

# Official Journal

## of the European Communities

English edition

## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 401/95**

**of 27 February 1995**

**fixing the import levies on live sheep and goats and on sheepmeat and goatmeat  
other than frozen meat**

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

Having regard to Council Regulation (EEC) No 3013/89  
of 25 September 1989 on the common organization of  
the market in sheepmeat and goatmeat<sup>(1)</sup>, as last  
amended by the Act of Accession of Austria, Finland and  
Sweden, and in particular the Article 10 thereof,

Whereas the import levies on live sheep and goats and on  
sheepmeat and goatmeat other than frozen meat were  
fixed by Commission Regulation (EC) No 176/95<sup>(2)</sup>;

Whereas it follows from applying the detailed rules  
contained in Regulation (EC) No 176/95 to the quota-  
tions and other information known to the Commission

that the levies at present in force should be altered to the  
amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies on live sheep and goats and on sheep-  
meat and goatmeat other than frozen meat shall be as set  
out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 6 March 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 24, 1. 2. 1995, p. 46.

## ANNEX

to the Commission Regulation of 27 February 1995 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat<sup>(\*)</sup>

(ECU/100 kg)

CN code	Week No 10 from 6 to 12 March 1995	Week No 11 from 13 to 19 March 1995	Week No 12 from 20 to 26 March 1995	Week No 13 from 27 March to 2 April 1995
0104 10 30 <sup>(1)</sup>	84,453	85,003	85,003	84,453
0104 10 80 <sup>(1)</sup>	84,453	85,003	85,003	84,453
0104 20 90 <sup>(1)</sup>	84,453	85,003	85,003	84,453
0204 10 00 <sup>(2)</sup>	179,687	180,857	180,857	179,687
0204 21 00 <sup>(2)</sup>	179,687	180,857	180,857	179,687
0204 22 10 <sup>(2)</sup>	125,781	126,600	126,600	125,781
0204 22 30 <sup>(2)</sup>	197,656	198,943	198,943	197,656
0204 22 50 <sup>(2)</sup>	233,593	235,114	235,114	233,593
0204 22 90 <sup>(2)</sup>	233,593	235,114	235,114	233,593
0204 23 00 <sup>(2)</sup>	327,030	329,160	329,160	327,030
0204 50 11 <sup>(2)</sup>	179,687	180,857	180,857	179,687
0204 50 13 <sup>(2)</sup>	125,781	126,600	126,600	125,781
0204 50 15 <sup>(2)</sup>	197,656	198,943	198,943	197,656
0204 50 19 <sup>(2)</sup>	233,593	235,114	235,114	233,593
0204 50 31 <sup>(2)</sup>	233,593	235,114	235,114	233,593
0204 50 39 <sup>(2)</sup>	327,030	329,160	329,160	327,030
0210 90 11 <sup>(2)</sup>	233,593	235,114	235,114	233,593
0210 90 19 <sup>(2)</sup>	327,030	329,160	329,160	327,030

<sup>(1)</sup> The levy applicable is limited in the conditions laid down by Council Regulations (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3234/94 and Commission Regulations (EEC) No 19/82 and (EC) No 3242/94.

<sup>(2)</sup> The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3234/94 and Commission Regulations (EEC) No 19/82 and (EC) No 3242/94.

<sup>(3)</sup> The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

<sup>(\*)</sup> No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

**COMMISSION REGULATION (EC) No 402/95**  
**of 27 February 1995**  
**fixing the import levies on frozen sheepmeat and goatmeat**

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EC) No 177/95<sup>(2)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 177/95 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 6 March 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 24, 1. 2. 1995, p. 49.

## ANNEX

to the Commission Regulation of 27 February 1995 fixing the import levies on frozen sheepmeat and goatmeat <sup>(1)</sup> <sup>(2)</sup>

(ECU/100 kg)

CN code	Week No 10 from 6 to 12 March 1995	Week No 11 from 13 to 19 March 1995	Week No 12 from 20 to 26 March 1995	Week No 13 from 27 March to 2 April 1995
0204 30 00	158,916	159,794	159,794	158,916
0204 41 00	158,916	159,794	159,794	158,916
0204 42 10	111,241	111,856	111,856	111,241
0204 42 30	174,808	175,773	175,773	174,808
0204 42 50	206,591	207,732	207,732	206,591
0204 42 90	206,591	207,732	207,732	206,591
0204 43 10	289,227	290,825	290,825	289,227
0204 43 90	289,227	290,825	290,825	289,227
0204 50 51	158,916	159,794	159,794	158,916
0204 50 53	111,241	111,856	111,856	111,241
0204 50 55	174,808	175,773	175,773	174,808
0204 50 59	206,591	207,732	207,732	206,591
0204 50 71	206,591	207,732	207,732	206,591
0204 50 79	289,227	290,825	290,825	289,227

<sup>(1)</sup> The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3234/94 and Commission Regulations (EEC) No 19/82 and (EC) No 3242/94.

