

English edition

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1663/97
of 25 August 1997
amending Regulation (EC) No 2498/96 opening Community tariff quotas for
1997 for sheep, goats, sheepmeat and goatmeat falling within CN codes
0104 10 30, 0104 10 80, 0104 20 90 and 0204

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

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1595/97⁽²⁾, and in particular Article 8 thereof,

Whereas Regulation (EC) No 3066/95 provides in particular for a reduction in duty and increases in import quantities in 1997; whereas it also provides for the importation of pure-bred breeding goats falling within CN

code 0104 20 10 within the tariff quotas for Hungary, Poland, Slovakia, the Czech Republic and Bulgaria;

Whereas the measures provided for in Regulation (EC) No 3066/95 have been amended by virtue of Regulation (EC) No 1595/97;

Whereas, as a result, Commission Regulation (EC) No 2498/96 of 23 December 1996 opening Community tariff quotas for 1997 for sheep, goats, sheepmeat and goatmeat falling within CN codes 0104 10 30, 0104 10 80, 0104 20 90 and 0204⁽³⁾, as amended by Regulation (EC) No 1044/97⁽⁴⁾, should be amended for the period 1 July to 31 December 1997;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 2498/96 is hereby replaced by the following:

ANNEX II

Quantities (tonnes CWE) referred to in Article 2 (2)

Duty rate zero

	Live animals	Meat	<i>(in tonnes)</i>
			Live animals and/or meat
Poland	—	—	9 200
Romania ⁽¹⁾	1 277	221	—
Hungary	—	—	13 645
Bulgaria	—	—	5 175
Czech Republic	—	—	1 830
Slovakia	—	—	3 670

⁽¹⁾ Possibility of converting limited quantities between live animals and meat.

⁽¹⁾ OJ No L 328, 30. 12. 1995, p. 31.

⁽²⁾ OJ No L 216, 8. 8. 1997, p. 1.

⁽³⁾ OJ No L 338, 28. 12. 1996, p. 53.

⁽⁴⁾ OJ No L 152, 11. 6. 1997, p. 8.

Article 2

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

It shall apply from 1 July to 31 December 1997.

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

Done at Brussels, 25 August 1997.

For the Commission

Ritt BJERREGAARD

Member of the Commission

COMMISSION REGULATION (EC) No 1664/97
of 25 August 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 Commis-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 August 1997.

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

Done at Brussels, 25 August 1997.

For the Commission

Ritt BJERREGAARD

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 25 August 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	
0709 90 79	052	59,8	
	999	59,8	
0805 30 30	052	63,5	
	382	97,8	
	388	47,5	
	524	50,7	
	528	56,1	
	999	63,1	
0806 10 40	052	99,3	
	400	218,6	
	600	111,1	
	624	190,9	
	999	155,0	
0808 10 92, 0808 10 94, 0808 10 98	388	79,3	
	400	64,9	
	508	57,7	
	512	20,5	
	524	67,2	
	528	38,9	
	804	86,9	
	999	59,3	
	0808 20 57	052	78,4
		388	44,8
512		85,1	
528		44,7	
0809 30 41, 0809 30 49	999	63,3	
	052	81,8	
0809 40 30	999	81,8	
	052	51,6	
	064	62,6	
	066	57,3	
	068	62,8	
	093	61,8	
	400	98,8	
	624	250,3	
	999	92,2	

⁽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 1665/97
of 25 August 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 1143/97 ⁽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 1222/97 ⁽⁵⁾, as last amended by Regulation (EC) No 1644/97 ⁽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 26 August 1997.

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

Done at Brussels, 25 August 1997.

For the Commission

Ritt BJERREGAARD

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 165, 24. 6. 1997, p. 11.

⁽⁵⁾ OJ No L 173, 1. 7. 1997, p. 3.

⁽⁶⁾ OJ No L 228, 19. 8. 1997, p. 7.

ANNEX

to the Commission Regulation of 25 August 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⁾	26,03	3,48
1701 11 90 ⁽¹⁾	26,03	8,52
1701 12 10 ⁽¹⁾	26,03	3,34
1701 12 90 ⁽¹⁾	26,03	8,09
1701 91 00 ⁽²⁾	29,29	10,59
1701 99 10 ⁽²⁾	29,29	6,07
1701 99 90 ⁽²⁾	29,29	6,07
1702 90 99 ⁽³⁾	0,29	0,36

⁽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)

COMMISSION

COMMISSION DECISION

of 14 May 1997

on the granting of additional implementation periods to Luxembourg for the implementation of Directive 90/388/EEC as regards full competition in the telecommunications markets

*(Only the French text is authentic)**(Text with EEA relevance)*

(97/568/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement establishing the European Economic Area,

Having regard to Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services⁽¹⁾, as last amended by Directive 96/19/EC⁽²⁾, and in particular Article 2 (2) thereof,

Having given notice⁽³⁾ to interested parties to submit their comments in accordance with Article 2 (2) of Directive 90/388/EEC,

Whereas:

I. THE FACTUAL AND LEGAL BACKGROUND

A. The Luxembourg request

(1) Pursuant to Article 2 (2) of Directive 90/388/EEC, the Luxembourg authorities, by letter of 28 June 1996, have requested the following implementation periods:

— until 1 January 2000 in respect of the exclusive rights currently granted to the Luxembourg postal and telecommunications service provider

known as *Entreprise des Postes et Télécommunications (EPT)*, for the provision of voice telephony and the underlying network infrastructure. Under Article 2 (2) of Directive 90/388/EEC, this provision was to have been implemented by 1 January 1998,

— until 1 July 1998 in respect of restrictions on the provision of already liberalized telecommunications services on:

(a) networks established by the provider of the telecommunications service;

(b) infrastructures provided by third parties; and

(c) shared networks, other facilities and sites.

Under Article 2 (2) of Directive 90/388/EEC, these provisions were to have been implemented before 1 July 1996. The provisions do not apply to cable TV infrastructures, governed by Article 4 of the same Directive.

(2) The Luxembourg authorities consider these additional implementation periods to be necessary for the following reasons:

— liberalization of the telecommunications market (consequent upon the immediate transposing of the Directive) before a suitable regulatory framework has been set up and the necessary structural changes made would expose Luxembourg to the risks of an unregulated market.

⁽¹⁾ OJ No L 192, 24. 7. 1990, p. 10.

⁽²⁾ OJ No L 74, 22. 3. 1996, p. 13.

⁽³⁾ OJ No C 257, 4. 9. 1996, p. 5.

The derogation requested will not impede the development of competition in other areas of the telecommunications sector in Luxembourg. Once the new Law on telecommunications (the Law) enters into force the liberalization process can be implemented in an orderly fashion. For example, firms will be invited to bid for a licence to operate the second national GSM network. The selection procedure will be open and objective, and the licence will be granted to the firm that best meets the published qualitative criteria,

- EPT currently charges its customers a single, standard rate, but a reform of the tariff structure is planned. The considerable imbalance between currently estimated costs and current charges is a major factor hampering liberalization in Luxembourg. The new independent supervisory body now being set up (the ILT — Institut Luxembourgeois des Télécommunications) will oversee the ongoing process of adjusting charges in Luxembourg; the ILT will also be responsible for laying down the accounting rules and the rules for cost-based charging that will apply to EPT,
- in Luxembourg the liberalization process entails disproportionate commitments, particularly in terms of human resources, for the ministry responsible, the ILT and EPT,
- in 1995 international calls accounted for 71 % of the overall telephony turnover of Lfrs 6 346 million. Over 50 % of those calls were made by 960 business customers based in the City of Luxembourg. Outgoing calls accounted for 62 % of international calls. Opening up the Luxembourg market before a suitable regulatory framework has been put in place and the necessary structural changes made would leave telecommunications companies based in other countries free to offer international telephony services to Luxembourg firms and to divert business away from EPT's network. This could pose a serious threat to the viability of the national operator's infrastructure and to its ability to complete the necessary structural adjustments and future development in a competitive market. The regulatory framework needed to avert such a threat is currently being adopted, and the implementation period requested would enable it to be set up,
- Luxembourg recently placed its postal and telecommunications administration on a commercial footing. EPT devotes an annual budget of Lfrs 32 million to equipping its staff with the skills they need in order to work in a commercial environment. At the beginning of 1995,

EPT commissioned an independent firm of consultants to undertake a thorough review of its organizational structure. The restructuring process, which entails introducing business accounting methods and adjusting the tariff structure, will not be completed in time for a full liberalization of the telecommunications market on 1 January 1998.

