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I

(Acts whose publication is obligatory)

**REGULATION (EC) No 2232/96 OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

of 28 October 1996

**laying down a Community procedure for flavouring substances used or intended
for use in or on foodstuffs**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

Having regard to the Treaty establishing the European
Community, and in particular Article 100a thereof,

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

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

Having consulted the Scientific Committee for Food,

Acting in accordance with the procedure laid down in
Article 189b of the Treaty ⁽³⁾,

(1) Whereas Council Directive 88/388/EEC of 22 June
1988 on the approximation of the laws of the
Member States relating to flavourings for use in food-
stuffs and to source materials for their production ⁽⁴⁾
provides for the adoption by the Council of the
appropriate provisions concerning flavouring
substances;

(2) Whereas the appropriate provisions apply without
prejudice to the general framework established by
Directive 88/388/EEC,

(3) Whereas differences between national laws relating
to flavourings hinder the free movement of food-
stuffs; whereas they may create conditions of unequal
competition, thereby directly affecting the func-
tioning of the internal market;

(4) Whereas national laws relating to flavourings for use
in or on foodstuffs should take account primarily of
human health requirements but also, as far as health
protection allows, of economic and technical needs;

(5) Whereas, in order to achieve the free movement of
foodstuffs, approximation of those laws is necessary;

(6) Whereas the Community measures envisaged by this
Regulation are not only necessary but also essential
to realize the stated objectives; whereas these objec-
tives cannot be achieved by Member States individu-
ally;

(7) Whereas it is necessary to establish general criteria
for the use of flavouring substances;

(8) Whereas, on the basis of the most recent scientific
advice, it is necessary to lay down a list of flavouring
substances which may be used in or on foodstuffs;

(9) Whereas that list must be open-ended and capable of
being amended in the light of scientific and tech-
nical developments;

(10) Whereas already authorized flavouring substances
which are produced using processes or from source
materials which were not the subject of the evalua-
tion carried out by the Scientific Committee for
Food will be resubmitted for a comprehensive evalua-
tion by that body;

(11) Whereas it may be necessary for health reasons to
adopt conditions of use for certain flavouring
substances;

(12) Whereas flavouring substances which are actually
used in the Member States and the use of which
cannot be challenged by any of the latter pursuant to
the general rules of the Treaty should initially be
listed in a register; whereas such registration does not
come under Article 7 of Directive 88/388/EEC and
does not, therefore, call for the intervention of the
Scientific Committee for Food at this stage;

⁽¹⁾ OJ No C 1, 4. 1. 1994, p. 22 and OJ No C 171, 24. 6. 1994, p. 6.

⁽²⁾ OJ No C 195, 18. 7. 1994, p. 4.

⁽³⁾ Opinion of the European Parliament of 5 May 1994 (OJ No C 205, 25. 7. 1994, p. 398), Council common position of 22 December 1995 (OJ No C 59, 28. 2. 1996, p. 37) and Decision of the European Parliament of 22 May 1996 (OJ No C 166, 10. 6. 1996, p. 61). Council Decision of 25 June 1996.

⁽⁴⁾ OJ No L 184, 15. 7. 1988, p. 61. Directive as amended by Directive 91/171/EEC (OJ No L 42, 15. 2. 1991, p. 25).

- (13) Whereas, however, a safeguard clause must enable a Member State to take the necessary measures where a flavouring substance is likely to constitute a danger to public health;
- (14) Whereas, in keeping with Article 214 of the Treaty, it is necessary to protect intellectual property linked to the development and production of flavouring substances.

HAVE ADOPTED THIS REGULATION:

Article 1

1. This Regulation lays down the procedure for the establishment of rules in respect of the flavouring substances referred to in the third, fourth, fifth and sixth indents of Article 5 (1) of Directive 88/388/EEC. This Regulation shall apply without prejudice to the other provisions of Directive 88/388/EEC.
2. This Regulation shall apply to flavouring substances, as defined in Article 1 (2) (b) of Directive 88/388/EEC, used or intended for use in or on foodstuffs to impart odour and/or taste.
3. This Regulation shall apply without prejudice to specific Directives permitting flavouring substances covered by this Regulation to be used for purposes other than those referred to in Article 1 (2).

Article 2

1. The flavouring substances shall comply with the general use criteria referred to in the Annex.
2. A list of flavouring substances the use of which is authorized to the exclusion of all others shall be drawn up in accordance with Articles 3, 4 and 5.

Article 3

1. Within one year of the entry into force of this Regulation, the Member States shall notify to the Commission a list of the flavouring substances which may, in accordance with Directive 88/388/EEC, be used in or on foodstuffs marketed on their territory. Such notification shall contain any useful information regarding:
 - (a) the nature of such flavouring substances, such as the chemical formula, the CAS number, the Eines number, the Iupac nomenclature, their origin and, if necessary, the conditions for their use;
 - (b) the foodstuffs in or on which such flavouring substances are chiefly used;
 - (c) compliance at the level of each Member State with the criteria provided for in Article 4 of Directive 88/388/EEC, and the reasons for those criteria.
2. On the basis of the notification provided for in paragraph 1, and following Commission scrutiny of the notifi-

cation, in the light of subparagraph (c), flavouring substances the legal use of which in one Member State must be recognized by the other Member States shall be entered in a register which shall be adopted in accordance with the procedure laid down in Article 7 within a year of the end of the notification period provided for in paragraph 1. If necessary, this register may comprise conditions of use.

These substances shall be designated in such a way as to protect the intellectual property rights of their manufacturer.

3. If, on the basis of a detailed notification and in the light of fresh data or a re-evaluation of existing data since the establishment of the register referred to in paragraph 2, a Member State notes that a flavouring substance may constitute a danger to public health, it may suspend or restrict the use of that substance on its territory. It shall immediately inform the Commission and the other Member States thereof, stating the reasons for its decision.

