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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2055/96**of 28 October 1996****fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid**

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 third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽⁴⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 13 of Regulation (EC) No 3072/95 on export

refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 13 of Regulation (EC) No 3072/95;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, and other Community free supply measures, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 November 1996.

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

Done at Brussels, 28 October 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 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 28 October 1996 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 00 400	13,00
1001 90 99 000	13,00
1002 00 00 000	31,00
1003 00 90 000	31,00
1004 00 00 400	31,00
1005 90 00 000	38,00
1006 20 92 000	210,00
1006 20 94 000	210,00
1006 30 42 000	263,00
1006 30 44 000	263,00
1006 30 92 100	263,00
1006 30 92 900	263,00
1006 30 94 100	263,00
1006 30 94 900	263,00
1006 30 96 100	263,00
1006 30 96 900	263,00
1006 30 98 100	263,00
1006 30 98 900	263,00
1006 40 00 000	—
1007 00 90 000	38,00
1101 00 15 100	17,00
1101 00 15 130	17,00
1102 20 10 200	52,85
1102 20 10 400	45,30
1102 30 00 000	—
1102 90 10 100	45,59
1103 11 10 200	17,00
1103 11 90 200	17,00
1103 13 10 100	67,95
1103 14 00 000	—
1104 12 90 100	55,92
1104 21 50 100	60,78

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 2056/96

of 28 October 1996

fixing the export refunds on cereal-based compound feedingstuffs

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 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or 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 (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to

avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markets, allowing more accurate account to be taken of the commercial conditions under which such products are exported;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾, as amended by Regulation (EC) No 1380/95⁽⁵⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁶⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 November 1996.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 51.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁶⁾ OJ No L 65, 15. 3. 1996, p. 1.

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

Done at Brussels, 28 October 1996.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 October 1996 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

2309 10 11 000, 2309 10 13 000, 2309 10 31 000,
 2309 10 33 000, 2309 10 51 000, 2309 10 53 000,
 2309 90 31 000, 2309 90 33 000, 2309 90 41 000,
 2309 90 43 000, 2309 90 51 000, 2309 90 53 000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽¹⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	37,75
Cereal products ⁽²⁾ excluding maize and maize products	18,39

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulations (EEC) No 990/93 and (EC) No 462/96 are observed.

COMMISSION REGULATION (EC) No 2057/96

of 28 October 1996

fixing the export refunds on products processed from cereals and rice

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 13 (3) thereof,

Having regard to Council Regulation (EC) No 3072/95 of 22 December 1995 on the common organization of the market in rice⁽³⁾, and in particular Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 13 of Regulation (EC) No 3072/95 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 13 of Regulation (EC) No 3072/95 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁴⁾, as amended by Regulation (EC) No 2993/95⁽⁵⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 990/93⁽⁶⁾, as amended by Regulation (EC) No 1380/95⁽⁷⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁸⁾; whereas account should be taken of this fact when fixing the refunds;

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EC) No 3072/95 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁴⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁵⁾ OJ No L 312, 23. 12. 1995, p. 25.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁷⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁸⁾ OJ No L 65, 15. 3. 1996, p. 1.

Article 2

This Regulation shall enter into force on 1 November 1996.

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

Done at Brussels, 28 October 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 28 October 1996 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund ⁽¹⁾	Product code	Refund ⁽¹⁾
1102 20 10 200 ⁽²⁾	52,85	1104 23 10 100	56,63
1102 20 10 400 ⁽²⁾	45,30	1104 23 10 300	43,41
1102 20 90 200 ⁽²⁾	45,30	1104 29 11 000	6,51
1102 90 10 100	45,59	1104 29 51 000	6,38
1102 90 10 900	31,00	1104 29 55 000	6,38
1102 90 30 100	50,33	1104 30 10 000	1,60
1103 12 00 100	50,33	1104 30 90 000	9,44
1103 13 10 100 ⁽²⁾	67,95	1107 10 11 000	11,36
1103 13 10 300 ⁽²⁾	52,85	1107 10 91 000	54,09
1103 13 10 500 ⁽²⁾	45,30	1108 11 00 200	12,76
1103 13 90 100 ⁽²⁾	45,30	1108 11 00 300	12,76
1103 19 10 000	31,12	1108 12 00 200	60,40
1103 19 30 100	47,10	1108 12 00 300	60,40
1103 21 00 000	6,51	1108 13 00 200	60,40
1103 29 20 000	31,00	1108 13 00 300	60,40
1104 11 90 100	45,59	1108 19 10 200	70,22
1104 12 90 100	55,92	1108 19 10 300	70,22
1104 12 90 300	44,74	1109 00 00 100	0,00
1104 19 10 000	6,51	1702 30 51 000 ⁽³⁾	62,51
1104 19 50 110	60,40	1702 30 59 000 ⁽³⁾	47,86
1104 19 50 130	49,08	1702 30 91 000	62,51
1104 21 10 100	45,59	1702 30 99 000	47,86
1104 21 30 100	45,59	1702 40 90 000	47,86
1104 21 50 100	60,78	1702 90 50 100	62,51
1104 21 50 300	48,62	1702 90 50 900	47,86
1104 22 20 100	44,74	1702 90 75 000	65,50
1104 22 30 100	47,53	1702 90 79 000	45,46
		2106 90 55 000	47,86

