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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EC) No 1484/97****of 22 July 1997****on aid for population policies and programmes in the developing countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 130w thereof,

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

Acting in accordance with the procedure laid down in Article 189c of the Treaty ⁽²⁾,

(1) Whereas the capacity of most developing countries to achieve sustainable human development is hampered by many obstacles, one of them being the high rate of population growth; whereas these countries have adopted national population programmes;

(2) Whereas the International Conference on Population and Development held in Cairo in 1994 adopted a programme of action;

(3) Whereas the Council, in its resolution of 11 November 1986 concerning population and development and that of 18 November 1992 concerning family planning and cooperation with the developing countries, recognized the urgent need to satisfy unmet demand for family-planning services, at the same time stressing the need to help the developing countries implement broad-based population programmes encompassing all the different factors determining control over fertility;

(4) Whereas the European Parliament hearing of 25 November 1993 highlighted the complex rela-

tionship between population and development; whereas, up to a point, population growth may promote economic development; whereas, however, the very high rates of growth observed in a number of developing countries make it impossible to satisfy the needs thus generated and to open up prospects for sustainable development, notably as far as the environment is concerned;

(5) Whereas a more moderate demographic development would be promoted through the following:

- a fairer distribution of income among different groups in a society,
- an economic policy which makes it possible for poor women and men to develop a diversified livelihood,
- investments in infrastructure with importance to people's health, such as clean water, improved sewerage systems and acceptable housing,
- a health policy which improves the access to health services for the poor, and
- improved access and quality for general education and training for women and girls;

(6) Whereas a number of developing countries have entered a phase of demographic transition characterized by a significant reduction in the fertility rate, which points at a change in attitude conducive to a reduction in family size; whereas other developing countries have not entered this phase and should therefore receive special assistance;

(7) Whereas individual freedom of choice for women, men and, in particular, adolescents through adequate access to information and services in matters concerning their reproductive rights is a significant element of progress and development;

⁽¹⁾ OJ No C 310, 22. 11. 1995, p. 13, and OJ No C 323, 29. 10. 1996, p. 7.

⁽²⁾ Opinion of the European Parliament of 24 May 1996 (OJ No C 166, 10. 6. 1996, p. 252), Council Common Position of 22 November 1996 (OJ No C 6, 9. 1. 1997, p. 8) and Decision of the European Parliament of 13 March 1997 (OJ No C 115, 14. 4. 1997, p. 133).

- (8) Whereas the Community has been helping to finance specific measures and pilot schemes in pursuit of these objectives since 1990; whereas it is time for the Community to step up its cooperation in this particular area, in accordance with the programme of action of the said Cairo International Conference;
- (9) Whereas the Community upholds the right of individuals to decide on the number and spacing of their children; whereas it denounces any violation of human rights in the form of compulsory abortion, compulsory sterilization, infanticide, rejection, abandonment and abuse inflicted on unwanted children as a means of curbing population growth;
- (10) Whereas no support is to be given under this Regulation to incentives to encourage sterilization or abortion nor to the improper testing of contraception methods in developing countries;
- (11) Whereas the Community has undertaken to follow up the aforementioned Cairo International Conference, notably by increasing its financial support for population programmes in the developing countries;
- (12) Whereas, when cooperation measures are implemented, the decision adopted at the Cairo International Conference, according to which abortion can never be promoted as a family-planning method, has to be rigorously observed;
- (13) Whereas the recipient countries must be helped to introduce population programmes that are compatible with sustainable development and to develop strategies aimed at giving women the power to decide and achieving equality between women and men, which are determining factors in enabling women to exercise choice over child-bearing, uptake of family planning and control over their own reproductive health, through measures in a variety of social, economic and cultural sectors, and in particular the key sectors of education and health;
- (14) Whereas, to be truly effective, such population programmes must be part of an overall policy to combat poverty and counter the threats on the environment;
- (15) Whereas new operations of this kind will be effective only if they are accompanied by sustainable development enabling the harmonious and progressive integration of the developing countries into the world economy;
- (16) Whereas non-governmental organizations and private operators can play an essential role in ensuring the success of health, education and family-planning policies, in particular among women, who are central to any sustainable human development policy, and adolescents;
- (17) Whereas the measures taken under this Regulation are to be funded by grants from the general budget of the European Communities;
- (18) Whereas a financial reference amount, within the meaning of point 2 of the Declaration by the European Parliament, the Council and the Commission of 6 March 1995, is included in this Regulation for the entire duration of the programme, without thereby affecting the powers of the budgetary authority as they are defined by the Treaty;
- (19) Whereas administrative rules and procedures must be laid down for cooperation in this field,

HAS ADOPTED THIS REGULATION:

Article 1

The Community shall conduct cooperation in support of population policies and programmes in the developing countries.

Article 2

Measures taken under this Regulation shall be directed primarily at those countries which are furthest away from the criteria defined by the Cairo International Conference on Population and Development, at the poorest and least developed countries and at the most disadvantaged sections of the population of developing countries.

Article 3

The assistance provided under this Regulation shall complement and reinforce assistance provided under other instruments of development cooperation in the education and health sectors with a view to taking population issues fully into account and to integrating them in Community programmes.

Article 4

1. In operations funded in the course of the cooperation referred to in Article 1, account shall be taken of the following priority objectives:

- enabling women, men and adolescents to make a free and informed choice about the number and spacing of their children,
- contributing to the creation of a socio-cultural, economic and educational environment conducive to the full exercise of that choice, especially for women and adolescents, and in particular through the condemnation and eradication of all forms of sexual violence, mutilation and abuse which affect their dignity and health,

- helping develop or reform health systems in order to improve the accessibility and quality of reproductive health care for women and men including adolescents, thereby appreciably reducing the risks to the health of women and children.

2. Community aid may be granted to projects involving activities in the following areas:

- support for the establishment, development and increased availability of reproductive health care services as part of policies and programmes implemented by governments, international bodies, NGOs and private operators, particularly targeting groups for whom the issue is especially important, such as adolescents, pregnant women and other groups as locally determined,
- help with the drafting, application or financing of policies which contribute to the better reproductive health of women and girls,
- the improvement of reproductive health care services, encompassing safe pregnancies, perinatal care, family planning, prevention and treatment of sexually transmitted diseases, including AIDS, in terms of infrastructure, equipment, supplies, training or research,
- support for information, education and awareness campaigns aimed at promoting better reproductive health and an understanding of population issues, including the wider social benefits of speeding up the demographic transition,
- family-planning policy and services including information on safe and effective family-planning methods,
- the development of grassroots structures, the voluntary sector, local NGOs and south-south cooperation for the implementation of programmes, the exchange of experience and support for cooperation networks between partners.

Article 5

The cooperation partners eligible for financial support under this Regulation shall be regional and international organizations, local and Member State based NGOs, national, provincial and local government departments and agencies, community-based organizations including women's organizations, institutes and public and private operators.

Article 6

Cooperation initiatives shall be implemented on the basis of dialogue with the national, regional and local authorities concerned so as to avoid programmes which are coercive, discriminatory or prejudicial to fundamental human rights. Account shall be taken of the economic, social and cultural background of the sections of population concerned, respecting universal human rights.

Women in particular shall be invited to take part in the design, planning, implementation and evaluation of all population projects and programmes.

Article 7

1. The instruments to be employed in the course of operations effected pursuant to Article 2 shall include studies, technical assistance, training or other services, supplies and works, along with audits and evaluation and monitoring missions.

2. According to the needs of the operations concerned, Community financing may cover both capital investment, other than the purchase of real estate, and operating costs in foreign or local currency. However, with the exception of training programmes, operating costs may normally be covered only during the start-up phase and on a degressive basis.

3. A financial contribution from the partners defined in Article 5 shall be sought for each cooperation operation. Their contribution shall be requested within the limits of the possibilities available to the parties concerned and depending on the nature of the operation concerned.

4. A financial contribution from the local partners, particularly in respect of operating costs, shall be sought as a matter of priority in the case of projects intended to launch long-term activities, so as to ensure the viability of such projects once Community funding comes to an end.

5. Opportunities may be sought for cofinancing with other fund providers, and especially with Member States.

6. The Commission shall ensure that the Community character of the aid provided under this Regulation is highlighted.

7. In order to achieve the objectives of consistency and complementarity referred to in the Treaty and with the aim of guaranteeing optimum effectiveness of all the operations concerned, the Commission may take all necessary coordination measures, including in particular:

- (a) the establishment of a system for the systematic exchange and analysis of information on operations financed and those which the Community and the Member States propose to finance;
- (b) on-the-spot coordination of the implementation of operations through regular meetings and exchange of information between representatives of the Commission and of the Member States in the beneficiary country.

8. In order to obtain the greatest possible impact globally and nationally, the Commission, in liaison with the Member States, shall take any initiative necessary for ensuring proper coordination and close collaboration with the beneficiary countries and the providers of funds and other international agencies involved, in particular those forming part of the United Nations system, and more specifically the United Nations Population Fund.

Article 8

Financial support under this Regulation shall take the form of grants.

Article 9

The financial reference amount for the implementation of this programme for the period 1998-2002 shall be ECU 35 million.

The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

Article 10

1. The Commission shall be responsible for appraising, approving and managing operations covered by this Regulation in accordance with the budgetary and other procedures in force, and in particular those laid down in the Financial Regulation of 21 December 1977⁽¹⁾ applicable to the general budget of the European Communities.

2. Projects and programme appraisal shall take into account the following factors:

- effectiveness and viability of operations,
- cultural, social, gender and environmental aspects,
- institutional development necessary to achieve project goals,
- experience gained from operations of the same kind.

3. Decisions relating to grants of more than ECU 2 million for individual operations financed under this Regulation and any changes resulting in an increase of more than 20 % in the sum initially approved for such an operation shall be adopted under the procedure laid down in Article 11.

The Commission shall inform the Committee referred to in Article 11 succinctly of the financing decisions which it intends to take with regard to projects and programmes of less than ECU 2 million in value. The information shall be made available not later than one week before the decision is taken.

4. The Commission shall be authorized to approve, without recourse to the opinion of the Committee provided for in Article 11, any supplementary commitments needed for covering expected or real cost overruns in connection with the operations, where the overrun or additional requirement is less than, or equal to, 20 % of the initial commitment fixed by the financing decision.

5. All financing agreements or contracts concluded under this Regulation shall provide for the Commission and the Court of Auditors to conduct on-the-spot checks according to the usual procedures laid down by the Commission under the rules in force, and in particular those of the Regulation referred to in paragraph 1.

6. Where operations are the subject of financing agreements between the Community and the recipient country, such agreement shall stipulate that the payment of taxes, duties or any other charges is not to be covered by the Community.

7. Participation in invitations to tender and the award of contracts shall be open on equal terms to natural and legal persons of the Member States and of the recipient country. It may be extended to other developing countries.

8. Supplies shall originate in the Member States, the recipient country or other developing countries. In exceptional cases, where circumstances so warrant, supplies may originate elsewhere.

9. Particular attention shall be given to:

- the pursuit of cost-effectiveness and sustainable impact in project design,
- the clear definition and monitoring of objective and indications of achievement for all projects.

⁽¹⁾ OJ No L 356, 31. 12. 1977, p. 1. Regulation as last amended by Regulation (EC) No 2335/95 (OJ No L 240, 7. 10. 1995, p. 12).

Article 11

1. The Commission shall be assisted by the geographically-determined committee competent for development.

2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.

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

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

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

3. An exchange of views shall take place once a year on the basis of a presentation by the representative of the Commission of the general guidelines for the operations to be carried out in the year ahead, in the framework of a joint meeting of the committees pursuant to paragraph 1.

Article 12

1. At the end of each budget year, the Commission shall present a report to the European Parliament and the

Council comprising a summary of the operations financed in the course of that year and evaluating the implementation of this Regulation over that period.

The summary shall in particular contain information on those with whom contracts have been concluded.

2. The Commission shall regularly assess operations financed by the Community with a view to establishing whether the objectives aimed at by such operations have been achieved and to provide guidelines for improving the effectiveness of future operations. The Commission shall submit to the committee referred to in Article 11 a summary of the assessments made which, if appropriate, may be examined by the committee. The assessment reports shall be made available to any Member States requesting them.

3. The Commission shall inform the Member States, at the latest one month after its decision, of the operations and projects approved, stating their cost and nature, the recipient country and partners.

Article 13

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

It shall be applicable until 31 December 2002.

2. Three years after this Regulation enters into force, the Commission shall submit to the European Parliament and the Council an overall assessment of operations financed by the Community under this Regulation, which may include suggestions regarding the future of this Regulation and, where necessary, proposals for amending or prolonging it.

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

Done at Brussels, 22 July 1997.

For the Council

The President

J. POOS

COMMISSION REGULATION (EC) No 1485/97

of 29 July 1997

determining the extent to which applications lodged in July 1997 for import licences for certain egg sector products and poultrymeat pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1474/95⁽¹⁾ opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin, as last amended by Regulation (EC) No 1242/97⁽²⁾, and in particular Article 5 (5) thereof,

Having regard to Commission Regulation (EC) No 1251/96 of 28 June 1996 opening and providing for the administration of tariff quotas in the poultrymeat sector and albumin⁽³⁾, as last amended by Regulation (EC) No 1211/97⁽⁴⁾ and in particular Article 5 (5) thereof,

Whereas the applications for import licences lodged for the third quarter of 1997 are, in the case of all products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other

products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1997 submitted pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 October to 31 December 1997 applications may be lodged pursuant to Regulations (EC) No 1474/95 and (EC) No 1251/96 for import licences for the total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 30 July 1997.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 145, 29. 6. 1995, p. 19.

⁽²⁾ OJ No L 173, 1. 7. 1997, p. 77.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 136.

⁽⁴⁾ OJ No L 170, 27. 6. 1997, p. 40.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1997
E1	—
E2	64,23
E3	100,00
P1	—
P2	5,46
P3	4,49
P4	7,41

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1997
E1	48 090,50
E2	1 615,75
E3	4 527,94
P1	1 240,00
P2	400,00
P3	88,00
P4	100,00

COMMISSION REGULATION (EC) No 1486/97

of 29 July 1997

determining the extent to which applications lodged in July 1997 for import licences for certain pigmeat products under the regime provided for by the Agreement concluded by the Community with Slovenia can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 571/97 of 26 March 1997 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Slovenia⁽¹⁾, and in particular Article 4 (4) thereof,

Whereas the applications for import licences lodged for the third quarter of 1997 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for

products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1997 submitted pursuant to Regulation (EC) No 571/97 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1997 applications may be lodged pursuant to Regulation (EC) No 571/97 for import licences for a total quantity as referred to in Annex II of this Regulation.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 30 July 1997.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 85, 27. 3. 1997, p. 56.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 31 September 1997
23	100,00
24	100,00

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1997
23	50,0
24	100,0

COMMISSION REGULATION (EC) No 1487/97
of 29 July 1997

establishing the quantity of certain pigmeat products available for the fourth quarter of 1997 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia of the other part

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

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part⁽¹⁾, as last amended by Regulation (EC) No 691/97⁽²⁾, and in particular Article 4 (4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1 July to 30 September 1997 should be added to the quantities

available for the period 1 October to 31 December 1997,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 October to 31 December 1997 pursuant to Regulation (EC) No 2305/95 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 July 1997.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 233, 30. 9. 1995, p. 45.

⁽²⁾ OJ No L 102, 19. 4. 1997, p. 12.

ANNEX

Group No	(tonnes)
	Total quantity available for the period 1 October to 31 December 1997
18	550
19	550
20	110
21	550
22	275

COMMISSION REGULATION (EC) No 1488/97
of 29 July 1997

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs⁽¹⁾, as last amended by Commission Regulation (EC) No 418/96⁽²⁾, and in particular Article 13 thereof,

Whereas, in accordance with Article 7 (1a) of Regulation (EEC) No 2092/91, the conditions provided for in Article 7 (1) of that Regulation do not apply to products which were in common use before the adoption of that Regulation according to the codes of practice on organic farming followed in the Community;

Whereas several Member States have communicated the relevant information to the Commission with regard to the products which were in common use in organic farming on their territory before 24 June 1991 and are not included in Annex II to Regulation (EEC) No 2092/91; whereas they have also indicated that those products are still authorized in the Member State concerned in agriculture in general; whereas after examination of the requests of the Member States, it has appeared appropriate to include at this stage the product 'clays' as additional soil conditioner and the following products as plant protection products: azadirachtin, beeswax, certain copper compounds, ethylene, gelatine, potassium alum, lime sulphur, lecithin, extract from *Nicotiana tabacum*, microorganism preparations, mineral oils, potassium permanganate and quartz sand;

Whereas in this context certain products (compost household waste, industrial lime from sugar refinery) in traditional use in new Member States (Austria, Finland, Sweden) should also be included;

Whereas, moreover, some Member States have requested that certain other fertilizers, plant protection products and other products used in agriculture be included in Annex II to Regulation (EEC) No 2092/91 in order to permit the use of these products in organic farming; whereas, after examination of those requests, it has been found that the

requirements of Article 7 (1) of that Regulation are satisfied for diammonium phosphate, and for certain pyrethroids as these products are only accepted when used in traps and for hydrolysed proteins when they are used in traps or in authorized applications in combination with other plant protection products in Section B of Annex II to Regulation (EEC) No 2092/91;

Whereas the inclusion of household compost waste, industrial lime from sugar refinery, extract from *Nicotiana tabacum*, copper compounds, mineral oils, methaldehyde traps and pyrethroid traps should be limited to a period of five years, pending the results of another examination with a view to further refining the requirements or the possible replacement of those products by other solutions; whereas that reexamination should be started as soon as possible on the basis of further information to be submitted by the Member States interested in maintaining these products;

Whereas for certain fertilizers and for all plant protection products, restrictive use conditions and/or compositional requirements need to be established; whereas in particular for copper compounds and for the *Nicotiana tabacum* extract, it is appropriate that the further restriction of the use conditions to certain crops and for pests be explored as soon as possible and by not later than 30 June 1999;

Whereas it has appeared that certain plant protection products in Section B of Annex II to Regulation (EEC) No 2092/91 are not used and therefore could be deleted from that Annex;

Whereas certain Member States have requested the addition of certain products in Annex VI to Regulation (EEC) No 2092/91 and the inclusion of more restrictive conditions of use for certain products of non-agricultural origin already included in that Annex; whereas, after examination, it has been found that those requests satisfy the requirements laid down in Article 5 (4) of Regulation (EEC) No 2092/91 and of Article 2 of Commission Regulation (EEC) No 207/93⁽³⁾, as amended by Regulation (EC) No 345/97⁽⁴⁾;

Whereas a period of grace should be allowed for the disposal of stocks of products which are deleted or authorized only under restrictive conditions;

⁽¹⁾ OJ No L 198, 22. 7. 1991, p. 1.

