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

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

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(1) Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1935/95

of 22 June 1995

amending Regulation (EEC) No 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Economic 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 Commission has received a specific mandate in the framework of Regulation (EEC) No 2092/91 (4) to review a number of provisions of that Regulation by 1 July 1994 to submit any appropriate proposal for revision of that Regulation;

Whereas it has become apparent that the provisions, expiring on 1 July 1995 concerning the labelling of agricultural products and foodstuffs containing an ingredient of agricultural origin which was produced by producers converting to organic farming, should be extended in order to permit those producers to valorize the additional cost of their production by an appropriate labelling of their products;

Whereas the review of Articles 5, 10 and 11 requested by the Council by 1 July 1994 has shown that a number of technical and drafting amendments in those Articles as well as in certain other provisions are necessary to ensure a proper management and implementation of the Regulation; whereas priority has therefore been given to the establishment of these amended rules and that consequently the establishment of the rules concerning animal production should be postponed for a limited period;

Whereas it has become apparent from the review that the provisions concerning the labelling of foodstuffs prepared only partly from ingredients of agricultural origin which were produced according to organic production methods, should be improved in order to permit greater emphasis to be placed on the organically produced component in such foodstuffs;

Whereas it has also become apparent that the indication provided for in Annex V should remain optional, but should also, in order to prevent improper use of that indication, be restricted to sales of prepackaged foodstuffs or direct sales by the producer or preparer to the ultimate consumer, provided that the nature of the product can be identified unambiguously;

Whereas it has furthermore become apparent that propagating material should be obtained from organically grown plants but that a system of derogations is necessary in order to enable producers to use, during a transitional period, conventionally-produced propagating material, where no appropriate organically-produced propagating material is available;

Whereas, for the same reasons, it must be permissible for whole seedlings obtained in a conventional manner and intended for planting for plant production to be used for an interim period;

Whereas it has become apparent that a number of products which were used before the adoption of Regulation (EEC) No 2092/91 in accordance with the codes of practice of organic farming followed in the Community, have not been included in Annex II of the Regulation; whereas the use of such products should be permitted to the extent that their use is also permitted in conventional agriculture;

Whereas it has appeared appropriate to clarify that the inspection system provided for applies also to importers of products from third countries established in the European Union;

Whereas Regulation (EEC) No 2092/91 should therefore be amended,

(1) OJ No C 326, 3. 12. 1993, p. 8.
(2) OJ No C 128, 9. 5. 1994, p. 112.
(3) OJ No C 148, 30. 5. 1994, p. 24.
(4) OJ No L 198, 22. 7. 1991, p. 1. Regulation as last amended by the 1994 Act of Accession.

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2092/91 is hereby amended as follows :

1. In Article 1 (2), the date of '1 July 1992' shall be replaced by '30 June 1995'.

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

'2. "production" shall mean the operations on the agricultural holding invoived in producing, packaging and initially labelling as products of organic production agricultural products prodЭced on that holding ;' ;

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

'3. "preparation" shall mean the operations of preserving and/or processing of agricultural products, and also packaging and/or alterations made to the labelling concerning the presentation of the organic production method of the fresh, preserved and/or processed products ;' ;

4. Article 4 (6) shall be replaced by the following :

'6. "ingredients" shall mean the substances, including additives, used in the preparation of the products specified in Article 1 (1) (b), as defined in Article 6 (4) of Directive 79/112/EEC on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer ;' ;

5. In Article 4, the following paragraphs shall be added :

'9. "prepackaged foodstuff" shall mean any single item as defined in Article 1 (3) (b) of Directive 79/112/EEC ;

10. "list of ingredients" shall mean the list of ingredients referred to in Article 6 of Directive 79/112/EEC.' ;

6. In Article 2, Article 5 (1) (b), Article 9 (9) (a), Article 11 (1) (b), Article 11 (2) (a) and Article 11 (6) (a), 'Articles 6 and 7' shall be replaced by 'Article 6' ;

7. In Article 5 (1), the following point shall be added :

'(d) in the case of products prepared after 1 January 1997, the labelling refers to the name and/or the code number of the inspection authority or body to which the operator is subject. Member States shall decide whether to require a reference to the name and/or to the code number and shall notify the Commission accordingly ;' ;

8. Article 5 (2) shall be deleted ;

9. Article 5 (3) shall be replaced by the following :

'3. The labelling and advertising of a product specified in Article 1 (1) (b) may bear indications referring to organic production methods in the sales description of the product only where :

(a) at least 95 % of the ingredients of agricultural origin of the product are, or are derived from, products obtained in accordance with the rules laid down in Article 6 or imported from third countries under the arrangements laid down in Article 11 ;

(b) all the other ingredients of agricultural origin of the product are included in Annex VI, Section C or have been provisionally authorized by a Member State in accordance with any implementing measures adopted where appropriate pursuant to paragraph 7 ;

(c) the product contains only substances listed in Annex VI, Section A, as ingredients of non-agricultural origin ;

(d) the products or its ingredients of agricultural origin, referred to in subparagraph (a), have not been subjected to treatments involving the use of substances not listed in Annex VI, section B ;

(e) the product or its ingredients have not been subjected to treatments involving the use of ionizing radiation ;

(f) the product has been prepared or imported by an operator who is subject to the inspection measures laid down in Articles 8 and 9 ;

(g) in the case of products prepared after 1 January 1997, the labelling refers to the name and/or the code number of the inspection authority or body to which the operator who has carried out the most recent preparation operation is subject. Member States shall decide whether to require a reference to the name and/or to the code number and shall notify the Commission accordingly.

The indications referring to organic production methods must make it clear that they relate to a method of agricultural production and must be accompanied by a reference to the ingredients of agricultural origin concerned, unless such reference is clearly given in the list of ingredients.'

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

'4. Ingredients of agricultural origin may be included in Annex VI, Section C only where it has been shown that such ingredients are of agricultural origin and are not produced in sufficient quantity in the Community in accordance with the rules laid down in Article 6, or cannot be imported from third countries in accordance with the rules laid down in Article 11.'

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

'5. Products labelled or advertised in accordance with paragraphs 1 or 3 may bear indications referring to conversion to organic production methods, provided that:

(a) the requirements referred to in paragraph 1 or paragraph 3 respectively are fully satisfied, with the exception of that concerning the length of the conversion period referred to in paragraph 1 of Annex I;

(b) a conversion period of at least 12 months before the harvest has been complied with;

(c) such indications do not mislead the purchaser of the product regarding its difference from products which satisfy all the requirements of paragraphs 1 or 3. After 1 January 1996 such indications must take the form of the words "product under conversion to organic farming", and must appear in a colour, size and style of lettering which is not more prominent than the sales description of the product; in this indication the words "organic farming" shall not be more prominent than the words "product under conversion to";

(d) the product contains only one ingredient of agricultural origin;

(e) for products prepared after 1 January 1997, the labelling refers to the name and/or the code number of the inspection authority or body to which the operator who has carried out the most recent production or preparation operation is subject. Member States shall decide whether to require a reference to the name and/or to the code number and shall notify the Commission accordingly;';

12. In Article 5, the following paragraph shall be inserted after paragraph 5:

'5a. Without prejudice to the provisions of paragraph 3, the labelling and advertising of a product as referred to in Article 1 (1) (b) may only bear indications referring to organic production methods where:

(a) at least 70 % of the ingredients of agricultural origin are, or are derived from, products obtained in accordance with the rules laid down in Article 6 or imported from third countries under the arrangements laid down in Article 11;

(b) all the other ingredients of agricultural origin of the product are included in Annex VI, Section C or have been provisionally authorized by a Member State in accordance with any implementation measures adopted where appropriate pursuant to paragraph 7;

(c) the indications referring to organic production methods appear in the list of ingredients and only in clear relation to those ingredients obtained according to the rules laid down in Article 6 or imported from third countries under the arrangements laid down in Article 11; they appear in the same colour and with an identical size and style of lettering as the other indications in the list of ingredients. Such indications must also appear in a separate statement set in the same visual field as the sales description and indicating the percentage of the ingredients of agricultural origin or derived therefrom which were obtained in accordance with the rules laid down in Article 6 or were imported from third countries under the arrangements laid down in Article 11. The statement may not appear in a colour, size and style of lettering which is more prominent than the sales description of the product. The statement shall be in the following form: "X % of the agricultural ingredients were produced in accordance with the rules of organic production";

(d) the product contains only substances listed in Annex VI, section A as ingredients of non-agricultural origin;

(e) the product or its ingredients of agricultural origin referred to in subparagraph (a) have not been subjected to treatments involving the use of substances not listed in Annex VI, section B;

(f) the product or its ingredients have not been subjected to treatments involving the use of ionizing radiation;

(g) the product has been prepared or imported by an operator who is subject to the inspection measures laid down in Articles 8 and 9;

(h) for products prepared after 1 January 1997, the labelling refers to the name and/or the code number of the inspection authority or inspecting body to which the operator who has carried out the most recent production or preparation operation is subject. Member States shall decide whether to require a reference to the name and/or to the code number and/or shall notify the Commission accordingly;';

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

'6. During a transitional period expiring on 31 December 1997, the labelling and advertising of a product as referred to in Article 1 (1) (b) prepared partly from ingredients not satisfying the requirements in paragraph 3 (a) may refer to organic production methods provided that:

(a) at least 50 % of the ingredients of agricultural origin satisfy the requirements referred to in paragraph 3 (a);

(b) the product satisfies the requirements referred to in paragraph 3 (c), (d), (e) and (f);

(c) the indications referring to organic production methods:

— appear only in the list of ingredients as provided for in Directive 79/112/EEC, as last amended by Directive 89/395/EEC,

— clearly refer to only those ingredients obtained according to the rules referred to in Article 6 or imported under the arrangements laid down in Article 11;

(d) the ingredients and their relative levels appear in descending order by weight in the list of ingredients;

(e) indications in the list of ingredients appear in the same colour and with an identical size and style of lettering;';

14. The first subparagraph of Article 5 (8) shall be replaced by the following:

'8. Limitative lists of the substances and products referred to in paragraph 3 (b), (c) and (d) and paragraph 5a (b), (d) and (e) shall be established in Annex VI, Sections A, B and C, according to the procedure laid down in Article 14.';

15. Article 5 (9) shall be replaced by the following and paragraphs 10 and 11 shall be added:

'9. For the calculation of the percentages referred to in paragraphs 3 and 6, the rules provided for in Articles 6 and 7 of Directive 79/112/EEC shall be applied.

10. In a product as referred to in Article 1 (1), an ingredient obtained according to the rules laid down in Article 6 shall not be present together with the same ingredient not obtained according to those rules.

11. Before 1 January 1999, the Commission shall review the provisions of this Article and of Article 10 and submit any appropriate proposals for their revision.';

16. Article 6 shall be replaced by the following:

'Article 6

1. The organic production method implies that for the production of products referred to in Article 1 (1) (a) other than seeds and vegetative propagating material:

(a) at least the requirements of Annex I and, where appropriate, the detailed rules relating thereto, must be satisfied;

(b) only products composed of substances listed in Annexes I and II may be used as plant-protection products, detergents, fertilizers, soil conditioners or for another purpose where such purpose is specified in Annex II in regard to certain substances. They may be used only under the specific conditions laid down in Annexes I and II in so far as the corresponding use is authorized in general agriculture in the Member States concerned in accordance with the relevant Community provisions or national provisions in conformity with Community law;

(c) only seed or vegetative propagating material produced by the organic production method referred to in paragraph 2 is used.

2. The organic production method implies that for seeds and vegetative reproductive material, the mother plant in the case of seeds and the parent plant(s) in the case of vegetative propagating material have been produced in accordance with the provisions of subparagraphs (a) and (b) of the previous paragraph for at least one generation or, in the case of perennial crops, two growing seasons.

3. (a) By way of derogation from paragraph 1 (c), seeds and vegetative propagating material not obtained by the organic production method may, during a transitional period expiring on 31 December 2000 and with the approval of the competent authority of the Member State, be used in so far as users of such propagating material can show to the satisfaction of the inspection body or authority of the Member State that they were unable to obtain on the marke propagating material for an appropriate variety of the species in question and satisfying the requirements of paragraph 2. In that case, propagating material which is not treated with products not listed in Annex II, Section B must be used, if available on the Community market. Member States shall inform the other Member States and the Commission of any authorization granted under this paragraph.

(b) The procedure laid down in Article 14 may be applied to decide on:

— the introduction, before 31 December 2000 of restrictions concerning the transitional measure referred to in subparagraph (a) with regard to certain species and/or types of propagating material and/or the absence of chemical treatment,

— the maintenance, after 31 December 2000, of the derogation provided for in subparagraph (a) with regard to certain species and/or types of propagating material and with regard to the whole Community or certain parts thereof,

— the introduction of procedural rules and criteria concerning the derogation referred to in subparagraph (a) and the information thereon communicated to the professional organizations concerned, to other Member States and the Commission.

4. Before 31 December 1999 the Commission shall review the provisions of this Article, in particular paragraph 1 (c) and paragraph 2 and submit any appropriate proposals with a view to their revision.';

17. The following Article shall be inserted after Article 6 :

'Article 6a

1. For the purposes of this Article, "seedlings" shall mean whole seedlings intended for planting for plant production.

2. The organic production method implies that when producers use seedlings, they have been produced in accordance with Article 6.

3. By way of derogation from paragraph 2, seedlings not obtained by organic production methods may be used during a transitional period expiring on 31 December 1997 in so far as the following conditions are met :

(a) the competent authority of the Member State has authorized the use after the user of users of such material have demonstrated to the satisfaction of the inspection body or authority of the Member State that they were not able to obtain an appropriate variety of the species in question on the Community market ;

(b) the seedlings have not been treated, since sowing, with any products other than those listed in Annex II, Sections A and B ;

(c) the seedlings come from a producer who has accepted an inspection system equivalent to the arrangements laid down in Article 9 and has agreed to apply the restriction in subparagraph (b) ; this provision shall enter into force on 1 January 1996 ;

(d) after planting, the seedlings must have been cultivated in accordance with the provisions of Article 6 (1) (a) and (b) for a period of at least six weeks before harvesting ;

(e) the labelling of any product containing ingredients derived from such seedlings may not include the indication referred to in Article 10 ;

(f) without prejudice to any restriction resulting from the procedure referred to in paragraph 4, any authorization granted under this paragraph shall be withdrawn as soon as the shortage comes to an end, and shall expire on 31 December 1997 at the latest.

4. (a) Where an authorization as referred to in paragraph 3 has been granted, the Member State shall immediately notify to the other Member State and to the Commission the following information :

— the date of the authorization,

— the name of the variety and species concerned,

— the quantities that are required and the justification for those quantities,

— the expected period of the storage,

— any other information requested by the Commission or the Member States.

4. (b) If the information submitted by any Member State of the Commission and to the Member State which granted the authorization shows that an appropriate variety is available during the period of the storage, the Member State shall consider withdrawing the authorization or reducing its period of validity, and shall inform the Commission and the other Member States of the measures it has taken, within 10 days of the date of receipt of the information.

4. (c) At the request of a Member State or at the Commission's initiative, the matter shall be submitted for examination to the Committee referred to in Article 14. It may be decided, in accordance with the procedure laid down in Article 14, that the authorization shall be withdrawn or its period of valdity amended.' ;

18. In Article 7, the following paragraph shall be inserted after paragraph 1 :

'1a. The conditions provided for in paragraph 1 shall not apply to products which were in common use before the adoption of this Regulation according to the codes of practice on organic farming followed in the Community.' ;

19. In Article 9 (1), the terms 'operators producing or preparing products as referred to in Article 1' shall be replaced by the terms 'operators producing, preparing or importing from third countries products as referred to in Article 1'.

20. In Article 9 (5) (b), the term 'irregularities' shall be replaced by 'irregularities and/or infringements'.

21. In Article 9 (6) (c), the term 'infringements' shall be replaced by 'irregularities and/or infringements'.

22. In Article 9 (6) (d), the term 'laid down in paragraph 7, 8 and 9' shall be replaced by 'laid down in paragraphs 7, 8, 9 and 11'.

23. In Article 9, the following paragraph shall be added after paragraph 6 :

'6a. Before 1 January 1996, Member States shall issue a code number to each inspection body or authority approved or designated in accordance with the provisions of this Article. They shall inform the other Member States and the Commission thereof ; the Commission shall publish the code numbers in the list referred to in the last subparagraph of Article 15.'

24. In Article 9, the following paragraph shall be added:

'11. As from 1 January 1998 and without prejudice to the provisions of paragraphs 5 and 6, approved inspection bodies must satisfy the requirements laid down in the conditions of standard EN 45011 of 26 June 1989.'

25. Article 10 (1) shall be replaced by the following:

'1. The indication and/or the logo shown in Annex V indicating that products are covered by the specific inspection scheme, may appear on the labeling of products as referred to in Article 1 only where such products:

(a) satisfy the requirements of Article 5 (1) of (3);

(b) have been subject to the inspection arrangements referred to in Article 9 throughout the production and preparation process;

(c) are sold directly by the producer or preparer to the ultimate consumer in sealed packaging, or placed on the market as prepackaged foodstuffs; in the case of direct sales by the producer or preparer to the ultimate consumer, the sealed packaging is not required when the labelling enabled the product requiring this indication to be indentified clearly and unambiguously;

(d) show on the labelling the name and/or business name of the producer, preparer or vendor together with the name or code number of the inspection authority or body, and any indication required in accordance with the provisions of the regulations on the labelling of foodstuffs, in accordance with Community legislation.'

26. In Article 10 (3) (a), the terms 'Articles 5, 6 and 7' shall be replaced by 'Article 5 and 6'.

27. In Article 10, paragraphs 5, 6 and 7 shall be replaced by the following:

'General enforcement measures

Article 10a

1. Where a Member State finds irregularities or infringements relating to the application of this Regulation in a product coming from another Member State and bearing indications as referred to in Article 2 and/or Annex V it shall inform the Member State which designated the inspection authority or approved the inspection body and the Commission thereby.

2. Member States shall take whatever measures and action are required to prevent fraudulent use of the indications referred to in Article 2 and/or Annex V.';

28. In Article 11 (3) (a), the terms 'inspection authorities' shall be replaced by 'inspection body and/or inspection authority';

29. In Article 11 (6) (a), the date '31 July 1995' shall be replaced by '31 December 2002';

30. In Article 11 (6) (a), the last sentence shall be replaced by the following:

'It shall expire from the time of the decision to include a third country in the list referred to in paragraph 1 (a), unless it concerns a product which was produced in a region not specified in the decision referred to in paragraph 1 (a), and which was not examined in the framework of the request submitted by the third country, and only where that third country has agreed to the continuation of the authorization arrangements provided for in this paragraph.'

31. In Article 11, the following paragraph shall be added:

'7. The Commission may, in accordance with the procedure laid down in Article 14 at the request of a Member State, approve a third country's inspection body which has previously been assessed by the Member State concerned and add it to the list referred to in paragraph 1 (a). The Commission shall forward the request to the third country concerned.'

32. In Article 13, the following indent shall be inserted before the first indent:

'— detailed rules for applying this Regulation;'.

33. In Article 13, the last indent shall be replaced by the following:

'— amendments to Annex V in order to define a Community logo to accompany or replace the indication that products are covered by the inspection scheme.'

Article 2

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

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

Done at Brussels, 22 June 1995.

For the Council

The President

Ph. VASSEUR

COUNCIL REGULATION (EC) No 1936/95

of 3 August 1995

repealing Regulation (EEC) No 1391/91 imposing a definitive anti-dumping duty on imports of aspartame originating in Japan and the United States of America

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community [1], and in particular Article 23 thereof, which laid down that Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community [2], shall continue to apply to proceedings in relation to which an investigation pending on 1 September 1994 has not been concluded by the date of entry into force of Regulation (EC) No 3283/94,

Having regard to Regulation (EEC) No 2423/88 and in particular Article 14 thereof,

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

Whereas :

A. PREVIOUS PROCEDURE

(1) By Regulation (EEC) No 1391/91 [3], the Council imposed a definitive anti-dumping duty on imports of asparmate originating in Japan and the United States of America (hereinafter referred to as 'the USA').

B. PRESENT PROCEDURE

1. Review application

(2) In January 1994, a United States (US) exporter, the NutraSweet Company (hereinafter referred to as 'NSC'), requested the Commission to review the anti-dumping duty applicable to imports of aspartame originating in the USA and to reopen the investigation. NSC argued in its review application that the following significant changes had occured since the imposition of the definitive duty which constitute substantially changed circumstances sufficient to justify the need for a review within the meaning of Article 14 of Regulation (EEC) No 2423/88 (hereinafter referred to as 'the basic Regulation') :

— domestic US prices have significantly decreased as a result of the expiry of the US patent held by NSC. As a consequence, NSC's normal value has dramatically decreased, thus eliminating the conditions for a dumping margin,

— a state-of-the art plant has been established in France, for the production of aspartame, which is co-owned by NSC. The production capacity of this plant will be sufficient to cover the normal Community demand for aspartame,

— exports of US aspartame by NSC to the Community have significantly decreased and are being replaced by sales of aspartame produced in the Community.

2. Initiation of review investigation

(3) It was considered, after consultation of the Advisory Committee, that the request contained sufficient evidence of changed circumstances to warrant a review pursuant to Article 14 of the basic Regulation.

(4) The Commission therefore published a notice in the *Official Journal of the European Communities* [4] and commenced an investigation.

3. Scope of the review

(5) The product concerned by this review investigation is the same as the product subject to the definitive anti-dumping duty, namely aspartame, a sweetening ingredient with a taste profile similar to sugar but a smaller caloric value, falling within CN code ex 2924 29 90.

(6) The investigation of dumping covered the period 1 October 1993 to 31 March 1994.

(7) Although the review application lodged by NSC was explicitly limited to the anti-dumping duty imposed on imports from the USA, the Commission considered whether such a limitation was jsutified and informed the Japanese exporter of aspartame involved in the previous investigation, Ajinomoto Co. Ltd, Tokyo (hereinafter referred to as

[1] OJ No L 349, 31. 12. 1994, p. 1. Regulation as last amended by Regulation (EC) No 355/95 (OJ No L 41, 23. 2. 1995, p. 2).
[2] OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).
[3] OJ No L 134, 29. 5. 1991, p. 1.
[4] OJ No C 115, 26. 4. 1994, p. 4.

'Ajinomoto'), prior to opening the investigation. However, this company indicated that it was now supplying the Community market from manufacturing facilities in the Community and had no interest in participating in a review investigation.

(8) Because of an explicit indication in the review application that 'the requested review should be limited to the dumping margin of NSC', the Commission did not address injury aspects during the first phase of the investigation. However, when it subsequently became apparent that the anti-dumping duty in force would not be repealed based on dumping findings, NSC decided to shift the emphasis of its argumentation to injury aspects and explicitly requested the Commission to verify that 'there (was) no threat injurious dumping of aspartame exported from the US would resume if the anti-dumping measures under review were repealed'.

