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Contents

I *Acts whose publication is obligatory*

- * **Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics** 1
- * **Commission Regulation (EC) No 323/97 of 21 February 1997 amending Council Regulation (EC) No 2406/96 laying down common marketing standards for certain fishery products** 8
- * **Commission Regulation (EC) No 324/97 of 21 February 1997 amending Regulation (EC) No 2190/96 as regards system B for the issue of export licences in the fruit and vegetables sector** 10
- Commission Regulation (EC) No 325/97 of 21 February 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables 11
- Commission Regulation (EC) No 326/97 of 21 February 1997 amending representative prices and additional duties for the import of certain products in the sugar sector 13

II *Acts whose publication is not obligatory*

Council

97/135/EC:

- * **Council Decision of 17 February 1997 providing that the European Community should subscribe for extra shares as a result of the decision to double the capital of the European Bank for Reconstruction and Development** 15
- Resolution No 59 — Increase in authorized capital stock and subscriptions thereto 16

1

(Continued overleaf)

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other Acts are printed in bold type and preceded by an asterisk.

97/136/EC:

- * **Council Decision of 17 February 1997 authorizing Member States to continue to apply to certain mineral oils, when used for specific purposes, existing reduced rates of excise duty or exemptions from excise duty in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC..... 18**

Commission

97/137/EC:

- * **Commission Decision of 3 February 1997 recognizing in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of prosulfuron and cyclanilide in Annex I of Council Directive 91/414/EEC concerning the placing of plant protection products on the market ⁽¹⁾..... 20**

97/138/EC:

- * **Commission Decision of 3 February 1997 establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste ⁽¹⁾ 22**

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 322/97
of 17 February 1997
on Community Statistics

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the draft Regulation submitted by the Commission ⁽¹⁾,

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

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

Having regard to the opinion of the European Monetary Institute ⁽⁴⁾,

(1) Whereas, for the performance of the various tasks entrusted to it by the provisions of the Treaty in order to ensure the proper functioning and development of the common market, the Commission needs to collect any relevant information;

(2) Whereas, in particular, for the formulation, application, monitoring and assessment of the policies laid down in the Treaty, the Community must be able to base its decisions on statistics which are up-to-date, reliable, pertinent and comparable between the Member States;

(3) Whereas, to ensure the feasibility, coherence and comparability of Community statistics, collaboration and coordination must be reinforced between those authorities which contribute to the production of such information at both national and Community level; whereas the provisions of this Regulation contribute to the development of a Community statistical system;

(4) Whereas the said authorities must show the greatest impartiality and professionalism in the production of statistics, respecting the same principles of behaviour and professional ethics;

(5) Whereas on 14 April 1994 the UN Statistical Commission adopted the Fundamental Principles of Official Statistics;

(6) Whereas, in order to prepare and carry out priority Community statistical actions, statistical programmes must be implemented, taking into account available resources both at national and Community level;

(7) Whereas the establishment of the Community statistical programme to be adopted by the Council and the annual work programmes to be adopted by the Commission require particularly close collaboration within the Statistical Programme Committee, established by Decision 89/382/EEC, Euratom ⁽⁵⁾;

(8) Whereas this Regulation aims to establish a legislative framework for the production of Community statistics; whereas provision should be made for planning the production of the Community statistics which will be specified by individual statistical actions;

(9) Whereas this Regulation defines the responsibility of the national authorities and the Community authority for the production of Community statistics in compliance with the principle of subsidiarity as defined in Article 3b of the Treaty;

(10) Whereas, in preparing statistical programmes, the Committees instituted by the Council in their given statistical fields must carry out the functions with which they have been entrusted;

⁽¹⁾ OJ No C 106, 14. 4. 1994, p. 22.

⁽²⁾ OJ No C 109, 1. 5. 1995, p. 321.

⁽³⁾ OJ No C 195, 18. 7. 1994, p. 1.

⁽⁴⁾ Opinion delivered on 7 February 1995.

⁽⁵⁾ OJ No L 181, 28. 6. 1989, p. 47.

- (11) Whereas the methods and conditions of the implementation of the Community Statistical Programme by individual statistical actions have to be defined;
- (12) Whereas dissemination is part of the production process of Community statistics;
- (13) Whereas it is important to protect the confidential information which the national and Community statistical authorities must collect for the production of Community statistics, in order to gain and maintain the confidence of the parties responsible for providing this information; whereas the confidentiality of statistical information must satisfy the same set of principles in all the Member States;
- (14) Whereas, for this purpose, it is necessary to establish a common concept of confidential data to be used in relation to the production of Community statistics;
- (15) Whereas this concept must take into account that data taken from sources available to the public are considered confidential by some national authorities, according to national legislation;
- (16) Whereas the specific rules of processing data in the framework of the Community Statistical Programme will not affect Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽¹⁾;
- (17) Whereas the Treaty has conferred certain statistical responsibilities on the European Monetary Institute, which it shall exercise without seeking or taking instructions from Community institutions or bodies, from any Government of a Member State or from any other body; whereas it is important to ensure appropriate coordination between the relevant tasks of the authorities at national and Community level which contribute to the production of Community statistics on the one hand, and the functions of the European Monetary Institute on the other;
- (18) Whereas national central banks, at the latest at the date of the establishment of the European System of Central Banks, should be independent of Community institutions or bodies, of any government of a Member State or of any other body; whereas, in stage II of Economic and Monetary Union, Member States should start and complete the process to ensure the independence of national central banks;
- (19) Whereas the Commission has consulted the Statistical Programme Committee, the Committee on Monetary, Financial and Balance of Payments Stat-

istics, established by Decision 91/115/EEC⁽²⁾, and the European Advisory Committee on Statistical Information in the Economic and Social Spheres, set up by Decision 91/116/EEC⁽³⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

The purpose of this Regulation is to establish a legislative framework for the systematic and programmed production of Community statistics with a view to the formulation, application, monitoring and assessment of the policies of the Community.

