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Contents

I Acts whose publication is obligatory

- ★ Council Regulation (EC) No 1527/95 of 29 June 1995 regulating compensation for reductions in the agricultural conversion rates of certain national currencies 1
- ★ Council Regulation (EC) No 1528/95 of 29 June 1995 amending Regulation (EEC) No 1766/92 on the common organization of the market in cereals 3
- ★ Council Regulation (EC) No 1529/95 of 29 June 1995 fixing the monthly price increases for cereals for the 1995/96 marketing year 4
- ★ Council Regulation (EC) No 1530/95 of 29 June 1995 amending Regulation (EEC) No 1418/76 on the common organization of the market in rice 5
- ★ Council Regulation (EC) No 1531/95 of 29 June 1995 fixing the intervention price for paddy rice for the 1995/96 marketing year 7
- ★ Council Regulation (EC) No 1532/95 of 29 June 1995 fixing the monthly price increases for paddy rice and husked rice for the 1995/96 marketing year 8
- ★ Council Regulation (EC) No 1533/95 of 29 June 1995 fixing, for the 1995/96 marketing year certain sugar prices and the standard quality of beet 9
- ★ Council Regulation (EC) No 1534/95 of 29 June 1995 fixing, for the 1995/96 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, and the amount of compensation for storage costs 11
- ★ Council Regulation (EC) No 1535/95 of 29 June 1995 fixing, for the 1995/96 marketing year, the prices, aids and percentages of aid to be retained in the olive oil sector 13

Contents (continued)

★ Council Regulation (EC) No 1536/95 of 29 June 1995 fixing the amounts of aid for flax fibre and hemp and the amount withheld to finance measures to promote the use of flax fibre for the 1995/96 marketing year	15
★ Council Regulation (EC) No 1537/95 of 29 June 1995 fixing the amount of aid in respect of silkworms for the 1995/96 rearing year	16
★ Council Regulation (EC) No 1538/95 of 29 June 1995 amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products	17
★ Council Regulation (EC) No 1539/95 of 29 June 1995 fixing the target price for milk and the intervention prices for butter and skimmed-milk powder for the period from 1 July 1995 to 30 June 1996	19
★ Council Regulation (EC) No 1540/95 of 29 June 1995 fixing the basic price, and the seasonal adjustments to the basic price, for sheepmeat for the 1996 marketing year	20
★ Council Regulation (EC) No 1541/95 of 29 June 1995 fixing the basic price and the standard quality for pig carcasses for the period 1 July 1995 to 30 June 1996	22
★ Council Regulation (EC) No 1542/95 of 29 June 1995 fixing the basic price and buying-in prices applicable in the fruit and vegetables sector for the 1995/96 marketing year	23
★ Council Regulation (EC) No 1543/95 of 29 June 1995 derogating, for the 1995/96 marketing year, from Regulation (EC) No 3119/93 laying down special measures to encourage the processing of certain citrus fruits	30
★ Council Regulation (EC) No 1544/95 of 29 June 1995 amending Regulation (EEC) No 822/87 on the common organization of the market in wine	31
★ Council Regulation (EC) No 1545/95 of 29 June 1995 fixing the guide price for wine for the 1995/96 wine year	33
★ Council Regulation (EC) No 1546/95 of 29 June 1995 amending Regulation (EEC) No 2046/89 laying down general rules for distillation operations involving wine and the by-products of wine-making	34
★ Council Regulation (EC) No 1547/95 of 29 June 1995 amending Regulation (EEC) No 2332/92 as regards sparkling wines produced in the Community and Regulation (EEC) No 4252/88 on the preparation and marketing of liqueur wines produced in the Community	35
★ Council Regulation (EC) No 1548/95 of 29 June 1995 amending Regulation (EEC) No 1442/88 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of wine-growing areas	36
★ Council Regulation (EC) No 1549/95 of 29 June 1995 amending Regulation (EEC) No 2392/86 establishing a Community vineyard register	37

Contents *(continued)*

★ Council Regulation (EC) No 1550/95 of 29 June 1995 fixing, for the 1995 harvest, the premiums and guarantee thresholds for leaf tobacco by group of tobacco varieties	39
★ Council Regulation (EC) No 1551/95 of 29 June 1995 fixing the amounts of aid for seeds for the 1996/97 and 1997/98 marketing years	41
★ Council Regulation (EC) No 1552/95 of 29 June 1995 amending Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector .	43
★ Council Regulation (EC) No 1553/95 of 29 June 1995 adjusting, for the fifth time, the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece	45
★ Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81	48
★ Council Directive 95/29/EC of 29 June 1995 amending Directive 91/628/EEC concerning the protection of animals during transport	52

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1527/95

of 29 June 1995

regulating compensation for reductions in the agricultural conversion rates of certain national currencies

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

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 ⁽¹⁾, and in particular Article 9 thereof,

Whereas there is a risk of substantial reductions in the agricultural conversion rates for the Belgian/Luxembourg franc, the Danish krone, the German mark, the Dutch guilder and the Austrian schilling; whereas monetary gaps greater than 5 % have already been recorded for these currencies over several reference periods; whereas it is necessary to take steps at Community level to prevent distortions in the implementation of the common agricultural policy due to monetary causes;

Whereas, in order to curtail the risk of distortions to trade flows caused by the monetary gaps of the said currencies, these gaps should be reduced if they prove to be still over 5 % by the end of the reference periods introduced to confirm the monetary situation;

Whereas Article 9 of Regulation (EEC) No 3813/92 provides for a Council decision, in the event of an appreciable re-evaluation, primarily to comply with obligations under the GATT agreement and budgetary discipline, on all necessary measures, which may involve derogations from the provisions of the said Regulation

concerning aid and the amount by which the monetary gaps are dismantled, without, however, resulting in the threshold being extended; whereas the measures provided for in Articles 7 and 8 of the said Regulation cannot be applied as they stand; whereas, however, compensation for losses of income caused by a reduction in agricultural conversion rates needs to be provided, while taking into account on a flat-rate basis the effects of the 1993 devaluations, the movements of prices in real terms for products qualifying for compensatory payments as part of the reform of the common agricultural policy, and the acknowledged sensitivity of market prices and incomes to agrimonetary adjustments;

Whereas there should be provision for extending the compensatory aid granted over three successive 12-month tranches should the duration of the effects of the reduction in the agricultural conversion rates in forthcoming years so require;

Whereas the date set for the third stage for achieving economic and monetary union is 1 January 1999, at the latest; whereas, with regard to the national currencies in question, the agricultural conversion rate applicable to the amounts referred to in Article 7 of Regulation (EEC) No 3813/92 should not be reduced until fixed conversion rates between the currencies of the Member States have been established,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation shall apply in the event of significant reductions in agricultural conversion rates in accordance with Article 4 of Regulation (EEC) No 3813/92 introduced between 23 June 1995 and 1 January 1996.

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 150/95 (OJ No L 22, 31. 1. 1995, p. 1).

Article 2

1. In the event of a reduction in agricultural conversion rates as referred to in Article 1, the Member State affected may make compensatory payments to farmers in three successive tranches lasting twelve months each, starting with the month following the relevant reduction in the agricultural conversion rate. These compensatory payments shall not take the form of aid linked to production, other than production during a stipulated period prior to introduction of the compensation scheme; they shall not favour any particular type of production or be dependent on production subsequent to the period stipulated.

2. The total compensatory aid in the first twelve-month tranche shall not be more than:

- ECU 18,0 million in the case of Belgium,
- ECU 15,3 million in the case of Denmark
- ECU 95,4 million in the case of Germany,
- ECU 1,4 million in the case of Luxembourg,
- ECU 38,5 million in the case of the Netherlands,
- ECU 16,8 million in the case of Austria,

to be multiplied by the reduction in the agricultural conversion rate referred to in Article 1 expressed as a percentage, less 1,015 percentage points in respect of the Belgian/Luxembourg franc and 2,626 percentage points in respect of the Danish krone, if the reduction of the agricultural conversion rate concerned takes place respectively before 14 October 1995 or before 17 August 1995.

The amounts paid out under the second and third tranches shall not exceed the amount paid out in the previous tranche in each case, less at least a third of the amount paid out in the first tranche.

3. The Community contribution to financing these compensatory payments shall be 50 % of the amounts that may be paid out.

For the purposes of the financing of the common agricultural policy, this contribution shall be considered to form part of the assistance designed to regularize agricultural markets. The Member State may withdraw from national participation in financing the aid.

4. The Commission shall, in accordance with the procedure provided for in Article 12 of Regulation (EEC) No 3813/92, adopt detailed rules for applying this Article and in particular in cases where the Member State does not participate in financing the aid, lay down the conditions for paying that aid.

Article 3

1. In cases referred to in Article 1, the agricultural conversion rates applicable on 23 June 1995 to the amounts referred to in Article 7 of Regulation (EEC) No 3813/92 shall remain unchanged until 1 January 1999.

2. Articles 7 and 8 of Regulation (EEC) No 3813/92 shall not apply to the reductions in agricultural conversion rates referred to in Article 1 of this Regulation.

Article 4

Before the end of the third period during which the compensatory aid is granted, the Commission shall examine the effects on agricultural income of the reductions in agricultural conversion rates as referred to in Article 1.

Where it is established that income losses are likely to continue, the Commission may, in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 3813/92, extend the possibility of granting compensatory aid as provided for in Article 2 by a maximum of two additional 12-month tranches, the maximum amount per tranche being equal to that granted in the third tranche.

Article 5

This Regulation shall enter into force on 30 June 1995.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1528/95

of 29 June 1995

amending Regulation (EEC) No 1766/92 on the common organization of the market in cereals

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas the introduction, in the Uruguay Round of multilateral trade negotiations, of a fixed import duty in place of a variable levy has removed the significance of the target price; whereas, it should be abolished;

Whereas Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽⁴⁾, should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 of Regulation (EEC) No 1766/92 paragraph 1 shall be deleted.

Article 2

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

It shall apply from the 1995/96 marketing year.

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

Done at Luxembourg, 29 June 1995.

*For the Council**The President*

J. BARROT

⁽¹⁾ OJ No C 99, 21. 7. 1995, p. 1.

⁽²⁾ OJ No C 151, 19. 6. 1995.

⁽³⁾ OJ No C 155, 21. 6. 1995, p. 21.

⁽⁴⁾ OJ No L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

COUNCIL REGULATION (EC) No 1529/95

of 29 June 1995

fixing the monthly price increases for cereals for the 1995/96 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas Article 3 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽⁴⁾ fixes the monthly increases in the intervention prices;

Whereas, when the amounts and the number of the monthly increases are fixed and the first month in which they are to apply is determined, account should be taken of the storage costs and financing charges for storing cereals in the Community and of the need to ensure that the disposal of stocks of cereals is in line with market requirements;

Whereas, under the reform of the common agricultural policy, provision was made for the fixing of a single intervention price for all cereals; whereas this price has been fixed at a substantially reduced level applied in stages; whereas this fact should be taken into account in the fixing of the size of the monthly increases;

Whereas the intervention price for maize and sorghum applicable in July, August and September is to be the price valid in May of the previous marketing year, in accordance with Article 3 (3) of Regulation (EEC) No 1766/92,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the last subparagraph of Article 3 (3) of Regulation (EEC) No 1766/92, for the 1995/96 marketing year, the monthly increases to be applied to the intervention price applicable for the first month of the marketing year, shall be as follows:

(in ecus per tonne)

	Monthly increase in the intervention price
July 1995	—
August 1995	—
September 1995	—
October 1995	—
November 1995	1,3
December 1995	2,6
January 1996	3,9
February 1996	5,2
March 1996	6,5
April 1996	7,8
May 1996	9,1
June 1996	9,1

Article 2

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

It shall apply from the 1995/96 marketing year.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No C 99, 21. 4. 1995, p. 3.

⁽²⁾ OJ No C 151, 19. 6. 1995.

⁽³⁾ OJ No C 155, 21. 6. 1995, p. 2.

⁽⁴⁾ OJ No L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 1528/95 (see page 3 of this Official Journal).

COUNCIL REGULATION (EC) No 1530/95

of 29 June 1995

amending Regulation (EEC) No 1418/76 on the common organization of the market in rice

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Article 1

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

Regulation (EEC) No 1418/76 is hereby amended as follows:

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

1. Article 3 shall be replaced by the following:

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

'Article 3

1. Before 1 August each year, a single intervention price for paddy rice shall be fixed for the Community for the marketing year beginning during the following calendar year. It shall be fixed for a standard quality.

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

2. The price and standard quality mentioned in paragraph 1 shall be determined in accordance with the procedure laid down in Article 43 (2) of the Treaty.'

Whereas the implementation of the Uruguay Round agreements entails the abolition of threshold prices in the market organization; whereas, as a result, the target price used to calculate the threshold price has lost its significance; whereas all references to that target price should accordingly be deleted;

2. Article 4 shall be replaced by the following:

'Article 4

1. The single intervention price shall be fixed for the Vercelli intervention centre, which is the centre of the area in the Community with the largest rice surplus, at the wholesale stage, goods in bulk, delivered to warehouse, not unloaded. It shall apply to all intervention centres established in the Community.

Whereas abolition of the target price requires the provision concerning the calculation of the compensatory allowance for husked rice to be adjusted; whereas, in order to maintain the level of that amount, calculation should be based on the buying-in price multiplied by 1,8;

2. The Council, acting by a qualified majority on a proposal from the Commission, shall adopt the rules for determining the intervention centres to which the single intervention price applies.

Whereas, since there is no clear definition of unripe grains, problems have arisen in classifying broken rice for the purposes of applying import levies; whereas, to ensure the uniform application of the combined nomenclature and to avoid the risk of fraud, the point in Annex A to Regulation (EEC) No 1418/76 ⁽⁴⁾ concerning the measurement of grains should be worded more clearly so that grains which are not fully ripe are considered as whole grains;

3. The following shall be determined in accordance with the procedure provided for in Article 27:

- (a) after consultation with the Member States concerned, the intervention centres referred to in paragraph 2;
- (b) the rate for converting husked rice into paddy rice or vice versa;
- (c) the rate for converting husked rice into wholly milled and semi-milled rice, or vice versa;
- (d) processing costs and the value of by-products.'

3. In Article 7, paragraph 1 shall be replaced by the following:

⁽¹⁾ OJ No C 99, 21. 4. 1995, p. 4.

⁽²⁾ OJ No C 151, 19. 6. 1995.

⁽³⁾ OJ No C 155, 21. 6. 1995, p. 21.

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

'1. The intervention prices and buying-in prices referred to in Article 5 (2) shall be subject to monthly increases, phased over all or part of the marketing year.'

4. Article 8 (2) (a) shall be replaced by the following:

'(a) for husked rice, the difference between the buying-in price valid for the last month of the marketing year multiplied by 1,8 and that valid for the first month of the next marketing year multiplied by 1,8.'

5. The first indent of the second subparagraph of Article 14 (12) shall be replaced by the following:

'— in the case of husked rice, equal to the difference between the buying-in price valid for the last

month of the marketing year multiplied by 1,8 and that valid for the first month of the new marketing year multiplied by 1,8.'

6. Annex A shall be amended as follows:

Point 2 (d) (ii) shall be replaced by the following:

(ii) 'Sieve the sample so as to retain only whole grains, including grains which are not fully ripe.'

Article 2

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

It shall apply from the 1995/96 marketing year.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1531/95

of 29 June 1995

fixing the intervention price for paddy rice for the 1995/96 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission ⁽¹⁾,Having regard to the opinion of the European Parliament ⁽²⁾,Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas the markets and prices policy continues to be the main instrument of the incomes policy in the rice sector;

Whereas the intervention price for paddy rice must be fixed at a rate which takes account, on the one hand, of the policy in respect of rice production with a view to the uses to which it is put and, on the other, of the budgetary and market constraints;

Whereas, for the product referred to in this Regulation, the application of the abovementioned criteria entails fixing this price at the level indicated below,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1995/96 marketing year the intervention price for paddy rice shall be ECU 373,84 per tonne.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 September 1995.