4. Investigation

(9) The Commission officially notified the sole Community producer of aspartame and complainant in the previous investigation, the Holland Sweetener Company Vof (hereinafter referred to as 'HSC'), the US exporter NSC and the US authorities of the initiation of the investigation and gave the parties concerned the opportunity to make their views known in writing and to request a hearing.

(10) The Commission sought and verified all the information it deemed to be necessary for the purpose of its investigation and visited the premises of the US exporter NSC in Deerfield, Illinois.

(11) The Commuity producer HSC, the US exporter NSC and the Japanese exporter Ajinomoto were offered the possibility of being informed of the essential facts and considerations on the basis of which it was intended to repeal the anti-dumping duty. However, none of the parties concerned made a request to this effect.

C. RESULT OF INVESTIGATION

1. Dumping

1.1. *Normal value*

(12) During the investigation period, NSC was selling aspartame on the US market in quantities which were clearly sufficient to base normal value on domestic prices. It was established that these sales were in the ordinary course of trade.

(13) The essential element in the investigation of the normal value was the decrease in US domestic prices which, according to NSC, occurred following the expiry of the exclusive patent held by this company. It was confirmed that the patent had effectively expired in December 1992, thereby allowing competition on the US aspartame market, and that prices had substantially decreased as compared with those recorded during the previous investigation.

1.2. *Export price*

(14) NSC made only two export transactions to the Community during the investigation period. This is due to the fact that this company had virtually ceased to export following the establishment of a production plant in France which is now supplying all Community customers of NSC. It was found that these transactions, concerning relatively small quantities of aspartame, had been specificially arranged with European customers for the purpose of the review investigation. For this reason, the information relating to the prices paid by the customers concerned was considered as misleading and it was decided to disregard it in accordance with Article 7 (7) (b) of the basic Regulation.

(15) Under these circumstances, and in the absence of any other reasonable basis for the export price, the Commission chose to look at the 'old' export prices recorded during the previous investigation.

1.3. *Comparison*

(16) The comparison of the 'new' normal value, bassed on US domestic prices during the investigation period, with the 'old' export prices, recorded during the previous investigation, revealed that, although NSC's normal value had decreased significantly since the previous investigation, this decrease was not altogether sufficient to eliminate completely the dumping margin.

2. Injury

2.1. *Argumentation presented by NSC*

(17) Out of the elements presented by NSC, the following were of direct relevance for an evaluation of the injury aspects of the case :

— a plant has been established in the Community by NSC, as a joint venture with the Japanese producer Ajinomoto, with sufficient production to satisfy the demand of NSC's customers in the Community,

— as a result, NSC has virtually ceased to export aspartame to the Community since the middle of 1993,

— the capacity of the French plant being sufficient to cover all anticipated demand in the Community market, there is no reason to believe that exports from the US would resume to a sizeable market share if the anti-dumping measures were lifted.

The evidence supplied by NSC to substantiate these points was examined.

2.2. *No comments by Community producer*

(18) HSC was invited to comment on the argumentation presented by NSC in relation to injury aspects. Its attention was drawn to the fact that, in the absence of any objection, the decision may be taken to repeal the anti-dumping duties currently in force on imports of aspartame originating in both the USA and Japan. However, HSC did not raise any objection to such an outcome.

2.3. *Conclusions on injury*

2.3.1. No risk of resumption of injury

(19) HSC being the sole producer as aspartame in the Community and the only complaining party in the previous procedure, the absence of comments on its part is to be interpreted as a loss of interest in the continuation of the anti-dumping measures and a confirmation of NSC's argument that a repeal of these measures would not entail any risk of injurious dumping being resumed.

2.3.2. Validity of this conclusion for Japan as well as the USA

(20) Although the scope of the review was explicitly limited to imports from the USA, the conclusion of no injury reached in this investigation made it unavoidable also to reconsider the validity of the anti-dumping duty imposed on imports from Japan. This was done under Article 14 (3) of the basic Regulation without a specific re-opening of the investigation in this respect.

(21) The information available suggests that the main reason why the Community industry no longer feels injured by imports of aspartame is that such imports have been discontinued as a result of the setting up of production facilities in France and are not likely to resume to a sizeable market share. The sole Japanese producer of aspartame, Ajinomoto, is an equal partner of NSC in this joint venture and information obtained from this company (see recital (7) *supra)* indicates that they also are now exclusively supplying the Community market with Community produced aspartame.

(22) Under these circumstances, the conclusion of no risk of resumption of injury arrived at in relation to NSC equally applies to Ajinomoto.

D. REPEAL OF ANTI-DUMPING DUTIES

(23) In view of the foregoing, the anti-dumping duties in force on imports as aspartame originating in both the USA and Japan should be repealed, thereby terminating the proceeding.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1391/91 is hereby repealed.

Article 2

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

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

Done at Brussels, 3 August 1995.

For the Council

The President

J. SOLANA

COMMISSION REGULATION (EC) No 1937/95

of 4 August 1995

determining the amounts of the agricultural components and the additional duties applicable from 1 July to 30 September 1995 in the importation into the Community of goods covered by Council Regulation (EC) No 3448/93 from Switzerland

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products [1], and in particular Article 7 thereof,

Whereas Article 1 (1) of Council Regulation (EC) No 1917/95 of 24 July 1995 establishing certain measures concerning imports of processed agricultural products from Iceland, Norway and Switzerland in order to take account of the results of the Uruguay Round negotiations in the agricultural sector [2], lays down the basic amounts taken into consideration in calculating the agricultural components and the additional duties applicable to the importation into the Community of goods originating in Switzerland; whereas the Commission, in accordance with Article 2 of the cited Regulation, will not adopt implementing rules unless it is assured that measures having comparable effect will be adopted at the same time or as soon as possible by Switzerland,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to this Regulation lay down the agricultural components and the corresponding additional duties applicable from 1 July to 30 September 1995 to the importation of goods covered by Regulation (EC) No 3448/93 from Switzerland.

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, at the request of the parties concerned, from 1 July to 30 September 1995.

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

Done at Brussels, 4 August 1995.

For the Commission
Hans VAN DEN BROEK
Member of the Commission

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[1] OJ No L 318, 20. 12. 1993, p. 18.
[2] OJ No L 185, 4. 8. 1995, p. 1.

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

Elementos agrícolas (por 100 kilogramos de peso neto) aplicables, del 1 de julio al 30 de septiembre de 1995 inclusive, a la importación en la Comunidad procedente de Suiza

Landbrugselementer (pr. 100 kg nettovægt), der skal anvendes ved indførsel fra Schweiz til Fællesskabet fra 1. juli til og med 30. september 1995

Agrarteilbeträge (für 100 kg Eigengewicht) bei der Einfuhr aus der Schweiz in die Gemeinschaft, anwendbar vom 1. Juli bis einschließlich 30. September 1995

Γεωργικά στοιχεία (για 100 kg καθαρού βάρους) που εφαρμόζονται από 1ης Ιουλίου μέχρι και 30 Σεπτεμβρίου 1995 κατά την εισαγωγή στην Κοινότητα από την Ελβετία

Agricultural components (per 100 kilograms net weight) to be levied from 1 July to 30 September 1995 inclusive, on importation into the Community from Switzerland

Éléments agricoles (par 100 kilogrammes poids net) applicables, du 1er juillet au 30 septembre 1995 inclus, à l'importation dans la Communauté en provenance de Suisse

Elementi agricoli (per 100 kg peso netto) applicabili all'importazione nella Comunità in provenienza dalla Svizzera dal 1° luglio al 30 settembre 1995 incluso

Agrarische elementen (per 100 kg nettogewicht) bij invoer in de Gemeenschap vanuit Zwitserland, te heffen van 1 juli tot en met 30 september 1995

Elementos agrícolas (por 100 quilogramas de peso líquido) aplicáveis, de 1 de Julho a 30 de Setembro de 1995, inclusive, à importação na Comunidade proveniente da Suíça

Sveitsistä yhteisöön tulevaan tuontiin 1 päivästä heinäkuuta 30 päivään syyskuuta 1995 sovellettavat maatalousosat (100 nettopainokilolta)

Jordbruksbeståndsdelar (per 100 kg nettovikt) som skall tillämpas på import från Schweiz till gemenskapen fr. o. m. den 1 juli t. o. m. den 30 september 1995

PARTE 1 — DEL 1 — TEIL 1 — ΜΕΡΟΣ 1 — PART 1 — PARTIE 1 — PARTE 1 — DEEL 1 — PARTE 1 — OSA 1 — DEL 1

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-kod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-kod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-kod	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
0403 10 51	137,182	1806 90 50	(*)	1905 90 60	(*)
0403 10 53	191,573	1806 90 60	(*)	1905 90 90	(*)
0403 10 59	246,122	1806 90 70	(*)	2001 90 30 (1)	11,040
0403 10 91	17,891	1806 90 90	(*)	2004 10 91	(*)
0403 10 93	24,835	1901 10 00	(*)	2004 90 10 (1)	11,040
0403 10 99	38,696	1901 20 00	(*)	2005 20 10	(*)
0403 90 71	137,182	1901 90 11	26,524	2005 80 00 (1)	11,040
0403 90 73	191,573	1901 90 19	21,627	2008 92 45	(*)
0403 90 79	246,122	1901 90 99	(*)	2008 99 85 (1)	11,040
0403 90 91	17,891	1902 11 00	25,331	2101 10 98	(*)
0403 90 93	24,835	1902 19 10	25,331	2101 20 98	(*)
0403 90 99	38,696	1902 19 90	21,715	2101 30 19	18,635
0710 40 00 (1)	11,040	1902 20 91	6,219	2101 30 99	33,325
0711 90 30 (1)	11,040	1902 20 99	17,595	2102 10 31	0,000
1704 10 11	31,152	1902 30 10	25,331	2102 10 39	0,000
1704 10 19	31,152	1902 30 90	10,011	2105 00 10	25,718
1704 10 91	35,366	1902 40 10	25,331	2105 00 91	53,662
1704 10 99	35,366	1902 40 90	10,011	2105 00 99	76,651
1704 90 30	59,915	1903 00 00	17,774	2106 10 80	(*)
1704 90 51	(*)	1904 10 10	23,515	2106 90 10	114,944
1704 90 55	(*)	1904 10 30	67,550	2106 90 98	(*)
1704 90 61	(*)	1904 10 90	41,675	2202 90 91	15,775
1704 90 65	(*)	1904 90 10	67,550	2202 90 95	16,294
1704 90 71	(*)	1904 90 90	26,392	2202 90 99	29,704
1704 90 75	(*)	1905 10 00	19,043	2905 43 00	144,000
1704 90 81	(*)	1905 20 10	21,740	2905 44 11	18,989
1704 90 99	(*)	1905 20 30	28,905	2905 44 19	43,200
1806 10 20	28,800	1905 20 90	36,070	2905 44 91	27,048
1806 10 30	36,000	1905 30 11	(*)	2905 44 99	61,440
1806 10 90	48,000	1905 30 19	(*)	3505 10 10	20,866
1806 20 10	(*)	1905 30 30	(*)	3505 10 90	20,866
1806 20 30	(*)	1905 30 51	(*)	3505 20 10	5,299
1806 20 50	(*)	1905 30 59	(*)	3505 20 30	10,488
1806 20 70	(*)	1905 30 91	(*)	3505 20 50	16,670
1806 20 80	(*)	1905 30 99	(*)	3505 20 90	20,866
1806 20 95	(*)	1905 40 10	(*)	3809 10 10	10,488
1806 31 00	(*)	1905 40 90	(*)	3809 10 30	14,573
1806 32 10	(*)	1905 90 10	16,415	3809 10 50	17,774
1806 32 90	(2)	1905 90 20	71,098	3809 10 90	20,866
1806 90 11	(*)	1905 90 30	(*)	3823 60 11	18,989
1806 90 19	(*)	1905 90 40	(*)	3823 60 19	43,200
1806 90 31	(*)	1905 90 45	(*)	3823 60 91	27,048
1806 90 39	(*)	1905 90 55	(*)	3823 60 99	61,440

(*) Ver parte 2 / Se del 2 / Siehe Teil 2 / Βλέπε μέρος 2 / See Part 2 / Voir partie 2 / Vedi parte 2 / Zie deel 2 / Ver parte 2 / Katso osa 2 / Se del 2.

(1) Por 100 kg de boniatos, etc. o de maíz escurridos. / Pr. 100 kg afløbne søde kartofler osv. eller majs. / Pro 100 kg Süßkartoffeln usw. oder Mais, abgetropft. / Ανά 100 kg στραγγισμένων γλυκοπατατών κ.λ.π. ή καλαμποκιού στραγγισμένου. / Per 100 kilograms of drained sweet potatoes, etc., or maize. / Par 100 kilogrammes de patates douces, etc., ou de maïs égouttés. / Per 100 kg di patate dolci, ecc. o granturco sgocciolati. / Per 100 kg zoete aardappelen enz. of maïs, uitgedropen. / Por 100 kg de batatas-doces, etc., ou de milho, escorridos. / 100:aa kilogrammaa valutettua bataattia jne. tai maissia kohden. / Per 100 kg torkad sötpotatis etc. eller majs.

(2) Ver Anexo III / Se bilag III / Siehe Anhang III / Βλέπε παράρτημα III / See Annex III / Voir annexe III / Vedi allegato III / Zie bijlage III / Ver anexo III / Katso liite III / Se bilaga III.

PARTE 2 — DEL 2 — TEIL 2 — ΜΕΡΟΣ 2 — PART 2 — PARTIE 2 — PARTE 2 — DEEL 2 — PARTE 2 — OSA 2 — DEL 2

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Code additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Codice additionnel Code additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Codice additionnel Code additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
6920	62,315	7056	84,537	7120	27,522
7000	0,000	7057	94,617	7121	39,042
7001	11,520	7060	102,887	7122	49,122
7002	21,600	7061	114,407	7123	58,722
7003	31,200	7062	124,487	7124	72,162
7004	44,640	7063	130,631	7125	32,100
7005	4,578	7064	147,527	7126	43,620
7006	16,098	7065	107,465	7127	53,700
7007	26,178	7066	118,985	7128	63,300
7008	35,778	7067	129,065	7129	76,740
7009	49,218	7068	138,665	7130	37,303
7010	9,781	7069	152,105	7131	48,823
7011	21,301	7070	112,668	7132	58,903
7012	31,381	7071	124,188	7133	68,503
7013	40,981	7072	134,268	7135	42,922
7015	15,400	7073	143,868	7136	54,442
7016	26,920	7075	118,287	7137	64,522
7017	37,000	7076	129,807	7140	65,933
7020	19,205	7077	139,887	7141	77,453
7021	30,725	7080	200,286	7142	87,533
7022	40,805	7081	211,806	7143	97,133
7023	50,405	7082	221,886	7144	110,573
7024	63,845	7083	231,486	7145	70,511
7025	23,784	7084	244,926	7146	82,031
7026	35,304	7085	204,864	7147	92,111
7027	45,384	7086	216,384	7148	101,711
7028	54,984	7087	226,464	7149	115,151
7029	68,424	7088	236,064	7150	75,714
7030	28,987	7090	210,067	7151	87,234
7031	40,507	7091	221,587	7152	97,314
7032	50,587	7092	231,667	7153	106,914
7033	60,187	7095	215,686	7155	81,333
7035	34,606	7096	227,206	7156	92,853
7036	46,126	7100	8,316	7157	102,933
7037	56,206	7101	19,836	7160	111,203
7040	57,616	7102	29,916	7161	122,723
7041	69,136	7103	39,516	7162	132,803
7042	79,216	7104	52,956	7163	142,403
7043	88,816	7105	12,895	7164	155,843
7044	102,256	7106	24,415	7165	115,781
7045	62,195	7107	34,495	7166	127,301
7046	73,715	7108	44,095	7167	137,381
7047	83,795	7109	57,535	7168	146,981
7048	93,395	7110	18,098	7169	160,421
7049	106,835	7111	29,618	7170	120,984
7050	67,398	7112	39,698	7171	132,504
7051	78,918	7113	49,298	7172	142,584
7052	88,998	7115	23,717	7173	152,184
7053	98,598	7116	35,237	7175	126,603
7055	73,017	7117	45,317	7176	138,123

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Code additionnel Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
7177	148,203	7304	119,662	7462	156,437
7180	208,602	7305	79,600	7463	166,037
7181	220,122	7306	91,120	7464	179,477
7182	230,202	7307	101,200	7465	139,416
7183	239,802	7308	110,800	7466	150,936
7185	213,181	7309	124,240	7467	161,016
7186	224,701	7310	84,803	7468	170,616
7187	234,781	7311	96,323	7470	144,619
7188	244,381	7312	106,403	7471	156,139
7190	218,383	7313	116,003	7472	166,219
7191	229,903	7315	90,422	7475	150,238
7192	239,983	7316	101,942	7476	161,758
7195	224,002	7317	112,022	7500	112,825
7196	235,522	7320	96,041	7501	124,345
7200	54,776	7321	107,561	7502	134,425
7201	66,296	7360	125,121	7503	144,025
7202	76,376	7361	136,641	7504	157,465
7203	85,976	7362	146,721	7505	117,404
7204	99,416	7363	156,321	7506	128,924
7205	59,355	7364	169,761	7507	139,004
7206	70,875	7365	129,699	7508	148,604
7207	80,955	7366	141,219	7509	162,044
7208	90,555	7367	151,299	7510	122,606
7209	103,995	7368	160,899	7511	134,126
7210	64,558	7369	174,339	7512	144,206
7211	76,078	7370	134,902	7513	153,806
7212	86,158	7371	146,422	7515	128,225
7213	95,758	7372	156,502	7516	139,745
7215	70,177	7373	166,102	7517	149,825
7216	81,697	7375	140,521	7520	133,844
7217	91,777	7376	152,041	7521	145,364
7220	75,796	7378	146,140	7560	144,611
7221	87,316	7400	94,723	7561	156,131
7260	114,032	7401	106,243	7562	166,211
7261	125,552	7402	116,323	7563	175,811
7262	135,632	7403	125,923	7564	189,251
7263	145,232	7404	139,363	7565	149,190
7264	158,672	7405	99,301	7566	160,710
7265	118,610	7406	110,821	7567	170,790
7266	130,130	7407	120,901	7568	180,390
7267	140,210	7408	130,501	7570	154,392
7268	149,810	7409	143,941	7571	165,912
7269	163,250	7410	104,504	7572	175,992
7270	123,813	7411	116,024	7575	160,011
7271	135,333	7412	126,104	7576	171,531
7272	145,413	7413	135,704	7600	148,983
7273	155,013	7415	110,123	7601	160,503
7275	129,432	7416	121,643	7602	170,583
7276	140,952	7417	131,723	7603	180,183
7300	75,022	7420	115,742	7604	193,623
7301	86,542	7421	127,262	7605	153,561
7302	96,622	7460	134,837	7606	165,081
7303	106,222	7461	146,357	7607	175,161

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
7608	184,761	7770	284,223	7857	53,633
7609	198,201	7771	295,743	7858	37,652
7610	158,764	7778	78,636	7859	49,172
7611	170,284	7779	90,156	7860	27,721
7612	180,364	7780	324,340	7861	39,241
7613	189,964	7781	335,860	7862	49,321
7615	164,383	7785	328,919	7863	58,921
7616	175,903	7786	340,439	7864	72,361
7620	170,002	7788	123,906	7865	32,300
7700	176,875	7789	135,426	7866	43,820
7701	188,395	7798	29,336	7867	53,900
7702	198,475	7799	40,856	7868	63,500
7703	208,075	7800	285,339	7869	76,940
7705	181,454	7801	296,859	7870	37,503
7706	192,974	7802	306,939	7871	49,023
7707	203,054	7805	289,917	7872	59,103
7708	212,654	7806	301,437	7873	68,703
7710	186,657	7807	311,517	7875	43,122
7711	198,177	7808	48,541	7876	54,642
7712	208,257	7809	60,061	7877	64,722
7715	192,276	7810	295,120	7878	48,741
7716	203,796	7811	306,640	7879	60,261
7720	174,645	7818	86,952	7900	38,810
7721	186,165	7819	98,472	7901	50,330
7722	196,245	7820	293,655	7902	60,410
7723	205,845	7821	305,175	7903	70,010
7725	179,223	7822	315,255	7904	83,450
7726	190,743	7825	298,233	7905	43,388
7727	200,823	7826	309,753	7906	54,908
7728	210,423	7827	319,833	7907	64,988
7730	184,426	7828	132,222	7908	74,588
7731	195,946	7829	143,742	7909	88,028
7732	206,026	7830	303,436	7910	48,591
7735	190,045	7831	314,956	7911	60,111
7736	201,565	7838	135,051	7912	70,191
7740	224,543	7840	16,633	7913	79,791
7741	236,063	7841	28,153	7915	54,210
7742	246,143	7842	38,233	7916	65,730
7745	229,122	7843	47,833	7917	75,810
7746	240,642	7844	61,273	7918	59,829
7747	250,722	7845	21,211	7919	71,349
7750	234,325	7846	32,731	7940	55,443
7751	245,845	7847	42,811	7941	66,963
7758	21,019	7848	52,411	7942	77,043
7759	32,539	7849	65,851	7943	86,643
7760	274,442	7850	26,414	7944	100,083
7761	285,962	7851	37,934	7945	60,021
7762	296,042	7852	48,014	7946	71,541
7765	279,020	7853	57,614	7947	81,621
7766	290,540	7855	32,033	7948	91,221
7768	40,225	7856	43,553	7949	104,661
7769	51,745				

Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice additionnel Codice complementare Aanvullende code Lisäkoodi Tilläggskod (1)	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
7950	65,224	7965	84,970	7980	124,746
7951	76,744	7966	96,490	7981	136,266
7952	86,824	7967	106,570	7982	146,346
7953	96,424	7968	116,170	7983	155,946
7955	70,843	7969	129,610	7984	169,386
7956	82,363	7970	90,173	7985	129,325
7957	92,443	7971	101,693	7986	140,845
7958	76,462	7972	111,773	7987	150,925
7959	87,982	7973	121,373	7988	160,525
7960	80,392	7975	95,792	7990	134,527
7961	91,912	7976	107,312	7991	146,047
7962	101,992	7977	117,392	7992	156,127
7963	111,592	7978	101,411	7995	140,146
7964	125,032	7979	112,931	7996	151,666

(1) Ver Anexo II / Se bilag II / Siehe Anhang II / Βλέπε παράρτημα II / See Annex II / Voir annexe II / Vedi allegato II / Zie bijlage II / Ver anexo II / Katso liite II / Se bilaga II.