<sup>(2)</sup> No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

**COMMISSION REGULATION (EC) No 403/95**  
**of 27 February 1995**

**on the issue of import licences on 28 February 1995 for sheepmeat and goatmeat products originating in Bosnia-Herzegovina, Croatia, Slovenia, and the former Yugoslav Republic of Macedonia**

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

Having regard to Council Regulation (EEC) No 3125/92 of 26 October 1992 on the arrangements applicable to the importation into the Community of sheepmeat and goatmeat products originating in Bosnia-Herzegovina, Croatia, Slovenia, Montenegro, Serbia and the former Yugoslav Republic of Macedonia<sup>(2)</sup>, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 256/95<sup>(3)</sup> laid down detailed rules for implementing the import system provided for in Regulation (EEC) No 3125/92; whereas provision should be made, pursuant to Article 5 (2) of Regulation (EC) No 256/95, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the first quarter of 1995;

Whereas, in cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 1 of Regulation (EC) No 256/95, such quantities should be reduced by a single percentage figure in accordance with Article 5 (2) (b) of that Regulation;

Whereas all the licence applications may be granted in cases where the quantities in respect of which licence applications have been lodged do not exceed the quantities provided for in Regulation (EC) No 256/95;

Whereas applications relating to products originating in the former Yugoslav Republic of Macedonia have been lodged only in Italy,

HAS ADOPTED THIS REGULATION:

*Article 1*

Italy shall, on 28 February 1995, issue the import licences provided for in Regulation (EC) No 256/95 for products falling within CN codes 0204 10 00, 0204 21 00, 0204 22 10, 0204 22 30, 0204 22 50, 0204 22 90, 0204 23 00, 0204 50 11, 0204 50 13, 0204 50 15, 0204 50 19, 0204 50 31 and 0204 50 39, originating in the former Yugoslav Republic of Macedonia, applied for from 20 February 1995. The requested quantities are reduced by 24,772 %.

*Article 2*

This Regulation shall enter into force on 28 February 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 313, 30. 10. 1992, p. 3.

<sup>(3)</sup> OJ No L 30, 9. 2. 1995, p. 24.



**COMMISSION REGULATION (EC) No 404/95  
of 27 February 1995**

**correcting Regulation (EC) No 3331/94 amending Regulation (EC) No 2027/94  
fixing the reference prices applicable to wine sector products for 1994/95 and  
Regulation (EEC) No 3418/88 fixing the free-at-frontier reference prices  
applicable to imports of certain wine products**

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 <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 53 (6) and 54 (8) thereof,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff <sup>(2)</sup>, as last amended by Regulation (EC) No 3330/94 <sup>(3)</sup>, and in particular Article 15 thereof,

Whereas certain CN codes set out in Commission Regulation (EC) No 3331/94 of 21 December 1994 amending Commission Regulation (EC) No 2027/94 fixing the reference prices applicable to wine sector products for 1994/95 and Commission Regulation (EEC) No 3418/88 fixing the free-at-frontier reference prices applicable to import of certain wine products <sup>(4)</sup>, appear to be incorrect; whereas the necessary corrections should therefore be made to this Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 3331/94 is hereby corrected as follows:

I. Article 1 is replaced by the following:

*Article 1*

Regulation (EC) No 2027/94 is hereby amended as follows:

1. Article 1, A. 6 is replaced by the following:

“6. liqueur wine within the meaning of Additional Note 4 (c) to Chapter 22 of the combined

nomenclature falling within the following CN codes:

- (a) ex 2204 21 83, ex 2204 21 84, ex 2204 29 83 and ex 2204 29 84: ECU 59,22 per hectolitre;
- (b) ex 2204 21 93, ex 2204 21 94, ex 2204 29 93 and ex 2204 29 94:
  - (aa) 15 % vol with more than 130 grams but not more than 330 grams of total dry extract per litre: ECU 68,11 per hectolitre;
  - (bb) other: ECU 74,23 per hectolitre;
- (c) ex 2204 21 97, ex 2204 21 98, ex 2204 29 97 and ex 2204 29 98: ECU 90,81 per hectolitre;
- (d) ex 2204 21 99 and ex 2204 29 99: ECU 98,02 per hectolitre.”