The Commission shall examine as soon as possible the reasons invoked by the Member State concerned and shall consult the Standing Committee on Foodstuffs set up by Decision 69/414/EC⁽¹⁾. The Commission shall then deliver its opinion.

If the Commission considers that amendments to the register of flavouring substances are necessary to ensure protection of human health, it shall initiate the procedure provided for in Article 7 with a view to adopting such amendments. The State which adopted the safeguard measures may maintain them until the entry into force of such amendments.

Article 4

1. In order to check whether the flavouring substances contained in the register referred to in Article 3 comply with the general use criteria given in the Annex, a programme for the evaluation of these flavouring substances shall be adopted in accordance with the procedure laid down in Article 7 within ten months of the register being adopted.

That programme shall define in particular:

- the order of priorities according to which the flavouring substances are to be examined, taking into account their uses,
- the time limits,
- the flavouring substances which are to be the subject of scientific cooperation.

2. The persons responsible for placing the flavouring substances on the market shall forward the data necessary for the evaluation to the Commission, if necessary at the latter's request.

⁽¹⁾ OJ No L 291, 19. 11. 1969, p. 9.

3. If it is apparent, following the evaluation, that a flavouring substance does not comply with the general use criteria given in the Annex, that substance shall be deleted from the register in accordance with the procedure laid down in Article 7.

Article 5

1. After completion of the evaluation programme provided for in Article 4, the list of flavouring substances referred to in Article 2 (2) shall be adopted in accordance with the procedure laid down in Article 8 within five years of adoption of that programme.

2. The use of a new flavouring substance not included in the register provided for in Article 3 (2) may be authorized in accordance with the procedure laid down in Article 7. To that end, it shall first be included in the evaluation programme referred to in Article 4 (1) in accordance with the procedure laid down in Article 7. It shall be evaluated on the basis of the place allocated to it in that programme.

Article 6

1. This Regulation shall apply without prejudice to the Community provisions authorizing the use, in or on certain foodstuffs, of certain categories of flavouring substances as defined in Article 1 of Directive 88/388/EEC.

2. However, flavouring substances of these categories must conform with the general use criteria set out in the Annex.

Article 7

1. The Commission shall be assisted by the Standing Committee on Foodstuffs, hereinafter referred to as 'the Committee'.

2. Matters shall be referred to the Committee by its Chairman either on his own initiative or at the request of the representative of a Member State.

3. 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 the Council has not acted within three months of referral to it, the proposed measures shall be adopted by the Commission.

Article 8

In the case referred to in Article 5 (1), the procedure referred to in Article 7 shall apply, it being understood that if the Council has not acted within three months of referral to it, the proposed measures shall be adopted by the Commission save where the Council has decided against the said measures by a simple majority.

Article 9

Member States may not prohibit, restrict or obstruct the marketing or the use in or on foodstuffs of flavouring substances if the latter comply with the provisions of this Regulation.

Article 10

The provisions intended to align existing Community acts on this Regulation shall be adopted in accordance with the procedure laid down in Article 7.

Article 11

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

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

Done at Luxembourg, 28 October 1996.

For the European Parliament

The President

K. HÄNSCH

For the Council

The President

I. YATES

ANNEX

**GENERAL CRITERIA FOR THE USE OF FLAVOURING SUBSTANCES REFERRED TO IN
ARTICLE 2 (1)**

1. The use of flavouring substances may be authorized provided that:
 - they present no risk to the health of the consumer, in accordance with the scientific assessment provided for in Article 7 of Directive 88/388/EEC,
 - their use does not mislead the consumer.
 2. To be able to assess the possible harmful effects of a flavouring substance, the latter must be subjected to appropriate toxicological evaluation. When a flavouring substance contains or consists of a genetically modified organism within the meaning of Article 2 (1) and (2) of Council Directive 90/220/EEC of 23 April 1990 on the deliberate release into the environment of genetically modified organisms⁽¹⁾, Articles 11 to 18 will not be applicable. However, the evaluation of the safety of this flavouring substance must take into account environmental safety as provided for in the said Directive.
 3. All flavouring substances must be kept constantly monitored and must be re-evaluated whenever necessary.
-

⁽¹⁾ OJ No L 117, 8. 5. 1991, p. 15. Directive as last amended by Directive 94/15/EC (OJ No L 103, 22. 4. 1994, p. 20).

COMMISSION REGULATION (EC) No 2233/96
of 22 November 1996
on the issuing of A1 export licences for 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 2190/96 of 14 November 1996 on detailed rules for implementing Council Regulation (EEC) No 1035/72 as regards export refunds on fruit and vegetables⁽¹⁾, and in particular Article 2 (3) thereof,

Whereas Commission Regulation (EC) No 2196/96⁽²⁾ sets the quantities for which A1 export licences, other than those requested in the context of food aid, may be issued;

Whereas Article 2 of Regulation (EC) No 2190/96 sets the conditions under which special measures may be taken by the Commission with a view to avoiding an overrun of the quantities for which A1 licences may be issued;

Whereas the Commission has received information which indicates that those quantities, reduced or increased by the quantities referred to in Article 2 (3) of Regulation (EC) No 2190/96, would be exceeded if A1 licences were issued without restriction for tomatoes, oranges, lemons and table grapes in response to applications submitted since 18 November 1996; whereas, therefore, a percentage

should be fixed for the issuing of licences for quantities applied for on 18 November 1996 and applications for A1 licences submitted later in that application period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

A1 export licences for tomatoes, oranges, lemons and table grapes for which applications are submitted on 18 November 1996 pursuant to Article 1 of Regulation (EC) No 2196/96 shall be issued at the percentages for quantities applied for indicated in the Annex to this Regulation.