- (3) The Luxembourg authorities have not given a definitive time for the adoption of the Law by the Luxembourg Parliament, but it would appear that it will be adopted in the first half of 1997. The Luxembourg authorities have stated that it is not able to influence the speed at which the Law is passing through the Parliament. The Law, once adopted, will transpose the Community open-network-provision (ONP) interconnection requirements into national law (in the meantime, the Luxembourg Government has informed the Commission that this law had been enacted on 19 March 1997 and entered into force on 1 April 1997). Other dates in the timetable proposed by the Luxembourg authorities have been estimated on the advice of independent consultants who are advising EPT and the Luxembourg authorities. The following timetable is anticipated:
- first half of 1997: adoption of the Law,
 - March 1997: introduction of the new client billing and management system,
 - five months after adoption of the Law: ILT established and operational,
 - six months after adoption of the Law: principles of the financing of the Universal Service Obligations ('USO') settled,
 - six months after adoption of the Law: grant of second GSM licence,
 - second half of 1997: new system of regulation under ILT operational,
 - 1 January 1998: new cost-based accounting system for EPT started,
 - March 1998: new client-billing and management system fully implemented,
 - July 1998: new client-billing and management system fully operational and necessary reform of internal procedures and staff retraining nearing completion,
 - 1 January 2000: new cost-based accounting system for EPT fully implemented.

The request was delivered to the Commission on 28 June 1996.

B. The comments received

(4) Two undertakings provided comments following the notice published in the *Official Journal of the European Communities*⁽¹⁾.

(5) According to these comments:

— the telecoms market in Luxembourg is particularly healthy. The revenues per line and per employee of EPT are very high in comparison to the EU average. Telephone density in Luxembourg is considerably higher than the EU average,

— the international tariffs charged by EPT are already competitive and there is little need for tariff rebalancing,

— Luxembourg has failed to implement EU legislation and has thus impeded competition. A cost-based accounting system for EPT suitable for the implementation of Article 10 (1) of Council Directive 92/44/EEC⁽²⁾ and Article 13 (1) of Directive 95/62/EC of the European Parliament and of the Council⁽³⁾ have not been implemented as they should have been by 31 December 1993 and 31 December 1996 respectively. Furthermore, no second GSM licence, for example, has not yet been granted. Therefore, EPT retains a monopoly over public voice telephony, infrastructure and mobile telephony,

— the consistent case-law of the European Court of Justice has established that delays in the implementation of EU legislation cannot be justified on grounds of administrative or practical difficulties in a Member State. Therefore, limited governmental resources cannot be given as a justification for an additional implementation period. Under Directive 96/19/EC Luxembourg is requesting additional implementation periods as a Member State with a very small network. Adequate reasoning ought to be provided as to why the smallness of its network should justify an additional implementation period,

— any derogation would have a negative effect on trade. EPT is the sole supplier of leased lines and interconnection services in Luxembourg to any actual or potential providers of liberalized services. This is a determining factor on the costs of competitors and the knowledge of the costs involved will have an impact on trade. In addition, Luxembourg is an important financial centre in the EU, and both financial services

and trading are largely based on telecoms. Any derogation will have an impact on the financial services market,

— Luxembourg has failed to give any particular reasons as to why there should be any derogation from the requirement to lift restrictions, by 1 July 1996, on the provision of already liberalized telecommunications services,

— it is generally accepted that the concentration of EPT's revenues on 960 business customers is a peculiarity within the EU. However, this is not necessarily a weakness. A close relationship with a fewer number of customers is a powerful marketing tool which is potentially conducive to good customer management. Further, since the coming into force of Directive 90/388/EEC on 28 July 1990, EPT's competitors have been allowed to provide non-public international telephony services to customers connected directly by leased lines. EPT has thus already *de facto* been exposed to competition for more than five years in its most lucrative market segment. Without unequivocal cost and revenue data related to the specific geographical and economic structure of Luxembourg (as well as the network configuration of EPT) showing that fundamental structural adjustments are required to preserve the viability of EPT in the face of the liberalization of the voice telephony service for residential customers, there is no justification for an extension of the voice telephony monopoly beyond 1 January 1998. The same analysis applies to the establishment and provision of underlying infrastructure.

(6) By fax of 18 October, later confirmed by letter dated 6 December 1996, the Commission sent on to the Luxembourg authorities the comments received.

C. The Luxembourg response

In response to the comments above the Luxembourg authorities by letter dated 19 December 1996 stated, *inter alia*, that:

— EPT was the only Telephone Operator ("TO") in Europe to experience falling revenues in 1995 and 1996. The profits of EPT (Lfrs 2 300 million in 1995) have fallen by 11,2 % against other European operators,

— as a result of the high penetration rate in Luxembourg, which has been achieved by EPT's concentrating on the supply of a technically high quality service, consumers would not suffer at a technological level from a late introduction of competition in the telecoms markets,

⁽¹⁾ OJ No C 257, 4. 9. 1996, p. 5.

⁽²⁾ OJ No L 165, 19. 6. 1992, p. 27.

⁽³⁾ OJ No L 321, 30. 12. 1995, p. 6.

- comparing EPT with British Telecom or any other large TO is unhelpful since such TOs enjoy, *inter alia*, economies of scale which are not available to EPT. The provision of Universal Service is more costly in Luxembourg than in most Member States because EPT cannot benefit from those economies of scale,
- although profits per employee are currently high in Luxembourg, this does not take into account EPT's current structure. EPT needs to restructure its personnel, for example by creating a marketing department. This will reduce the profits per employee,
- there are fewer than 100 analogue mobile radiotelephony subscribers, so that the high average revenues per user from this service are in fact insignificant in terms of total revenues. Revenues from the GSM mobile radiotelephony service will fall when a licence is granted to a second operator,
- EPT's market position is very vulnerable because of its reliance on only 960 business customers to generate the greater part of its revenues,
- the required rebalancing of tariffs will involve a substantial increase in subscription costs and yet international tariffs will probably decrease,
- Luxembourg is not late in implementing Directive 96/19/EC, because it has exercised its right to request a derogation,
- Luxembourg enjoys a very low unemployment rate and it will be very difficult to recruit new personnel to fulfil the requirements of EPT,
- it is highly likely that new market entrants will seek to compete on the Luxembourg market without having to invest in the fixed infrastructure market. It will be easy, relative to other Member States, for competitors to move quickly into the Luxembourg market.

In the same letter, the Luxembourg authorities stressed again the need for additional time to complete structural changes within EPT so that it can function on a commercial basis.

The Luxembourg authorities supplied further information to the Commission during a bilateral meeting held in Brussels on 18 February 1997 and in fax message sent on its behalf on 6 March 1997. The Luxembourg authorities confirmed that the

new client-billing and management system is likely to be installed in March 1997 and thereafter a trial period of about twelve months is scheduled before the system becomes operational. By July 1998 the new client billing and management system should be operational and the necessary internal procedures and staff training will be nearing completion.

D. Article 2 (2) of Directive 90/388/EEC

- (7) The application of Article 90 (2) of the EC Treaty in the telecommunications sector has been set out in Directive 90/388/EEC, which provides for the introduction of full competition in the telecommunications markets at the latest by 1 January 1998. However, under Article 2 (2) of Directive 90/388/EEC the Commission is to grant additional implementation periods, upon request, to a number of Member States with the right to (i) derogate from the dates set out in Directive 90/388/EEC and (ii) maintain during additional time periods the exclusive rights granted to undertakings to which they entrust the provision of a public telecommunications network and telecommunications services. This serves to allow for the implementation of measures which are necessary to carry out structural adjustments and strictly to the extent necessary for those adjustments.
- (8) As regards the provision of public telecommunications services and networks, it appears that EPT is a telecommunication organization within the meaning of Article 1 of Directive 90/388/EEC, and is entrusted with a service of general economic interest pursuant to Luxembourg law.
- (9) Under the Directive, the question which falls to be considered is therefore the extent to which the requested temporary exclusion of all competition from other economic operators is warranted by the need to carry out the structural adjustments and strictly only to the extent necessary for those adjustments.
- (10) The starting point of such examination is that the obligation on an undertaking entrusted with a task of general economic interest to perform its services in conditions of economic equilibrium presupposes that the undertaking will be able to offset less profitable sectors against the profitable sectors. This justifies a restriction of competition from individual undertakings where economically profitable sectors are concerned. To authorize individual under-

takings to compete with the holder of the exclusive rights in the sectors of their choice would make it possible for them to concentrate on the economically profitable operations and to offer more advantageous tariffs than those charged by the holder of the exclusive rights since, unlike the latter, they are not bound for economic reasons to offset losses in the unprofitable sectors against profits in the more profitable sectors.