The national authorities at national level and the Community authority at Community level shall be responsible for the production of Community statistics in compliance with the principle of subsidiarity.

To guarantee comparability of results, Community statistics shall be produced on the basis of uniform standards and, in specific, duly justified cases, of harmonized methods.

Article 2

For the purposes of this Regulation:

- 'Community statistics' shall mean quantitative, aggregated and representative information taken from the collection and systematic processing of data, produced by the national authorities and the Community authority in the framework of implementation of the Community statistical programme in accordance with Article 3 (2),
- 'production of statistics' shall mean the process encompassing all the activities necessary for the collection, storage, processing, compilation, analysis and dissemination of the statistical information,
- 'national authorities' shall mean national statistical institutes and other bodies responsible in each Member State for producing Community statistics,
- 'Community authority' shall mean the Commission department responsible for carrying out the tasks devolving on the Commission as regards the production of Community statistics (Eurostat).

⁽¹⁾ OJ No L 281, 23. 11. 1995, p. 31.

⁽²⁾ OJ No L 59, 6. 3. 1991, p. 19.

⁽³⁾ OJ No L 59, 6. 3. 1991, p. 21.

CHAPTER II

*Article 4***The Community statistical programme and its implementation***Article 3*

1. In accordance with the relevant provisions of the Treaty, the Council shall adopt a Community statistical programme which defines the approaches, the main fields and the objectives of the actions envisaged for a period not exceeding five years.

The Community statistical programme shall constitute the framework for the production of all Community statistics. If necessary, it may be updated.

The Commission shall prepare a report on the implementation of the programme at the end of the period covered by the programme.

The Commission shall submit the guidelines for establishing the Community statistical programme for prior examination by the Statistical Programme Committee and, within the framework of their respective powers, by the European Advisory Committee on Statistical Information in the Economic and Social Spheres and the Committee on Monetary, Financial and Balance of Payments Statistics.

2. The Community statistical programme referred to in paragraph 1 shall be implemented by individual statistical actions. These actions shall be either:

- (a) decided on by the Council in accordance with the appropriate Treaty provisions; or
- (b) decided on by the Commission under the conditions laid down in Article 6 and in accordance with the procedure laid down in Article 19; or
- (c) decided on by means of agreement between the national authorities and the Community authority within their respective spheres of competence.

3. Each year, before the end of May, the Commission shall submit for examination by the Statistical Programme Committee its work programme for the following year. This programme shall indicate in particular:

- the actions which the Commission considers to have priority, bearing in mind both national and Community financial constraints,
- the procedures and any legal instruments envisaged by the Commission for the implementation of the programme.

The Commission will take the utmost account of the comments of the Statistical Programme Committee. The Commission will take the action it considers most appropriate.

The Commission shall indicate in its initiatives on the individual statistical actions referred to in Article 3 (2) (a) and (b):

- the reasons justifying the action envisaged, notably in the light of the aims of the Community policy concerned,
- the precise objectives for the action and an evaluation of the expected results,
- the procedures for implementing the action, its length and the role of the national authorities and the Community authority,
- the role of the relevant specialist committees,
- the means by which burdens on respondents will be minimized,
- a cost-effectiveness analysis which takes into account the financing costs of the action both for the Community and for the Member States,
- the international statistical recommendations to be observed in the fields covered.

Article 5

The acts adopted by the Council or the Commission in the cases referred to in Article 3 (2) (a) and (b) must define the elements necessary to obtain the quality and comparability level required in Community statistics.

Article 6

The Commission may decide on an individual statistical action as provided for in Article 3 (2) (b) when it meets all the following conditions:

- the action must not last for more than one year,
- the data to be gathered must be already available or accessible within the national authorities responsible, or, in exceptional cases, data which can be gathered directly,
- any additional costs incurred at national level as a result of the action must be borne by the Commission.

Article 7

When Community statistics result from an agreement between the national authorities and the Community authority, as referred to in Article 3 (2) (c), no obligation shall arise for the respondents, unless such an obligation is laid down in national legislation.

Article 8

The implementation of individual statistical actions shall come under the responsibility of national authorities unless otherwise stated in a Council legal act. If national authorities do not accomplish this task, the individual

statistical actions may be carried out by the Community authority with the explicit agreement of the national authority concerned.

Article 9

To guarantee the coherence necessary to produce statistics meeting their respective information requirements, the Commission shall cooperate closely with the European Monetary Institute, taking due account of the principles defined in Article 10. The Committee on Monetary, Financial and Balance of Payments Statistics shall take part, within the limits of its competence, in this process of cooperation.

Although the European Monetary Institute and the national central banks do not participate in the production of Community statistics, by analogy with Article 3 (2) (c), following an agreement between a national central bank and the Community authority within their respective spheres of competence and without prejudice to national arrangements between the national central bank and the national authority, data produced by the central bank may be used, directly or indirectly, by national authorities and the Community authority for the production of Community statistics.

CHAPTER III

Principles

Article 10

In order to ensure the best possible quality in both deontological and professional aspects, Community statistics shall be governed by the principles of impartiality, reliability, relevance, cost-effectiveness, statistical confidentiality and transparency.

The principles referred to in the first subparagraph are defined as follows:

'impartiality' is an objective and independent manner of producing Community statistics, free from any pressure from political or other interest groups, particularly as regards the selection of techniques, definitions and methodologies best suited to the attainment of the objectives as set out. It implies the availability of statistics, with a minimum delay, to all users (Community institutions, governments, social and economic operators, academic circles and the public in general);

'reliability' is the characteristic of Community statistics to reflect as faithfully as possible the reality which they are designed to represent. It implies that scientific criteria are used for the selection of sources, methods and procedures. Any information on the coverage, methodology, procedures and sources will also improve data reliability;

'relevance' shall mean that the production of Community statistics is a function of clearly defined requirements determined by the Community objectives. These requirements determine the fields, timeliness and scale of statistics, which should keep abreast of new demographic, economic, social and environmental developments at all times. Data collection should be limited to what is necessary for attaining the desired results. The production of Community statistics which has ceased to be of interest for Community objectives should be abandoned;

'cost-effectiveness' shall mean the optimum use of all available resources and the minimization of the burden on respondents. The amount of work and the costs which the production of statistics requires should be in proportion to the importance of the results/benefits sought;

'statistical confidentiality' shall mean the protection of data related to single statistical units which are obtained directly for statistical purposes or indirectly from administrative or other sources against any breach of the right to confidentiality. It implies the prevention of non-statistical utilization of the data obtained and unlawful disclosure;

'transparency' shall mean the right of respondents to have information on the legal basis, the purposes for which the data are required and the protective measures adopted. The authorities responsible for collecting Community statistics shall take every step to supply such information.

