reduced by 5 %, except in those Member States where applications exceeded the ceiling by more than 5 %; whereas the regional ceiling set for Spain should also be adjusted in terms of the specific developments noted there;

Whereas temporary withdrawal of rights to the suckler cow premium may help to control production; whereas, to that end, the Commission should be authorized to take the necessary measures relating to rights unused by producers which revert to the national reserve;

Whereas, in order to encourage extensive production, Article 4h of Regulation (EEC) No 805/68 provides for the granting of an additional amount on top of the special premium and the suckler cow premium where the stocking density observed on the holding is less than 1,4 LU per hectare of forage area; whereas, in order to enhance the effectiveness of this measure from the viewpoint of both extensification and production control, provision should be made for a higher amount to be paid where the stocking density observed is below 1 LU per hectare;

<sup>(1)</sup> OJ No C 300, 10. 10. 1996, p. 16.

<sup>(2)</sup> OJ No C 320, 28. 10. 1996.

<sup>(3)</sup> Council Regulation (EC) No 1997/96 of 14 October 1996 amending Regulation (EEC) No 805/68 on the common organization of the market in beef and veal (OJ No L 267, 19. 10. 1996, p. 1).

<sup>(4)</sup> OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 1997/96 (OJ No L 267, 19. 10. 1996, p. 1).

Whereas improvement of the market in beef and veal requires a reduction in the number of finished animals offered on the market with greater encouragement for withdrawal and/or marketing of young, light animals; whereas, for that purpose the effects of the processing premium referred to in Article 4i of Regulation (EEC) No 805/68 on the level of production must be improved; whereas the scope of the premium should be extended to cover all male calves, while its application by the Member States must continue to be optional; whereas, furthermore, in order to ensure that the premium amounts may be adjusted to the needs of the scheme as appropriate, the Commission should be responsible for setting the amounts;

Whereas the introduction of an early marketing premium for calves may also help to restore some balance to the market; whereas, in order to ensure that such a premium is properly geared to the production conditions in the Member States it is necessary to define the eligibility of calves in the Member States in terms of the statistically-determined average carcass weight of calves slaughtered in each Member State; whereas such an average weight may vary within a given Member State; whereas it is necessary therefore to make provision for the Commission to authorize regionalized application of the premium; whereas, in order to avoid deflections of trade, a retention period is necessary; whereas, for the same reasons as in the case of the processing premium, setting the amount of the premium should be the Commission's responsibility;

Whereas production and consumer expectations vary considerably between Member States; whereas they should therefore be given a choice between the processing premium and the early marketing premium, but must be required to implement one or the other during the period 1 December 1996 to 30 November 1998;

Whereas after six months a check should be carried out on the early marketing scheme for calves and the processing premium scheme and on whether such schemes have been correctly implemented, with regard in particular to the effect achieved compared with the objective of reducing by about 1 000 000 the number of calves entering red meat production, to the distribution of adjustment efforts between the Member States and to possible distortions to trade;

Whereas there is likely to be an overrun in the ceilings fixed in Article 6 (1) of Regulation (EEC) No 805/68 as a result of the quantities which have had to be bought in since the onset of the BSE crisis; whereas, in order to prevent the application of the ceilings from triggering the 'safety net' arrangements provided for in Article 6 (4) of that Regulation, the ceilings for 1996 and 1997 should be

raised to levels corresponding to the requirements of the market; whereas, in order to be able to respond more rapidly to market fluctuations, provision should be made for the Council, acting by a qualified majority on a proposal from the Commission, to amend the ceiling for intervention buying in;

Whereas the temporary buying in of light animals can also help to restore sound conditions on the market for beef and veal; whereas, to that end, special intervention arrangements should be introduced to apply to intervention in autumn 1997;

Whereas, in order to deal with the special situation stemming from German unification, Article 4k of Regulation (EEC) No 805/68 provides for a system of special regional ceilings for the new German *Länder* by way of derogation from the 90-animal limit and the provisions on regional and individual ceilings for the special and suckler cow premiums; whereas by the end of 1998 there will have been sufficient progress in the structuring of the beef industry in the new *Länder* for special measures no longer to be indispensable; whereas, however, certain adjustments should be made;

Whereas measures ensuring a transition from the old arrangements to those provided for in this Regulation may prove necessary even before the entry into force of the new arrangements,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Regulation (EEC) No 805/68 is hereby amended as follows:

1. in Article 4b:

(a) paragraph 2 shall be replaced by the following:

'2. The premium shall be granted no more than:

(a) once in the life of each uncastrated male bovine animal from 10 to 21 months old; or

(b) twice in the life of each castrated male bovine animal:

— the first time at the age of 10 months,

— the second time after it has reached the age of 22 months.