⁽¹⁾ 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.

⁽²⁾ No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

⁽³⁾ Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 2058/96

of 28 October 1996

**opening and providing for the management of a tariff quota for broken rice of
CN code 1006 40 00 for production of food preparations of CN code 1901 10**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽¹⁾, and in particular Article 1 thereof,

Whereas among the concessions granted is an annual quota of 1 000 tonnes at zero duty of broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10;

Whereas to ensure that the quota is properly managed specific rules on submission of applications and issuing of licences are required; whereas these rules either supplement or derogate from the provisions of Commission Regulation (EEC) No 3719/88⁽²⁾, as last amended by Regulation (EC) No 2137/95⁽³⁾;

Whereas specific provisions are required to ensure that the broken rice imported is not deflected from the prescribed use; whereas duty exemption should therefore be made conditional on submission of an undertaking by the importer as to the use of the rice and lodging of a security equal to the uncharged duty; whereas proper management of the quota requires that a reasonable time be allowed for processing; whereas consignment of the goods requires a T5 control copy to be made out in the Member State of entry for free circulation in accordance with Commission Regulation (EEC) No 2454/93 laying down provisions for implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽⁴⁾, as last amended by Regulation (EC) No 1676/96⁽⁵⁾, as the appropriate means of giving proof of processing; whereas when processing takes place in the Member State of entry for free circulation proof of processing may be furnished by means of an equivalent national document;

Whereas, although the purpose of the security is to ensure payment of a newly arising import debt, there should be some flexibility in release of the security;

Whereas it should be stated that Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽⁶⁾, as last amended by Regulation (EC) No 1527/96⁽⁷⁾, applies to imports under this Regulation;

Whereas security against import licences of ECU 25 per tonne should suffice for proper management of the quota;

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

An annual zero duty tariff quota of 1 000 tonnes of broken rice of CN code 1006 40 for use in the production of food preparations of CN code 1901 10 is hereby opened in accordance with the provisions of this Regulation.

Article 2

1. Applications for import licences shall concern a quantity of at least 5 tonnes and not more than 500 tonnes of broken rice.

2. Applications for import licences shall be accompanied by:

— proof that the applicant is a natural or legal person who has carried out a commercial activity in the rice sector for at least 12 months and who is registered in the Member State in which the application is submitted,

— a written declaration by the applicant stating that he has submitted one application only. Where an applicant submits more than one application for an import licence, all his applications shall be rejected.

⁽¹⁾ OJ No L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽³⁾ OJ No L 214, 8. 9. 1995, p. 21.

⁽⁴⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽⁵⁾ OJ No L 218, 28. 8. 1996, p. 1.

⁽⁶⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁷⁾ OJ No L 190, 31. 7. 1996, p. 23.

3. Box 7 of the licence application and the import licence shall indicate the country of origin and the word 'yes' shall be marked with a cross.

4. Licence applications and licences shall contain:

(a) in box 20, one of the following entries:

- Partidos de arroz, del código NC 1006 40 00, destinados a la producción de preparaciones alimenticias del código NC 1901 10
- Brudris, henhørende under KN-kode 1006 40 00, bestemt til fremstilling af tilberedte næringsmidler, henhørende under KN-kode 1901 10
- Bruchreis des KN-Codes 1006 40 00, bestimmt zur Herstellung von Lebensmittelzubereitungen des KN-Codes 1901 10
- Θραύσματα ρυζιού υπαγόμενα στον κωδικό ΣΟ 1006 40 00, που προορίζονται για την παραγωγή παρασκευασμάτων διατροφής του κωδικού ΣΟ 1901 10
- Broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10
- Brisures de riz, relevant du code NC 1006 40 00, destinées à la production de préparations alimentaires du code NC 1901 10
- Rotture di riso, di cui al codice NC 1006 40 00, destinate alla produzione di preparazioni alimentari del codice NC 1901 10
- Breukrijst van GN-code 1006 40 00, voor de produktie van voor voeding bestemde bereidingen van GN-code 1901 10
- Trincas de arroz do código NC 1006 40 00, destinadas à produção de preparações alimentares do código NC 1901 10
- CN-koodiin 1006 40 00 kuuluvat rikkoutuneet riisinjyvät CN-koodiin 1901 10 kuuluvien elintarvikevalmisteiden valmistamiseksi
- Brutet ris som omfattas av KN-nummer 1006 40 00, avsett för produktion av livsmedelsberedningar som omfattas av KN-nummer 1901 10;

(b) in box 24, one of the following entries:

- Exención del derecho de aduana [Reglamento (CE) n° 2058/96]
- Toldfri (Forordning (EF) nr. 2058/96)
- Zollfrei (Verordnung (EG) Nr. 2058/96)
- Απαλλαγή δασμού [κανονισμός (ΕΚ) αριθ. 2058/96]
- Free of customs duty (Regulation (EC) No 2058/96)
- Exemption du droit de douane [Règlement (CE) n° 2058/96]
- Esenzione dal dazio doganale [Regolamento (CE) n. 2058/96]
- Vrijgesteld van douanerecht (Verordening (EG) nr. 2058/96)

— Isenção de direito aduaneiro [Regulamento (CE) n° 2058/96]

— Tullivapaa (asetuksen (EY) N:o 2058/96)

— Tullfri (Förordning (EG) nr 2058/96).

5. Notwithstanding Article 10 of Regulation (EC) No 1162/95, the security against import licences provided for in this Regulation shall be ECU 25 per tonne.

Article 3

1. On the day on which licence applications are lodged, the Member States shall inform the Commission's departments by telex or fax of the quantities by country of origin for which import licences have been applied for and the names and addresses of the applicants.

2. Import licences shall be issued on the 11th working day following that on which the application was lodged provided that the quantity specified in Article 1 is not reached.

3. On the day on which the quantities applied for exceed that specified in Article 1 the Commission shall set a single percentage reduction in the quantities requested and notify this to the Member States within 10 working days of the day on which applications were lodged.

4. If the reduction referred to in paragraph 3 results in one or more quantities of less than 20 tonnes per application, allocation of all these quantities among importers shall be carried out by the Member State by drawing lots for lots of 20 tonnes and, if applicable, a lot containing the remaining quantity.

5. If the quantity for which the import licence is issued is less than the quantity applied for, the amount of the security referred to in Article 2 (5) shall be reduced proportionately.

6. Notwithstanding Article 9 of Regulation (EEC) No 3719/88, the rights arising from import licences shall not be transferable.

Article 4

Member States shall notify to the Commission by telex or fax:

- (a) within two working days following issue, the quantities for which licences have been issued, specifying date, country of origin and name and address of holder,
- (b) if a licence is cancelled, within two working days following cancellation, the quantities for which licences have been cancelled and the names and addresses of the holders of the cancelled licences;
- (c) on the last working day of the following month, the quantities by country of origin actually entered for free circulation during each month.

The above information must be notified in the same way but separately from information on other import licence applications in the rice sector.

Article 5

1. Exemption from customs duty shall be subject to:

- (a) submission on entry for free circulation of a written undertaking by the importer that all the goods entered will be processed as indicated in box 20 of the licence within six months of the date of acceptance of the entry for free circulation;
- (b) lodging by the importer, on entry for free circulation, of security for an amount equal to the customs duty for broken rice set in the combined nomenclature.

2. On entry for free circulation the importer shall indicate as the place of processing either the name of a processing undertaking and a Member State or not more than five different processing plants. Consignment of the rice shall require a T5 control copy to be made out in the Member State of departure which, in accordance with Regulation (EEC) No 2454/93, shall also constitute proof of processing.

However, where processing takes place in the Member State of entry into free circulation, proof of processing may be an equivalent national document.