Applications for A1 export licences submitted after 18 November 1996 and before 10 January 1997 for those products shall be rejected.

Article 2

This Regulation shall enter into force on 23 November 1996.

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

Done at Brussels, 22 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 292, 15. 11. 1996, p. 12.

⁽²⁾ OJ No L 293, 16. 11. 1996, p. 7.

ANNEX

| Products | Percentage of licences issued for quantities applied for |
|--------------|-------------------------------------------------------------|
| Tomatoes | 5,59 % |
| Oranges | 0,76 % |
| Lemons | 0,83 % |
| Table grapes | 20,31 % |

COMMISSION REGULATION (EC) No 2234/96

of 22 November 1996

re-establishing the preferential customs duty on imports of single-flower
(standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 539/96⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 1877/96⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EC) No 1985/96⁽⁵⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, laid

down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, 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⁽¹⁰⁾, as last amended by Regulation (EC) No 1482/96⁽¹¹⁾;

Whereas the preferential customs duty fixed for single-flower (standard) carnations originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 2187/96⁽¹²⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for single-flower (standard) carnations originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of single-flower (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

Article 2

This Regulation shall enter into force on 23 November 1996.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 249, 1. 10. 1996, p. 1.

⁽⁵⁾ OJ No L 264, 17. 10. 1996, p. 14.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 188, 27. 7. 1996, p. 22.

⁽¹²⁾ OJ No L 292, 15. 11. 1996, p. 7.

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

Done at Brussels, 22 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2235/96

of 22 November 1996

amending Regulation (EC) No 1178/96 increasing to 600 039 tonnes the quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened

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 2131/93⁽³⁾, as last amended by Regulation (EC) No 2193/96⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 1178/96⁽⁵⁾, last amended by Regulation (EC) No 1932/96⁽⁶⁾, opened a standing invitation to tender for the export of 550 000 tonnes of rye held by the German intervention agency; whereas, Germany informed the Commission of the intention of its intervention agency to increase by 50 039 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 600 039 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 1178/96 must therefore be amended;

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

Regulation (EC) No 1178/96 is hereby amended as follows:

1. Article 2 is replaced by the following:

Article 2

1. The invitation to tender shall cover a maximum of 600 039 tonnes of rye to be exported to all third countries.

2. The regions in which the 600 039 tonnes of rye are stored are stated in Annex I to this Regulation.'

2. Annex I 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*.

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

Done at Brussels, 22 November 1996.

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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 293, 16. 11. 1996, p. 1.

⁽⁵⁾ OJ No L 155, 28. 6. 1996, p. 32.

⁽⁶⁾ OJ No L 254, 8. 10. 1996, p. 38.

*ANNEX**ANNEX I*

| <i>(tonnes)</i> | |
|-----------------------------------------------------------------------------|----------|
| Place of storage | Quantity |
| Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen | 198 043 |
| Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern | 14 834 |
| Berlin/Brandenburg/ Mecklenburg-Vorpommern | 204 036 |
| Sachsen/Sachsen-Anhalt/Thüringen | 183 126' |

COMMISSION REGULATION (EC) No 2236/96
of 22 November 1996
on the supply of white sugar as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24 (1) (b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated sugar to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for

the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

White sugar shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 22 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** ⁽¹⁾: 1178/95 (A1); 1179/95 (A2)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, Postbus 12, NL-2501 CA Den Haag, Nederland, (tel.: (31-70) 33 05 757; fax: (31-70) 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: A1: Peru; A2: Haiti
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (V.A. (1))
8. **Total quantity**: 216 tonnes
9. **Number of lots**: One in two parts: (A1: 18 tonnes; A2: 198 tonnes)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁹⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A. (2) and V.A. (3))
Language to be used for the marking: A1: Spanish; A2: French
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:
A or B sugar (points (a) and (b))
12. **Stage of supply**: free at port of shipment ⁽¹¹⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 6. — 21. 1. 1997
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 9. 12. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 23. 12. 1996
 - (b) period for making the goods available at the port of shipment: 20. 1. — 9. 2. 1997
 - (c) deadline for the supply: —
22. **Amount of tendering security**: ECU 15 per tonne
23. **Amount of delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels. Telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: Periodic refund applicable to white sugar on 18. 11. 1996, fixed by Commission Regulation (EC) No 2173/96 (OJ No L 291, 14. 11. 1996, p. 4)

Notes:

- (1) The operation number should be mentioned in all correspondence.
- (2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (4) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ No L 188, 27. 7. 1996, p. 22), shall not apply to this amount.

- (5) The supplier should send a duplicate of the original invoice to: Willis Corroon Scheuer, Postbus 1315, NL-1000 BH Amsterdam.
- (6) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (7) The rule provided at the second indent of Article 18 (2) (a) of Commission Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12) is binding for determination of the sugar category.
- (8) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document:
 - health certificate (A1: + expiry date).
- (9) Notwithstanding OJ No C 114, point V.A (3)(c) is replaced by the following: 'the words "European Community"'.
 - (10) Shipment to take place in 20-foot containers, condition FCL/FCL, each containing 18 tonnes net.

The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), the number of which to be provided to the beneficiary's forwarder.
 - (11) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

**COMMISSION REGULATION (EC) No 2237/96
of 22 November 1996**

initiating a 'new exporter' review of Regulation (EEC) No 830/92 concerning the imposition of definitive anti-dumping duties on imports of certain polyester yarns (man-made staple fibres) originating, *inter alia*, in Indonesia, repealing the duty with regard to imports from an exporter in this country and making these imports subject to registration

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 11 (4) thereof,

After consulting the Advisory Committee,

Whereas:

A. Request for a review

- (1) The Commission has received an application for a 'new exporter' review pursuant to Article 11 (4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation'). The application was lodged on 25 June 1996 by P.T. World Yamatex Spinning Mills, Indonesia, an exporter in Indonesia which claims it did not export the product concerned during the period of investigation on which the anti-dumping measures were based with regard to the determination of dumping, i.e. the period 1 January to 31 December 1989 (hereinafter referred to as 'the original investigation period').