⁽²⁾ OJ No L 59, 8. 3. 1996, p. 10.

⁽³⁾ OJ No L 25, 2. 2. 1993, p. 5.

⁽⁴⁾ OJ No L 58, 27. 2. 1997, p. 38.

Whereas Regulation (EEC) No 2092/91 should be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 14 of Regulation (EEC) No 2092/91,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II and VI to Regulation (EEC) No 2092/91 shall be amended in accordance with the Annex to this Regulation.

Article 2

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

The products listed in Section B of Annex II and Sections B and C of Annex VI to Regulation (EEC) No 2092/91 before the date of entry into force of this Regulation may continue to be used under the previously applicable conditions until existing stocks are exhausted but not later than 31 March 1998.

Products set out in Annexes II and VI to Regulation (EEC) No 2092/91 under more restrictive conditions than those before the date of entry into force of this Regulation, may continue to be used under the previously applicable conditions until existing stocks are exhausted but not later than 31 March 1998.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

1. Section A of Annex II to Regulation (EEC) No 2092/91 is amended as follows:

(a) The title is replaced by the following:

'Fertilizers and soil conditioners'.

(b) The following is included in the heading of the Annex under the title:

'General conditions for all the products:

- use in accordance with provisions of Annex I,
- use only in accordance with the provisions of fertilizer legislation applicable within each Member State.'

(c) The following product is inserted after 'Liquid animal excrements':

Name	Description; compositional requirements; conditions for use
'— Composted household waste.	Compost of source separated household waste; only vegetable and animal waste; produced in a closed and monitored collection system, accepted by the Member State; maximum concentrations in mg/kg of dry matter: Cadmium: 0,7; Copper: 70; Nickel: 25; Lead: 45; Zinc: 200; Mercury: 0,4; Chromium (total): 70; Chromium (VI): 0 (*); only during a period expiring on 31 March 2002; need recognized by the inspection body or inspection authority.

(*) Limit of determination'

(d) The following product is inserted after 'peat':

Name	Description; compositional requirements; conditions for use
'Clays (e.g. perlite, vermiculite, etc.)'	

(e) The following is added in the column 'description; compositional requirements; conditions for use' with regard to the products mentioned hereunder:

Name	Description; compositional requirements; conditions for use
'Fur	maximum concentration in mg/kg of dry matter of Chromium (VI): 0 (*)

(*) Limit of determination.'

(f) The product 'Seaweeds and seaweed products' and its 'Description, compositional requirements, and conditions for use' is replaced by the following:

Name	Description; compositional requirements; conditions for use
'Seaweeds and seaweeds products	As far as directly obtained by: <ul style="list-style-type: none"> (i) physical processes including dehydration, freezing and grinding; (ii) extraction with water or aqueous acid and/or alkaline solution; (iii) fermentation; need recognized by the inspection body or inspection authority'

(g) The following products are added after 'Calcium sulphate (gypsum)':

Name	Description; compositional requirements; conditions for use
'Industrial lime from sugar production	Need recognized by the inspection authority or inspection body; only during a period expiring on 31 March 2002.'

2. Section B of Annex II to Regulation (EEC) No 2092/91 is replaced by the following:

'B. PRODUCTS FOR PLANT PROTECTION

General conditions applicable for all the products composed or containing the following active substances:

- use in accordance with provisions of Annex I,
- only in accordance with the specific provisions of the plant protection product legislation applicable within the Member State where the product is used (where relevant (")).

I. Substances of crop or animal origin

Name	Description; compositional requirements; conditions for use
Azadirachtin extracted from <i>Azadirachta indica</i> . (Neem tree)	Insecticide; only to be used on mother plants for the production of seeds and on parent plants for the production of other vegetative reproductive material, and on ornamental crops.
(*) Beeswax	Pruning agent
Gelatine	Insecticide
(*) Hydrolysed proteins	Attractant; only in authorized applications in combination with other appropriate products of this Annex II, part B.
Lecithin	Fungicide
Extract (aqueous solution) from <i>Nicotiana tabacum</i>	Insecticide; only against aphids in subtropical fruit trees (e.g. oranges, lemons) and tropical crops (e.g. bananas); use only at the start of the vegetation period; need recognized by the inspection body or inspection authority; only during a period expiring 31 March 2002.
Plant oils (e.g. mint oil, pine oil, caraway oil).	Insecticide, acaricide, fungicide and sprout inhibitor.
Pyrethrins extracted from <i>Chrysanthemum cinerariaefolium</i> .	Insecticide
Quassia extracted from <i>Quassia amara</i> .	Insecticide, repellent
Rotenone extracted from <i>Derris spp.</i> and <i>Lonchocarpus spp.</i> and <i>Terphrosia spp.</i>	Insecticide; need recognized by the inspection body or inspection authority.

(*) In certain Member States the products marked with (*) are not considered as plant protection products and are not subject to the provisions of the plant protection products legislation.

II. Microorganisms used for biological pest control

Name	Description; compositional requirements; conditions for use
Microorganisms (bacteria, viruses and fungi) e.g. <i>Bacillus thuringensis</i> , <i>Granulosis virus</i> , etc.	Only products not genetically modified in the meaning of Directive 90/220/EEC ⁽¹⁾ .

⁽¹⁾ OJ No L 117, 8. 5. 1990, p. 15.

III. Substances to be used in traps and/or dispensers

General conditions:

- the traps and/or dispensers must prevent the penetration of the substances in the environment and prevent contact of the substances with the crops under cultivation.
- the traps must be collected after use and disposed of safely

Name	Description; composition requirements; conditions for use
^(*) Diammonium phosphate	Attractant; only in traps
Metaldehyde	Molluscicide; only in traps containing a repellent to higher animal species; only during a period expiring 31 March 2002.
Pheromones	Insecticide, attractant; in traps and dispensers.
Pyrethroids (only deltamethrin or lambda-cyhalothrin)	Insecticide; only in traps with specific attractants; only against <i>Batrocera oleae</i> and <i>Ceratitis capitata</i> wied; need recognized by the inspection body or inspection authority. only during a period expiring on 31 March 2002;

^(*) In certain Member States the products market with ^(*) are not considered as plant protection products and are not subject to the provisions of the plant protection products legislation.

IV. Other substances from traditional use in organic farming

Name	Description; compositional requirements; conditions for use
Copper in the form of copper hydroxide, copper oxychloride, (tribasic) copper sulphate, cuprous oxide	Fungicide; only during a period expiring on 31 March 2002; need recognized by the inspection body or inspection authority

Name	Description; compositional requirements; conditions for use
(*) Ethylene	Degreening bananas
Fatty acid potassium salt (soft soap)	Insecticide
(*) Potassium alum (Kalinite)	Prevention of ripening of bananas
Lime sulphur (Calcium polysulphide)	Fungicide, insecticide, acaricide; only for winter treatments in fruit trees, olive trees and vines.
Paraffin oil	Insecticide, acaricide
Mineral oils	Insecticide, fungicide; only in fruit trees, vines, olive trees and tropical crops (e.g. bananas); only during a period expiring on 31 March 2002; need recognized by the inspection body or inspection authority.
Potassium permanganate	Fungicide, bactericide; only in fruit trees, olive trees and vines.
(*) Quartz sand	Repellent
Sulphur	Fungicide, acaricide, repellent

(*) In certain Member States the products marked with (*) are not considered as plant protection products and are not subject to the provisions of the plant protection products legislation.

3. Annex VI to Regulation (EEC) No 2092/91 is amended as follows:

(a) Subsection A.5 (Minerals — including trace elements — and vitamins) is replaced by the following:

‘A.5 Minerals (trace elements included), vitamins, aminoacids and other nitrogen compounds

Minerals (trace elements included), vitamins, aminoacids and other nitrogen compounds, only authorized as far their use is legally required in the foodstuffs in which they are incorporated.’

(b) Section B is amended as follows:

(i) The specific condition with regard to Sodium hydroxide is replaced by the following:

‘— Sugar production

— oil production from rape seed (*Brassica spp*) only during a period expiring on 31 March 2002’.

(ii) The following product is inserted after ‘Sodium carbonate’:

Name	Specific conditions
‘Citric acid	oil production and hydrolysis of starch’

(c) In Section C, the following product is deleted from subsection C.2.3:

‘Lemon juice’.

COMMISSION REGULATION (EC) No 1489/97

of 29 July 1997

laying down detailed rules for the application of Council Regulation (EEC) No 2847/93 as regards satellite-based vessel monitoring systems

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 686/97⁽²⁾, and in particular Article 3 (10) thereof,

Whereas it is necessary to establish lists of fishing vessels to which vessel monitoring systems (VMS) applies as well as lists of fishing vessels which are exempted from VMS;

Whereas it is necessary to define the operational capacities of, as well as the specific data to be transmitted by, the satellite-tracking devices installed on board certain Community fishing vessels;

Whereas it is appropriate to ensure coordination between the fisheries monitoring centre (FMC) of a flag Member State and that of a coastal Member State in the case of fishing vessels operating in waters subject to the sovereignty or jurisdiction of a coastal Member State;

Whereas it is necessary to define when the transmission of data through VMS can be considered to be the transmission of the effort reports mentioned in Articles 19 (b) and 19 (c) of Regulation (EEC) No 2847/93;

Whereas an alternative method of transmission of data must be ensured in the event of technical failure or non-function of the satellite tracking device;

Whereas it is necessary to ensure that, on specific request, the Commission has direct access to the data received from the fishing vessels, in order to enable it to perform in a cost-effective way its tasks provided for in Articles 29 and 30 of Regulation (EEC) No 2847/93;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down detailed rules under which Member States are to establish and operate satellite-based

vessel monitoring systems, hereinafter referred to as 'VMS', as provided for in Article 3 of Regulation (EEC) No 2847/93.

Article 2

1. Not later than 31 December 1997, each Member State shall establish a list of the fishing vessels flying its flag and registered in the Community to which VMS applies pursuant to Article 3 (1) of Regulation (EEC) No 2847/93, as well as a list of the fishing vessels belonging to the categories referred to in Article 3 (1) of that Regulation which are exempted from the VMS pursuant to Article 3 (3) of that Regulation, and shall communicate them to the Commission and, on request, to the other Member States.

2. Not later than 30 June 1999, each Member State shall establish a list of the fishing vessels flying its flag and registered in the Community to which VMS applies pursuant to Article 3 (2) of Regulation (EEC) No 2847/93, as well as a list of the fishing vessels belonging to the categories referred to in Article 3 (2) of that Regulation which are exempted from the VMS pursuant to Article 3 (3) of that Regulation, and shall communicate them to the Commission and, on request, to the other Member States.

3. When a Member State imposes VMS on vessels flying its flag and registered in the Community which do not fall within the scope of Article 3 (1) and (2) of Regulation (EEC) No 2847/93, that Member State shall establish a list of those vessels, and shall communicate it to the Commission and, on request, to the other Member States.

4. The lists shall contain for each vessel the following information:

- the flag State,
- the internal fleet register number,
- the external identification,
- the name, and
- the international radio call sign.

5. Each Member State shall immediately inform the Commission and the other Member States which had requested the lists of any changes thereto.

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 102, 19. 4. 1997, p. 1.

Article 3

1. The satellite-tracking devices installed on board the fishing vessels shall ensure the automatic transmission to the fisheries monitoring centre, hereinafter referred to as 'the FMC', of the flag Member State, at all times, of data relating to:

- the vessel identification,
- the most recent geographical position of the vessel, with a position error which shall be less than 500 metres, with a confidence interval of 99 %, and
- the date and time of the fixing of the said position of the vessel.

2. Each flag Member State shall take the necessary measures to check the accuracy of the data referred to in paragraph 1.

3. Without prejudice to the special provisions contained in fisheries agreements concluded between the Community and third countries or in international conventions to which the Community or some of its Member States are a party, each Member State shall take the necessary measures to ensure that its FMC receives through the VMS the information requested in paragraph 1 concerning the fishing vessels flying its flag and registered in the Community, at least every two hours unless otherwise specified in Annex I. The FMC may decide to require the position at shorter time intervals. If a VMS does not offer the possibility of polling the actual position of the fishing vessels, the Member State concerned shall take the necessary measures to ensure that the FMC receives the position of the vessels every hour.

4. Each Member State shall take the necessary measures to ensure that its FMC monitors, through the VMS, the date and time of the entry into and the exit from the fishing areas referred to in Annex I to Council Regulation (EC) No 685/95⁽¹⁾ and the waters of a third country of vessels flying its flag and registered in the Community.

Article 4

1. The VMS established by each Member State shall ensure the automatic transmission to the FMC of a coastal Member State of the data relating to the identification and the geographical position of the fishing vessels flying its flag and registered in the Community to which VMS applies and which operate in the waters of the coastal Member State, expressed in degrees and minutes of latitude and longitude, and relating to the date and time of fixing of the said position. Those data shall simultaneously be transmitted to the FMC of the flag Member State in conformity with the format defined in Annex II.

2. Each Member State shall transmit to the other Member States, before 31 December 1997, a comprehensive list of latitude and longitude coordinates which delimit its exclusive economic zone or exclusive fishery zone.

3. Coastal Member States monitoring jointly an area may specify a common destination for the transmissions referred to in paragraph 1. They shall inform the Commission and the other Member States thereof.

4. Member States shall take the necessary measures to ensure coordination between their competent authorities regarding the establishment and operation of the procedures for transmission to the FMC of a coastal Member State.

Article 5

The transmission of data through VMS by a Community fishing vessel, which operates in the fishing areas referred to in Annex I to Regulation (EC) No 685/95, in accordance with the provisions of Articles 3 and 4 of this Regulation, is considered to be the transmission of the effort reports referred to in Articles 19 (b) and 19 (c) of Regulation (EEC) No 2847/93.

Article 6

1. In the event of technical failure or non-function of the satellite tracking device fitted on board a fishing vessel, the master or the owner of the vessel or their representative shall communicate at least every 24 hours, starting from the time that this event was detected, the data referred to in Article 3 (1) and Article 4 (1) by telex, by fax, by telephone message or by radio, via a radio station approved under the Community legislation for the reception of such reports, to the FMC of the flag Member State and the FMC of the coastal Member State respectively. The same provision applies in the event of technical failure or non-functioning of the VMS of the flag Member State. Such communication is not considered to be the transmission of the effort reports referred to in Articles 19 (b) and 19 (c) of Regulation (EEC) No 2847/93.

2. In the event of technical failure or non-function of the satellite tracking device fitted on board a fishing vessel, the owner of the fishing vessel or the representative of the owner is obliged to have the device repaired or replaced within one month. After that period, the master of a fishing vessel is not authorized to commence a fishing trip with a defective satellite tracking device. However, where a device stops functioning or becomes defective during a fishing trip that lasts more than one month, the repair or the replacement has to take place as soon as the vessel enters a port, and the master of the vessel is not authorized to commence a new fishing trip without the satellite tracking device having been repaired or replaced.

⁽¹⁾ OJ No L 71, 31. 3. 1995, p. 5.

3. Member States shall take the necessary measures to ensure that the master or the owner of the vessel or their representative is informed when the satellite tracking device fitted on board a fishing vessel appears to be defective or non-functioning or, as far as possible, when their VMS is non-functioning.

Article 7

Member States shall take the necessary measures to ensure that the Commission shall have, from 1 October 1998 onwards, on specific request, at any time remote access by online sessions to the computer files containing the data recorded by the FMC.

Article 8

The name, address, telephone number, telex number and fax number, as well as the X.25 and any other addresses used for electronic data transmission, of the competent authority responsible for a FMC, are listed in Annex III. Any change in that information shall be communicated

to the Commission and to the other Member States within one week.

Article 9

The Member States and the Commission shall notify to each other the measures relating to VMS taken pursuant to Article 37 (1) of Regulation (EEC) No 2847/93.

Article 10

Member States shall inform the Commission, for the first time before 1 November 1997 and half-yearly thereafter, of the progress in establishing their VMS.

Article 11

This Regulation shall enter into force on the seventh day following that 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, 29 July 1997.

For the Commission

Emma BONINO

Member of the Commission

ANNEX I

FREQUENCY OF POSITION REPORTS

Location	Maximum interval of time between receipt of position reports
In port	24 hours ⁽²⁾
ICES Area North of 62° North outside Community waters ⁽¹⁾	6 hours
Mediterranean Sea outside Community waters	12 hours
NAFO area	12 hours
Other areas outside Community waters	24 hours

⁽¹⁾ Except ICES division IIIId.

⁽²⁾ If the vessel remains in port for more than 48 hours, the satellite tracking device may be switched off whilst the vessel is in port, providing the next report is from the same position as the last report.

ANNEX II

ELECTRONIC DATA EXCHANGE FORMAT

Table 1: Definition of the mandatory data elements

Data element	Field code	Maximum width	Mandatory/Optional	Definition/Remarks
Start of record	SR		M	
Type of message	TM	3	M	Code. Default is POS.
Internal number	IR	12	M	Vessel detail Internal fleet register number
Time	TI	4	M	Time of recording the position (UTC) — hhmm
Date	DA	8	M	Date of recording the position — yymmdd
Latitude	LA	5	M	Position detail Latitude in degrees and minutes Nddmm or Sddmm
Longitude	LO	6	M	Position detail Longitude in degrees and minutes Wddmm or Eddmm
End of record	ER		M	

Table 2: Definition of optional data elements

Data element	Field code	Maximum width	Mandatory/Optional	Definition/Remarks
Coastal Member State	AD	3	O	Addressee Alpha-3 ISO country code
External identification	XR	14	O	Vessel detail
Name	NA	40	O	Vessel detail
Flag	FS	3	O	Vessel detail Flag state; Alpha-3 ISO country code
International radio call sign	RC	7	O	Vessel detail
Activity	AC	6	O	Code. Activity carried out
Other information	OI	50	O	Other information not covered above.

Character set: ISO 8859.1.

A data transmission is structured in the following manner:

- a double slash (//) and a field code indicate the start of a data element
- a slash (/) separates the field code and the data.

Optional data elements have to be inserted between 'Start of record' and 'End of record'.