To qualify for the premium, any animal covered by an application must be held for fattening for a period to be determined.;

(b) in paragraph 3:

— the figure, for Germany, of '3 092 667' shall be replaced by '2 966 619' and the text in brackets shall be deleted,

— the following subparagraph shall be added:

'However, for 1997 and 1998, the following regional ceilings shall apply:

Belgium	235 149
Denmark	277 110
Germany	1 782 700

(including the specific regional ceiling for the special premium referred to in Article 4k (1) (a), applicable to the new *Länder*)

Greece	140 130
Spain	603 674
France	1 754 732
Ireland	1 002 458
Italy	598 746
Luxembourg	18 962
Netherlands	157 932
Austria	423 400
Portugal	154 897
Finland	241 553
Sweden	226 328
United Kingdom	1 419 811;

(c) the second sentence of the first subparagraph in paragraph 5 shall be replaced by the following sentence:

'In this case, for uncastrated male bovine animals the age criteria referred to in paragraph 2 (a) shall be replaced by a minimum weight of 200 kilogrammes.'

(d) the first subparagraph of paragraph 6 shall be replaced by the following:

'6. The premium per eligible animal shall be:  
— ECU 108,7 per castrated male animal,  
— ECU 135 per uncastrated male animal.'

(e) the following paragraph shall be inserted:

'7a. Notwithstanding paragraph 2 (a), Member States may choose to grant the premium for a second time in the life of each uncastrated male bovine animal, for a transitional period comprising the calendar years 1997 and 1998, up to a maximum of 3 % of the number of animals in their regional ceilings. In that case, the premium shall be granted only:

— after the animal concerned has reached the age of 22 months, and

— provided that it has been reared in a traditional extensive production region in the Member State concerned.

The second premium shall be ECU 81 per eligible animal.'

2. In Article 4f (4), the following indent shall be inserted after the first indent:

'— measures relating to individual rights not used in 1997 and 1998 which have been returned to the national reserve.'

3. Article 4h (1) shall be replaced by the following:

'1. Producers receiving the special premium and/or the suckler cow premium may qualify for an additional:

— ECU 36 per premium granted provided that the stocking density on their holdings during the calendar year is less than 1,4 LU per hectare, or

— ECU 52 per premium granted provided that the stocking density on their holdings during the calendar year is less than 1 LU per hectare.'

4. Article 4i shall be replaced by the following:

'Article 4i

1. Member States may decide that operators may qualify for a processing premium in respect of young male calves originating in the Community which are withdrawn from production before they are over 10 days old. However, the Member States may decide to grant the premium for such animals which are withdrawn from production before they are 20 days old provided they take the necessary measures to ensure that such animals are excluded from entering the human food chain.

2. Member States may, until 30 November 1998, grant an early marketing premium for calves. The premium shall be granted on the slaughter, in a Member State, of each calf:

— of a weight of not more than the average slaughter weight of calves in the Member State concerned, less 15 %. The average slaughter weight per Member State shall be that deriving from Eurostat statistics for 1995 or any other official published statistical information for that year accepted by the Commission,

— held, immediately before slaughter, in the Member State of slaughter for a period to be determined.

3. During the period 1 December 1996 to 30 November 1998, each Member State must apply at least one of the two schemes referred to in paragraphs 1 and 2.

4. Save in duly justified exceptional cases, the premiums referred to in paragraphs 1 and 2 must be paid within five months of the date of submission of the application.

5. In accordance with the procedure laid down in Article 27, the Commission:

- shall adopt detailed rules for the application of this Article,
- shall determine the maximum calf slaughter weights referred to in paragraph 2 which are applicable in each Member State,
- shall set the processing premium at a level or, where appropriate, levels enabling a sufficient number of calves to be withdrawn from production in line with market requirements,
- shall set the early marketing premium at a level enabling a sufficient number of calves to be slaughtered in line with market requirements,
- may, at the request of a Member State, authorize the early marketing premium to be applied on a differentiated regional basis within a Member State, provided that the animals have been held immediately before slaughter in the slaughter area for a period to be determined,
- may suspend the granting of either or both of the premiums referred to in this Article.

6. The Commission shall check, six months after the entry into force of the schemes referred to in this Article, whether such schemes have achieved satisfactory results.

Should this not be the case, the Commission shall submit an appropriate proposal to the Council, on which the Council, acting by a qualified majority, shall decide taking into account, in particular, the distribution of adjustment efforts between the Member States and possible distortions to trade.;

5. in Article 4k (1):

- (a) in point (a), the figures '660 323' and '180 000' shall be replaced by '235 316' and '306 048' respectively;
- (b) point (b) shall be deleted;

6. as from 1 January 1999, Article 4k shall be replaced by the following:

*'Article 4k*

1. In the new German *Länder*:

- (a) all the provisions relating to arrangements on premiums applicable to the rest of the Community shall apply subject to the provisions of this Article;
- (b) Germany shall determine individual ceilings for rights to the suckler cow premium as provided for in Article 4d (2) on the basis of the number of animals for which the producer received the suckler cow premium in respect of 1998 and shall inform each producer thereof.

Where natural circumstances result in non-payment of the premium in respect of 1998 or in a reduction in the amount paid, the number of animals corresponding to payments during 1997 may be used.