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

Done at Luxembourg, 29 June 1995.

*For the Council**The President*

J. BARROT

⁽¹⁾ OJ No C 99, 21. 4. 1995, p. 6.⁽²⁾ OJ No C 151, 19. 6. 1995.⁽³⁾ OJ No C 155, 21. 6. 1995, p. 21.

COUNCIL REGULATION (EC) No 1532/95

of 29 June 1995

fixing the monthly price increases for paddy rice and husked rice for the 1995/96 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Article 1

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, and in particular Article 7 (2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas, when the number and amount of the monthly increases and the first month during which these increases are to apply are fixed, account should be taken of the storage costs and financing charges for storing rice in the Community and of the need to ensure that the disposal of stocks of rice conforms to market requirements,

1. For the 1995/96 marketing year, the amount of each of the monthly increases provided for in Article 7 (1) of Regulation (EEC) No 1418/76 shall be ECU 2,28 per tonne for the intervention price and for the buying-in-price.

2. The monthly increases shall apply to the intervention price and the buying-in price from 1 January 1996 to 1 July 1996, the prices thus obtained for July 1996 remaining valid until 31 August 1996.

Article 2

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

It shall apply from 1 September 1995.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1. Regulation as last amended by Regulation (EC) No 1530/95 (see page 5 of this Official Journal).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 7.

COUNCIL REGULATION (EC) No 1533/95

of 29 June 1995

fixing, for the 1995/96 marketing year certain sugar prices and the standard quality of beet

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector ⁽¹⁾, and in particular Article 2 (3), 3 (4) and 4 (3) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas, when sugar prices are fixed, account should be taken of the objectives of the common agricultural policy; whereas the objectives of the common agricultural policy are in particular to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and ensure that they reach consumers at reasonable prices;

Whereas, in order to attain these objectives, the target price for sugar must be fixed at a level which, taking into account in particular the resultant level of the intervention price, ensures a fair remuneration for beet and sugar cane producers while at the same time respecting consumers' interests, and which is likely to maintain the balance between the prices of the principal agricultural products;

Whereas, as a result of the characteristics of the sugar market, the risks involved in this trade are relatively slight; whereas, consequently, when the intervention price for sugar is being fixed, the difference between the target price and the intervention price may be fixed at a relatively low level;

Whereas the basic price for beet must take account of the intervention price, undertakings' revenue from the sale of molasses which can be assessed as being ECU 7,61 per 100 kilograms, this amount being derived from the price of molasses mentioned in Article 14 (2) of Regulation (EEC) No 1785/81 and which can be assessed as being ECU 8,21 per 100 kilograms, as well as the costs of processing and delivering the beet to factories and be based on an estimated Community yield of 130 kilograms of white sugar per tonne of beet with a 16 % sugar content.

HAS ADOPTED THIS REGULATION:

Article 1

1. The target price for white sugar shall be ECU 66,50 per 100 kilograms.

2. The intervention price for white sugar shall be ECU 63,19 per 100 kilograms for the non-deficit areas of the Community.

Article 2

The basic price applicable in the Community for beet shall be ECU 47,67 per tonne delivered at the collection centre.

Article 3

Standard quality beet shall:

- (a) be of sound, genuine and merchantable quality;
- (b) have a sugar content of 16 % at the reception point.

Article 4

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

It shall be applicable for the 1995/96 marketing year.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4. Regulation as last amended by Regulation (EC) No 1101/95 (OJ No L 110, 17. 5. 1995, p. 1).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 8.

⁽³⁾ OJ No C 151, 19. 6. 1995.

⁽⁴⁾ OJ No C 155, 21. 6. 1995, p. 21.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1534/95

of 29 June 1995

fixing, for the 1995/96 marketing year, the derived intervention prices for white sugar, the intervention price for raw sugar, the minimum prices for A and B beet, and the amount of compensation for storage costs

THE COUNCIL OF THE EUROPEAN UNION,

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⁾, and in particular Article 3 (5), 5 (5) and 8 (4) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas Council Regulation (EC) No 1533/95 of 29 June 1995 fixing, for the 1995/96 marketing year, certain sugar prices and the standard quality of beet ⁽³⁾, fixed the intervention price for white sugar at ECU 63,19 per 100 kilograms applicable for the non-deficit areas;

Whereas Article 3 (1) of Regulation (EEC) No 1785/81 provides that derived intervention prices for white sugar are to be fixed for each of the deficit areas; whereas, for such fixing, it is appropriate that account be taken of the regional variations in the price of sugar, which, given a normal harvest and free movement of sugar, might be expected to occur in the price of sugar under natural conditions of price formation on the market;

Whereas a deficit supply situation is to be foreseen in the areas of production in Italy, Ireland, the United Kingdom, Spain, Portugal and Finland;

Whereas Article 3 (5) of Regulation (EEC) No 1785/81 provides that an intervention price for raw sugar shall be fixed; whereas such price should be established on the basis of the intervention price for white sugar;

Whereas Regulation (EC) No 1533/95 fixed the basic price for beet at ECU 47,67 per tonne; whereas Article 5 (2) of Regulation (EEC) No 1785/81 provides that the minimum price to be fixed for A beet shall be 98 % of the basic price of the beet and the minimum price to be

fixed for B beet shall in principle be 68 % of the said basic price, without prejudice to Article 28 (5) of that Regulation;

Whereas Article 5 of Council Regulation (EEC) No 1358/77 of 20 June 1977 laying down general rules for offsetting storage costs for sugar and repealing Regulation (EEC) No 750/68 ⁽⁴⁾ provides that the amount of repayment in the context of the compensation for storage costs shall be fixed per month and per unit of weight, taking account of financing costs, insurance costs and specific storage costs; whereas, for financing costs, account should be taken of a 6,75 % interest rate,

HAS ADOPTED THIS REGULATION:

Article 1

For the deficit areas of the Community, the derived intervention price for white sugar shall be fixed, per 100 kilograms, at:

- (a) ECU 64,65 for all the areas in the United Kingdom;
- (b) ECU 64,65 for all the areas in Ireland;
- (c) ECU 64,65 for all the areas in Portugal;
- (d) ECU 64,65 for all the areas in Finland;
- (e) ECU 64,88 for all the areas in Spain;
- (f) ECU 65,53 for all the areas in Italy.

Article 2

The intervention price of raw sugar shall be ECU 52,37 for 100 kilograms.

Article 3

1. The minimum price for A beet applicable in the Community shall be ECU 46,72 per tonne.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4. Regulation as last amended by Commission Regulation (EC) No 1101/95 (OJ No L 110, 17. 5. 1995, p. 1).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 10.

⁽³⁾ See page 9 of this Official Journal.

⁽⁴⁾ OJ No L 156, 25. 6. 1977, p. 4. Regulation as last amended by Regulation (EEC) No 3042/78 (OJ No L 361, 23. 12. 1978, p. 8).

2. Subject to Article 28 (5) of Regulation (EEC) No 1785/81, the minimum price for B beet applicable in the Community shall be ECU 32,42 per tonne.

Article 4

The amount of the reimbursement referred to in Article 8 of Regulation (EEC) No 1785/81 shall be ECU 0,45 per month per 100 kilograms of white sugar.

Article 5

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

It shall apply for the 1995/96 marketing year.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1535/95

of 29 June 1995

fixing, for the 1995/96 marketing year, the prices, aids and percentages of aid to be retained in the olive oil sector

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, and in particular Article 4 (4), 5 (1) and 11 (6) thereof,

Having regard to the proposal from the Commission⁽²⁾,

Having regard to the opinion of the European Parliament⁽³⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁴⁾,

Whereas the target price for olive oil production must be fixed in accordance with the criteria laid down in Articles 4 and 6 of Regulation No 136/66/EEC;

Whereas the intervention price must be fixed in accordance with the criteria laid down in Article 8 of Regulation No 136/66/EEC;

Whereas the representative market price must be fixed according to the criteria laid down in Article 7 of Regulation No 136/66/EEC;

Whereas, if producers are to receive a fair income, production aid must be fixed in the light of the impact which the consumption aid has on part only of production;

Whereas, in accordance with Articles 5 (4) and 20d (1) of Regulation No 136/66/EEC, the percentages of production aid to be allocated to finance measures to improve the quality of olive oil production and to finance expenditure incurred in the work done by recognized

producer organizations or associations thereof in administering and controlling olive oil production aid, should be determined;

Whereas, pursuant to Article 11 (5) and (6) of Regulation No 136/66/EEC, a certain percentage of the consumption aid during each olive oil marketing year is to be used, on the one hand, to finance measures by the recognized trade organizations referred to in paragraph 3 of the abovementioned Article and, on the other hand, to finance measures to promote olive oil consumption in the Community; whereas the said percentages for the 1995/96 marketing year should be fixed; whereas having regard to the financing already laid down for the promotion actions referred to in the abovementioned Article 11 (6), the percentage relating thereto is set at zero for the marketing year 1995/96,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 1995/96 marketing year, the production target price and the intervention price for olive oil shall be as follows:

(a) production target price: ECU 383,77 per 100 kilograms;

(b) intervention price: ECU 191,92 per 100 kilograms.

2. The prices fixed in paragraph 1 shall be for ordinary virgin olive oil with a free fatty-acid content, expressed as oleic acid, of 3,3 grams per 100 grams.

Article 2

For the 1995/96 marketing year, the representative market price for olive oil shall be ECU 229,50 per 100 kilograms.

Article 3

For the 1995/96 marketing year, the production aid shall be as follows:

(a) production aid: ECU 142,20 per 100 kilograms;

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 12.

⁽³⁾ OJ No C 151, 19. 6. 1995.

⁽⁴⁾ OJ No C 155, 21. 6. 1995, p. 21.

- (b) production aid for growers whose average production is less than 500 kilograms of olive oil per marketing year: ECU 151,48 per 100 kilograms.

Article 4

1. For the 1995/96 marketing year, 1,4 % of the production aid earmarked for olive-oil producers shall be allocated to the financing of specific measures to improve the quality of olive oil in each producer Member State.

2. For the 1995/96 marketing year, the percentage of the production aid which may be withheld pursuant to Article 20d (1) of Regulation No 136/66/EEC for organizations of olive-oil producers or associations thereof recognized under the said Regulation shall be 0,8 %.

Article 5

1. For the 1995/96 marketing year, the percentage of consumption aid referred to in Article 11 (5) of Regulation No 136/66/EEC shall be 5,5 %.

2. For the 1995/96 marketing year, the percentage of consumption aid to be allocated to the measures referred to in Article 11 (6) of Regulation No 136/66/EEC shall be zero.

Article 6

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

It shall apply from 1 November 1995.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1536/95

of 29 June 1995

fixing the amounts of aid for flax fibre and hemp and the amount withheld to finance measures to promote the use of flax fibre for the 1995/96 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp ⁽¹⁾, and in particular Articles 2 (3) and 4 (3) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas Article 4 of Regulation (EEC) No 1308/70 provides that the amounts of aid for flax grown mainly for fibre and for hemp grown in the Community are to be fixed each year;

Whereas, in accordance with Article 4 (2) of that Regulation, this amount shall be fixed per hectare of area sown and harvested so as to ensure an even balance between the volume of production required in the Community and the amount that can be marketed; whereas it must be fixed, taking into account the price for fibres and flax and hemp seed on the world market;

Whereas Article 2 (3) of Regulation (EEC) No 1308/70 provides that the portion of aid for financing Community measures to encourage the use of flax fibre is to be fixed when aid is fixed for the marketing year in question in

accordance with the criteria referred to in Article 2 (3); whereas it is to be fixed in the light of trends on the market in flax, the amount of the aid for flax and the cost of the measures to be introduced;

Whereas application of the abovementioned criteria entails fixing the amounts of aid and the portions of the aid to be used for financing measures to promote the use of flax fibre at the level set out below,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1995/96 marketing year, the amounts of aid provided for in Article 4 of Regulation (EEC) No 1308/70 shall be:

- (a) ECU 935,65 per hectare as regards flax;
- (b) ECU 774,74 per hectare as regards hemp.

Article 2

For the 1995/96 marketing year, the amount of the aid for flax to be used to finance the measures to promote the use of flax fibre referred to in Article 2 of Regulation (EEC) No 1308/70 shall be ECU 53,64 per hectare.

Article 3

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

It shall apply from 1 August 1995.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No L 146, 4. 7. 1970. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 16.

⁽³⁾ OJ No C 151, 19. 6. 1995.

⁽⁴⁾ OJ No C 155, 21. 6. 1995, p. 21.

COUNCIL REGULATION (EC) No 1537/95

of 29 June 1995

fixing the amount of aid in respect of silkworms for the 1995/96 rearing year

THE COUNCIL OF THE EUROPEAN UNION,

taking into account the state of the market in cocoons and raw silk, of foreseeable trends on that market and of import policy;

Having regard to the Treaty establishing the European Community,

Whereas application of the abovementioned criteria entails fixing the amount of aid at the level mentioned below,

Having regard to Council Regulation (EEC) No 845/72 of 24 April 1972 laying down special measures to encourage silkworm rearing ⁽¹⁾, and in particular Article 2 (3) thereof,

HAS ADOPTED THIS REGULATION:

Having regard to the proposal from the Commission ⁽²⁾,*Article 1*Having regard to the opinion of the European Parliament ⁽³⁾,

For the 1995/96 rearing year, the amount of aid in respect of silkworms as referred to in Article 2 of Regulation (EEC) No 845/72 shall be fixed at ECU 133,26 per box of silkworm eggs used.

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,*Article 2*

Whereas Article 2 of Regulation (EEC) No 845/72 provides that the amount of aid for silkworms reared within the Community must be fixed each year in such a way as to help ensure a fair income for silkworm rearers,

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

It shall apply from 1 April 1995.

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

Done at Luxembourg, 29 June 1995.

*For the Council**The President*

J. BARROT

⁽¹⁾ OJ No L 100, 27. 4. 1972, p. 1. Regulation as last amended by Regulation (EEC) No 2059/92 (OJ No L 215, 30. 7. 1992, p. 19).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 18.

⁽³⁾ OJ No L 151, 19. 6. 1995.

⁽⁴⁾ OJ No C 155, 21. 6. 1995, p. 21.

COUNCIL REGULATION (EC) No 1538/95

of 29 June 1995

amending Regulation (EEC) No 804/68 on the common organization of the market in milk and milk products

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas Article 7 of Regulation (EEC) No 804/68 ⁽⁴⁾, lays down an intervention scheme for skimmed milk powder the objective of which is to support the enhancement of the value of milk proteins; whereas recent trends on the milk and milk products market reveal a significant increase in the relative value of the protein proportion of milk; whereas that trend is reflected both in the level of milk prices paid to the producer and in the level of prices of milk products sold on the Community and international markets; whereas, in addition, methods have been developed enabling the protein content of milk intended for processing to be manipulated; whereas, in order to avoid distortion between operators tendering for public intervention and in the interests of the proper administration of Community funds, a minimum requirement should be set for the protein content of skimmed milk powder bought into intervention; whereas that content should be fixed taking account of current commercial standards and in such a way that it cannot act as a criteria for exclusion from intervention;

Whereas Council Regulation (EEC) No 1014/68 of 20 July 1968 laying down general rules for the public storage of skimmed milk powder ⁽⁵⁾ lays down provisions concerning the conditions for interrupting and resuming

purchases which no longer conform to the provisions of Article 7 of Regulation (EEC) No 804/68; whereas, for the purposes of simplification and clarification, the other general rules laid down in Regulation (EEC) No 1014/68 should be incorporated into the said Article 7 and the latter Regulation should therefore be repealed;

Whereas, for the same reasons, Council Regulation (EEC) No 1285/70 of 29 June 1970 laying down a special measure for the disposal of skimmed milk powder bought in by intervention agencies ⁽⁶⁾ should also be repealed and its provisions incorporated into Article 7 of Regulation (EEC) No 804/68,

HAS ADOPTED THIS REGULATION:

Article 1

Article 7 of Regulation (EEC) No 804/68 is hereby replaced by the following:

'Article 7

1. The intervention agency designated by each of the Member States shall, under conditions to be determined, buy in at the intervention price top quality skimmed milk powder made by the spray process and obtained in an approved undertaking in the Community, directly and exclusively from skimmed milk which is offered to it during the period 1 March to 31 August and which:

- meets a minimum protein content of 35,6 % by weight of the non-fatty dry extract,
- meets preservation requirements to be laid down,
- meets conditions to be determined as regards the minimum quantity and packaging.