B. Product

- (2) The products concerned are single and multiple (folded) or cabled yarns containing 85 % or more by weight of polyester staple fibres, not put up for retail sale, falling within CN codes 5509 21 10, 5509 21 90, 5509 22 10 and 5509 22 90 and other yarns of staple fibres mixed mainly or solely either with artificial staple fibres or with cotton, not put up for retail sale, falling within CN codes 5509 51 00 and 5509 53 00. These codes are given for information only and have no binding effect on the classification of the product.

C. Existing measures

- (3) By Council Regulation (EEC) No 830/92⁽²⁾, as last amended by Regulation (EC) No 1168/95⁽³⁾, the Council imposed, *inter alia*, a definitive anti-

dumping duty of 11,9 % on imports of the product concerned originating in Indonesia, with the exception of several companies especially mentioned, which are subject to a lesser duty.

D. Grounds for the review

- (4) The applicant, P.T. World Yamatex Spinning Mills, Indonesia, has shown that it is not related to any of the exporters or producers in Indonesia which are subject to the aforementioned anti-dumping measures on the product concerned, and that it actually started exporting to the Community after the original investigation period. The applicant has further shown that it entered into a long term contract to export a significant quantity of the product concerned to the Community.
- (5) Community producers known to be concerned have been informed of the above application and have been given an opportunity to comment.
- (6) In the light of the above, the Commission concludes that there is sufficient evidence to justify the initiation of a review pursuant to Article 11 (4) of the Basic Regulation with a view to determine the applicant's individual margin of dumping and, should dumping be found, the level of duty to which its imports of the product concerned into the Community should be subject.

E. Repeal of the duty in force and registration of imports

- (7) Pursuant to Article 11 (4) of the Basic Regulation, the anti-dumping duty in force shall be repealed with regard to imports of the product concerned originating in Indonesia which is produced and exported by the applicant. At the same time, such imports shall be made subject to registration in accordance with Article 14 (5) of that Regulation, in order to ensure that, should the review result in a determination of dumping in respect of the applicant, anti-dumping duties can be levied retroactively to the date of the initiation of this review. The amount of the applicant's possible future liability cannot be estimated at this stage of the proceeding.

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No L 88, 3. 4. 1992, p. 1.

⁽³⁾ OJ No L 118, 25. 5. 1995, p. 1.

F. Time limit

- (8) In the interest of sound administration, a period should be fixed within which interested parties, provided that they can show that they are likely to be affected by the results of the investigation, may make their views known in writing and provide supporting evidence. A period should also be fixed, within which interested parties may make a written request for a hearing, giving particular reasons why they should be heard. Furthermore, it should be noted that in cases in which any interested party refuses access to, or otherwise does not provide necessary information within the relevant time limits, or significantly impedes the investigation, provisional or final findings, affirmative or negative, may be made in accordance with Article 18 of the Basic Regulation, on the basis of the facts available.

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 11 (4) of Regulation (EC) No 384/96, a review of Regulation (EEC) No 830/92 is hereby initiated in order to determine if and to what extent imports of single and multiple (folded) or cabled yarns containing 85 % or more by weight of polyester staple fibres, not put up for retail sale, falling within CN codes 5509 21 10, 5509 21 90, 5509 22 10 and 5509 22 90 and other yarns of staple fibres mixed mainly or solely either with artificial staple fibres or with cotton, not put up for retail sale, falling within CN codes 5509 51 00 and 5509 53 00, originating in Indonesia, produced and exported by P.T. World Yamatex Spinning Mills, 28th the Landmark Centre II, J.L. Jend. Sudirman No 1, Jakarta 12910, Indonesia (Taric additional code: 8932), shall be subject to the anti-dumping duty imposed by Regulation (EEC) No 830/92.

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

Done at Brussels, 22 November 1996.

Article 2

The anti-dumping duty imposed by Regulation (EEC) No 830/92 is hereby repealed with regard to imports of the production identified in Article 1.

Article 3

The customs authorities are hereby directed, pursuant to Article 14 (5) of Regulation (EC) No 384/96, to take the appropriate steps to register the imports identified in Article 1. Registration shall expire nine months following the date of entry into force of this Regulation.

Article 4

Interested parties, if their representations are to be taken into account during the investigation, must make themselves known, present their views in writing and submit information within 37 days from the date of transmission of a copy of this Regulation to the authorities of the exporting country. Interested parties may also apply to be heard by the Commission within the same time limit. The transmission of a copy of this Regulation to the authorities of the exporting country shall be deemed to have taken place on the third day following its publication in the *Official Journal of the European Communities*.

Any information relating to the matter and any request for a hearing should be sent to the following address:

European Commission,
Directorate-General I,
External Relations: Commercial Policy and Relations with
North America, the Far East, Australia and New Zealand,
Directorates I-C and I-E,
Rue de la Loi/Wetstraat 200,
(Cort 100),
B-1049 Bruxelles/Brussel (1).