CHAPTER IV

Dissemination

Article 11

1. Dissemination shall mean the activity of making Community statistics accessible to users.
2. Dissemination shall be carried out in such a way that access to Community statistics is rendered simple and impartial throughout the Community.
3. The dissemination of Community statistics shall be carried out by the Community authority and national authorities within their respective spheres of competence.

Article 12

Statistical results at Community level shall be disseminated with the same periodicity as the transmission to the Community authority of the results available at national level. As far as possible and without compromising quality at Community level, the dissemination will take place before the next transmission of national results to the Community authority is due.

CHAPTER V

Statistical confidentiality*Article 13*

1. Data used by the national authorities and the Community authority for the production of Community statistics shall be considered confidential when they allow statistical units to be identified, either directly or indirectly, thereby disclosing individual information.

To determine whether a statistical unit is identifiable, account shall be taken of all the means that might reasonably be used by a third party to identify the said statistical unit.

2. By derogation from paragraph 1, data taken from sources which are available to the public and remain available to the public at the national authorities according to national legislation, shall not be considered confidential.

Article 14

Transmission between national authorities and between national authorities and the Community authority of confidential data which do not permit direct identification may take place to the extent that this transmission is necessary for the production of specific Community statistics. Any further transmission must be explicitly authorized by the national authority that collected the data.

Article 15

Confidential data obtained exclusively for the production of Community statistics shall be used by national authorities and by the Community authority exclusively for statistical purposes unless the respondents have unambiguously given their consent to the use for any other purposes.

Article 16

1. In order to reduce the burden on respondents, and subject to paragraph 2, the national authorities and the Community authority shall have access to administrative

data sources, each in the fields of activity of their own public administrations, to the extent that these data are necessary for the production of Community statistics.

2. The practical arrangements and the limits and conditions for achieving effective access shall be determined where necessary by each Member State and the Commission in their respective spheres of competence.

3. The use of confidential data obtained from administrative or other sources by the national authorities or by the Community authority for the production of Community statistics does not affect the use of the data for the purposes for which they were originally collected.

Article 17

1. Access for scientific purposes to confidential data obtained for Community statistics may be granted by the national authority responsible for the production of these data if the standard of protection prevailing in the country of origin and, if applicable, in the country of use, is ensured according to the measures laid down in Article 18.

2. Access for scientific purposes to confidential data transmitted to the Community authority in accordance with Article 14 may be granted by that authority, if the national authority which provided the data requested has given its explicit approval for such use.

Article 18

1. Necessary regulatory, administrative, technical and organizational measures shall be taken at national and Community level to ensure the physical and logical protection of confidential data and to ensure that no unlawful disclosure and non-statistical use shall occur when Community statistics are disseminated.

2. Officials and other servants of the national authorities or of the Community authority having access to data subject to Community legislation which imposes statistical confidentiality shall be subject to compliance with such confidentiality, even after the cessation of their functions.

CHAPTER VI

Final provisions*Article 19*

1. In the case referred to in Article 3 (2) (b), the Commission shall be assisted by the Statistical Programme Committee.

2. 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.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) 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, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 20

1. For the adoption of the measures necessary for the implementation of Chapter V, particularly those designed to ensure that all the national authorities and the Community authority apply the same principles and minimum standards for avoiding disclosure of confidential Community statistical data and the conditions governing access for scientific purposes, in accordance with Article 17 (2), to confidential data held by the Community authority, the Commission shall be assisted by the Committee on Statistical Confidentiality set up by Article 7 of Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities⁽¹⁾.

2. 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.

⁽¹⁾ OJ No L 151, 15. 6. 1990, p. 1.

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.

3. (a) The Commission shall adopt measures which shall apply immediately.

(b) However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.

In that event, the Commission shall defer application of the measures which it has decided for a period of three months from the date of referral to the Council.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

Article 21

1. This Regulation shall apply without prejudice to Directive 95/46/EC.

2. Point 1 of Article 2 of Regulation (Euratom, EEC) No 1588/90 shall be replaced by the following:

'1. confidential statistical data: data defined in Article 13 of Council Regulation (EC) No 322/97 of 17 February 1997 on Community Statistics^(*);

^(*) OJ No L 52, 22. 2. 1997, p. 1.'

Article 22

Statistics produced on the basis of existing Community legal acts shall be considered as Community statistics regardless of the decision-making procedures by which they are governed.

Statistics produced, or to be produced, by the national authorities and the Community authority pursuant to the framework programme for priority actions in the field of statistical information 1993 to 1997 provided for by Decision 93/464/EEC^(?) shall be regarded as Community statistics.

Article 23

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

^(?) OJ No L 219, 28. 8. 1993, p. 1.

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

Done at Brussels, 17 February 1997.

For the Council

The President

G. ZALM

COMMISSION REGULATION (EC) No 323/97
of 21 February 1997
amending Council Regulation (EC) No 2406/96 laying down common marketing
standards for certain fishery products

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

Having regard to Council Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products⁽¹⁾, as last amended by Regulation (EC) No 3318/94⁽²⁾, and in particular Article 2 (4) thereof,

Whereas Council Regulation (EC) No 2406/96⁽³⁾ introduces in particular a new scale of size categories for herring of the species *Clupea harengus*, whereas in the case of Baltic herring this new scale establishes a specific size for products taken and landed north of 59° 30' but does not include that previously applicable in the whole of the Baltic;

Whereas this omission fails to take account of the production and sales conditions of herring taken in the Baltic, south of 59° 30'; whereas steps should be taken therefore to establish the appropriate size category for this product again by amending Regulation (EC) No 2406/96 accordingly;

Whereas this amendment will constitute a technical adjustment to the common marketing standards as

provided for in Article 2 (4) of Regulation (EEC) No 3759/92;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Annex II to Regulation (EC) No 2406/96, the scale of size categories applicable to Baltic herring (*Clupea harengus*) is hereby amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 1997.