3. The T5 control copy shall carry:

(a) in box 104, one of the following entries:

- Destinadas a la producción de preparaciones alimenticias del código NC 1901 10
- Bestemt til fremstilling af tilberedte næringsmidler, henhørende under KN-kode 1901 10
- Bestimmt zur Herstellung von Lebensmittelzubereitungen des KN-Codes 1901 10
- Προορίζονται για την παραγωγή παρασκευασμάτων διατροφής του κωδικού ΣΟ 1901 10
- For production of food preparations of CN code 1901 10
- Destinées à la production de préparations alimentaires du code NC 1901 10
- Destinate alla produzione di preparazioni alimentari del codice NC 1901 10
- Bestemd voor de produktie van voor voeding bestemde bereidingen van GN-code 1901 10
- Destinadas à produção de preparações alimentares do código NC 1901 10
- Tarkoitettu CN-koodiin 1901 10 kuuluvien elintarvikevalmisteiden valmistukseen
- Avsett för produktion av livsmedelsberedningar som omfattas av KN-nummer 1901 10;

(b) in box 107, one of the following entries:

- Reglamento (CE) n° 2058/96 — artículo 4
- Förordning (EF) nr. 2058/96 — artikel 4
- Verordnung (EG) Nr. 2058/96 — Artikel 4
- Κανονισμός (ΕΚ) αριθ. 2058/96 — άρθρο 4
- Article 4 of Regulation (EC) No 2058/96

- Règlement (CE) n° 2058/96 — article 4
- Regolamento (CE) n. 2058/96 — articolo 4
- Verordening (EG) nr. 2058/96, artikel 4
- Regulamento (CE) n° 2058/96 — artigo 4º
- Asetuksen (EY) N:o 2058/96 — 4 artikla
- Förordning (EG) nr 2058/96 — artikel 4.

4. Except in cases of *force majeure* the security referred to in paragraph 1 (b) shall be released when the importer gives proof to the competent authority of the Member State of entry into free circulation that all the rice entered has been processed into the product indicated in the import licence. Processing is deemed to have taken place when the product has been manufactured either in one or more of the factories belonging to the firm referred to in Article 5 (2) situated in the Member State referred to therein, or in the factory or one of the factories referred to in the same provision, within the time limit indicated in paragraph 1 (a).

Where rice entered for free circulation has not been processed within the specified time limit the security released shall be reduced by 2 % for each day by which the time limit is exceeded.

5. Proof of processing shall be given to the competent authority within six months following the time limit for processing.

If proof is not given within the time limit laid down in this paragraph, the security referred to in paragraph 1 (b), where applicable minus the percentage provided for in the second subparagraph of paragraph 4, shall be reduced by 2 % for each day by which the time limit is exceeded.

The amount of the security which is not released shall be forfeit as customs duties.

Article 6

1. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the quantity entered for free circulation may not exceed that entered in boxes 17 and 18 of the import licence. The figure '0' shall accordingly be entered in box 19 of the licence.

2. Article 33 (5) of Regulation (EEC) No 3719/88 shall apply.

Article 7

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, 28 October 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2059/96
of 28 October 1996
postponing the application of Council Regulation (EEC) No 1907/90 on certain
marketing standards for eggs in Sweden

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

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Article 149 thereof,

Whereas Sweden took measures, in accordance with Article 167 of the Act of Accession to postpone until 1 January 1997 the application of Council Regulation (EEC) No 1907/90 ⁽¹⁾, as last amended by Regulation (EC) No 818/96 ⁽²⁾,

Whereas the economic situation of the Swedish egg industry after accession as well as other factors like the envisaged reorganization of the Swedish food control system, the uncertainty about future welfare and hygiene rules have delayed the transition from the existing Swedish regime to the common marketing standards for eggs; whereas Sweden should be authorized to postpone application of Council Regulation (EEC) No 1907/90

until 1 January 1998 in accordance with Article 149 (1) of the Act of Accession;

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

Application of Council Regulation (EEC) No 1907/90 for eggs produced and marketed in Sweden shall be postponed until 1 January 1998.

Article 2

This Regulation shall enter into force on the 1 January 1997.

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

Done at Brussels, 28 October 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 6. 7. 1990, p. 5.

⁽²⁾ OJ No L 111, 4. 5. 1996, p. 1.

COMMISSION REGULATION (EC) No 2060/96

of 28 October 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 29 October 1996.