Article 5

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

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 2238/96

of 22 November 1996

amending Regulation (EC) No 1372/95 laying down detailed rules for implementing the system of export licences in the poultrymeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Commission Regulation (EC) No 2916/95⁽²⁾, and in particular Article 3 (2) thereof,

Whereas Commission Regulation (EC) No 1372/95⁽³⁾ as last amended by Regulation (EC) No 1158/96⁽⁴⁾, lays down detailed rules for implementing the system of export licences in the poultrymeat sector;

Whereas experience has shown that it is necessary, in order to avoid speculative applications, to reduce the period of validity of licences for product category 6 and for particular destinations and to limit for exports under these licences the period referred to in Article 28 of Commission Regulation (EEC) No 3665/87 of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products⁽⁵⁾, as last amended by Regulation (EC) No 1384/95⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1372/95 is hereby amended as follows:

1. In Article 2, the following paragraph 5 is added:

'5. By way of derogation from paragraph 1, licences for category 6 (a) referred to in Annex I shall be valid 15 days from the actual date of issue within the meaning of Article 21 (2) of Regulation (EEC) No 3719/88. In this case, notwithstanding Article 28 (5) of Regulation (EEC) No 3665/87, the period during which the products may remain covered by the arrangements provided for in Article 5 of Council Regulation (EEC) No 565/80^(*) shall be equal to the remainder of the term of validity of the export licence.

^(*) OJ No L 62, 7. 3. 1980, p. 5.'

2. Annex I is replaced by Annex I to this Regulation.

3. Annex II of this Regulation is added as Annex IV.

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, 22 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽⁴⁾ OJ No L 153, 27. 6. 1996, p. 25.

⁽⁵⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 134, 20. 6. 1995, p. 14.

ANNEX I

ANNEX I

| Product code of the agricultural product nomenclature for export refunds ⁽¹⁾ | Category | Rate of the security Ecu/100 kg Net weight |
|-----------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------|
| 0105 11 11 000 0105 11 19 000 0105 11 91 000 0105 11 99 000 | 1 | — |
| 0105 12 00 000 0105 19 20 000 | 2 | — |
| 0207 12 10 900 | 3 | 10 ⁽²⁾ 3 ⁽³⁾ 6 ⁽⁴⁾ |
| 0207 12 90 190 | 4 | 10 ⁽²⁾ 3 ⁽³⁾ 6 ⁽⁴⁾ |
| 0207 25 10 000 0207 25 90 000 | 5 | 3 |
| 0207 14 20 900 0207 14 60 900 0207 14 70 190 0207 14 70 290 | 6 (a) ⁽⁴⁾ | 3 |
| 0207 14 20 900 0207 14 60 900 0207 14 70 190 0207 14 70 290 | 6 (b) ⁽⁵⁾ | 3 |
| 0207 27 10 990 | 7 | 3 |
| 0207 27 60 000 0207 27 70 000 | 8 | 3 |

⁽¹⁾ Commission Regulation (EEC) No 3846/87, part 7. (OJ No L 366, 24. 12. 1987, p. 1).

⁽²⁾ For destinations shown in Annex III.

⁽³⁾ Other destinations than shown in Annexes III and IV.

⁽⁴⁾ Destinations shown in Annex IV.

⁽⁵⁾ Other destinations than shown in Annex IV.

ANNEX II

ANNEX IV

Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgystan, Moldova, Latvia, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia.

COMMISSION REGULATION (EC) No 2239/96
of 22 November 1996
on the supply of milk products as food aid

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

Having regard to Council Regulation (EC) No 1292/96 of 27 June 1996 on food-aid policy and food-aid management and special operations in support of food security⁽¹⁾, and in particular Article 24 (1) (b) thereof,

Whereas the abovementioned Regulation lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated milk powder to certain beneficiaries;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽²⁾, as amended by Regulation (EEC) No 790/91⁽³⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for

the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

Milk products shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 22 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽²⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽³⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No⁽¹⁾:** 1180/95 (A1); 1181/95 (A2)
2. **Programme:** 1995
3. **Recipient ⁽²⁾:** Euronaid, Postbus 12, NL-2501 CA Den Haag, Nederland (tel.: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient ⁽³⁾:** to be designated by the recipient
5. **Place or country of destination:** A1: Haiti; A2: Madagascar
6. **Product to be mobilized:** vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods ⁽³⁾ ⁽⁴⁾:** see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (1))
8. **Total quantity (tonnes):** 210
9. **Number of lots:** 1 in 2 parts (A1: 165 tonnes; A2: 45 tonnes)
10. **Packaging and marking ⁽⁷⁾ ⁽⁸⁾:** see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (2), I.A (2) (3) and I.B (3))
Language to be used for the marking: French
11. **Method of mobilization:** the Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply:** Free at port of shipment ⁽¹⁰⁾
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 6 to 26. 1. 1997
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** Invitation to tender
20. **Date of expiry of the period allowed for submission of tenders:** 12 noon (Brussels time) on 9. 12. 1996
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 23. 12. 1996
 - (b) period for making the goods available at the port of shipment: 20. 1. to 9. 2. 1997
 - (c) deadline for the supply: —
22. **Amount of tendering security:** ECU 20 per tonne
23. **Amount of delivery security:** 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities ⁽¹⁾:**

Bureau de l'aide alimentaire, Attn. Mr. T. Vestergaard
Bâtiment Loi 130, bureau 7/46
rue de la Loi/Wetstraat 200, B-1049 Brussels
(Telex: 2 56 70 AGREC B; fax: (32 2) 296 70 03/296 70 04)
25. **Refund payable on application by the successful tenderer ⁽⁴⁾:** Refund applicable on 18. 11. 1996, fixed by Commission Regulation (EC) No 2038/96 (OJ No L 272, 25. 10. 1996, p. 12)