*ANEXO III / BILAG III / ANHANG III / ΠΑΡΑΡΤΗΜΑ ΙΙΙ / ANNEX III / ANNEXE III /
ALLEGATO III / BIJLAGE III / ANEXO III / LIITE III / BILAGA III*

BELGIË/BELGIQUE

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SUOMI

SVERIGE

UNITED KINGDOM

COMMISSION REGULATION (EC) No 1490/97

of 29 July 1997

amending Regulation (EEC) No 3846/87 establishing an agricultural product
nomenclature for export refunds

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

Having regard to Council Regulation (EEC) No 804/68 of
27 June 1968 on the common organization of the market
in milk and milk products ⁽¹⁾, as last amended by Regula-
tion (EC) No 1587/96 ⁽²⁾, and in particular Article 17 (14)
thereof,

Whereas Commission Regulation (EEC) No 3846/87 ⁽³⁾,
as last amended by Regulation (EC) No 1297/97 ⁽⁴⁾, es-
tablishes on the basis of the combined nomenclature an
agricultural product nomenclature for export refunds;
whereas the nomenclature lays down the requirements
relating to the product codes for cheeses for which a
refund is granted, in particular as regards the maximum
water content and minimum fat content; whereas the
requirements for certain cheeses have to be adjusted so
that they reflect better the cheeses actually exported;

Whereas, in the case of whey cheeses falling within CN
codes 0406 10 20 and 0406 90 87, it should be specified
that salted Ricotta and Manouri, while manufactured from

whey, are classified separately in the nomenclature for
export refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Sector 9 of the Annex to Regulation (EEC) No
3846/87, the information on CN codes ex 0406 10 20, ex
0406 90 31, ex 0406 90 33, ex 0406 90 73, ex 0406 90 76,
ex 0406 90 81 and ex 0406 90 87 is replaced by the infor-
mation in the Annex hereto.

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, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 21.

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 176, 4. 7. 1997, p. 30.

ANNEX

CN code	Description of goods	Additional requirements for using the product code		Product code
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)	
ex 0406 10 20	— — of a fat content, by weight, not exceeding 40 %:			
	— — — whey cheese, except for salted Ricotta			0406 10 20 9100
	— — — Other:			
	— — — — of a water content calculated by weight in the non-fatty matter exceeding 47 % but not exceeding 72 %:			
	— — — — — Ricotta, salted:			
	— — — — — — Manufactured exclusively from sheep's milk	55	45	0406 10 20 9230
	— — — — — — Other	55	39	0406 10 20 9290
	— — — — — Cottage cheese	60		0406 10 20 9300
	— — — — — Other:			
	— — — — — — Of a fat content, by weight, in the dry matter:			
	— — — — — — — Of less than 5 %	60		0406 10 20 9610
	— — — — — — — Of 5 % or more but less than 19 %	60	5	0406 10 20 9620
	— — — — — — — Of 19 % or more but less than 39 %	57	19	0406 10 20 9630
	— — — — — — — Other, of a water content calculated by weight of the non-fatty matter:			
	— — — — — — — Exceeding 47 % but not exceeding 52 %	40	39	0406 10 20 9640
	— — — — — — — Exceeding 52 % but not exceeding 62 %	50	39	0406 10 20 9650
	— — — — — — — Exceeding 62 %			0406 10 20 9660
	— — — — — Of a water content calculated by weight of the non-fatty matter exceeding 72 %:			
	— — — — — — Cream cheese of a water content calculated by weight of the non-fatty matter exceeding 77 % but not exceeding 83 % and of a fat content, by weight, in the dry matter:			
	— — — — — — — Of 60 % or more but less than 69 %	60	60	0406 10 20 9830
	— — — — — — — Of 69 % or more	59	69	0406 10 20 9850
	— — — — — Other			0406 10 20 9870
	— — — — — Other			0406 10 20 9900
ex 0406 90 31	— — — Feta (¹):			
	— — — — of sheep's milk or buffalo milk in containers containing brine or in sheepskin or goatskin bottles:			
	— — — — — Manufactured exclusively from sheep's milk:			
	— — — — — — Of a water content calculated by weight of the non-fatty matter not exceeding 72 %	56	43	0406 90 31 9119

CN code	Description of goods	Additional requirements for using the product code		Product code
		Maximum water content in product weight (%)	Minimum fat content in the dry matter (%)	
ex 0406 90 33	— — — — Other:			
	— — — — — manufactured exclusively from sheep's and/or goat's milk:			
	— — — — — — Of a water content calculated by weight of the non-fatty matter not exceeding 72 %	56	43	0406 90 33 9119
	— — — — — Other:			
	— — — — — — Of a water content calculated by weight of the non-fatty matter not exceeding 72 %	60	39	0406 90 33 9919
	— — — — — — Of a water content calculated by weight of the non-fatty matter exceeding 72 %	59	50	0406 90 33 9951
ex 0406 90 73	— — — — — — Provolone	45	44	0406 90 73 9900
ex 0406 90 76	— — — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsoe:			
	— — — — — — — Of a fat content, by weight, in the dry matter of 45 % or more but less than 55 %:			
	— — — — — — — — Of a dry matter content, by weight, of 50 % or more but less than 56 %	50	45	0406 90 76 9300
	— — — — — — — — Of a dry matter content, by weight, of 56 % or more	44	45	0406 90 76 9400
	— — — — — — — Of a fat content, by weight, in the dry matter of 55 % or more	46	55	0406 90 76 9500
ex 0406 90 81	— — — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	44	45	0406 90 81 9900
ex 0406 90 87	— — — — — — — exceeding 52 % but not exceeding 62 %:			
	— — — — — — — — Cheese produced from whey, except for Manouri			0406 90 87 9100
	— — — — — — — — Other, of a fat content, by weight, in the dry matter:			
	— — — — — — — — — Of less than 5 %	60		0406 90 87 9200
	— — — — — — — — — Of 5 % or more but less than 19 %	55	5	0406 90 87 9300
	— — — — — — — — — Of 19 % or more but less than 40 %	53	19	0406 90 87 9400
	— — — — — — — — — Of 40 % or more:			
	— — — — — — — — — — Idiazabal, Manchego and Roncal manufactured exclusively from sheep's milk	45	45	0406 90 87 9951
	— — — — — — — — — — Maasdam	45	45	0406 90 87 9971
	— — — — — — — — — — Manouri	43	53	0406 90 87 9972
	— — — — — — — — — — Hushallsost	46	45	0406 90 87 9973
	— — — — — — — — — — Murukoloinen	41	50	0406 90 87 9974
	— — — — — — — — — — Other	47	40	0406 90 87 9979

COMMISSION REGULATION (EC) No 1491/97

of 29 July 1997

amending Regulation (EC) No 504/97 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards the system of production aid for products processed from fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2201/96 of 28 October 1996 on the common organization of the markets in processed fruit and vegetable products⁽¹⁾, and in particular Articles 4 (9) and 26 thereof,

Whereas Article 7 (5) of Commission Regulation (EC) No 504/97⁽²⁾ sets the deadline for the conclusion of contracts where, for a given product, the minimum price payable to the producer is not published in the *Official Journal of the European Communities* 15 days before the beginning of the marketing year, as the 15th day following that of publication of the price; whereas, in view of the new requirements imposed by Article 2 (2) of Regulation (EC) No 2201/96 on processors and producer organizations as regards contracts, in some cases that deadline is insufficient for 1997; whereas, as a result, it is necessary to set, for the first year of application, the deadline for the signature of contracts for those products at 31 July 1997;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is hereby added to Article 7 (5) of Regulation (EC) No 504/97:

'However, for the 1997/98 marketing year, the deadline for signature for contracts referred for in the preceding subparagraph shall be 31 July 1997'.

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, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 29.

⁽²⁾ OJ No L 78, 20. 3. 1997, p. 14.

COMMISSION REGULATION (EC) No 1492/97
of 29 July 1997

laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards the fixing of the conditions for the distillation of certain fruit withdrawn from the market

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽¹⁾, and in particular Article 30 (7) thereof,

Whereas Article 30 (1) (c) of Regulation (EC) No 2200/96 provides that apples, pears, peaches and nectarines withdrawn from the market under Article 23 (1) may be disposed of by processing into alcohol of a strength of more than 80 % volume by direct distillation of the product;

Whereas the second subparagraph of Article 30 (5) of Regulation (EC) No 2200/96 provides that the distillation referred to in paragraph 1 (c) is to be carried out by distilleries either on their own account or on behalf of the body designated by the Member State concerned and that the operations are to be carried out by that body using the most appropriate procedure;

Whereas according to Article 30 (7) of the aforementioned Regulation, the detailed rules for the application of that Article should prevent the distillation of products withdrawn from the market from disrupting the alcohol market; whereas, to that end, provision should be made for the compulsory denaturing of the alcohol obtained from the distillation of fruit withdrawn from the market and its industrial use to the exclusion of any use for food; whereas denaturing must be in accordance with Commission Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty⁽²⁾, as last amended by Regulation (EC) No 2546/95⁽³⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The supply and award of contracts to distilleries for the products referred to in Article 30 (1) (c) for distillation into alcohol of a strength of more than 80 % volume shall be carried out either by a standing invitation to tender, public auction, or another procedure adopted by

the Member State ensuring that competition between interested operators takes place under equal conditions.

Article 2

The procedures and operations referred to in Article 1 shall take place no later than three months after the marketing year of the product in question.

Article 3

The bodies designated by the Member States to carry out the supply or award of contract referred to in Article 1 shall be as set out in the Annex.

Article 4

The alcohol obtained from the products in question shall be subject to special denaturing in accordance with Regulation (EC) No 3199/93 and shall be for industrial and not food use.

Article 5

The bodies designated by the Member States shall monitor on the spot by means of physical and documentary checks the processing of the product, for which the contract is awarded, into alcohol of a strength of more than 80 % volume, its denaturing and industrial use.

Article 6

Member States shall take the measures necessary to prevent any distortion of competition in the supply of and award of contracts for the products to the distilleries concerned.

Article 7

On request by the Commission, Member States shall communicate the results of the operations referred to in this Regulation within seven days.

Article 8

Regulations (EEC) No 1561/70 and (EEC) No 1562/70 are hereby repealed.

Article 9

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

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ No L 288, 23. 11. 1993, p. 12.

⁽³⁾ OJ No L 260, 31. 10. 1995, p. 45.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

LIST OF BODIES DESIGNATED BY THE MEMBER STATES

Belgium	Bureau d'intervention et de restitution belge (BIRB) Rue de Trèves 82 B-1040 Bruxelles
Denmark	EU-direktoratet 2. Markedskontor Kampmannsgade 3 DK-1780 København V
Germany	Bezirksregierung Lüneburg Dezernat 602 Auf der Hude 2 Postfach 2520 D-21332 Lüneburg Landwirtschaftskammer Rheinland Referat 324.4 Postfach 1969 D-53009 Bonn Regierungspräsidium Freiburg D-79083 Freiburg i.Br. Ministerium für Ernährung, Landwirtschaft und Forsten Brandenburg Referat 42 Heinrich-Mann-Allee 103 D-14473 Potsdam Sächsische Landesanstalt für Landwirtschaft Fachbereich Markt und Ernährung D-01311 Dresden Regierungspräsidium Halle Dezernat 51 Postfach 200256 D-06003 Halle/Saale Freie und Hansestadt Hamburg Wirtschaftsbehörde Referat — LG 2 — Alter Steinweg 4 D-20459 Hamburg Thüringer Landesanstalt für Landwirtschaft Abt. Markt- und Ernährungswirtschaft Herrn Kuchler Naumburger Straße 98 D-07743 Jena Hessisches Landesamt für Regionalentwicklung und Landwirtschaft Frankfurter Straße 69 D-35578 Wetzlar Bayrisches Staatsministerium für Ernährung, Landwirtschaft und Forsten Ludwigstraße 2 D-80539 München Ministerium für Wirtschaft, Verkehr, Landwirtschaft und Weinbau Stiftsstraße 9 D-55116 Mainz Ministerium für ländliche Räume, Landwirtschaft, Ernährung und Tourismus des Landes Schleswig-Holstein Dusternbrooker Weg 104 D-24105 Kiel Ministerium für Landwirtschaft und Naturschutz des Landes Mecklenburg-Vorpommern Paulshöher Weg 1 D-19061 Schwerin Ministerium für Umwelt, Energie und Verkehr Abteilung Landwirtschaft und Forsten Heilbergstraße 50 D-66121 Saarbrücken

Greece	Υπουργείο Γεωργίας Υπηρεσία Διαχείρισεως και Αγορών Γεωργικών Προϊόντων (ΥΔΑΓΕΠ) Αχαρνών 5 Αθήνα
Spain	Dirección General del Fondo Español de Garantía Agraria (FEGA) Calle Beneficencia, 8 E-28004 Madrid
France	Office national interprofessionnel des fruits et légumes et de l'horticulture (ONIFLHOR) 164, rue de Javel F-75739 Paris
Ireland	Department of Agriculture, Food and Forestry Agriculture House, IRL-Kildare Street, Dublin 2
Italy	Azienda di stato per gli interventi nel mercato agricolo (AIMA) Via Palestro, 81 I-Roma
Luxembourg	Administration des services techniques de l'agriculture (ASTA) 16, route d'Esch BP 1904 L-1019 Luxembourg Administration des douanes et accises BP 26 L-2010 Luxembourg
Netherlands	Ministerie van Landbouw Bezuidenhoutseweg 73, EK Den Haag
Portugal	Instituto Nacional de Garantia Agrária (INGA) Rua C. Castelo Branco, 45 P-1000 Lisboa
Austria	Agrarmarkt Austria Geschäftsbereich II Dresdner Straße 70 A-1200 Wien
Finland	Maa-ja metsätalousministeriö Interventioyksikkö PL 232, FIN-00171 Helsinki
Sweden	Jordbruksverket Interventionsenheten Vallgatan 8, S-55182 Jönköping
United Kingdom	Horticultural Marketing Inspectorate 9th floor Eastbury House 30134 Albert Embarkment London SE17TL

COMMISSION REGULATION (EC) No 1493/97

of 29 July 1997

amending Regulation (EC) No 412/97 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards the recognition of producer organizations

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

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽¹⁾, and in particular Article 11 (2) (a) and Article 48 thereof,

Whereas Article 2 of Commission Regulation (EC) No 412/97⁽²⁾, as amended by Regulation (EC) No 1119/97⁽³⁾, lays down the minimum number of producers and the minimum volume of production required for the purposes of recognition of a producer organization in accordance with Article 11 of Regulation (EC) No 2200/96;

Whereas Article 1 (2) (a) of Regulation (EC) No 412/97 defines 'producer' as any natural or legal person who is a member of a producer organization;

Whereas where, in accordance with Article 11 (2) of Regulation (EC) No 2200/96, recognition as a producer organization is applied for by a producer group of which one or more members are legal persons, the number of members which make up each legal person should be taken into account for calculating the number of members of the producer organization; whereas if this is not taken into account, this would be an obstacle to the

grouping of supply and the establishment of producer organisations;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is hereby added to Article 2 (1) of Regulation (EC) No 412/97:

'Where a producer organization is made up in whole or in part of members who, in turn, are legal persons made up exclusively of producers, the minimum number of producers referred to in the first subparagraph shall be calculated on the basis of the number of producers who are members of each of the legal persons'.

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, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ No L 62, 4. 3. 1997, p. 16.

⁽³⁾ OJ No L 163, 20. 6. 1997, p. 11.

COMMISSION REGULATION (EC) No 1494/97
of 29 July 1997
amending Regulation (EEC) No 2168/92 laying down detailed implementing
rules for the specific measures for the Canary Islands with regard to potatoes

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures for the Canary Islands concerning certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 2348/96 ⁽²⁾, and in particular Article 21 thereof,

Whereas the restriction on deliveries of potatoes for human consumption during the sensitive periods referred to in Title III of Commission Regulation (EEC) No 2168/92 ⁽³⁾, as last amended by Regulation (EC) No 1166/97 ⁽⁴⁾, is implemented by means of a procedure for the issue and presentation of 'potato delivery certificates', hereinafter referred to as 'certificates';

Whereas the detailed rules for the issue of the certificates must be adjusted to improve administration of the quantities available; whereas, in particular, in order to ensure a regular supply to the Canary Islands of potatoes for human consumption, the issue of certificates for quantities which are not intended to meet the direct needs of applicants should be avoided; whereas, to that end, it should be provided that the rights resulting from the certificates may not be transferred by the holder;

Whereas the replacement of certificates that are still valid by non-transferable certificates should be permitted;

Whereas, for the sake of a more ordered administration of supplies, a time limit for the validity of certificates should be laid down;

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

Regulation (EEC) No 2168/92 is hereby amended as follows:

1. Article 10 (2) is replaced by the following:

'2. The certificate shall be drawn up on the basis of the import licence form in the Annex to Commission Regulation (EEC) No 3719/88.

Article 8 (3) and (5), and Article 10, Articles 13 to 16, 19 to 22, 24 to 31 and 33 to 37 of Regulation (EEC) No 3719/88 shall apply, *mutatis mutandis*, subject to the provisions of this Regulation.

The rights resulting from the certificate shall not be transferable during their period of validity.

The holders of certificates issued before 30 July 1997 which have not been fully used up before the end of their period of validity may, for the remaining quantities, request them to be replaced by certificates the rights under which may not be transferred, or request them to be cancelled and any security released.'

2. The following Article 11a is added:

'Article 11a

The period of validity of certificates for delivery to the Canary Islands from third countries and the rest of the Community of potatoes for human consumption falling within CN codes 0701 90 51, 0701 90 59 and 0701 90 90 shall be limited to the last day of the month in which they are issued.'

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 to certificates issued after its entry into force.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 320, 11. 12. 1996, p. 1.

⁽³⁾ OJ No L 217, 31. 7. 1992, p. 44.

⁽⁴⁾ OJ No L 169, 27. 6. 1997, p. 11.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1495/97
of 29 July 1997
laying down special measures derogating from Regulation (EEC) No 3719/88 as
regards beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾, and in particular Article 13 (12) thereof,

Whereas Commission Regulation (EEC) No 3719/88⁽³⁾, as last amended by Regulation (EC) No 1404/97⁽⁴⁾, lays down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products;

Whereas Commission Regulation (EC) No 1445/95⁽⁵⁾, as last amended by Regulation (EC) No 266/97⁽⁶⁾, lays down rules of application for import and export licences in the beef and veal sector;

Whereas, following cases of bovine spongiform encephalopathy in Ireland, health measures taken by the Egyptian authorities in respect of exports of Irish beef and veal have seriously damaged the economic interests of exporters and whereas the situation thus created has adversely affected export possibilities provided for in Regulation (EEC) No 3719/88;

Whereas it is therefore necessary to limit such damaging consequences by adopting special measures so that export operations which have not been completed on account of the abovementioned circumstances can be regularised;

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

Article 1

1. This Regulation shall apply to the products falling within Category 3 listed in Annex III to Regulation (EC) No 1445/95 for which export licences indicating 'Egypt' in Section 7 were issued in Ireland in the period 30 October 1996 to 31 December 1996.