Where the premium is not paid in respect of 1998 or the amount paid is reduced as a result of the application of penalties laid down to that end, the number of animals ascertained during the inspection which resulted in the penalties shall be used;

- (c) following the introduction of individual ceilings, where the sum of the rights allocated to producers whose holdings are located in the new German *Länder* is less than the regional ceiling set previously for that territory, the balance of the rights shall be cancelled, with the exception of a number of rights from among the surplus which shall be added by Germany to the national reserve provided for in Article 4f (1) not exceeding 3 % of the sum of the ceilings allocated to those producers.

The new reserve thus established shall apply to the whole of Germany. The sum of the rights allocated to producers located in the new German *Länder*, plus the 3 % intended for the reserve, shall not under any circumstances exceed the regional ceiling allocated to that territory.

2. As and when the need arises, the Commission shall adopt detailed rules for the application of this Article in accordance with the procedure laid down in Article 27.;

7. The second subparagraph of Article 6 (1) shall be replaced by the following:

'Such buying in may not cover more than the following quantities, per year and for the Community as a whole:

- 550 000 tonnes for 1996,
- 500 000 tonnes for 1997,
- 350 000 tonnes as from 1998.

The Council may amend these quantities, acting by a qualified majority on a proposal from the Commission.;

8. Article 6a shall be replaced by the following:

*'Article 6a*

1. Notwithstanding Article 5 (2), where the market situation demands, certain kinds of fresh or chilled meat of lean male bovine animals originating in the Community may be bought in by intervention agencies in one or more Member States or in a region thereof under invitations to tender, from the first invitation to tender in September 1997 to the last invitation to tender in December 1997, as provided for in the detailed rules for the application of intervention in the beef and veal sector.

2. The quantities of meat bought in pursuant to paragraph 1 shall be taken into account for the purposes of applying the ceilings on buying in provided for in Article 6 (1).

3. The Commission shall adopt detailed rules for the application of this Article in accordance with the procedure laid down in Article 27.

#### *Article 2*

As and when the need arises, the Commission shall adopt measures to ensure transition from the previous arrange-

ments to those provided for in Regulation (EEC) No 805/68 in accordance with the procedure laid down in Article 27.

#### *Article 3*

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

- Article 1 (4) shall apply from 1 December 1996,
- Article 1 (1), (3), (5) and (8) shall apply from 1 January 1997,
- Article 1 (6) shall apply from 1 January 1999.

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

Done at Brussels, 18 November 1996.

*For the Council*

*The President*

I. YATES

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**COUNCIL DIRECTIVE 96/62/EC**  
**of 27 September 1996**  
**on ambient air quality assessment and management**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s (1) thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with the procedure laid down in Article 189c of the Treaty <sup>(3)</sup>,

Whereas the fifth action programme of 1992 on the environment, the general approach of which was endorsed by the Council and the Representatives of the Governments of the Member States, meeting within the Council, in their resolution 93/C 138/01 of 1 February 1993 <sup>(4)</sup>, envisages amendments to existing legislation on air pollutants; whereas the said programme recommends the establishment of long-term air quality objectives;

Whereas, in order to protect the environment as a whole and human health, concentrations of harmful air pollutants should be avoided, prevented or reduced and limit values and/or alert thresholds set for ambient air pollution levels;

Whereas, in order to take into account the specific formation mechanisms of ozone, these limit values and alert thresholds may need to be complemented or replaced by target values;

Whereas the numerical values for limit values, alert thresholds and, as regards ozone, target values and/or limit values and alert thresholds are to be based on the findings of work carried out by international scientific groups active in the field;

Whereas the Commission is to carry out studies to analyse the effects of the combined action of various pollutants or sources of pollution and the effect of climate

on the activity of the various pollutants examined in the context of this Directive;

Whereas the ambient air quality needs to be assessed against limit values and/or alert thresholds, and, as regards ozone, target values and/or limit values taking into account the size of populations and ecosystems exposed to air pollution, as well as the environment;

Whereas, in order for assessment of ambient air quality based on measurements made in Member States to be comparable, the location and number of sampling points and reference methods of measurement used should be specified when values are set for alert thresholds, limit values and target values;

Whereas, to allow for the use of other techniques of estimation of ambient air quality besides direct measurement, it is necessary to define the criteria for use and required accuracy of these techniques;

Whereas the general measures set up under this Directive have to be supplemented by others specific to individual substances covered;

Whereas these specific measures need to be adopted as soon as possible in order to fulfil the overall objectives of this Directive;

Whereas preliminary representative data on the levels of pollutants should be collected;

Whereas, in order to protect the environment as a whole and human health, it is necessary that Member States take action when limit values are exceeded in order to comply with these values within the time fixed;

Whereas the measures taken by Member States must take into account the requirements set by regulations concerning the operation of industrial installations in conformity with Community legislation in the field of integrated prevention and reduction of pollution when this legislation applies;

Whereas, because these actions require time to be implemented and become effective, temporary margins of tolerance of the limit value may need to be set;

<sup>(1)</sup> OJ No C 216, 6. 8. 1994, p. 4.

<sup>(2)</sup> OJ No C 110, 2. 5. 1995, p. 5.