2. Article 1, A. 7 is replaced by the following:

“7. liqueur wine within the meaning of Additional Note 4 (c) to Chapter 22 of the combined nomenclature intended for processing into products other than those falling within CN code 2204:

- (a) ex 2204 21 83, ex 2204 21 84, ex 2204 29 83 and ex 2204 29 84: ECU 59,82 per hectolitre;
- (b) ex 2204 21 93, ex 2204 21 94, ex 2204 29 93 and ex 2204 29 94: ECU 63,96 per hectolitre;
- (c) ex 2204 21 97, ex 2204 21 98, ex 2204 29 97 and ex 2204 29 98: ECU 77,39 per hectolitre;
- (d) ex 2204 21 99 and ex 2204 29 99: ECU 85,58 per hectolitre.”

3. Article 1, C. is replaced by the following:

“C. Products falling within CN codes 2009 60, 2204 30 92, 2204 30 94, 2204 30 96 and 2204 30 98, grape juice (including grape must), concentrated or not:

- (a) white: ECU 3,93 per % vol. potential alcoholic strength per hectolitre;
- (b) other: ECU 3,93 per % vol. potential alcoholic strength per hectolitre.”

<sup>(1)</sup> OJ No L 84, 27. 3. 1987, p. 1.

<sup>(2)</sup> OJ No L 256, 7. 9. 1987, p. 1.

<sup>(3)</sup> OJ No L 350, 31. 12. 1994, p. 52.

<sup>(4)</sup> OJ No L 350, 31. 12. 1994, p. 54.

II. Article 2 is replaced by the following :

*Article 2*

Annex, Table 22-02 of Regulation (EEC) No 3418/88 is amended as follows :

1. CN code "2204 21 25" is replaced by CN code "2204 21 79";
2. CN code "2204 21 29" is replaced by CN code "2204 21 80";
3. CN code "2204 21 35" is replaced by CN code "2204 21 83";
4. CN code "2204 21 39" is replaced by CN code "2204 21 84";
5. CN code "2204 21 41" is replaced by CN code "2204 21 93";
6. CN code "2204 21 49" is replaced by CN code "2204 21 94";
7. CN code "2204 21 51" is replaced by CN code "2204 21 97";
8. CN code "2204 21 59" is replaced by CN code "2204 21 98";
9. CN code "2204 21 90" is replaced by CN code "2204 21 99";
10. CN code "2204 29 25" is replaced by CN code "2204 29 65";

11. CN code "2204 29 29" is replaced by CN code "2204 29 75";
12. CN code "2204 29 35" is replaced by CN code "2204 29 83";
13. CN code "2204 29 39" is replaced by CN code "2204 29 84";
14. CN code "2204 29 45" is replaced by CN code "2204 29 93";
15. CN code "2204 29 49" is replaced by CN code "2204 29 94";
16. CN code "2204 29 55" is replaced by CN code "2204 29 97";
17. CN code "2204 29 59" is replaced by CN code "2204 29 98";
18. CN code "2204 29 90" is replaced by CN code "2204 29 99";
19. CN code "2204 30 91" is replaced by CN code "2204 30 92" and "2204 30 94";
20. CN code "2204 30 99" is replaced by CN code "2204 30 96" and "2204 30 98".

*Article 2*

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

It is applicable from 1 January 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## COMMISSION REGULATION (EC) No 405/95

of 27 February 1995

introducing modified definitive quantitative limits on imports into the Community of certain textile products (category 28) originating in the Islamic Republic of Pakistan

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93 of 12 October 1993 on common rules for imports of certain textile products from third countries<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 3169/94<sup>(2)</sup>, and in particular Article 10 thereof,

Whereas Article 10 of Regulation (EEC) No 3030/93 lays down the conditions under which quantitative limits may be established;

Whereas imports into the Community of certain textile products of category 28 specified in the Annex hereto and originating in the Islamic Republic of Pakistan (hereinafter referred to as 'Pakistan') have exceeded the level referred to in Article 10 (1) in conjunction with Annex IX of Regulation (EEC) No 3030/93;

Whereas, in accordance with paragraph 3 of Article 10 of Regulation (EEC) No 3030/93, Pakistan was notified on 25 March 1994 of a request for consultations concerning imports into the Community of textile products of category 28;

Whereas, pending a mutually satisfactory solution, imports into the Community of products falling within category 28 were submitted to a provisional quantitative limit for the period of 25 March to 24 June 1994 by Commission Regulation (EC) No 1134/94<sup>(3)</sup>;