2. This Regulation shall apply only where the exporters concerned provide proof to the satisfaction of the competent authorities that they have been unable to carry out export operations as a result of the health measures adopted by the authorities of the third country of destination.

Article 2

On application by the holder, export licences issued pursuant to Regulation (EC) No 1445/95 in the period 30 October 1996 to 31 December 1996 shall be cancelled and the securities released.

Article 3

Each Thursday Ireland shall notify the quantities of products covered during the preceding week by the measure provided for in Article 2, specifying the date of issue of the licences.

Article 4

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

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 194, 23. 7. 1997, p. 5.

⁽⁵⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁶⁾ OJ No L 45, 15. 2. 1997, p. 1.

COMMISSION REGULATION (EC) No 1496/97
of 29 July 1997

**amending Regulation (EC) No 1445/95 on rules of application for import and
export licences in the beef and veal sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organisation of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾, and in particular Articles 9 and 13 thereof,

Whereas, as a result of the introduction of a new refund amount for certain heifers other than those intended for slaughter, it is necessary to create a new category of products for those animals by amending Annex III to that Regulation;

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

Annex III of Regulation (EC) No 1445/95⁽³⁾ is replaced by the Annex hereto.

Article 2

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

It shall apply to export licences with advance fixing of the refund applied for from the day following the date of entry into force of this Regulation.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 143, 27. 6. 1995, p. 35.

ANNEX

ANNEX III

List indicated in Article 8 (5)

Category	Product code
0	0102 90 59 9000
1	0102 10 10 9120, 0102 10 30 9120 and 0102 10 90 9120
2	0102 10 10 9130 and 0102 10 30 9130
3	0102 90 41 9100, 0101 90 71 9000 and 0102 90 79 9000
4	0102 90 51 9000, 0102 90 61 9000 and 0102 90 69 9000
5	0201 10 00 9110, 0201 20 30 9110, 0201 20 50 9130
6	0201 10 00 9120, 0201 20 30 9120, 0201 20 50 9140 and 0201 20 90 9700
7	0201 10 00 9130 and 0201 20 20 9110
8	0201 10 00 9140 and 0201 20 20 9120
9	0201 20 50 9110
10	0201 20 50 9120
11	0201 30 00 9050
12	0201 30 00 9100
13	0201 30 00 9150
14	0201 30 00 9190
15	0202 10 00 9100, 0202 20 30 9000, 0202 20 50 9900 and 0202 20 90 9100
16	0202 10 00 9900 and 0202 20 10 9000
17	0202 20 50 9100
18	0202 30 90 9100
19	0202 30 90 9400
20	0202 30 90 9500
21	0202 30 90 9900
22	0206 10 95 9000 and 0206 29 91 9000
23	0210 20 90 9100
24	0210 20 90 9300 and 0210 20 90 9500
25	1602 50 10 9120
26	1602 50 10 9140
27	1602 50 10 9160
28	1602 50 10 9170 and 1602 50 10 9190
29	1602 50 10 9240
30	1602 50 10 9260
31	1602 50 10 9280
32	1602 50 31 9125 and 1602 50 39 9125
33	1602 50 31 9135 and 1602 50 39 9135
34	1602 50 31 9195 and 1602 50 39 9195
35	1602 50 31 9325 and 1602 50 39 9325
36	1602 50 31 9335 and 1602 50 39 9335
37	1602 50 31 9395 and 1602 50 39 9395
38	1602 50 39 9425 and 1602 50 39 9525
39	1602 50 39 9435 and 1602 50 39 9535
40	1602 50 39 9495, 1602 50 39 9505, 1602 50 39 9595 and 1602 50 39 9615
41	1602 50 39 9625
42	1602 50 39 9705 and 1602 50 80 9705
43	1602 50 39 9805 and 1602 50 80 9805
44	1602 50 39 9905 and 1602 50 80 9905
45	1602 50 80 9135
46	1602 50 80 9195
47	1602 50 80 9335
48	1602 50 80 9395
49	1602 50 80 9435 and 1602 50 80 9535
50	1602 50 80 9495 and 1602 50 80 9595
51	1602 50 80 9505 and 1602 50 80 9615
52	1602 50 80 9515 and 1602 50 80 9625

COMMISSION REGULATION (EC) No 1497/97

of 29 July 1997

amending for the fourth time Regulation (EC) No 581/97 adopting exceptional support measures for the market in pigmeat in Belgium

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain bordering regions in the Netherlands, exceptional support measures for the market in pigmeat were adopted for Belgium by Commission Regulation (EC) No 581/97 ⁽³⁾, as last amended by Regulation (EC) No 1066/97 ⁽⁴⁾;

Whereas, because of the outbreak of classical swine fever in several production regions in Belgium and the introduction of protection and surveillance zones by the Belgian authorities, the exceptional support measures for the market should be extended to the new zones; whereas, to that end, it is necessary to increase the number of pigs for fattening and piglets that may be bought in by the intervention agency and to replace Annex II laying down the eligible zones by a new Annex;

Whereas the rapid and efficient application of exceptional measures to support the market is one of the best instru-

ments for combating the spread of classical swine fever; whereas the application of this Regulation from 16 July 1997 is therefore justified;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 581/97 is hereby amended as follows:

1. Annex I is replaced by Annex I hereto.
2. Annex II is replaced by Annex II hereto.

Article 2

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

It shall apply from 16 July 1997.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 87, 2. 4. 1997, p. 11.

⁽⁴⁾ OJ No L 156, 13. 6. 1997, p. 7.

*ANNEX I**'ANNEX I*

Total number of animals from 18 March 1997:

Fattening pigs:	84 000 head
Piglets:	94 000 head'

*ANNEX II**'ANNEX II*

The protection and surveillance zones as defined in Article 2 of the Ministerial Decree of 5 July 1997.'

**COMMISSION REGULATION (EC) No 1498/97
of 29 July 1997**

**amending for the eighth time Regulation (EC) No 413/97 adopting exceptional
support measures for the market in pigmeat in the Netherlands**

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas exceptional measures to support the market in pigmeat were adopted for the Netherlands in Commission Regulation (EC) No 413/97 ⁽³⁾, as last amended by Regulation (EC) No 1293/97 ⁽⁴⁾, in response to the outbreak of classical swine fever in certain production regions in that country;

Whereas, as a result of capacity problems in the rendering plants, the average weight of eligible piglets was temporarily increased; whereas these problems have persisted and the extension of this provision is therefore justified;

Whereas the aid granted for the delivery of the different categories of piglets should be adjusted to the current market situation, taking account of the fall in market prices;

Whereas, since the veterinary and trade restrictions adopted by the Dutch authorities continue to apply, the number of fattening pigs, piglets, young piglets and very young piglets that may be delivered to the competent authorities should be increased, so that the exceptional measures can continue in the coming weeks;

Whereas it is necessary to include the protection and surveillance zone around Oirlo from 20 June 1997 and

the protection and surveillance zones around Stramproy and Gulpen from 1 July 1997 in the exceptional measures by replacing Annex II to Regulation (EC) No 413/97 by a new Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 413/97 is hereby amended as follows:

1. in the second subparagraph of Article 1 (2), '3 August 1997' is replaced by '28 September 1997';
2. in Article 4 (4), 'ECU 45', 'ECU 37', 'ECU 30' and 'ECU 28' are replaced by 'ECU 40', 'ECU 34', 'ECU 25' and 'ECU 23';
3. Annex I replaced by Annex I hereto;
4. Annex II is replaced by Annex II hereto.

Article 2

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

However, point 3 of Article 1 shall apply from 16 July 1997 and point 4 of Article 1 from 20 June 1997 as regards Oirlo and from 1 July 1997 as regards Stramproy and Gulpen.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 62, 4. 3. 1997, p. 26.

⁽⁴⁾ OJ No L 176, 4. 7. 1997, p. 23.

ANNEX I

ANNEX I

Total number of animals from 18 February 1997:

Fattening pigs	2 300 000 head
Piglets and young piglets	3 800 000 head
Very young piglets	2 100 000 head
Cull sows	25 000 head'

ANNEX II

ANNEX II

1. The protection and surveillance zones in the following areas:

- Venhorst,
- Best,
- Berkel-Enschot,
- Ammerzoden,
- Nederweert,
- Soerendonk,
- Oirlo,
- Stramproy,
- Gulpen.

2. The zone in which the transport of pigs is banned, as defined in the ministerial decree of 14 April 1997 published in the *Staatscourant* of 15 April 1997, p. 12.'

COMMISSION REGULATION (EC) No 1499/97
of 29 July 1997
amending for the second time Regulation (EC) No 913/97 adopting exceptional
support measures for the pigmeat market in Spain

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Spain, exceptional measures to support the pigmeat market were adopted for that Member State in Commission Regulation (EC) No 913/97 ⁽³⁾, as amended by Regulation (EC) No 1301/97 ⁽⁴⁾;

Whereas, because of continuing veterinary and trade restrictions adopted by the Spanish authorities and their extension to new areas, the number of pigs for fattening which may be delivered to the competent authorities should be increased, thus allowing the continuation of the exceptional measures in the coming weeks;

Whereas the aid granted for the delivery of piglets should be adjusted to the current market situation, taking account of the fall in prices;

Whereas the rapid and efficient application of the exceptional market support measures is one of the best ways of combating the spread of classical swine fever; whereas the

application of one of the provisions of this Regulation from 16 July 1997 is therefore justified;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 913/97 is hereby amended as follows:

1. in Article 4 (4), 'ECU 69', 'ECU 60' and 'ECU 50' are replaced by 'ECU 60', 'ECU 52' and 'ECU 43' respectively;
2. Annex I is replaced by Annex I hereto;
3. Annex II is replaced by Annex II hereto.

Article 2

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

However, point 3 of Article 1 shall apply with effect from 16 July 1997.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 131, 23. 5. 1997, p. 14.

⁽⁴⁾ OJ No L 177, 5. 7. 1997, p. 3.

ANNEX I

'ANNEX I

Total number of animals from 6 May 1997:

Fattening pigs:	300 000 head
Piglets:	110 000 head'

ANNEX II

'ANNEX II

- In the province of Lerida, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Generalitat de Catalunya* dated 29 April 1997.
 - In the province of Lerida, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Generalitat de Catalunya* dated 12 June 1997.
 - In the province of Lerida, the protection and surveillance zones as defined in Annexes I and II to the Order of the *Generalitat de Catalunya* dated 1 July 1997.'
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COMMISSION REGULATION (EC) No 1500/97

of 29 July 1997

amending for the sixth time Regulation (EC) No 414/97 adopting exceptional support measures for the market in pigmeat in Germany

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat ⁽¹⁾, as last amended by Commission Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Germany, exceptional support measures for the market in pigmeat have been adopted for that Member State by Commission Regulation (EC) No 414/97 ⁽³⁾, as last amended by Regulation (EC) No 1294/97 ⁽⁴⁾;

Whereas the aid granted for the delivery of piglets should be adjusted to the current market situation, taking account of the fall in prices;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 4 (4) of Regulation (EC) No 414/97, 'ECU 71' and 'ECU 60' are hereby replaced by 'ECU 66' and 'ECU 56' respectively.

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, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 62, 4. 3. 1997, p. 29.

⁽⁴⁾ OJ No L 176, 4. 7. 1997, p. 25.

COMMISSION REGULATION (EC) No 1501/97

of 29 July 1997

amending Regulation (EC) No 411/97 laying down detailed rules for the application of Council Regulation (EC) No 2200/96 as regards operational programmes, operational funds and Community financial assistance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organization of the market in fruit and vegetables⁽¹⁾, and in particular Articles 48 and 57 thereof,

Whereas Article 2(5) of Commission Regulation (EC) No 411/97⁽²⁾, as amended by Regulation (EC) No 1119/97⁽³⁾, lays down that the ceiling on financial assistance must be calculated on the basis of the value of marketed production for the year preceding that for which the ceiling is fixed; whereas the value of marketed production in a given year may fall very sharply because of a natural disaster; whereas, in order to avoid in such cases a sharp reduction in the ceiling on Community financial assistance to a producer organization, which could compromise the implementation of its operational programme, a limit on the reduction in the value of marketed production taken as a basis for calculating the aid ceiling should be introduced; whereas that limit should be determined with reference to the average yield and prices obtained by the producer organization over the three years preceding the year of the natural disaster and should be fixed at a level which takes account of normal production fluctuations resulting from weather conditions;

Whereas Article 15(1) of the aforementioned Regulation introduces certain transitional measures for 1997; whereas, given the time needed for producer organizations to adjust and recognition to be granted, it is at present necessary to take an additional transitional measure allowing submission of proposed operational programmes before the deadline of 15 September 1997 by producer organizations which have lodged applications for recognition pursuant to Regulation (EC) No 2200/96 but which have not obtained such recognition at the time the aforementioned proposals are submitted; whereas provision should be made for proposed operational programmes submitted by producer organizations which do not obtain

recognition within the time limit for approval thereof to be rejected automatically;

Whereas the Management Committee for Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 411/97 is hereby amended as follows:

1. the following subparagraph is added to Article 2(5):

'However, in the case of a natural disaster registered by the national competent authorities, the value of the marketed production referred to in the previous subparagraph of a producer organization which has submitted an operational programme shall, for a specific product, be considered to be equal to at least 70 % of a theoretical average value equal to:

- the area covered by the producer organization devoted to the product concerned during the year of the disaster, multiplied by
- the average yield and average price obtained by the producer organization for that product during the three years preceding the year of the natural disaster or, on a decision by the Member State, obtained in the same producer region during the three years preceding the year of the natural disaster.'

2. the following paragraph 7 is added to Article 15:

'7. Producer organizations which have lodged applications for recognition pursuant to Regulation (EC) No 2200/96 may submit for approval proposed operational programmes in accordance with Article 3 of this Regulation no later than 15 September 1997. Proposed operational programmes submitted by organizations which do not obtain recognition before 15 December 1997 shall be rejected automatically.'

Article 2

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

⁽¹⁾ OJ No L 297, 21. 11. 1996, p. 1.

⁽²⁾ OJ No L 62, 4. 3. 1997, p. 9.

⁽³⁾ OJ No L 163, 20. 6. 1997, p. 11.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1502/97
of 29 July 1997
amending Regulation (EEC) No 689/92 fixing the procedure and conditions for
the taking-over of cereals by intervention agencies

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 923/96⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 689/92⁽³⁾, as last amended by Regulation (EC) No 1396/97⁽⁴⁾, fixes the conditions for acceptance of intervention cereals;

Whereas Regulation (EEC) No 1766/92 provides that, to take account of the specific growing cycle of maize and sorghum, the intervention price applicable to these cereals in May is to remain valid in July, August and September of the following marketing year;

Whereas this advantage must be limited to cereals of the old harvest; whereas it is therefore necessary to adapt Regulation (EEC) No 689/92;

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

In Article 4 of Regulation (EEC) No 689/92, the last subparagraph of paragraph 1 is supplemented by the following:

‘For maize and sorghum offered in August and September, this subparagraph shall not apply.’

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, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽⁴⁾ OJ No L 190, 19. 7. 1997, p. 41.

COMMISSION REGULATION (EC) No 1503/97

of 29 July 1997

amending Regulation (EEC) No 2836/93 laying down detailed rules for the application of Council Regulation (EEC) No 1765/92 with regard to the management of the regional base areas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support scheme for producers of certain arable crops⁽¹⁾, as last amended by Regulation (EC) No 1422/97⁽²⁾, and in particular Article 12 thereof,

Whereas certain regulations in the arable crop sectors to which Commission Regulation (EEC) No 2836/93 of 18 October 1993 laying down detailed rules for the application of Council Regulation (EEC) No 1765/92 of the regional base areas⁽³⁾, as amended by Regulation (EC) No 904/94⁽⁴⁾, refers have been repealed or amended several times; whereas, for the sake of clarity and rationality, certain amendments should be made;

Whereas, for the 1997/98 marketing year, the date by which the Member States must notify the Commission of their choice as regards the exercise of the option referred to in Article 2 (7) of Regulation (EEC) No 1765/92, has been postponed to 15 September 1997; whereas, as a result, the dates for the determination and communication to the Commission of the percentage by which the base areas have been exceeded normally set at 15 and 30 September respectively should be postponed temporarily;

Whereas Article 2 (7) of Regulation (EEC) No 1765/92 allows Member States which have chosen to establish one or more national base areas to subdivide each of those into sub-base areas; whereas, to that end, the minimum size of those sub-base areas should be defined whilst ensuring effective application of the penalty system and taking account of the specific situation in Scotland;

Whereas, as a result of the transition from the planned economy system to a market economy, the new German *Länder* benefit from a transitional measure in the form of a temporary and degressive extension of their base areas; whereas that transitional measure is laid down in Commission Regulation (EC) No 1763/96⁽⁵⁾; whereas that temporary extension should not be included in the event of the establishment of a national base area for the whole of Germany; whereas it is therefore necessary to make

certain adjustments in calculating any overrun of that base area;

Whereas, to ensure the necessary transparency and effective administration of the penalty system, the information which the Member States must communicate to the Commission should be specified;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2836/93 is hereby amended as follows:

1. in Article 1 (1), the reference to 'Regulation (EEC) No 845/93' is replaced by a reference to 'Commission Regulation (EEC) No 1098/94^(*),'

^(*) OJ No L 121, 12. 5. 1994, p. 12;

2. in Article 1, paragraphs 3 and 4 are replaced by the following:

'3. The sum of the areas for which applications have been submitted, adjusted in accordance with paragraph 2, shall be increased by the areas sown with arable crops within the meaning of Regulation (EEC) No 1765/92, used to support an application for aid pursuant to Council Regulation (EEC) No 805/68^(*).

4. If the base area is found to have been exceeded the Member State shall, by 15 September at the latest, determine to two decimal places the percentage by which it has been exceeded.

The percentage thus determined shall be used to calculate the proportional reduction in the area eligible for the compensatory payment, in accordance with the first indent of Article 2 (6) of Regulation (EEC) No 1765/92.