LOT B

1. **Operation No** ⁽¹⁾: 1876/94
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: UNHCR (for the attention of Mme Seinet), case postale 2500, CH-1211 Genève 2 dépôt (tel. (41-22) 739 81 37; telefax: 739 85 63)
4. **Representative of the recipient**: UNHCR, BP 4405 Nouakchott (tel. (222) 25 63 27; telefax 25 61 76; telex 5729 MTN)
5. **Place or country of destination** ⁽³⁾: Mauritania
6. **Product to be mobilized**: whole milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁶⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under I.C. (1))
8. **Total quantity (tonnes)**: 60
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (I.C. (2), I.A. (2) (3) and I.C. (3))
Language to be used for the marking: French
11. **Method of mobilization**: the Community market
The whole milk powder must be manufactured after the award of the tender
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Nouakchott
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 6 to 19. 1. 1997
18. **Deadline for the supply**: 9. 2. 1997
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) 9. 12. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) 23. 12. 1996
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 20. 1. to 2. 2. 1997
 - (c) deadline for the supply: 23. 2. 1997
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, Attn. Mr T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049, Brussels, telex 25670 AGREC B; fax (32-2) 296 70 03 / 296 70 04
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 18. 11. 1996, fixed by Commission Regulation (EC) No 2038/96 (OJ No L 272, 25. 10. 1996, p. 12)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1482/96 (OJ No L 188, 27. 7. 1996, p. 22), shall not apply to this amount.
- (⁵) Commission delegation to be contacted by the successful tenderer: OJ No C 114, 29. 4. 1991, p. 33.
- (⁶) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:
- health certificate,
 - lots A: veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- The veterinary certificate must state the temperature and duration of the pasteurization, the temperature and duration in the spray-drying tower and the expiry date for consumption.
- (⁷) Notwithstanding OJ No C 114, point I. B.3 (c) or I.C.3 (c) is replaced by the following: 'the words "European Community"'.
- (⁸) Shipment to take place in 20-foot containers, condition FCL/FCL each containing 15 tonnes net. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying the number of bags belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.
- (⁹) The supplier should send a duplicate of the original invoice to: Scheuer Assurantie, Postbus 1315, NL-1000 BH Amsterdam.
- (¹⁰) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
-

COMMISSION REGULATION (EC) No 2240/96
of 22 November 1996
amending the export refunds on poultrymeat

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

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat ⁽¹⁾, as last amended by Regulation (EC) No 2916/95 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the export refunds on poultrymeat were fixed by Commission Regulation (EC) No 1977/96 ⁽³⁾;

Whereas it follows from foreseen criteria contained in Article 8 of Regulation (EEC) No 2777/75 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, in the light of the amendment introduced by Regulation (EC) No 1222/96 ⁽⁴⁾, the figure 9 after the first

eight digits corresponding to the combined nomenclature subheadings should be regarded as forming part of the refund nomenclature code from 1 January 1997,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1977/96 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 November 1996.

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

Done at Brussels, 22 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 262, 16. 10. 1996, p. 9.

⁽⁴⁾ OJ No L 161, 29. 6. 1996, p. 62.

ANNEX

to the Commission Regulation of 22 November 1996 amending the export refunds on poultrymeat

| Product code | Destination of refund ⁽¹⁾ | Amount of refund ⁽²⁾ | Product code | Destination of refund ⁽¹⁾ | Amount of refund ⁽²⁾ |
|----------------|--------------------------------------|---------------------------------|----------------|--------------------------------------|---------------------------------|
| | | ECU/100 units | | | ECU/100 kg |
| 0105 11 11 000 | 01 | 1,50 | 0207 25 10 000 | 05 | 7,00 |
| 0105 11 19 000 | 01 | 1,50 | 0207 25 90 000 | 05 | 7,00 |
| 0105 11 91 000 | 01 | 1,50 | 0207 14 20 900 | 05 | 7,00 |
| 0105 11 99 000 | 01 | 1,50 | 0207 14 60 900 | 05 | 7,00 |
| 0105 12 00 000 | 01 | 3,50 | 0207 14 70 190 | 05 | 7,00 |
| 0105 19 20 000 | 01 | 3,50 | 0207 14 70 290 | 05 | 7,00 |
| | | ECU/100 kg | 0207 27 10 990 | 03 | 5,00 |
| 0207 12 10 900 | 02 | 20,00 | | 06 | 7,00 |
| | 03 | 14,00 | 0207 27 60 000 | 03 | 5,00 |
| | 04 | 6,00 | | 06 | 7,00 |
| 0207 12 90 190 | 02 | 23,00 | 0207 27 70 000 | 03 | 5,00 |
| | 03 | 14,00 | | 06 | 7,00 |
| | 04 | 6,00 | | | |

⁽¹⁾ The destinations are as follows:

01 All destinations except the United States of America,

02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon and Iran,

03 Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia and Latvia,

04 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Switzerland and those of 02 and 03 above,

05 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic and Switzerland,

06 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Switzerland and those of 03 above.

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 2241/96
of 22 November 1996
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 1890/96 ⁽²⁾, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 November 1996.

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

Done at Brussels, 22 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 249, 1. 10. 1996, p. 29.

⁽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 22 November 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

| (ECU/100 kg) | | |
|---------------------------------------------------|-----------------------------------|-----------------------|
| CN code | Third country code ⁽¹⁾ | Standard import value |
| 0702 00 45 | 204 | 46,9 |
| | 624 | 131,9 |
| | 999 | 89,4 |
| 0709 90 79 | 052 | 84,6 |
| | 999 | 84,6 |
| 0805 20 31 | 204 | 107,3 |
| | 999 | 107,3 |
| 0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39 | 052 | 63,7 |
| | 999 | 63,7 |
| | 052 | 68,2 |
| 0805 30 40 | 400 | 84,0 |
| | 528 | 44,9 |
| | 600 | 90,5 |
| | 999 | 71,9 |
| | 052 | 70,1 |
| 0808 10 92, 0808 10 94, 0808 10 98 | 060 | 47,2 |
| | 064 | 44,9 |
| | 400 | 71,0 |
| | 404 | 60,6 |
| | 999 | 58,8 |
| 0808 20 67 | 052 | 78,3 |
| | 064 | 81,0 |
| | 400 | 81,0 |
| | 624 | 66,4 |
| | 999 | 76,7 |

⁽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'.