- (11) Directive 90/388/EEC therefore granted a temporary exemption under Article 90 (2) in respect of special and exclusive rights for the provision of voice telephony. This was because financial resources for the development of the public telecommunications network and the maintenance of the USO still derive mainly from the voice telephony service. The opening of the voice telephony market to competition could, at that time, obstruct the performance of the task of general economic interest and development of the network assigned to the telecommunications organizations. Restrictions on competition are only justified as regards services which, by their nature and the conditions in which they would be offered in a competitive market, would compromise the economic equilibrium of the provision of the service of general economic interest or affect it in some other way. For this reason the restrictions on the provision of such services can only be granted if substantive evidence is provided of such impact.

- (12) In practice in the longer-term new entrants could also contribute to the relevant tasks of general economic interest: The exception aims to protect the fulfilment of a task of general economic interest and not to shelter specific undertakings. In the short term, however, EPT will continue to be the only undertaking providing a universal telephone service to residential users in sparsely populated areas. Moreover Luxembourg is a specific case because it has a very small telecommunications network located between two large telecommunications markets. The TOs operating in those markets would be able to compete in Luxembourg very easily. Many international calls to and from Luxembourg are made to and from these two markets. For this reason, the Commission examined both of the additional implementation periods requested to determine whether granting them is necessary to allow EPT to perform its task of general economic interest and to have the benefit of economically acceptable conditions whilst the necessary structural adjustments are being made.

II. LEGAL ASSESSMENT

A. Request for an additional implementation period regarding voice telephony and underlying network infrastructure

Assessment of the impact of the removal of the exclusive rights currently granted to EPT

- (13) In pursuance of the general principle of proportionality, any additional implementation period granted must be strictly proportional to what is necessary to achieve the necessary structural adjustments, mentioned by the Luxembourg authorities, on condition that such adjustments fall within Article 2 (2) of Directive 90/388/EEC, with a view to the introduction of full competition.

The required structural adjustments must be examined in the light of these issues.

(a) Tariff rebalancing

- (14) The Luxembourg authorities state that the connection costs in Luxembourg must increase substantially⁽¹⁾ if the network costs of EPT are to be recovered. The Luxembourg authorities state that international tariffs in Luxembourg are lower than the European average and will probably continue to fall.
- (15) The following table, based on information in the Commission's possession⁽²⁾, compares certain telephone tariffs of EPT and the equivalent figures for two operators which have already rebalanced their tariffs (British Telecom and TeleDanmark) and one operator which still has to rebalance its tariffs (Deutsche Telekom)⁽³⁾. The terms of comparison have been chosen on the following grounds. A comparison with British Telecom was also made in Commission Decision 97/114/EC⁽⁴⁾ with respect to Ireland and in its Decision 97/310/EC⁽⁵⁾ with respect to Portugal. The choice of TeleDanmark allows a comparison with a similarly relatively small TO providing services in relatively similar conditions in another Member State. A comparison has been made with Deutsche Telekom as a neighbouring TO. Deutsche Telekom is a neighbouring TO which could easily take advantage of the liberalization of the Luxembourg telecoms market. This table shows a certain need for rebalancing:

(1) Exact figures are omitted for reasons of commercial confidentiality.

(2) Tarifica study implemented for CEC — DG XIII.

(3) A direct comparison of the telephony tariffs of EPT with the Community average (which is not a weighted average) would not be appropriate, given that the tariff structures of the 15 Community TO's are still widely divergent and in addition, given that they are currently in the process of rebalancing tariffs.

(4) OJ No L 41, 12. 2. 1997, p. 8.

(5) OJ No L 133, 24. 5. 1997, p. 19.

Tariffs in ECU on 1 January 1996	EPT	British Telecom	Deutsche Telekom	TeleDanmark
initial connection charge	74,29	137,53	53,07	212,50
bi-monthly rental	13,08 (!)	19,53	26,11	27,33
local calls, resp. 3/10 minutes (cheap rate)	0,13-0,26	0,06-0,19	0,06-0,19	0,11-0,22
local calls, resp. 3/10 minutes (peak rate)	0,13-0,39	0,14-0,47	0,13-0,45	0,16-0,44
trunk calls, resp. 3/10 minutes (peak rate)	Not Applicable	0,35-1,16	1,02-3,38	0,33-0,99
intra EC, resp. 3/10 minutes (peak rate)	1,61-5,23	1,29-4,31	1,66-5,54	1,71-5,65

(!) Estimated for comparative purposes.

- (16) Given that due to technical progress in the network, cost is increasingly less conditioned by distance, cost orientation of tariffs means as a general rule that prices are adjusted in such a way that revenues are rebalanced with costs. This means that connection and rental revenues must cover fixed costs (plus a standard margin) and call revenues must cover call costs (plus standard margin).
- (17) Consequently telecommunications organizations have had to raise bi-monthly rental and local calls (or at least, not decrease these charges) and reduce tariffs for long-distance calls. There is clearly a need for further rebalancing and the Commission accepts that this will be more difficult for EPT than most TOs because of its reliance on 960 business customers generating a large proportion of its revenues from international calls and thus because EPT does not enjoy economies of scale. However, the figures for Deutsche Telekom show that other TOs have in some cases a greater need for rebalancing than EPT. Moreover, in the future flexible tariff structures will more and more be applied, as is currently the case for GSM telephony, whereby a user chooses the tariff package which best suits his needs. With such an approach, there would be little immediate need to reduce international tariffs, since large users could choose a tariff package with a higher monthly rental and lower usage tariff. However, the Commission accepts that because of its reliance on 960 business customers, EPT will have to concentrate particularly in assessing the specific needs of these customers in order to maintain revenues at a level sufficient to provide a Universal Service in the short term.
- (18) Nevertheless, EPT is currently making profits annually with connection charges at current levels (19,2 % of its turnover in 1995 in comparison with only 12,5 % for British Telecom in the same year). Although there is a need to increase connection charges fairly significantly, there is no clear reason as to why connection charges would have to be increased as substantially as is suggested by the Luxembourg authorities because fixed costs are not apparently any higher in Luxembourg than in other Member States. The population density of Luxembourg is above the EU average and is higher than that in Denmark. The percentage of the population in urban areas in Luxembourg is comparable to that in both Denmark and the United Kingdom.
- (19) The Luxembourg authorities have submitted that full tariff rebalancing will only be possible once EPT's new cost accounting system is fully operational. Whilst accepting this statement in principle, the Commission does not accept that the implementation of cost accounting is any more difficult for EPT as a result of the small size of the network in Luxembourg. On the contrary, allocating costs is easier for EPT, given that there are only two categories of calls, namely local and international calls, than for TOs in other Member States where the cost of regional and long-distance calls must be taken into account. Further, the timetable given by the Luxembourg authorities for the implementation of cost accounting is too long when set against the experience in other Member States. Finally, Luxembourg had to implement cost accounting systems by 31 December 1993 under Directive 92/44/EEC and by 31 December 1996 under Directive 95/62/EC. Even if the Commission was minded to grant an additional implementation period for this reason (which it is not), the Commission cannot adopt a Decision which effectively would amend a Council Directive.