In cases as referred to in the second indent of Article 2 (6) of Regulation (EEC) No 1765/92, the percentage by which the base area has been exceeded shall be calculated, to one decimal place, by deducting 85 % of the areas set aside under the voluntary set aside carried out in accordance with Article 7 (6). This shall be added to the compulsory set-aside percentage applicable to the holding in question.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 196, 24. 7. 1997, p. 18.

⁽³⁾ OJ No L 260, 19. 10. 1993, p. 3.

⁽⁴⁾ OJ No L 105, 26. 4. 1994, p. 3.

⁽⁵⁾ OJ No L 231, 12. 9. 1996, p. 8.

The Member State shall inform the Commission without delay and not later than 30 September. In addition, the Member State shall notify producers as soon as it appears possible that the base area will be exceeded.

For the 1997/98 marketing year and notwithstanding the first and fourth subparagraphs, the dates of 15 and 30 September shall be postponed to 10 and 15 October 1997 respectively.

(^(*)) OJ No L 148, 28. 6. 1968, p. 24.;

3. in Article 3, the references to 'Regulation (EEC) No 2293/92' and 'Regulation (EEC) No 2595/93' are replaced by references to 'Commission Regulation (EC) No 762/94(^(*))' and 'Commission Regulation (EC) No 1870/95(^(**))', respectively,

(^(*)) OJ No L 90, 7. 4. 1994, p. 8.

(^(**)) OJ No L 179, 29. 7. 1995, p. 40.;

4. the following Articles 3a, 3b and 3c are added:

Article 3a

For the purposes of the application of Article 2 (7) of Regulation (EEC) No 1765/92,

- (a) "national base area" shall mean a regional base area within the meaning of Article 2 (2) of Regulation (EEC) No 1765/92 which covers a Member State;
- (b) "sub-base area" shall mean a subdivision of the aforementioned national base area which may not be lower than level 2 of the Nomenclature of Territorial Units for Statistical Purposes (NUTS).

For the purposes of the application of this paragraph, less-favoured areas and non-less-favoured areas in Scotland, as defined in accordance with the procedure pursuant to Council Regulation (EC) No 950/97(^(*)), may be deemed to be sub-base areas.

Article 3b

Where Germany decides to apply the possibility referred to in Article 2 (7) of Regulation (EEC) No 1765/92, the national base area shall be established

without taking account of the areas temporarily allocated to the new German *Länder* as listed in the Annex to Commission Regulation (EC) No 1763/96(^(**)).

Where it is established that the national base area has been exceeded, the sum of the areas for which applications have been lodged in the new *Länder* shall be reduced by an area equal to the areas temporarily allocated where that sum exceeds 3 740 100 ha, i. e. the area initially allocated to the new *Länder*. However, such a reduction may not lead to an area less than 3 740 100 ha being taken into account.

Any shortfall in the national base area shall be reallocated to the new *Länder* to reduce the penalty referred to in Article 2 (1) of Regulation (EC) No 1763/96.

Article 3c

Member States shall communicate to the Commission no later than 15 May of the marketing year preceding that in respect of which the compensatory payment is applied for, the following information:

- (a) the national base area to be subdivided;
- (b) the sub-base areas (number, name and area);
- (c) the detailed rules for concentrating penalties;
- (d) proof of notification of producers.

However, for the 1997/98 marketing year, that date shall be postponed to 15 September 1997.

(^(*)) OJ No L 142, 2. 6. 1997, p. 1.

(^(**)) OJ No L 231, 12. 9. 1996, p. 8.'

Article 2

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

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1504/97
of 29 July 1997
fixing the export refunds on beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 2222/96⁽²⁾, and in particular Article 13 thereof,

Whereas Article 13 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 32/82⁽³⁾, as last amended by Regulation (EEC) No 3169/87⁽⁴⁾, Regulation (EEC) No 1964/82⁽⁵⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84⁽⁶⁾, as last amended by Regulation (EEC) No 3661/92⁽⁷⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed

in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

Whereas Commission Regulation (EEC) No 3846/87⁽⁸⁾, as last amended by Regulation (EC) No 1297/97⁽⁹⁾, establishes the agricultural product nomenclature for the purposes of export refunds; whereas, with a view to clarification, the destinations must be identified in a separate Annex;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought into line with those on fresh or chilled cuts other than those from adult male bovine animals;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 296, 21. 11. 1996, p. 50.

⁽³⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁴⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁵⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁶⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁷⁾ OJ No L 370, 19. 12. 1992, p. 16.

⁽⁸⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁹⁾ OJ No L 176, 4. 7. 1997, p. 30.

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽¹⁾, as amended by Regulation (EEC) No 2026/83⁽²⁾;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas opportunities exist for the export to certain third countries of heifers other than those intended for slaughter, but to prevent any abuse control criteria should be laid down to ensure that these animals are not more than 36 months old;

Whereas, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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 list of products on which export refunds as referred to in Article 13 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in Annex I of this Regulation.

2. The destinations are identified in Annex II to this Regulation.

Article 2

The grant of the refund for product code 0102 90 59 9000 of the nomenclature for export refunds and for exports to the third countries in zone 10 listed in Annex II to this Regulation shall be subject to presentation, when the customs formalities for export are completed, of the original and one copy of the veterinary certificate signed by an official veterinarian certifying that these are heifers of an age of not more than 36 months. The original of the certificate shall be returned to the exporter and the copy, certified as being in accordance with the regulations by the customs authorities, shall be attached to the application for payment of the refund.

Article 3

This Regulation shall enter into force on 30 July 1997.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽²⁾ OJ No L 199, 22. 7. 1983, p. 12.

ANNEX I

to the Council Regulation of 29 July 1997 fixing export refunds on beef

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (?)	Product code	Destination	Refund (?)
		— Live weight —			— Net weight —
0102 10 10 9120	01	65,00	0201 20 20 9120	02	81,00
0102 10 10 9130	02	38,50		03	56,00
	03	27,00		04	28,00
	04	13,50	0201 20 30 9110 (1)	02	89,00
0102 10 30 9120	01	65,00		03	61,50
0102 10 30 9130	02	38,50		04	30,00
	03	27,00	0201 20 30 9120	02	58,50
	04	13,50		03	41,00
0102 10 90 9120	01	65,00		04	20,50
0102 90 41 9100	02	57,50	0201 20 50 9110 (1)	02	155,50
0102 90 51 9000	02	38,50		03	103,50
	03	27,00		04	51,50
	04	13,50	0201 20 50 9120	02	102,50
	10	57,50 (9)		03	71,00
0102 90 59 9000	02	38,50		04	35,50
	03	27,00	0201 20 50 9130 (1)	02	89,00
	04	13,50		03	61,50
0102 90 61 9000	02	38,50		04	30,00
	03	27,00	0201 20 50 9140	02	58,50
	04	13,50		03	41,00
0102 90 69 9000	02	38,50		04	20,50
	03	27,00	0201 20 90 9700	02	58,50
	04	13,50		03	41,00
0102 90 71 9000	02	57,50		04	20,50
	03	38,00	0201 30 00 9050	05 (4)	85,00
	04	19,00		07 (4a)	85,00
0102 90 79 9000	02	57,50	0201 30 00 9100 (2)	02	216,50
	03	38,00		03	148,50
	04	19,00		04	74,00
		— Net weight —		06	190,50
0201 10 00 9110 (1)	02	89,00	0201 30 00 9150 (6)	08	103,00
	03	61,50		09	94,50
	04	30,00		03	79,50
0201 10 00 9120	02	58,50		04	40,00
	03	41,00		06	92,00
	04	20,50	0201 30 00 9190 (6)	02	81,00
0201 10 00 9130 (1)	02	122,50		03	53,50
	03	82,00		04	27,00
	04	41,50		06	65,50
0201 10 00 9140	02	81,00			
	03	56,00			
	04	28,00			
0201 20 20 9110 (1)	02	122,50			
	03	82,00			
	04	41,50			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (?)	Product code	Destination	Refund (?)
		— Net weight —			— Net weight —
0202 10 00 9100	02	58,50	1602 50 10 9120	02	93,50 (8)
	03	41,00		03	75,00 (8)
	04	20,50		04	75,00 (8)
0202 10 00 9900	02	81,00	1602 50 10 9140	02	83,00 (8)
	03	56,00		03	66,50 (8)
	04	28,00		04	66,50 (8)
0202 20 10 9000	02	81,00	1602 50 10 9160	02	66,50 (8)
	03	56,00		03	53,50 (8)
	04	28,00		04	53,50 (8)
0202 20 30 9000	02	58,50	1602 50 10 9170	02	44,00 (8)
	03	41,00		03	35,50 (8)
	04	20,50		04	35,50 (8)
0202 20 50 9100	02	102,50	1602 50 10 9190	02	44,00
	03	71,00		03	35,50
	04	35,50		04	35,50
0202 20 50 9900	02	58,50	1602 50 10 9240	02	—
	03	41,00		03	—
	04	20,50		04	—
0202 20 90 9100	02	58,50	1602 50 10 9260	02	—
	03	41,00		03	—
	04	20,50		04	—
0202 30 90 9100	05 (4)	85,00	1602 50 10 9280	02	—
	07 (4a)	85,00		03	—
				04	—
0202 30 90 9400 (6)	08	103,00	1602 50 31 9125	01	102,50 (5)
	09	94,50	1602 50 31 9135	01	60,00 (8)
	03	79,50	1602 50 31 9195	01	29,50
	04	40,00	1602 50 31 9325	01	91,50 (5)
	06	92,00	1602 50 31 9335	01	53,50 (8)
0202 30 90 9500 (6)	02	81,00	1602 50 31 9395	01	29,50
	03	53,50	1602 50 39 9125	01	102,50 (5)
	04	27,00	1602 50 39 9135	01	60,00 (8)
	06	65,50	1602 50 39 9195	01	29,50
0206 10 95 9000	02	81,00	1602 50 39 9325	01	91,50 (5)
	03	53,50	1602 50 39 9335	01	53,50 (8)
	04	27,00	1602 50 39 9395	01	29,50
	06	65,50	1602 50 39 9425	01	60,50 (5)
0206 29 91 9000	02	81,00	1602 50 39 9435	01	35,50 (8)
	03	53,50	1602 50 39 9495	01	26,50
	04	27,00	1602 50 39 9505	01	26,50
	06	65,50	1602 50 39 9525	01	60,50 (5)
0210 20 90 9100	02	68,00	1602 50 39 9535	01	35,50 (8)
	04	40,50	1602 50 39 9595	01	26,50
0210 20 90 9300	02	84,00			
0210 20 90 9500 (3)	02	84,00			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (7)	Product code	Destination	Refund (7)
		— Net weight —			— Net weight —
1602 50 39 9615	01	26,50	1602 50 80 9495	01	26,50
1602 50 39 9625	01	12,00	1602 50 80 9505	01	26,50
1602 50 39 9705	01	—	1602 50 80 9515	01	12,00
1602 50 39 9805	01	—	1602 50 80 9535	01	35,50 (8)
1602 50 39 9905	01	—	1602 50 80 9595	01	26,50
1602 50 80 9135	01	53,50 (8)	1602 50 80 9615	01	26,50
1602 50 80 9195	01	26,50	1602 50 80 9625	01	12,00
1602 50 80 9335	01	48,00 (8)	1602 50 80 9705	01	—
1602 50 80 9395	01	26,50	1602 50 80 9805	01	—
1602 50 80 9435	01	35,50 (8)	1602 50 80 9905	01	—

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in amended Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

(4a) Carried out in accordance with amended Commission Regulation (EEC) No 2051/96 (OJ No L 274, 26. 10. 1996, p. 18).

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210 of 1. 8. 1986, p. 39).

(7) Article 13 (10) of amended Regulation (EEC) No 805/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(8) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Commission Regulation (EEC) No 565/80.

(9) The grant of the refund is subject to compliance with the conditions referred to in Article 2 of this Regulation.

NB: The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

ANNEX II

Zone 01: all third countries

Zone 02: zones 08 and 09

Zone 03	Zone 05	Zone 09
022 Ceuta and Melilla	400 United States of America	224 Sudan
024 Iceland	Zone 06	228 Mauritania
028 Norway		232 Mali
041 Faroe Islands		236 Burkina Faso
043 Andorra	809 New Caledonia	240 Niger
044 Gibraltar	822 French Polynesia	244 Chad
045 Vatican City	Zone 07	247 Cape Verde
053 Estonia		248 Senegal
054 Latvia	404 Canada	252 Gambia
055 Lithuania		257 Guinea-Bissau
060 Poland	Zone 08	260 Guinea
061 Czech Republic		264 Sierra Leone
063 Slovakia	046 Malta 052 Turkey 072 Ukraine 073 Belarus 074 Moldova 075 Russia 076 Georgia 077 Armenia 078 Azerbaijan 079 Kazakhstan 080 Turkmenistan 081 Uzbekistan 082 Tajikistan 083 Kirghistan 204 Morocco 208 Algeria 212 Tunisia 216 Libya 220 Egypt 604 Lebanon 608 Syria 612 Iraq 616 Iran 624 Israel 625 Gaza and Jericho 628 Jordan 632 Saudi Arabia 636 Kuwait 640 Bahrain 644 Qatar 647 United Arab Emirates 649 Oman 653 Yemen 720 China 740 Hong Kong SAR	268 Liberia
064 Hungary		272 Côte d'Ivoire
066 Romania		276 Ghana
068 Bulgaria		280 Togo
070 Albania		284 Benin
091 Slovenia		288 Nigeria
092 Croatia		302 Cameroon
093 Bosnia-Herzegovina		306 Central African Republic
094 Serbia and Montenegro		310 Equatorial Guinea
096 Former Yugoslav Republic of Macedonia		311 Sao Tome and Principe
109 The communes of Livigno and Campione d'Italia; the island of Helgoland		314 Gabon
406 Greenland		318 Congo
600 Cyprus		322 Democratic Republic of Congo
662 Pakistan		324 Rwanda
669 Sri Lanka		328 Burundi
676 Myanmar (Burma)		329 St Helena and dependencies
680 Thailand		330 Angola
690 Vietnam		334 Ethiopia
700 Indonesia		336 Eritrea
708 Philippines		338 Djibouti
724 North Korea		342 Somalia
950 Stores and provisions (Destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended)		350 Uganda
Zone 04		352 Tanzania
		355 Seychelles and dependencies
		357 British Indian Ocean Territory
		366 Mozambique
		373 Mauritius
		375 Comoros
		377 Mayotte
		378 Zambia
		386 Malawi
		388 South Africa
		395 Lesotho
		Zone 10
039 Switzerland		
		075 Russia

NB: The countries are those defined by Commission Regulation (EC) No 895/97 (OJ No L 128, 21. 5. 1997, p. 1).

COMMISSION REGULATION (EC) No 1505/97**of 29 July 1997****establishing the standard import values for determining the entry price of
certain fruit and vegetables**

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

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

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 July 1997.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 325, 14. 12. 1996, p. 5.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 29 July 1997 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
ex 0707 00 25	052	73,0
	999	73,0
0709 90 77	052	73,6
	999	73,6
0805 30 30	388	68,5
	524	69,1
	528	44,6
	999	60,7
0806 10 40	052	132,9
	412	124,1
	512	122,8
	600	155,4
	624	171,9
	999	141,4
0808 10 71, 0808 10 73, 0808 10 79	388	84,8
	400	67,8
	508	76,0
	512	51,9
	524	72,0
	528	50,6
	800	154,7
	804	85,3
	999	80,4
0808 20 51	388	58,5
	512	65,5
	528	33,6
	999	52,5
0809 10 40	052	223,3
	064	108,8
	999	166,1
0809 20 59	052	231,4
	064	184,0
	400	218,6
	616	180,9
	999	203,7
0809 40 30	064	139,4
	624	185,5
	999	162,4

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

COMMISSION REGULATION (EC) No 1506/97

of 29 July 1997

altering the export refunds on cereals and on wheat or rye flour, groats and meal

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 923/96 ⁽²⁾, and in particular the fourth subparagraph of Article 13 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 1385/97 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1385/97 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as last amended by Regulation (EC) No 150/95 ⁽⁵⁾, are used

to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾, as last amended by Regulation (EC) No 1482/96 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1385/97 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 30 July 1997.

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

Done at Brussels, 29 July 1997.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 189, 18. 7. 1997, p. 18.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 188, 27. 7. 1996, p. 22.

ANNEX

to the Commission Regulation of 29 July 1997 altering the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund	Product code	Destination (1)	Amount of refund
1001 10 00 9200	—	—	1101 00 11 9000	—	—
1001 10 00 9400	—	—	1101 00 15 9100	—	—
1001 90 91 9000	—	—	1101 00 15 9130	—	—
1001 90 99 9000	—	—	1101 00 15 9150	—	—
1002 00 00 9000	03	13,00	1101 00 15 9170	—	—
	02	0	1101 00 15 9180	—	—
1003 00 10 9000	—	—	1101 00 15 9190	—	—
1003 00 90 9000	03	5,00	1101 00 90 9000	—	—
	02	0	1102 10 00 9500	01	30,00
1004 00 00 9200	—	—	1102 10 00 9700	—	—
1004 00 00 9400	—	—	1102 10 00 9900	—	—
1005 10 90 9000	—	—	1103 11 10 9200	—	— ⁽²⁾
1005 90 00 9000	—	—	1103 11 10 9400	—	— ⁽²⁾
1007 00 90 9000	—	—	1103 11 10 9900	—	—
1008 20 00 9000	—	—	1103 11 90 9200	—	— ⁽²⁾
			1103 11 90 9800	—	—

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland, Liechtenstein.