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

Done at Brussels, 21 February 1997.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 388, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 350, 31. 12. 1994, p. 15.

⁽³⁾ OJ No L 334, 23. 12. 1996, p. 1.

ANNEX

Amendment to the scale of size categories for Baltic herring

Species	Size	kg/fish	Number of fish/kg
Herring (<i>clupea harengus</i>)	1	0,25 and over	4 or less
	2	0,125 to 0,25	5 to 8
	3	0,085 to 0,125	9 to 11
	4 (a)	0,05 to 0,085	12 to 20
Baltic herring, caught and landed, south of 59° 30'	(b)	0,036 to 0,085	12 to 27
Baltic herring, caught and landed, north of 59° 30'	5	0,031 to 0,085	12 to 32

COMMISSION REGULATION (EC) No 324/97
of 21 February 1997
amending Regulation (EC) No 2190/96 as regards system B for the issue of export
licences in the fruit and vegetables sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽¹⁾, and in particular Article 35 (11) thereof,

Whereas Commission Regulation (EC) No 2190/96⁽²⁾, as amended by Regulation (EC) No 26/97⁽³⁾, lays down detailed rules relating to export refunds on fruit and vegetables;

Whereas Article 5 (2a) of Regulation (EC) No 2190/96 provides for the indication of destinations or groups of destinations; whereas express provision should be made therefore that the rejection of applications after a certain date, referred to in Article 5 (5) of the abovementioned Regulation, and the reduction in the refund rates or quantities applied for, referred to in Article 5 (6) of that Regulation, be made as appropriate according to destination or group of destinations;

Whereas, in order to simplify the administration of system B, the notification of information provided for in Article 5 (4) of Regulation (EC) No 2190/96 should not include quantities covered by licence applications rejected pursuant to Article 5 (5);

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 5 of Regulation (EC) No 2190/96 is hereby amended as follows:

1. the following subparagraph is added to the end of paragraph 4:

‘This information shall not include quantities for which licence applications are rejected pursuant to paragraph 5 of this Article’.

2. in paragraph 5 the words ‘quantities applied for’ are replaced by ‘quantities applied for in respect of a destination or group of destinations’.

3. in paragraph 6 the words ‘for each product’ are replaced by ‘for each product and each destination or group of destinations’.

Article 2

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

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

Done at Brussels, 21 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ No L 292, 15. 11. 1996, p. 12.

⁽³⁾ OJ No L 6, 10. 1. 1997, p. 9.

COMMISSION REGULATION (EC) No 325/97
of 21 February 1997

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 February 1997.

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

Done at Brussels, 21 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 21 February 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value	
0702 00 15	052	54,1	
	204	56,2	
	212	113,8	
	624	126,3	
	999	87,6	
0707 00 10	052	94,2	
	053	180,2	
	068	74,2	
	624	203,7	
	999	138,1	
0709 10 10	220	158,7	
	999	158,7	
0709 90 73	052	132,6	
	204	123,4	
	999	128,0	
0805 10 01, 0805 10 05, 0805 10 09	052	37,9	
	204	37,6	
	212	54,8	
	220	30,6	
	448	26,2	
	464	50,5	
	600	40,4	
	624	50,2	
	999	41,0	
	0805 20 11	204	64,1
999		64,1	
052		53,0	
0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	204	75,1	
	220	55,1	
	247	64,5	
	400	79,3	
	464	78,5	
	600	90,1	
	624	77,0	
	999	71,6	
	0805 30 20	052	62,9
		400	72,0
600		62,6	
999		65,8	
0808 10 51, 0808 10 53, 0808 10 59	060	58,8	
	064	56,3	
	400	76,8	
	404	74,8	
	512	107,6	
	528	115,2	
	999	81,6	
	064	77,0	
0808 20 31	388	76,7	
	400	111,4	
	512	68,9	
	528	74,3	
	624	77,1	
	999	80,9	

(¹) 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 326/97

of 21 February 1997

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⁽¹⁾, as last amended by Regulation (EC) No 1599/96⁽²⁾,

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⁽³⁾, as last amended by Regulation (EC) No 1127/96⁽⁴⁾, 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⁽⁵⁾, as last amended by Regulation (EC) No 319/97⁽⁶⁾;

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 22 February 1997.

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

Done at Brussels, 21 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 43.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 25. 6. 1996, p. 12.

⁽⁵⁾ OJ No L 161, 29. 6. 1996, p. 3.

⁽⁶⁾ OJ No L 319, 21. 2. 1997, p. 46.

ANNEX

to the Commission Regulation of 21 February 1997 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 ⁽¹⁾	23,85	4,37
1701 11 90 ⁽¹⁾	23,85	9,61
1701 12 10 ⁽¹⁾	23,85	4,18
1701 12 90 ⁽¹⁾	23,85	9,18
1701 91 00 ⁽²⁾	26,16	12,15
1701 99 10 ⁽²⁾	26,16	7,63
1701 99 90 ⁽²⁾	26,16	7,63
1702 90 99 ⁽³⁾	0,26	0,39

⁽¹⁾ 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).

⁽²⁾ 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).