However, intervention agencies shall also buy in skimmed milk powder whose protein content is at least 31,4 % and less than 35,6 %, of the non-fatty dry extract, provided that the other provisions laid down in subparagraph 1 above are met. In that case, the buying-in price shall be equal to the intervention

⁽¹⁾ OJ No C 99, 21. 4. 1995, p. 20.

⁽²⁾ OJ No C 151, 19. 6. 1995.

⁽³⁾ OJ No C 155, 21. 6. 1995, p. 21.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

⁽⁵⁾ OJ No L 173, 22. 7. 1968, p. 4. Regulation as last amended by Regulation (EEC) No 3577/90 (OJ No L 353, 17. 12. 1990, p. 23).

⁽⁶⁾ OJ No L 144, 2. 7. 1970, p. 1.

price less 1,75 % for each percentage point by which the protein content is lower than 35,6 %.

The intervention price shall be that in force on the day of manufacture of the skimmed milk powder and shall apply to skimmed milk powder delivered to the store designated by the intervention agency. Flat-rate transport costs shall be borne, under conditions to be fixed, by the intervention agency if the skimmed milk powder is delivered to a store situated at a distance greater than a distance to be determined from the place where the skimmed milk powder was in store.

The skimmed milk powder may only be stored in stores meeting conditions to be fixed.

2. Aid for the private storage of skimmed milk powder of top quality obtained, in an approved undertaking in the Community, directly and exclusively from skimmed milk may be granted if trends in prices and stocks of the products indicate a serious imbalance in the market which could be avoided or reduced by means of seasonal storage. In order to be eligible for aid, the skimmed milk powder must meet conditions to be fixed.

The aid shall be fixed in the light of storage costs and the likely trend in prices for skimmed milk powder.

Private storage aid shall be subject to the drawing-up of a storage contract concluded, in accordance with provisions to be laid down, by the intervention agency of the Member State on whose territory the skimmed milk powder qualifying for the aid is stored. Where the market situation so requires, the Commission may decide, in accordance with the procedure laid down in Article 30, to remarket some or all of the skimmed milk powder covered by private storage contracts.

3. Skimmed milk powder bought in by the intervention agency shall be disposed of under conditions to be determined so as to avoid disturbing the balance on the market and to ensure purchasers equal treatment and access to the skimmed milk powder to be sold.

Purchasers shall be guaranteed equal access to the skimmed milk powder sold by the intervention agency either by a sale under a tendering procedure, by a sale to any interested party at a fixed price, or by any other method providing equivalent guarantees.

The sale price of the top quality skimmed milk powder may not be lower than a minimum price to be fixed taking account of the market situation and storage costs, in such a way as to maintain the possibility of voluntary storage.

Where the skimmed milk powder held by the intervention agency is put up for sale with a view to its export, special conditions may be laid down to ensure that the product is not diverted from its destination and to take account of requirements specific to such sales.

Skimmed milk powder which cannot be disposed of during a milk year under normal conditions may be sold at a reduced price if it is intended for the feeding of pigs and poultry.

4. Within the meaning of this Regulation, "skimmed milk" means skimmed milk obtained directly and exclusively from cow's milk produced in the Community.

5. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 30.

Article 2

Regulations (EEC) No 1014/68 and (EEC) No 1285/70 are hereby repealed.

Article 3

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

It shall apply from 1 March 1996.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1539/95

of 29 June 1995

fixing the target price for milk and the intervention prices for butter and skimmed-milk powder
for the period from 1 July 1995 to 30 June 1996

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, and in particular Articles 3 (4) and 5 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas, when fixing the common agricultural prices each year, account should be taken of the objectives of the common agricultural policy; whereas the objectives of the common agricultural policy are in particular to secure a fair standard of living for the agricultural community and to ensure that supplies are available and that they reach the consumers at reasonable prices;

Whereas the target price for milk should bear a balanced relationship to the prices for other agricultural products and in particular to the prices for beef and veal, and be consistent with the desired general pattern of cattle farming; whereas it is also necessary, in fixing that price, to take account of the Community's efforts to establish a long term balance between supply and demand on the milk market, allowing for external trade in milk and milk products;

Whereas the intervention prices for butter and for skimmed-milk powder are intended to contribute to the achievement of the target price for milk; whereas it is necessary to determine price levels in the light of the overall supply and demand situation on the Community market in milk and the opportunities for disposal of butter and skimmed-milk powder on the Community and world markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the period from 1 July 1995 to 30 June 1996, the target price for milk and the intervention prices for milk products shall be as follows:

(ECU per 100 kg)	
(a) Target price for milk	30,98
(b) Intervention prices:	
— butter	328,20
— skimmed-milk powder	205,52

Article 2

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

It shall apply from 1 July 1995.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13. Regulation as last amended by Regulation (EC) No 1538/95 (see page 17 of this Official Journal).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 22.

⁽³⁾ OJ No C 151, 19. 6. 1995.

⁽⁴⁾ OJ No C 155, 21. 6. 1995, p. 21.

COUNCIL REGULATION (EC) No 1540/95

of 29 June 1995

fixing the basic price, and the seasonal adjustments to the basic price, for sheepmeat for the 1996 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, and in particular Article 3 (1) and (2) thereof,Having regard to the proposal from the Commission⁽²⁾,Having regard to the opinion of the European Parliament⁽³⁾,Having regard to the opinion of the Economic and Social Committee⁽⁴⁾,

Whereas the basic price must be fixed in accordance with the criteria laid down in Article 3 (2) of Regulation (EEC) No 3013/89;

Whereas, when the basic price for sheep carcasses is fixed, account should be taken of the objectives of the common agricultural policy; whereas the main objectives of the common agricultural policy are, in particular, to guarantee a fair standard of living for the farming community and to ensure that supplies are available and that they reach consumers at reasonable prices; whereas these factors result in the price for the 1996 marketing

year being fixed at the level laid down in this Regulation;

Whereas the weekly seasonally adjusted amounts applicable to the basic price should be fixed in the light of experience gained during the 1991, 1992, 1993 and 1994 marketing years concerning private storage,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1996 marketing year, the basic price for sheepmeat is hereby fixed at ECU 504,07 for 100 kilograms carcass weight.

Article 2

The basic price referred to in Article 1 is hereby seasonally adjusted in accordance with the table set out in the Annex to this Regulation.

*Article 3*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from the beginning of the 1996 marketing year.

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

Done at Luxembourg, 29 June 1996.

*For the Council**The President*

J. BARROT

(1) OJ No L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

(2) OJ No C 99, 21. 4. 1995, p. 26.

(3) OJ No L 151, 19. 6. 1995.

(4) OJ No C 155, 21. 6. 1995, p. 21.

ANNEX

1996 MARKETING YEAR

(ECU/100 kilograms carcase weight)

Week beginning	Week	Basic price
1 January 1996	1	515,06
8 January 1996	2	518,58
15 January 1996	3	522,67
22 January 1996	4	525,59
29 January 1996	5	528,51
5 February 1996	6	531,42
12 February 1996	7	534,35
19 February 1996	8	537,27
26 February 1996	9	539,61
4 March 1996	10	541,94
11 March 1996	11	543,11
18 March 1996	12	543,11
25 March 1996	13	541,94
1 April 1996	14	540,30
8 April 1996	15	538,09
15 April 1996	16	534,94
22 April 1996	17	532,60
29 April 1996	18	529,09
6 May 1996	19	525,59
13 May 1996	20	520,92
20 May 1996	21	515,08
27 May 1996	22	509,23
3 June 1996	23	502,24
10 June 1996	24	496,39
17 June 1996	25	491,72
24 June 1996	26	487,05
1 July 1996	27	483,55
8 July 1996	28	481,20
15 July 1996	29	480,03
22 July 1996	30	479,45
29 July 1996	31	478,84
5 August 1996	32	478,84
12 August 1996	33	478,84
19 August 1996	34	478,84
26 August 1996	35	478,84
2 September 1996	36	478,84
9 September 1996	37	478,84
16 September 1996	38	478,84
23 September 1996	39	478,87
30 September 1996	40	479,14
7 October 1996	41	479,38
14 October 1996	42	479,74
21 October 1996	43	479,86
28 October 1996	44	480,83
4 November 1996	45	481,80
11 November 1996	46	483,00
18 November 1996	47	484,81
25 November 1996	48	487,23
2 December 1996	49	490,49
9 December 1996	50	494,96
16 December 1996	51	499,06
23 December 1996	52	503,87
30 December 1996	53	511,54

COUNCIL REGULATION (EC) No 1541/95

of 29 June 1995

fixing the basic price and the standard quality for pig carcasses for the period 1 July 1995 to 30 June 1996

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, and in particular Article 4 (4) thereof,Having regard to the proposal from the Commission ⁽²⁾,Having regard to the opinion of the European Parliament ⁽³⁾,Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas, when the basic price for slaughtered pigs is fixed, account should be taken of the objectives of the common agricultural policy; whereas the objectives of the common agricultural policy are in particular to ensure a fair standard of living for the agricultural community, to ensure that supplies are available and that they reach consumers at reasonable prices;

Whereas the basic price must be fixed in accordance with the criteria laid down in Article 4 (1) of Regulation (EEC) No 2759/75 for a standard quality defined by reference to Council Regulation (EEC) No 3220/84 of 13

November 1984 determining the Community scale for grading pig carcasses ⁽⁵⁾,

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 July 1995 to 30 June 1996, the basic price for slaughtered pigs of the standard quality shall be ECU 1 509,39 per tonne.

Article 2

The standard quality shall be defined in terms of carcase weight and lean meat content, determined in accordance with Article 2 (2) and (3) of Regulation (EEC) No 3220/84, as follows:

- (a) carcasses weighing 60 to less than 120 kilograms: grade E;
- (b) carcasses weighing 120 to 180 kilograms: grade R.

Article 3

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

It shall apply from 1 July 1995.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 28.

⁽³⁾ OJ No L 151, 19. 6. 1995.

⁽⁴⁾ OJ No C 155, 21. 6. 1995, p. 21.

⁽⁵⁾ OJ No L 301, 20. 11. 1984, p. 1. Regulation as last amended by Regulation (EC) No 3513/93 (OJ No L 320, 22. 12. 1993, p. 5).

COUNCIL REGULATION (EC) No 1542/95

of 29 June 1995

fixing the basic price and buying-in prices applicable in the fruit and vegetables sector for the 1995/96 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, and in particular Article 16 (1) thereof,Having regard to Commission Regulation (EC) No 975/95⁽²⁾ and Council Regulation (EC) No 1225/95 of 29 May 1995 fixing the basic prices and buying-in prices of certain fruit and vegetables for the months of May and June 1995⁽³⁾,Having regard to the proposal from the Commission⁽⁴⁾,Having regard to the opinion of the European Parliament⁽⁵⁾,Having regard to the opinion of the Economic and Social Committee⁽⁶⁾,

Whereas, pursuant to Article 16 (1) of Regulation (EEC) No 1035/72, a basic price and a buying-in price are to be fixed for each marketing year for each of the products listed in Annex II to the said Regulation: whereas, in accordance with Article 1 (3) of the above Regulation, the marketing years for the products in question are as follows:

- for tomatoes and aubergines, from 1 January to 31 December,
- for apricots, from 1 May to 31 August,
- for peaches and nectarines, from 1 May to 31 October,
- for cauliflowers and table grapes, from 1 May to 30 April,

— for lemons and pears, from 1 June to 31 May,

— for apples, from 1 July to 30 June,

— for mandarins, satsumas and clementines, from 1 October to 15 May,

— for oranges, from 1 October to 15 July;

Whereas, however, pursuant to the third subparagraph of Article 16 (1) of Regulation (EEC) No 1035/72, no basic price or buying-in price need be fixed for the slack marketing periods at the beginning and at the end of the marketing year;

Whereas, when the basic and buying-in prices for fruit and vegetables are fixed, account has to be taken of the objectives of the common agricultural policy; whereas the objectives of the common agricultural policy are, in particular, to guarantee a fair standard of living for the farming community and to ensure that supplies are available and that they reach consumers at reasonable prices;

Whereas the basic prices must be fixed by reference to the trend in the average prices recorded during the three previous years on the most representative producer markets within the Community for a product of defined commercial characteristics, such as variety or type, quality class, size and packaging; whereas the buying-in prices must be fixed by reference to the basic price in accordance with Article 16 (3) of Regulation (EEC) No 1035/72,

HAS ADOPTED THIS REGULATION:

Article 1

The basic and buying-in prices for fruit and vegetables for the 1995/96 marketing year, the periods during which they apply and the standard qualities to which they refer shall be as set out in the Annex hereto.

Article 2

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

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

⁽²⁾ OJ No L 97, 29. 4. 1995, p. 68.

⁽³⁾ OJ No L 120, 31. 5. 1995, p. 34.

⁽⁴⁾ OJ No C 99, 21. 4. 1995, p. 29.

⁽⁵⁾ OJ No C 151, 19. 6. 1995.

⁽⁶⁾ OJ No C 155, 21. 6. 1995, p. 21.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

ANNEX

BASIC PRICES AND BUYING-IN PRICES

CAULIFLOWERS

For the period from 1 July 1995 to 30 April 1996

(ECU/100 kg net)

	Basic price	Buying-in price
July	26,30	11,33
August	26,30	11,33
September	28,44	12,10
October	29,51	12,55
November	35,59	15,40
December	35,59	15,40
January	35,59	15,40
February	33,17	14,31
March	34,91	14,96
April	35,34	15,40

These prices refer to packed 'trimmed' cauliflowers of Quality Class I.

TOMATOES

For the period from 1 July to 30 November 1995

(ECU/100 kg net)

	Basic price	Buying-in price
July	27,80	10,31
August	24,89	9,24
September	26,42	9,84
October	28,03	10,32
November	33,76	13,52

These prices refer to packed 'round' and 'ribbed' tomatoes of Quality Class I, size 57 to 67 mm.

AUBERGINES

For the period from 1 July to 31 October 1995

(ECU/100 kg net)

	Basic price	Buying-in price
July to October	21,13	8,48

These prices refer to the following packed products:

- elongated aubergines of Quality Class I, size over 40 mm,
- globus aubergines of Quality Class I, size over 70 mm.

PEACHES

For the period from 1 July to 30 September 1995

(ECU/100 kg net)

	Basic price	Buying-in price
July to September	51,15	28,65

These prices refer to packed peaches of the Amsden, Cardinal, Charles Ingouf, Dixired, Jeronimo, J. H. Hale, Merrill Gemfree, Michelini, Red Haven, San Lorenzo, Springcrest and Springtime varieties of Quality Class I, size 61 to 67 mm.