(2) No refund is granted when this product contains compressed meal.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

DIRECTIVE 97/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 30 June 1997****amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 57(2) and 66 thereof,

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

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

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽³⁾ in the light of the joint text approved by the Conciliation Committee on 16 April 1997,

- (1) Whereas Council Directive 89/552/EEC ⁽⁴⁾ constitutes the legal framework for television broadcasting in the internal market;
- (2) Whereas Article 26 of Directive 89/552/EEC states that the Commission shall, not later than the end of the fifth year after the date of adoption of the Directive, submit to the European Parliament, the Council and the Economic and Social Committee a report on the application of the Directive and, if necessary, make further proposals to adapt it to developments in the field of television broadcasting;
- (3) Whereas the application of Directive 89/552/EEC and the report on its application have revealed the need to clarify certain definitions or obligations on Member States under this Directive;
- (4) Whereas the Commission, in its communication of 19 July 1994 entitled 'Europe's way to the information society: an action plan', underlined the im-

portance of a regulatory framework applying to the content of audiovisual services which would help to safeguard the free movement of such services in the Community and be responsive to the opportunities for growth in this sector opened up by new technologies, while at the same time taking into account the specific nature, in particular the cultural and sociological impact, of audiovisual programmes, whatever their mode of transmission;

- (5) Whereas the Council welcomed this action plan at its meeting of 28 September 1994 and stressed the need to improve the competitiveness of the European audiovisual industry;
- (6) Whereas the Commission has submitted a Green Paper on the Protection of Minors and Human Dignity in audiovisual and information services and has undertaken to submit a Green Paper focusing on developing the cultural aspects of these new services;
- (7) Whereas any legislative framework concerning new audiovisual services must be compatible with the primary objective of this Directive which is to create the legal framework for the free movement of services;
- (8) Whereas it is essential that the Member States should take action with regard to services comparable to television broadcasting in order to prevent any breach of the fundamental principles which must govern information and the emergence of wide disparities as regards free movement and competition;
- (9) Whereas the Heads of State and Government meeting at the European Council in Essen on 9 and 10 December 1994 called on the Commission to present a proposal for a revision of Directive 89/552/EEC before their next meeting;
- (10) Whereas the application of Directive 89/552/EEC has revealed the need to clarify the concept of jurisdiction as applied specifically to the audiovisual sector; whereas, in view of the case law of the Court of Justice of the European Communities, the establishment criterion should be made the principal criterion determining the jurisdiction of a particular Member State;

⁽¹⁾ OJ No C 185, 19. 7. 1995, p. 4 and

OJ No C 221, 30. 7. 1996, p. 10.

⁽²⁾ OJ No C 301, 13. 11. 1995, p. 35.

⁽³⁾ Opinion of the European Parliament of 14 February 1996 (OJ No C 65, 4. 3. 1996, p.113). Council Common Position of 18 July 1996 (OJ No C 264, 11. 9. 1996, p. 52) and Decision of the European Parliament of 12 November 1996 (OJ No C 362, 2. 12. 1996, p. 56). Decision of the European Parliament of 10 June 1997 and Decision of the Council of 19 June 1997.

⁽⁴⁾ OJ No L 298, 17. 10. 1989, p. 23. Directive as amended by the 1994 Act of Accession.

- (11) Whereas the concept of establishment, according to the criteria laid down by the Court of Justice in its judgment of 25 July 1991 in the *Factortame* case⁽¹⁾, involves the actual pursuit of an economic activity through a fixed establishment for an indefinite period;
- (12) Whereas the establishment of a television broadcasting organization may be determined by a series of practical criteria such as the location of the head office of the provider of services, the place where decisions on programming policy are usually taken, the place where the programme to be broadcast to the public is finally mixed and processed, and the place where a significant proportion of the workforce required for the pursuit of the television broadcasting activity is located;
- (13) Whereas the fixing of a series of practical criteria is designed to determine by an exhaustive procedure that one Member State and one only has jurisdiction over a broadcaster in connection with the provision of the services which this Directive addresses; nevertheless, taking into account the case law of the Court of Justice and so as to avoid cases where there is a vacuum of jurisdiction it is appropriate to refer to the criterion of establishment within the meaning of Articles 52 and following of the Treaty establishing the European Community as the final criterion determining the jurisdiction of a Member State;
- (14) Whereas the Court of Justice has constantly held⁽²⁾ that a Member State retains the right to take measures against a television broadcasting organization that is established in another Member State but directs all or most of its activity to the territory of the first Member State if the choice of establishment was made with a view to evading the legislation that would have applied to the organization had it been established on the territory of the first Member State;
- (15) Whereas Article F(2) of the Treaty on European Union stipulates that the Union shall respect fundamental rights as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms as general principles of Community law; whereas any measure aimed at restricting the reception and/or suspending the retransmission of television broadcasts taken under Article 2a of Directive 89/552/EEC as amended by this Directive must be compatible with such principles;
- (16) Whereas it is necessary to ensure the effective application of the provisions of Directive 89/552/EEC as amended by this Directive throughout the Community in order to preserve free and fair competition between firms in the same industry;
- (17) Whereas directly affected third parties, including nationals of other Member States, must be able to assert their rights, according to national law, before competent judicial or other authorities of the Member State with jurisdiction over the television broadcasting organization that may be failing to comply with the national provisions arising out of the application of Directive 89/552/EEC as amended by this Directive;
- (18) Whereas it is essential that Member States should be able to take measures to protect the right to information and to ensure wide access by the public to television coverage of national or non-national events of major importance for society, such as the Olympic games, the football World Cup and European football championship; whereas to this end Member States retain the right to take measures compatible with Community law aimed at regulating the exercise by broadcasters under their jurisdiction of exclusive broadcasting rights to such events;
- (19) Whereas it is necessary to make arrangements within a Community framework, in order to avoid potential legal uncertainty and market distortions and to reconcile free circulation of television services with the need to prevent the possibility of circumvention of national measures protecting a legitimate general interest;
- (20) Whereas, in particular, it is appropriate to lay down in this Directive provisions concerning the exercise by broadcasters of exclusive broadcasting rights that they may have purchased to events considered to be of major importance for society in a Member State other than that having jurisdiction over the broadcasters, and whereas, in order to avoid speculative rights purchases with a view to circumvention of national measures, it is necessary to apply these provisions to contracts entered into after the publication of this Directive and concerning events which take place after the date of implementation, and whereas, when contracts that predate the publication of this Directive are renewed, they are considered to be new contracts;

⁽¹⁾ Case C-221/89, *Queen v. Secretary of State for Transport, ex parte Factortame Ltd. and Others*, (1991) ECR I-3905, paragraph 20.

⁽²⁾ See, in particular, the judgments in Case 33/74, *Van Binsbergen v. Bestuur van de Bedrijfsvereniging*, (1974) ECR 1299 and in Case C-23/93, *TV 10 SA v. Commissariaat voor de Media*, (1994) ECR I-4795.

- (21) Whereas events of major importance for society should, for the purposes of this Directive, meet certain criteria, that is to say be outstanding events which are of interest to the general public in the European Union or in a given Member State or in an important component part of a given Member State and are organized in advance by an event organizer who is legally entitled to sell the rights pertaining to that event;
- (22) Whereas, for the purposes of this Directive, 'free television' means broadcasting on a channel, either public or commercial, of programmes which are accessible to the public without payment in addition to the modes of funding of broadcasting that are widely prevailing in each Member State (such as licence fee and/or the basic tier subscription fee to a cable network);
- (23) Whereas Member States are free to take whatever measures they deem appropriate with regard to broadcasts which come from third countries and which do not satisfy the conditions laid down in Article 2 of Directive 89/552/EEC as amended by this Directive, provided they comply with Community law and the international obligations of the Community;
- (24) Whereas in order to eliminate the obstacles arising from differences in national legislation on the promotion of European works, Directive 89/552/EEC as amended by this Directive contains provisions aimed at harmonizing such legislation; whereas those provisions which, in general, seek to liberalize trade must contain clauses harmonizing the conditions of competition;
- (25) Whereas, moreover, Article 128 (4) of the Treaty establishing the European Community requires the Community to take cultural aspects into account in its action under other provisions of the Treaty;
- (26) Whereas the Green Paper on 'Strategy options to strengthen the European programme industry in the context of the audiovisual policy of the European Union', adopted by the Commission on 7 April 1994, puts forward inter alia measures to promote European works in order to further the development of the sector; whereas the Media II programme, which seeks to promote training, development and distribution in the audiovisual sector, is also designed to enable the production of European works to be developed; whereas the Commission has proposed that production of European works should also be promoted by a Community mechanism such as a Guarantee Fund;
- (27) Whereas broadcasting organizations, programme makers, producers, authors and other experts should be encouraged to develop more detailed concepts and strategies aimed at developing European audiovisual fiction films that are addressed to an international audience;
- (28) Whereas, in addition to the considerations cited above, it is necessary to create conditions for improving the competitiveness of the programme industry; whereas the communications on the application of Articles 4 and 5 of Directive 89/552/EEC, adopted by the Commission on 3 March 1994 and 15 July 1996 pursuant to Article 4 (3) of that Directive, draw the conclusion that measures to promote European works can contribute to such an improvement but that they need to take account of developments in the field of television broadcasting;
- (29) Whereas channels broadcasting entirely in a language other than those of the Member States should not be covered by the provisions of Articles 4 and 5; whereas, nevertheless, where such a language or languages represent a substantial part but not all of the channel's transmission time, the provisions of Articles 4 and 5 should not apply to that part of transmission time;
- (30) Whereas the proportions of European works must be achieved taking economic realities into account; whereas, therefore, a progressive system for achieving this objective is required;
- (31) Whereas, with a view to promoting the production of European works, it is essential that the Community, taking into account the audiovisual capacity of each Member State and the need to protect lesser used languages of the European Union, should promote independent producers; whereas Member States, in defining the notion of 'independent producer', should take appropriate account of criteria such as the ownership of the production company, the amount of programmes supplied to the same broadcaster and the ownership of secondary rights;
- (32) Whereas the question of specific time scales for each type of television showing of cinematographic works is primarily a matter to be settled by means of agreements between the interested parties or professionals concerned;
- (33) Whereas advertising for medicinal products for human use is subject to the provisions of Directive 92/28/EEC (1);

(1) OJ No L 113, 30. 4. 1992, p. 13.

- (34) Whereas daily transmission time allotted to announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from these, or to public service announcements and charity appeals broadcast free of charge, is not to be included in the maximum amounts of daily or hourly transmission time that may be allotted to advertising and teleshopping;
- (35) Whereas, in order to avoid distortions of competition, this derogation is limited to announcements concerning products that fulfil the dual condition of being both ancillary to and directly derived from the programmes concerned; whereas the term ancillary refers to products intended specifically to allow the viewing public to benefit fully from or to interact with these programmes;
- (36) Whereas in view of the development of teleshopping, an economically important activity for operators as a whole and a genuine outlet for goods and services within the Community, it is essential to modify the rules on transmission time and to ensure a high level of consumer protection by putting in place appropriate standards regulating the form and content of such broadcasts;
- (37) Whereas it is important for the competent national authorities, in monitoring the implementation of the relevant provisions, to be able to distinguish, as regards channels not exclusively devoted to teleshopping, between transmission time devoted to teleshopping spots, advertising spots and other forms of advertising on the one hand and, on the other, transmission time devoted to teleshopping windows; whereas it is therefore necessary and sufficient that each window be clearly identified by optical and acoustic means at least at the beginning and the end of the window;
- (38) Whereas Directive 89/552/EEC as amended by this Directive applies to channels exclusively devoted to teleshopping or self-promotion, without conventional programme elements such as news, sports, films, documentaries and drama, solely for the purposes of these Directives and without prejudice to the inclusion of such channels in the scope of other Community instruments;
- (39) Whereas it is necessary to make clear that self-promotional activities are a particular form of advertising in which the broadcaster promotes its own products, services, programmes or channels; whereas, in particular, trailers consisting of extracts from programmes should be treated as programmes; whereas self-promotion is a new and relatively unknown phenomenon and provisions concerning it may therefore be particularly subject to review in future examinations of this Directive;
- (40) Whereas it is necessary to clarify the rules for the protection of the physical, mental and moral development of minors; whereas the establishment of a clear distinction between programmes that are subject to an absolute ban and those that may be authorized subject to the use of appropriate technical means should satisfy concern about the public interest expressed by Member States and the Community;
- (41) Whereas none of the provisions of this Directive that concern the protection of minors and public order requires that the measures in question must necessarily be implemented through the prior control of television broadcasts;
- (42) Whereas an investigation by the Commission, in liaison with the competent Member State authorities, of the possible advantages and drawbacks of further measures to facilitate the control exercised by parents or guardians over the programmes that minors may watch shall consider, *inter alia*, the desirability of:
- the requirement for new television sets to be equipped with a technical device enabling parents or guardians to filter out certain programmes,
 - the setting up of appropriate rating systems,
 - encouraging family viewing policies and other educational and awareness measures,
 - taking into account experience gained in this field in Europe and elsewhere as well as the views of interested parties such as broadcasters, producers, educationalists, media specialists and relevant associations,
- with a view to presenting, if necessary before the deadline laid down in Article 26, appropriate proposals for legislative or other measures;
- (43) Whereas it is appropriate to amend Directive 89/552/EEC to allow natural or legal persons whose activities include the manufacture or the sale of medicinal products and medical treatment available only on prescription to sponsor television programmes, provided that such sponsorship does not circumvent the prohibition of television advertising for medicinal products and medical treatment available only on prescription;

(44) Whereas the approach in Directive 89/552/EEC and this Directive has been adopted to achieve the essential harmonization necessary and sufficient to ensure the free movement of television broadcasts in the Community; whereas Member States remain free to apply to broadcasters under their jurisdiction more detailed or stricter rules in the fields coordinated by this Directive, including, *inter alia*, rules concerning the achievement of language policy goals, protection of the public interest in terms of television's role as a provider of information, education, culture and entertainment, the need to safeguard pluralism in the information industry and the media, and the protection of competition with a view to avoiding the abuse of dominant positions and/or the establishment or strengthening of dominant positions by mergers, agreements, acquisitions or similar initiatives; whereas such rules must be compatible with Community law;

(45) Whereas the objective of supporting audiovisual production in Europe can be pursued within the Member States in the framework of the organization of their broadcasting services, *inter alia*, through the definition of a public interest mission for certain broadcasting organizations, including the obligation to contribute substantially to investment in European production;

(46) Whereas Article B of the Treaty on European Union states that one of the objectives the Union shall set itself is to maintain in full the 'acquis communautaire';

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 89/552/EEC is hereby amended as follows:

1. in Article 1:

(a) the following new point (b) shall be inserted:

'(b) "broadcaster" means the natural or legal person who has editorial responsibility for the composition of schedules of television programmes within the meaning of (a) and who transmits them or has them transmitted by third parties;'

(b) the former point (b) shall become point (c) and shall read as follows:

'(c) "television advertising" means any form of announcement broadcast whether in return for payment or for similar consideration or broadcast for self-promotional purposes by a public or private undertaking in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations, in return for payment;'

(c) the former points (c) and (d) shall become points (d) and (e);

(d) the following point shall be added:

'(f) "teleshopping" means direct offers broadcast to the public with a view to the supply of goods or services, including immovable property, rights and obligations, in return for payment;'

2. Article 2 shall be replaced by the following:

Article 2

1. Each Member State shall ensure that all television broadcasts transmitted by broadcasters under its jurisdiction comply with the rules of the system of law applicable to broadcasts intended for the public in that Member State.

2. For the purposes of this Directive the broadcasters under the jurisdiction of a Member State are:

- those established in that Member State in accordance with paragraph 3;
- those to whom paragraph 4 applies.

3. For the purposes of this Directive, a broadcaster shall be deemed to be established in a Member State in the following cases:

- (a) the broadcaster has its head office in that Member State and the editorial decisions about programme schedules are taken in that Member State;
- (b) if a broadcaster has its head office in one Member State but editorial decisions on programme schedules are taken in another Member State, it shall be deemed to be established in the Member State where a significant part of the workforce involved in the pursuit of the television broadcasting activity operates; if a significant part of the workforce involved in the pursuit of the television broadcasting activity operates in each of those

Member States, the broadcaster shall be deemed to be established in the Member State where it has its head office; if a significant part of the workforce involved in the pursuit of the television broadcasting activity operates in neither of those Member States, the broadcaster shall be deemed to be established in the Member State where it first began broadcasting in accordance with the system of law of that Member State, provided that it maintains a stable and effective link with the economy of that Member State;

- (c) if a broadcaster has its head office in a Member State but decisions on programme schedules are taken in a third country, or vice-versa, it shall be deemed to be established in the Member State concerned, provided that a significant part of the workforce involved in the pursuit of the television broadcasting activity operates in that Member State.

4. Broadcasters to whom the provisions of paragraph 3 are not applicable shall be deemed to be under the jurisdiction of a Member State in the following cases:

- (a) they use a frequency granted by that Member State;
- (b) although they do not use a frequency granted by a Member State they do use a satellite capacity appertaining to that Member State;
- (c) although they use neither a frequency granted by a Member State nor a satellite capacity appertaining to a Member State they do use a satellite up-link situated in that Member State.

5. If the question as to which Member State has jurisdiction cannot be determined in accordance with paragraphs 3 and 4, the competent Member State shall be that in which the broadcaster is established within the meaning of Articles 52 and following of the Treaty establishing the European Community.

6. This Directive shall not apply to broadcasts intended exclusively for reception in third countries, and which are not received directly or indirectly by the public in one or more Member States.;

3. the following Article shall be inserted:

'Article 2a

1. Member States shall ensure freedom of reception and shall not restrict retransmissions on their territory of television broadcasts from other Member States for

reasons which fall within the fields coordinated by this Directive.

2. Member States may, provisionally, derogate from paragraph 1 if the following conditions are fulfilled:

- (a) a television broadcast coming from another Member State manifestly, seriously and gravely infringes Article 22 (1) or (2) and/or Article 22a;
- (b) during the previous 12 months, the broadcaster has infringed the provision(s) referred to in (a) on at least two prior occasions;
- (c) the Member State concerned has notified the broadcaster and the Commission in writing of the alleged infringements and of the measures it intends to take should any such infringement occur again;
- (d) consultations with the transmitting Member State and the Commission have not produced an amicable settlement within 15 days of the notification provided for in (c), and the alleged infringement persists.

The Commission shall, within two months following notification of the measures taken by the Member State, take a decision on whether the measures are compatible with Community law. If it decides that they are not, the Member State will be required to put an end to the measures in question as a matter of urgency.

3. Paragraph 2 shall be without prejudice to the application of any procedure, remedy or sanction to the infringements in question in the Member State which has jurisdiction over the broadcaster concerned.;

4. Article 3 shall be replaced by the following:

'Article 3

1. Member States shall remain free to require television broadcasters under their jurisdiction to comply with more detailed or stricter rules in the areas covered by this Directive.

2. Member States shall, by appropriate means, ensure, within the framework of their legislation, that television broadcasters under their jurisdiction effectively comply with the provisions of this Directive.

3. The measures shall include the appropriate procedures for third parties directly affected, including nationals of other Member States, to apply to the competent judicial or other authorities to seek effective compliance according to national provisions.