<sup>(3)</sup> Opinion of the European Parliament of 16 June 1995 (OJ No C 166, 3. 7. 1995, p. 173), Council common position of 30 November 1995 (OJ No C 59, 28. 2. 1996, p. 24) and decision of the European Parliament of 22 May 1996 (OJ No C 166, 10. 6. 1996, p. 63).

<sup>(4)</sup> OJ No C 138, 17. 5. 1993, p. 1.

Whereas areas may exist in Member States where pollution levels are greater than the limit value but within the allowed margin of tolerance; whereas the limit value must be complied with within the time specified;

Whereas Member States must consult with one another if the level of a pollutant exceeds, or is likely to exceed, the limit value plus the margin of tolerance or, as the case may be, the alert threshold, following significant pollution originating in another Member State;

Whereas the setting of alert thresholds at which precautionary measures should be taken will make it possible to limit the impact of pollution episodes on human health;

Whereas, in zones and agglomerations where the levels of pollutants are below the limit values, Member States must endeavour to preserve the best ambient air quality compatible with sustainable development;

Whereas, in order to facilitate the handling and comparison of data received, such data should be provided to the Commission in standardized form;

Whereas the implementation of a wide and comprehensive policy of ambient air quality assessment and management needs to be based on strong technical and scientific grounds and permanent exchange of views between the Member States;

Whereas there is a need to avoid increasing unnecessarily the amount of information to be transmitted by Member States; whereas the information gathered by the Commission pursuant to the implementation of this Directive is useful to the European Environment Agency (EEA) and may therefore be transmitted to it by the Commission;

Whereas the adaptation of criteria and techniques used for the assessment of the ambient air quality to scientific and technical progress and the arrangements needed to exchange the information to be provided pursuant to this Directive may be desirable; whereas, in order to facilitate implementation of the work necessary to this end, a procedure should be set up to establish close cooperation between the Member States and the Commission within a committee;

Whereas, in order to promote the reciprocal exchange of information between Member States and the EEA, the Commission, with the assistance of the EEA, is to publish a report on ambient air quality in the Community every three years;

Whereas the substances already covered by Council Directive 80/779/EEC of 15 July 1980 on air quality limit values and guide values for sulphur dioxide and suspended particulates<sup>(1)</sup>, Council Directive 82/884/EEC of 3 December 1982 on a limit value for lead in the air<sup>(2)</sup>, Council Directive 85/203/EEC of 7 March 1985 on air

quality standards for nitrogen dioxide<sup>(3)</sup> and Council Directive 92/72/EEC of 21 September 1992 on air pollution by ozone<sup>(4)</sup> should be dealt with first,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

##### Objectives

The general aim of this Directive is to define the basic principles of a common strategy to:

- define and establish objectives for ambient air quality in the Community designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole,
- assess the ambient air quality in Member States on the basis of common methods and criteria,
- obtain adequate information on ambient air quality and ensure that it is made available to the public, *inter alia* by means of alert thresholds,
- maintain ambient air quality where it is good and improve it in other cases.

#### Article 2

##### Definitions

For the purposes of this Directive:

1. 'ambient air' shall mean outdoor air in the troposphere, excluding work places;
2. 'pollutant' shall mean any substance introduced directly or indirectly by man into the ambient air and likely to have harmful effects on human health and/or the environment as a whole;
3. 'level' shall mean the concentration of a pollutant in ambient air or the deposition thereof on surfaces in a given time;
4. 'assessment' shall mean any method used to measure, calculate, predict or estimate the level of a pollutant in the ambient air;
5. 'limit value' shall mean a level fixed on the basis of scientific knowledge, with the aim of avoiding, preventing or reducing harmful effects on human health and/or the environment as a whole, to be

<sup>(1)</sup> OJ No L 229, 30. 8. 1980, p. 30. Directive as last amended by Directive 91/692/EEC (OJ No L 377, 31. 12. 1991, p. 48).

<sup>(2)</sup> OJ No L 378, 31. 12. 1982, p. 15. Directive as last amended by Directive 91/692/EEC.

<sup>(3)</sup> OJ No L 87, 27. 3. 1985, p. 1. Directive as last amended by Directive 91/692/EEC.

<sup>(4)</sup> OJ No L 297, 13. 10. 1992, p. 1.

- attained within a given period and not to be exceeded once attained;
6. 'target value' shall mean a level fixed with the aim of avoiding more long-term harmful effects on human health and/or the environment as a whole, to be attained where possible over a given period;
  7. 'alert threshold' shall mean a level beyond which there is a risk to human health from brief exposure and at which immediate steps shall be taken by the Member States as laid down in this Directive;
  8. 'margin of tolerance' shall mean the percentage of the limit value by which this value may be exceeded subject to the conditions laid down in this Directive;
  9. 'zone' shall mean part of their territory delimited by the Member States;
  10. 'agglomeration' shall mean a zone with a population concentration in excess of 250 000 inhabitants or, where the population concentration is 250 000 inhabitants or less, a population density per km<sup>2</sup> which for the Member States justifies the need for ambient air quality to be assessed and managed.