ANNEX II

Additional code (by composition)

Milk fat (% by weight)	Milk proteins (% by weight) (3)	Starch/Glucose (% by weight) (1)																		
		≥ 0 < 5					≥ 5 < 25					≥ 25 < 50				≥ 50 < 75			≥ 75	
		Sucrose/Invert sugar/Isoglucose (% by weight) (2)																		
		≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50	≥ 0 < 5	≥ 5 < 30	≥ 30	≥ 0 < 5	≥ 5
≥ 0 < 1,5	≥ 0 < 2,5	7000	7001	7002	7003	7004	7005	7006	7007	7008	7009	7010	7011	7012	7013	7015	7016	7017	7758	7759
	≥ 2,5 < 6	7020	7021	7022	7023	7024	7025	7026	7027	7028	7029	7030	7031	7032	7033	7035	7036	7037	7768	7769
	≥ 6 < 18	7040	7041	7042	7043	7044	7045	7046	7047	7048	7049	7050	7051	7052	7053	7055	7056	7057	7778	7779
	≥ 18 < 30	7060	7061	7062	7063	7064	7065	7066	7067	7068	7069	7070	7071	7072	7073	7075	7076	7077	7788	7789
	≥ 30 < 60	7080	7081	7082	7083	7084	7085	7086	7087	7088	×	7090	7091	7092	×	7095	7096	×	×	×
	≥ 60	7800	7801	7802	×	×	7805	7806	7807	×	×	7810	7811	×	×	×	×	×	×	×
≥ 1,5 < 3	≥ 0 < 2,5	7100	7101	7102	7103	7104	7105	7106	7107	7108	7109	7110	7111	7112	7113	7115	7116	7117	7798	7799
	≥ 2,5 < 6	7120	7121	7122	7123	7124	7125	7126	7127	7128	7129	7130	7131	7132	7133	7135	7136	7137	7808	7809
	≥ 6 < 18	7140	7141	7142	7143	7144	7145	7146	7147	7148	7149	7150	7151	7152	7153	7155	7156	7157	7818	7819
	≥ 18 < 30	7160	7161	7162	7163	7164	7165	7166	7167	7168	7169	7170	7171	7172	7173	7175	7176	7177	7828	7829
	≥ 30 < 60	7180	7181	7182	7183	×	7185	7186	7187	7188	×	7190	7191	7192	×	7195	7196	×	×	×
	≥ 60	7820	7821	7822	×	×	7825	7826	7827	×	×	7830	7831	×	×	×	×	×	×	×
≥ 3 < 6	≥ 0 < 2,5	7840	7841	7842	7843	7844	7845	7846	7847	7848	7849	7850	7851	7852	7853	7855	7856	7857	7858	7859
	≥ 2,5 < 12	7200	7201	7202	7203	7204	7205	7206	7207	7208	7209	7210	7211	7212	7213	7215	7216	7217	7220	7221
	≥ 12	7260	7261	7262	7263	7264	7265	7266	7267	7268	7269	7270	7271	7272	7273	7275	7276	×	7838	×
≥ 6 < 9	≥ 0 < 4	7860	7861	7862	7863	7864	7865	7866	7867	7868	7869	7870	7871	7872	7873	7875	7876	7877	7878	7879
	≥ 4 < 15	7300	7301	7302	7303	7304	7305	7306	7307	7308	7309	7310	7311	7312	7313	7315	7316	7317	7320	7321
	≥ 15	7360	7361	7362	7363	7364	7365	7366	7367	7368	7369	7370	7371	7372	7373	7375	7376	×	7378	×
≥ 9 < 12	≥ 0 < 6	7900	7901	7902	7903	7904	7905	7906	7907	7908	7909	7910	7911	7912	7913	7915	7916	7917	7918	7919
	≥ 6 < 18	7400	7401	7402	7403	7404	7405	7406	7407	7408	7409	7410	7411	7412	7413	7415	7416	7417	7420	7421
	≥ 18	7460	7461	7462	7463	7464	7465	7466	7467	7468	×	7470	7471	7472	×	7475	7476	×	×	×
≥ 12 < 18	≥ 0 < 6	7940	7941	7942	7943	7944	7945	7946	7947	7948	7949	7950	7951	7952	7953	7955	7956	7957	7958	7959
	≥ 6 < 18	7500	7501	7502	7503	7504	7505	7506	7507	7508	7509	7510	7511	7512	7513	7515	7516	7517	7520	7521
	≥ 18	7560	7561	7562	7563	7564	7565	7566	7567	7568	×	7570	7571	7572	×	7575	7576	×	×	×
≥ 18 < 26	≥ 0 < 6	7960	7961	7962	7963	7964	7965	7966	7967	7968	7969	7970	7971	7972	7973	7975	7976	7977	7978	7979
	≥ 6	7600	7601	7602	7603	7604	7605	7606	7607	7608	7609	7610	7611	7612	7613	7615	7616	×	7620	×
≥ 26 < 40	≥ 0 < 6	7980	7981	7982	7983	7984	7985	7986	7987	7988	×	7990	7991	7992	×	7995	7996	×	×	×
	≥ 6	7700	7701	7702	7703	×	7705	7706	7707	7708	×	7710	7711	7712	×	7715	7716	×	×	×
≥ 40 < 55		7720	7721	7722	7723	×	7725	7726	7727	7728	×	7730	7731	7732	×	7735	7736	×	×	×
≥ 55 < 70		7740	7741	7742	×	×	7745	7746	7747	×	×	7750	7751	×	×	×	×	×	×	×
≥ 70 < 85		7760	7761	7762	×	×	7765	7766	×	×	×	7770	7771	×	×	×	×	×	×	×
≥ 85		7780	7781	×	×	×	7785	7786	×	×	×	×	×	×	×	×	×	×	×	×

(1) Starch/glucose
The content of the goods (as presented) in starch, its degradation products, i.e. all the polymers of glucose, and the glucose, determined as glucose and expressed as starch (on a dry matter basis, 100 % purity; factor for conversion of glucose to starch : 0,9).
However, where a mixture of glucose and fructose is declared (in whatever form) and/or is found to be present in the goods, the amount of glucose to be included in the above calculation is that which is in excess of the fructose content of the goods.

(2) Sucrose/invert sugar/isoglucose
The content of the goods (as presented), in sucrose, together with the sucrose which results from expressing as sucrose any mixture of glucose and fructose (the arithmetical sum of the amounts of these two sugars multiplied by 0,95), which is declared (in whatever form) and/or found to be present in the goods.
However, where the fructose content of the goods is less than the glucose content, the amount of glucose to be included in the above calculation shall be an amount equal, by weight, to that of fructose.
Note: In all cases, where a hydrolysis product of lactose is declared, and/or galactose is found to be present among the sugars, then the amount of glucose equal to that of galactose is deducted from the total glucose content before any other calculations are carried out.

(3) Milk proteins
Caseins and/or caseinates forming part of goods shall not be regarded as milk proteins if the goods do not have any other constituent of lactic origin.
Milk fat contained in the goods at less than 1 %, and lactose at less than 1 %, by weight, are not considered as other constituents of lactic origin.
When customs formalities are completed, the person concerned must include in the appropriate declaration : 'only milk ingredient : casein/caseinate', if such is the case.

ANNEX III

CN code	Description	Additional code
1806 32 90	– Containing by weight of milk fat 3 % or more, but less than 6 % – Other : – – Use additional code indicator No 7, see Annex II	6920

ANEXO IV — BILAG IV — ANHANG IV — ΠΑΡΑΡΤΗΜΑ IV — ANNEX IV — ANNEXE IV — ALLEGATO IV — BIJLAGE IV — ANEXO IV — LIITE IV — BILAGA IV

Importes de los derechos adicionales sobre el azúcar (AD S/Z) y sobre la harina (AD F/M) (por 100 kilogramos de peso neto) aplicables a la importación en la Comunidad procedente de Suiza, del 1 de julio al 30 de septiembre de 1995 inclusive

Tillægstold for sukker (AD S/Z) og for mel (AD F/M) (pr. 100 kg nettovægt), der skal anvendes ved indførsel til Fællesskabet fra Schweiz fra 1. juli til og med 30. september 1995

Beträge der Zusatzzölle für Zucker (AD S/Z) und für Mehl (AD F/M) (für 100 kg Nettogewicht) bei der Einfuhr aus der Schweiz in die Gemeinschaft für die Zeit vom 1. Juli bis einschließlich 30. September 1995

Ποσά πρόσθετων δασμών στη ζάχαρη (AD S/Z) και στο αλεύρι (AD/FM) (για 100 kg καθαρού βάρους) που εφαρμόζονται από 1ης Ιουλίου μέχρι και 30 Σεπτεμβρίου 1995 κατά την εισαγωγή στην Κοινότητα από την Ελβετία

Amounts of additional duties on sugar (AD S/Z) and on flour (AD F/M) (per 100 kilograms net weight) applicable on importation into the Community from Switzerland from 1 July to 30 September 1995 inclusive

Montants des droits additionnels sur le sucre (AD S/Z) et sur la farine (AD F/M) (par 100 kilogrammes poids net) applicables à l'importation dans la Communauté en provenance de Suisse, du 1er juillet au 30 septembre 1995 inclus

Importi dei dazi aggiuntivi sullo zucchero (AD S/Z) e sulla farina (AD F/M) (per 100 kg peso netto) applicabili all'importazione nella Comunità in provenienza dalla Svizzera dal 1° luglio al 30 settembre 1995 incluso

Bedragen der aanvullende invoerrechten op suiker (AD S/Z) en op meel (AD F/M) (per 100 kg nettogewicht), geldend bij invoer in de Gemeenschap vanuit Zwitserland, van 1 juli tot en met 30 september 1995

Montantes dos direitos adicionais sobre o açúcar (AD S/Z) e sobre a farinha (AD F/M) (por 100 quilogramas de peso líquido) aplicáveis na importação na Comunidade proveniente da Suíça, de 1 de Julho a 30 de Setembro de 1995, inclusive

Sveitsistä yhteisöön tuotavaan sokeriin (AD S/Z) ja jauhoihin (AD F/M) (100 nettopainokilolta) 1 päivästä heinäkuuta 30 päivään syyskuuta 1995 sovellettavat lisätullit

Tilläggstull för socker (AD S/Z) och för mjöl (AD F/M) (per 100 kg nettovikt) som skall utgå på import till gemenskapen från Schweiz fr. o. m. den 1 juli t. o. m. den 30 september 1995

PARTE 1 — DEL 1 — TEIL 1 — ΜΕΡΟΣ 1 — PART 1 — PARTIE 1 — PARTE 1 — DEEL 1 — PARTE 1 — OSA 1 — DEL 1

Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-kod	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	AD S/Z	AD F/M	Código NC KN-kode KN-Code Κωδικός ΣΟ CN code Code NC Codice NC GN-code Código NC CN-koodi KN-kod	Código adicional Yderligere kodenummer Zusatzcode Πρόσθετος κωδικός Additional code Code additionnel Codice complementare Aanvullende code Código adicional Lisäkoodi Tilläggskod	AD S/Z	AD F/M
		ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg			ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg	ecus/ECU/ Ecu/ecu/ écus/ecua/ 100 kg
1704 90 30		21,600		1806 90 31		(*)	
1704 90 51		(*)		1806 90 39		(*)	
1704 90 55		(*)		1806 90 50		(*)	
1704 90 61		(*)		1806 90 60		(*)	
1704 90 65		(*)		1806 90 70		(*)	
1704 90 71		(*)		1806 90 90		(*)	
1704 90 75		(*)		1905 30 11		(*)	
1704 90 81		(*)		1905 30 19		(*)	
1704 90 99		(*)		1905 30 30		(*)	
1806 20 10		(*)		1905 30 51		(*)	
1806 20 30		(*)		1905 30 59		(*)	
1806 20 50		(*)		1905 30 91			(*)
1806 20 80		(*)		1905 30 99		(*)	
1806 20 95		(*)		1905 90 40			(*)
1806 31 00		(*)		1905 90 45			(*)
1806 32 10		(*)		1905 90 55			(*)
1806 32 90		24,000		1905 90 60		(*)	
1806 90 11		(*)		1905 90 90			(*)
1806 90 19		(*)		2105 00 10		12,000	
				2105 00 91		9,600	
				2105 00 99		9,600	

(*) Ver parte 2 / Se del 2 / Siehe Teil 2 / Βλέπε μέρος 2 / See Part 2 / Voir partie 2 / Vedi parte 2 / Zie deel 2 / Ver parte 2 / Katso osa 2 / Se del 2.

PARTE 2 — DEL 2 — TEIL 2 — ΜΕΡΟΣ 2 — PART 2 — PARTIE 2 — PARTE 2 — DEEL 2 — PARTE 2 — OSA 2 — DEL 2

Contenido en sacarosa, azúcar invertido y/o isoglucosa Indhold af saccharose, invertsukker og/eller isoglucose Gehalt an Saccharose, Invertzucker und/oder Isoglucose Περιεκτικότητα σε ζαχαρόζη, ιμβερτοποιημένο ζάχαρο ή/και ισογλυκόζη Weight of sucrose, invert sugar and/or isoglucose Teneur en saccharose, sucre interverti et/ou isoglucose Tenore del saccarosio, dello zucchero invertito e/o dell'isoglucosio Gehalte aan saccharose, invertsuiker en/of isoglucose Teor de sacarose, açúcar invertido e/ou isoglicose Sakkaroosipitoisuus, inverttisokeri ja/tai isoglukoosi Halt av sackaros, invertsocker och/eller isoglukos	AD S/Z ecus/ECU/ Ecu/ecu/écus/ecua/ 100 kg
> = 00 — < 05	0,000
> = 05 — < 30	11,520
> = 30 — < 50	21,600
> = 50 — < 70	31,200
> = 70	44,640

Contenido en almidón o en fécula y/o glucosa Indhold af stivelse og/eller glucose Gehalt an Stärke und/oder Glukose Περιεκτικότητα σε παντός είδους άμυλα ή/και γλυκόζη Weight of starch or glucose Teneur en amidon ou fécule et/ou glucose Tenore dell'amido, della fecola e/o glucosio Gehalte aan zetmeel en/of glucose Teor de amido ou de fécula e/ou glicose Tärkkelys- ja/tai glukoosipitoisuus Halt av stärkelse och/eller glukos	AD F/M ecus/ECU/ Ecu/ecu/écus/ecua/ 100 kg
> = 00 — < 05	0,000
> = 05 — < 25	4,578
> = 25 — < 50	9,781
> = 50 — < 75	15,400
> = 75	21,019

COMMISSION REGULATION (EC) No 1938/95

of 4 August 1995

on the issuing of a standing invitation to tender for the resale on the internal market of 100 000 tonnes of durum wheat held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals (1), as last amended by Commission Regulation (EC) No 1664/95 (2), and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93 (3), as amended by Regulation (EC) No 120/94 (4), lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 100 000 tonnes of durum wheat held by the Italian intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the resale on the internal market of 100 000 tonnes of durum wheat held by it.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 17 August 1995.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 September 1995.

3. Tenders must be lodged with the Italian intervention agency at the following address:

Ente per gli interventi nel mercato agricolo (EIMA),
Via Palestro 81,
I-00100 Roma (tel.: 49 49 91; telex: 62 03 31).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Italian intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 4 August 1995.

For the Commission
Hans VAN DEN BROEK
Member of the Commission

(1) OJ No L 181, 1. 7. 1992, p. 21.
(2) OJ No L 179, 29. 7. 1995, p. 1.
(3) OJ No L 191, 31. 7. 1993, p. 76.
(4) OJ No L 21, 26. 1. 1994, p. 1.

COMMISSION REGULATION (EC) No 1939/95

of 4 August 1995

on the issuing of a standing invitation to tender for the resale on the internal market of 8 400 tonnes of maize held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as last amended by Commission Regulation (EC) No 1664/95 [2], and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93 [3], as amended by Regulation (EC) No 120/94 [4], lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 8 400 tonnes of maize held by the Italian intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the resale on the internal market of 8 400 tonnes of maize held by it.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 17 August 1995.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 September 1995.

3. Tenders must be lodged with the Italian intervention agency at the following address:

Ente per gli interventi nel mercato agricolo (EIMA),
Via Palestro 81,
I-00100 Roma (tel.: 49 49 91; telex: 62 03 31).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Italian intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 4 August 1995.

For the Commission
Hans VAN DEN BROEK
Member of the Commission

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[1] OJ No L 181, 1. 7. 1992, p. 21.
[2] OJ No L 179, 29. 7. 1995, p. 1.
[3] OJ No L 191, 31. 7. 1993, p. 76.
[4] OJ No L 21, 26. 1. 1994, p. 1.

COMMISSION REGULATION (EC) No 1940/95

of 4 August 1995

on the issuing of a standing invitation to tender for the resale on the internal market of 16 000 tonnes of barley held by the Italian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals (1), as last amended by Commission Regulation (EC) No 1863/95 (2), and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93 (3), as amended by Regulation (EC) No 120/94 (4), lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas, in the present market situation, a standing invitation to tender for the resale on the internal market of 16 000 tonnes of barley held by the Italian intervention agency should be issued;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Italian intervention agency shall issue pursuant to Regulation (EEC) No 2131/93 a standing invitation to tender for the resale on the internal market of 16 000 tonnes of barley held by it.

Article 2

1. The final date for the submission of tenders for the first partial invitation to tender shall be 17 August 1995.

2. The final date for the submission of tenders for the last partial invitation to tender shall expire on 28 September 1995.

3. Tenders must be lodged with the Italian intervention agency at the following address:

Ente per gli interventi nel mercato agricolo (EIMA),
Via Palestro 81,
I-00100 Roma (tel: 49 49 91; telex: 62 03 31).

Article 3

Not later than Tuesday of the week following the final date for the submission of tenders, the Italian intervention agency shall notify the Commission of the quantities and average prices of the various lots sold.

Article 4

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

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

Done at Brussels, 4 August 1995.

For the Commission
Hans VAN DEN BROEK
Member of the Commission

(1) OJ No L 181, 1. 7. 1992, p. 21.
(2) OJ No L 179, 29. 7. 1995, p. 1.
(3) OJ No L 191, 31. 7. 1993, p. 76.
(4) OJ No L 21, 26. 1. 1994, p. 1.

COMMISSION REGULATION (EC) No 1941/95

of 4 August 1995

opening for the second half of 1995, and laying down detailed rules for the application of, the tariff quotas for live bovine animals weighing between 160 and 300 kilograms originating in and coming from the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3491/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part [1], and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3492/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part [2], and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3296/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part [3], and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3297/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Slovak Republic, of the other part [4], and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations [5] and in particular Article 3 (1) thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal [6], as last amended by Regulation (EC) No 424/95 [7], and in particular Article 9 (2) thereof,

Whereas the Europe Agreements concluded with Poland [8], Hungary [9], the Czech Republic [10] and the Slovak Republic [11] provide for an annual tariff quota for imports of boivne animals weighing between 160 and 300 kilograms originating in and coming from Poland, Hungary, the Slovak Republic or the Czech Republic at a reduced 25 % levy;

Whereas the reference quantity fixed in the Europe Agreements for 1995 is 277 200 head; whereas the quantity of young male bovine animals for fattening, which is to be deducted from the above quantity, comes to 99 000 head in the first half of 1995 and 84 500 head in the second half; whereas this leads to an annual tariff quota for 1995 of 93 700 head; whereas Commission Regulation (EC) No 3170/94 of 21 December 1994 opening for the first half of 1995 and laying down detailed rules for the application of an import quota for live bovine animals weighing between 160 and 300 kilograms, originating in and coming from the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic [12], as amended by Regulation (EC) No 844/95 [13], provides for an initial quantity of 39 600 head on this quota for the first half of 1995; whereas the remaining quota of 54 100 head should now be opened for the second half of 1995;

Whereas, with a view to preventing speculation, the quantity available should be made available for operators able to show that they are carrying out a genuine activity involving trade in a significant number of animals with countries which are considered to be third countries on 31 December 1994; whereas in consideration of this and in order to ensure efficient management, a minimum of 50 animals should be required to have been exported or imported during 1994 by the operators concerned; whereas a batch of 50 animals in principle constitutes a normal load and whereas experience has shown that the sale or purchase of a single batch is a minimum requirement for a transaction to be considered real and viable;

[1] OJ No L 319, 21. 12. 1993, p. 1.
[2] OJ No L 319, 21. 12. 1993, p. 4.
[3] OJ No L 341, 30. 12. 1994, p. 14.
[4] OJ No L 341, 30. 12. 1994, p. 17.
[5] OJ No L 349, 31. 12. 1994, p. 105.
[6] OJ No L 148, 28. 6. 1968, p. 24.
[7] OJ No L 45, 1. 3. 1995, p. 2.
[8] OJ No L 348, 31. 12. 1993, p. 1.
[9] OJ No L 347, 31. 12. 1993, p. 1.
[10] OJ No L 359, 31. 12. 1994, p. 1.
[11] OJ No L 360, 31. 12. 1994, p. 1.
[12] OJ No L 335, 23. 12. 1994, p. 43.
[13] OJ No L 85, 19. 4. 1995, p. 20.

Whereas, while recalling the provisions of the Agreements intended to guarantee product origin, the quotas in question should be managed using import licences; whereas to this end rules should be set on submission of applications and the information to be given on applications and licences, by way of derogation from certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for application of the system of import and export licences and advance fixing certificates for agricultural products [1], as last amended by Regulation (EC) No 1199/95 [2], and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 [3]; whereas it should moreover be stipulated that licences are to be issued following a reflection period and where necessary with a flat-rate percentage reduction aplied;

Whereas under the Agreement on Agriculture concluded as part of the Uruguay Round of multilateral trade negotiations [4] the Community has undertaken to convert the variable agricultural levies into fixed customs duties with effect from 1 July 1995; whereas it is accordingly necessary to provide, as a temporary measure for the period 1 July 1995 to 31 December 1995, that the rate of reduction of the full levy under the tariff quota should apply to the specific customs duties set in the common customs tariff;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. As part of the tariff quotas provided for in the Europe Agreements, a total of 54 100 head of live bovine animals falling within CN codes 0102 90 41 or 0102 90 49 originating in and coming from Poland, Hungary, the Slovak Republic or the Czech Republic may hereby be imported in the second half of 1995 in accordance with the provisions of this Regulation.

2. The specific duties fixed in the common customs tariff shall be reduced by 75 % in respect of the quantities referred to in paragraph 1.

Article 2

In order to qualify for the quota referred to in Article 1:

(a) applicants or import licences must be natural or legal persons who, at the time applications are submitted, must prove to the satisfaction of the competent authorities of the Member State concerned that they have imported and/or exported during 1994 at least 50 animals falling within CN code 0102 90 and originating in or intended for countries which are considered by their authorities to be third countries on 31 December 1994; applicants must be listed in the national VAT register;

(b) licence applications may be presented only in the Member State in which the applicant is so registered;

(c) licence applications shall relate to

— a number equal to or greater than 50 head and

— a quantity not exceeding 10 % of the total quantity available.

Where applications for import licences exceed this quantity, they shall only be considered within the limits of the said quantity;

(d) Section 7 of licence applications and licences shall show the country from which the animals are imported and section 8 shall show the country of origin; licences shall carry with them an obligation to import from one or more of the countries indicated in Article 1 (1);

(e) Section 20 of licence applications and licences shall show at least one of the following wordings:

Reglamento (CE) nº 1941/95,

Forordning (EF) nr. 1941/95,

Verordnung EG) Nr. 1941/95,

Κανονισμός (ΕΚ) αριθ. 1941/95,

Regulation (EC) No 1941/95,

Règlement (CE) nº 1941/95,

Regolamento (CE) n. 1941/95,

Verordening (EG) nr. 1941/95,

Regulamento (CE) nº 1941/95,

Asetus (EY) N:o 1941/95,

Förordnung (EG) nr 1941/95.