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

Done at Brussels, 28 October 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 28 October 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 40	204	48,3
	999	48,3
0709 90 79	052	88,2
	999	88,2
0805 30 30	052	67,7
	388	69,0
	512	53,8
	524	70,0
	528	59,9
	600	59,8
	999	63,4
0806 10 40	052	87,1
	400	227,2
	999	157,1
0808 10 92, 0808 10 94, 0808 10 98	052	68,3
	060	62,2
	064	45,9
	400	71,6
	404	83,1
0808 20 57	999	66,2
	052	74,6
	064	84,3
	400	68,3
	999	75,7

⁽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'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 16 October 1996

authorizing the Member States to provide for derogations from certain provisions of Council Directive 77/93/EEC in respect of potatoes, other than potatoes intended for planting originating in the Republic of Senegal

(96/618/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community⁽¹⁾, as last amended by Directive 96/14/EC⁽²⁾, and in particular Article 14 (1) thereof,

Having regard to the request made by France,

Whereas, under the provisions of Directive 77/93/EEC, potatoes, other than potatoes intended for planting originating in the Republic of Senegal may not in principle be introduced into the Community because of the risk of introducing potato diseases unknown in the Community;

Whereas, information supplied by the Republic of Senegal and collected during an official visit by Commission officials carried out in that country in 1996, has shown that there are good reasons to believe that in the Republic of Senegal, potatoes can be grown under adequate health conditions and that, at present, there are no sources for the introduction of exotic potato diseases; whereas the Republic of Senegal has moreover implemented adequate health and quality standards in its potato production;

Whereas France has stated that the importation of potatoes, other than potatoes intended for planting originating

in the Republic of Senegal, would be restricted to a limited quantity and for a limited period;

Whereas the Commission will ensure that the Republic of Senegal makes available all technical information necessary to assess the phytosanitary status of the production of potatoes in Senegal;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

1. The Member States are hereby authorized to provide, under the conditions laid down in paragraph 2, for exceptions from Article 4 (1) of Directive 77/93/EEC, with regard to the prohibitions referred to in Part A, point 12 of Annex III thereto for potatoes, other than potatoes intended for planting originating in the Republic of Senegal.

2. The following specific conditions shall be satisfied:

- (a) the potatoes shall be other than potatoes intended for planting;
- (b) they shall have been grown in the Republic of Senegal directly from seed potatoes certified in one of the Member States and imported into the Republic of Senegal exclusively from the Member States;

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

⁽²⁾ OJ No L 68, 19. 3. 1996, p. 24.

- (c) they shall have been treated for the suppression of their faculty of germination except for early potatoes;
- (d) they shall have been grown in areas known to be free from *Synchytrium endobioticum* (Schilbersky) Percival (all races other than Race 1, the common European race), and no symptoms of *Synchytrium endobioticum* (Schilbersky) Percival shall have been observed either at the place of production or in its immediate vicinity since the beginning of an adequate period;
- (e) — they shall have been grown in areas where *Pseudomonas solanacearum* (Smith) Smith is not known to occur,

and

— they shall have been found free, in growing season inspections and tests on soil or crop samples, as appropriate, from the following harmful organisms: *Globodera pallida* (Stone) Behrens, *Globodera rostochiensis* (Wollenweber) Behrens, *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann and Kotthoff) Davis et al., *Pseudomonas solanacearum* (Smith) Smith, potato spindle tuber viroid, potato stolbur mycoplasma and *Synchytrium endobioticum* (Schilbersky) Percival. The results of these inspections and tests shall be kept available to the Commission, on its request;
- (f) regular planned monitoring of imports of potatoes into the Republic of Senegal and of seed potatoes and ware potatoes marketed within the Republic of Senegal is continued by means of examination and testing of representative samples by scientifically recognized methods for *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al., *Pseudomonas solanacearum* (Smith) Smith and potato spindle tuber viroid;
- (g) they shall have been handled by machinery which is reserved for them or which has been disinfected in an appropriate manner after each use for other purposes;
- (h) they shall be packed either in new bags or in containers which have been disinfected in an appropriate manner; and an official label shall be applied to each bag or container, bearing the information specified in the Annex;
- (i) prior to export the potatoes shall have been cleaned free from soil, leaves and other plant debris;
- (j) the potatoes intended for the Community shall be accompanied by a phytosanitary certificate issued in the Republic of Senegal in accordance with Article 7 of Directive 77/93/EEC, on the basis of the examina-

tion laid down therein, in particular freedom from the harmful organisms mentioned in point (e).