DIRECTIVE 96/70/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 28 October 1996****amending Council Directive 80/777/EEC on the approximation of the laws of the Member States relating to the exploitation and marketing of natural mineral waters**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 100a 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 189 b of the Treaty ⁽³⁾;

(1) Whereas Directive 80/777/EEC ⁽⁴⁾ harmonized the laws of the Member States relating to the exploitation and marketing of natural mineral waters;

(2) Whereas the primary purposes of any rules on natural mineral waters should be to protect the health of consumers, to prevent consumers from being misled and to ensure fair trading;

(3) Whereas it is desirable to amend Directive 80/777/EEC to take account of technical and scientific progress since 1980; whereas it is also desirable to rationalize the provisions of that Directive in line with other provisions of Community food law;

(4) Whereas it is necessary to extend the period of recognition for natural mineral waters originating from third countries in order to simplify the administrative procedures;

(5) Whereas it is necessary to clarify the circumstances under which the use of ozone-enriched air may be permitted in order to separate unstable elements from natural mineral waters under conditions which will ensure that the composition of the water as regards its essential constituents is not affected;

(6) Whereas the inclusion of the statement of the analytical composition of a natural mineral water should be made compulsory in order to ensure that consumers are informed;

(7) Whereas it is appropriate to lay down certain provisions on spring waters;

(8) Whereas it is advisable, in order to ensure smooth running of the internal market for natural mineral waters, to introduce a procedure to allow for coordinated action between the Member States in urgent situations which may present a risk to public health;

(9) Whereas a procedure to lay down certain detailed provisions concerning natural mineral waters, notably in respect of the limits for the levels of certain constituents of natural mineral waters, should be established; whereas provisions for the indication, on labelling, of high levels of certain constituents should also be adopted; whereas methods of analysis, including limits of detection, to check the absence of pollution of natural mineral waters, and sampling procedures and methods of analysis for checking the microbiological characteristics of natural mineral waters, should be determined;

(10) Whereas any decision on natural mineral waters likely to have an effect on public health should be adopted following consultation of the Scientific Committee for Food,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive 80/777/EEC is hereby amended as follows:

1. The third subparagraph of Article 1 (2) shall be replaced by the following:

'The validity of the certification referred to in the second subparagraph may not exceed a period of five years. It shall not be necessary to repeat the recognition procedure referred to in the first subparagraph if the certification is renewed before the end of the said period.'

2. Article 4 shall be replaced by the following:

Article 4

1. Natural mineral water, in its state at source, may not be the subject of any treatment other than:

⁽¹⁾ OJ No C 314, 11. 11. 1994, p. 4, and OJ No C 33, 6. 2. 1996, p. 15.

⁽²⁾ OJ No C 110, 2. 5. 1995, p. 55.

⁽³⁾ Opinion of the European Parliament of 11 October 1995 (OJ No C 287, 30. 10. 1995, p. 101), common position of the Council of 22 December 1995 (OJ No C 59, 28. 2. 1996, p. 44) and Decision of the European Parliament of 22 May 1996 (OJ No C 166, 10. 6. 1996, p. 61). Council Decision of 26 July 1996.

⁽⁴⁾ OJ No L 229, 30. 8. 1980, p. 1. Directive as last amended by the 1994 Act of Accession.

(a) the separation of its unstable elements, such as iron and sulphur compounds, by filtration or decanting, possibly preceded by oxygenation, in so far as this treatment does not alter the composition of the water as regards the essential constituents which give it its properties;

(b) the separation of iron, manganese and sulphur compounds and arsenic from certain natural mineral waters by treatment with ozone-enriched air in so far as such treatment does not alter the composition of the water as regards the essential constituents which give it its properties, and provided that:

— the treatment complies with the conditions for use to be laid down in accordance with the procedure laid down in Article 12 and following consultation of the Scientific Committee for Food established by Commission Decision 95/273/EC^(*),

— the treatment is notified to, and specifically controlled by, the competent authorities;

(c) the separation of undesirable constituents other than those specified in (a) or (b), in so far as this treatment does not alter the composition of the water as regards the essential constituents which give it its properties, and provided that:

— the treatment complies with the conditions for use to be laid down in accordance with the procedure laid down in Article 12 and following consultation of the Scientific Committee for Food,

— the treatment is notified to, and specifically controlled by, the competent authorities;

(d) the total or partial elimination of free carbon dioxide by exclusively physical methods.

2. Natural mineral water, in its state at source, may not be the subject of any addition other than the introduction or the reintroduction of carbon dioxide under the conditions laid down in Annex I, section III.

3. In particular, any disinfection treatment by whatever means and, subject to paragraph 2, the addition of bacteriostatic elements or any other treatment likely to change the viable colony count of the natural mineral water shall be prohibited.

4. Paragraph 1 shall not constitute a bar to the utilization of natural mineral waters and spring waters in the manufacture of soft drinks.

^(*) OJ No L 167, 18. 7. 1995, p. 22.'

3. Article 7 (2) shall be replaced by the following:

'2. Labels on natural mineral waters shall also give the following mandatory information:

(a) a statement of the analytical composition, giving its characteristic constituents;

(b) the place where the spring is exploited and the name of the spring;

(c) information on any treatments referred to in Article 4 (1) (b) and (c).

2 a. In the absence of Community provisions on information on any treatments referred to in paragraph 2 (c), Member States may maintain the national provision.'

4. Article 7 (3) shall be deleted.

5. The following paragraphs shall be added to Article 9:

'4a. The term "spring water" shall be reserved for a water which is intended for human consumption in its natural state, and bottled at source, which:

— satisfies the conditions of exploitation laid down in Annex II, paragraphs 2 and 3, which shall be fully applicable to spring waters,

— satisfies the microbiological requirements laid down in Article 5,

— satisfies the labelling requirements of Article 7 (2) (b) and (c) and Article 8,

— has not undergone any treatment other than those referred to in Article 4. Other treatments may be authorized in accordance with the procedure laid down in Article 12.