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 17 February 1997

providing that the European Community should subscribe for extra shares as a result of the decision to double the capital of the European Bank for Reconstruction and Development

(97/135/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 235 thereof,

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

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

Whereas the initial capital of the European Bank for Reconstruction and Development was fixed at ECU 10 thousand million of which the Community subscribed 3 percent;

Whereas the operations of the Bank may not exceed the limits set by the Agreement setting up the Bank ⁽³⁾ and which depend on the size of the Bank's capital; whereas the Bank is expected to reach this limit in 1997;

Whereas, pursuant to Article 4 (3) of the said Agreement, the Governors of the Bank, at their annual meeting in Sofia on 15 April 1996, decided to double the authorized capital stock of the Bank;

Whereas, pursuant to that Decision, the Community is entitled to subscribe an additional 30 000 shares of ECU 10 000 each;

Whereas it is necessary for the Community to subscribe to those additional shares in order to achieve the Community's objectives in the field of economic external relations; whereas the Treaty does not provide, for the

adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS:

Article 1

The European Community shall subscribe an additional 30 000 shares of ECU 10 000 each in the European Bank for Reconstruction and Development under the terms and conditions of the Resolution No 59, the text of which is attached to this Decision.

Article 2

The President of the Council shall deposit the requisite instrument of subscription on behalf of the Community.

Article 3

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 17 February 1997.

For the Council

The President

G. ZALM

⁽¹⁾ OJ No C 288, 1. 10. 1996, p. 42.

⁽²⁾ OJ No C 33, 3. 2. 1997.

⁽³⁾ OJ No L 372, 31. 12. 1990, p. 4.

RESOLUTION No 59**Increase in authorized capital stock and subscriptions thereto**

WHEREAS,

the Board of Directors of the Bank, having undertaken a study of the Bank's future resource requirements in accordance with Resolution No 50 of the Board of Governors, has submitted a Report thereon to the Board of Governors;

the Board of Governors, having considered such Report and its related appendices and attachments, fully endorses the findings and recommendations embodied therein and has concluded that it is necessary to increase the authorized capital stock of the Bank;

the Board of Directors has proposed that each member, and each prospective member pursuant to Board of Governors' Resolution No 30, be authorized, subject to certain conditions, to subscribe shares of the newly-authorized capital in proportion to the aggregate number of shares such member has subscribed, or such prospective member may be authorized to subscribe pursuant to Board of Governors' Resolution No 30;

NOW, THEREFORE, THE BOARD OF GOVERNORS HEREBY RESOLVES THAT:

The authorized capital stock of the Bank be increased and the shares of capital stock so increased be made available for subscription on the following terms and conditions:

1. Increase in authorized capital stock

- (a) The authorized capital stock of the Bank shall, on the effective date as defined in paragraph 4 (a) of this Resolution, be increased by 1 000 000 shares, each share having a par value of ECU 10 000.
- (b) Of the shares authorized by this Resolution, the number of whole shares up to, but not in excess of, 100 percent of the shares subscribed to by each member immediately prior to the Effective Date, or the shares that may be authorized for subscription by each prospective members pursuant to Resolution No 30 of the Board of Governors, shall be made available for subscription by such members and prospective members in accordance with paragraph 2 of this Resolution.
- (c) The shares authorized by this Resolution which shall not have been subscribed to in accordance with paragraph 2 of this Resolution shall be reserved for initial subscriptions by new members

and for special increases in the subscriptions of individual members, as may be determined by the Board of Governors pursuant to paragraphs 2 and 4 of Article 5 of the Agreement Establishing the Bank.

2. Subscriptions

- (a) Each member, and each prospective member referred in paragraph 1 (b) above, shall be entitled to subscribe, at par, a number of whole shares up to, but not in excess of, 100 percent of the number of shares subscribed to by such member immediately prior to the Effective Date, or 100 percent of the number of shares that may be authorized for subscription by any such prospective member. Each such subscription shall be on the terms and conditions set forth in this Resolution, and in all events shall comprise paid-in and callable shares in such proportions that 22,5 percent (as near as may be) of the shares subscribed shall be whole paid-in shares and the balance shall be callable shares.
- (b) Each member, or prospective member referred to in paragraph 1 (b) above, wishing to subscribe pursuant to this Resolution shall deposit with the Bank the following documents in a form acceptable to the Bank:
 - (i) an instrument of subscription whereby the member subscribes to the number of paid-in callable shares specified in such instrument;
 - (ii) a representation that the member has duly taken all legislative and other internal action necessary to enable it to make such subscription; and
 - (iii) an undertaking that the member will furnish such information as the Bank may request concerning such action.

Such documents shall be deposited on or before 15 April 1997 or such subsequent date not later than 31 December 1997 as the Board of Directors may determine.

- (c) Each instrument of subscription shall become effective and the subscription thereunder shall be deemed to have been made on the Effective Date, or on the date on which the Bank notifies the subscribing member that the documents deposited by such member pursuant to paragraph 2 (b) of this Resolution are satisfactory to the Bank, whichever is the later.

- (d) If documents satisfactory to the Bank providing for subscriptions in the aggregate amount of shares specified in paragraph 4 (a) of this Resolution shall not have been deposited by the Effective Date, then the Board of Directors may, at its option, declare that the instruments of subscription already deposited by members and the subscriptions thereunder shall become effective immediately notwithstanding any other provision in this Resolution, provided that such action is considered by the Board of Directors to be in the best operational interests of the Bank, and provided further that the aggregate of instruments of subscription already deposited and expected to be deposited in the foreseeable future is, in the judgement of the Board of Directors, sufficiently close to the aggregate amount of shares specified in the said paragraph 4 (a).
- (e) Notwithstanding any other provision in this Resolution, no prospective member referred to in paragraph 1 (b) above shall be entitled to subscribe to shares under this Resolution until such prospective member has become a member of the Bank pursuant to Resolution No 30 and any other applicable Resolution or Resolutions of the Board of Governors.

3. Payments for paid-in shares

- (a) Payment for the paid-in shares subscribed pursuant to this Resolution shall be made in eight equal annual instalments. The first instalment shall be paid on or before 15 April 1998, and the remaining instalments shall be paid not later than the respective anniversaries of the first payment date; provided that a member may, after consultation with the Bank, make payments on terms more favourable to the Bank than those stipulated in foregoing provisions of this paragraph.