NECTARINES

For the period from 1 July to 31 August 1995

(ECU/100 kg net)

	Basic price	Buying-in price
July and August	65,17	31,27

These prices refer to packed nectarines of the Armking, Crimsongold, Early sun grand, Fantasia, Independence, May Grand, Nectared, Snow Queen and Stark red gold varieties of Quality Class I, size 61 to 67 mm.

APRICOTS

For the period from 1 July to 31 July 1995

(ECU/100 kg net)

	Basic price	Buying-in price
July	49,68	28,29

These prices refer to packed apricots of Quality Class I of a size over 30 mm.

LEMONS

For the period from 1 July 1995 to 31 May 1996

(ECU/100 kg net)

	Basic price	Buying-in price
July	51,91	30,54
August	51,39	30,38
September	46,10	28,69
October	43,48	28,26
November	42,26	24,71
December	41,50	24,40
January	42,72	25,02
February	41,20	24,26
March	43,47	25,02
April	44,87	26,24
May	45,93	26,86

These prices refer to packed lemons of Quality Class I, size 53 to 62 mm.

PEARS

(other than perry pears)

For the period from 1 July 1995 to 30 April 1996

(ECU/100 kg net)

	Basic price	Buying-in price
July	34,14	17,56
August	31,84	17,09
September	30,45	16,34
October	31,69	16,34
November	32,16	16,64
December	32,60	17,09
January to April	32,90	17,40

These prices refer to the following packed products:

- pears of the Beurré Hardy, Bon Chrétien Williams, Conférence, Coscia (Ercolini), Crystallis (Beurré Napoléon, Blanquilla, Tsakonika), Dr Jules Guyot (Limonera) and Rocha, varieties, Quality Class I, size 60 mm or more;
- pears of the Empereur Alexandre (Kaiser Alexandre Bosc) variety, Quality Class I, size 70 mm or more.

TABLE GRAPES

For the period from 1 August to 20 November 1995

(ECU/100 kg net)

	Basic price	Buying-in price
August	43,25	27,82
September, October and November (from 1 to 20)	38,66	23,68

These prices refer to packed table grapes of the Regina dei Vigneti, Sultanine, Regina (Mennavacca bianca, Rosaki, Dattier de Beyrouth), Italia, Aledo, Ohanes (Almeria) and D. Maria varieties, Quality Class I.

APPLES

(other than cider apples)

For the period from 1 August 1995 to 31 May 1996

(ECU/100 kg net)

	Basic price	Buying-in price
August	31,49	16,05
September	31,49	16,05
October	31,49	16,19
November	32,35	16,71
December	35,24	18,05
January to May	38,13	19,38

These prices refer to the following packed products:

- apples of the Reine des Reinettes and Verde Doncella varieties, Quality Class I, size 65 mm or more,
- apples of the Delicious Pilafa, Golden Delicious, James Grieve, Red Delicious, Reinette grise du Canada and Starking Delicious varieties, Quality Class I, size 70 mm or more.

MANDARINS

For the period from 16 November 1995 to 29 February 1996

(ECU/100 kg net)

	Basic price	Buying-in price
November (from 16 to 30)	44,05	28,18
December	43,59	27,57
January	42,99	26,65
February	40,98	26,03

These prices refer to packed mandarins of Quality Class I, size 54 to 69 mm.

SATSUMAS

For the period from 16 October 1995 to 15 February 1996

(ECU/100 kg net)

	Basic price	Buying-in price
October (from 16 to 31)	34,26	16,36
November	30,34	13,66
December	32,95	14,83
January (from 1 to 15)	31,65	14,39

These prices refer to packed satsumas Unshiu (owari) of Quality Class I, size 54 to 69 mm.

CLEMENTINES

For the period from 1 December 1995 to 15 February 1996

(ECU/100 kg net)

	Basic price	Buying-in price
December	40,34	22,22
January	37,70	20,76
February (from 1 to 15)	43,45	21,66

These prices refer to packed clementines (*citrus reticulata*, Blanco) of Quality Class I, size 43 to 60 mm.

SWEET ORANGES

For the period from 1 December 1995 to 31 May 1996

(ECU/100 kg net)

	Basic price	Buying-in price
December	41,08	25,96
January	36,79	23,82
February	37,54	24,40
March	39,85	24,74
April and May	40,61	25,04

These prices refer to packed oranges of the Moro, Navel, Navellina, Salustiana, Sanguinello and Valencia late varieties, Quality Class I, size 67 to 80 mm.

Note:

The prices given in this Annex do not include the cost of the packaging in which the product is presented.

COUNCIL REGULATION (EC) No 1543/95

of 29 June 1995

derogating, for the 1995/96 marketing year, from Regulation (EC) No 3119/93 laying down special measures to encourage the processing of certain citrus fruits

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas, within the framework of the Community scheme supporting the processing of citrus fruits, it appears that certain processing companies are experiencing financial difficulties in paying the minimum price to producers; whereas that situation should be taken into account when authorizing the Member States, in respect of the new marketing year 1995/96, to pay the financial compensation directly to producers under certain conditions;

Whereas using this possibility will prevent Member States from having recourse to the provisions for granting financial compensation as referred to in Article 3 of Regulation (EC) No 3119/93 ⁽⁴⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Notwithstanding Article 3 of Regulation (EC) No 3119/93, Member States may pay financial compensation directly to producers for the quantities delivered by the latter under contracts as referred to in Article 2 of that Regulation. In that case, processors must pay to

producers a price which is at least equal to the difference between the minimum price referred to in Article 3 and the financial compensation referred to in Article 4 of that Regulation.

The provisions of the first paragraph shall not apply to satsumas.

Article 2

Where Article 1 is applied, the financial compensation shall be paid to the producer at his request when the control authorities in the Member States in which processing is carried out have established that the products which are covered by contracts have been delivered.

Article 3

The decision of the Member State to apply Article 1 must concern all producers and processors on its territory.

Article 4

The detailed rules for the application of this Regulation, in particular with regard to the guarantee, shall be adopted in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72 ⁽⁵⁾.

Article 5

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

It shall apply to the 1995/96 marketing year.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No C 99, 21. 4. 1995, p. 35.

⁽²⁾ OJ No C 151, 19. 6. 1995.

⁽³⁾ OJ No C 155, 21. 6. 1995, p. 21.

⁽⁴⁾ OJ No L 279, 12. 11. 1993, p. 17.

⁽⁵⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

COUNCIL REGULATION (EC) No 1544/95

of 29 June 1995

amending Regulation (EEC) No 822/87 on the common organization of the market in wine

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas, in order to take into account the special conditions under which table wines are produced in Spain, provision should be made for temporary derogations with regard to coupage and the total acidity content of certain table wines produced in that Member State;

Whereas Article 17 (3) of Council Regulation (EEC) No 822/87 ⁽⁴⁾, provides that one particular form of deacidification is permitted on a transitional basis only; whereas so that a final decision can be taken regarding that technique, current practice should be continued at least until the end of the 1995/96 wine year;

Whereas Article 46 (4) of Regulation (EEC) No 822/87 provides that campaigns to promote the consumption of grape juice may only be conducted until the 1994/95 wine year and whereas they should be continued for one wine year so that their effectiveness may be assessed;

Whereas the current situation as regards availability of wine for the 1994/95 wine year permits the total or partial placing on the market of products that are subject to long-term storage contracts;

Whereas Articles 18 (3), 20 (2), 39 (12) and 65 (5) of Regulation (EEC) No 822/87 provide that, during the 1994/95 wine year, the Commission is to submit to the Council reports on wine-growing zones, enrichment, the effects of the structural measures and their link with compulsory distillation, maximum sulphur dioxide levels

in wine and any proposals arising therefrom; whereas the drafting of some of those reports has required the organization of studies entailing the participation of independent experts which have not yet been completed;

Whereas the significance for the sector of the abovementioned problems calls for the highest degree of consistency between the solutions to be proposed; whereas, in order to achieve such consistency, the proposals in question must be drawn up when all data are available and accordingly certain time limits must be deferred by one wine year,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 822/87 is hereby amended as follows:

1. in Article 16, the following subparagraph shall be added to paragraph (5):

'By way of derogation from the first subparagraph, between 1 January 1996 and 31 August 1996, coupage of a wine suitable for yielding a white table wine or of a white table wine with a wine suitable for yielding a red table wine or with a red table wine shall be permitted on Spanish territory in accordance with detailed rules to be laid down.'

2. in Article 17 (3), '31 August 1995' shall be replaced '31 August 1996';

3. in Article 32 (3), the third and fourth subparagraphs shall be replaced by the following:

'By way of derogation from the first and second subparagraphs, producers who have concluded long-term storage contracts for the 1994/95 wine year may request termination of all or part of such contracts. In such cases aid shall be paid for such period of storage that has actually elapsed.'

4. in Article 39:

(a) the third and fourth subparagraphs of paragraph 3 shall be replaced by the following:

⁽¹⁾ OJ No C 99, 21. 4. 1995, p. 37.

⁽²⁾ OJ No L 151, 19. 6. 1995.

⁽³⁾ OJ No C 155, 21. 6. 1995, p. 21.

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 103).

'Until the end of the 1995/96 wine year:

- the uniform percentage shall be 85,
- the consecutive reference years shall be 1981/82, 1982/83 and 1983/84.

From the 1996/97 wine year onwards, the uniform percentage and consecutive reference years shall be determined by the Commission, which shall fix:

- the uniform percentage on the basis of the quantities that must be distilled in accordance with paragraph 2 in order to eliminate the production surplus for the year in question,
- the consecutive reference years on the basis of the trend of production, and, in particular, the effects of the grubbing policy.'

(b) paragraph 10 shall be replaced by the following:

'10. Notwithstanding this Article, for the 1985/86 to 1995/96 wine years, compulsory distillation in Greece may be implemented in accordance with special provisions taking account of the difficulties encountered in that country in particular as regards knowledge of yield per hectare. These provisions shall be adopted in accordance with the procedure laid down in Article 83.'

(c) the first subparagraph of paragraph 11 shall be replaced by the following:

'If, during the 1987/88 to 1995/96 wine years, difficulties likely to jeopardize the execution or balanced application of the compulsory distillation operation referred to in paragraph 1 occur, the measures necessary in order to ensure effective application of the distillation scheme shall be adopted in accordance with the procedure laid down in Article 83.'

(d) paragraph 12 shall be replaced by the following:

'12. Before the end of the 1995/96 wine year, the Commission shall submit to the European Parliament and to the Council a report outlining, in particular, the effect of the structural measures

applicable in the wine sector and, where appropriate, proposals to repeal or replace the provisions of this Article by other measures designed to maintain balance on the wine market.'

5. Article 46 (4) shall be replaced by the following:

'4. During the 1985/86 to 1995/96 wine years, a part to be determined of the aid provided for in the first indent of paragraph 1 shall be set aside for the organization of campaigns to promote the consumption of grape juice. The aid may, for the purposes of organizing such campaigns, be fixed at a higher level than that resulting from the application of paragraph 3.'

6. Article 65 (5) shall be replaced by the following:

'5. The Commission shall submit to the European Parliament and to the Council before 1 April 1996, in the light of experience gained, a report on the maximum sulphur dioxide levels of wine, accompanied, where appropriate, by proposals on which the Council shall act in accordance with the procedure laid down in Article 43 (2) of the Treaty before 1 September 1996.'

7. in Annex I, point 13, the following text shall be inserted after the second subparagraph:

'Between 1 January and 31 August 1996, table wine produced in the Spanish areas of winegrowing zone C other than the Regions of Asturias, the Balearic Islands, Cantabria and Galicia and the provinces of Guipúzcoa and Vizcaya, and released to the Spanish market may have a total acidity content expressed as tartaric acid, of not less than 3,5 grames per litre.'

Article 2

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

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1545/95
of 29 June 1995
fixing the guide price for wine for the 1995/96 wine year

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, and in particular Article 27 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the European Parliament ⁽³⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁴⁾,

Whereas, when the guide prices for the various types of table wine are fixed, account should be taken of the objectives of the common agricultural policy; whereas the objectives of the common agricultural policy are, in particular, to ensure a fair standard of living for the agricultural community, to assure the availability of supplies and to ensure that supplies reach consumers at reasonable prices;

Whereas, if these objectives are to be achieved, it is of prime importance that the gap between production and demand should not be opened further; whereas, to that end, the guide prices for the 1995/96 wine year should be set at the same levels as the previous year;

Whereas the guide prices must be fixed for each type of table wine representative of Community production as defined in Annex III to Regulation (EEC) No 822/87,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1995/96 wine year, the guide prices for table wine shall be as follows:

Type of wine	Guide price
R I	ECU 3,828/% vol/hl
R II	ECU 3,828/% vol/hl
R III	ECU 62,15/hl
A I	ECU 3,828/% vol/hl
A II	ECU 82,81/hl
A III	ECU 94,57/hl

Article 2

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

It shall apply from 1 September 1995.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1544/95 (see page 31 of this Official Journal.)

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 39.

⁽³⁾ OJ No C 151, 19. 6. 1995.

⁽⁴⁾ OJ No C 155, 21. 6. 1995, p. 21.

COUNCIL REGULATION (EC) No 1546/95

of 29 June 1995

amending Regulation (EEC) No 2046/89 laying down general rules for distillation operations
involving wine and the by-products of wine-making

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, and in particular Articles 35 (7), 36 (5), 38 (4), 39 (8), 41 (8), 42 (4), and 79 (2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas Article 2 (3) of Regulation (EEC) No 2046/89 ⁽³⁾ provides that Member States may regard associations of wine-growers as producers for the purposes of compulsory distillation and whereas paragraph 4 of that Article provides for the submission of a report in that regard; whereas the proposed measures should be consistent with others which the Commission is to draw up in the near future and whereas, for that purpose, the deadline laid down in the abovementioned paragraph 4 should be postponed,

Article 1

Article 2 (4) of Regulation (EEC) No 2046/89 is hereby replaced by the following:

'4. Paragraph 3 shall apply until 31 August 1996.

Before 31 March 1996, the Commission shall submit to the Council a report on the application of the said paragraph, accompanied, if necessary, by an appropriate proposal. The Council shall act on any measures to apply as from 1 September 1996.

Article 2

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

It shall apply from 1 September 1995.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1544/95 (see page 31 of this Official Journal).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 40.

⁽³⁾ OJ No L 202, 14. 7. 1989, p. 14. Regulation as last amended by Regulation (EC) No 1892/94 (OJ No L 197, 30. 7. 1994, p. 44).

COUNCIL REGULATION (EC) No 1547/95

of 29 June 1995

amending Regulation (EEC) No 2332/92 as regards sparkling wines produced in the Community and Regulation (EEC) No 4252/88 on the preparation and marketing of liqueur wines produced in the Community

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas Articles 11 and 16 of Regulation (EEC) No 2332/92 ⁽⁴⁾ and Article 6 (2) of Regulation (EEC) No 4252/88 ⁽⁵⁾ fix the maximum sulphur dioxide content of sparkling wines and of liqueur wines; whereas those Articles provide for the presentation by 1 April 1995 of a report from the Commission to the Council on those contents, together, where appropriate, with proposals; whereas the measures proposed should be consistent with others that the Commission is required to draft in the near future; whereas the abovementioned deadline should be postponed to that end; whereas the same is true of the deadline of 1 September 1995 laid down in Article 17 (3) of Regulation (EEC) No 2332/92,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2332/92 is hereby amended as follows:

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

Done at Luxembourg, 29 June 1995.

1. In Article 11 (3), '1 April 1995' and '1 September 1995' shall be replaced respectively by '1 April 1996' and '1 September 1996'.
2. In Article 16 (3), '1 April 1995' and '1 September 1995' shall be replaced respectively by '1 April 1996' and '1 September 1996'.
3. In Article 17 (3), '1 September 1995' shall be replaced by '1 September 1996'.

