



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 29.04.1998  
COM(1998) 225 final

Proposal for a  
**COUNCIL DECISION**  
concerning a Community system of fees in the animal feed sector

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(presented by the Commission)



## EXPLANATORY MEMORANDUM

In accordance with Directive 70/524/EEC concerning additives in feedingstuffs<sup>1</sup> and Directive 95/69/EEC laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC<sup>2</sup>, as amended by Directive .../.../EC (COM(1998) 216), this proposal for a Decision lays down rules for calculating certain fees in the animal feed sector.

As a basic principle, Member States are required to collect only fees which cover the real costs of the services provided. In order to ensure that this principle is applied, the Annex to the Decision lists the only costs which must be taken into consideration when calculating fees.

During discussions on the fifth amendment to Directive 70/524/EEC, it was agreed that Member States should collect fees only for the approval of certain additives. Article 1(1), in conjunction with Annex A, therefore provides that fees may be collected only for additives belonging to groups where authorization is linked to the person responsible for putting them in circulation.

It will be possible to alter the system in the light of experience so as to reduce any differences which may still exist between Member States' scales of fees.

This proposal has no financial implications for the Community budget. It is based on an exclusive competence of the Community.

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<sup>1</sup> OJ L 270, 14.12.1970, p. 1, as last amended by Commission Directive 98/19/EC (OJ L 96, 28.3.1998, p. 39).

<sup>2</sup> OJ L 332, 30.12.1995, p. 15.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/524/EEC of 23 November 1970 concerning additives in feedingstuffs, and in particular Article 6(2) thereof<sup>3</sup>,

Having regard to Council Directive 95/69/EC of 22 December 1995 laying down the conditions and arrangements for approving and registering certain establishments and intermediaries operating in the animal feed sector and amending Directives 70/524/EEC, 74/63/EEC, 79/373/EEC and 82/471/EEC, and in particular Article 14 thereof<sup>4</sup>,

Having regard to the proposal from the Commission<sup>5</sup>,

Whereas provision should be made at Community level for fees to be levied for certain services in all Member States;

Whereas fees should be charged only for examining dossiers of specified additives; whereas the relevant groups of additives should be listed;

Whereas the fees to be levied should cover solely the actual wage, social welfare and administrative costs of the body carrying out the services; whereas it is appropriate to lay down an exhaustive list of costs to be taken into account for the calculation of the said fees;

Whereas Member States should be given the opportunity to fix flat-rate sums for fees so as not to have to supply evidence of the costs actually incurred in each individual case;

Whereas Member States should enable the Commission, by providing the necessary information, to amend the Annexes when it sees fit; whereas such amendments should be made using the procedure laid down by this Decision in order to establish close cooperation between Member States and the Commission within the Standing Committee on Feedingstuffs,

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<sup>3</sup> OJ L 270, 14.12.1970, p. 1, as last amended by Commission Directive 98/19/EC (OJ L 96, 28.3.1998, p. 39).

<sup>4</sup> OJ L 332, 30.12.1995, p. 15.

<sup>5</sup> OJ

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall ensure that a fee is levied for the costs incurred by the Member State acting as rapporteur in accordance with Article 4 of Directive 70/524/EEC for the examination of the dossiers for additives listed in Annex A to this Decision.
2. Member States shall ensure that a fee is levied for the costs incurred in approving certain establishments and intermediaries in accordance with Article 5 of Directive 95/69/EC.
3. In the calculation of the fees mentioned in paragraphs 1 and 2, only the costs specified in Annex B shall be taken into account.

Article 2

The Annexes may be amended according to the procedure set out in Article 5.

Article 3

The direct or indirect refund by Member States of the fees within the meaning of this Decision is prohibited.

However, the application of flat-rate amounts by a Member State in the evaluation of individual cases shall not be regarded as an indirect refund.

Article 4

1. Member States shall draw up reports setting out the implementation of this Decision, specifying:
  - the amount of fees that have been raised;
  - the breakdown of the fees;
  - the method for calculating the fees.

Member States shall transmit their reports to the Commission by 1 April 1999 at the latest.

2. On the basis of the reports required under paragraph 1, the Commission shall submit an overall summary report on the implementation of this Decision and, if applicable, proposals for further harmonization of the systems of fees in the animal feed sector.

## Article 5

Where the procedure laid down in this Article is to be followed, the Commission shall be assisted by the Standing Committee for Feedingstuffs, hereinafter referred to as 'the Committee'.

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.

## Article 6

This Decision shall apply from 1 April 1998.

## Article 7

This Decision is addressed to the Member States.

Done at Brussels,

For the Council  
The President

## **Annex A**

**Dossiers of additives subject to authorization linked to the person responsible for putting them into circulation according to Directive 70/524/EEC.**

## **Annex B**

Exhaustive list of the costs to be taken into account when calculating the fees according to Article 1(1) and (2):

- salaries including allowances where applicable, superannuating (pension) costs, staff insurance contributions;
- accommodation including rent, heat, light and water, furniture, maintenance, insurance;
- general overheads including office equipment, stationary, postage, printing, telecommunications, training, subscription to periodicals;
- travel and associated costs;
- associated technical costs (e.g. laboratory costs, sampling).



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