- (b) 60 (sixty) percent of payments of each instalment may be made by a subscribing member in promissory notes or other obligations issued by such member and denominated in ECU, in United States dollars or in Japanese Yen. Such note or obligations shall be non-negotiable, non-interest-bearing and encashable by the Bank at par value upon demand in equal annual tranches in accordance with an encashment programme determined by the Board of Directors.
- (c) All payment obligations of a member in respect of subscription to shares in accordance with this Resolution shall be settled either in ECU, in United States dollars or in Japanese Yen on the basis of the average exchange rate of the relevant currency in terms of the ECU for the period from 16 October 1995 to 15 April 1996 inclusive.

4. Effectiveness and other provisions

- (a) For the purposes of this Resolution, the Effective Date shall be the date, on or before 15 April 1997 or such subsequent date not later than 31 December 1997 as the Board of Directors may determine, on which documents satisfactory to the Bank have been deposited pursuant to paragraph 2 (b) of this Resolution providing for subscriptions in an aggregate amount of at least 494 188 shares.
- (b) Subject to the provisions of this Resolution, the provisions of the Agreement Establishing the Bank shall apply *mutatis mutandis* to the increase in shares authorized by, and to the subscriptions and payments made under, this Resolution as if such shares were part of the initial capital stock of the Bank and such subscriptions and payments were initial subscriptions to and payments for such stock.

(Adopted 15 April 1996)

COUNCIL DECISION

of 17 February 1997

authorizing Member States to continue to apply to certain mineral oils, when used for specific purposes, existing reduced rates of excise duty or exemptions from excise duty in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC

(97/136/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils⁽¹⁾ and, in particular, Article 8 (4) thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 8 (4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce further exemptions or reductions in the excise duty charged on mineral oils for special policy considerations;

Whereas, a number of derogations expire on 31 December 1996 and Member States have asked for them to be extended for a further limited period,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with the provisions of Article 8 (4) of Directive 92/81/EEC and without prejudice to the obligations provided for by Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils⁽²⁾, the following Member States are authorized to continue to apply the reductions in rates of excise duties or exemptions from excise duty herein specified for the period from 1 January 1997 to 30 June 1997:

1. in the Kingdom of Belgium:

- for a reduction in the rate of excise duty on heavy fuel oil to encourage the use of more environmentally friendly fuels. Such reduction shall be specifically linked to sulphur content and the

weighted average rate of duty charged on heavy fuel oil shall respect the minimum rate of duty on heavy fuel oils as provided for in Community law; in no case can the reduced rate fall below ECU 6,5 per tonne.

2. in the Kingdom of Denmark:

- for the application of differential rates of excise duty between petrol distributed from petrol stations equipped with a return system for petrol fumes and petrol distributed from other petrol stations, provided that such rates at all times respect the minimum rates of excise duty on mineral oils as provided for under Community law.

3. in the French Republic:

- for a reduction in the internal consumption tax on petrol consumed on the island of Corsica.

4. in the Italian Republic:

- for an exemption from excise duty on mineral oils used as fuel for alumina production in Sardinia,
- for a reduction in the excise duty on fuel oil, for the production of steam, and for gas oil, used in ovens for drying and 'activating' molecular sieves in Reggio Calabria; in no case can the reduced rate of duty fall below ECU 18 per tonne,
- for a reduction in excise duty on petrol consumed on the territory of Friuli-Venezia Giulia.

5. in Ireland:

- for differentiated rates of excise duty on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of excise duty on mineral oils laid down in Community law.

6. in the Grand Duchy of Luxembourg:

- for a reduction in the rate of excise duty on heavy fuel oil to encourage the use of more environmentally friendly fuels. Such reduction shall be specifically linked to sulphur content and the weighted average rate of duty charged on heavy

⁽¹⁾ OJ No L 316, 31. 10. 1992, p. 12. Directive as amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

⁽²⁾ OJ No L 316, 31. 12. 1992, p. 19. Directive as amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

fuel oil shall respect the minimum rate of duty on heavy fuel oils as provided for in Community law; in no case can the reduced rate fall below ECU 6,5 per tonne.

7. *in the Republic of Austria:*

- for an exemption from excise duty on waste oils which are re-used as fuel, either directly after recovery, or following a recycling process for waste oils, and the re-use of which is subject to duty,
- a reduction in or exemption from excise duty for natural gas and methane.

8. *in the Portuguese Republic:*

- for a reduction in excise duty on fuel oil consumed in the autonomous region of Madeira; this reduction may not be greater than the additional costs incurred in transporting the fuel oil to the region of consumption.

9. *in the Republic of Finland:*

- for an exemption from excise duty on waste oils which are re-used as fuel, either directly after recovery, or following a recycling process for waste oils, and the re-use of which is subject to duty.

10. *in the Kingdom of Sweden:*

- for the application of differential rates of excise duty on unleaded petrol to reflect different enviro-

mental categories, provided that such rates at all times respect the minimum rates of excise duty on mineral oils as provided for in Community law,

- for an exemption from excise duty on aviation gasoline and aviation kerosene used for private pleasure flying.

11. *in the United Kingdom of Great Britain and Northern Ireland:*

- for differential rates of tax on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Italian Republic, Ireland, the Grand Duchy of Luxembourg, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom.

Done at Brussels, 17 February 1997.