Article 2

Regulation (EEC) No 4252/88 is hereby amended as follows:

In Article 6 (2) '1 April 1995' and '1 September 1995' shall be replaced respectively by '1 April 1996' and '1 September 1996'.

Article 3

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

It shall apply from 1 September 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No C 99, 21. 4. 1995, p. 41.

⁽²⁾ OJ No C 151, 29. 6. 1995.

⁽³⁾ OJ No C 155, 21. 6. 1995, p. 21.

⁽⁴⁾ OJ No L 231, 13. 8. 1992, p. 1. Regulation as last amended by Regulation (EC) No 1893/94 (OJ No L 197, 30. 7. 1994, p. 45).

⁽⁵⁾ OJ No L 373, 31. 12. 1988, p. 59. Regulation as last amended by Regulation (EC) No 1893/94 (OJ No L 197, 30. 7. 1994, p. 45).

COUNCIL REGULATION (EC) No 1548/95

of 29 June 1995

amending Regulation (EEC) No 1442/88 on the granting, for the 1988/89 to 1995/96 wine years, of permanent abandonment premiums in respect of wine-growing areas

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas Council Regulation (EEC) No 1442/88 ⁽⁴⁾ defines the scope for the application of permanent abandonment premiums in respect of wine-growing areas;

Whereas, in order to guarantee better use of available resources, it is necessary to exclude from eligibility for

permanent abandonment premiums in respect of wine-growing areas those areas having previously received aid for the restructuring of vineyards,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 3 of Regulation (EEC) No 1442/88 the following letter (e) is hereby added:

‘(e) wine-growing areas which have received financing for their restructuring.’

Article 2

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

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No C 99, 21. 4. 1995, p. 42.

⁽²⁾ OJ No C 151, 19. 6. 1995.

⁽³⁾ OJ No C 155, 21. 6. 1995, p. 21.

⁽⁴⁾ OJ No L 132, 28. 5. 1988, p. 3. Regulation as last amended by Regulation (EEC) No 1990/93 (OJ No L 182, 24. 7. 1993, p. 7).

COUNCIL REGULATION (EC) No 1549/95

of 29 June 1995

amending Regulation (EEC) No 2392/86 establishing a Community vineyard register

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2392/86 of 24 July 1986 establishing a Community vineyard register ⁽¹⁾ and in particular Article 4 thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Whereas trends on the wine market have shown that the establishment of the Community vineyard register is a vital instrument in ensuring the proper functioning of the common organization of the market in wine and in particular the monitoring of areas under vines;

Whereas some Member States have encountered technical difficulties which have delayed their undertaking to establish this instrument within the time limit laid down in Regulation (EEC) No 2392/86;

Whereas those difficulties should be taken into account and the time limit laid down in Article 4 (1) of the abovementioned Regulation should therefore be extended;

Whereas the Act of Accession of Austria, Finland and Sweden obliges Austria to establish a vineyard register by 31 December 1996 at the latest; whereas all the time limits for the establishment of vineyard registers should be harmonized on that laid down in the Act of Accession;

Whereas the measures provided for in this Regulation must be sufficiently flexible to allow them to be adjusted to developments in the common organization of the market in wine; whereas taking account of current discussions by the Council concerning reform of that market organization, the Commission should be asked to ensure that measures are not taken which risk becoming quickly obsolete,

Article 1

Regulation (EEC) No 2392/86 is hereby amended as follows:

1. In Article 4, paragraph 1 shall be replaced by the following:

'1. The register shall be established in its entirety by 31 December 1996 at the latest.'

2. In Article 4, the following paragraph shall be added:

'4. Member States which, on 1 July 1995, have not yet established a vineyard register or which have only established a partial register shall, before 31 December 1996 establish reference charts covering the entire area under vines.

Member States shall forward to the Commission, before 1 November 1995, programmes relating to the progress of work on their register and, where appropriate, the status of work already carried out.

The Commission shall study the programmes and shall authorize measures in line with forecast requirements engendered by the development of the common organization of the market in wine.

The Community shall contribute to the financing of this measure at a rate of 50 % of the actual cost. However, those Member states which have only drawn up partial vineyard registers by 1 July 1995, but where work is well advanced shall be authorized to finish those registers. In such cases Community funding is limited to the funding corresponding to that of the simplified register for the areas in question.

The cost of the present vineyard register in the Douro region Portugal shall be co-financed up to 31 December 1996, without prejudice to the possibility of deciding, in the context of the reform of the Common organization of the wine market, the same financing as that for the simplified register, if necessary for the purpose of continuing this work after that date.'

Article 2

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

⁽¹⁾ OJ No L 208, 31. 7. 1986, p. 1. Regulation as last amended by the 1994 Act of Accession.

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 43.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1550/95

of 29 June 1995

fixing, for the 1995 harvest, the premiums and guarantee thresholds for leaf tobacco by group of tobacco varieties

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco ⁽¹⁾, and in particular Article 4 (1) thereof,Having regard to the proposal from the Commission ⁽²⁾,Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas, when the premiums for raw tobacco are fixed, account should be taken of the objectives of the common agricultural policy; whereas the common agricultural policy aims in particular to guarantee a fair standard of living for the farming community and to ensure that supplies are available and that they reach consumers at reasonable prices; whereas the premiums must take account in particular of past and foreseeable possibilities of disposal of the various tobaccos under normal conditions of competition;

Whereas Article 8, second subparagraph, and 9 (2) of Regulation (EEC) No 2075/92 provide for the annual allocation of guarantee thresholds for each group of varieties among the producer Member States; whereas

those thresholds should be fixed for the 1995 harvest, taking account in particular of market conditions and the socio-economic and agricultural circumstances of the production areas concerned,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1995 harvest, the premium referred to in Article 4 of Regulation (EEC) No 2075/92 for each group of raw tobacco varieties, and the supplementary amounts, shall be as set out in the Annex I hereto.

Article 2

For the 1995 harvest, the guarantee thresholds referred to in Articles 8 and 9 of Regulation (EEC) No 2075/92 by group of varieties and by Member State shall be as set out in Annex II hereto.

Article 3

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

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

Done at Luxembourg, 29 June 1995.

*For the Council**The President*

J. BARROT

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 70. Regulation as last amended by Regulation (EC) No 711/95 (OJ No L 73, 1. 4. 1995, p. 13).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 45.

⁽³⁾ OJ No C 151, 19. 6. 1995.

ANNEX I

PREMIUMS FOR LEAF TOBACCO FROM THE 1995 HARVEST

	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	VI Basmas	VII Katerini	VIII Kaba Koulak
ECU/kg	2,70965	2,16748	2,16748	2,38362	2,16748	3,75415	3,18541	2,27615

SUPPLEMENTARY AMOUNTS

Variety	ECU/kg
Badischer Geudertheimer, Pereg, Korso	0,4238
Badischer Burley E and hybrids thereof	0,6786
Virgin D and hybrids thereof, Virginia and hybrids thereof	0,3876
Paraguay and hybrids thereof, Dragon vert and hybrids thereof, Philippin, Petit Grammont (Flobecq), Semois, Appelsterre	0,3163
Nijkerk	0,1847
Misionero and hybrids thereof, Rio Grande and hybrids thereof	0,2016

ANNEX II

GUARANTEE THRESHOLDS 1995 (tonnes)

	I Flue-cured	II Light air-cured	III Dark air-cured	IV Fire-cured	V Sun-cured	Others			Total
						VI Basmas	VII Katerini	VIII Kaba Koulak	
Italy	48 000	46 500	17 400	6 900	14 000				132 800
Greece	30 700	12 400			15 700	26 100	22 250	19 550	126 700
Spain	29 000	2 470	10 800	30					42 300
Portugal	5 500	1 200							6 700
France	8 430	7 000	12 170						27 600
Germany	3 000	4 500	4 500						12 000
Belgium		200	1 700						1 900
Austria	30	600							600
	124 660	74 840	46 570	6 930	29 700	26 100	22 250	19 550	350 600

COUNCIL REGULATION (EC) No 1551/95

of 29 June 1995

fixing the amounts of aid for seeds for the 1996/97 and 1997/98 marketing years

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽¹⁾, and in particular Article 3 (3) thereof,

Having regard to the proposal from the Commission⁽²⁾,

Having regard to the opinion of the European Parliament⁽³⁾,

Having regard to the opinion of the Economic and Social Committee⁽⁴⁾,

Whereas the present situation and the outlook on the Community market for seeds listed in the Annex to Regulation (EEC) No 2358/81 that will be sold during the 1996/97 and 1997/98 marketing years do not offer the assurance of a fair return to producers; whereas part of their costs should therefore be met by the granting of aid;

Whereas Article 3 (2) of Regulation (EEC) No 2358/71 provides that the aid shall be fixed, taking into account, on the one hand, the need to ensure a balance between the volume of production required in the Community and the possible outlets for that production and, on the other hand, the prices of the products on external markets;

Whereas the application of these provisions results in the fixing of the amounts of aid applicable for the 1996/97 and 1997/98 marketing years at the levels set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

For the 1996/97 and 1997/98 marketing years the amounts of the aid granted for seeds referred to in Article 3 of Regulation (EEC) No 2358/71 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 1996.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No L 246, 5. 11.1971, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

⁽²⁾ OJ No C 99, 21. 4. 1995, p. 47.

⁽³⁾ OJ No C 151, 19. 6. 1995.

⁽⁴⁾ OJ No C 155, 21. 6. 1995, p. 21.

ANNEX

1996/97 AND 1997/98 MARKETING YEARS

Aid applicable in the Community

(ECU/100 kg)

CN code	Description	Amount of aid	
		1996/97	1997/98
	1. CERES		
ex 1001 90 10	<i>Triticum spelta</i> L.	14,37	14,37
1006 10 10	<i>Oryza sativa</i> L.	14,85	14,85
	— <i>japonica</i> type varieties	17,27	17,27
	— <i>indica</i> type varieties		
	2. OLEAGINEAE		
ex 1204 00 10	<i>Linum usitatissimum</i> L. (textile flax)	28,38	28,38
ex 1204 00 10	<i>Linum usitatissimum</i> L. (linseed)	22,46	22,46
ex 1207 99 10	<i>Cannabis sativa</i> L. (monoica)	20,53	20,53
	3. GRAMINEAE		
ex 1209 29 10	<i>Agrostis canina</i> L.	75,95	75,95
ex 1209 29 10	<i>Agrostis gigantea</i> Roth.	75,95	75,95
ex 1209 29 10	<i>Agrostis stolonifera</i> L.	75,95	75,95
ex 1209 29 10	<i>Agrostis capillaris</i> L.	75,95	75,95
ex 1209 29 80	<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J.S. and K.B. Presl.	67,14	67,14
ex 1209 29 10	<i>Dactylis glomerata</i> L.	52,77	52,77
ex 1209 23 80	<i>Festuca arundinacea</i> Schreb.	58,93	58,93
ex 1209 23 80	<i>Festuca ovina</i> L.	43,59	43,59
1209 23 11	<i>Festuca pratensis</i> Huds.	43,59	43,59
1203 23 15	<i>Festuca rubra</i> L.	36,83	36,83
ex 1209 29 80	<i>Festulolium</i>	32,36	32,36
1209 25 10	<i>Lolium multiflorum</i> Lam.	21,13	21,13
1209 25 90	<i>Lolium perenne</i> L.		
	— of high presistence, late or medium late	34,90	34,90
	— new varieties and others	25,96	25,96
	— of low presistence, medium late, medium early	19,20	19,20
ex 1209 29 80	<i>Lolium × boucheanum</i> Kunth	21,13	21,13
ex 1209 29 80	<i>Phleum Bertolinii</i> (DC)	50,96	50,96
1209 26 00	<i>Phleum pratense</i> L.	83,56	83,56
ex 1209 29 80	<i>Poa nemoralis</i> L.	38,88	38,88
1209 24 00	<i>Poa pratensis</i> L.	38,52	38,52
ex 1209 29 10	<i>Poa palustris</i> and <i>Poa trivialis</i> L.	38,88	38,88
	4. LEGUMINOSAE		
ex 1209 29 80	<i>Hedysarum coronarium</i> L.	36,47	36,47
ex 1209 29 80	<i>Medicago lupulina</i> L.	31,88	31,88
ex 1209 21 00	<i>Medicago sativa</i> L. (ecotypes)	22,10	22,10
ex 1209 21 00	<i>Medicago sativa</i> L. (varieties)	36,59	36,59
ex 1209 29 80	<i>Onobrichis viciifolia</i> Scop.	20,04	20,04
ex 0713 10 10	<i>Pisum sativum</i> L. (partim) (field pea)	0	0
ex 1209 22 80	<i>Trifolium alexandrinum</i> L.	45,76	45,76
ex 1209 22 80	<i>Trifolium hybridum</i> L.	45,89	45,89
ex 1209 22 80	<i>Trifolium incarnatum</i> L.	45,76	45,76
1209 22 10	<i>Trifolium pratense</i> L.	53,49	53,49
ex 1209 22 80	<i>Trifolium repens</i> L.	75,11	75,11
ex 1209 22 80	<i>Trifolium repens</i> L. var. <i>giganteum</i>	70,76	70,76
ex 1209 22 80	<i>Trifolium resupinatum</i> L.	45,76	45,76
ex 0713 50 10	<i>Vicia faba</i> L. (partim) (horse bean)	0	0
ex 1209 29 10	<i>Vicia sativa</i> L.	30,67	30,67
ex 1209 29 10	<i>Vicia villosa</i> Roth.	24,03	24,03

COUNCIL REGULATION (EC) No 1552/95

of 29 June 1995

amending Regulation (EEC) No 3950/92 establishing an additional levy in the milk and milk products sector

THE COUNCIL OF THE EUROPEAN UNION,

(in tonnes)

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

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

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

Whereas the situations in Italy and Greece have been the subject of a special examination to verify whether the increases in the total guaranteed quantity laid down in Article 3 of Regulation (EEC) No 3950/92 ⁽³⁾ for those two Member States can be maintained in 1995/96 and subsequent years; whereas the Commission has submitted to the European Parliament and to the Council a report on the application of the milk quota scheme in Italy and Greece; whereas the Commission concludes from the report that the two Member States have generally fulfilled the conditions laid down by the Council for the introduction of the milk quota scheme and in Italy for the use of the reserve of 347 701 tonnes;

Whereas Article 3 (2) of Regulation (EEC) No 3950/92 has been amended on several occasions; whereas, in the interests of clarity, it shall be replaced by a consolidated text,

HAS ADOPTED THIS REGULATION:

Article 1

Article 3 (2) of Regulation (EEC) No 3950/92 is hereby replaced by the following:

'2. The following total quantities shall be fixed without prejudice to possible review in the light of the general market situation and particular conditions existing in certain Member States:

Member States	Deliveries	Direct sales
Belgium	3 077 372	233 059
Denmark	4 454 450	898
Germany ⁽¹⁾	27 764 778	100 038
Greece	625 985	4 528
Spain	5 222 445	344 505
France	23 693 932	541 866
Ireland	5 234 465	11 299
Italy	9 632 540	297 520
Luxembourg	268 098	951
Netherlands	10 982 346	92 346
Austria	2 205 000	367 000
Portugal	1 835 461	37 000
Finland	2 342 000	10 000
Sweden	3 300 000	3 000
United Kingdom	14 270 430	319 617

⁽¹⁾ Of which 6 244 566 tonnes covers deliveries from producers on the territory of the new *Länder* and 8 801 tonnes covers direct sales in the new *Länder*.

The increase in the total quantities for Belgium, Denmark, Germany, France, Ireland, Luxembourg, the Netherlands and the United Kingdom shall be granted in order to permit the allocation of additional reference quantities to:

- producers who, by virtue of the second indent of Article 3a (1) of Regulation (EEC) No 857/84 (*), had been excluded from allocation of a special reference quantity,
- producers situated in the mountain areas as defined in Article 3 (3) of Directive 75/268/EEC (**) or to the producers referred to in Article 5 of this Regulation or to all producers.