In addition, spring waters shall comply with the provisions of Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption^(*).

4 b. In the absence of Community provisions on the treatment for spring waters referred to in the fourth indent of Article 9 (4a) Member States may maintain the national provisions on the treatments.

^(*) OJ No L 229, 30. 8. 1980, p. 11. Directive as last amended by the 1994 Act of Accession.'

6. Article 10 (2) shall be deleted.

7. The following Article shall be inserted:

'Article 10a

1. Where a Member State has detailed grounds for considering that a natural mineral water does not comply with the provisions laid down in this Directive, or endangers public health, albeit freely circulating in one or more Member States, that Member State may temporarily restrict or suspend trade in that product within its territory. It shall immediately inform the Commission and the other Member States thereof and give reasons for its decision.

2. At the request of any Member State or the Commission, the Member State which has recognized the water shall provide all relevant information concerning recognition of the water, together with the results of the regular checks.

3. The Commission shall examine as soon as possible the grounds adduced by the Member State referred to in paragraph 1 within the Standing Committee for Foodstuffs, and shall then deliver its opinion forthwith and take appropriate measures.

4. If the Commission considers that amendments to this Directive are necessary in order to ensure the protection of public health, it shall initiate the procedure laid down in Article 12, with a view to adopting those amendments. The Member State which has adopted safeguard measures may, in that event, retain them until the amendments have been adopted.'

8. Article 11 shall be replaced by the following:

Article 11

1. The following shall be adopted in accordance with the procedure laid down in Article 12:

- limits for the levels of constituents of natural mineral waters,
- any necessary provisions for the indication on the labelling of high levels of certain constituents,
- the conditions of use of ozone-enriched air referred to in Article 4 (1) (b),
- the information on the treatments referred to in Article 7 (2) (c).

2. The following may be adopted in accordance with the procedure laid down in Article 12:

- methods of analysis, including limits of detection, to determine the absence of pollution of natural mineral waters,
- the sampling procedures and the methods of analysis necessary for checking the microbiological characteristics of natural mineral waters.'

9. The following Article shall be inserted:

Article 11a

Any decision likely to have an effect on public health shall be adopted by the Commission following consultation of the Scientific Committee for Food.'

Article 2

Member States shall, where necessary, amend their laws, regulations or administrative provisions so as to:

- permit trade in products complying with this Directive by not later than 28 October 1997,
- prohibit trade in products not complying with this Directive with effect from 28 October 1998. However, trade in products placed on the market or labelled before that date and not conforming with this Directive may continue until stocks run out.

They shall immediately inform the Commission thereof.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Luxembourg, 28 October 1996.

For the European Parliament

The President

K. HÄNSCH

For the Council

The President

I. YATES

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 12 November 1996

authorizing Italy to continue trials on a new oenological practice

(Only the Italian text is authentic)

(96/657/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1592/96 ⁽²⁾, and in particular Article 26 (3) thereof,

Whereas Italy has authorized experimental trials involving the use of lysozyme to limit the use of sulphur dioxide in wine-making and whereas it has forwarded the results of the trials in respect of the 1993/94, 1994/95 and 1995/96 wine years; whereas the results of the trials, which have been covered by reports forwarded to the Commission, have been very promising but remain incomplete;

Whereas the other Member States have been informed of the results of the trials;

Whereas Italy has requested the Commission for authorization to extend those trials for three additional wine years, namely 1996/97, 1997/98 and 1998/99; whereas the trials will cover the monitoring of malo-lactic fermentation of red wine, bottle fermentation of sparkling wine and ageing of wine;

Whereas the trials must involve vinification of the 1996 grape harvest;

Whereas this Decision is in accordance with the opinion of the Management Committee for Wine,

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 206, 16. 8. 1996, p. 31.

HAS ADOPTED THIS DECISION:

Article 1

Italy is hereby authorized to continue trials relating to the use of lysozyme in wine-making until 31 August 1999 and involving a maximum of 50 000 hectolitres during each of the 1996/97, 1997/98 and 1998/99 wine years under the conditions laid down in Article 26 of Regulation (EEC) No 822/87.

Article 2

This Decision is addressed to the Italian Republic.

Done at Brussels, 12 November 1996.

For the Commission

Franz FISCHLER

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92

(Official Journal of the European Communities No L 148 of 21 June 1996)

Annex, Point A: Products listed in Annex II to the EC Treaty, intended for human consumption:

Page 4, Fresh meats (and offal), UNITED KINGDOM:

for: 'Scottish beef (PGI)'

read: 'Scotch beef (PGI)'

for: 'Scottish lamb (PGI)'

read: 'Scotch lamb (PGI)'

Page 4, Meat-based products, LUXEMBOURG:

for: 'Salaisons fumées, marque nationale Grand-Duché de Luxembourg (PGI)'

read: 'Salaisons fumées, marque nationale grand-duché de Luxembourg (PGI)'

Page 5, Cheeses, FRANCE

for: 'Crottin de Chavignol ou chavignol (PDO) (?)'

read: 'Crottin de Chavignol ou Chavignol (PDO) (?)'

Page 7, Other products of animal origin (eggs, honey, milk products excluding butter, etc.), PORTUGAL:

for: 'Mel do Ribatejo Norte (Serra d'Aire, Albufeira do Castelo do Bode, Bairro, Alto Nabão) (PDO)'

read: 'Mel do Ribatejo Norte (Serra d'Aire, Albufeira de Castelo de Bode, Bairro, Alto Nabão) (PDO)'

Page 8, Fruit, vegetables and cereals, PORTUGAL:

for: 'Amêndoa do Douro (PDO)'

read: 'Amêndoa Douro (PDO)'