The certificate shall state under 'Additional declaration', the indication 'this consignment meets the conditions laid down in Decision 96/618/EC';

- (k) the potatoes shall be introduced through points of entry situated within the territory of a Member State making use of this derogation, and designated for the purpose of this derogation by that Member State;
- (l) prior to introduction into the Community, the importer shall be officially informed of the conditions laid down in points (a) to (l); the said importer shall notify each introduction sufficiently in advance to the responsible official bodies in the Member State of introduction and that Member State shall convey the details of the notification to the Commission, indicating:
 - the type of material,
 - the quantity,
 - the declared date of introduction and confirmation of the point of entry;
- (m) the inspections required pursuant to Article 12 of Directive 77/93/EEC shall be made by the responsible official bodies referred to in the said Directive. Without prejudice to the monitoring referred to in Article 19a (3) second indent, first possibility, the Commission shall determine to which extent the inspections referred to in Article 19a (3) second indent, second possibility of the said Directive shall be integrated into the inspection programme in accordance with Article 19a (5) (c) of that Directive.
- (n) Member States making use of this derogation shall, where appropriate, in cooperation with the Member State of introduction ensure that at least two samples of 200 tubers shall be drawn from each consignment of 50 tonnes or part thereof, of imported potatoes pursuant to this Decision, for official examination in respect of *Pseudomonas solanacearum* in accordance with quarantine procedure No 26 for *Pseudomonas solanacearum* as established by the European and Mediterranean Plant Protection Organization (EPPO)⁽¹⁾ or by some other procedure approved in accordance with the procedure laid down in Article 16a of Directive 77/93/EEC, and in the case of *Clavibacter michiganensis* ssp. *sepedonicus*, in accordance with the Community established method for the detection and diagnosis of *Clavibacter michiganensis* ssp. *sepedonicus*; in the case of suspicion the lots shall remain separate under official control and may not be marketed or used until it has been established that the presence of *Clavibacter michiganensis* ssp. *sepedonicus* or *Pseudomonas solanacearum* was not suspected or detected in those examinations.

⁽¹⁾ Bulletin OEPP/EPPO, 20, 255-262 (1990).

Article 2

Member States shall inform the other Member States and the Commission of any use made of the authorization. They shall provide the Commission and the other Member States, before 1 September 1997, with the information on amounts imported pursuant to this Decision during the 1996 to 1997 import trade campaign, and before 1 September 1998 with the amounts imported pursuant to this Decision during the 1997 to 1998 import trade campaign, and before these dates, a detailed technical report for each of the 1996 to 1997 and 1997 to 1998 import trade campaigns of the official examination referred to in Article 1 (2) (m); copies of each phytosanitary certificate shall be transmitted to the Commission.

Article 3

1. The authorization granted in Article 1 shall apply in the period between 1 December 1996 to 30 April 1997 and 1 December 1997 to 30 April 1998.

2. The authorization shall be revoked if it is established that the conditions laid down in Article 1 (2) have been insufficient to prevent the introduction of harmful organisms or have not been complied with.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 16 October 1996.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX***INFORMATION REQUIRED ON THE LABEL***(referred to in Article 1 (2) (b))*

1. Name of the authority issuing the label.
 2. Name of the exporters' organization, if available.
 3. Indication 'Senegalese potatoes for human consumption'.
 4. Variety.
 5. Place of production (name of plant protection office at regional level in which place is situated should be mentioned).
 6. Size.
 7. Declared net weight.
 8. Indication 'In accordance with EC requirements 1996'.
 9. A mark printed or stamped on behalf of the Senegalese plant protection administration.
 10. A distinguishable mark of the lot such as a code, a mark, or any other external feature easily readable.
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COMMISSION DECISION

of 16 October 1996

amending Decision 95/233/EC drawing up lists of third countries from which
the Member States authorize imports of live poultry and hatching eggs

(Text with EEA relevance)

(96/619/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Directive 90/539/EEC of 15
October 1990 on animal health conditions governing
intra-Community trade in and imports from third coun-
tries of, poultry and hatching eggs ⁽¹⁾, as last amended by
the Act of Accession of Austria, Finland and Sweden, and
in particular Articles 21 and 26 thereof,

Whereas Commission Decision 95/233/EC ⁽²⁾, established
lists of third countries from which importation of live
poultry and hatching eggs is authorized in principle;

Whereas further written assurances have been received
from Kenya; whereas examination of these assurances has
shown that this country satisfies the requirements of the
Community;

Whereas the measures provided for in this Decision are in
accordance with the opinion of the Standing Veterinary
Committee,

HAS ADOPTED THIS DECISION:

Article 1

In Annex II to Decision 95/233/EC the following line is
inserted in accordance with the alphabetic order of the
ISO-code:

'KE: Kenya'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 16 October 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 303, 31. 10. 1990, p. 6.

⁽²⁾ OJ No L 156, 7. 7. 1995, p. 76.