The increase in the total quantity for Portugal shall be granted as a matter of priority to contribute towards satisfying the requests for additional reference quantities from producers whose production during the 1990 reference year was substantially affected by exceptional events which took place during the period 1988 to 1990 or to the producers referred to in Article 5.

The increase in total quantities of deliveries granted for the period 1993/94 for Greece, Spain and Italy shall be established for Spain and shall be extended for the period 1994/95 for Greece and Italy. The total quantity of deliveries for Italy includes a reserve of 347 701 tonnes for allocation, in so far as

⁽¹⁾ OJ No C 142, 8. 6. 1995, p. 15.

⁽²⁾ OJ No C 151, 19. 6. 1995.

⁽³⁾ OJ No L 405, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 630/95 (OJ No L 66, 23. 3. 1995, p. 11).

necessary and in agreement with the Commission, of reference quantities to producers who have brought legal proceedings against a national administration following withdrawal of their reference quantities and obtain judgment in their favour.

The increase in the total quantities of deliveries granted for the period 1994/95 for Greece and Italy shall be established with effect from 1995/96.

The overall quantity for the Austrian deliveries quota may be increased to compensate Austrian 'SLOM' producers, up to a maximum of 180 000 tonnes, to be allocated in accordance with Community legislation. This reserve must be non-transferable and used exclusively on behalf of producers whose right to take up production again will be affected as a result of accession.

The overall quantity for the Finnish deliveries quota may be increased to compensate Finnish 'SLOM' producers, up to a maximum of 200 000 tonnes, to be allocated in accordance with Community

legislation. This reserve must be non-transferable and used exclusively on behalf of producers whose right to take up production again will be affected as a result of accession.

The increase in overall quantities, and the conditions under which the individual reference quantities provided for in the two preceding subparagraphs shall be granted, shall be decided upon in accordance with the procedure referred to in Article 11.

(*) OJ No L 900, 1. 4. 1984, p. 13.

(**) OJ No L 128, 19. 5. 1975, p. 1.

Article 2

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

It shall apply from 1 April 1995.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1553/95

of 29 June 1995

adjusting, for the fifth time, the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraph 11 of Protocol 4 on cotton, as last amended by Regulation (EC) No 2760/94 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2052/92 of 30 June 1992 adjusting, for the second time, the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece ⁽²⁾, and in particular Article 5 thereof,

Having regard to the proposal from the Commission ⁽³⁾,

Having regard to the opinion of the European Parliament ⁽⁴⁾,

Having regard to the opinion of the Economic and Social Committee ⁽⁵⁾,

Whereas a review of the operation of the system established by Protocol 4 as referred to in Article 5 of Regulation (EEC) No 2052/92 has shown that the system needs to be adjusted;

Whereas a study on the impact of cotton growing in the regions where it is practised points to a potential for increasing production in those areas of the Community most suitable for this crop, taking into account the Community's demand for cotton fibre; whereas the guaranteed maximum quantity should accordingly be increased;

Whereas, on the other hand, to ensure that production of this crop does not expand in those regions less suited to it and to avoid an increase in expenditure, the guide price should be reduced in proportion to the increase in the guaranteed maximum quantity and no limit should be placed on the reduction in aid should the guaranteed

maximum quantity be exceeded; whereas, in fixing the guide price, account must be taken of the adjustment to the price in ecus laid down in Council Regulation (EC) No 150/95 of 23 January 1995 amending Regulation (EEC) No 3813/92 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽⁶⁾;

Whereas, with a view to facilitating budgetary arithmetic and fairness among operators, any deferral of the reduction in aid should be disallowed;

Whereas the diverging production trends in the producer Member States have produced inequitable effects in the operation of the system of stabilizers; whereas, with a view to establishing a fairer system, provision should be made so that, where the guaranteed maximum quantity is exceeded, the aid should be reduced proportionately in the Member States responsible for the excess; whereas, however, the effect of such reduction may be moderated, to the extent that, taking into account the average price level on the world market, the budget forecasts are not overrun; whereas, moreover, provision should be made whereby Member States which are potential cotton producers can start to grow cotton by setting production at a level at which the system of stabilizers does not apply;

Whereas, to enable operators to run longer production and processing programmes, the guide price and the minimum price payable to the producer to ensure the benefits from the aid should no longer be fixed annually;

Whereas the system of aid for small cotton producers set up by Regulation (EEC) No 1152/90 ⁽⁷⁾ has had the effect of changing production structures to the extent that it has vitiated the desired objective; whereas, therefore, the said system should be abolished by repealing Regulation (EEC) No 1152/90;

Whereas, taking into account the drought problem suffered by one producer Member State and the serious consequences for its operators, it is particularly urgent to set up a fairer management system and whereas the pursuit of the other objectives resulting from the analysis of the abovementioned system also necessitates adaptations as soon as possible; whereas, in particular, the system of aid to small producers should be abolished

⁽¹⁾ OJ No L 294, 15. 11. 1994, p. 1.

⁽²⁾ OJ No L 215, 30. 7. 1992, p. 10.

⁽³⁾ OJ No C 94, 14. 4. 1995, p. 4.

⁽⁴⁾ OJ No C 151, 19. 6. 1995.

⁽⁵⁾ OJ No C 155, 21. 6. 1995, p. 21.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 116, 8. 5. 1990, p. 3. Regulation as amended by Regulation (EEC) No 2054/92 (OJ No L 215, 30. 7. 1992, p. 13).

as soon as possible in order to bring to an end the inefficient and undesirable use of Community funds; whereas the various measures form part of an overall package; whereas provision should therefore be made for all these measures to be applied in the 1995/96 marketing year;

Whereas experience may show that other adjustments to the system provided for in the abovementioned Protocol are necessary; whereas a procedure allowing the Council to adjust the system should accordingly be laid down,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation provides for adjustments to the system of aid for the production of cotton provided for in paragraphs 3, 8, 9 and 11 of Protocol 4 annexed to the Act of Accession of Greece and adjusted by Regulation (EEC) No 1964/87⁽¹⁾.

Article 2

Article 2 of Regulation (EEC) No 1964/87 shall be replaced by the following:

'Article 2

1. A guaranteed maximum quantity (GMQ) is hereby established for which the aid referred to in point 3 of Protocol 4 on cotton shall be granted.

This quantity shall be fixed for each marketing year at 1 031 000 tonnes of unginned cotton.

2. The GMQ shall be allocated as follows among the Member States (guaranteed national quantity — GNQ):

Spain: 249 000 tonnes,

Greece: 782 000 tonnes.

3. Without prejudice to paragraph 4, if during a marketing year actual production exceeds the GMQ, the guide price for that year shall be reduced in any Member State where production exceeds GNQ by a percentage equal to half of that by which the GNQ is exceeded. This reduction shall be established by, on the one hand, taking into account the amount by which the GMQ is exceeded and, on the other hand, by taking the proportion of the difference between the actual production of each Member State and its GNQ.

The reductions applicable shall be fixed in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1308/70^(*).

4. If during a marketing year:

- the provisions of paragraph 3 are applied,
- the weighted average of the world market price adopted in order to fix the amount of aid is greater than ECU 30,2 per 100 kg, and
- the total budgetary expenditure on the aid system is less than ECU 770 million,

the budgetary difference referred to in the third indent shall be used in order to increase aid in each Member State where actual production exceeds its GNQ.

However, the amount of aid, increased pursuant to the first subparagraph, may not exceed:

- the amount of aid calculated without the application of paragraph 3, nor
- the amount of aid calculated after application of paragraph 3, on the basis of a GMQ of 1 120 000 tonnes of unginned cotton where the GNQ for Spain is 270 000 tonnes and the GNQ for Greece is 850 000 tonnes.

The detailed rules for determining the increase in the aid and the information to be supplied by the Member States to the Commission with a view to such determination shall be fixed in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1308/70.

5. Paragraphs 3 and 4 shall not apply to Member States other than Greece and Spain. However, in the event that in one of these Member States, the actual production of unginned cotton exceeds 1 500 tonnes during the marketing year and the actual production of the Community exceeds the GMQ, the guide price shall be reduced in the Member State concerned by a percentage equal to half of that by which the quantity of 1 500 tonnes is exceeded.

(*) OJ No L 146, 4. 7. 1970, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105)

Article 3

Paragraph 8 of Protocol 4 is replaced by the following:

'8. The guide price shall be set at ECU 106,30 per 100 kg of unginned cotton.

This price shall relate to cotton:

- of fair, sound and merchantable quality,
- having a 10 % moisture content and 3 % impurity content,
- having the necessary characteristics to produce, after ginning, 32 % grade 5 fibres (white middling) of 28 mm length (1-3/32M).'

(¹) OJ No L 184, 3. 7. 1987, p. 14. Regulation as last amended by Regulation (EC) No 2760/94 (OJ No L 294, 15. 11. 1994, p. 17).

Article 4

The following paragraph is inserted in Protocol 4:

'8a. Production aid shall be granted only to those undertakings which buy unginned cotton at a price at least equal to a minimum price. The minimum price shall be set at ECU 100,99 per 100 kg of unginned cotton for the quality selected for the guide price at the farm gate.'

Article 5

Point (a) in the second subparagraph of paragraph 9 of Protocol 4 shall be deleted.

Article 6

Paragraph 11 of Protocol 4 shall be replaced by the following:

'11. Before the start of the 1999/2000 marketing year at the latest, the Commission shall send the Council a report on the operation of the system of aid for cotton. If the report shows it to be necessary, the Council, acting by qualified majority on a proposal from the Commission and having consulted Parliament, shall decide on any adjustments to the system, account being taken of the experience acquired in operating both this system and the system of support for arable crops.'

Article 7

Regulation (EEC) No 1152/90 shall be repealed with effect from 1 September 1995. However, it shall continue to apply to requests for aid relating to the 1994/95 marketing year.

Article 8

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

It shall apply from the 1995/96 marketing year.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COUNCIL REGULATION (EC) No 1554/95

of 29 June 1995

laying down the general rules for the system of aid for cotton and repealing Regulation (EEC)
No 2169/81

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular paragraph 9 of Protocol 4 on cotton, as last amended by Regulation (EC) No 1553/95 ⁽¹⁾,

Having regard to the proposal by the Commission ⁽²⁾,

Whereas Protocol 4 of the Act of Accession of Greece and Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusting the system of aid for cotton introduced by Protocol 4 annexed to the Act of Accession of Greece ⁽³⁾ have been amended by Regulation (EC) No 1553/95; whereas Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽⁴⁾ should accordingly be amended; whereas the significance of the adjustments that need to be made to Regulation (EEC) No 2169/81 and the large number of amendments already made to it make it appropriate to recast this Regulation for the purposes of clarity and transparency; whereas Regulation (EEC) No 2169/81 should therefore be repealed;

Whereas, pursuant to paragraph 9 of the Protocol, it is necessary to lay down the rules of procedure and sound management for its application, the general rules of the system of production aid, the criteria for determining the world market price and the rules concerning the financing of the measures envisaged;

Whereas, in order to facilitate the management and control of the aid system, provision should be made for a procedure establishing close cooperation between the Member States and the Commission within a Management Committee; whereas it is advisable to use

the Management Committee for Flax and Hemp as provided for in Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp ⁽⁵⁾;

Whereas, in accordance with Article 2 of Regulation (EEC) No 1964/87, the aid shall be altered by adjustments yet to be determined where the Community production exceeds a quantity fixed in advance; whereas, in consequence, the amount of aid to be granted cannot be determined until the actual quantity produced is itself known; whereas, to offset the adverse effects of late payment of aid for the parties involved, provision should be made for the part of the aid to be paid in advance;

Whereas, pursuant to the third subparagraph of paragraph 3 of the Protocol, the aid is determined on the basis of the difference between a guide price for unginned cotton and the world market price; whereas, since there is no international trade in unginned cotton, and there are therefore no offers or quotations, provision should be made to enable a world market price for this product to be determined; whereas this price may be established on the basis of the historical relationship between the price agreed for ginned cotton and that calculated for unginned cotton;

Whereas, when calculating the price of ginned cotton, account should be taken of the offers made on the world market and of the quotations on those exchanges that are important for international trade; whereas the price on the world market must be calculated using the most favourable offers and quotations on that market among those that are considered representative of the real market trend;

Whereas, for the aid system to operate correctly, the world market price must be recorded for a Community frontier crossing point; whereas, in fixing this point, account should be taken of the extent to which it is representative for imports of the products in question; whereas, therefore, in the case of multiple origins the ports of Northern Europe should be chosen and in the case of a limited number of origins, offers or quotations recorded on an exchange outside Europe the port of

⁽¹⁾ See page 45 of this Official Journal.

⁽²⁾ OJ No C 94, 14. 4. 1995, p. 6.

⁽³⁾ OJ No L 184, 3. 7. 1987, p. 14.

⁽⁴⁾ OJ No L 211, 31. 7. 1981, p. 2. Regulation as last amended by Regulation (EEC) No 1554/93 (OJ No L 154, 25. 6. 1993, p. 23).

⁽⁵⁾ OJ No L 146, 4. 7. 1970, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

Piraeus should be chosen, whereas, in the latter case the offers and quotations adopted will need to be adjusted if they relate to some other frontier crossing point;

Whereas such adjustments should also be made to the offers and quotations adopted in order to compensate for any variation from the presentation and quality taken as a basis for fixing the guide price;

Whereas the producer Member States should be required to set up the control arrangements necessary to ensure that the aid system operates correctly;

Whereas, with a view to subjecting the Community expenditure on applying the planned measure to financial and monetary rules and appropriate procedures, Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽¹⁾, should apply *mutatis mutandis* to the matters dealt with herein, as should the Regulations relating to the value of the unit of account and the exchange rates to be applied within the framework of the common agricultural policy;

Whereas the provisions of this Regulation should apply as from the 1995/96 marketing year so that the adjustments to the system provided for in Regulation (EC) No 1553/95 may be implemented by that date;

Whereas the adjustments to the system as laid down in this Regulation must be implemented as smoothly as possible; whereas provisional measures may therefore be necessary,

HAD ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation:

- (a) 'unginned cotton' means the fruit of the cotton plant (*Gossypium*) which has reached maturity and has been harvested, and which contains pod waste, leaves and earthy matter;
- (b) 'ginned cotton' means the cotton fibres (other than linters and waste), neither carded nor combed, from which the seeds and most of the pod waste, leaves and earthy matter have been removed.

Article 2

The guide price for unginning cotton of a specified quality shall remain applicable throughout a given marketing

year; the marketing year shall run from 1 September to 31 August.

Article 3

1. The world market price for unginning cotton shall be determined by taking account of the historical relationship between the world market price for ginned cotton and that calculated for unginning cotton. It shall be determined periodically on the basis of the world market price recorded for ginned cotton.

2. If the world market price for unginning cotton cannot be determined in accordance with paragraph 1, this price shall be established on the basis of the most recent price determined.

Article 4

1. The world market price for ginned cotton shall be determined on the basis of a grade 5 (white middling) product with a fibre length of 28 mm (1-3/32"), account being taken of the offers made on this market and of the quotations on one or more European exchanges that are important for international trade. This price shall be determined using the most favourable offers and quotations among those that are considered representative of the real market trend.

2. For the purposes of the above calculation, an average shall be established of the offers and quotations on one or more European exchanges for a product delivered cif at a port in Northern Europe and coming from the various supplier countries considered the most representative in terms of international trade.