Article 3a

1. Each Member State may take measures in accordance with Community law to ensure that broadcasters under its jurisdiction do not broadcast on an exclusive basis events which are regarded by that Member State as being of major importance for society in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following such events via live coverage or deferred coverage on free television. If it does so, the Member State concerned shall draw up a list of designated events, national or non-national, which it considers to be of major importance for society. It shall do so in a clear and transparent manner in due and effective time. In so doing the Member State concerned shall also determine whether these events should be available via whole or partial live coverage, or where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage.

2. Member States shall immediately notify to the Commission any measures taken or to be taken pursuant to paragraph 1. Within a period of three months from the notification, the Commission shall verify that such measures are compatible with Community law and communicate them to the other Member States. It shall seek the opinion of the Committee established pursuant to Article 23a. It shall forthwith publish the measures taken in the *Official Journal of the European Communities* and at least once a year the consolidated list of the measures taken by Member States.

3. Member States shall ensure, by appropriate means, within the framework of their legislation that broadcasters under their jurisdiction do not exercise the exclusive rights purchased by those broadcasters following the date of publication of this Directive in such a way that a substantial proportion of the public in another Member State is deprived of the possibility of following events which are designated by that other Member State in accordance with the preceding paragraphs via whole or partial live coverage or, where necessary or appropriate for objective reasons in the public interest, whole or partial deferred coverage on free television as determined by that other Member State in accordance with paragraph 1.;

5. in Article 4 (1), the words 'and teletext services' shall be replaced by the words 'teletext services and teleshopping';

6. in Article 5, the words 'and teletext services' shall be replaced by the words 'teletext services and teleshopping';

7. Article 6 shall be amended as follows:

(a) paragraph 1 (a) shall be replaced by the following:

'(a) works originating from Member States;'

(b) in paragraph 1, the following subparagraph shall be added:

'Application of the provisions of (b) and (c) shall be conditional on works originating from Member States not being the subject of discriminatory measures in the third countries concerned.';

(c) paragraph 3 shall be replaced by the following:

'3. The works referred to in paragraph 1 (c) are works made exclusively or in co-production with producers established in one or more Member States by producers established in one or more European third countries with which the Community has concluded agreements relating to the audiovisual sector, if those works are mainly made with authors and workers residing in one or more European States.';

(d) paragraph 4 shall become paragraph 5 and the following paragraph shall be inserted:

'4. Works that are not European works within the meaning of paragraph 1 but that are produced within the framework of bilateral co-production treaties concluded between Member States and third countries shall be deemed to be European works provided that the Community co-producers supply a majority share of the total cost of the production and that the production is not controlled by one or more producers established outside the territory of the Member States.';

(e) in the new paragraph 5, the words 'paragraph 1' shall be replaced by the words 'paragraphs 1 and 4';

8. Article 7 shall be replaced by the following:

Article 7

Member States shall ensure that broadcasters under their jurisdiction do not broadcast cinematographic works outside periods agreed with the rights holders.';

9. Article 8 shall be deleted;

10. Article 9 shall be replaced by the following:

Article 9

This Chapter shall not apply to television broadcasts that are intended for local audiences and do not form part of a national network.';

11. the title of Chapter IV shall be replaced by the following:

'Television advertising, sponsorship and teleshopping'.

12. Article 10 shall be replaced by the following:

'Article 10

1. Television advertising and teleshopping shall be readily recognizable as such and kept quite separate from other parts of the programme service by optical and/or acoustic means.
2. Isolated advertising and teleshopping spots shall remain the exception.
3. Advertising and teleshopping shall not use subliminal techniques.
4. Surreptitious advertising and teleshopping shall be prohibited.;

13. Article 11 shall be replaced by the following:

'Article 11

1. Advertising and teleshopping spots shall be inserted between programmes. Provided the conditions set out in paragraphs 2 to 5 are fulfilled, advertising and teleshopping spots may also be inserted during programmes in such a way that the integrity and value of the programme, taking into account natural breaks in and the duration and nature of the programme, and the rights of the rights holders are not prejudiced.
2. In programmes consisting of autonomous parts, or in sports programmes and similarly structured events and performances containing intervals, advertising and teleshopping spots shall only be inserted between the parts or in the intervals.
3. The transmission of audiovisual works such as feature films and films made for television (excluding series, serials, light entertainment programmes and documentaries), provided their scheduled duration is more than 45 minutes, may be interrupted once for each period of 45 minutes. A further interruption shall be allowed if their scheduled duration is at least 20 minutes longer than two or more complete periods of 45 minutes.
4. Where programmes, other than those covered by paragraph 2, are interrupted by advertising or teleshopping spots, a period of at least 20 minutes should elapse between each successive advertising break within the programme.
5. Advertising and teleshopping shall not be inserted in any broadcast of a religious service. News and current affairs programmes, documentaries, religious programmes and children's programmes, when their scheduled duration is less than 30 minutes, shall not be interrupted by advertising or by teleshopping.

If their scheduled duration is 30 minutes or longer, the provisions of the previous paragraphs shall apply.;

14. in Article 12, the introductory words shall be replaced by the following:

'Television advertising and teleshopping shall not.;

15. Article 13 shall be replaced by the following:

'Article 13

All forms of television advertising and teleshopping for cigarettes and other tobacco products shall be prohibited.;

16. in Article 14, the present text shall become paragraph 1 and the following paragraph shall be added:

'2. Teleshopping for medicinal products which are subject to a marketing authorization within the meaning of Council Directive 65/65/EEC of 26 January 1965 on the approximation of provisions laid down by law, regulation or administrative action relating to medicinal products ('), as well as teleshopping for medical treatment, shall be prohibited.

(*) OJ No 22, 9. 2. 1965, p. 369. Directive as last amended by Directive 93/39/EEC (OJ No L 214, 24. 8. 1993, p. 22).;

17. in Article 15, the introductory words shall be replaced by the following:

'Television advertising and teleshopping for alcoholic beverages shall comply with the following criteria.;

18. in Article 16, the present text shall become paragraph 1 and the following paragraph shall be added:

'2. Teleshopping shall comply with the requirements referred to in paragraph 1 and, in addition, shall not exhort minors to contract for the sale or rental of goods and services.;

19. Article 17 shall be amended as follows:

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

'2. Television programmes may not be sponsored by undertakings whose principal activity is the manufacture or sale of cigarettes and other tobacco products.;

(b) paragraph 3 shall become paragraph 4 and the following paragraph shall be inserted:

'3. Sponsorship of television programmes by undertakings whose activities include the manufacture or sale of medicinal products and medical treatment may promote the name or the image of the undertaking but may not promote specific medicinal products or medical treatments available only on prescription in the Member State within whose jurisdiction the broadcaster falls.;

20. Article 18 shall be replaced by the following:

'Article 18

1. The proportion of transmission time devoted to teleshopping spots, advertising spots and other forms of advertising, with the exception of teleshopping windows within the meaning of Article 18a, shall not exceed 20 % of the daily transmission time. The transmission time for advertising spots shall not exceed 15 % of the daily transmission time.

2. The proportion of advertising spots and teleshopping spots within a given clock hour shall not exceed 20 %.

3. For the purposes of this Article, advertising does not include:

- announcements made by the broadcaster in connection with its own programmes and ancillary products directly derived from those programmes;
- public service announcements and charity appeals broadcast free of charge.';

21. the following Article shall be inserted:

'Article 18a

1. Windows devoted to teleshopping broadcast by a channel not exclusively devoted to teleshopping shall be of a minimum uninterrupted duration of 15 minutes.

2. The maximum number of windows per day shall be eight. Their overall duration shall not exceed three hours per day. They must be clearly identified as teleshopping windows by optical and acoustic means.';

22. Article 19 shall be replaced by the following:

'Article 19

Chapters I, II, IV, V, VI, VIa and VII shall apply *mutatis mutandis* to channels exclusively devoted to teleshopping. Advertising on such channels shall be allowed within the daily limits established by Article 18 (1). Article 18 (2) shall not apply.';

23. the following Article shall be inserted:

'Article 19a

Chapters I, II, IV, V, VI, VIa and VII shall apply *mutatis mutandis* to channels exclusively devoted to self-promotion. Other forms of advertising on such channels shall be allowed within the limits established by Article 18 (1) and (2). This provision in particular shall be subject to review in accordance with Article 26.';

24. Article 20 shall be replaced by the following:

'Article 20

Without prejudice to Article 3, Member States may, with due regard for Community law, lay down conditions other than those laid down in Article 11 (2) to (5) and Articles 18 and 18a in respect of broadcasts intended solely for the national territory which cannot be received, directly or indirectly by the public, in one or more other Member States.';

25. Article 21 shall be deleted.

26. the title of Chapter V shall be replaced by the following:

'Protection of minors and public order';

27. Article 22 shall be replaced by the following:

'Article 22

1. Member States shall take appropriate measures to ensure that television broadcasts by broadcasters under their jurisdiction do not include any programmes which might seriously impair the physical, mental or moral development of minors, in particular programmes that involve pornography or gratuitous violence.

2. The measures provided for in paragraph 1 shall also extend to other programmes which are likely to impair the physical, mental or moral development of minors, except where it is ensured, by selecting the time of the broadcast or by any technical measure, that minors in the area of transmission will not normally hear or see such broadcasts.

3. Furthermore, when such programmes are broadcast in unencoded form Member States shall ensure that they are preceded by an acoustic warning or are identified by the presence of a visual symbol throughout their duration.';

28. the following Article shall be inserted:

'Article 22a

Member States shall ensure that broadcasts do not contain any incitement to hatred on grounds of race, sex, religion or nationality.';

29. the following Article shall be inserted:

'Article 22b

1. The Commission shall attach particular importance to application of this Chapter in the report provided for in Article 26.

2. The Commission shall within one year from the date of publication of this Directive, in liaison with the competent Member State authorities, carry out an

investigation of the possible advantages and drawbacks of further measures with a view to facilitating the control exercised by parents or guardians over the programmes that minors may watch. This study shall consider, *inter alia*, the desirability of:

- the requirement for new television sets to be equipped with a technical device enabling parents or guardians to filter out certain programmes;
- the setting up of appropriate rating systems,
- encouraging family viewing policies and other educational and awareness measures,
- taking into account experience gained in this field in Europe and elsewhere as well as the views of interested parties such as broadcasters, producers, educationalists, media specialists and relevant associations.’;

30. Article 23 (1) shall be replaced by the following:

‘1. Without prejudice to other provisions adopted by the Member States under civil, administrative or criminal law, any natural or legal person, regardless of nationality, whose legitimate interests, in particular reputation and good name, have been damaged by an assertion of incorrect facts in a television programme must have a right of reply or equivalent remedies. Member States shall ensure that the actual exercise of the right of reply or equivalent remedies is not hindered by the imposition of unreasonable terms or conditions. The reply shall be transmitted within a reasonable time subsequent to the request being substantiated and at a time and in a manner appropriate to the broadcast to which the request refers.’;

31. after Article 23, the following new Chapter VIa shall be inserted:

‘CHAPTER VIa

Contact committee

Article 23a

1. A contact committee shall be set up under the aegis of the Commission. It shall be composed of representatives of the competent authorities of the Member States. It shall be chaired by a representative of the Commission and meet either on his initiative or at the request of the delegation of a Member State.

2. The tasks of this committee shall be:

- (a) to facilitate effective implementation of this Directive through regular consultation on any

practical problems arising from its application, and particularly from the application of Article 2, as well as on any other matters on which exchanges of views are deemed useful;

- (b) to deliver own-initiative opinions or opinions requested by the Commission on the application by the Member States of the provisions of this Directive;
- (c) to be the forum for an exchange of views on what matters should be dealt with in the reports which Member States must submit pursuant to Article 4 (3), on the methodology of these, on the terms of reference for the independent study referred to in Article 25a, on the evaluation of tenders for this and on the study itself;
- (d) to discuss the outcome of regular consultations which the Commission holds with representatives of broadcasting organizations, producers, consumers, manufacturers, service providers and trade unions and the creative community;
- (e) to facilitate the exchange of information between the Member States and the Commission on the situation and the development of regulatory activities regarding television broadcasting services, taking account of the Community’s audiovisual policy, as well as relevant developments in the technical field;
- (f) to examine any development arising in the sector on which an exchange of views appears useful.’;

32. the following Article shall be inserted:

Article 25a

A further review as provided for in Article 4 (4) shall take place before 30 June 2002. It shall take account of an independent study on the impact of the measures in question at both Community and national level.’;

33. Article 26 shall be replaced by the following:

Article 26

Not later than 31 December 2000, and every two years thereafter, the Commission shall submit to the European Parliament, the Council and the Economic and Social Committee a report on the application of this Directive as amended and, if necessary, make further proposals to adapt it to developments in the field of television broadcasting, in particular in the light of recent technological developments.’

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1998. They shall immediately inform the Commission thereof.

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

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 30 June 1997.

For the Parliament

The President

J.M. GIL-ROBLES

For the Council

The President

A. NUIS

COMMISSION DECLARATION

Article 23a(1)

(Contact Committee)

The Commission undertakes, at its own responsibility, to inform the European Parliament's competent committee of the outcome of the meetings of the Contact Committee. It will provide that information in good time and in an appropriate manner.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 24 February 1997

concerning the conclusion of two Agreements between the European Community and the State of Israel on, respectively, procurement by telecommunications operators and government procurement

(97/474/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 113, 66, 57 (2) in conjunction with Article 228 (3), first sentence, and Article 228 (4) thereof,

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

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

Whereas the Agreements between the European Community and the State of Israel on, respectively, procurement by telecommunications operators and government procurement should be approved;

Whereas these agreements concern public procurements to award contracts for goods, works and other services; whereas such other services cannot be reduced to the sole hypothesis of transfrontier services; whereas in its judgment of 7 March 1996 the Court of Justice of the European Community indicated that, in the present state of Community law, Article 113 of the Treaty establishing the European Community is not sufficient to base a Council Decision to conclude an agreement which concerns, on an independent basis, the provision of services whose nature cannot be considered as merely transfrontier; whereas it is therefore appropriate to base this Decision also on Article 66 of the said Treaty, in conjunction with Article 57 (2), which provides the procedural requirement necessary for its application;

Whereas it is appropriate for the Council to authorize the Commission, in consultation with a special committee to

be appointed by the Council, to approve modifications, on behalf of the Community, to Annexes I and II to the first of the abovementioned Agreements; whereas, however, such authorization will be limited, as far as Annex I is concerned, to the modifications resulting from the application of the procedure of Article 8 of Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sector ⁽³⁾ and, as far as Annex II is concerned, to the results of future negotiations within the framework of the 1996 Government Procurement Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement between the European Community and the State of Israel on procurement by telecommunications operators and the Agreement between the said parties on government procurement are hereby approved on behalf of the Community.

The texts of the Agreements are attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreements in order to bind the Community.

⁽¹⁾ OJ No C 162, 6. 6. 1996, p. 10.

⁽²⁾ OJ No C 33, 3. 2. 1997, p. 117.

⁽³⁾ OJ No L 199, 9. 8. 1993, p. 84.

Article 3

The Commission is hereby authorized to approve, on behalf of the Community, modifications to Annexes I and II to the Agreement on procurement by telecommunications operators referred to in Article 1.

The Commission shall be assisted in this task by a special committee appointed by the Council.

The authorization referred to in the first subparagraph shall be limited, as far as Annex I is concerned, to the modifications that will be necessary if the procedures laid

down in Article 8 of Directive 93/38/EEC were to be applied and, as far as Annex II is concerned, to the results of future negotiations to be conducted in the framework of the 1996 Government Procurement Agreement.

Done at Brussels, 24 February 1997.

For the Council

The President

H. VAN MIERLO

AGREEMENT

between the European Community and the State of Israel on procurement by telecommunications operators

The EUROPEAN COMMUNITY (hereinafter 'the EC'),

of the one part, and

the GOVERNMENT OF THE STATE OF ISRAEL, acting on behalf of the State of Israel (hereinafter 'Israel'),

of the other part,

hereinafter referred to as the 'Parties',

CONSIDERING the Parties' efforts and commitments to liberalize their respective public procurement markets notably through the draft EC-Israel Association Agreement of 20 November 1995, and the Government Procurement Agreement (1996 GPA);

DESIROUS to pursue liberalization efforts among themselves by granting reciprocal access to procurement by their respective telecommunications operators, subject to the conditions provided for in this Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

Objective, definitions and scope

1. The aim of this Agreement is to secure a reciprocal, transparent and non-discriminatory access of the Parties' suppliers and services providers to purchases of products and services, including construction services, by telecommunications operators of both Parties.

2. For the purpose of this Agreement:

(a) 'telecommunications operators' (hereinafter referred to as 'TOs') shall mean entities that provide or operate public telecommunications networks or provide one or more public telecommunications services and which either are public authorities or undertakings or operate on the basis of special or exclusive rights granted by a state authority;

(b) 'public telecommunications network' shall mean the telecommunications infrastructure available to the public which enables signals to be conveyed between defined network termination points by wire, microwave, optical means or other electromagnetic means;

(c) 'public telecommunications services' shall mean services the provision of which consists wholly or partly in the transmission and routing of signals on the public telecommunications network by means of telecommunications processes, with the exception of radio-broadcasting and television.

3. This Agreement applies to any law, regulation or practice affecting procurement by the Parties' TOs as defined in paragraph 2 and to the award of all procure-

ment contracts by such TOs. Annex I contains a list of the TOs covered by this Agreement. The Parties shall update this list as appropriate.

4. Article 3 on procurement procedures and Article 4 on challenge procedures shall apply only to contracts, or series of contracts, awarded by TOs listed under A in Annex I the estimated value of which, excluding VAT or comparable turnover tax, is not less than:

in the case of the EC:

(a) ECU 600 000 as regards supplies and services;

(b) ECU 5 000 000 as regards construction services.

in the case of Israel:

(a) 355 000 SDR as regards supplies and services;

(b) 8 500 000 SDR as regards construction services.

The value of SDR in NIS shall be fixed in accordance with the procedures applied in the Government Procurement Agreement (1996 GPA).

5. With regard to services, including construction services, this Agreement applies to those listed in Annex II of this Agreement.

6. This Agreement shall not apply to contracts, awarded by TOs, that are operating under full and effective competition in accordance with relevant legislation. This legislation shall be applied following the notification to and review by the other Party. Each Party shall promptly inform the other Party about those services in regard to which such contracts are excluded by this paragraph from the provisions of the Agreement.