(f) at the time of acceptance of the declaration of release for free circulation, importers shall undertake to inform the competent authorities of the importing Member State, not later than one month after the date of import, of

— the number of animals imported,

— the origin of the animals.

The authorities shall forward this information to the Commission before the beginning of each month.

[1] OJ No L 331, 2. 12. 1988, p. 1.
[2] OJ No L 119, 30. 5. 1995, p. 4.
[3] OJ No L 143, 27. 6. 1995, p. 35.
[4] OJ No L 336, 31. 12. 1994, p. 23.

Article 3

1. Licence applications may be lodged only from 22 to 29 August 1995.

2. Where the same applicant lodges more than one application, all applications from that person shall be inadmissible.

3. The Member States shall notify the Commission of the applications lodged not later than 18 September 1995. Such notification shall comprise a list of applicants and quantities applied for.

All notifications, including notifications of 'nil' applications, shall be made by telex or fax, drawn up on the model in the Annex to this Regulation in the case where applications have been made.

4. The Commission shall decide to what extent quantities may be awarded in respect of licence applications. If the quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage reduction in the quantities applied for.

5. Subject to a decision to accept applications by the Commission, licences shall be issued at the earliest opportunity.

6. Import licences shall be issued for a number equal to or greater than 50 head.

If, because of the numbers applied for, the percentage reduction results in fewer than 50 head per import licence, the Member States shall, by drawing lots, allocate licences covering 50 head.

If the remaining balance is less than 50 head, a single licence shall cover that quantity.

7. Licences issued shall be valid throughout the Community.

Article 4

Without prejudice to the provisions of this Regulation, Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply.

However, in the case of quantities imported under the terms of Article 8 (4) of Regulation (EEC) No 3719/88, the full rate of customs duty shall be collected in respect of quantities in excess of those stated on the import licence.

Article 5

1. By derogation from Article 9 (1) of Regulation (EEC) No 3719/88, rights arising from import licences issued pursuant to this Regulation shall not be transferable.

2. By derogation from Article 3 of Commission Regulation (EC) No 1445/95, the term of validity of import licences issued shall expire on 31 December 1995.

Article 6

The animals shall be put into free circulation on the presentation of a movement certificate EUR 1 issued by the exporting country in accordance with Protocol 4 annexed to the Europe Agreements.

Article 7

1. Each animal imported under the arrangements referred to in Article 1 shall be identified by either:

— an indelible tattoo, or

— an official earmark or an earmark officially approved by the Member State on at least one of its ears.

2. The said tattoo or marks shall be so designed as to enable the date when the animal was put into free circulation and the identity of the importer to be established, by means of a record made when the animal is put into free circulation.

Article 8

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

It shall apply from 1 July 1995.

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

Done at Brussels, 4 August 1995.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

ANNEX

EC fax No (32 2) 296 60 27

Application of Regulation (EC) No 1941/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/2 — BEEF AND VEAL SECTOR

APPLICATION FOR LICENCES TO IMPORT AT REDUCED SPECIFIC DUTIES BASED ON THOSE GIVEN IN THE CCT

Date : ..... period : .....

Member State : .....

Serial number	Applicant (name and address)	Quantity (head)
	Total	

Member State : ..... Fax No : .....

Tel. : .....

COMMISSION REGULATION (EC) No 1942/95

of 4 August 1995

setting for the period 1 July 1995 to 30 June 1996 rules of application for the tariff quotas for beef and veal provided for by the Europe Agreements concluded between the Community and its Member States on the one hand and the Republic of Poland, the Republic of Hungary, the Czech Republic, the Slovak Republic, Bulgaria and Romania on the other

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3491/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary of the other part (1), and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3492/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part (2), and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3296/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part (3), and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3297/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part (4), and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3382/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part (5), and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3383/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria of the other part (6), and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3379/94 of 22 December 1994 opening and administering certain Community tariff quotas in 1995 for certain agricultural products and for beer (7), and in particular Article 3 thereof,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations (8), and in particular Article 3 (1) thereof,

Whereas the Europe Agreements concluded with Poland (9), Hungary (10), the Czech Republic (11), the Slovak Republic (12), Romania (13) and Bulgaria (14) provide for annual tariff quotas of fresh, chilled or frozen beef and veal of CN codes 0201 and 0202; whereas on imports within these quotas both the levy and the Common Customs Tariff duty are reduced; whereas the reduction rates and quota volumes have been several times adjusted by additional protocols (15) and by exchanges of letters with Romania and Bulgaria (16);

Whereas the Agreements as thus amended stipulate for year 5 (1 July 1995 to 30 June 1996) a 60 % reduction in the rates and an increase in the quota volumes; whereas it is necessary to set rules of applcation for operation of these quotas;

Whereas moreover Regulation (EC) No 3379/94 opened tariff quotas for 1995 for Poland and Hungary; whereas the Regulation should also set rules of application for these for the second half of 1995;

(1) OJ No L 319, 21. 12. 1993, p. 1.
(2) OJ No L 319, 21. 12. 1993, p. 4.
(3) OJ No L 341, 30. 12. 1994, p. 14.
(4) OJ No L 341, 30. 12. 1994, p. 17.
(5) OJ No L 368, 31. 12. 1994, p. 1.
(6) OJ No L 368, 31. 12. 1994, p. 5.
(7) OJ No L 366, 31. 12. 1994, p. 3.
(8) OJ No L 349, 31. 12. 1994, p. 105.
(9) OJ No L 348, 31. 12. 1993, p. 1.
(10) OJ No L 347, 31. 12. 1993, p. 1.
(11) OJ No L 359, 31. 12. 1994, p. 1.
(12) OJ No L 360, 31. 12. 1994, p. 1.
(13) OJ No L 357, 31. 12. 1994, p. 1.
(14) OJ No L 358, 31. 12. 1994, p. 1.
(15) OJ No L 25, 29. 1. 1994 and OJ No L 366, 31. 12. 1994.
(16) OJ No L 178, 12. 7. 1994, pp. 69 and 75.

Whereas to ensure orderly importation of the quantities set for year 5 these should be staggered over the period 1 July 1995 to 30 June 1996;

Whereas given the provisions of the Agreements intended to guarantee product origin the quotas in question should be managed using import licences; whereas to this end rules should be set on submission of applications and the information to be given on applications and licences, exception being made from certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for application of the system of import and export licences and advance fixing certificates for agricultural products [1], as last amended by Regulation (EC) No 1199/95 [2], and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80 [3]; whereas it should moreover be stipulated that licences are to be issued following a reflection period and where necessary with a flat-rate percentage reduction applied;

Whereas for the sake of effective operation of the arrangements made security against import licences of ECU 12 per 100 kilograms should be required; whereas given the inherent risk of speculative use of the quotas precise term of access to them should be set;

Whereas under Agreement on Agriculture concluded in the Uruguay Round of multilateral trade negotiations [4] the Community undertook to convert the variable agricultural levies into fixed customs duties with effect from 1 July 1995; whereas it is accordingly necessary to provide, as a temporary measure for the period 1 July 1995 to 30 June 1996, for the rate reduction for purposes of the tariff quotas to apply to the *ad valorem* and specific customs duties set in the Common Customs Tariff;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The following quantities of fresh, chilled or frozen beef and veal of CN codes 0201 or 0202 may be imported under the terms of this Regulation:

(a) between 1 July 1995 and 30 June 1996 against the tariff quotas set by the Europe Agreements:

— 5 600 tonnes originating in Poland,

— 6 600 tonnes originating in Hungary,

— 2 670 tonnes originating in the Czech Republic,

— 1 330 tonnes originating in the Slovak Republic,

— 207,2 tonnes originating in Bulgaria,

— 1 570 tonnes originating in Romania;

(b) between 1 July and 31 December 1995 against the autonomous quotas opened by Article 1 of Regulation (EC) No 3379/94:

— 750 tonnes originating in Poland,

— 275 tonnes originating in Hungary.

2. The *ad valorem* and specific customs duties set in the Common Customs Tariff (CCT) shall be reduced by 60 %. The reduced customs duty rates are shown for each product in Annex I.

3. The quantities indicated at (a) in paragraph 1 shall be staggered as follows:

— 50 % in the period 1 July to 31 December 1995,

— 50 % in the period 1 January to 30 June 1996.

If in year 5 the quantities for which licence applications for the first period specified in the previous paragraph are lower than those available, the balances shall be added to the quantities available for the following period.

4. The quantities indicated in paragraph 1 (b) shall be available once only during the second half of 1995.

Article 2

1. The following requirements shall apply:

(a) applicants for import licences must be natural or legal persons who, at the time their application is submitted, must prove to the satisfaction of the competent authorities of the Member State concerned that they have been trading in beef and veal for the previous 12 months with countries which are considered by their authorities as third countries, on 31 December 1994; they must be entered on a national VAT register;

[1] OJ No L 331, 2. 12. 1988, p. 1.
[2] OJ No L 119, 30. 5. 1995, p. 4.
[3] OJ No L 143, 27. 6. 1995, p. 35.
[4] OJ No L 336, 31. 12. 1994, p. 23.

(b) licence applications may be presented only in the Member State in which the applicant is registered;

(c) the licence application must be for a quantity of at least 15 tonnes but not more than the quantity available for the period in question;

(d) the licence application and the licence shall show in box 7 the country of provenance and in box 8 the country of origin; the licence shall carry with it an obligation to import from the country indicated;

(e) the licence application and the licence shall show at least one of the following in box 20.

— Letra a) del apartado 1 del artículo 1 del Reglamento (CE) nº 1942/95, letra b) del apartado 1 del artículo 1 del Reglamento (CE) nº 1942/95,

— Artikel 1, stk. 1, litra a), i forordning (EF) nr. 1942/95 eller artikel 1, stk. 1, litra b), i forordning (EF) nr. 1942/95,

— Artikel 1 Absatz 1 Buchstabe a) der Verordnung (EG) Nr. 1942/95 oder Artikel 1 Absatz 1 Buchstabe b) der Verordnung (EG) Nr. 1942/95,

— Άρθρο 1 παράγραφος 1 στοιχείο α) του κανονισμού (ΕΚ) αριθ. 1942/95 ή άρθρο 1 παράγραφος 1 στοιχείο β) του κανονισμού (ΕΚ) αριθ. 1942/95,

— Article 1 (1) (a) of Regulation (EC) No 1942/95 or Article 1 (1) (b) of Regulation (EC) No 1942/95,

— article 1er paragraphe 1 point a) du règlement (CE) nº 1942/95 ou article 1er paragraphe 1 point b) du règlement (CE) nº 1942/95,

— articolo 1, paragrafo 1, lettera a) del regolamento (CE) n. 1942/95 o articolo 1, paragrafo 1, lettera b) del regolamento (CE) n. 1942/95,

— artikel 1, lid 1, onder a), van Verordening (EG) nr. 1942/95 of artikel 1, lid 1, onder b), van Verordening (EG) nr. 1942/95,

— Nº 1, alínea a), do artigo 1º do Regulamento (CE) nº 1942/95 ou nº 1, alínea b), do artigo 1º do Regulamento (CE) nº 1942/95,

— Asetuksen (EY) N:o 1942/95 1 artiklan 1 kohdan a alakohta tai asetuksen (EY) N:o 1942/95 1 artiklan 1 kohdan b alakohta,

— Artikel 1.1 a i förordning (EG) nr 1942/95 eller artikel 1.1 b i förordning (EG) nr 1942/95.

2. Article 5 of Regulation (EEC) No 1445/95 notwithstanding the licence application and the licence shall show in box 16 one or more of the CN codes shown in Annex I.

Article 3

1. Licence applications shall be lodged:

(a) for the quantities indicated in Article 1 (1) (a):

— from 15 to 25 August 1995,

— from 15 to 25 January 1996;

(b) for the quantities indicated in Article 1 (1) (b):

— from 15 to 25 August 1995.

2. If an applicant presents more than one application relating to the same country of origin all his applications shall be inadmissible.

3. Member States shall notify to the Commission separately, by the fifth working day following the end of the period for lodging applications, applications presented for the quantities indicated in Article 1 (1) (a) and (b). Notification shall comprise a list of applicants arranged by country of origin of the meat and quantity applied for.

All notifications, including nil notifications, shall be made by telex or fax. If applications have been made notification shall be made as indicated in Annexes II and III.

4. The Commission shall decide to what extent licence applications can be met.

If the quantities for which licences have been applied for exceed those available the Commission shall set a flat-rate percentage reduction of those applied for

— against the tariff quotas provided for in the Europe Agreements,

— against the autonomous quotas opened by Article 1 of Regulation (EC) No 3379/94.

5. Provided the Commission accepts the application, licences shall be issued on

(a) for the quantities indicated in Article 1 (1) (a):

— 18 September 1995,

— 19 February 1996.

(b) for the quantities indicated in Article 1 (1) (b):

— 18 September 1995.

6. Licences issued shall be valid throughout the Community.

Article 4

1. Without prejudice to the provisions of this Regulation, the provisions of Regulation (EEC) No 3719/88 and Regulation (EC) No 1445/95 shall apply.

2. Customs duty at the full rate set in the CCT shall however be charged on quantities imported in excess of those shown on the import licence but falling within the limit specified in Article 8 (4) of Regulation (EEC) No 3719/88.

3. Article 9 (1) of Regulation (EEC) No 3719/88 notwithstanding, import licences issued under this Regulation shall not be transferable.

4. Article 4 of Regulation (EC) No 1445/95 notwithstanding the security against import licences shall be ECU 12 per 100 kilograms product weight.

5. Article 3 of Regulation (EC) No 1445/95 notwithstanding, licences shall be valid for five months from their date of issue. Licences issued for use against the autonomous quotas shall not however be valid after 31 December 1995 and those issued for use against the Europe Agreement quotas shall not be valid after 30 June 1996.

Article 5

Products shall be released for free circulation on presentation of an EUR.1 movement certificate issued by the exporting country, the provisions of Protocol 4 annexed to the Agreement applying.

Article 6

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

It shall apply with effect from 1 July 1995.

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

Done at Brussels, 4 August 1995.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

ANNEX I

Reduced CCT duty rates for the products indicated in Article 1

CN code	Reduced rate
0201 10 00	7,5 % + 103,8 ECU/100 kg net
0201 20 20	7,5 % + 103,8 ECU/100 kg net
0201 20 30	7,5 % + 83,0 ECU/100 kg net
0201 20 50	7,5 % + 124,6 ECU/100 kg net
0201 20 90	7,5 % + 155,8 ECU/100 kg net
0201 30 00	7,5 % + 178,2 ECU/100 kg net
0202 10 00	7,5 % + 103,8 ECU/100 kg net
0202 20 10	7,5 % + 103,8 ECU/100 kg net
0202 20 30	7,5 % + 83,0 ECU/100 kg net
0202 20 50	7,5 % + 129,8 ECU/100 kg net
0202 20 90	7,5 % + 155,8 ECU/100 kg net
0202 30 10	7,5 % + 129,8 ECU/100 kg net
0202 30 50	7,5 % + 129,8 ECU/100 kg net
0202 30 90	7,5 % + 178,6 ECU/100 kg net

ANNEX II

Application of Article 3 (1) (a) of Regulation (EC) No 1942/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/2 — BEEF/VEAL SECTOR
Telefax : (32-2) 296 60 27

APPLICATIONS FOR IMPORT LICENCES AT REDUCED CCT DUTY RATES

Date : ..... Period : .....

Member State : .....

Country of origin	Serial number	Applicant (name and address)	Quantity (tonnes)
Poland			
		Total quantity applied for :	
Hungary			
		Total quantity applied for :	
Czech Republic			
		Total quantity applied for :	
Slovak Republic			
		Total quantity applied for :	
Bulgaria			
		Total quantity applied for :	
Romania			
		Total quantity applied for :	
Total for six countries			

Member State : ..... Telefax No : .....

Telephone No : .....

ANNEX III

Application of Article 3 (1) (b) of Regulation (EC) No 1942/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/2 — BEEF/VEAL SECTOR
Telefax : (32-2) 296 60 27

APPLICATIONS FOR IMPORT LICENCES AT REDUCED CCT DUTY RATES

Date : ..... Period : .....

Member State : .....

Country of origin	Serial No	Applicant (name and address)	Quantity (tonnes)
Poland			
		Total quantity applied for :	
Hungary			
		Total quantity applied for :	
Czech Republic			
		Total quantity applied for :	
Slovak Republic			
		Total quantity applied for :	
Bulgaria			
		Total quantity applied for :	
Romania			
		Total quantity applied for :	
Total for six countries			

Member State : ..... Telefax No : .....

Telephone No : .....

COMMISSION REGULATION (EC) No 1943/95

of 4 August 1995

fixing the amount of aid to Portuguese producers of paddy rice for the 1995/96 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 738/93 of 17 March 1993 amending the transitional measures governing the organization of the market in cereals and rice in Portugal laid down in Regulation (EEC) No 3653/90 [1] and in particular Article 2 thereof,

Whereas the special aid for rice producers in Portugal specified in Article 1 (1) (c) of Regulation (EEC) No 738/93 must be reduced by a fourth for the marketing year 1995/96; whereas the amount thereof must therefore be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

The special aid for Portugal for the marketing year 1995/96 referred to in Article 1 (1) (c) of Regulation (EEC) No 738/93 is hereby fixed at ECU 22,64/t.

Article 2

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

It shall apply from 1 September 1995.

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

Done at Brussels, 4 August 1995.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

[1] OJ No L 77, 31. 3. 1993, p. 1.

COMMISSION REGULATION (EC) No 1944/95

of 4 August 1995

correcting Regulation (EC) No 1927/95 amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals [1], as last amended by Regulation (EC) No 1863/95 [2],

Having regard to Commission Regulation (EC) No 1502/95 of 29 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 for the 1995/96 marketing year as regards import duties in the cereals sector [3], as amended by Regulation (EC) No 1817/95 [4], and in particular Article 2 (1) thereof,

Whereas Commission Regulation (EC) No 1927/95 [5] has amended the import duties in the cereals sector;

Whereas a check has shown that an error in calculation appears in the Annex to this Regulation; whereas the Regulation in question should accordingly be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1927/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 5 August 1995.

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

Done at Brussels, 4 August 1995.

For the Commission
Hans VAN DEN BROEK
Member of the Commission

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[1] OJ No L 181, 1. 7. 1992, p. 21.
[2] OJ No L 179, 29. 7. 1995, p. 1.
[3] OJ No L 147, 30. 6. 1995, p. 13.
[4] OJ No L 175, 27. 7. 1995, p. 23.
[5] OJ No L 185, 4. 8. 1995, p. 33.

ANNEX

'ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne) (1)	Import duty by sea from other ports (3) (ECU/tonne) (1)
1001 10 00	Durum wheat (2)	10,00	0
1001 90 91	Common wheat seed	23,96	13,96
1001 90 99	Common high quality wheat other than for sowing (4)	23,96	13,96
	medium quality	47,48	37,48
	low quality	55,23	45,23
1002 00 00	Rye	84,66	74,66
1003 00 10	Barley, seed	84,66	74,66
1003 00 90	Barley, other (4)	84,66	74,66
1005 10 90	Maize seed other than hybrid	118,08	108,08
1005 90 00	Maize other than seed (4)	118,08	108,08
1007 90 00	Grain sorghum other than hybrids for sowing	115,15	105,15

(1) Where import takes place in the month following the month of fixing, these import duty amounts are to be adjusted in accordance with the third subparagraph of Article 2 (1) of Regulation (EC) No 1502/95.

(2) In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1502/95, the duty applicable is that fixed for low-quality common wheat.

(3) For goods arriving in the Community via the Atlantic Ocean (Article 2 (4) of Regulation (EC) No 1502/95), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

(4) The importer may benefit from a flat-rate reduction of ECU 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1502/95 are met.'

COMMISSION REGULATION (EC) No 1945/95

of 4 August 1995

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables [1], as last amended by Regulation (EC) No 1740/95 [2], and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 5 August 1995.

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

Done at Brussels, 4 August 1995.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

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[1] OJ No L 337, 24. 12. 1994, p. 66.
[2] OJ No L 167, 18. 7. 1995, p. 10.
[3] OJ No L 387, 31. 12. 1992, p. 1.
[4] OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 4 August 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 35	052	47,7
	060	80,2
	066	41,7
	068	32,4
	204	50,9
	212	117,9
	624	75,0
	999	63,7
0707 00 25	052	50,1
	053	166,9
	060	39,2
	066	53,8
	068	60,4
	204	49,1
	624	207,3
	999	89,5
0709 90 79	052	55,6
	204	77,5
	624	196,3
	999	109,8
0805 30 30	388	67,8
	512	77,7
	524	62,5
	528	55,2
	600	40,9
	624	78,0
	999	63,7
0806 10 40	052	128,4
	220	110,8
	400	147,3
	412	132,4
	512	186,0
	600	95,0
	624	125,4
	999	132,2
0808 10 92, 0808 10 94, 0808 10 98	039	79,3
	064	79,1
	388	62,7
	400	59,5
	508	70,9
	512	48,9
	524	45,8
	528	55,2
	800	93,1
	804	77,0
	999	67,2
0808 20 57	052	77,7
	388	61,0
	512	43,5
	528	54,0
	800	55,8
	804	64,8
	999	59,5
0809 20 69	052	249,1
	061	182,0
	064	254,1
	068	262,6
	400	204,0
	624	239,5
	676	166,2
	999	222,5
0809 30 41, 0809 30 49	052	59,2
	220	121,8
	624	106,8
	999	95,9
0809 40 30	064	80,3
	066	66,5
	624	197,5
	999	114,8

(1) Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin.'

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 July 1995

on the conclusion, on behalf of the Community, of the Convention on the protection and use of transboundary watercourses and international lakes

(95/308/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130s (1) in conjunction with the first sentence of paragraph 2 and the first subparagraph of Article 228 (3) 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 Commission has taken part, on behalf of the Community, in the negotiations in and *ad hoc* working party on the preparation of a Convention on the protection and use of transboundary watercourses and international lakes;

Whereas the Convention was signed on behalf of the Community at Helsinki on 18 March 1992;

Whereas the main purpose of the Convention is to establish a framework for bilateral or multilateral cooperation to prevent and control the pollution of transboundary watercourses and to ensure to rational use of water resources in the member countries of the United Nations Economic Commission for Europe;

Whereas the Community has adopted measures in the field covered by the Convention; whereas it is the Community's responsibility to enter into international commitments in such matters;

Whereas Community policy on the environment contributes to the pursuit of the objectives of preserving, protecting and improving the quality of the environment, protecting human health and prudent and rational use of natural resources with a view to sustainable development;

Whereas, as a whole, Community policy on the environment aims at strengthening international cooperation in order to achieve a high level of protection; whereas it is based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay;

Whereas within their respective spheres of competence the Community and Member States cooperate with their countries and competent international organizations;

Whereas the conclusion of the Convention by the Community will help to achieve the objectives set out in Article 130r of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

The Convention on the protection and use of transboundary watercourses and international lakes is hereby approved on behalf of the European Community.