- (20) Given the high number of telephone lines per 100 inhabitants in Luxembourg and the high level of digitalization (amongst the highest in the EU), it is clear that there is already the infrastructure for an Universal Service in Luxembourg and that no extra financial means are required to develop the network. EPT may wish to provide new services but this can most effectively be done within a competitive market. The Commission cannot accept the submission of the Luxembourg authorities that as a result of the high penetration rate, consumers will not suffer from a late introduction of competition. It is clear that any delay in the introduction of competition will delay the introduction of price competition and tariff flexibility in Luxembourg, which will not benefit consumers.
- (b) Addressing the specific problems of Luxembourg as a country with a very small network
- (21) Specific to Luxembourg is that international calls account for approximately 70 % of the overall telephony turnover of EPT. Over 50 % of those calls are made by 960 business customers based in the City of Luxembourg. As soon as telecommunications companies based in other countries are free to offer international telephony services to these customers, they will be able to divert substantial business away from EPT, obliging it to raise substantially the rates for residential users. This might have negative short-term effects on the provision of universal service in Luxembourg and make difficult the necessary structural adjustments. This threat will only be averted when EPT has implemented and is operating a new client-relationship with its major customers. A close relationship with a client is a key to serving a client's needs and responding to the solutions sought by a client. Indeed, the basis for such a new approach is already being implemented.
- (22) The Luxembourg authorities state that the new client billing and management system will be set up in January 1997 and that it should be fully implemented by March 1998. The Commission acknowledges that, given EPT's unique small client base and its current client orientation, this new billing system is a key measure in the current reorganization of working methods within EPT. For this reason a limited additional time period until the full implementation of this billing and management should be considered. The Commission also considers that a further additional implementation period to allow this billing and management system and related tariff rebalancing to be fully operational should also be granted. This will allow EPT to improve its knowledge and understanding of its clients' specific needs and to allow for the transition to a competitive environment, without major negative consequences on the affordability of the residential service.
- As far as the other arguments are concerned, the Commission does not accept that the EPT's reliance on 960 business consumers to provide a large part of its revenues is necessarily a disadvantage in this area. If EPT can acquire the necessary marketing skills, a close relationship with a client is a key to serving a client's needs and responding to the arrangements sought by a client. Moreover, the limited size of EPT does not prevent it from enjoying the benefits of economies of scale: it may conclude agreements and alliances with other service providers to ensure that it is able to provide the global arrangements sought by its clients. In addition, the small size of EPT and its reliance on subcontractors allows it to enjoy a great degree of flexibility. It can more easily implement changes in the scope of its activities by taking on new contracts, than a fully integrated large organization which has to retrain personnel and change company organization to respond to the needs of its customers.
- (23) The Commission can also not agree with the submission that it will be difficult to recruit new personnel for EPT in Luxembourg. EPT should be able to find staff from other Member States. In other industries, there is already a large work force in Luxembourg, as admitted by the Luxembourg authorities, which commutes daily from neighbouring Member States.
- (24) Legislative amendments themselves and any potential delays in this process cannot be regarded as structural changes under Directive 90/388/EEC such as would justify a derogation. The Directive refers to the necessary structural changes of the operator wherever they are necessary to protect the provision of the service of general economic interest. According to the case-law of the Court of Justice (¹), in the absence of the specific justification referred to in the Directive, Member States may not plead provisions, practices or circumstances existing in its legal system in order to justify an additional implementation period to comply with Community Directives.
- (25) In any case, from the timetable provided by the Luxembourg authorities it would appear that all legislative changes and the consequent establishment of the ILT, the issuing of a second GSM licence, will be achieved by 1 January 1998. Therefore, the key regulatory and structural reforms will have been implemented by 1 January 1998.

⁽¹⁾ Case 1/86, Commission v. Belgium [1987] ECR 2797.

Development of trade

- (26) The aim of the postponement of the liberalization of voice telephony is to delay the entry of competing carriers in the voice telephony market. Moreover, as was pointed out by one commentator, this will affect trade since large international players are already present or interested in the Luxembourg market.
- (27) Although the granting of a derogation to Luxembourg would foreclose the Luxembourg telecommunications market, the negative effect on the development of trade in the Community will be reduced owing, on the one hand, to the limited size of the Luxembourg telecommunications market in comparison with the Community market and, on the other, to the very limited duration of the derogation envisaged by the Commission.
- (28) Such effect will be further reduced if the lifting of restrictions on the use of own and alternative infrastructures is effective from 1 July 1997, will be discussed below. This would allow potential new entrants to operate and provide already liberalized telecommunications services on such networks from that date onwards, in preparation for full competition, and in particular to provide voice services over corporate networks and/or to closed user groups via such infrastructures.

Conclusion

- (29) The Commission accepts that, as in the case of other Member States which have requested an additional implementation period, telephone tariffs must be substantially rebalanced. Moreover, the Commission acknowledges that owing to the small size of the network, there are necessary structural adjustments which may be more difficult to implement in Luxembourg than in other Member States. In particular, the risk that EPT will lose significant revenues is real, as a result of its specific client-portfolio. This could harm in the short term the financial position of this operator and be a threat both to the structural adjustments which are still necessary and to the provision of a Universal Service. However, the Commission cannot accept fully the arguments of the Luxembourg Government.

On the basis of the above assessment, the Commission considers that the development of trade is not affected by the granting to Luxembourg of an additional implementation period until 1 July 1998 as regards the abolition of the exclusive rights currently granted to EPT for the provision of voice telephony and public network infrastructure instead of 1 January 1998, being the date envisaged under Article 2 (2) of Directive 90/388/EEC, to such an extent as to be contrary to the interests of the

Community, provided that the conditions set out above are fulfilled.

B. Request for an additional implementation period regarding the lifting of restrictions on the provision of already liberalized telecommunications services on own and alternative infrastructure

Assessment of the impact of the immediate lifting of restrictions

- (30) The Luxembourg authorities state that the lifting of restrictions on the use of alternative infrastructure before 1 July 1998 would enable providers of liberalized services to offer customers speech calls and connect such calls with the public network in both directions. As a result of the peculiar circumstances of Luxembourg, where EPT relies heavily on the revenues of 960 clients, competitors — it is argued — could cream off these lucrative business clients in the City of Luxembourg without making any significant investments in infrastructure.
- (31) The argument that the lifting of the current constraints may cause EPT revenue losses cannot be accepted. It is true that, under its exclusive privilege to provide network infrastructure, EPT is enjoying guaranteed revenues from the provision of leased lines to end-users and providers of liberalized telecommunications services. However, Directive 92/44/EEC requires that leased lines shall have been offered on a cost-oriented basis since 31 December 1993. Further, Directive 95/62/EC requires that fixed public telephone networks and voice telephony services shall have been offered on a cost-oriented basis since 31 December 1996. Given this obligation with which Member States must comply, the opening of the market to private operators is not expected to alter the position of TO's in this area substantially.
- (32) The threat of a creaming-off of the leased-line market by other potential infrastructure providers can only become a reality in the absence of a clear regulatory framework and of possible monitoring by an independent regulatory authority. Article 8 of Directive 90/388/EEC acknowledges such a threat, inasmuch as it requires Member States to ensure, as regards undertakings enjoying special or exclusive rights in areas other than telecommunications, that such undertakings keep separate financial accounts as concerns activities as providers of networks.

This threat may be greater in Luxembourg than in other Member States having developed alternative telecommunications infrastructures, because of the location of a small number of highly lucrative clients in a small area which would allow a new entrant to supply them in a satisfactory way without depending on EPT for leasing lines or using EPT's network, and without very substantial

investments. However, according to the Luxembourg authorities, the necessary regulatory framework as well as the independent regulatory authority should be set up in the first half of 1997. For this reason no additional implementation period extending beyond 1 July 1997 could be justified. Possible delays in the calendar set out in the submission cannot be taken into account by the Commission when considering the request for an additional implementation period, since this calendar appears reasonable and indeed since Member States may not, according to the Court of Justice's judgment cited above, plead provisions, practices or circumstances existing in their legal systems in order to justify additional implementation periods to comply with Community Directives.

Development of trade

- (33) The postponement of the lifting of restrictions on the use of own and alternative infrastructure will affect trade, since large international companies are already present or interested in the Luxembourg market.
- (34) Although the granting of a derogation to Luxembourg would foreclose the Luxembourg telecommunications market, the negative effect on trade in the Community will be reduced, owing to the limited size of the Luxembourg telecommunications market in comparison with the Community market and with the very limited duration of the derogation envisaged by the Commission.