However, where the world market price cannot be determined in accordance with the preceding subparagraph, it shall be determined:

- on the basis of a limited number of the most representative offers and quotations for a product delivered cif at Piraeus recorded on the Liverpool exchange, or on another European exchange, or
- on the basis of the offers and quotations on a non-European exchange either by calculating an average of the offers and quotations for a product delivered cif at Piraeus coming from various supplier countries that are considered the most representative in terms of international trade, or by using a limited number of the most representative offers and quotations for a product delivered cif at Piraeus.

3. Where the offers and quotations recorded do not satisfy the requirements referred to in the preceding paragraphs, the necessary adjustments shall be made.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No L 185, 15. 7. 1988, p. 1).

Article 5

1. Without prejudice to Article 2 (3) and (4) of Regulation (EEC) No 1964/87, when the world market price determined in accordance with Article 3 is below the guide price, aid equal to the difference between these two prices shall be granted for unginned cotton harvested in the Community.

2. The amount of the aid to be paid shall be the amount applicable on the day the application for aid is made. However, the amount of the aid applicable on the day the application is made shall be adjusted on the basis of the difference between the guide price applying on that day and that applying on the day when the cotton is placed under control.

Should the application for aid be lodged before the application for supervised storage, the application for aid shall not be valid unless an adequate security is lodged to guarantee submission of the application for supervised storage within the time limit set.

3. Entitlement to the aid shall be acquired when the cotton is ginned. However, aid may be paid in advance from 16 October following the start of the marketing year when the unginned cotton enters the cotton ginning undertaking, provided that an adequate security has been lodged. The amount of the advance shall be calculated using the procedure laid down in Article 11 (1), account being taken of the estimated production of unginned cotton and of the anticipated amount of the aid. The advance may not exceed 40 % of the guide price. Any aid balance outstanding shall be paid once the actual quantity produced has been determined and any adjustment to the aid referred to in Article 2 (3) and (4) of Regulation (EEC) No 1964/87 have been made. It shall be paid before the end of the marketing year, at the latest.

4. The aid shall be paid by the producer Member State on whose territory ginning takes place.

5. The aid shall only be paid for a product of sound, fair and merchantable quality.

6. If the quantity of ginned cotton is less than or equal to 33 % of the quantity of unginned cotton that has entered the cotton ginning undertaking, aid shall be granted for the quantity of cotton ginned, multiplied by 100 and divided by 32.

If the quantity of ginned cotton exceeds 33 % of the quantity of unginned cotton that has entered the cotton ginning undertaking, aid shall be granted for the quantity of unginned cotton, multiplied by 33 and divided by 32.

The quantity of ginned cotton eligible for the aid shall be calculated on the basis of its weight, adjusted where necessary for any difference between:

- the representative percentage of recorded impurities compared to the representative percentage for grade 5, and
- the percentage moisture content recorded compared to that representative of marketed fibre.

The representative percentages referred to in the above indents shall be determined in accordance with the procedure referred to in Article 11 (1).

Article 6

The reduction in the guide price referred to in Article 2 (3) of Regulation (EEC) No 1964/87 shall be established as follows:

- (a) if the actual production in Spain or Greece exceeds the guaranteed national quantity (GNQ), the excess in each Member State shall be calculated as a percentage of the GNQ and the guide price shall be reduced by a percentage equal to half the percentage excess;
- (b) in other cases, the actual production in excess of the guaranteed maximum quantity (GMQ) shall be calculated as a percentage of the GNQ of the Member State concerned, and the guide price shall be reduced by a percentage equal to half the percentage excess.

Article 7

Aid shall be granted only to those cotton ginning undertakings which apply for it and which:

1. have submitted:

- (a) either a contract stipulating payment to the producer of a price at least equal to the minimum price referred to in Article 8a of Protocol 4 and containing a clause specifying that:
 - in the event of application of Article 2 (3) or (4) of Regulation (EEC) No 1964/87, the agreed price shall be adjusted in consequence of the effect of the application of that Article upon the aid,
 - in the event of a difference between the quality of the cotton delivered and the standard quality, referred to in paragraph 8 of Protocol 4, the price agreed will be adjusted proportionally by common consent between the contracting parties;

- (b) or a statement giving details of the conditions under which the ginning is carried out and how the aid is passed on to the producers where the undertaking gins cotton on behalf of an individual producer or a producer associated with that undertaking;
- 2. keep stock accounts on ginned and unginned cotton that satisfy requirements to be laid down, with a view to enabling entitlement to the aid to be checked;
- 3. provide the other supporting documents needed for checking entitlement to the aid;
- 4. furnish proof that the cotton delivered under the contract or under the statement referred to in point 1 (b) has been the subject of the declaration of area sown referred to in Article 8.

Article 8

Before 1 October, the estimated production of cotton referred to in Article 5 (3) shall be drawn up using the procedure referred to in Article 11 (1), account being taken of crop estimates.

In order to draw up these estimates, a system of declarations of the areas sown shall be established.

Article 9

Actual production in each marketing year shall be determined before the end of June of that same year using the procedure referred to in Article 11 (1), account being taken in particular of the quantities for which aid has been requested.

Article 10

The producer Member States shall set up a system of controls to:

- ascertain the quantity of unginned Community cotton which has entered each cotton ginning undertaking,
- ascertain the quantity of unginned Community cotton which has been ginned,

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

Done at Luxembourg, 29 June 1995.

- ascertain the quantity of ginned cotton obtained in each cotton ginning undertaking from the quantity referred to in the first indent,
- ensure that the minimum price is complied with.

Article 11

1. Detailed rules for the application of this Regulation shall be determined in accordance with the procedure laid down in Article 12 of Regulation (EEC) No 1308/70.

These detailed rules shall, in particular, concern any necessary control measure; these measures may use certain elements provided under the integrated system.

2. If it proves necessary to introduce transitional measures in order to facilitate implementation of the adjustments to the system as laid down by this Regulation, such measures shall be adopted in accordance with the procedure provided for in paragraph 1. They shall apply until the end of the 1995/96 marketing year at the latest.

Article 12

1. Regulation (EEC) No 2169/81 is hereby repealed.

2. References made to the repealed Regulation or to any Articles thereof shall be construed as being made to this Regulation or to the corresponding Articles hereof.

Article 13

The provisions of the Regulations relating to the value of the unit of account and the exchange rates to be applied in connection within the common agricultural policy, and those of Regulation (EEC) No 729/70 shall apply *mutatis mutandis* to the matters dealt with in this Regulation.

Article 14

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

It shall apply from the 1995/96 marketing year. However, Article 11 (2) shall apply as from the date of entry into force of this Regulation.

For the Council

The President

J. BARROT

COUNCIL DIRECTIVE 95/29/EC

of 29 June 1995

amending Directive 91/628/EEC concerning the protection of animals during transport

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

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

Whereas Article 13 (1) of Council Directive 91/628/EEC of 19 November 1991 on the protection of animals during transport ⁽⁴⁾ requires the Commission to submit a report, possibly accompanied by proposals, on maximum journey times, feeding and watering intervals, resting periods, space allowances and standards to be met by means of transport as regards the transport of certain types of animal;

Whereas the report from the Commission, based on an opinion from the Scientific Veterinary Committee, shows that standards can be established on the abovementioned matters in respect of certain types of animal, based on scientific knowledge and well established experience;

Whereas some Member States have rules on journey times, feeding and watering intervals, resting periods and space allowances; whereas these rules are, in some cases, extremely detailed and are used by some Member States to restrict intra-Community trade in live animals; whereas persons involved in the transport of animals need clearly defined criteria to enable them to operate on a Community-wide basis without coming into conflict with differing national provisions;

Whereas, in order to eliminate technical barriers to trade in live animals and to allow the market organizations in question to operate smoothly, while ensuring a satisfactory level of protection for the animals concerned, it is necessary in the context of the internal market to

modify the rules of Directive 91/628/EEC with a view to harmonizing travelling times and resting periods, feeding and watering intervals, and space allowances, for certain types of animal;

Whereas Member States should further be authorized to lay down stricter conditions for journey times for animals destined for slaughter where the animals are to be transported between a place of departure and a place of destination situated in their territory whilst complying with the general provisions of the Treaty,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/628/EEC is hereby amended as follows:

1. Article 1 (2) (a) shall be replaced by the following text:

‘(a) — to transport which is not of a commercial nature or to any individual animal accompanied by a natural person who has responsibility for the animal during transport,
— to the transport of pet animals accompanying their owner on a private journey.’

2. In Article 2 (2):

(a) in point (e), the words ‘and accommodated for at least 10 hours’ shall be replaced by the words ‘and accommodated for 24 hours’;

- (b) the following subparagraphs shall be added:

‘(h) “rest period”, a continuous period in the course of a journey during which animals are not being moved by a means of transport;

(i) “transporter”, any natural or legal person transporting animals
— on his own account, or
— for the account of a third party, or
— by providing a third party with a means of transport of animals,

where such transport is of a commercial nature and carried out for the purpose of gain;’

⁽¹⁾ OJ No C 250, 14. 9. 1993, p. 12.

⁽²⁾ OJ No C 20, 24. 1. 1994, p. 68.

⁽³⁾ OJ No C 127, 7. 5. 1994, p. 32.

⁽⁴⁾ OJ No L 340, 11. 12. 1991, p. 17. Directive as amended by Decision 92/438/EEC (OJ No L 243, 25. 8. 1992, p. 27).

3. In Article 3 (1), the following subparagraph shall be inserted:

- ‘(aa) — space allowances (loading densities) for animals at least comply with the figures laid down in Chapter VI of the Annex, in respect of the animals and the means of transport referred to in that Chapter,
- travelling times and rest periods and feeding and watering intervals for certain types of animals comply with those laid down in Chapter VII of the Annex, in respect of the animals referred to in that Chapter, without prejudice to the provisions of Regulation (EEC) No 3820/85 (*);

(*) OJ No L 370, 31. 12. 1985, p. 1.’

4. Article 5 shall be replaced by the following:

Article 5

A. Member States shall ensure that:

1. any transporter:

(a) is:

- (i) registered in a manner enabling the competent authority to identify the person rapidly in the event of failure to comply with the requirements of this Directive;
- (ii) covered by an authorization valid for all transport of vertebrate animals carried out in one of the territories referred to in Annex I to Directive 90/675/EEC, granted by the competent authority of the Member State of establishment or, if an undertaking established in a third country is concerned, by a competent authority of a Member State of the Union, subject to a written undertaking by the person in charge of the transport undertaking to comply with the requirements of the Community veterinary legislation in force.

This written undertaking shall in particular state that:

- the transporter referred to in point 2 has taken all the measures necessary to comply with the requirements of this Directive as far as the place of destination and, more particularly where export to third countries is concerned, as far as the place of destination as defined by Community legislation,
- without prejudice to the provisions of Chapter 1A (6) (b) of the Annex, the staff referred to in subparagraph (a)

of point 2 have received specific training, either within the undertaking or from a training body, or have equivalent practical experience qualifying them to handle and transport vertebrate animals and to administer, if necessary, appropriate care to the animals transported;

(b) does not transport any animal, or cause any animal to be transported, in a way which is likely to cause injury or undue suffering to that animal;

(c) uses, for the transport of animals referred to in this Directive, means of transport that will ensure compliance with Community requirements concerning welfare during transport, and in particular the requirements laid down in the Annex and those to be laid down in accordance with Article 13 (1);

2. the transporter:

(a) entrusts the transport of the live animals to staff who possess the necessary ability, professional competence and knowledge laid down in subparagraph (a) of point 1;

(b) for the animals referred to in Article 1 (1) (a) which are to be traded between Member States or exported to third countries, and in cases where the journey time exceeds eight hours, draws up a route plan in accordance with the specimen in Chapter VIII of the Annex, which will be attached to the health certificate during the journey, and also indicates any staging and transfer points.

A single route plan will have to be drawn up in accordance with point (c) to cover the whole period of the journey;

(c) submits the route plan referred to in (b) to the competent authority so that it can draw up the health certificate, after which, the number or numbers of such certificates must be marked on the route plan and it must be stamped by the veterinarian of the place of departure, who will also give notice of the existence of the route plan through the Animo system;

(d) ensures:

(i) that the original copy of the route plan referred to in (b)

— is duly drawn up and completed by the appropriate persons at the appropriate time,

— is attached to the health certificate accompanying the consignment throughout the journey;

(ii) that the staff in charge of the transport

— state in the route plan the times and places at which the animals transported have been fed and watered during the journey,

— where animals are being exported to third countries and the travelling time within Community territory, exceeds eight hours, have the route plan certified, after checking, by the competent authority of the authorized crossing point or of the point of exit designated by a Member State (stamps and signature), after the animals have been checked and judged by the official veterinarian to be fit to continue their journey.

Member States may specify that expenses incurred by the abovementioned veterinary check shall be borne by the operator exporting the animals,

— on their return, send back the route plan to the competent authority of the place of origin.

However, where animals are being exported to third countries by sea and the travelling time exceeds eight hours, the same provisions shall apply;

(e) keeps, for a period fixed by the competent authority, a second copy of the route plan referred to in (b) which may, if required, be submitted on request to the competent authority for verification;

(f) demonstrates, according to the species transported and where the length of the journey entails compliance with Chapter VII (4), that steps have been taken to meet the animals' needs for food and water during the journey, even where the

route plan is changed or where the journey is interrupted for reasons beyond his control;

(g) ensures that the animals are transported without delay to their place of destination;

(h) without prejudice to compliance with the provisions in Chapter III of the Annex, ensures that animals of species not referred to in Chapter VII of the Annex are suitably fed and watered at appropriate intervals during transport;

3. that the staging points, agreed upon in advance by the person in charge referred to in point 2, are regularly checked by the competent authority which must also satisfy itself that the animals are fit to continue their journey;

4. that the costs of meeting animals' feeding, watering and rest requirements are borne by the operators referred to in point 1.

B. Any procedures for application which result from this Article shall be adopted in accordance with the procedure provided for in Article 17.'

5. Article 8 shall read as follows:

'Article 8

Member States shall ensure that, in accordance with the principles and rules of control laid down in Directive 90/425/EEC, the competent authorities check that the requirements of this Directive have been complied with, by carrying out non-discriminatory inspections of:

(a) means of transport and animals during transport by road;

(b) means of transport and animals arriving at their place of destination;

(c) means of transport and animals at markets, at places of departure, at staging points and at transfer points;

(d) the particulars on the accompanying documents.

Such inspections must be carried out on an adequate sample of the animals transported each year within each Member State, and may be carried out at the same time as checks for other purposes.

The competent authority in each Member State shall submit to the Commission an annual report stating the number of inspections carried out in the preceding calendar year in respect of each of the points (a), (b), (c) and (d) and including details of any reported infringements and the action taken as a result by the competent authority.

Furthermore, where the competent authority of a Member State has information leading it to suspect an infringement, checks may also be carried out during the transport of animals on its territory.

This Article shall not affect checks carried out as part of tasks conducted in a non-discriminatory manner by authorities responsible for the general application of laws in a Member State.'

6. The following shall be added as third subparagraph to Article 9 (1):

'Any measure taken pursuant to the second subparagraph shall be notified by the competent authority by the Animo network according to the procedures, including financial procedures, to be established according to the procedure provided for in Article 17.'

7. Article 10 shall be replaced by the following:

'Article 10

1. Commission experts may, to the extent necessary to ensure uniform application of this Directive, carry out on-the-spot checks. In so doing, they may carry out random, non-discriminatory checks to ensure that the competent authority is monitoring compliance with the requirements of this Directive.

The Commission shall inform the Member States of the results of these checks.

2. The checks referred to in paragraph 1 shall be carried out in collaboration with the competent authority.

3. The Member State in the territory of which the inspections are carried out shall provide the experts with any assistance they require to accomplish their task.

4. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 17.'

8. Article 11 shall be replaced by the following:

'Article 11

1. The rules laid down by Directive 91/496/EEC shall apply, in particular with regard to the organization of and follow-up to checks.