The text of the Convention is attached in Annex I.

[1] OJ No C 212, 5. 8. 1993, p. 60.
[2] OJ No C 128, 9. 5. 1994.
[3] OJ No C 34, 2. 2. 1994, p. 1.

Article 2

The President of the Council is authorized to designate the person or persons empowered to deposit the instrument of approval with the General Secretariat of the United Nations in accordance with Article 25 of the Convention.

The person or persons shall at the same time deposit the declaration of competence attached in Annex II.

Done at Brussels, 24 July 1995.

For the Council

The President

P. SOLBES MIRA

ANNEX I

CONVENTION

on the protection and use of transboundary watercourses and international lakes

done at Helsinki, on 17 March 1992

United Nations
1992

Convention on the protection and use of transboundary watercourses and international lakes

PREAMBLE

THE PARTIES TO THIS CONVENTION,

MINDFUL that the protection and use of transboundary watercourses and international lakes are important and urgent tasks, the effective accomplishment of which can only be ensured by enhanced cooperation,

CONCERNED over the existence and threats of adverse effects, in the short or long term, of changes in the conditions of transboundary watercourses and international lakes on the environment, economies and well being of the member countries of the Economic Commission for Europe (ECE),

EMPHASIZING the need for strengthened national and international measures to prevent, control and reduce the release of hazardous substances into the aquatic environment and to abate eutrophication and acidification, as well as pollution of the marine environment, in particular coastal areas, from land-based sources,

COMMENDING the efforts already undertaken by the ECE Governments to strengthen cooperation, on bilateral and multilateral levels, for the prevention, control and reduction of transboundary pollution, sustainable water management, conservation of water resources and environmental protection,

RECALLING the pertinent provisions and principles of the Declaration of the Stockholm Conference on the human environment, the final Act of the Conference on security and cooperation in Europe (CSCE), the Concluding Documents of the Madrid and Vienna meetings of representatives of the participating States of the CSCE, and the regional strategy for environmental protection and rational use of natural resources in ECE member countries covering the period up to the year 2000 and beyond,

CONSCIOUS of the role of the United Nations Economic Commission for Europe in promoting international cooperation for the prevention, control and reduction of transboundary water pollution and sustainable use of transboundary waters, and in this regard recalling the ECE Declaration of policy on prevention and control of water pollution, including transboundary pollution; the ECE Declaration of policy on the rational use of water; the ECE principles regarding Cooperation in the Field of Transboundary Waters; the ECE Charter on groundwater management; and the Code of conduct on accidental pollution of transboundary inland waters,

REFERRING to decisions I (42) and I (44) adopted by the Economic Commission for Europe at its 42nd and 44th sessions, respectively, and the outcome of the CSCE meeting on the protection of the environment (Sofia, Bulgaria, 16 October to 3 November 1989),

EMPHASIZING that cooperation between member countries in regard to the protection and use of transboundary waters shall be implemented primarily through the elaboration of agreements between countries bordering the same waters, especially where no such agreements have yet been reached,

HAVE AGREED AS FOLLOWS:

Article 1

Definitions

For the purposes of this Convention :

1. *'Transboundary waters'* means any surface or ground waters which mark, cross or are located on boundaries between two or more States ; wherever transboundary waters flow directly into the sea, these transboundary waters end at a straight line across their respective mouths between points on the low-water line of their banks ;

2. *'Transboundary impact'* means any significant adverse effect on the environment resulting from a change in the conditions of transboundary waters caused by a human activity, the physical origin of which is situated wholly or in part within an area under the jurisdiction of another Party. Such effects on the environment include effects on human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors ; they also include effects on the cultural heritage or socio-economic conditions resulting from alterations to those factors ;

3. *'Party'* means, unless the text otherwise indicates, a Contracting Party to this Convention ;

4. *'Riparian Parties'* means the Parties bordering the same transboundary waters ;

5. *'Joint body'* means any bilateral or multilateral commission or other appropriate institutional arrangements for cooperation between the Riparian Parties ;

6. *'Hazardous substances'* means substances which are toxic, carcinogenic, mutagenic, teratogenic or bio-accumulative, especially when they are persistent ;

7. *'best available technology'* (the definition is contained in Annex I to this Convention).

PART I

PROVISIONS RELATING TO ALL PARTIES

Article 2

General provisions

1. The Parties shall take all appropriate measures to prevent, control and reduce any transboundary impact.

2. The Parties shall, in particular, take all appropriate measures :

(a) to prevent, control and reduce pollution of waters causing or likely to cause transboundary impact ;

(b) to ensure that transboundary waters are used with the aim of ecologically sound and rational water management, conservation of water resources and environmental protection ;

(c) to ensure that transboundary waters are used in a reasonable and equitable way, taking into particular account their transboundary character, in the case of activities which cause or are likely to cause transboundary impact ;

(d) to ensure conservation and, where necessary, restoration of ecosystems.

3. Measures for the prevention, control and reduction of water pollution shall be taken, where possible, at source.

4. These measures shall not directly or indirectly result in a transfer of pollution to other parts of the environment.

5. In taking the measures referred to in paragraphs 1 and 2 of this Article, the Parties shall be guided by the following principles :

(a) the precautionary principle, by virtue of which action to avoid the potential transboundary impact of the release of hazardous substances shall not be postponed on the ground that scientific research has not fully proved a causal link between those substances, on the one hand, and the potential transboundary impact, on the other hand ;

(b) the polluter-pays principle, by virtue of which costs of pollution prevention, control and reduction measures shall be borne by the polluter ;

(c) water resources shall be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.

6. The Riparian Parties shall cooperate on the basis of equality and reciprocity, in particular through bilateral and multilateral agreements, in order to develop harmonized policies, programmes and strategies covering the relevant catchment areas, or parts thereof, aimed at the prevention, control and reduction of transboundary impact and aimed at the protection of the environment of transboundary waters or the environment influenced by such waters, including the marine envionment.

7. The application of this Convention shall not lead to the deterioration of environmental conditions nor lead to increased transboundary impact.

8. The provisions of this Convention shall not affect the right of Parties individually or jointly to adopt and implement more stringent measures than those set down in this Convention.

Article 3

Prevention, control and reduction

1. To prevent, control and reduce transboundary impact, the Parties shall develop, adopt, implement and, as far as possible, render compatible relevant legal, administrative, economic, financial and technical measures, in order to ensure, *inter alia,* that:

(a) the emission of pollutants is prevented, controlled and reduced at source through the application of, *inter alia,* low and non-waste technology.

(b) transboundary waters are protected against pollution from point sources through the prior licensing of waste water discharges by the competent national authorities, and that the authorized discharges are monitored and controlled;

(c) limits for waste water discharges stated in permits are based on the best available technology for discharges of hazardous substances;

(d) stricter requirements, even leading to prohibition in individual cases, are imposed when the quality of the receiving water or the ecosystem so requires;

(e) At least biological treatment or equivalent processes are applied to municipal waste water, where necessary in a step-by-step approach;

(f) appropriate measures are taken, such as the application of the best available technology, in order to reduce nutrient inputs from industrial and municipal sources;

(g) appropriate measures and best environmental practices are developed and implemented for the reduction of inputs of nutrients and hazardous substances from diffuse sources, especially where the main sources are from agriculture (guidelines for developing best environmental practices are given in Annex II to this Convention);

(h) environmental impact assessment and other means of assessment are applied;

(i) sustainable water-resources management, including the application of the ecosystems approach, is promoted:

(j) contingency planning is developed;

(k) additional specific measures are taken to prevent the pollution of groundwaters;

(l) the risk of accidental pollution is minimized.

2. To this end, each Party shall set emission limits for discharges from point sources into surface waters based on the best available technology, which are specifically applicable to individual sectors or industries from which hazardous substances derive. The appropriate measures mentioned in paragraph 1 of this Article to prevent, control and reduce the input of hazardous substances from point and diffuse sources into waters, may, *inter alia,* include total or partial prohibition of the production or use of such substances. Existing lists of such industrial sectors or industries and of such hazardous substances in international conventions or regulations, which are applicable in the area covered by this Convention, shall be taken into account.

3. In addition, each Party shall define, where appropriate, water-quality objectives and adopt water-quality criteria for the purpose of preventing, controlling and reducing transboundary impact. General guidance for developing such objectives and criteria is given in Annex III to this Convention. When necessary, the Parties shall endeavour to update this Annex.

Article 4

Monitoring

The Parties shall establish programmes for monitoring the conditions of transboundary waters.

Article 5

Research and development

The Parties shall cooperate in the conduct of research into and development of effective techniques for the prevention, control and reduction of transboundary impact. To this effect, the Parties shall, on a bilateral and/or multilateral basis, taking into account research activities pursued in relevant international forums, endeavour to initiate or intensify specific research programmes, where necessary, aimed, *inter alia,* at:

(a) methods for the assessment of the toxicity of hazardous substances and the noxiousness of pollutants;

(b) improved knowledge on the occurrence, distribution and environmental effects of pollutants and the processes involved;

(c) the development and application of environmentally sound technologies, production and consumption patterns;

(d) the phasing out and/or substitution of substances likely to have transboundary impact;

(e) environmentally sound methods of disposal of hazardous substances;

(f) special methods for improving the conditions of transboundary waters;

(g) the development of environmentally sound water-construction works and water-regulation techniques;

(h) the physical and financial assessment of damage resulting from transboundary impact.

The results of these research programmes shall be exchanged among the Parties in accordance with Article 6 of this Convention.

Article 6

Exchange of information

The Parties shall provide for the widest exchange of information, as early as possible, on issues covered by the provisions of this Convention.

Article 7

Responsibility and liability

The Parties shall support appropriate international efforts to elaborate rules, criteria and procedures in the field of responsibility and liability.

Article 8

Protection of information

The provisions of this Convention shall not affect the rights or the obligations of Parties in accordance with their national legal systems and applicable supranational regulations to protect information related to industrial and commercial secrecy, including intellectual property, or national security.

PART II

PROVISIONS RELATING TO RIPARIAN PARTIES

Article 9

Bilateral and multilateral cooperation

1. The Riparian Parties shall on the basis of equality and reciprocity enter into bilateral or multilateral agreements or other arrangements, where these do not yet exist, or adapt existing ones, where necessary to eliminate the contradictions with the basic principles of this Convention, in order to define their mutual relations and conduct regarding the prevention, control and reduction of transboundary impact. The Riparian Parties shall specify the catchment area, or part(s) thereof, subject to cooperation. These agreements or arrangements shall embrace relevant issues covered by this Convention, as well as any other issues on which the Riparian Parties may deem it necessary to cooperate.

2. The agreements or arrangements mentioned in paragraph 1 of this Article shall provide for the establishment of joint bodies. The tasks of these joint bodies shall be, *inter alia*, and without prejudice to relevant existing agreements or arrangements, the following:

(a) to collect, compile and evaluate data in order to identify pollution sources likely to cause transboundary impact;

(b) to elaborate joint monitoring programmes concerning water quality and quantity;

(c) to draw up inventories and exchange information on the pollution sources mentioned in paragraph 2 (a) of this Article;

(d) to elaborate emission limits for waste water and evaluate the effectiveness of control programmes;

(e) to elaborate joint water-quality objectives and criteria having regard to the provisions of Article 3 (3) of this Convention, and to propose relevant measures for maintaining and, where necessary, improving the existing water quality;

(f) to develop concerted action programmes for the reduction of pollution laods loads from both point sources (e.g. municipal and industrial sources) and diffuse sources (particularly from agriculture);

(g) to establish warning and alarm procedures;

(h) to serve as a forum for the exchange of information on existing and planned uses of water and related installations that are likely to cause transboundary impact;

(i) to promote cooperation and exchange of information on the best available technology in accordance with the provisions of Article 13 of this Convention, as well as to encourage cooperation in scientific research programmes;

(j) to participate in the implementation of environmental impact assessments to transboundary waters, in accordance with appropriate international regulations.

3. In cases where a coastal State, being Party to this Convention, is directly and significantly affected by transboundary impact, the Riparian Parties can, if they all so agree, invite that coastal State to be involved in an appropriate manner in the activities of multilateral joint bodies established by Parties riparian to such transboundary waters.

4. Joint bodies according to this Convention shall invite joint bodies, established by coastal States for the protection of the marine environment directly affected by transboundary impact, to cooperate in order to harmonize their work and to prevent, control and reduce the transboundary impact.

5. Where two or more joint bodies exist in the same catchment area, they shall endeavour to coordinate their activities in order to strengthen the prevention, control and reduction of transboundary impact within that catchment area.

Article 10

Consultations

Consultations shall be held between the Riparian Parties on the basis of reciprocity, good faith and good-neighbourliness, at the request of any such Party. Such consultations shall aim at cooperation regarding the issues covered by the provisions of this Convention. Any such consultations shall be conducted through a joint body established pursuant to Article 9 of this Convention, where one exists.

Article 11

Joint monitoring and assessment

1. In the framework of general cooperation mentioned in Article 9 of this Convention, or specific arrangements, the Riparian Parties shall establish and implement joint programmes for monitoring the conditions of transboundary waters, including floods and ice drifts, as well as transboundary impact.

2. The Riparian Parties shall agree upon pollution parameters and pollutants whose discharges and concentration in transboundary waters shall be regularly monitored.

3. The Riparian Parties shall, at regular intervals, carry out joint or coordinated assessments of the conditions of transboundary waters and the effectiveness of measures taken for the prevention, control and reduction of transboundary impact. The results of these assessments shall be made available to the public in accordance with the provisions set out in Article 16 of this Convention.

4. For these purposes, the Riparian Parties shall harmonize rules for the setting up and operation of monitoring programmes, measurement systems, devices, analytical techniques, data processing and evaluation procedures, and methods for the registration of pollutants discharged.

Article 12

Common research and development

In the framework of general cooperation mentioned in Article 9 of this Convention, or specific arrangements, the Riparian Parties shall undertake specific research and development activities in support of achieving and maintaining the water-quality objectives and criteria which they have agreed to set and adopt.

Article 13

Exchange of information between Riparian Parties

1. The Riparian Parties shall, within the framework of relevant agreements or other arrangements according to Article 9 of this Convention, exchange reasonably available data, *inter alia,* on :

(a) environmental conditions of transboundary waters ;

(b) experience gained in the application and operation of best available technology and results of research and development :

(c) emission and monitoring data ;

(d) measures taken and planned to be taken to prevent, control and reduce transboundary impact ;

(e) permits or regulations for waste-water discharges issued by the competent authority or appropriate body.

2. In order to harmonize emission limits, the Riparian Parties shall undertake the exchange of information on their national regulations.

3. If a Riparian Party is requested by another Riparian Party to provide data or information that is not available, the former shall endeavour to comply with the request but may condition its compliance upon the payment, by the requesting Party, of reasonable charges for collecting and, where appropriate, processing such data or information.

4. For the purposes of the implementation of this Convention, the Riparian Parties shall facilitate the exchange of best available technology, particularly through the promotion of: the commercial exchange of available technology; direct industrial contacts and cooperation, including joint ventures; the exchange of information and experience; and the provision of technical assistance. The Riparian Parties shall also undertake joint training programmes and the organization of relevant seminars and meetings.

Article 14

Warning and alarm systems

The Riparian Parties shall without delay inform each other about any critical situation that may have transboundary impact. The Riparian Parties shall set up, where appropriate, and operate coordinated or joint communication, warning and alarm systems with the aim of obtaining and transmitting information. These systems shall operate on the basis of compatible data transmission and treatment procedures and facilities to be agreed upon by the Riparian Parties. The Riparian Parties shall inform each other about competent authorities or points of contact designated for this purpose.

Article 15

Mutual assistance

1. If a critical situation should arise, the Riparian Parties shall provide mutual assistance upon request, following procedures to be established in accordance with paragraph 2 of this Article.

2. The Riparian Parties shall elaborate and agree upon procedures for mutual assistance addressing, *inter alia,* the following issues:

(a) the direction, control, coordination and supervision of assistance;

(b) local facilities and services to be rendered by the Party requesting assistance, including, where necessary, the facilitation of border-crossing formalities;

(c) arrangements, for holding harmless, indemnifying and/or compensating the assisting Party and/or its personnel, as well as for transit through territories of third Parties, where necessary;

(d) methods of reimbursing assistance services.

Article 16

Public information

1. The Riparian Parties shall ensure that information on the conditions of transboundary waters, measures taken or planned to be taken to prevent, control and reduce transboundary impact, and the effectiveness of those measures, is made available to the public. For this purpose, the Riparian Parties shall ensure that the following information is made available to the public:

(a) water-quality objectives;

(b) permits issued and the conditions required to be met;

(c) results of water and effluent sampling carried out for the purposes of monitoring and assessment, as well as results of checking compliance with the water-quality objectives or the permit conditions.

2. The Riparian Parties shall ensure that this information shall be available to the public at all reasonable times for inspection free of charge, and shall provide members of the public with reasonable facilities for obtaining from the Riparian Parties, on payment of reasonable charges, copies of such information.

PART III

INSTITUTIONAL AND FINAL PROVISIONS

Article 17

Meeting of parties

1. The first meeting of the Parties shall be convened no later than one year after the date of the entry into force of this Convention. Thereafter, ordinary meetings shall be held every three years, or at shorter intervals as laid down in the rules of procedure. The Parties shall hold an extraordinary meeting if they so decide in the course of an ordinary meeting or at the written request of any Party, provided that, within six months of it being communicated to all Parties, the said request is supported by at least one-third of the Parties.

2. At their meetings, the Parties shall keep under continuous review the implementation of this Convention, and, with this purpose in mind, shall:

(a) review the policies for and methodological approaches to the protection and use of transbordary waters of the Parties with a view to further improving the protection and use of transboundary waters;

(b) exchange information regarding experience gained in concluding and implementing bilateral and multilateral agreements or other arrangements regarding the protection and use of transboundary waters to which one or more of the Parties are party;

(c) seek, where appropriate, the services of relevant ECE bodies as well as other component international bodies and specific committees in all aspects pertinent to the achievement of the purposes of this Convention ;

(d) at their first meeting, consider and by consensus adopt rules of procedure for their meetings ;

(e) consider and adopt proposals for amendments to this Convention ;

(f) consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

Article 18

Right to vote

1. Except as provided for in paragraph 2 of this Article, each Party to this Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to this Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.

Article 19

Secretariat

The Executive Secretary of the Economic Commission for Europe shall carry out the following secretarial functions :

(a) the convening and preparing of meetings of the Parties ;

(b) the transmission to the Parties of reports and other information received in accordance with the provisions of this Convention ;

(c) the performance of such other functions as may be determined by the Parties.

Article 20

Annexes

Annexes to this Convention shall constitute an integral part thereof.

Article 21

Amendments to the Convention

1. Any Party may propose amendments to this Convention.

2. Proposals for amendments to this Convention shall be considered at a meeting of the Parties.

3. The text of any proposed amendment to this Convention shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall communicate it to all Parties at least 90 days before the meeting at which it is proposed for adoption.

4. An amendment to the present Convention shall be adopted by consensus of the representatives of the Parties to this Convention present at a meeting of the Parties, and shall enter into force for the Parties to the Convention which have accepted it on the 90th day after the date on which two-thirds of those Parties have deposited with the Depositary their instruments of acceptance of the amendment. The amendment shall enter into force for any other Party on the 90th day after the date on which that Party deposits its instrument of acceptance of the amendment.

Article 22

Settlement of disputes

1. If a dispute arises between two or more Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other means of dispute settlement acceptable to the parties to the dispute.

2. When signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may declare in writing to the Depositary that, for a dispute not resolved in accordance with paragraph 1 of the present Article, it accepts one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation.

(a) submission of the dispute to the International Court of Justice ;

(b) arbitration in accordance with the procedure set out in Annex IV.

3. If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 of this Article, the dispute may be submitted only to the International Court of Justice, unless the parties agree otherwise.

Article 23

Signature

This Convention shall be open for signature at Helsinki from 17 to 18 March 1992 inclusive, and thereafter at United Nations Headquarters in New York until 18 September 1992 by States members of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraph 8 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organization constituted by sovereign States members of the Economic Commission for Europe to which their Member States have transferred competence over matters governed by this Convention, including the competence to enter into treaties in respect of these matters.

Article 24

Depositary

The Secretary-General of the United Nations shall act as the Depositary of this Convention.

Article 25

Ratification, acceptance, approval and accession

1. This Convention shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organizations.

2. This Convention shall be open for accession by the States and organizations referred to in Article 23.

3. Any organization referred to in Article 23 which becomes a Party to this Convention without any of its Member States being a Party shall be bound by all the obligations under this Convention. In the case of such organizations, one or more of whose Member States is a Party to this Convention, the organization and its Member States shall decide on their respective responsibilities for the performance of their obligations under this Convention. In such cases, the organization and the Member States shall not be entitled to exercise rights under this Convention concurrently.

4. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in Article 23 shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depositary of any substantial modification to the extent of their competence.

Article 26

Entry into force

1. This Convention shall enter into force on the 90th day after the date of deposit of the 16th instrument of ratification, acceptance, approval or accession.

2. For the purposes of paragraph 1 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of such an organization.

3. For each State or organization referred to in Article 23 which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the 16th instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the 90th day after the date of deposit by such State or organization of its instrument of ratification, acceptance, approval or accession.

Article 27

Withdrawal

At any time after three years from the date on which this Convention has come into force with respect to a Party, that Party may withdraw from the Convention by giving written notification to the Depositary. Any such withdrawal shall take effect on the 90th day after the date of its receipt by the Depositary.

Article 28

Authentic texts

The original of this Convention, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Helsinki, this seventeenth day of March one thousand nine hundred and ninety-two.

Annex I

DEFINITION OF THE TERM 'BEST AVAILABLE TECHNOLOGY'

1. The term 'best available technology' is taken to mean the latest stage of development of processes, facilities or methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. In determining whether a set of processes, facilities and methods of operation constitute the best available technology in general or individual cases, special consideration is given to :

   (a) comparable processes, facilities or methods of operation which have recently been successfully tried out ;

   (b) technological advances and changes in scientific knowledge and understanding ;

   (c) the economic feasibility of such technology ;

   (d) time limits for installation in both new and existing plants ;

   (e) the nature and volume of the discharges and effluents concerned ;

   (f) low- and non-waste technology.

2. It therefore follows that what is 'best available technology' for a particular process will change with time in the light of technological advances, economic and social factors, as well as in the light of changes in scientific knowledge and understanding.

Annex II

GUIDELINES FOR DEVELOPING BEST ENVIRONMENTAL PRACTICES

1. In selecting for individual cases the most appropriate combination of measures which may constitute the best environmental practice, the following graduated range of measures should be considered:

   (a) provision of information and education to the public and to users about the environmental consequences of the choice of particular activities and products, their use and ultimate disposal;

   (b) the development and application of codes of good environmental practice which cover all aspects of the product's life;

   (c) labels informing users of environmental risks related to a product, its use and ultimate disposal;

   (d) collection and disposal systems available to the public;

   (e) recycling, recovery and reuse;

   (f) application of economic instruments to activities, products or groups of products;

   (g) a system of licensing, which involves a range of restrictions or a ban.