### Article 3

#### Implementation and responsibilities

For the implementation of this Directive, the Member States shall designate at the appropriate levels the competent authorities and bodies responsible for:

- implementation of this Directive,
- assessment of ambient air quality,
- approval of the measuring devices (methods, equipment, networks, laboratories),
- ensuring accuracy of measurement by measuring devices and checking the maintenance of such accuracy by those devices, in particular by internal quality controls carried out in accordance, *inter alia*, with the requirements of European quality assurance standards,
- analysis of assessment methods,
- coordination on their territory of Community-wide quality assurance programmes organized by the Commission.

When they supply it to the Commission, the Member States shall make the information referred to in the first subparagraph available to the public.

### Article 4

#### Setting of the limit values and alert thresholds for ambient air

1. For those pollutants listed in Annex I, the Commission shall submit to the Council proposals for the setting

of limit values and, as appropriate, alert thresholds according to the following timetable:

- no later than 31 December 1996 for pollutants 1 to 5,
- in accordance with Article 8 of Directive 92/72/EEC for ozone,
- no later than 31 December 1997 for pollutants 7 and 8,
- as soon as possible, and no later than 31 December 1999, for pollutants 9 to 13.

In fixing the limit values and, as appropriate, alert thresholds, account shall be taken, by way of example, of the factors laid down in Annex II.

Regarding ozone, these proposals will take account of the specific formation mechanisms of this pollutant and, to this end, provision may be made for target values and/or limit values.

If a target value fixed for ozone is exceeded, Member States shall inform the Commission of the measures taken in order to attain that value. On the basis of this information the Commission shall evaluate whether additional measures are necessary at Community level and, should the need arise, shall submit proposals to the Council.

For other pollutants, the Commission shall submit to the Council proposals for fixing limit values and, as appropriate, alert thresholds if, on the basis of scientific progress and taking into account the criteria laid down in Annex III, it appears necessary to avoid, prevent or reduce the harmful effects of such pollutants on human health and/or the environment as a whole within the Community.

2. The Commission shall be responsible, taking account of the most recent scientific-research data in the epidemiological and environmental fields concerned and of the most recent advances in metrology, for re-examining the elements on which the limit values and alert thresholds referred to in paragraph 1 are based.

3. When limit values and alert thresholds are set, criteria and techniques shall be established for:

(a) the measurement to be used in implementing the legislation referred to in paragraph 1:

- the location of the sampling points,
- the minimum number of sampling points,
- the reference measurement and sampling techniques;

(b) the use of other techniques for assessing ambient air quality, particularly modelling:

- spatial resolution for modelling and objective assessment methods,
- reference modelling techniques.

These criteria and techniques shall be established in respect of each pollutant according to the size of agglomerations or to the levels of pollutants in the zones examined.

4. To take into account the actual levels of a given pollutant when setting limit values and the time needed to implement measures for improving the ambient air quality, the Council may also set a temporary margin of tolerance for the limit value.

This margin shall be reduced according to procedures to be defined for each pollutant in order to attain the level of the limit value at the latest at the end of a period to be determined for each pollutant when that value is set.

5. In accordance with the Treaty, the Council shall adopt the legislation provided for in paragraph 1 and the provisions laid down in paragraphs 3 and 4.

6. When a Member State takes more stringent measures than those laid down in the provisions referred to in paragraph 5, it shall inform the Commission thereof.

7. When a Member State intends to set limit values or alert thresholds for pollutants not referred to in Annex I and not covered by Community provisions concerning ambient air quality in the Community, it shall inform the Commission thereof in sufficient time. The Commission shall be required to supply, in sufficient time, an answer to the question of the need to act at Community level following the criteria laid down in Annex III.

#### *Article 5*

##### **Preliminary assessment of ambient air quality**

Member States which do not have representative measurements of the levels of pollutants for all zones and agglomerations shall undertake series of representative measurements, surveys or assessments in order to have the data available in time for implementation of the legislation referred to in Article 4 (1).

#### *Article 6*

##### **Assessment of ambient air quality**

1. Once limit values and alert thresholds have been set, ambient air quality shall be assessed throughout the territory of the Member States, in accordance with this Article.

2. In accordance with the criteria referred to in Article 4 (3), and in respect of the relevant pollutants under Article 4 (3), measurement is mandatory in the following zones:

- agglomerations as defined in Article 2 (10),
- zones in which levels are between the limit values and the levels provided for in paragraph 3, and

— other zones where levels exceed the limit values.

The measures provided for may be supplemented by modelling techniques to provide an adequate level of information on ambient air quality.

3. A combination of measurements and modelling techniques may be used to assess ambient air quality where the levels over a representative period are below a level lower than the limit value, to be determined according to the provisions referred to in Article 4 (5).

4. Where the levels are below a level to be determined according to the provisions referred to in Article 4 (5), the sole use of modelling or objective estimation techniques for assessing levels shall be possible. This provision shall not apply to agglomerations in the case of pollutants for which alert thresholds have been fixed according to the provisions referred to in Article 4 (5).