Conclusion

- (35) Once the regulatory framework is in place there will be no threat of an abusive creaming-off of the market. According to the Luxembourg request this framework will be set up by 1 July 1997. Any grant of an additional implementation period which would extend beyond that date does not therefore seem justified.
- (36) For these reasons, the Commission considers that the development of trade which would result from the granting to Luxembourg of an additional implementation period regarding the liberalization of alternative infrastructure is not affected to such an extent as to be contrary to the interests of the Community once the new regulatory framework is in force and at the latest from 1 July 1997 onwards,

HAS ADOPTED THIS DECISION:

Article 1

Luxembourg may postpone until 1 July 1998 the abolition of the exclusive rights currently granted to *Entreprise*

des Postes et Télécommunications as regards the provision of voice telephony and the establishment and provision of public telecommunications networks, provided that the following conditions are implemented according to the time-table laid down hereinafter:

- (a) No later than 11 July 1997 instead of 11 January 1997: notification to the Commission of legislative changes necessary to implement full competition by 1 July 1998, including proposals for the funding of universal services;
- (b) No later than 1 July 1997 instead of 1 January 1997: notification to the Commission of draft licences for voice telephony and/or underlying network providers;
- (c) No later than 1 January 1998 instead of 1 July 1997: publication of licensing conditions for all services and of interconnection charges as appropriate, in accordance in both cases with relevant Community directives;
- (d) No later than 1 July 1998 instead of 1 January 1998: award of licences and amendment of existing licences, to enable the competitive provision of voice telephony to commence.

Article 2

Luxembourg may postpone until 1 July 1997 the lifting of restrictions on the provision of already liberalized telecommunications services on:

- (a) networks established by the provider of the telecommunications service;
- (b) infrastructures provided by third parties; and
- (c) the sharing of networks, facilities and sites.

Luxembourg shall notify to the Commission, no later than 1 July 1997 instead of 1 July 1996, all measures adapted to lift such restrictions.

Article 3

This Decision is addressed to the Grand Duchy of Luxembourg.

Done at Brussels, 14 May 1997.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 16 July 1997

drawing up provisional lists of third country establishments from which the
Member States authorize imports of meat products

(Text with EEA relevance)

(97/569/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 95/408/EC of 22 June 1995 on the conditions for drawing up, for an interim period, provisional lists of third country establishments from which Member States are authorized to import certain products of animal origin, fishery products or live bivalve molluscs⁽¹⁾, as last amended by Decision 97/34/EC⁽²⁾, and in particular Article 2 (1) and Article 7 thereof,

Whereas Council Decision 79/542/EEC⁽³⁾, as last amended by Commission Decision 97/160/EC⁽⁴⁾, draws up a list of third countries from which the Member States authorize imports of meat products;

Whereas a list of third countries from which the Member States authorize imports of products prepared from poultrymeat and wild game meat has been drawn up pursuant to Council Directive 92/118/EEC⁽⁵⁾, as last amended by Directive 96/90/EC⁽⁶⁾;

Whereas Commission Decision 94/278/EC⁽⁷⁾, as last amended by Decision 96/344/EC⁽⁸⁾, draws up a list of third countries from which the Member States authorize imports of products prepared from rabbit meat and farmed game meat;

Whereas, for many of the countries on that list the animal health and veterinary certification requirements for importation of meat products have been laid down in Commission Decision 97/221/EC⁽⁹⁾, on the one hand, and on the other hand by Commission Decision 97/41/EC⁽¹⁰⁾;

Whereas the Commission has received from certain third countries lists of establishments, with guarantees that they

meet the appropriate Community health requirements and that should an establishment fail to do so its export activities to the European Community may be suspended;

Whereas the Commission has been unable to ascertain in the case of all the third countries concerned the compliance of their establishments with the Community requirements and the validity of the guarantees provided by the competent authorities;

Whereas, to prevent the interruption of trade in meat products from those countries, it is necessary to grant them a further period during which Member States will be able to continue to import meat products from the establishments they have recognized on the proviso that trade in these meat products will be limited to the national market; whereas during that further period the Commission will collect from those countries the guarantees needed in order to be able to add them to the list in accordance with the procedure laid down in Council Decision 95/408/EC;

Whereas, in the case of the Czech Republic, a list of establishments has been drawn up by Commission Decision 97/299/EC⁽¹¹⁾;

Whereas on the expiry of that period third countries which have not transmitted their lists of establishments in accordance with the Community rules will no longer be permitted to export meat products to the Community;

Whereas Member States will be responsible therefore for satisfying themselves that the establishments from which they import meat products meet requirements for production and placing on the market which are no less stringent than the Community requirements;

Whereas provisional lists of establishments producing meat products can thus be drawn up in respect of certain countries;

Whereas, in accordance with Article 2 of Decision 95/408/EC, Mauritius has forwarded the data of one establishment authorized to export to the Community;

⁽¹⁾ OJ No L 243, 11. 10. 1995, p. 17.

⁽²⁾ OJ No L 13, 16. 1. 1997, p. 33.

⁽³⁾ OJ No L 146, 14. 6. 1979, p. 15.

⁽⁴⁾ OJ No L 62, 4. 3. 1997, p. 39.

⁽⁵⁾ OJ No L 62, 15. 3. 1993, p. 49.

⁽⁶⁾ OJ No L 13, 16. 1. 1997, p. 24.

⁽⁷⁾ OJ No L 120, 11. 5. 1994, p. 44.

⁽⁸⁾ OJ No L 133, 4. 6. 1996, p. 28.

⁽⁹⁾ OJ No L 89, 4. 4. 1997, p. 32.

⁽¹⁰⁾ OJ No L 17, 21. 1. 1997, p. 34.

⁽¹¹⁾ OJ No L 124, 16. 5. 1997, p. 50.

Whereas a Community on-the-spot inspection has shown that the hygiene standards of this establishment are sufficient and it may therefore be entered on a first list of establishments from which imports of meat products may be authorized; whereas Commission Decision 97/365/EC should therefore be amended accordingly⁽¹⁾;

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

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States shall authorize imports of meat products from the establishments listed in Annex I hereto.

2. In the case of third countries other than those in Annex I, Member States may authorize establishments for the import of meat products up to 1 January 1998.

3. Imports of meat products shall remain subject to the Community veterinary provisions adopted elsewhere.

Article 2

The Annex to Commission Decision 97/365/EC is hereby amended by inserting the Republic of Mauritius in accordance with Annex II to this Decision.

Article 3

This Decision shall apply from 1 July 1997.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 154, 12. 6. 1997, p. 41.

ANEXO I / BILAG I / ANHANG I / ΠΑΡΑΡΤΗΜΑ I / ANNEX I / ANNEXE I / ALLEGATO I /
BIJLAGE I / ANEXO I / LIITE I / BILAGA I

LISTA DE LOS ESTABLECIMIENTOS / LISTE OVER VIRKSOMHEDER / VERZEICHNIS DER
BETRIEBE / ΠΙΝΑΚΑΣ ΤΩΝ ΕΓΚΑΤΑΣΤΑΣΕΩΝ / LIST OF ESTABLISHMENTS / LISTE DES
ÉTABLISSEMENTS / ELENCO DEGLI STABILIMENTI / LIJST VAN BEDRIJVEN / LISTA
DOS ESTABELECIMENTOS / LUETTELO LAITOKSISTA / FÖRTECKNING ÖVER
ANLÄGGNINGAR

Producto: productos cárnicos / Produkt: kødprodukter / Erzeugnis: Fleischerzeugnisse / Προϊόν:
νοπό κρέας πουλερικών / Product: meat products / Produit: Produits à base de viandes / Prodotto:
prodotti a base di carne / Product: vleesproducten / Produto: produtos à base de carne / Tuote:
lihatuotteet / Varuslag: köttvaror