2. In determining what combination of measures constitute best environmental practices, in general or in indivudual cases, particular consideration should be given to:

   (a) the environmental hazard of:

      (i) the product;

      (ii) the product's production;

      (iii) the product's use;

      (iv) the product's ultimate disposal;

   (b) substitution by less polluting processes or substances;

   (c) scale of use;

   (d) potential environmental benefit or penalty of substitute materials or activities;

   (e) advances and changes in scientific knowledge and understanding;

   (f) time limits for implementation;

   (g) social and economic implications.

3. It therefore follows that best environmental practices for a particular source sill change with time in the light of technological advances, economic and social factors, as well as in the light of changes in scientific knowledge and understanding.

Annex III

GUIDELINES FOR DEVELOPING WATER-QUALITY OBJECTIVES AND CRITERIA

Water-quality objectives and criteria shall :

(a) take into account the aim of maintaining and, where necessary, improving the existing water quality ;

(b) aim at the reduction of average pollution loads (in particular hazardous substances) to a certain degree within a certain period of time ;

(c) take into account specific water-quality requirements (raw water for drinking-water purposes, irrigation, etc.) ;

(d) take into account specific requirements regarding sensitive and specially protected waters and their environment, e.g. lakes and groundwater resources ;

(e) be based on the application of ecological classification methods and chemical indices for the medium- and long-term review of water-quality maintenance and improvement ;

(f) take into account the degree to which objectives are reached and the additional protective measures, based on emission limits, which may be required in individual cases.

Annex IV

ARBITRATION

1. In the event of a dispute being submitted for arbitration pursuant to Article 22, paragraph 2 of this Convention, a party or parties shall notify the secretariat of the subject matter of arbritration and indicate, in particular, the Articles of this Convention whose intepretation or application it at issue. The secretariat shall forward the information received to all Parties to this Convention.

2. The arbitral tribunal shall consist of three members. Both the claimant party or parties and the other party or parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the president of the arbitral tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the teritory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. If the president of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party to the dispute, designate the president within a further two-month period.

4. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may so inform the Executive Secretary of the Economic Commission for Europe, who shall designate the president of the arbitral tribunal within a further two-month period. Upon designation, the president of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. If it fails to do so within that period, the president shall so inform the Executive Secretary of the Economic Commission for Europe, who shall make this appointment within a further two-month period.

5. The arbitral tribunal shall render its decision in accordance with international law and the provisions of this Convention.

6. Any arbitral tribunal constituted under the provisions set out in this Annex shall draw up its own rules of procedure.

7. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

8. The tribunal may take all appropriate measures to establish the facts.

9. The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall :

   (a) provide it with all relevant documents, facilities and information ;

   (b) enable it, where necessary, to call witnesses or experts and receive their evidence.

10. The parties and the arbitrators shall protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

11. The arbitral tribunal may, at the request of one of the parties, recommend interim measures of protection.

12. If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to render its final decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings.

13. The arbitral tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

14. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

15. Any Party to this Convention which has an interest of a legal nature in the subject-matter of the dispute, and which may be affected by a decision in the case, may intervene in the proceedings with the consent of the tribunal.

16. The arbitral tribunal shall render its award within five months of the date on which it is established, unless it finds it necessary to extend the time limit for a period which should not exceed five months.

17. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon all parties to the dispute. The award will be transmitted by the arbitral tribunal to the parties to the dispute and to the secretariat. The secretariat will forward the information received to all Parties to this Convention.

18. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

ANNEX II

Declaration by the Community pursuant to Article 25 (4) of the Convention on the protection and use of transboundary watercourses and international lakes

Having regard to Article 25 (4) of the Convention on the protection and use of transboundary watercourses and international lakes, concerning the extent of competence of organizations mentioned in that paragraph :

In accordance with the Treaty establishing the European Community and in the light of the Community legislation existing in the field covered by the Convention on the protection and use of transboundary watercourses and international lakes, and in particular the legal instruments listed hereunder, the Community is competent for international matters. The Member States of the European Community also have international competence which applies equally to matters covered by the said Convention.

The legal instruments referred to above are as follows :

— Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States (1),

— Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing water (2),

— Council Directive 74/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (3) ;

— Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium dioxide industry (4),

— Council Directive 78/659/EEC of 18 July 1978 on the quality of fresh waters needing protection or improvement in order to support fish life (5),

— Council Directive 79/869/EEC of 9 October 1979 concerning the methods of measurement and frequencies of sampling and analysis of surface water intended for the abstraction of drinking water (6),

— Council Directive 80/68/EEC of 17 December 1979 on the protection of groundwater against pollution caused by certain dangerous substances (7),

— Council Directive 30/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption (8),

— Council Directive 82/176/EEC of 22 March 1982 on the limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry (9),

— Council Directive 82/883/EEC of 3 December 1982 on procedures for the surveillance and monitoring of environments concerned by waste from the titanium dioxide industry (10),

— Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges (11),

— Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-akali electrolysis industry (12),

— Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachlorocyclohexane (13),

— Council Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC (14),

(1) OJ No L 194, 25. 7. 1975, p. 34.
(2) OJ No L 31, 5. 2. 1976, p. 1.
(3) OJ No L 129, 18. 5. 1976, p. 23.
(4) OJ No L 54, 25. 2. 1978, p. 19.
(5) OJ No L 222, 14. 8. 1978, p. 1.
(6) OJ No L 271, 29. 10. 1979, p. 44.
(7) OJ No L 20, 26. 1. 1980, p. 43.
(8) OJ No L 229, 30. 8. 1980, p. 11.
(9) OJ No L 81, 27. 3. 1982, p. 29.
(10) OJ No L 378, 31. 12. 1982, p. 1.
(11) OJ No L 291, 24. 10. 1983, p. 1.
(12) OJ No L 74, 17. 3. 1984, p. 49.
(13) OJ No L 274, 17. 10. 1984, p. 11.
(14) OJ No L 181, 4. 7. 1986, p. 16.

— Council Directive 88/347/EEC of 16 June 1988 amending Annex II to Directive 86/280/EEC on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC [1],

— Council Directive 90/415/EEC of 27 July 1990 amending Annex II to Directive 86/280/EEC of 12 June 1986 on limit values and quality objectives for discharges of certain dangerous substances included in List I of the Annex to Directive 76/464/EEC [2],

— Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment [3],

— Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources [4].

The pursuit of the Community's environment policy means that this list may be subject to change with the amendment or repeal of existing texts or the adoption of new texts.

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[1] OJ No L 158, 25. 6. 1988, p. 35.
[2] OJ No L 219, 14. 8. 1990, p. 49.
[3] OJ No L 135, 30. 5. 1991, p. 40.
[4] OJ No L 375, 31. 12. 1991, p. 1.

COMMISSION

COMMISSION DECISION

of 18 July 1995

specifying the principles for estimating dwelling services for the purpose of implementing Article 1 of Council Directive 89/130/EEC, Euratom on the harmonization of the compilation of gross national product at market prices

(Text with EEA relevance)

(95/309/EC, Euratom)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Treaty establishing the European Atomic Energy Community,

Having regard to Council Directive 89/130/EEC, Euratom of 13 February 1989 on the harmonization of the compilation of gross national product at market prices [1] and in particular Article 1 thereof,

Whereas for the purpose of the definition of gross national product at market prices (GNPmp) pursuant to Article 1 of Directive 89/130/EEC, Euratom, it is necessary to clarify the principles for the estimation of dwelling services as used for the purpose of the European System of Integrated Economic Accounts;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 6 of Directive 89/130/EEC, Euratom,

HAS ADOPTED THIS DECISION:

Article 1

For the purpose of the implementation of Article 1 of Directive 89/130/EEC, Euratom, the following principles for the estimation of dwelling services shall be applied:

(a) to compile the output of dwelling services Member States shall apply the stratification method based on actual rents;

(b) Member States shall use tabular analyses or statistical techniques to derive significant stratification criteria;

(c) the actual rent shall be understood as the rent due for the right to use an unfurnished dwelling;

(d) to compile imputed rents, actual rents from all contracts shall be exploited relating to privately-owned dwellings;

(e) in countries where the privately rented sector is small, the corresponding level of rent in the private sector may be obtained either using increased (public) rents or, in justified exceptional cases, employing other objective methods like the user-cost method;

(f) rents for furnished dwellings may similarly be used to enlarge the basis for imputed rents if scaled down to exclude the payment for the use of the furniture;

(g) Member States should extrapolate a given base year figure using appropriate quantity, price and quality indicators.

The specification of the principles for the estimation of dwelling services is contained in the attached Annex.

Article 2

For the years 1988 onwards, the estimation of dwelling services, in accordance with the principles set out in the Annex, are to be submitted to the Commission (Eurostat) no later than 30 September 1996.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 18 July 1995.

For the Commission

Yves-Thibault DE SILGUY

Member of the Commission

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[1] OJ No L 49, 21. 2. 1989, p. 26.

ANNEX

For the purpose of the implementation of Article 1 of Directive 89/130/EEC, Euratom, the following points aim to clarify the principles for the estimation of output, intermediate consumption and transactions with the rest of the world, regarding dwelling services.

1. OUTPUT OF DWELLING SERVICES

1.1. Basic Method

In national accounts, by comvention, the output of housing services comprises not only the services produced by rented dwellings but also those provided by owner-occupied dwellings. With regard to the valuation of output of housing services, the European System of Integrated Economic Accounts (ESA) stipulates in paragraph 315 i, that 'services produced by the ownership of dwellings are measured by the value of the rents if rented, or by the value of the rents of similar dwellings if owner-occupied'. The major problem in applying this rule relates to the interpretation of 'similar' in the case of owner-occupied dwellings. In practice, basically two different methods are used to make this rule operational (1). On one hand, the majority of countries apply the stratification method, which combines information from the the total housing stock, broken down by various strata, with information on actual rents paid in each stratum. On the other hand, some countries use the self-assessment method for owner-occupied dwellings, asking owner-occupiers to estimate a potential rent for their property.

This difference in procedure may to a certain extent be explained by the fact that the percentage of owner-occupied dwellings in different Member States varies between 42 % and 77 %. In the case of a high percentage of owner-occupied dwellings it may be difficult under certain circumstances to obtain an actual rent for similar dwellings as required by the stratification method. In contrast to this, it should be stressed that some countries having a very high percentage of owner-occupiers do in fact apply the stratification method. On the other hand, the major problem of the self-assessment method consists of the largely subjective influence on the estimate. This leads to substantial uncertainties because of over- of underestimates (depending on the precise circumstances) and will increase the error margin of the GNP estimate in parallel with the growing importance of owner-occupied dwellings. Further, the error margin over time does not seem likely to remain stable with changing circumstances.

Given that the self-assessment method is largely subjective, it would seem reasonable from a statistical viewpoint to recommend the stratification method. In general terms, the stratification method uses information about actual rents from rented dwellings to obtain an estimate of the rental value of the total stock of dwellings. This may be interpreted as a grossing-up procedure based on a quantity-price approach. A stratification of the housing stock is required to obtain a more reliable estimate and to include relative price differences properly. Since rents will vary with the characteristics of a dwelling, it would seem indispensable to take these into account. Subsequently, the average rent per stratum is applied to the number of dwellings in that particular stratum. If the available information is derived from sample of dwellings in that particular stratum. If the available information is derived from sample surveys, the grossing-up relates to both a part of the rented and all owner-occupied dwellings. The detailed procedure to determine a rent per stratum is usually carried out for a base year and this result is then extrapolated to the current years.

The difficulties with this method, where for certain strata of owner-occupied dwellings an actual rent is missing, can probably be overcome in most cases by applying more sophisticated statistical methods, like regression techniques, or an extended version of the Dutch points system. Obviously this does not solve the problem in the extreme case of all dwellings being ownber-occupied. As an objective assessment for such a case the user-cost method could be applied. Briefly, this consists of adding relevant cost items, like intermediate and capital consumption as well as some allowance for the net operating surplus, including the interest on mortgages. Details of this method should be established by the GNP Management Committee as soon as it is required.

Principle 1:

To compile the output of dwelling services Member States shall apply the stratification method based on actual rents, either by direct extrapolation or by means of econometric regression. In respect of

(1) Until recently, one Member State had at its disposal an objective assessment of the imputed rent for owner-occupied dwellings, i.e., the rateable value which was a potential rent assessed by tax authorities.

owner-occupied dwellings, this implies the use of actual rents for similiar rented dwellings. In the justified and exceptional case where actual rents are missing or statistically unreliable for certain strata, other objective methods, like the user-cost method, may be employed.

1.2. Stratification of the housing stock

1.2.1. *Factors affecting the rent level*

A first set of variables determining the level of actual rents concern the characteristics of the dwelling and the building. To start with, the size of a dwelling will be important, both in terms to the area and the number of rooms. The bigger the dwelling, the higher will be the actual rent. However, the rent per square metre tends to fall with the size of a dwelling. Another important factor will concern the amenities of a dwelling. These may cover variables like the existence of a bathroom, a balcony/terrace, special flooring or wall covering, an open fire, central heating, air-conditioning, special glazing and other noise or thermal insulation measures ; the layout of the dwelling is also relevant. With regard to the building, certain facilities may have an influence like a garage, a lift, a swimming-pool, a (roof-) garden or even the position of a dwelling within the building. In addition, the type of the building (detached, semi-detached house, flat), the architecture, the age, or the number of dwellings in a building may also affect the rent.

A second set of variables relate to environmental characteristics. A well-known factor is the rent difference between a comparable dwelling in a city and a remote location. The distance to an economic centre or the form of the landscape (flat land, mountainous) may not be negligible factors. In addition, neighbourhood factors like the view, surrounding green areas, transport facilities and access, shops and schools or the reputation and security of a district tend to have an influence on the actual rent.

Another set of variables may be summarized as socio-economic factors. For instance, in most countries rents are influenced by general government regulations like rent restrictions or subsidies. Further, the age of the tenancy agreement, the type of contract (temporary, permanent), the number of inhabitants per dwelling (flat-sharing community), the type of owner (public, housing association, private, employer) or the rent policy of the landlord may also affect the rents.

Obviously, several additional variables may have an influence on rents. But to collect all the abovementioned factors could lead to overburdened questionnaires. Therefore the use of capital values for stratification purposes may be considered. The rationale behind the use of the capital value of a dwelling is that it reflects all its important characteristics. The capital value can thus be considered as an implicit stratification factor. Using the ratio of the capital value to actual rent may be regarded as a feasible approach, especially in those countries where the rented dwellings represent a minor part of the housing stock. Provided the ratio is stable, such a method would enable the rental value to be determined for those dwellings which only feature in the owner-occupied sector. In addition, capital values do not exclude the use of 'physical' stratification criteria ; they may be combined. In this situation, capital values are assumed to reflect the missing 'physical' stratification criteria. In any case, capital values to be used in the rents calculation have to be based on an objective assessment established for an up-to-date reference year.

In practice the stratification differs from one Member State to another in respect of both the number of strata and the precise criteria used to define them. Although at first sight this may cause some concern, it should be stressed that certain basic criteria, like the size and the (geographical) location of a dwelling are used almost everywhere. Moreover, it should in general be accepted that the aptness of other features will vary between countries and that Member States themselves are in the best position to determine significant criteria. This in turn requires that a basic analysis is carried out thoroughly on the actual rents used to calculate the value for a stratum.

Principle 2 :

For stratification purposes, Member States shall use important features of the dwellings. These may relate to the characteristics of the dwelling and the building, to environmental characteristics of the dwelling or to socio-economic factors. In addition, the use of up-to-date capital values is acceptable for stratification purposes, if these are based on an objective assessment.

1.2.2. *Selection of stratification criteria*

Given the various characteristics affecting the rent of a dwelling, the first task is to investigate those variables having a significant impact. One way of detecting, significant variables is to produce a tabular analysis of the statistical information available. This method probably forms the basis of present procedures in most Member States. To obtain an objective measure of assessment, the variance of the actual rents within a stratum would seem to be useful. This would create an incentive for possible improvements to the stratification by choosing strata in order to minimize the within-stratum variance. It is therefore recommended that the variance per stratum is calculated at least in those cases where the stratification affects the level of both actual and imputed rents.

A more sophisticated approach is offered by advanced statistical techniques like (multiple) regression analysis. Such a technique allows the influence of individual variables to be assessed, so that the variation in rents can be assigned to certain characteristics. Briefly, the explanatory power of a variable can be quantified (via the correlation coefficient). As a by-product, it enables the characteristics to be ranked according to their importance. This helps to determine where to stratify in greater detail. Combining the most important variables, using multiple regression techniques, shows their overall explanatory power. The use of advanced statistical techniques to select important variables is considered to be an eficient way of stratifying the housing stock. In addition, such techniques would seem to be a useful tool for estimating the average rent in cases where there are no corresponding observations in the rented sector (empty strata).

A further advantage of selecting stratification criteria on the basis of an advanced statistical technique is that it avoids the need to prescribe uniform criteria for all countries. To obtain a comparable result, it is sufficient to establish a ranking of the most important criteria in each country and to stipulate the required overall level of explanatory power. Obviously, such a regression analysis depends largely on the available statistical information. However, even in a situation of restricted statistical information, this could be an incentive for future improvements.

Given that the information about the different variables affecting rents mainly depends on the development of basic statistics, the possibility of using advanced statistical techniques may be restricted at present. Therefore a standard method is recommended, i.e. Member States shall apply all significant criteria as derived from tabular analyses. As a minimum, the size, the location and at least one other important feature of a dwelling have to be used to stratify the housing stock ; this stratification should produce a minimum of 30 cells. The breakdown of the housing stock has to be meaningful and representative of the total stock of dwellings. An advanced statistical technique may be used to determine the important explanatory variable(s) for selecting the strata.

In practice, however, a Member State may prefer to use fewer variables, or variables other than those prescribed by the standard method. This is acceptable, as long as a (multiple) regression analysis has previously been carried out, showing that an acceptable level of explanatory power has been obtained. To guarantee comparable results, a correlation coefficient of at least 70 % is recommended as a threshold. This threshold value would be acceptable in the context of a large sample, with zero and cheap rents as well as outliers having been removed.

Principle 3 :

Member States shall use tabular analyses or statistical techniques to derive significant stratification criteria. As a minimum, the size, the location and at least one other important feature of a dwelling have to be used. A minimum of 30 cells are to be produced and at least three size classes and two types of location shall be distinguished. The use of fewer or other variables is acceptable, if it has been proved previously that the (multiple) correlation coefficient reaches 70 %.

1.2.3. *Actual and imputed rents*

In general, the rent is defined as the price due for the right to use an unfurnished dwelling. Charges for heating, water, electricity etc. should therefore be excluded in principle, although it may sometimes be difficult to separate them out in practice. To be in line with the valuation rules of the ESA, the output of housing services should exclude invoiced value added tax.

With regard to actual rents, certain public supports are probably more important. For instance, a specific household as a consumer is entitled to a general govenment transfer (e.g. housing benefit) but which, for administrative reasons, is paid directly to the landlord. Depending on the information source, the actual rent figure may differ. If the information source is the tenant, it may therefore be necessary to correct the actual rent observed by adding back any specific rent allowance.

In addition, the use of actual rents for imputation purposes requires the clarification of several fundamental questions having an impact on the harmonization of the data. The first point relates to the question of whether use should be made of all actual rents or only those from new contracts, for the imputation procedure. Depending on the purpose, different theoretical arguments can be put forward supporting actual rents paid according to new contracts, contracts signed in the construction year, or 'average' contracts. Applying the general rule, i.e. to use rents of similar dwellings, it does not seem acceptable to limit the basis of imputation to rents from new contracts. Given that 'average' rents are used for the rented sector, the same should apply for owner-occupied dwellings. In addition, a different solution would probably pose great difficulties in many countries when applying the stratification method. Briefly, the conclusion is that the average actual rents from all contracts should be used to calculate imputed rents.

The second question concerns the problem as to whether rents of publicly-owned dwellings can be used for imputation purposes. Given that owner-occupied dwellings are mostly privately owned, in principle, only actual rents from the private sector should be used for imputation purposes. However, if not enough observations of actual rents of privately-owned dwellings are available to constitute a sufficient basis for the imputation, exceptionally, rents of public-owned dwellings may be used, proivded they are increased for any subsidies paid only to public and not to private housing.

A further question relates to the use of rents from furnished dwellings to enlarge the basis for imputed rents. In principle, the basis for imputing a rental value for owner-occupied dwellings is unfurnished rents. Therefore, rents for furnished dwellings cannot be used directly. In order to avoid imputing the wrong level of rent, they should be scaled down to exclude the payment for the use of the furniture.

Principle 4:

The actual rent shall be understood as the rent due for the right to use an unfurnished dwelling. If the information source is the tenant, it may therefore be necessary to correct the actual rent observed by adding back any specific rent allowance, which for administrative reasons is paid directly to the landlord. To compile imputed rents, actual rents from all contracts shall be exploited relating to privately-owned dwellings. If necessary for statistical reasons, rents of publicly-owned dwellings may, exceptionally, be used, provided they are increased for any subsidies paid only to public and not to private owners. Similarly, rents from furnished dwellings may be included in the imputation basis after deduction of the rent differential between furnished and unfurnished dwellings.

1.3. Sources for the base year estimate and methods of extrapolation

1.3.1. *Housing stock*

An essential element of the calculation according to the stratification method is the information on the stock of dwellings. This information serves as a reference universe for extrapolation procedures. In general terms, the housing stock consists of all buildings or parts thereof which are used as dwellings. More details are given in the section on special problems. The major sources used throughout the Community to establish such a housing stock are building censuses, administrative building registers or population censuses. Mostly, the base year figure is updated to arrive at the current year estimate.

With regard to the base year housing stock, building censuses seem to be the least problematic and the most complete, especially when carried out together with a population census. Administrative building registers depend largely on legal procedures, which may cause uncertainties, for instance, about whether extensions, improvements, conversions and demolitions of dwellings are recorded properly. Using the information provided by households in a population census as the basis of the housing stock may cause problems because the results tend to underestimate second homes which are not occupied at the census date.

Principle 5:

For the compilation of the base year housing stock, Member States shall exploit either a building census or a population census or an administrative building register as an initial basis. Since a building census usually provides the highest degree of completeness, the use of administrative building registers and population censuses requires intensive adn thorough checks to obtain exhaustiveness.