5. Where pollutants have to be measured, the measurements shall be taken at fixed sites either continuously or by random sampling; the number of measurements shall be sufficiently large to enable the levels observed to be determined.

#### *Article 7*

##### **Improvement of ambient air quality**

###### **General requirements**

1. Member States shall take the necessary measures to ensure compliance with the limit values.

2. Measures taken in order to achieve the aims of this Directive shall:

- (a) take into account an integrated approach to the protection of air, water and soil;
- (b) not contravene Community legislation on the protection of safety and health of workers at work;
- (c) have no significant negative effects on the environment in the other Member States.

3. Member States shall draw up action plans indicating the measures to be taken in the short term where there is a risk of the limit values and/or alert thresholds being exceeded, in order to reduce that risk and to limit the duration of such an occurrence. Such plans may, depending on the individual case, provide for measures to control and, where necessary, suspend activities, including motor-vehicle traffic, which contribute to the limit values being exceeded.

*Article 8***Measures applicable in zones where levels are higher than the limit value**

1. Member States shall draw up a list of zones and agglomerations in which the levels of one or more pollutants are higher than the limit value plus the margin of tolerance.

Where no margin of tolerance has been fixed for a specific pollutant, zones and agglomerations in which the level of that pollutant exceeds the limit value shall be treated in the same way as the zones and agglomerations referred to in the first subparagraph, and paragraphs 3, 4 and 5 shall apply to them.

2. Member States shall draw up a list of zones and agglomerations in which the levels of one or more pollutants are between the limit value and the limit value plus the margin of tolerance.

3. In the zones and agglomerations referred to in paragraph 1, Member States shall take measures to ensure that a plan or programme is prepared or implemented for attaining the limit value within the specific time limit.

The said plan or programme, which must be made available to the public, shall incorporate at least the information listed in Annex IV.

4. In the zones and agglomerations referred to in paragraph 1, where the level of more than one pollutant is higher than the limit values, Member States shall provide an integrated plan covering all the pollutants concerned.

5. The Commission shall regularly check the implementation of the plans or programmes submitted under paragraph 3 by examining their progress and the trends in air pollution.

6. When the level of a pollutant exceeds, or is likely to exceed, the limit value plus the margin of tolerance or, as the case may be, the alert threshold following significant pollution originating in another Member State, the Member States concerned shall consult with one another with a view to finding a solution. The Commission may be present at such consultations.

*Article 9***Requirements in zones where the levels are lower than the limit value**

Member States shall draw up a list of zones and agglomerations in which the levels of pollutants are below the limit values.

Member States shall maintain the levels of pollutants in these zones and agglomerations below the limit values

and shall endeavour to preserve the best ambient air quality, compatible with sustainable development.

*Article 10***Measures applicable in the event of the alert thresholds being exceeded**

When the alert thresholds are exceeded, Member States shall undertake to ensure that the necessary steps are taken to inform the public (e.g. by means of radio, television and the press). Member States shall also forward to the Commission on a provisional basis information concerning the levels recorded and the duration of the episode(s) of pollution no later than three months following their occurrence. A list of minimum details to be supplied to the public shall be drawn up together with the alert thresholds.

*Article 11***Transmission of information and reports**

After adoption by the Council of the first proposal referred to in the first indent of Article 4 (1):

1. Member States shall notify to the Commission the competent authorities, laboratories and bodies referred to in Article 3 and

(a) in the zones referred to in Article 8 (1) shall:

(i) inform the Commission of the occurrence of levels exceeding the limit value plus the margin of tolerance, of the dates or periods when such levels were observed and the values recorded in the nine-month period after the end of each year.

When no margin of tolerance has been fixed for a given pollutant, the zones and agglomerations where the level of such pollutant exceeds the limit value shall be treated in the same way as the zones and agglomerations referred to in the first subparagraph;

(ii) inform the Commission of the reasons for each recorded instance, in the nine-month period after the end of each year;

(iii) send to the Commission the plans or programmes referred to in Article 8 (3) no later than two years after the end of the year during which the levels were observed;

(iv) inform the Commission every three years of the progress of the plan or programme;

(b) shall forward to the Commission annually, and no later than nine months after the end of each year, the list of zones and agglomerations referred to in Article 8 (1) and (2) and in Article 9;

(c) shall forward to the Commission every three years within the framework of the sectoral report referred

to in Article 4 of Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment<sup>(1)</sup>, and no later than nine months after the end of each three-year period, information reviewing the levels observed or assessed, as appropriate, in the zones and agglomerations referred to in Article 8 and Article 9;

(d) shall inform the Commission of the methods used for the preliminary assessment of air quality provided for in Article 5.

2. the Commission shall publish:

(a) annually, a list of the zones and agglomerations referred to in Article 8 (1);

(b) every three years, a report on the ambient air quality in the Community. This report shall show in summary form the information received through a mechanism for the exchange of information between the Commission and the Member States.

3. the Commission will call upon as necessary the expertise available in the European Environment Agency in drafting the report referred to in paragraph 2 (b).