- 1 = Referencia nacional / National reference / Nationaler Code / Εθνικός αριθμός έγκρισης / National
reference / Référence nationale / Riferimento nazionale / Nationale code / Referência nacional /
Kansallinen referenssi / Nationell referens
- 2 = Nombre / Navn / Name / Τίτλος εγκατάστασης / Name / Nom / Nome / Naam / Nome / Nimi /
Namm
- 3 = Ciudad / By / Stadt / Πόλη / Town / Ville / Città / Stad / Cidade / Kaupunki / Stad
- 4 = Región / Region / Region / Περιοχή / Region / Région / Regione / Regio / Região / Alue / Region
- 5 = Menciones especiales / Særlige bemærkninger / Besondere Bemerkungen / Ειδικές παρατηρήσεις /
Special remarks / Mentions spéciales / Note particolari / Bijzondere opmerkingen / Menções
especiais / Erikoismainintoja / Anmärkningar
- 6 = * Países y establecimientos que cumplen todos los requisitos del apartado 1 del artículo 2 de la
Decisión 95/408/CE del Consejo.
- * Lande og virksomheder, der opfylder alle betingelserne i artikel 2, stk. 1, i Rådets beslutning
95/408/EF.
- * Länder und Betriebe, die alle Anforderungen des Artikels 2 Absatz 1 der Entscheidung 95/408/EG
des Rates erfüllen.
- * Χώρες και εγκαταστάσεις που πληρούν τις προϋποθέσεις του άρθρου 2 παράγραφος 1 της
απόφασης 95/408/ΕΚ του Συμβουλίου.
- * Countries and establishments complying with all requirements of Article 2 (1) of Council Decision
95/408/EC.
- * Pays et établissements remplissant l'ensemble des dispositions de l'article 2 paragraphe 1 de la
décision 95/408/CE du Conseil.
- * Paese e stabilimenti che ottemperano a tutte le disposizioni dell'articolo 2 paragrafo 1 della decisione
95/408/CE del Consiglio.
- * Landen en inrichtingen die voldoen aan al de voorwaarden van artikel 2, lid 1, van Beschikking
95/408/EG van de Raad.
- * Países e estabelecimentos que respeitam todas as exigências do n.º 1 do artigo 2.º da Decisão
95/408/CE do Conselho.
- * Neuvoston päätöksen 95/408/EY 2 artiklan 1 kohdan kaikki vaatimukset täyttävät maat ja laitokset.
- * Länder och anläggningar som uppfyller alla krav i artikel 2.1 i rådets beslut 95/408/EG.

País: ARGENTINA / Land: ARGENTINA / Land: ARGENTINIEN / Χώρα: ΑΡΓΕΝΤΙΝΗ /
Country: ARGENTINA / Pays: ARGENTINE / Paese: ARGENTINA / Land: ARGENTINIË /
País: ARGENTINA / Maa: ARGENTIINA / Land: ARGENTINA

1	2	3	4	5
1326	Establecimiento Frigorífico Azul SA.	AZUL	BUENOS AIRES	PMP 6

País: BULGARIA / Land: BULGARIEN / Land: BULGARIEN / Χώρα: ΒΟΥΛΓΑΡΙΑ / Country: BULGARIA / Pays: BULGARIE / Paese: BULGARIA / Land: BULGARIJE / País: BULGÁRIA / Maa: BULGARIA / Land: BULGARIEN

1	2	3	4	5
52	Zomitsa	KESSAREVO		PMP
53	Lapet SRL	VELIKO TARNOVO		PMP

País: BRASIL / Land: BRASILIEN / Land: BRASILIEN / Χώρα: ΒΡΑΖΙΛΙΑ / Country: BRAZIL / Pays: BRÉSIL / Paese: BRASILE / Land: BRASILIË / País: BRASIL / Maa: BRASILIA / Land: BRASILIEN

1	2	3	4	5
7	Cicade Industrial de Carnes S/A	SANTANA DO LIVRAMENTO	RIO GRANDE DO SUL	PMP 6
76	Anglo Alimentos SA	BARRETOS	SÃO PAULO	PMP 6
104	Sadia Concórdia S/A Indústria e Comércio	CHAPECO	SANTA CATARINA	PMP 6
215	Ceval Alimentos S/A	JUNDIAI	SÃO PAULO	PMP 6
226	BE Comércio e Indústria, Importação e Exportação SA	HULHA NEGRA	RIO GRANDE DO SUL	PMP 6
237	Predileto Pena Branca Alimentos S/A	ROCA SALES	RIO GRANDE DO SUL	PMP 6
337	Frigorífico Bertin Ltda	LINS	SÃO PAULO	PMP 6
381	Frigorífico Kaiowa SA	GUARULHOS	SÃO PAULO	PMP 6
458	Swift Armour SA, Indústria e Comércio	PRESIDENTE EPITÁCIO	SÃO PAULO	PMP 6
466	Perdigão Agroindustrial S/A	CAPINZAL	SANTA CATARINA	PMP 6
530	Dagranja Agroindustrial Ltda	LAPA	PARANÁ	PMP
576	Ceval Alimentos S/A	ITAPIRANGA	SANTA CATARINA	PMP
716	Frigobras - Companhia Brasileira de Frigoríficos	TOLEDO	PARANA	PMP
736	Sola S/A Indústrias Alimentícias	TRÊS RIOS	RIO DE JANEIRO	PMP 6
786	Braslo - Produtos de Carne Ltda	EMBU	SÃO PAULO	PMP 6
922	Frangosul S/A Agro Avícola Industrial	PASSO FUNDO	RIO GRANDE DO SUL	PMP 6
1661	Companhia Minuano de Alimentos	SÃO PAULO	SÃO PAULO	PMP
1976	Frigobras - Companhia Brasileira de Frigoríficos	SÃO PAULO	SÃO PAULO	PMP
2014	Perdigão Agroindustrial S/A	MARAU	RIO GRANDE DO SUL	PMP 6
2015	Sadia Oeste SA Indústria e Comércio	VÁRZEA GRANDE	MATO GROSSO	PMP 6
2032	Frangosul S/A - Agro Avícola Industrial	MONTENEGRO	RIO GRANDE DO SUL	PMP 6
2485	Ceval Alimentos S/A	NUPORANGA	SÃO PAULO	PMP 6
2979	Frigorífico Araputanga SA	ARAPUNTANGA	MATO GROSSO	PMP 6
3031	Frigorífico Quatro Marcos Ltda	SÃO JOSÉ DOS QUATRO MARCOS	MATO GROSSO	PMP 6

País: HONG KONG / Land: HONGKONG / Land: HONGKONG / Χώρα: ΧΟΝΓΚ ΚΟΝΓΚ /
Country: HONG KONG / Pays: HONG-KONG / Paese: HONG KONG / Land: HONGKONG /
País: HONG KONG / Maa: HONGKONG / Land: HONGKONG

1	2	3	4	5
1	Amoy Food Limited	TAI PO		PMP 6

País: HUNGRÍA / Land: UNGARN / Land: UNGARN / Χώρα: ΟΥΓΓΑΡΙΑ / Country:
HUNGARY / Pays: HONGRIE / Paese: UNGHERIA / Land: HONGARIJE / País: HUNGRIA /
Maa: UNKARI / Land: UNGERN