For the Council

The President

G. ZALM

COMMISSION

COMMISSION DECISION

of 3 February 1997

recognizing in principle the completeness of the dossiers submitted for detailed examination in view of the possible inclusion of prosulfuron and cyclanilide in Annex I of Council Directive 91/414/EEC concerning the placing of plant protection products on the market

(Text with EEA relevance)

(97/137/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽¹⁾, as last amended by Commission Directive 96/68/EC⁽²⁾, and in particular Article 6 (3) thereof,

Whereas Council Directive 91/414/EEC has provided for the development of a Community list of active substances accepted for incorporation in plant protection products;

Whereas applicants have submitted dossiers for two active substances to Member States' authorities in view of obtaining the inclusion of the active substances in Annex I to the Directive;

Whereas a dossier for the active substance prosulfuron has been submitted by Ciba-Geigy Limited to the French authorities on 14 April 1995;

Whereas a dossier for the active substance cyclanilide has been submitted by Rhône-Poulenc Agrochimie to the Greek authorities on 27 March 1996;

Whereas the said authorities indicated to the Commission the results of a first examination of the completeness of the dossiers with regard to the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III of the Directive; whereas subsequently, in accordance with the provisions of Article 6 (2), the dossiers were submitted by the applicants to the Commission and other Member States;

Whereas the dossiers for cyclanilide and prosulfuron were referred to the Standing Committee on Plant Health in the meeting of the working group 'legislation' thereof on 14 June 1996;

Whereas Article 6 (3) of the Directive requires it being confirmed at the level of the Community that each dossier is to be considered as satisfying in principle the data and information requirements provided for in Annex II and, for at least one plant protection product containing the active substance concerned, in Annex III of the Directive;

Whereas such confirmation is necessary in order to pursue the detailed examination of the dossier as well as in order to open to Member States the possibility of granting provisional authorization for plant protection products containing this active substance in due respect of the conditions laid down in Article 8 (1) of the Directive, and in particular the condition to make a detailed assessment of the active substances and the plant protection products with regard to the requirements of the Directive;

Whereas such decision does not prejudice that further data or information may be requested from the applicant where it would appear during the detailed examination that such information or data are required for a decision to be taken;

Whereas it is understood between the Member States and the Commission that France will pursue the detailed examination for the dossier on prosulfuron and Greece will pursue the detailed examination for the dossier on cyclanilide;

Whereas France and Greece will report the conclusions of their examinations accompanied by any recommendations on the inclusion or non-inclusion and any conditions related thereto to the Commission as soon as possible and at the latest within a period of one year; whereas on receipt of these reports the detailed examina-

⁽¹⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽²⁾ OJ No L 277, 30. 10. 1996, p. 25.

tion will be continued with the expertise from all Member States within the framework of the Standing Committee on Plant Health;

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

HAS ADOPTED THIS DECISION:

Article 1

The following dossiers are considered as satisfying in principle the data and information requirements provided for in Annex II and, for a plant protection product containing the active substance concerned, in Annex III of the Directive:

1. the dossier submitted by Ciba-Geigy Limited to the Commission and the Member States with a view to the inclusion of prosulfuron as active substance in Annex I

to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 14 June 1996;

2. the dossier submitted by Rhône Poulenc Agrochimie to the Commission and the Member States with a view to the inclusion of cyclanilide as active substance in Annex I to Directive 91/414/EEC and which was referred to the Standing Committee on Plant Health on 14 June 1996.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 3 February 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 3 February 1997

establishing the formats relating to the database system pursuant to European Parliament and Council Directive 94/62/EC on packaging and packaging waste

(Text with EEA relevance)

(97/138/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste⁽¹⁾, and in particular Article 12 (3) thereof,

Whereas the formats and the data framework should be periodically reviewed on the basis of practical experience, and if necessary, revised;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 21 of Directive 94/62/EC,

HAS ADOPTED THIS DECISION:

Article 1

This Decision, which covers all packaging placed in the market in the Community and all packaging waste, as indicated in Article 2 (1) of Directive 94/62/EC, aims to establish the formats relating to the database systems on packaging and packaging waste which are to be established in order to contribute to enabling Member States and the Commission to monitor the implementation of the objectives set out in Directive 94/62/EC.

These formats are intended to harmonize the characteristics and presentation of the data produced and to make the data of the Member States compatible.

Article 2

For the purposes of this Decision:

- the same definitions set out in Article 3 of Directive 94/62/EC shall apply where relevant,
- 'composite' means packaging made of different materials, and which cannot be separated by hand, none exceeding a given percent by weight, which shall be established in accordance with the procedure laid down in Article 21 of Directive 94/62/EC. Potential exemptions for some materials may be established by the same procedure.

(¹) OJ No L 365, 31. 12. 1994, p. 10.

Article 3

The formats presented in the Annexes shall be completed on an annual basis, starting with data for the year 1997 and covering the whole of each calendar year, and shall be provided to the Commission within 18 months of the end of the relevant year. They shall also be made available to the Commission with the national reports to be completed in accordance with Article 17 of Directive 94/62/EC.

Article 4

Member States shall present to the Commission appropriate qualitative information about concentration levels of heavy metals present in packaging within the meaning of Article 11 of Directive 94/62/EC and on the presence of noxious and other hazardous substances and materials within the meaning of the third indent of point 1 of Annex II to Directive 94/62/EC.

Member States shall also present to the Commission quantitative information about packaging waste considered as hazardous due to contamination by product contents within the meaning of Council Directive 91/689/EEC⁽²⁾ and Council Decision 94/904/EEC⁽³⁾, in particular if it is not suitable for recovery.

A report is to be presented to the Commission not later than the end of the first five year phase referred to in Article 6 (1) of Directive 94/62/EC. This is to be repeated for the successive five-year periods.

Article 5

Member States shall present to the Commission the completed formats set out in this Decision, together with an appropriate description of how data have been compiled as well as the main characteristics of the databases from which the data are extracted.

In particular, the description shall include the estimations used in the calculation of the quantities and rates of packaging waste recovered and recycled and of the rates of reuse.

(²) OJ No L 377, 31. 12. 1991, p. 20.

(³) OJ No L 356, 31. 12. 1994, p. 14.

Article 6

The data to be included in Annex III (Tables 3, 4.1 and 4.2) concerning the weight of packaging waste recycled or recovered refer to the inputs of packaging waste to an effective recycling or recovery process.

Only waste originating from packaging placed on the market may be considered for the calculation of these inputs, excluding any kind of production residues from the production of packaging or of packaging materials or from any other production process.

Article 7

The data contained in the formats are intended to monitor the implementation of the objectives of Directive 94/62/EC and serve also for information purposes and as a basis for future decision-taking.