2. The importation, transit and transport into and through Community territory of live animals covered by this Directive coming from third countries shall be authorized only if the transporter:

- gives a written undertaking to comply with the requirements of this Directive, in particular those referred to in Article 5, and has made arrangements to comply with them,

- submits a route plan drawn up in accordance with Article 5.

3. In addition, when checking that the requirements of paragraph 2 have been complied with, the official veterinarian of the border inspection post shall verify compliance with animal welfare requirements. If he establishes that requirements for the feeding and watering of animals have not been complied with, he shall take, at the operator's expense, the measures provided for in Article 9.

4. The certificate or documents provided for in the third indent of Article 4 (1) of Directive 91/496/EEC shall be supplemented in accordance with the procedure laid down in Article 17, in order to take account of the requirements of this Directive.

Pending adoption of these measures, the relevant national rules shall apply, subject to the general rules laid down by the Treaty.'

9. Article 13 shall be replaced by the following:

'Article 13

1. Before 31 December 1995, the Commission shall submit proposals to the Council for the fixing of standards with which means of transport must comply. The Council shall act on those proposals by a qualified majority.

2. The Council, acting by a qualified majority on a proposal from the Commission, shall, before 30 June 1996, lay down the Community criteria to be met by staging points with regard to the reception structure, feeding, watering, loading, unloading and where necessary housing of certain types of animal as well as the health requirements applicable to such staging points.

3. Before 31 December 1999, the Commission shall submit a report to the Council on the experience acquired by the Member States since the implementation of this Directive, possibly accompanied by proposals on which the Council shall act by a qualified majority.

4. Pending implementation of the provisions referred to in paragraphs 1 and 2, the relevant national rules shall apply subject to the general rules laid down by the Treaty.'

10. Article 16 shall be replaced by the following:

'Article 16

1. Member States may exempt from the provisions of this Directive movements of animals in certain parts of the territories referred to in Annex I to Directive 90/675/EEC, to take account of their

remoteness from the mainland part of the Community territory.

2. Member States which make use of this option shall inform the other Member States and the Commission in the Standing Veterinary Committee of the measures they have taken.'

11. Article 18 (2) shall be replaced by the following:

'2. In the case of repeated infringements of this Directive or an infringement which involves serious suffering for the animals, a Member State shall, without prejudice to any other penalties provided for, take the measures necessary to remedy the shortcomings noted, up to and including suspension or even withdrawal of the authorization referred to in Article 5A (1) (a) (ii).

Member States shall, when they transpose provisions into their national legislation, provide for the measures which they will take to remedy the shortcomings noted.'

12. The following paragraphs shall be added to Article 18:

'3. Where it is established in the Member State of transit or destination by the competent authority of one of those Member States that a transport undertaking is not observing the provisions of this Directive, they shall contact the competent authority of the Member State which granted the authorization without delay. The latter shall take all the necessary measures, in particular those laid down in paragraph 2. It shall communicate the decision taken and the reasons therefor to the competent authority of the Member State in which the infringement was established and to the Commission.

The Commission shall regularly inform the other Member States thereof.

4. The Member States shall, acting in accordance with the provisions laid down in Directive 89/608/EEC (*), provide each other with mutual assistance in applying this Directive in order, in particular, to ensure compliance with the provisions of this Article.

Where it has been established that serious or repeated infringements have taken place, provided that all the possibilities afforded by mutual assistance have been exhausted and after contacts between the parties and the Commission, the Member State in which the infringements have been established may temporarily prohibit the transporter who is implicated from transporting animals on its territory.

5. This Article shall not affect national rules applicable to penal sanctions.

13. The following shall be added to Chapter I, Section A. 2 (b) of the Annex:

'Sufficient space should be provided inside the animals' compartment and at each of its levels to ensure that there is adequate ventilation above the animals when they are in a naturally standing position without on any account hindering their natural movement.'

14. Chapter I, Section A. 2 (d) of the Annex shall be replaced by the following:

'(d) During transport the animals must receive water and appropriate food at the intervals laid down for this purpose in Chapter VII.'

15. The Chapters which appear in the Annex to this Directive shall be added to the Annex.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1996 at the latest. They shall forthwith inform the Commission thereof.

However, Member States shall have an additional period running until 31 December 1997 within which to apply the requirements laid down in Chapter VII (3) to the means of transport referred to in points (3), (6) and (7) of that Chapter.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 29 June 1995.

For the Council

The President

J. BARROT

(*) OJ No L 351, 2. 12. 1989, p. 34.'

ANNEX

Chapters to be added to the Annex to Directive 91/628/EEC

CHAPTER VI

47. LOADING DENSITIES

A. DOMESTIC SOLIPEDS

Transport by rail

Adult horses	1,75 m ² (0,7 × 2,5 m) (*)
Young horses (6-24 months) (for journeys of up to 48 hours)	1,2 m ² (0,6 × 2 m)
Young horses (6-24 months) (for journeys over 48 hours)	2,4 m ² (1,2 × 2 m)
Ponies (under 144 cm)	1 m ² (0,6 × 1,8 m)
Foals (0-6 months)	1,4 m ² (1 × 1,4 m)

(*) The standard useable width of wagons is 2,6 to 2,7 m.

NB: During long journeys, foals and young horses must be able to lie down.

These figures may vary by a maximum of 10 % for adult horses and ponies and by a maximum of 20 % for young horses and foals, depending not only on the horses' weight and size but also on their physical condition, the meteorological conditions and the likely journey time.

Transport by road

Adult horses	1,75 m ² (0,7 × 2,5 m)
Young horses (6-24 months) (for journeys of up to 48 hours)	1,2 m ² (0,6 × 2 m)
Young horses (6-24 months) (for journeys over 48 hours)	2,4 m ² (1,2 × 2 m)
Ponies (under 144 cm)	1 m ² (0,6 × 1,8 m)
Foals (0-6 months)	1,4 m ² (1 × 1,4 m)

NB: During long journeys, foals and young horses must be able to lie down.

These figures may vary by a maximum of 10 % for adult horses and ponies and by a maximum of 20 % for young horses and foals, depending not only on the horses' weight and size but also on their physical condition, the meteorological conditions and the likely journey time.

Transport by air

Loading density of horses in relation to surface area

0-100 kg	0,42 m ²
100-200 kg	0,66 m ²
200-300 kg	0,87 m ²
300-400 kg	1,04 m ²
400-500 kg	1,19 m ²
500-600 kg	1,34 m ²
600-700 kg	1,51 m ²
700-800 kg	1,73 m ²

Transport by sea

Live weight in kg	m ² /animal
200/300	0,90/1,175
300/400	1,175/1,45
400/500	1,45/1,725
500/600	1,725/2
600/700	2/2,25

B. BOVINE ANIMALS**Transport by rail**

Category	Approximate weight (in kg)	Area in m ² per animal
Small calves	55	0,30 to 0,40
Medium-sized calves	110	0,40 to 0,70
Heavy calves	200	0,70 to 0,95
Medium-sized cattle	325	0,95 to 1,30
Heavy cattle	550	1,30 to 1,60
Very heavy cattle	> 700	[> 1,60]

These figures may vary, depending not only on the animals' weight and size but also on their physical condition, the meteorological conditions and the likely journey time.

Transport by road

Category	Approximate weight (in kg)	Area in m ² per animal
Small calves	50	0,30 to 0,40
Medium-sized calves	110	0,40 to 0,70
Heavy calves	200	0,70 to 0,95
Medium-sized cattle	325	0,95 to 1,30
Heavy cattle	550	1,30 to 1,60
Very heavy cattle	> 700	[> 1,60]

These figures may vary, depending not only on the animals' weight and size but also on their physical condition, the meteorological conditions and the likely journey time.

Transport by air

Category	Approximate weight (in kg)	Area in m ² per animal
Calves	50	0,23
	70	0,28
Cattle	300	0,84
	500	1,27

Transport by sea

Live weight in kg	m ² /animal
200/300	0,81/1,0575
300/400	1,0575/1,305
400/500	1,305/1,5525
500/600	1,5525/1,8
600/700	1,8/2,025

Pregnant animals must be allowed 10 % more space.

C. SHEEP/GOATS

Transport by rail

Category	Weight in kg	Area in m ² per animal
Shorn sheep	< 55	0,20 to 0,30
	> 55	> 0,30
Unshorn sheep	< 55	0,30 to 0,40
	> 55	> 0,40
Heavily pregnant ewes	< 55	0,40 to 0,50
	> 55	> 0,50
Goats	< 35	0,20 to 0,30
	35 to 55	0,30 to 0,40
	> 55	0,40 to 0,75
Heavily pregnant goats	< 55	0,40 to 0,50
	> 55	> 0,50

The surface area indicated above may vary depending on the breed, the size, the physical condition and the length of fleece of the animals, as well as on the meteorological conditions and the journey time.

Transport by road

Category	Weight in kg	Area in m ² per animal
Shorn sheep and lambs of 26 kg and over	< 55	0,20 to 0,30
	> 55	> 0,30
Unshorn sheep	< 55	0,30 to 0,40
	> 55	> 0,40
Heavily pregnant ewes	< 55	0,40 to 0,50
	> 55	> 0,50
Goats	< 35	0,20 to 0,30
	35 to 55	0,30 to 0,40
	> 55	0,40 to 0,75
Heavily pregnant goats	< 55	0,40 to 0,50
	> 55	> 0,50

The surface area indicated above may vary depending on the breed, the size, the physical condition and the length of fleece of the animals, as well as on the meteorological conditions and the journey time. As an indication: for small lambs, an area of under 0,2 m² per animal may be provided.

Transport by air

Loading density for sheep and goats in relation to surface area:

Average weight (in kg)	Surface area per sheep/goat (in m ²)
25	0,20
50	0,30
75	0,40

Transport by sea

Live wight in kg	m ² /animal
20/30	0,24/0,265
30/40	0,265/0,290
40/50	0,290/0,315
50/60	0,315/0,34
60/70	0,34/0,39

D. PIGS**Transport by rail and by road**

All pigs must at least be able to lie down and stand up in their natural position.

In order to comply with these minimum requirements, the loading density for pigs of around 100 kg should not exceed 235 kg/m².

The breed, size and physical condition of the pigs may mean that the minimum required surface area given above has to be increased; a maximum increase of 20 % may also be required depending on the meteorological conditions and the journey time.

Transport by air

The loading density should be relatively high to preclude injury on take-off or landing or in the event of turbulence, although all animals must still be able to lie down. The climate, total journey time and hour of arrival should be taken into account in deciding on the loading density.

Average weight	Surface area per pig
15 kg	0,13 m ²
25 kg	0,15 m ²
50 kg	0,35 m ²
100 kg	0,51 m ²

Transport by sea

Live weight in kg	m ² /animal
10 or less	0,20
20	0,28
45	0,37
70	0,60
100	0,85
140	0,95
180	1,10
270	1,50

E. POULTRY

Densities applicable to the transport of poultry in containers:

Category	Space
Day-old chicks	21-25 cm ² per chick
Poultry weighing less than 1,6 kg	180 to 200 cm ² /kg
Poultry weighing 1,6 kg and over but less than 3 kg	160 cm ² /kg
Poultry weighing 3 kg and over but less than 5 kg	115 cm ² /kg
Poultry weighing 5 kg and over	105 cm ² /kg

These figures may vary depending not only on the weight and size of the birds but also on their physical condition, the meteorological conditions and the likely journey time.

CHAPTER VII**48. Watering and feeding interval, journey times and resting periods**

1. The requirements laid down in this Chapter apply to the movement of the animal species listed in Article 1 (1) (a), except in the case of air transport, the requirements for which are laid down in Chapter I (E), points 27 to 29.
2. Journey times for animals belonging to the species referred to in point 1 shall not exceed eight hours.
3. The maximum journey time in point 2 may be extended where the transporting vehicle meets the following additional requirements:

- there is sufficient bedding on the floor of the vehicle,
 - the transporting vehicle carries appropriate feed for the animal species transported and for the journey time,
 - there is direct access to the animals,
 - adequate ventilation is possible which may be adjusted depending on the temperature (inside and outside),
 - there are moveable panels for creating separate compartments,
 - vehicles are equipped for connection to a water supply during stops,
 - in the case of vehicles for transporting pigs, sufficient water is carried for watering during the journey.
4. The watering and feeding intervals, journey times and rest periods when using road vehicles which meet the requirements in point 3 are defined as follows:
- (a) Unweaned calves, lambs, kids and foals which are still on a milk diet and unweaned piglets must, after nine hours of travel, be given a rest period of at least one hour sufficient in particular for them to be given liquid and if necessary fed. After this rest period, they may be transported for a further nine hours.
 - (b) Pigs may be transported for a maximum period of 24 hours. During the journey, they must have continuous access to water.
 - (c) Domestic solidungulates (except registered equidae within the meaning of Directive 90/426/EE⁽¹⁾) may be transported for a maximum period of 24 hours. During the journey they must be given liquid and if necessary fed every eighth hours.
 - (d) All other animals of the species referred to in point 1 must, after 14 hours of travel, be given a rest period of at least one hour sufficient for them in particular to be given liquid and if necessary fed. After this rest period, they may be transported for a further 14 hours.
5. After the journey time laid down, animals must be unloaded, fed and watered and be rested for at least 24 hours.
6. Animals must not be transported by train if the maximum journey time exceeds that laid down in point 2. However, the journey times laid down in point 4 shall apply where the conditions laid down in points 3 and 4, except for rest periods, are met.
7. (a) Animals must not be transported by sea if the maximum journey time exceeds that laid down in point 2, unless the conditions laid down in points 3 and 4, apart from journey times and rest periods, are met.
- (b) In the case of transport by sea on a regular and direct link between two geographical points of the Community by means of vehicles loaded on to vessels without unloading of the animals, the latter must be rested for 12 hours after unloading at the port of destination or in its immediate vicinity unless the journey time at sea is such that the voyage can be included in the general scheme of points 2 to 4.
8. In the interests of the animals, the journey times in points 3, 4 and 7 (b) may be extended by two hours, taking account in particular of proximity to the place of destination.
9. Without prejudice to the provisions of points 3 to 8, Member States are authorized to provide for a maximum non-extendible journey time of eight hours for the transport of animals destined for slaughter, where the transport is carried out exclusively from a place of departure to a place of destination both situated on their own territory.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 29.

CHAPTER VIII

ROUTE PLAN

TRANSPORTER (NAME, ADDRESS, BUSINESS NAME)		MEANS OF TRANSPORT	
<u>SIGNATURE OF TRANSPORTER</u> (1)		<u>NO OF REGISTRATION PLATE OR IDENTIFICATION</u> (1)	
ANIMAL SPECIES: NUMBER: PLACE OF DEPARTURE: PLACE AND COUNTRY OF DESTINATION: (1)		ITINERARY: ESTIMATED JOURNEY TIME: (1)	
No(s) OF HEALTH CERTIFICATE(S) OR ACCOMPANYING DOCUMENT (2)		STAMP	
		OF VETERINARIAN OF THE PLACE OF DEPARTURE (2)	OF THE COMPETENT AUTHORITY OF THE POINT OF EXIT OR AUTHORIZED CROSSING POINT (4)
DATE AND TIME OF DEPARTURE: STOPPING OR TRANSFER POINT:		NAME OF THE PERSON IN CHARGE OF THE TRANSPORT DURING THE JOURNEY (3)	
PLACE AND ADDRESS	DATE AND TIME	LENGTH OF THE STOP	REASON
(a)			
(b)			
(c)			
(d)			
(e)			
(f)			
(1) To be completed by the transporter before departure (2) To be completed by the appropriate veterinarian (3) To be completed by the transporter during the journey (4) To be completed by the competent authority at the point of exit or authorized crossing point		Date and time of arrival Signature of the person in charge during the journey'	