#### *Article 12*

##### **Committee and its functions**

1. The amendments necessary to adapt the criteria and techniques referred to in Article 4 (2) to scientific and technical progress, and the detailed arrangements for forwarding the information to be provided under Article 11, and other tasks specified in the provisions referred to in Article 4 (3), shall be adopted in accordance with the procedure laid down in paragraph 2 of this Article.

Such adaptation must not have the effect of modifying the limit values or the alert thresholds either directly or indirectly.

2. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States

within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

#### *Article 13*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 18 months after it comes into force with regard to the provisions relating to Articles 1 to 4 and 12 and Annexes I, II, III and IV, and at the latest on the date on which the provisions referred to in Article 4 (5) apply, with regard to the provisions relating to the other Articles.

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

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

#### *Article 14*

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

#### *Article 15*

This Directive is addressed to the Member States.

Done at Brussels, 27 September 1996.

*For the Council*

*The President*

M. LOWRY

<sup>(1)</sup> OJ No L 377, 31. 12. 1991, p. 48.

*ANNEX I***LIST OF ATMOSPHERIC POLLUTANTS TO BE TAKEN INTO CONSIDERATION IN THE ASSESSMENT AND MANAGEMENT OF AMBIENT AIR QUALITY****I. Pollutants to be studied at an initial stage, including pollutants governed by existing ambient air quality directives**

1. Sulphur dioxide
2. Nitrogen dioxide
3. Fine particulate matter such as soot (including mw 10)
4. Suspended particulate matter
5. Lead
6. Ozone

**II. Other air pollutants**

7. Benzene
  8. Carbon monoxide
  9. Poly-aromatic hydrocarbons
  10. Cadmium
  11. Arsenic
  12. Nickel
  13. Mercury
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*ANNEX II***FACTORS TO BE TAKEN INTO ACCOUNT WHEN SETTING LIMIT VALUES AND ALERT THRESHOLDS**

When setting the limit value and, as appropriate, alert threshold, the following factors may, by way of example, be taken into account:

- degree of exposure of sectors of the population, and in particular sensitive sub-groups,
- climatic conditions,
- sensitivity of flora and fauna and their habitats,
- historic heritage exposed to pollutants,
- economic and technical feasibility,
- long-range transmission of pollutants, of which secondary pollutants, including ozone.

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*ANNEX III***GUIDELINES FOR SELECTING AIR POLLUTANTS FOR CONSIDERATION**

1. Possibility, severity and frequency of effects; with regard to human health and the environment as a whole, the irreversible effects must be of special concern.
2. Ubiquity and high concentration of the pollutant in the atmosphere.
3. Environmental transformations or metabolic alterations, as these alterations may lead to the production of chemicals with greater toxicity.
4. Persistence in the environment, particularly if the pollutant is not biodegradable and can accumulate in humans, the environment or food chains.
5. Impact of the pollutant:
  - size of exposed population, living resources or ecosystems,
  - existence of particularly sensitive targets in the zone concerned.
6. Risk-assessment methods may also be used.

The pertinent danger criteria established under Directive 67/548/EEC<sup>(1)</sup> and its successive adaptations must be taken into account in the selection of the pollutants.

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<sup>(1)</sup> OJ No 196, 16. 8. 1967, p. 1/670. Directive as last amended by Commission Directive 91/632/EEC (OJ No L 338, 10. 12. 1991, p. 23)



## ANNEX IV

## INFORMATION TO BE INCLUDED IN THE LOCAL, REGIONAL OR NATIONAL PROGRAMMES FOR IMPROVEMENT IN THE AMBIENT AIR QUALITY

## Information to be provided under Article 8 (3)

1. *Localization of excess pollution*
    - region
    - city (map)
    - measuring station (map, geographical coordinates).
  2. *General information*
    - type of zone (city, industrial or rural area)
    - estimate of the polluted area (km<sup>2</sup>) and of the population exposed to the pollution
    - useful climatic data
    - relevant data on topography
    - sufficient information on the type of targets requiring protection in the zone.
  3. *Responsible authorities*

Names and addresses of persons responsible for the development and implementation of improvement plans.
  4. *Nature and assessment of pollution*
    - concentrations observed over previous years (before the implementation of the improvement measures)
    - concentrations measured since the beginning of the project
    - techniques used for the assessment.
  5. *Origin of pollution*
    - list of the main emission sources responsible for pollution (map)
    - total quantity of emissions from these sources (tonnes/year)
    - information on pollution imported from other regions.
  6. *Analysis of the situation*
    - details of those factors responsible for the excess (transport, including cross-border transport, formation)
    - details of possible measures for improvement of air quality.
  7. *Details of those measures or projects for improvement which existed prior to the entry into force of this Directive i.e.*
    - local, regional, national, international measures
    - observed effects of these measures.
  8. *Details of those measures or projects adopted with a view to reducing pollution following the entry into force of this Directive*
    - listing and description of all the measures set out in the project
    - timetable for implementation
    - estimate of the improvement of air quality planned and of the expected time required to attain these objectives.
  9. *Details of the measures or projects planned or being researched for the long term.*
  10. *List of the publications, documents, work, etc., used to supplement information requested in this Annex.*
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## II