Annex II (Table 2) is to be completed on a voluntary basis.

The split of data in Annex III (Tables 3, 4.1, 4.2) on organic recycling, other forms of recycling, energy recovery and other forms of recovery, incineration and landfill shall be made solely for information purposes and shall be on a voluntary basis.

The provision of the data required in the columns headed 'total', 'total recycling' and 'total recovery' shall be oblig-

atory. The provision of the data required in the column headed 'sorted for recycling' shall be voluntary.

The packaging materials for which the provision of data is obligatory shall be glass, plastics, paper and fibreboard and metals.

Article 8

The Commission, in accordance with the procedure laid down in Article 21 of Directive 94/62/EC, will review the framework for Member State provision of data, in order to make these data comparable and consistent. This framework should consider the definitions to be used, including composites, and the ranges of accuracy to be aimed for in the data.

Member States shall ensure that the data provided comply with this framework.

Article 9

This Decision is addressed to the Member States.

Done at Brussels, 3 February 1997.

For the Commission

Ritt BJERREGAARD

Member of the Commission

ANNEX I

Table 1

Quantity of packaging placed on the market within the Member State

(tonnage)

Material		Production of empty packaging	Imports (empty packaging plus filled packaging)	Exports (empty packaging plus filled packaging)	Quantity placed on the market
(1)		(2)	(3)	(4)	(5)
GLASS					
PLASTIC	PET				
	PE				
	PVC				
	PP				
	PS				
	Other				
	Total				
PAPER AND FIBREBOARD					
METALS	Steel				
	Aluminium				
	Total				
COMPOSITES					
WOOD					
OTHER					
TOTAL					

- Columns 2, 3 and 4 are to be completed in case the methodology used to complete column 5 refers to production and to imports and exports statistics.
- Columns 3 and 4 may be split into empty and filled packaging.
- The data referring to the split into different plastic categories, to the split of metals into steel and aluminium, to the item on composites and to the item on wood are to be provided on a voluntary basis. Shaded boxes are to be completed on a voluntary basis.
- Data on composites may be either included according to the predominant material by total weight or separately specified.

ANNEX II

Table 2

Reusable packaging

Material	Type of packaging	Product	Quantity of product in reusable packaging	Total quantity of product in reusable and in same type one-way packaging	Units of reusable in circulation	Mean annual trip figure	Life-time	Units of same type one-way packaging put on the market
GLASS	bottles	drinks						
	containers	other						
PLASTICS	drums - barrels > 20 l - < 250 l	food						
	barrels > 250 l	non-food						
		food						
	big bags	non-food						
	bottles	drinks						
	other							
FIBREBOARD	boxes							
	containers							
	crates							
	pallets							
	boxes							
	barrels							
	containers							
	pallets							
	containers drums < 50 l	food						
	containers drums > 50 l - < 300 l	non-food						
METALS	aluminium	food						
		non-food						
	steel	food						
		non-food						
WOOD	containers drums < 50 l	food						
	containers drums > 50 l - < 300 l	non-food						
	boxes							
	crates							
	drums							
	pallets							
pallets-boxes								

Table 2 is to be completed on a voluntary basis and intended only for those product and/or packaging categories which are considered by the national authorities relevant in the context of Article 5 of Directive 94/62/EC.

Accordingly, the columns on packaging types and products intended to encompass the potentially relevant ones in the reuse area, but only those items pertinent in the context of the national reuse systems are to be filled. If necessary the headings may be adapted to the actual systems.

If the data is available the general items drinks/food/non-food may be split into generic elements such as mineral water, soft drinks, milk, alcoholic beverages, meat, fish, detergent powder, etc.

The data to be provided and their accuracy should be in line with their availability and the costs involved and may be adapted to Member States' situations.

Notes:

'Units in circulation': means the number of units circulating in the return scheme.

'Annual trip figure': means the average annual number of rotations the units accomplish.

Blacked out boxes are considered not relevant in all cases.

Quantities relating to drinks/liquids will be given in litres, and in kilograms in all other cases.

Tabel 4.1

Monitored quantities of packaging waste (in tonnes) arising within the Member State and recovered outside the Member State

Material	Recovered by						total recovery
	organic recycling	other forms of recycling	total recycling	energy recovery	other forms of recovery		
GLASS							
PET							
PE							
PVC							
PP							
PS							
Other							
Total							
PAPER AND FIBREBOARD							
Aluminium							
Steel							
Total							
METALS							
COMPOSITES							
WOOD							
OTHER							
TOTAL							

(tonnes)

Table 4.2

Monitored quantities of packaging waste (in tonnes) arising outside the Member State and recovered within the Member State

(tonnes)

Material	Recovered by					
	organic recycling	other forms of recycling	total recycling	energy recovery	other forms of recovery	total recovery
GLASS						
PET						
PE						
PVC						
PP						
PS						
Other						
Total						
PAPER AND FIBREBOARD						
Aluminium						
Steel						
Total						
METALS						
COMPOSITES						
WOOD						
OTHER						
TOTAL						

Note on Tables 3, 4.1 and 4.2

1. Data corresponding to table 3 may be split on a voluntary basis, into municipal and non-municipal.
 2. The column 'total' is binding. The column 'sorted for recycling' is to be provided on a voluntary basis.
 3. The columns 'organic recycling' and 'other forms of recycling' are to be provided on a voluntary basis.
The column 'total recycling' is binding.
 4. The columns 'energy recovery' and 'other forms of recovery' are to be provided on a voluntary basis.
The column 'total recovery' is binding.
 5. The columns 'incineration' and 'landfill' are to be provided on a voluntary basis.
 6. The data referring to the split into different plastic categories, to the split of metals into steel and in aluminium, to the item on composites and to the item on wood, are to be provided on a voluntary basis.
 7. Data on composites may be either included according to the predominant material by total weight or separately specified.
 8. Black boxes are considered not relevant in all cases. Shaded boxes are to be completed on a voluntary basis.
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