1.3.2. *Actual rents*

The second fundamental element for the calculation of the output of dwelling services, according to the stratification method, concerns the actual rents paid in the rented sector. Information on actual rents in the base year is either derived from a census (e.g. population census) or from a sample survey like family budget surveys. In the first case, actual rents are probably covered in total and the calculations only have an impact on the level of imputed rents. In the case of family budget surveys, the calculations affect the level of both actual and imputed rents. Obviously a census gives a broad basis for reliable information. But family budget surveys are normally also considered as fairly reliable, especially with regard to essential goods. However, differential non-response is known to be a general problem with this type of survey. If housing is considered as more of a luxury than as an essential item, this problem would have an undesirable impact on the results of the rents calculation, and should be offset. Another problem of a family budget survey, at least in some countries, concerns its small size which may restrict the possibility of stratifying the rents. In any case, available supplementary sources should also be exploited as far as possible. This may, for instance, be the case in countries where a high proportion of housing is under public control and housing agencies have to present accounts. Further, as an on-going task to improve the results, alternative sources, like specialized rent surveys, should be investigated.

Principle 6:

Member States shall exploit the broadest and most reliable sources to derive actual rents per stratum, for example a population census or a household survey. Alternative sources should be assessed to improve the reliability and exhaustiveness, and particularly the stratification.

1.3.3. *Extrapolation of base year results*

Only few Member States have the annual information needed to carry out the calculation of the output of owner-occupied dwellings each year afresh. In most countries the results for a given year are taken as the benchmark and subsequently updated to estimate the current year figure by means of indicators. In practice, differences seem to exist in so far as some countries proceed by updating the (total) base year output using a combined indicator whereas others separately extrapolate the housing stock and the rent per stratum. Although similar results could be expected in general, structural shifts, e.g. in the relationship between rented and owner-occupied dwellings, may cause differences. In addition, a separate calculation would permit plausibility checks.

With regard to the indicators used, the quantity index is mostly derived from the production of the construction industry. The price indicator on the other hand, is often based on the price index of rents paid from the consumer price index. This may cause distortions in those cases where the assumption that imputed rents follow the movement of the total is not jsutified, for instance, due to public rent controls. For the extrapolation of imputed rents, it therefore seems preferable to use, as in the base year, a price index reflecting the movement of privately rented dwellings. Further, attention has to be drawn to the fact that price indices will normally exclude price increases due to quality changes. The price indices therefore have to be supplemented by a quality indicator reflecting improvements.

Finally it seems useful to minimize the impact of structural changes on the results by restricting the extrapolation period. Taking account in this respect of the periodicity of the relevant basic statistics it seems appropriate to carry out a benchmarking of the housing stock every 10 years, i.e., the normal interval for population censuses. In addition, the benchmarking of the price element (rent per stratum) should be carried out at least every five years, i.e., the usual periodicity for family budget surveys.

Principle 7:

If it is not possible to carry out complete re-estimation of the output of dwelling sevices annually, Member States may extrapolate a given base year figure using appropriate quantity, price and quality indicators. The extrapolation of the housing stock and the average rent shall be carried out separately

for each stratum. The extrapolation procedure shall distinguish between the calculation for actual and for imputed rents. If necessary, the number of strata used for extrapolation may be less than that used for the base year calculation. To extrapolate the imputed rent for owner-occupied dwellings, in general, a price index reflecting private rents shall be applied. In any case, the benchmarking of the housing stock should not exceed 10 years and that of the price element should not exceed five years.

1.4. Special problems

1.4.1. *Rent-free and cheap dwellings*

When collecting data on actual rents, sometimes zero or very low values will be observed. In the case of rent-free dwellings this leads to the strange situation that the dwelling service is actually provided but without a (visible) payment. It seems appropriate in such cases to adopt the solution that the observed actual zero rent be corrected. An analogous soltuion would appear logical for cheap dwellings.

Apart from interventions by general government, there are other reasons why rent-free or cheap dwellings may be observed. One example is an employee occupying an employer-owned dwelling at a reduced or zero rent. This may concern all kinds of employees, including housekeepers or guardians. In this case the actual rent has to be corrected and the difference between the actual and comparable rent will be treated as remuneration in kind (see ESA 1979 paragraph 408j). Another possibility is that dwellings are let at a zero or very low rent to relatives or friends. In this case the correction may be obtained by simply reclassifying those dwellings from the rented to the owner-occupied sector. Further, a similar correction seems appropriate in the case of lump sum payments by tenants, i.e., where the tenant makes a pre-payment of the rent for a longer than normal period.

Principle 8:

The actual rent observed in the case of rent-free and cheap dwellings shall be corrected to include the full dwelling service. Neither zero rents nor cheap rents shall be used to calculate imputed rents, on an uncorrected basis.

1.4.2. *Holiday homes*

Holiday homes cover all kinds of leisure-time dwellings like the nearby weekend-house which is used for short periods many times a year or the more distant resort-home which is used for longer periods but only few times a year. At first sight the case of rented holiday homes seems no problem, since the actual rent paid is taken as a measure for output. However, if the actual rents collected are on a monthly basis, the extrapolation to the yearly total may lead to over-estimates if no supplementary information on the average occupation time is included.

To calculate an imputed rent for owner-occupied holiday homes, the most logical approach is to stratify these properties and to apply the appropriate average annual rent for actually rented similar acomodation. The annual rent implicitly reflects the average occupation time. In the case of difficulties, a substitute method may be applied, i.e., to collect information on holiday homes in one stratum and to apply the average annual rent for actually rented holiday homes to homes in one stratum and to apply the average annual rent for actually rented holiday homes to the owner-occupied ones. Thirdly, it is acceptable to use the full annual rent for ordinary dwellings, in the same stratum of location, where holiday homes account for a very minor part of the housing stock or where they cannot be separated from other dwellings. Even in the case of resort homes these procedures seem reasonable when taking into account that they are always available to the owner and will also be used free of charge by his friends or relatives.

With regard to the activity classification of holiday homes, i.e., on the question of whether to allocate them to the dwellings branch or the hotels/restaurants sector, there are two opinions. On the one hand, it seems that the NACE classification would inlcude activities reled to holiday homers under hotels and restaurants. On the other hand, it could be useful to group all imputations together. In any case, if the third solution above is applied, a separation between holiday homes and other dwellings is difficult. Since from the point of view of the GNP level this question appears not to be of first priority, it could be decided upon by other expert groups.

Principle 9:

Holiday homes cover all kinds of leisure-time dwellings like the nearby weekend-house or the more distant resort-home. To estimate the output of holiday homes the annual average rents of similar facilities shall preferably be used. The annual rent implicitly reflects the average occupation time. Although stratification would seem desirable, holiday homes may be grouped in one stratum. If holiday homes account for a very minor part of the housing stock, the full annual rent of ordinary dwellings, in the same stratum of location, may be used. In the justified exceptional case of missing or statistically unreliable actual rents for certain strata, other objective methods, like the user-cost method, may be employed.

1.4.3. *Time-share*

In order to facilitate a common solution for the treatment of time-share properties it seems useful to recall the basic features of this new type of accommodation. In the case of time-share, a real estate agent sells the right to stay for a fixed period each year in a certain dwelling located in a tourist area and takes care of the administration of this property. The right is guaranteed by a certificate, which is issued after the initial payment. This certificate may be traded at the current price. Periodic payments are further due to cover administrative costs.

From this description it follows that the initial payment should be treated as an investment since the certificate issued is similar to a share. This is supported by the fact that at least in one Member State's law the purchaser acquires a real right. Thus it would seem useful to include the initial payment under intangible assets in the national accounts. Further, it would seem logical to consider the rent-free accommodation service as a dividend in kind paid by the real estate agent.

The fundamental problem is that a service is actually provided by the time-share accommodation which is not included in the output of the economy. Logically this requires a correction. To start with, the proposal to accept the periodic payment as a proxy implicitly means that no correction is made for the accommodation service, since the periodic payment covers a different service, namely management costs. Another theoretical possibility would be to consider the initial payment as a prepayment of the service provided and to distribute it over the relevant periods of occupation. Apart from the statistical problems of putting this model into practice, there seems to be a contradiction in legal terms since the implicit interpretation is a purchase of a service and not the acquisition of an asset.

A further possibility consists of deriving a proxi from annual actual rents for similar (self-catering) accommodation facilities. This solution is supported by the fact that time-share accommodations are located in tourist areas and coexist with actually rented holiday apartments, In the case of difficulties, the two other methods proposed for holiday homes are also acceptable for time-share properties. The imputed rent should be on a net basis, to avoid double-counting charges covered by the periodic payment. In any case, the imputation of a rent for time-share properties requires at the same time an adjustment to the income and expenditure approach.

With regard to the industry classification, time-share accommodation can either be treated as a second dwelling (housing industry) or as a hotel-type accommodation. It seems that time-share accommodations have characteristics of both the housing and the hotel-restaurant industry. Since from the point of view of the GNP level this question appears not to be of first priority, it could be decided upon by other expert groups.

Principle 10:

With regard to time-share accommodation, the same procedures shall be applied as for holiday homes.

1.4.4. *Spare room lodgers*

In most countries a large number of students are accommodated in spare rooms. Often this extends to other younger people or those who are employed in a job which involves being away from home. If the room is a part of a rented dwelling, i.e., is sublet, no major problems seem to exist. The spare room rent can be considered as a contribution to the actual main rent, i.e., a transfer between households. However, if the room is a part of an owner-occupied dwelling it would be double counting to include both the rent that the lodger pays as well as the imputed rent in its entirety. Probably the correct solution would be to take the actual rent paid by the lodger for the percentage of the dwelling he occupies and to impute a rent for the rest. However, this may not be practicable to implement.

Instead one could consider the rent as a transfer involving the sharing of the expenses of the dwelling. This would be similar to the first case in so far as the actual spare room rent is considered as a contribution to the imputed main rent. As a consequence of this treatment, a correction will be due if the household sector is broken down by groups.

A further point is how to deal with subletting various rooms. In this case, it is suggested that the term spare room lodgers only applies when the owner or the main tenant himself also continues to occupy the dwelling. Otherwise, the subletting should be considered as a separate economic activity (housing service or pension).

Principle 11:

Rents paid for spare rooms within a dwelling shall be considered as a contribution to the main rent as long as the owner or the main tenant continues to occupy the dwelling.

1.4.5. *Empty dwellings*

First, a rented dwelling is always considered as occupied even if the tenant chooses to live elsewhere. In accordance with paragraph 315 i of ESA 1979, the value of the rent is considered to be the output. Secondly, in line with the general solution agreed for holiday homes and timeshare accommodation, the annual rent implicitly reflects the average time of occupancy. The problem of empty dwellings is therefore restricted to non-rented dwellings which are not used by the owner i.e., which are available to be sold or rented. In such cases no dwelling service is provided, so a zero rent should be inserted.

The necessary information to determine whether a non-rented property is empty or not can be based on the declaration of the owner or neighbours. In the absence of such information, the existence of furniture may be used as an indication that the property is occupied. In contrast, unfurnished dwellings can be considered as empty, since it is difficult to imagine that a housing service is being provided. Empty dwellings should also include dwellings which are repossessed following defaults of payments, or which are empty for a short period because a housing agency does not immediately find a new tenant. A borderline case is an empty dwelling which is fully furnished and can be used by the owner immediately. Here one might argue that no housing service is provided as long as it is not actually occupied by the owner. But since it is comparable to the case of a rented but empty dwelling, it seems appropriate to insert a rent. Therefore, furnished owner-occupied dwellings are generally regarded as occupied.

Finally, it should be noted that an empty dwelling may still incur costs, like current expenditure on maintenance, electricity, insurance premiums, taxes etc. These should be included under intermediate consumption of the housing industry. As in the case of an enterprise not producing any services, this may lead to a negative value added.

Principle 12:

For a non-rented dwelling, which is available to be sold or rented, a zero rent shall be inserted. A furnished owner-occupied dwelling in general shall be treated as an occupied dwelling.

1.4.6. *Garages*

Since some countries argued that the treatment of garages is not totally clear in the ESA 1979 (nor the SNA 1968), a proposal to clarify the situation seems useful. It may be recalled that the Member States responding to an earlier questionnaire were unanimously in favour of including garages in the output of dwelling services, if they are normally associated with the dwelling. This should include parking places since they probably have the same function.

An ESA condition for classifying durable goods as gross fixed capital formation is their use in the process of production. Durable goods not used for production purposes, e.g. consumer durables, are to be recorded as final consumption expenditure. Conversely this means that items included in gross fixed capital formation in general lead to a subsequent output. Since garages are a part of gross fixed capital formation, it would seem appropriate not only to include the service of the rented ones in the output of the economy but also to calculate an imputed output for owner-occupied garages. In both cases the garage represents an element of comfort of the dwelling like any other facility.

However, footnote 1 to paragraph 315j of ESA 1979 stipulates that 'the value of the imputed rents on non-residential buildings used directly by their owners is not accounted for separately.' Consequently for owner-occupied garages a rent has to be imputed only if they are considered as residential buildings. In practice, several cases may be distinguished. First, a garage is an integral part of a residential building. In such a case where a physical separation is not possible, the whole building will be classified as residential and an imputed rent should be calculated for those owner-occupied garages. In the second case of a separate owner-occupied garage, one may distinguish between those used in connection with the dwelling and those used for other purposes (e.g. parking near the workplace). Both will probably be classified as a non-residential building. In accordance with the abovementioned footnote, no rent has to be imputed for the use of separately located, owner-occupied garages.

In any case it should be stressed that usually there are more owner-occupied dwellings than rented dwellings with a garage. To include this structural difference properly, the best way seems to use the existence of a garage as a stratification criterion.

Principle 13:

Garages and parking places provide services to be included in dwelling services if structurally integrated in the dwelling.

2. INTERMEDIATE CONSUMPTION

Intermediate consumption of dwelling services is dealt with on a more precise level in the ESA input-output methodology. From a practical point of view problems seem to arise concerning the treatment of certain (communal) charges as well as repair and maintenance.

With regard to certain charges, the ESA 1979 input-output methodology (1) requires that charges for heating, water, electricity, common areas, security, lifts, etc. are excluded from intermediate consumption (and hence output). In practice, however, many countries include these on the basis that they are considered to be part of the rental service and, quite often, cannot be separated out. It is recommended that the current ESA rule be adhered to in order to obtain a parallel treatment of rented and owner-occupied dwellings and to avoid double-counting for owner-occupiers. On the other hand the GNP level should not be affected, if a gross treatment is carried out consistently for intermediate consumption and output.

With respect to repair and maintenance, the ESA 1979 is clear in so far that major repairs, defined as those improving, prolonging the life of, or reconstructing the property in question, should be allocated to capital formation. In connection with routine repairs, the input-output methodology of the ESA states that these 'should be included in the intermediate consumption whenever such expenses are borne by the owner, irrespective of whether the accommodation is let or owner-occupied. However, where these expenses are borne by tenants to whom the accommodation has been let, they should be recorded directly in the final consumption of households'. This implicitly means that intermediate consumption of an owner-occupied dwelling should be a bit higher than that of a rented dwelling, since it includes that expenditure regarded as a tenant's repair in the latter case. It seems that some countries depart from this rule and include, after having established output at market prices, repairs borne by tenants in the output and intermediate consumption of dwelling sevices, and then channel it through output to final consumption. This may be accepted if it has no impact on the level of GNP.

In addition to the point raised under empty dwellings, it is stressed that double-counting of intermediate consumption in the case of employer-owned dwellings should be avoided.

Principle 14:

Intermediate consumption of dwelling services shall be established in line with the definition of output. In general both items should exclude charges for heating, water, electricity etc. If for practical reasons a different treatment is preferred, this is acceptable as long as the levels of GDP and GNP are not affected.

(1) See Statistical Office of the European Communities, 'Community methodology for input-output tables 1965' (only existing in French and German).

3. TRANSACTIONS WITH THE REST OF THE WORLD

According to ESA 1979 rules (paragraphs 211 and 214) non-resident units are considered as notionally resident units in their capacity as owners of land or existing buildings on the economic territory of the country, but only in respect of transactions affecting such land or buildings. This simply means that the service provided by a dwelling which is owned by a non-resident is included in the output of the economy where the dwelling is located. However, in theory this is corrected during the transition from GDP to GNP under the heading property and entrepreneurial income (R 40). In paragraph 430 b of ESA 1979 it is confirmed that this item includes the net rent received by residents as owners of land and buildings in the rest of the world or vice versa. It represents the interest on the claim of the resident unit against himself in his capacity as a notional resident unit of the rest of the world.

In general few problems arise if the property owned by a non-resident is actually rented to a resident, since a monetary flow will be observed and included in the balance of payments. The situation, however, may be different in the case of owner-occupiers, since a similar monetary flow will probably not be observed. One possible solution would be to consider that when a resident owns and occupies a dwelling abroad he is in fact considered to be a resident of the country where the dwelling is located. Possibly this solution would not be favoured by countries where a lot of dwellings like holiday homes are occupied by non-residents. The second possible solution would be to introduce a correction to the item transactions in net rents with the rest of the world, as far as owner-occupied dwellings are concerned. This requires that a cross-table of dwellings owned and occupied by foreign residents is compiled, and reflects the fact that the nationality of a person is not sufficient to separate a resident from a non-resident. In addition, it would seem useful to obtain an agreement about the cross-table between the concerned Member States. However, a general problem is caused by statistical lacunae in this field. Although holiday homes owned by foreign residents matter most in this respect Member States explained unanimously that at present such information is not available.

A special issue in this regard relates to timeshare properties. Since for the same accounting period such a property may be occupied by residents of different countries, a direct allocation to the country of origin seems almost impossible. But comparable results may be obtained using a more feasible approach. First, the (imputed) value added generated by time-share accommodation is allocated to the country of origin of the owning company. Subsequently the owning company may be asked to provide a distribution by country of origin of the time-share owners, which may serve as a distribution key.

Principle 15:

According to ESA 1979, all dwellings on the economic territory of a Member State contribute to its GDP. The net rent received by non-residents as owners of land and buildings in that country are to be recorded as property income to the rest of the world and therefore to be deducted from GDP during the transition to GNP (and vice versa). The net rent shall be understood as the net operating surplus from actual and imputed renting of dwellings. To take account of owner-occupied dwellings owned by non-residents, an exchange of information between the Member States is required. The coordination of this information would be taken on by Eurostat, especially in connection with the compilation of a cross-table showing these dwellings by foreign residents.

COMMISSION DECISION

of 24 July 1995

amending Decision 94/448/EC laying down special conditions governing imports of fishery and aquaculture products originating in New Zealand

(Text with EEA relevance)

(95/310/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products [1], as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (5) thereof,

Whereas the list of establishments and factory ships approved by New Zealand importing fishery and aquaculture products into the Community has been drawn up in Commission Decision 94/448/EC of 15 May 1995 [2], as last amended by Decision 95/179/EC [3]; whereas this list may be amended following the communication of a new list by the competent authority in New Zealand;

Whereas the competent authority in New Zealand has communicated a new list adding seven establishments and twelve factory vessels, deleting one establishment, and amending the data of two establishments and two factory vessels;

Whereas it is necessary to amend the list of approved establishments and factory vessels;

Whereas the measures provided for in this Decision have been drawn up in accordance with the procedure laid down by Commission Decision 90/13/EEC [4],

HAS ADOPTED THIS DECISION:

Article 1

Annex B of Decision 94/448/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

[1] OJ No L 268, 24. 9. 1991, p. 15.
[2] OJ No L 184, 20. 7. 1994, p. 16.
[3] OJ No L 117, 24. 5. 1995, p. 40.
[4] OJ No L 8, 11. 1. 1990, p. 70.

ANNEX

'ANNEX B

LIST OF APPROVED ESTABLISHMENTS AND FACTORY VESSELS

I. Establishments

Approval number	Establishment	Address
PH 1	Talleys Fisheries Limited	PORT MOTUEKA
PH 3	Waitaki Biosciences International Ltd	CHRISTCHURCH
PH 5	Healtheries of New Zealand Ltd	AUCKLAND
PH 12	Sealord Products Ltd	NELSON
PH 16	Prepared Foods Ltd	PALMERSTON NORTH
PH 17	Freshpack Fisheries Limited	CHRISTCHURCH 2
PH 26	McFarlane Laboratories New Zealand Limited	AUCKLAND
PH 35	Aroma NZ Limited	CHRISTCHURCH
PH 37	Independent Fisheries Limited	CHRISTCHURCH
PH 48	Coromandel Fish Exporters 1976 Ltd	COROMANDEL
PH 51	Globe Export Fisheries Limited	PORT CHALMERS
PH 57	Harbour Inn Seafoods O Kahungunu Ltd	NAPIER
PH 59	Moana Pacific Fisheries Limited	AUCKLAND
PH 60	O.P. Columbia	WHITIANGA
PH 62	Harbour Inn Wholesale and Export Ltd	PETONE
PH 63	Mount Maunganui Seafoods Ltd	MOUNT MAUNGANUI
PH 72	NZ Eel Processing Co. Limited	TE KAUWHATA
PH 73	Talaford Sea Products	NELSON
PH 74	Moana Pacific Fisheries Limited	MASTERTON
PH 75	Port Nicholson Fisheries Ltd	WELLINGTON
PH 76	Sanford Ltd	TAURANGA
PH 77	Nelson Fisheries	PICTON
PH 78	Burkhart Fisheries Ltd	WARD
PH 81	Mossburn Enterprises Limited	INVERCARGILL
PH 85	Coral Fisheries Ltd	WHANGAREI
PH 87	Rainbow Fisheries Ltd	DUNEDIN
PH 89	Kornew Fisheries (New Zealand) Ltd	BLENHEIM
PH 91	Otakou Fisheries Ltd	DUNEDIN
PH 94	Bruce Wayne Sanderson	NORTHLAND
PH 98	Gisborne Fisheries (1955) Limited	GISBORNE
PH 102	Talleys Fisheries Limited	GREYMOUTH
PH 103	Talleys Fisheries Limited	WESTPORT
PH 105	Global Fish Processing Co. Ltd	WHANGAREI
PH 107	Talleys Fisheries	TAKAKA
PH 111	United Fisheries Limited	CHRISTCHURCH
PH 112	Southern Ocean Seafoods Ltd	CHATHAM ISLANDS
PH 115	United Fisheries (Tim) Ltd	TIMARU
PH 116	Moana Pacific Fisheries Ltd	AHURIRI
PH 118	Bapobs Ltd	BLUFF
PH 119	Westbay Seafoods Ltd	TAKUTAI
PH 120	Deep Cove Fisheries	TIMARU
PH 123	Pacifica Fishing Ltd	KAIKOURA
PH 124	United Fisheries (CHCH) Ltd	CHRISTCHURCH