*(Acts whose publication is not obligatory)*

## EUROPEAN ECONOMIC AREA

## EFTA SURVEILLANCE AUTHORITY

## RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 86/96/COL

of 10 July 1996

**concerning a coordinated programme for the official control of foodstuffs for 1996**

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the European Economic Area Agreement, and in particular Article 109 and Protocol 1 thereof,

Having regard to the Surveillance and Court Agreement, and in particular Article 5 (2) (b) and Protocol 1 thereof,

Having regard to the Act referred to in point 50 of Chapter XII of Annex II to the EEA Agreement (Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs), and in particular Article 14 (3) thereof,

Whereas it is necessary with a view to the sound operation of the European Economic Area, to arrange for coordinated food inspection programmes within the EEA;

Whereas such programmes place emphasis on compliance with the foodstuffs legislation in force under the EEA Agreement, the protection of public health, consumer interests and fair trade practices;

Whereas simultaneous implementation of national programmes and coordinated programmes can provide information and experience on which to base future control activities;

Whereas Liechtenstein shall comply with the provisions of the acts referred to in Chapter XII of Annex II to the EEA Agreement by 1 January 2000; whereas Liechtenstein shall do its utmost to comply with the provisions of the acts referred to in that Chapter by 1 January 1997; whereas therefore Liechtenstein should not be included in this Recommendation for 1996;

Whereas Norway and Iceland have been consulted within the EFTA Foodstuffs Committee assisting the EFTA Surveillance Authority on 7 November 1995,

HAS ADOPTED THIS RECOMMENDATION:

1. It is recommended that during 1996 Norway and Iceland take samples and/or carry out inspections of the following, undertaking laboratory analysis where indicated:
  - (a) microbiological assessment of dried and fermented ready-to-eat meat and meat products;
  - (b) migration of plasticisers into foods;
  - (c) temperature of chilled foods on display for sale;
  - (d) benzo(a)pyrene in smoked pork products.
2. A coordinated programme of inspections is recommended to Norway and Iceland as a consequence of Article 14 (3) of the Act referred to in point 50 of Chapter XII of Annex II in the EEA Agreement (Council Directive 89/397/EEC). The subjects have been discussed with Norway and Iceland.
3. Where appropriate, for each subject, a method of analysis is suggested. As far as sampling is concerned, no uniform rates have been set. The number of samples taken should be extensive enough to provide an overview of the market in the foodstuffs concerned in Norway and Iceland.
4. The number of samples and the methods of analysis used should be mentioned or described briefly.

**I. Microbiological assessment of dried and fermented ready-to-eat meats and meat products**

Dried and fermented ready-to-eat meats and meat products sampled at the retail point of sale to the consumer are the subject of this element of the programme. The samples are to be subjected to microbiological examination for the presence of *Salmonellae*, *E. Coli* 0157:H7 and enumeration of *Staphylococcus aureus*. The products pH, water activity ( $A_w$ ) are to be noted. The results are to be recorded in three categories: dry and semi-dry sausage, undried sausage and raw (country-style) hams.

**II. Migration of plasticisers**

Plasticisers (e.g. phosphoric esters, phthalic esters, stearic and adipic esters) are used to enhance the suppleness of plastic materials including those in contact with foods. These substances are known to contribute at a high level to the overall migration of substances from the plasticised plastics into foods/food simulants. The objective of this element of the programme is to assess the compliance of plasticised materials used in contact with food with the limits established in the Act referred to in point 52 of Chapter XII of Annex II to the EEA Agreement (Commission Directive 90/128/EEC of 23 February 1990 relating to plastic materials and articles intended to come into contact with foodstuffs).

**III. Temperature control of chilled foods at the point of sale to the ultimate consumer**

The Act referred to in point 54.j of Chapter XII of Annex II to the EEA Agreement (Council Directive 93/43/EEC of 14 June 1993 on the hygiene of foodstuffs) requires foods which are likely to support growth of pathogenic microorganisms or the formation of toxins to be kept at temperatures which would not result in a risk to health.

This element of the programme is aimed at determining the temperature of the following four categories of foods at the point of sale to the consumer, using accurate temperature monitoring equipment:

1. chilled cooked foods to be eaten without further reheating;
2. chilled cooked foods requiring reheating only (not a full cooking process) prior to consumption;
3. raw prepared foods to be eaten after a full heat process;
4. raw prepared foods to be eaten raw.

Temperatures are to be measured where possible by non-destructive methods.

#### IV. Benzo(a)pyrene in smoked pork products

The Act referred to in point 44 of Chapter XII of Annex II to the EEA Agreement (Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production) limits the levels of the smoked aroma substance 3,4-benzopyrene to 0,03 µg/kg in foodstuffs. This element of the control programme is to assess the levels of benzo(a)pyrene in smoked pork products.

Done at Brussels, 10 July 1996.

*For the EFTA Surveillance Authority*

*The President*

Knut ALMESTAD

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