1	2	3	4	5
14	GLOBUS Konzervipari Rt.	BUDAPEST		PMP 6
16	FONIX Szegedi Konzervgyár	SZEGED	CSONGRAD MEGYE	PMP 6
36	Deko-Food Kft.	DEBRECEN	HAJDU-BIHAR MEGYE	PMP 6
41	Szegedi Paprika Rt.	SZEGED	CSONGRAD MEGYE	PMP 6
48	Fotk Rt. Kisallatfeldolgozó Uzem	JASZBERENY	SZOLNOK MEGYE	PMP
52	Her-Csi-Hus Kft.	HERNAD	PEST MEGYE	PMP
67	Andreoli Kft Gastrofol Uzeme	MISKOLC	BORSOD-ABAUJ-ZEMPLEN MEGYE	PMP 6
H-101	Bekescsabai Baromfifeldolgozó Rt.	BEKESCSABA	BEKES MEGYE	PMP
H-103	Hajdu-Bet Rt. Debreceni Baromfifeldolgozó Gyara	DEBRECEN	HAJDU-BIHAR MEGYE	PMP
H-104	Babolna-Gyori Baromfifeldolgozó	GYOR	GYOR MEGYE	PMP 6
H-106	Babolna Baromfifeldolgozó Kecskemet Kft.	KECSKEMET	BACS-KISKUN MEGYE	PMP 6
H-107	Kiskunhalasi Baromfifeldolgozó Rt.	KISKUNHALAS	BACS-KISKUN MEGYE	PMP
H-108	Merian Oroshaza Rt.	OROSHAZA	BEKES MEGYE	PMP 6
H-109	Saga - Foods Rt.			PMP 6
H-110	Gold M Baromfifeldolgozó Kft.	SZENTES	CSONGRAD MEGYE	PMP 6
H-111	Con Avis Kft. Torokszenmiklosi Baromfifeldolgozó Kft	TOROKSZENT-MIKLOS	JASZ-NAGYKUN-SZOLNOK MEGYE	PMP
H-112	Hajdu Bet Rt Kisvardai Gyaranak Nyúlvaó Uzeme	KISVARDA	SZABOLES-SZATMAR-BEREG MEGYE	PMP
H-113	Kolos Pecs Kft.	PECS	BARANYA MEGYE	PMP
H-114	Zalabaromfi feldolgozó és kereskedelmi Kft	ZALAEGERSZEG	ZALA MEGYE	PMP 6
H-119	Zagyvarékasi Baromfitermeltető Feldolgozó és Forgalmazo Kft	ZAGYVAREKAS	SZOLNOK MEGYE	PMP
H-126	eFeF Elelmiszeripari és Kereskedelmi Kft.	PECS	BARANYA MEGYE	PMP
H-127	Sigma-Ex Kft Makoi konzervüzeme	MAKO		PMP 6
H-128	Freiland Baromfitermékek Kft.	KISVARDA	SZABOLCS SZATMAR MEGYE	PMP
H-129	Con Avis Kft. Panonliver Baromfifeldolgozó Gyara	MEZOKOVACSHAZA	BEKES MEGYE	PMP
H-130	Gallicoop Baromfikeltető és Feldolgozó Rt.	SZARVAS	BEKES MEGYE	PMP 6

1	2	3	4	5
H-148	Balbona husfeldolgozo Kft	BABOLNA	GYOR MEGYE	PMP 6
H-164	Hungerit -Plus Kft.	SZENTES	CSONGRAD MEGYE	PMP 6
H-171	CPC Magyarország	ROSZKE	CSONGRAD MEGYE	PMP 6
H-173	T.R Duck Elelmiszeripari és Kereskedelmi Kft	PUSPOKLADANY	HAJDU-BIHAR MEGYE	PMP
H-183	Saga Foods Rt	SARVAR	VAS MEGYE	PMP 6

País: ISRAEL / Land: ISRAEL / Land: ISRAEL / Χώρα: ΙΣΡΑΗΛ / Country: ISRAEL / Pays: ISRAËL / Paese: ISRAELE / Land: ISRAËL / País: ISRAEL / Maa: ISRAEL / Land: ISRAEL

1	2	3	4	5
22	Tiv-Tirat-Tsvi	BET SHEAN	AFULA	PMP 6
52	Hod-Lavan Ltd	BET HERUT	RAANANA	PMP 6
101	Maadaney Mizra	KIBBUTZ MIZRA	AFULA	PMP 6
104	Maadaney Yehima (1993) Ltd	KIBBUTZ YEHIAM	ACCO	PMP 6
108	Off Tov (Shan) Hodutov (Shan) Meat Ind.	BET SHEAN	AFULA	PMP 6
109	Off-Kal. Off-Hagalil	KIRYAT SHMONA	KIRYAT SHMONA	PMP 6
112	Haof-Hameuleh Meat Ind.	BET DAGAN	RAANANA	PMP
118	Hod Hefer Meat Ind.	SHOMRON	HADERA	PMP
119	Soglowek (Naharia) Ltd	NAHARIA	ACCO	PMP
151	Israel Edible Products Ltd	HAIFA	ACCO	PMP 6
161	Osem Nakid	BENI-BRAK	RAANANA	PMP 6
171	Osem Nakid	SDEROT	BEER SHEVA	PMP 6
186	Sea-Chef	KIBUTZ EILON	ACCO	PMP
202	E.L.A.D. Hitzfoni Ltd	CARMEL	ACCO	PMP
204	Maadaney Tivon-Galil Jerusalem	SHIMSHON	JERUSALEM	PMP

País: POLONIA / Land: POLEN / Land: POLEN / Χώρα: ΠΟΛΩΝΙΑ / Country: POLAND / Pays: POLOGNE / Paese: POLONIA / Land: POLEN / País: POLÓNIA / Maa: PUOLA / Land: POLEN

1	2	3	4	5
690	'Indykpol'	OLSZTYN	OLSZTYN	PMP 6
691	Ilawskie Zakłady Drobiarskie	ILAWA	OLSZTYN	PMP 6
705	LNP Lingenfelser	ZBASZYNEK		PMP 6
730	Rzeszowskie Zakłady Drobiarskie	RZESZOW	RZESZOW	PMP 6
740	Zakłady Drobiarskie 'Drobimex Heintz'	SZCZECIN	SZCZECIN	PMP 6
785	Lubuskie Zakłady Drobiarskie 'Eldrob' SA	SWIEBODZIN	ZIELONA GORA	PMP 6
786	Konspol	NOWY SACZ	NOWY SACZ	PMP 6

País: TAILANDIA / Land: THAILAND / Land: THAILAND / Χώρα: ΤΑΪΛΑΝΔΗ / Country:
THAILAND / Pays: THAÏLANDE / Paese: TAILANDIA / Land: THAILAND / País:
TAILÂNDIA / Maa: THAIMAA / Land: THAILAND

1	2	3	4	5
5	C.P. Inter Food (Thailand) Co., Ltd	AMPHOE NONGJOK	BANGKOK	PMP 6
9	Summit Frozen Food Co., Ltd	AMPHOE MUANG	SAMUTPRAGARN	PMP
14	Bangkok Ranch Co., Ltd (public)	AMPHOE BANGPLEE	SAMUTPRAGARN	PMP
21	C.P. Food Products Co., Ltd	AMPHOE MINBURI	BANGKOK	PMP
23	Bangkok Produce Merchandising Co. Ltd (public)	AMPHOE KANGKHOI	SARABURI	PMP
28	Mesa Trading Co. Ltd	AMPHOE MUANG	SAMUTSAKORN	PMP
29	Thai Nippon Foods Co. Ltd	AMPHOE U-THAI	PHRA NAKHON SI AYUTTHAYA	PMP
30	Pacific Kaneka Foods Co. Ltd	AMPHOE MUANG	SONGKHLA	PMP
32	Sun Valley (Thailand) Ltd	AMPHOE PRA PUTTHABAT	SARABURI	PMP
36	Bangkok Produce Merchandising Public Co. Ltd (Food Processing)	AMPHOE KANGKOI	SARABURI	PMP 6
37	Ajinomoto Frozen Food (Thailand) Co. Ltd	AMPHOE PHAYA THAI	BANGKOK	PMP
38	Cerebos (Thailand) Co. Ltd	AMPHOE SRIRACHA	CHOLBURI	PMP 6
39	J.M. Food Industry Co. Ltd	AMPHOE LUMLOOGKA	PATHOOMTHANI	PMP
40	N & N Foods Co. Ltd	AMPHOE MUANG	SAMUTSAKORN	PMP
42	C.P. Food Industry Export Co. Ltd	AMPHOE MINBURI	BANGKOK	PMP
43	T.N.D. Foods Industry Co. Ltd	AMPHOE SRIRACHA	CHONBURI	PMP
44	Saha Farm Co. Ltd	AMPHOE CHAIBADAN	LOPBURI	PMP
47	Surapon Nichirei Foods Co., Ltd	AMPHOE BANGPLEE	SAMUTPRAKARN	PMP 6
48	Surapon Nichereï Foods Co. Ltd	AMPHOE KABINBURI	PRACHINBURI	PMP
49	B. Foods Product International Co. Ltd	AMPHOE PHATHANA NIKHOM	LOPBURI	PMP
55	Akesaovaros Co. Ltd	AMPHOE MUANG	RATCHABURI	PMP
57	Mickey Foods Services (Thailand) Co. Ltd	AMPHOE BANGPLEE	SAMUTHPRAKARN	PMP