Approval number	Establishment	Address
PH 126	Leigh Fisheries Limited	LEIGH
PH 129	Anton's Seafoods Limited	AUCKLAND
PH 130	Regal Salmon Limited	PICTON
PH 138	Sea Products (1982) Limited	DRURY
PH 139	Riverton Fisherman's Coop Limited	RIVERTON
PH 141	Pacific Marine Farms (1991) Limited	COROMANDEL
PH 142	Urwin and Company Limited	BLUFF
PH 143	Westfleet Fisherman's Cooperative Limited	GREYMOUTH
PH 144	Kia Ora Seafoods Limited	AUCKLAND 1
PH 145	Bluff Fisherman's Coop Ltd	BLUFF
PH 146	Johnson & de Rijk	BLUFF
PH 147	Johnson Oysters Limited	BLUFF
PH 148	Sanford South Island Ltd	BLUFF
PH 150	Cook Strait Seafoods	WELLINGTON
PH 151	Wanganui Seafoods	WANGANUI
PH 153	Shallpack Seafoods Limited	TAURANGA
PH 155	Sealord Products Ltd	DUNEDIN
PH 157	Southern Ocean Seafoods Limited	NELSON
PH 159	Talleys Fisheries Limited	BLENHEIM
PH 162	Far North Fisheries	AWANUI
PH 163	Regal Salmon Ltd	INVERCARGILL
PH 164	Sanford South Island Limited	NELSON
PH 165	Otakou Fisheries Ltd	DUNEDIN
PH 166	Mac Cure Seafoods Ltd	NELSON
PH 168	Stewart Island Fisherman's Coop Ltd	STEWART ISLAND
PH 175	Pacifica Fishing (Christchurch) Ltd	CHRISTCHURCH
PH 176	Westhaven Shellfish Co. Ltd	GOLDEN BAY
PH 177	Sanford South Island Limited	HAVELOCK
PH 181	Southern Processors Ltd	NELSON
PH 182	E N Vanderdrift 1987 Ltd	STRATFORD
PH 183	Gould Aquafarms	LEESTON
PH 184	Seafresh Fisheries NZ Limited	LOWER HUTT
PH 186	Asta Merchants Ltd	AUCKLAND
PH 187	Marlborough Seafoods Ltd	BLENHEIM
PH 188	Moana Pacific Fisheries Ltd	GISBORNE
PH 189	Sea-First Processors Ltd	WHANGAREI
PH 190	Southern Seafoods	STEWART ISLAND
PH 192	Wellington Trawling Company Limited	WELLINGTON
PH 193	Southern Ocean Seafoods Ltd	CHATHAM ISLANDS
PH 194	Simunovich Fisheries Limited	AUCKLAND
PH 195	The Isaac Salmon Farm Ltd	CHRISTCHURCH
PH 197	Hauraki Seafoods Ltd	RD 1 THAMES
PH 199	Pacifica Seafoods (Nelson) Ltd	RAI VALLEY
PH 201	Pacifica Fishing Limited	DUNEDIN
PH 204	Constantia Foods Limited	TAURANGA
PH 219	Deep Cove Fisheries Ltd	TIMARU
PH 222	Sanford Limited	AUCKLAND
PH 223	Westpac Mussels Distributors Ltd	AUCKLAND
PH 227	The New Zealand Fish Co. Limited	NELSON
PH 245	Tiffany Foods	CHRISTCHURCH

Approval number	Establishment	Address
PH 248	Glenalbany Holdings	KAIAPOI
PH 255	Levin Eel Trading Co. Ltd	LEVIN
PH 263	Fiordland Lobster Company Ltd	TE ANAU
PH 273	Mount Fishmarkets Ltd	MT MANGANUI
PH 287	Coastal Seafoods Ltd	AUCKLAND
PH 290	Moana Pacific Fisheries Ltd	AUCKLAND
PH 295	Salmon Processors Limited	CHRISTCHURCH
PH 296	Regal Salmon Limited	WARKWORTH
PH 299	Regent Fisheries	AUCKLAND
PH 303	Fresha Processors Limited	NAPIER
PH 313	Paua Supplies Ltd	DUNEDIN
PH 318	Moana Pacific Fisheries Ltd	GISBORNE
PH 344	Bluff Fisherman's Coop Ltd	CHRISTCHURCH
PH 347	New Zealand Seafoods Limited	AUCKLAND
PH 350	No 1 Live Lobster Company Limited	AUCKLAND
PH 362	New Zealand Red Rock Lobster Company Limited	CHRISTCHURCH
PH 368	Star Fish Supply Ltd	NAPIER
PH 371	Te Aroha Seafoods Ltd	BLENHEIM
PH 382	Fresha Fisheries Limited	NEW PLYMOUTH
PH 389	Lobster New Zealand Ltd	CHRISTCHURCH
PH 393	Mapua Seafoods Nelson New Zealand Ltd	NELSON
PH 397	Murikihu Fisheries Ltd	BLUFF
PH 400	The New Zealand Fish Company	STOKE
PH 402	Sealord Products Ltd	DUNEDIN
PH 403	Deep South Fisheries Limited	BLUFF
PH 422	Nikau Enterprises Limited	TAURANGA
PH 587	United Fisheries Ltd	CHRISTCHURCH
FPH 3	Sanford South Island Limited	TIMARU
FPH 5	Sanford (South Island) Limited	OAMARU
FPH 11	Hikurangi Fisheries Limited	HIKURANGI
FPH 36	Thomas Richard & Co. Ltd	AUCKLAND
FPH 52	Sanford Limited	AUCKLAND
FPH 53	Hikurangi Fisheries Limited	KAEO
FPH 152	Noma Oysters Limited	WHANGAREI
FPH 197	Port Albert Fisheries	WELLSFORD
S 9	Southland Cool Stores Limited	BLUFF
S 10	Otago Dairy Producers Cool Storage Limited	DUNEDIN
S 11	Polarcold Stores (SI) Limited	TIMARU
S 17	Polar Cold Stores Limited	DUNEDIN
S 25	Richmond Omahu Limited	HASTINGS
S 28	Cool Stores (NZ) Limited	AUCKLAND
S 31	AFFCO	MOUNT MAUNGANUI
S 34	Polarcold (Coolpak) Limited	CHRISTCHURCH
S 35	Cold Storage Coop (Nelson) Limited	NELSON
S 36	Cold Storage (Bay of Plenty) Limited	TE PUKE
S 39	Christchurch Cool Stores Limited	CHRISTCHURCH
S 40	South Port New Zealand Limited	BLUFF
S 41	Manawatu Cold Storage	FEILDING

Approval number	Establishment	Address
S 42	Wellington Cold Storage Co.	TAWA
S 47	Polarcold Stores (SI) Limited	CHRISTCHURCH
S 51	Gisborne Cold Storage Limited	GISBORNE
S 54	Sanford South Island Limited	NELSON
S 56	Dandy Foods Distributors Limited	AUCKLAND
S 57	Air New Zealand Coolstores	AUCKLAND AIRPORT
S 59	Richmond Cool Stores (1963) Limited	HASTINGS
S 60	Sanford Limited, Tauranga Branch	MOUNT MOUNGANUI
S 61	Cool Pak Coolstores Limited	TIMARU
S 62	Industrial Park Coolstores Limited	AUCKLAND
S 64	GV International Freight Limited	CHRISTCHURCH INTERNATIONAL AIRPORT
S 66	Owens Coolair Services Limited	MANGERE
S 68	Freezerflow	AUCKLAND
S 70	Kelcold Limited	HASTINGS
S 71	Cold Storage Cooperative (Nelson) Limited	RICHMOND
S 72	Motueka Cold Storage Limited	MOTUEKA
S 75	Amaltal Corporation Limited	PORT NELSON
S 84	Polarcold Stores Limited	DUNEDIN
S 88	Hawkes Bay Export Cold Stores Limited	NAPIER
S 89	Industrial Park Cool Stores Limited	AUCKLAND
S 97	Wattie Frozen Foods Limited	GISBORNE
S 103	The Airline Company	AUCKLAND INTERNATIONAL AIRPORT
S 105	Hornby Cold Stores Limited	CHRISTCHURCH
S 107	Ashburton Cold Storage Limited	ASHBURTON
S 112	Intercool and Cold Storage	HAMILTON
S 113	Awapuni Cool Pack	GISBORNE
S 114	Hilton Cold Storage Limited	WASHDYKE
S 115	Arctic Public Cold Storage	CHRISTCHURCH
S 116	Anchor Products Hautapu	CAMBRIDGE
S 120	Tradeair Limited	AUCKLAND
S 122	Ross Meo Limited	WELLINGTON
S 125	Caroline Road Coldstore	HAVELOCK NORTH
S 127	Freightways International	AUCKLAND
S 129	Arco Holdings Limited	MOUNT MAUNGANUI
S 130	Ffowes Williams Limited	AUCKLAND
S 134	Ansett NZ Limited	CHRISTCHURCH
S 137	Ansett International Airfreight	AUCKLAND
S 138	Owens Coolair	CHRISTCHURCH
S 140	Chiquita Brands New Zealand Limited	AUCKLAND
S 141	Burnip Elliott	CHRISTCHURCH
S 143	CFS New Zealand Limited	AUCKLAND
S 145	Whakatu Coldstores Limited	WHAKATU
S 153	Wanganui Coolstore and Packhouse	WANGANUI
S 155	Weddel Tomoana — Division of Weddel New Zealand Ltd	WHAKATU
S 156	NZ Express International	CHRISTCHURCH
S 158	Provincial Cold Stores	MARLBOROUGH
S 159	LEP International Limited	CHRISTCHURCH
S 162	Produce Coolstore Limited	CHRISTCHURCH

Approval number	Establishment	Address
S 163	Cold Storage Coop (Nelson) Limited	NELSON
S 164	Burlington Air Express (NZ) Limited	AUCKLAND
S 165	Banner International Limited	AUCKLAND
S 166	Sanford (South Island) Limited	NELSON
S 167	Polarcold Stores Limited	DUNEDIN
S 168	Independent Fisheries Limited Coldstore	LYTTELTON
S 173	Schenker & Co. (New Zealand) Limited	AUCKLAND
S 177	A/R New Zealand Cargo	CHRISTCHURCH INTERNATIONAL AIRPORT
S 178	Burlington Air Express (NZ) Limited	CHRISTCHURCH
S 179	Banner International Limited	CHRISTCHURCH INTERNATIONAL AIRPORT
S 180	P & O Cold Storage (NZ) Limited	CHRISTCHURCH
S 181	Westgate Coldstorage	NEW PLYMOUTH
S 182	Polarcold Stores Limited	KAIAPOI
S 183	South Otago Meat Transporters Limited	GORE
S 184	Alliance Group Limited — Ocean Beach Plant	BLUFF
S 188	Pacifica Coolstores	CHRISTCHURCH
S 190	GV International Freight Auckland Limited	AUCKLAND INTERNATIONAL AIRPORT
W 4	T J Gould	CHRISTCHURCH
W 9	Live Lobster Southland Limited	BLUFF
W 10	Pacifica Fishing Ltd	PORT CHALMERS

II. **Factory vessels**

Number	Name
PH 46	Amaltal Explorer
PH 160	Taharaki
PH 169	Banshu Maru #8
PH 180	Pakura
PH 203	Azuchi Maru
PH 216	Tomi Maru No 58
PH 222	San Waitaki
PH 224	Chiyo Maru No 2
PH 225	San Rangitoto
PH 234	Will Watch
PH 239	Chiyo Maru
PH 250	Tomi Maru No 86
PH 251	Tomi Maru No 87
PH 269	Echizen Maru
PH 292	Koyo Maru No 2
PH 304	M V Norom
PH 308	M V Tampen
PH 309	Ottar Birting
PH 315	FV Labrador
PH 319	F/V Mary Ann
PH 329	Longva No 3
PH 337	F V Lord Auckland
PH 340	Kirkholmen
PH 345	Longva 2
PH 355	GRV Tangaroa
PH 370	Eikyu Maru No 6
PH 373	Dalmor II
PH 381	FV James Cook
PH 384	Amaltal Columbia
PH 390	San Aotea
PH 392	San Arawa
PH 407	FV Aquila
PH 410	Newfoundland Lynx
PH 411	Aoraki
PH 428	Dorada
L 62813	Kai Xin
L 70806	20 Syezd
L 70809	26 Syezd
L 15618	Advancer
L 15781	Agatovyy
L 15874	Albatross II
L 62713	Aleksey Slobodchikov
L 16041	Alexandrovsk
L 7847	Amaltal Voyager
L 15886	Amga
L 62748	Arzamas
L 7996	Atu
L 62224	Barit
L 8103	Bars
L 15894	Belovo
L 15811	Bilyarra
L 62756	Bratya Stoyanovy
L 15738	Christmas Creek

Number	Name
L 62286	Cordella
L 62232	Daniel Solander
L 8058	Darvin
L 8090	Donfico No 701
L 90038	Dong Won 517
L 62289	Dong Won No 513
L 8007	Dong Wong No 522
L 7969	Dong Won No 521
L 15950	Drysdale
L 15671	Eikyu Maru No 8
L 62867	Eishin Maru No 82
L 15837	Enemelay
L 15858	Geliograf
L 8055	Giljanes
L 90000	Gissar
L 90004	Gnevnyl
L 16121	Grigoriy Terentyev
L 86136	Gromovo
L 62511	Hoshin Maru No 58
L 70619	Hunter No 1
L 62751	Ivan Korobkin
L 70828	Ivan Golubets
L 15887	Izumrudnyy
L 15975	Karagach
L 7995	Kariqa
L 15849	Khrustalnyy
L 86189	Komtek 2
L 16122	Kontayka
L 62738	Koryo Maru No 52
L 70709	Krylova
L 62567	Kyofuku Maru
L 15978	Langoustine Explorer
L 62638	Melilla
L 62858	Meridian I
L 16030	MFV Petersen
L 15871	Mutual Enterprise
L 62857	MYS Chaikovskogo
L 70709	MYS Krylova
L 70851	MYS Senyavina
L 15936	MYS Yudina
L 32621	NR Francis
L 70837	Nikon Karpenko
L 70807	Novoangarsk
L 70808	Novoarkangelsk
L 62663	Novoeniseysk
L 44596	Novokazalinsk
L 8080	Novokotovsk
L 62664	Novonikolsk
L 16064	Novoorsk
L 70875	Novopskov
L 44597	Novosokolniki
L 62373	Ocean Ranger

Number	Name
L 8057	Ochakov
L 62281	Ohau
L 62749	Oktant
L 62623	Oyang No 77
L 56182	Oyang No 86
L 56181	Oyang No 85
L 70857	Peredovik
L 8091	Pioner Nikoaeva
L 7959	Pirit
L 70874	Planerist
L 62660	Poct
L 90024	Polevod
L 90025	Prostor
L 62662	Prosvititel
L 15737	Red Bluff
L 44336	Sagaml Maru No 1
L 7990	San Te Maru No 18
L 15944	San Tangaroa
L 7972	San Te Maru No 17
L 70836	Sapun Gora
L 70870	Sarfaq
L 70849	Sokolinoe
L 62272	Solander II
L 44335	Soshu Maru
L 70773	Suan Korzunov
L 90011	Sur Este 707
L 70863	Sureste 709
L 70854	Takaroa 1
L 70765	Tavrida
L 70852	Tigil
L 86042	Tomi Maru No 83
L 62701	Turkul
L 44453	Venture K
L 15862	Volnomer
L 15936	Yudina
L 70745	Yuzhnomorsk
L 15669	Zhemchuzhny
L 16063	Kapitan Lomayev
L 62878	Effim Gorbenko
L 70884	Kursa
L 70888	Novobobruysk
L 70889	Novobataysk
L 32818	Semiozernoc
L 90065	Rubinovy
L 62245	Akmolinsk
L 62914	Pyotr Rubin
L 90066	Sur Este
L 44638	Abruka
L 15784	Kremen
L 62469	Ryoun Maru 15
L 62467	Ryoun Maru 23
L 7985	Shunyo Maru 8
L 62475	Shoun Maru 51
L 90061	Seiju Maru 51
L 62468	Kaneshige Maru 25
L 70687	Nofa 97
W 44615	Ibaraki Maru No 11
W 86002	Paluma
W 44570	Shioml Maru No 55
W 44566	Young Heung No 55'

COMMISSION DECISION

of 24 July 1995

amending Decision 95/173/EC laying down specific conditions for importing fishery and aquaculture products from Peru

(Text with EEA relevance)

(95/311/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 [1], laying down the health conditions for the production and the placing on the market of fishery products as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (5) thereof,

Whereas the list of establishments and factory ships approved by Peru for importing fishery and aquaculture products into the Community has been drawn up in Commission Decision 95/173/EC [2]; whereas this list may be amended following the communication of a new list by the competent authority in Peru;

Whereas the competent authority in Peru has communicated a new list adding 10 establishments and one factory ship;

Whereas it is necessary to amend the list of approved establishments and factory ships accordingly;

Whereas the measures provided for in this Decision have been drawn up in accordance with the procedure laid down by Commission Decision 90/13/EEC [3],

HAS ADOPTED THIS DECISION:

Article 1

Annex B of Decision 95/173/EC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

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[1] OJ No L 268, 24. 9. 1991, p. 15.
[2] OJ No L 116, 23. 5. 1995, p. 41.
[3] OJ No L 8, 11. 1. 1990, p. 70.

ANNEX

'ANNEX B

LIST OF APPROVED ESTABLISHMENTS AND FACTORY VESSELS

I. Establishments

Approval No	Establishment	Address	Approved until
PR-0449-001-3	PRODUCTOS MARINOS REFRIGERADOS SA	TUMBES	30. 6. 1996
PC-1816-002-3	PERUANA DE CONGELADOS SA	CALLAO	30. 6. 1996
RI-4018-003-3	REFRIGERADOS YNY SA	TUMBES	30. 6. 1996
CX-3531-004-3	COMERCIAL EXPORTADORA SA COEX	TUMBES	30. 6. 1996
FR-2560-005-3	FRIGORÍFICO RANSA SA FRIORANSA	CALLAO	30. 6. 1996
RT-3340-006-3	REFRIGERADOS TUMBES SA	TUMBES	30. 6. 1996
PO-3609-007-3	PRISCO SA	PISCO	30. 6. 1996
PA-1795-008-3	PISCIFACTORIA DE LOS ANDES SA	JUNIN	30. 6. 1996
PM-3012-009-3	PESQUERA MALLA SA	PISCO	30. 6. 1996
AP-1951-001-1	AGROPESCA SA	PAITA	30. 6. 1996
DM-1522-002-1	DEL MAR SA	PAITA	30. 6. 1996
UI-3910-003-1	UNICSA	PAITA	30. 6. 1996
IS-0759-004-1	INDUSTRIAS SAN MIGUEL SA	PAITA	30. 6. 1996
IB-3599-005-1	IBC CORP. DE NEGOCIOS SA	PAITA	30. 6. 1996
MX-0938-006-1	MAREX SA	PAITA	30. 6. 1996
AE-1162-007-1	ARIES EXPORT SRL	PAITA	30. 6. 1996
DX-0134-008-1	DEXIM SRL	PAITA	30. 6. 1996
AG-1236-009-1	ARCOPA SA	PAITA	30. 6. 1996
MP-0889-010-1	MAR & PESCA EIRL	PAITA	30. 6. 1996
PC-0048-011-1	PESCONSA SA	PAITA	30. 6. 1996
TL-38-2220-012-1	TUNA LATÍN SA	PAITA	30. 6. 1996
DH-3087-013-1	DELPHOS SA	PAITA	30. 6. 1996
CP-4028-014-1	CONSORCIO PACÍFICO SUR SRL	PAITA	30. 6. 1996
PP-3614-015-1	PROPES EIRL	PAITA	30. 6. 1996
CV-0716-016-1	CONSORCIO VICTORIA SA	PAITA	30. 6. 1996
TF-1493-017-1	TAYTA FISHING SRL	PAITA	30. 6. 1996
PM-3496-003-2	PRODUCTOS MARINOS DEL PACÍFICO SUR SA	CHIMBOTE	30. 6. 1996
PA-2447-001-2	PESQUERA ANDREA SA	CHIMBOTE	30. 6. 1996
IC-0307-001-2	CONSORCIO PESQUERO CAROLINA SA	CHIMBOTE	30. 6. 1996
FG-1888-005-2	FRIGOMAR SA	CHIMBOTE	30. 6. 1996
AL-2135-006-2	ALIMENTOS AMERICANOS SA	CHIMBOTE	30. 6. 1996
PP-1928-004-2	PRODUCTOS PESQUEROS PERUANOS SA (PRODUPESA)	CHIMBOTE	30. 6. 1996
UF-0506-007-2	UNIÓN FISHING SA	CHIMBOTE	30. 6. 1996
CE-3160-008-2	ENVASADORA CHIMBOTE EXPORT	CHIMBOTE	30. 6. 1996
CP-1002-010-2	CÍA PESQUERA ESTRELLA DEL PERÚ SA	CHIMBOTE	30. 6. 1996
CP-1767-009-2	CORPORACIÓN DE PESCA SA	CHICLAYO	30. 6. 1996
IA-0619-010-3	ITALIA ABRUZZO SRL	CHINCHA	30. 6. 1996
PS-1718-019-1	PACIFIC SEAFOODS SA	PAITA	30. 6. 1996
OR-1676-018-1	OCEAN REEF SEAFOOD SA	PIURA	30. 6. 1996
PR-0781-011-2	EMPRESA PESQUERA EL ROCÍO SA	TRUJILLO	30. 6. 1996
MS-0922-020-1	MAI SHI SRL	PAITA	30. 6. 1996
SN-3324-021-1	EMPRESA DE SERVICIOS Y REPRESENTACIONES PESQUERAS 'NAUTILUS' SRL (SERPESNA)	PAITA	30. 6. 1996
MN-1592-011-3	PROCESADORA DE PRODUCTOS MARINOS DEL NORTE SA (PROMANORSA)	ZORRITOS	30. 6. 1996
ME-0392-012-3	MARIEXPORT SA	PUCUSANA	30. 6. 1996

Approval No	Establishment	Address	Approved until
45A-IR-PA	INVERSIONES Y REPRESENTACIONES PAITA SRL	PAITA	30. 6. 1996
46A-PM-PA	PROMEX SRL EN ESTACIÓN NAVAL	PAITA	30. 6. 1996
47A-PN-PA	PESCA ANDINA SA EN FRÍO PAITA SA	PAITA	30. 6. 1996
PO48 BF-PSKI	PESQUERA MARÍA DEL MAR SCRL	CHIMBOTE	30. 6. 1996
PO49 LIM-ROMR	RÍO MAR PRODUCTOS SA	LIMA	30. 6. 1996
PO51 PAI-PSSN	PESQUERA SANTA NATALIA SA	PAITA	30. 6. 1996
PO52 HUR-AGMR	ANGEL MAR SA	HUARMEY	30. 6. 1996
PO53 CHI-EVMN	ENVASADORA MONTEMAR SA	CHIMBOTE	30. 6. 1996
PO54 COI-GRRP	GERENCIA Y REPRESENTACIONES PESQUERAS SA	COISHCO	30. 6. 1996
PO55 TUM-CLTC	CULTIVOS TECNIFICADOS DEL MAR SA	TUMBES	30. 6. 1996

II. **Factory vessels**

Approval No	Name	Name and address of owner	Approval granted until
AI-1236-023-1	B.A.F. ISABEL	ARCOPA SA, PAITA	30. 6. 1996
AM-1236-022-1	B.A.F. ANA MARÍA	ARCOPA SA, PAITA	30. 6. 1996
TL-38-2220-012-1	ZENKO MARU	TUNA LATÍN SA, PAITA	30. 6. 1996
PO48 BF-PSKI	K-INCA	PESQUERA MARÍA DEL MAR SCRL, CHIMBOTE	30. 6. 1996'