7. This Agreement shall not be applicable to the award of contracts entered into before 1 January 1997 by TOs established in Spain or to the award of contracts entered into before 1 January 1998 by TOs established in Portugal or Greece. Israel will not extend the benefits of this Agreement to suppliers and service providers established in these countries for the respective periods.

Article 2

Non-discrimination

1. The Parties shall ensure that, in all their procurement procedures and practices and in the award of procurement contracts, regardless of the threshold referred to in Article 1 (4), TOs duly established in their respective territories shall not:

- (a) treat products, services, suppliers and service providers of the other Party less favourably than:
 - (i) domestic products, services, suppliers and service providers, and
 - (ii) third-country products, services, suppliers and service providers;
- (b) treat a locally-established supplier or service provider less favourably than another locally-established supplier or service provider on the basis of the degree of affiliation to, ownership of or control by natural or legal persons from the other Party;
- (c) discriminate against a locally-established supplier or service provider on the basis of the fact that the product or service being supplied originates from the other Party.

2. As a result of the principles set out in paragraph 1, any offsets prescribed in the qualification and selection of products, services, suppliers or service providers, or in the evaluation of tenders and award of contracts shall be prohibited. Likewise, any law, procedure or practice, such as price preference, local content requirements, local investment or production requirements, terms of licence, authorization, funding or bidding rights which discriminate, or require a Party's TO to discriminate, against the other Party's products, services, suppliers or service providers in the award of procurement contracts shall be prohibited.

By way of derogation from the first two sentences of this paragraph and until 1 January 2001, Israel may, with regard to procurement contracts by TOs listed under A in Annex I, apply provisions which require the limited

incorporation of domestic content, offset procurement or transfer of technology in the form of objective, clearly defined and non-discriminatory conditions. Such requirements shall be used only for qualification to participate in the procurement process and not as criteria for awarding contracts. They shall be notified to the EC and applied under the following terms:

- (a) Israel shall ensure that TOs listed under A in Annex I indicate the existence of such conditions in its tender notices and specify them clearly in the contract documents;
- (b) suppliers will not be required to purchase goods that are not offered on competitive terms, including price and quality, or to take any action which is not justified from a commercial standpoint;
- (c) offsets in any form may be required up to 30 per cent of the contract.

At the end of two years, Parties will examine the implementation of this provision on the basis of a report submitted by Israel.

3. The principles set out in paragraph 1 shall also apply with regard to the treatment granted by the Parties and their TOs listed under A in Annex I in the context of challenge procedures.

4. The Parties shall apply the provisions of the Agreement on Technical Barriers to Trade of the WTO with regard to procurement by their respective TOs.

Article 3

Procurement procedures

1. The Parties shall ensure that the procurement procedures and practices followed by their TOs listed under A in Annex I comply with the principles of non-discrimination, transparency and fairness. Such procedures shall at least contain the following elements:

- (a) the call for competition shall be made by means of a tender notice inviting submission of tenders, an indicative notice or a notice on the existence of a qualification system. These notices, or a summary of the important elements thereof, shall be published at least in one of the 1996 GPA official languages on a national level or, as regards the EC, on a Community level. They shall contain all necessary information about the intended procurement, including where applicable the type of award procedure being followed;
- (b) time-limits shall be adequate to allow suppliers or service providers to prepare and submit tenders;

- (c) tender documentation shall contain all information necessary, notably technical specifications and selection and award criteria, to enable tenderers to submit eligible tenders. Tender documentation shall be forwarded to suppliers or service providers upon request;
- (d) selection criteria shall be objective. Where a TO runs a qualification system, such a system shall operate on the basis of pre-defined and objective criteria and the procedure and conditions for participation shall be made available upon request;
- (e) award criteria may be either the most economically advantageous, involving specific evaluation criteria such as delivery or completion date, cost-effectiveness, quality, technical merit, after-sales service, commitments with regard to spare parts, price, etc., or the lowest price only.

2. The Parties shall also ensure that their TOs listed under A in Annex I define the technical specifications set out in the tender documentation in terms of performance rather than design or descriptive characteristics. Such specifications shall be based on international standards, where such exist, otherwise on national technical regulations, recognized national standards or building codes. Any technical specifications adopted or applied with a view to, or with the effect of, creating obstacles to procurement by a Party's TO of products or services from the other Party and to related trade between the Parties shall be prohibited.

Article 4

Challenge procedures

1. With respect to procurements by TOs under A in Annex I, the Parties shall provide non-discriminatory, timely, transparent and effective procedures enabling suppliers or service providers to challenge alleged breaches of this Agreement arising in the context of procurements in which they have, or have had, an interest. The challenge procedures laid down in Annex III shall apply.
2. The Parties shall ensure that their respective TOs listed under A in Annex I retain relevant documentation relating to procurement procedures covered by this Agreement for at least three years.
3. The Parties shall ensure that decisions taken by bodies responsible for challenge procedures are enforced effectively.

Article 5

Information exchange

To the extent necessary to ensure effective implementation of this Agreement, the Parties shall, upon the request of either Party, exchange information on legislation, other

measures or imminent changes affecting or likely to affect TOs' procurement policies or practice.

Article 6

Dispute settlement

1. The Parties shall seek to resolve any dispute concerning the interpretation or application of this Agreement by means of prompt consultations.
2. If a dispute has not been settled by means of consultations within three months from the date of the initial request for consultations, either Party may refer the dispute to the EC-Israel Cooperation Council in accordance with Article 32 of the Interim Association Agreement, and, as from its entry into force, to the EC-Israel Association Council in accordance with Article 75 of the Association Agreement.

Article 7

Safeguards

1. If either Party considers that the other Party has failed to fulfil an obligation under this Agreement or if one Party fails to take measures specified in the decision by the arbitration panel or if a law, regulation or practice of either Party substantially reduces or threatens to reduce substantially the benefits accruing to the other Party under this Agreement, and the Parties are unable to agree promptly on appropriate compensation or other remedial action, the adversely affected Party may, without prejudice to its other rights and obligations under international law, suspend partly or completely, as appropriate, the application of this Agreement and immediately notify the other Party thereof.
2. The scope and duration of such measures shall be limited to what is necessary in order to remedy the situation and to secure, if necessary, a fair balance of rights and obligations under the Agreement.

Article 8

Consultations

The Parties shall, upon the request of either Party, and at least once a year, hold consultations on the functioning of this Agreement.

Article 9

Information technology

1. The Parties shall cooperate with a view to ensuring that the type of procurement information, notably in tender notices and documentation, held on their respective databases is comparable in terms of quality and acces-

sibility. Likewise, they shall cooperate with a view to ensuring that the type of information exchanged through their respective electronic means between interested parties for the purposes of public procurement is comparable in terms of quality and accessibility.

2. Paying due attention to issues of interoperability and interconnectivity, and after having agreed that the type of procurement information referred to in paragraph 1 is comparable, the Parties shall secure reciprocal access of suppliers and service providers of the other Party to relevant procurement information, such as tender notices, held on their respective databases. They shall also ensure reciprocal access of suppliers and service providers of the other Party to their respective electronic procurement systems, such as electronic tendering. The Parties shall also take due account of Article XXIV (8) of the 1996 GPA.

Article 10

Final provisions

1. This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Hebrew languages, each of these texts being equally authentic. It

shall apply to the same territories as mentioned in Article 38 of the Interim Agreement on trade and trade-related matters and, as from its entry into force, in Article 83 of the Association Agreement.

2. This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other that their ratification or conclusion or adoption process, according to the rules applicable to each Party, has been completed.

3. This Agreement does not affect the rights and obligations of the Parties under the WTO or other multilateral instruments concluded under the auspices of the WTO.

4. The Parties shall complete a review of the functioning of this Agreement not later than three years from the date of its entry into force with the aim of improving its operation, if necessary.

5. This Agreement is concluded for an unlimited period. If a Party wishes to withdraw from this Agreement, it shall notify the other Party in writing of its intention. The withdrawal shall take effect six months from the date on which the notification was received.

6. The Annexes to this Agreement shall form an integral part thereof.

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Por la Comunidad Europea

For Det Europæiske Fællesskab

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Για την Ευρωπαϊκή Κοινότητα

For the European Community

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Voor de Europese Gemeenschap

Pela Comunidade Europeia

Europaan yhteisön puolesta

På Europeiska gemenskapens vägnar

בשם ממשלת מדינת ישראל

ד"ר י. גורן
מזכיר

ANNEX I

(referred to in Article 1 (3) on TOs covered)

LIST OF TOs (*)

European Community

A

- Belgacom (Belgium)
- Tele Danmark A/S and subsidiaries (Denmark)
- Deutsche Bundespost Telekom (Germany)
- OTE/Hellenic Telecom Organization (Greece)
- Telefónica de España S.A. (Spain)
- France Telecom (France)
- Telecom Eireann (Ireland)
- Telecom Italia (Italy)
- Administration des postes et télécommunications (Luxembourg)
- Koninklijke PTT Nederland NV and subsidiaries (Netherlands)
- Portugal Telecom S.A. and subsidiaries (Portugal)
- British Telecommunications (BT) (United Kingdom)
- City of Kingston upon Hull (United Kingdom)
- Österreichische Post und Telekommunikation (PTT) (Austria)
- Telecom Finland (Finland)
- Telia (Sweden)

B

- mobile telecommunication operators,
- cable operators when they provide telecommunication services.

Israel

A

- Bezeq

B

- mobile telecommunication operators,
- cable operators when they provide telecommunication services,
- international operators (licence pending).

(*) and successor entities thereto.

ANNEX II

CPC	Description
6112, 6122, 633, 886	Maintenance and repair services
874, 82201 - 82206	Building-cleaning services and property management services
88442	Publishing and printing services on a fee or contract basis
8672-3	Architectural services
8671	Engineering services
8674	Urban planning
841-3	Computer and related services
871	Advertising services
864	Market research and public opinion
865-6	Management consulting
94501-5	Environmental services

ANNEX III

(referred to in Article 4 on challenge procedures)

1. Challenges shall be heard by a court or by an impartial and independent review body having no interest in the outcome of the procurement, the members of which are secure from external influence and the decisions of which are legally binding. A review body which is not a court shall either be subject to judicial review or shall have procedures which provide that:
 - (a) the time-limit, if any, within which a challenge procedure may be initiated, shall in no case be less than 10 days and shall run from the time when the basis of the complaint is known or reasonably should have been known;
 - (b) participants shall be heard before a decision is reached; they may be represented and accompanied during the proceedings and shall have access to all proceedings;
 - (c) witnesses may be presented and documentation relating to procurement under challenge and necessary to the proceedings shall be disclosed to the review body;
 - (d) proceedings shall take place in public and decisions shall be given in writing and shall state the reasons on which they are based.
 2. The Parties shall ensure that measures concerning challenge procedures include at least either provisions for the powers:
 - (a) to take, at the earliest opportunity and by way of interlocutory procedure, interim measures with the aim of correcting the alleged infringement or preventing further injury to the interests concerned, including measures to suspend or to ensure the suspension of the procedure for the award of a contract or the implementation of any decision taken by the TO; and
 - (b) to set aside or ensure the setting aside of decisions taken unlawfully, including the removal of discriminatory technical, economic or financial specifications in the tender notices, in the tender documentation or in any other document relating to the contract award procedure in question;or provisions for powers enabling to exert effective indirect pressure on the TOs in order to make them correct any infringements or prevent them from committing infringements, and to prevent injury from occurring.
 3. Challenge procedures shall also provide for the award of damages to persons injured by the infringement. Where damages are claimed on the grounds that a decision has been taken unlawfully, either Party may provide that the contested decision must first be set aside or declared illegal.
-

Article 1 (6) side letters

Dear ... of Israel,

In accordance with Article 1 (6) of the agreement between the European Community and Israel on procurement by telecommunications operators, I hereby notify that the relevant legislation referred to is Council Directive 93/38/EEC, and in particular, its Article 8.

I have transmitted a copy of this legislation through diplomatic channels.

from the EC

Dear ... of the EC,

Further to your letter of today's date and recent discussions between our services, I can inform you that Israel has completed its review of the legislation (Council Directive 93/38/EEC and in particular, its Article 8) that you notified under Article 1 (6) the agreement between the European Community and Israel on procurement by telecommunications operators.

from Israel.

AGREED MINUTES

As regards the Agreement on procurement by telecommunications operators, the two Parties agree that with respect to Israel Article 3 of the Agreement requires the application of procurement procedures as specified in the 1996 GPA. As regards the EC, the procurement procedures set out in Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ No L 199, 9. 8. 1993, p. 84) fulfil the requirements of Article 3 of this Agreement.

AGREEMENT

between the European Community and the State of Israel on government procurement

The EUROPEAN COMMUNITY (hereinafter referred to as 'the EC'),

of the one part, and

The GOVERNMENT OF THE STATE OF ISRAEL, acting on behalf of the State of Israel (hereinafter referred to as 'Israel'),

of the other part,

hereinafter referred to as the 'Parties',

CONSIDERING the Parties' efforts and commitments to liberalize their respective public procurement markets through the Government Procurement Agreement (1996 GPA);

DESIROUS to improve access to their respective procurement markets and to broaden the scope of their respective Appendices I to the GPA,

HAVE AGREED AS FOLLOWS:

Article 1

Obligation of the EC

1. In order to complement and broaden the scope of its commitments under the GPA *vis-à-vis* Israel, the EC undertakes to amend its General Notes to Appendix I of the GPA as follows:

— after General Note 1, second indent, letter (e) to read:

'(urban transport) to the suppliers and service providers of Canada, Japan, Korea and the USA; to the suppliers and service providers of Israel, as regards bus services;'

2. The EC shall notify the WTO Secretariat of such amendment within one month from the entry into force of this Agreement.

Article 2

Obligations of Israel

1. In order to complement and broaden the scope of its commitments under the GPA *vis-à-vis* the EC, Israel undertakes to amend its Annexes and Notes to Appendix I of the GPA as follows:

(a) add to the List of Entities in Annex 3:

'... All entities operating in the field of urban transport, except those operating in the field of bus services ...';

(b) add to Note 2 in Annex 3 the following paragraph:

'With regard to procurement by entities operating in the field of urban transport, except those operating in

the field of bus services, this Agreement shall apply only to goods and services, including construction services, of the European Community.'

Israel is willing to negotiate the opening of procurement by entities operating in the field of urban transport, except those operating in the field of bus services, to other code members under the condition of reciprocity;

(c) add the following services to the list of Annex 4:

'6112, 6122, 633, 886	Maintenance and repair services
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874, 82201-82206	Building-cleaning services and property management services
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88442	Publishing and printing services on a fee or contract basis;'
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The Parties agree that Israel shall use its best endeavours to extend its list of services under the GPA with regard to the EC, in accordance with the terms provided for in Article 4 (4) of this Agreement;

(d) amend Note 1 to Annex 1 as follows:

'— Medical dressings (bandages, adhesive tapes excluding gauze bandage and gauze pads).'

2. Israel shall notify the WTO Secretariat of such amendments within one month from the entry into force of this Agreement.

3. Notwithstanding Article 2 (1) (d) above, if Israel, with respect to another GPA party, reduces or disappplies its exceptions as set out in Notes to Annex 3 in the 1996 GPA, it shall offer the same benefit to the EC on a reciprocal basis.

Israel will not, by law, procedure of practice, require hospitals not covered under the 1996 GPA to discriminate against EC products, services or suppliers.

Without prejudice to any separate agreement between the Parties to this Agreement, with regard to its offset requirements and procedures and its thresholds' levels, Israel shall treat EC suppliers, service providers, products and services no less favourably than other GPA Parties' suppliers, service providers, products and services.

4. With respect to the procurements above a threshold of 550 000 SDR by the municipalities not covered by the List of Entities in Annex 2 of the 1996 GPA Israel shall treat products, services and suppliers of the EC no less favourably than domestic products, services and suppliers.

Israel shall use its best endeavours to apply to these procurements the procedures set out in the GPA. To this end Israel will submit in due time to the GPA Secretariat a list of entities to be added to the present Annex 2 to the GPA under the conditions of reciprocity.

Article 3

Consultations

The Parties shall, upon the request of either Party, and at least once a year, hold consultations on the functioning

and implementation of this Agreement. This provision shall be without prejudice to the consultation procedures provided for by the GPA.

Article 4

Final provisions

1. This Agreement is drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Hebrew languages, each of these texts being equally authentic. It shall apply to the same territories respectively of the EC and of Israel as the GPA applies.

2. This Agreement shall enter into force on the first day of the month following the date on which the Parties have notified each other that their ratification or conclusion or adoption process, according to the rules applicable to each Party, has been completed.

3. This Agreement does not affect the rights and obligations of the parties under the WTO or other multilateral instruments concluded under the auspices of the WTO.

4. The Parties shall complete a review of the functioning of this Agreement not later than three years from the date of this entry into force with the aim of improving its operation and coverage, if necessary.

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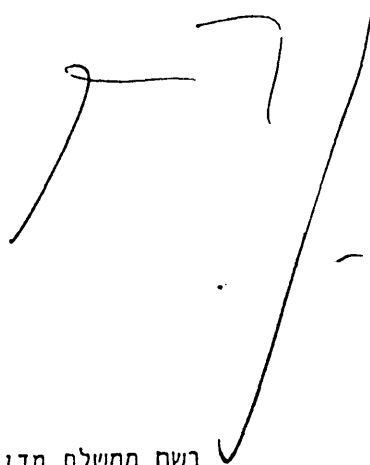
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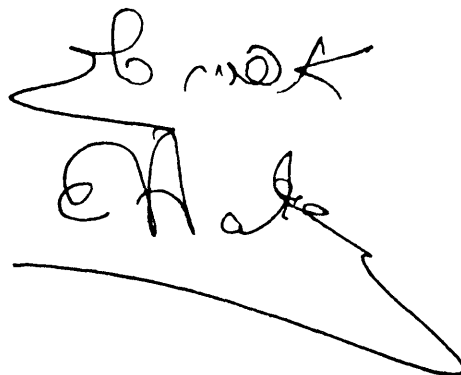
Pela Comunidade Europeia

Europaan yhteisön puolesta

På Europeiska gemenskapens vägnar



בשם ממשלת ישראל



Information concerning the date of entry into force of the two Agreements between the European Community and the State of Israel on, respectively, procurement by telecommunications operators and government procurement

The contracting parties having notified each other of the completion of the procedures necessary for the entry into force of the two Agreements between the European Community and the State of Israel on, respectively, procurement by telecommunications operators and government procurement, the two Agreements came into force on 1 August 1997, in accordance with the provisions of, respectively, Article 10 and Article 4.