1	2	3	4	5
58	Pakpanang Coldstorage Public Co. Ltd	AMPHOE MUANG	SAMUTH SAKHORN	PMP
59	Thai Agri Foods Public Co. Ltd	AMPHOE BANGPLEE	SAMUTPRAKARN	PMP
60	Chaveevan International Foods Co. Ltd	AMPHOE SRIRACHA	CHANBURI	PMP
66	Ken Foods Co. Ltd	AMPHOE U-THAI	PHRA NAKHON SI AYUTTHAYA	PMP
67	Do Foods Co. Ltd	PHRAPRADAENG	SAMUTPRAKARN	PMP
69	Ajinomoto Betagro Frozen Foods (Thailand) Co. Ltd	AMPHOE PATTANANIKORN	LOPBURI	PMP
73	Narong Seafood Co. Ltd	AMPHOE MUANG	SAMUTSAKORN	PMP

ANEXO II / BILAG II / ANHANG II / ΠΑΡΑΡΤΗΜΑ II / ANNEX II / ANNEXE II /
ALLEGATO II / BIJLAGE II / ANEXO II / LIITE II / BILAGA II

LISTA DE LOS ESTABLECIMIENTOS / LISTE OVER VIRKSOMHEDER / VERZEICHNIS DER
BETRIEBE / ΠΙΝΑΚΑΣ ΤΩΝ ΕΓΚΑΤΑΣΤΑΣΕΩΝ / LIST OF ESTABLISHMENTS / LISTE DES
ÉTABLISSEMENTS / ELENCO DEGLI STABILIMENTI / LIJST VAN BEDRIJVEN / LISTA
DOS ESTABELECIMENTOS / LUETTELO LAITOKSISTA / FÖRTECKNING ÖVER
ANLÄGGNINGAR

Producto: productos cárnicos / **Produkt:** kødprodukter / **Erzeugnis:** Fleischerzeugnisse / **Προτόν:**
νωπό κρέας πουλερικών / **Product:** meat products / **Produit:** Produits à base de viandes / **Prodotta:**
prodotti a base di carne / **Product:** vleesproducten / **Produto:** produtos à base de carne / **Tuote:**
lihatuotteet / **Varuslag:** köttvaror

- 1 = Referencia nacional / National reference / Nationaler Code / Εθνικός αριθμός έγκρισης / National
reference / Référence nationale / Riferimento nazionale / Nationale code / Referência nacional /
Kansallinen referenssi / Nationell referens
- 2 = Nombre / Navn / Name / Τίτλος εγκατάστασης / Name / Nom / Nome / Naam / Nome / Nimi /
Namn
- 3 = Ciudad / By / Stadt / Πόλη / Town / Ville / Città / Stad / Cidade / Kaupunki / Stad
- 4 = Región / Region / Region / Περιοχή / Region / Région / Regione / Regio / Regiã / Alue / Region
- 5 = Menciones especiales / Særlige bemærkninger / Besondere Bemerkungen / Ειδικές παρατηρήσεις /
Special remarks / Mentions spéciales / Note particolari / Bijzondere opmerkingen / Menções
especiais / Erikoismainintoja / Anmärkningar
- 6 = * Países y establecimientos que cumplen todos los requisitos del apartado 1 del artículo 2 de la
Decisión 95/408/CE del Consejo.
- * Lande og virksomheder, der opfylder alle betingelserne i artikel 2, stk. 1, i Rådets beslutning
95/408/EF.
- * Länder und Betriebe, die alle Anforderungen des Artikels 2 Absatz 1 der Entscheidung 95/408/EG
des Rates erfüllen.
- * Χώρες και εγκαταστάσεις που πληρούν τις προϋποθέσεις του άρθρου 2 παράγραφος 1 της
απόφασης 95/408/ΕΚ του Συμβουλίου.
- * Countries and establishments complying with all requirements of Article 2 (1) of Council Decision
95/408/EC.
- * Pays et établissements remplissant l'ensemble des dispositions de l'article 2 paragraphe 1 de la
décision 95/408/CE du Conseil.
- * Paese e stabilimenti che ottemperano a tutte le disposizioni dell'articolo 2 paragrafo 1 della decisione
95/408/CE del Consiglio.
- * Landen en inrichtingen die voldoen aan al de voorwaarden van artikel 2, lid 1, van Beschikking
95/408/EG van de Raad.
- * Países e estabelecimentos que respeitam todas as exigências do nº 1 do artigo 2º da Decisão
95/408/CE do Conselho.
- * Neuvoston päätöksen 95/408/EY 2 artiklan 1 kohdan kaikki vaatimukset täyttävät maat ja laitokset.
- * Länder och anläggningar som uppfyller alla krav i artikel 2.1 i rådets beslut 95/408/EG.

País: MAURICIO / **Land:** MAURITIUS / **Land:** MAURITIUS / **Χώρα:** ΜΑΥΡΙΚΙΟΣ / **Country:**
MAURITIUS / **Pays:** MAURICE / **Paese:** MAURIZIO / **Land:** MAURITIUS / **País:** MAURÍCIA /
Maa: MAURITIUS / **Land:** MAURITIUS

1	2	3	4	5
M3	Associated Meat Canners Ltd	COROMANDEL		6

COMMISSION DECISION

of 22 July 1997

amending for the second time Decision 94/957/EC laying down the transitional measures to be applied by Finland with regard to veterinary checks on live animals entering Finland from third countries

(Text with EEA relevance)

(97/570/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC⁽¹⁾, as last amended by Council Directive 96/43/EC⁽²⁾, and in particular Article 17a thereof,

Whereas Decision 94/957/EC of 28 December 1994 laying down the transitional measures to be applied by Finland with regard to veterinary checks on live animals entering Finland from third countries⁽³⁾, as amended by Decision 95/82/EC⁽⁴⁾, specifies in the Annex the border crossing points and the corresponding inspection sites for the live animals concerned; whereas these provisions are to apply until 31 December 1997;

Whereas the Finnish authorities are at present already planning to transfer the Nuijamaa crossing point and its corresponding inspection site situated along the border with Russia to its definitive location at Vaalimaa;

Whereas, at the request of the Finnish authorities and without prejudice to decisions which could be taken subsequently when border inspection posts are approved

in Finland, the Annex to the initial decision should be amended so as to include as a transitional measure with effect from July 1997 the sites of Vaalimaa, Helsinki and Ivalo for the importation of live animals;

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 94/957/EC is hereby replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 22 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 56.

⁽²⁾ OJ No L 162, 1. 7. 1996, p. 1.

⁽³⁾ OJ No L 371, 31. 12. 1994, p. 19.

⁽⁴⁾ OJ No L 66, 24. 3. 1995, p. 26.

ANNEX

Crossing point	Corresponding inspection site	Live animals concerned
Vaalimaa (border Russia-Finland)	Vaalimaa	all
Helsinki (port, airport)	Helsinki (city)	all
Kilpisjärvi-Näätämö	Ivalo	all

CORRIGENDA

Corrigendum to Council Directive 88/380/EEC of 13 June 1988 amending Directives 66/400/EEC, 66/401/EEC, 66/402/EEC, 66/403/EEC, 69/208/EEC, 70/457/EEC and 70/458/EEC on the marketing of beet seed, fodder plant seed, cereal seed, seed potatoes, seed of oil and fibre plants and vegetable seed and on the common catalogue of varieties of agricultural plant species

(Official Journal of the European Communities No L 187 of 16 July 1988)

On page 46, point 13 of Article 7 is replaced by the following:

'13. in Article 26, paragraph 3 becomes paragraph 1b and the following is added:

"Save in the case of small packages of standard seed, the information prescribed or authorized under this provision shall be kept clearly separate from any other information given on the label or the package, including that provided for in Article 28.

After 30 June 1992 it may be decided, in accordance with the procedure laid down in Article 40, that small packages of standard seed of all species or of some species should be subjected to this requirement or that the information prescribed or authorized be distinct in some other way from any other information if the distinctive feature is expressly declared as such on the label or package."';