Whereas the Community and Pakistan were unable during the consultations held to reach a satisfactory solution within the time limits foreseen in the Agreement on trade in textile products between the Community and Pakistan and pending the outcome of further consultations a definitive quantitative limit for 1994 for imports into the Community of products falling within category 28 originating in Pakistan was introduced unilaterally by Commission Regulation (EC) No 1802/94<sup>(4)</sup>;

Whereas as a result of the consultations an agreement was finally reached on 15 October 1994 between the Community and Pakistan on the level of the quantitative limits to

be applied, as of 25 March 1994, to exports to the Community of the textiles products in question for the years 1994 and 1995, it being understood that the provisions of the Agreement on trade in textile products between the Community and Pakistan, which concerns exports of products subject to the quantitative limits established in Annex II to the Agreement and in particular those relating to the double-checking system, would be applicable to those products;

Whereas it is appropriate to implement the agreed modified quantitative limits and to confirm that imports into the Community of products for which definitive quantitative limits have been agreed for the years 1994 and 1995 shall be and remain subject as of 25 March 1994 to the provisions of Regulation (EEC) No 3030/93 which are applicable to imports of products subject to the quantitative limits set out in Annex V of the said Regulation and in particular to those relating to the double-checking system described in Annex III thereto referred in paragraph 4 of Article 10 of Regulation (EEC) No 3030/93;

Whereas the products falling within category 28 exported from Pakistan on or after 25 March 1994 must be set off against the quantitative limit fixed for the period 25 March to 31 December 1994;

Whereas the quantitative limit for imports of products within category 28 should not prevent the importation of products covered by it shipped from Pakistan before the entry into force of Regulation (EC) No 1134/94 or between 25 June and 23 July 1994, the date of entry into force of Regulation (EC) No 1802/94;

Whereas Regulation (EC) No 1802/94 has to be repealed to the extent that its provisions contradict those contained in the present Regulation;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Without prejudice to the provisions of Article 2, imports into the Community of the category of products originating in Pakistan and specified in the Annex hereto shall be subject to the quantitative limit set out in that Annex for the periods of 25 March to 31 December 1994 and 1 January to 31 December 1995.

<sup>(1)</sup> OJ No L 275, 8. 11. 1993, p. 1.

<sup>(2)</sup> OJ No L 335, 23. 12. 1994, p. 33.

<sup>(3)</sup> OJ No L 127, 19. 5. 1994, p. 8.

<sup>(4)</sup> OJ No L 189, 23. 7. 1994, p. 26.

*Article 2*

Imports of the products referred to in Article 1 and shipped from Pakistan on or after 25 March 1994 are subject to the provisions of Regulation (EEC) No 3030/93, which apply to imports into the Community of products subject to the quantitative limits set out in Annex V of the said Regulation and in particular to the double-checking system described in Annex III to the said Regulation.

All quantities of products falling within category 28 shipped to the Community from Pakistan on or after 25 March 1994 and released for free circulation shall be deducted from the quantitative limit laid down in the Annex hereto.

The limit laid down in the Annex shall not prevent the importation of products falling within category 28 but

shipped from Pakistan before the date of entry into force of Regulation (EC) No 1134/94 or between 25 June and 23 July 1994.

*Article 3*

Regulation (EC) No 1802/94 is hereby repealed to the extent that its provisions contradict those contained in the present Regulation.

*Article 4*

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

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

Done at Brussels, 27 February 1995.

*For the Commission*

Leon BRITTAN

*Vice-President*

*ANNEX*

Category	CN code	Description	Third country	Unit	Quantitative limit from	
					25 March to 31 December 1994	1 January to 31 December 1995
28	6103 41 10 6103 41 90 6103 42 10 6103 42 90 6103 43 10 6103 43 90 6103 49 10 6103 49 91  6104 61 10 6104 61 90 6104 62 10 6104 62 90 6104 63 10 6104 63 90 6104 69 10 6104 69 91	Trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted, of wool, of cotton or of man-made fibres	Pakistan	1 000 pieces	35 540	48 760

## COMMISSION REGULATION (EC) No 406/95

of 27 February 1995

amending Regulation (EC) No 1431/94 laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 774/94 of 29 March 1994 opening and providing for the administration of certain Community tariff quotas for high-quality beef, and for pigmeat, poultrymeat, wheat and meslin, and brans, sharps and other residues<sup>(1)</sup>, and in particular Article 7 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat<sup>(2)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 15 thereof,

Whereas Commission Regulation (EC) No 1431/94<sup>(3)</sup>, as last amended by Commission Regulation (EC) No 2389/94<sup>(4)</sup>, lays down the detailed rules for applying in the poultrymeat sector the import system provided for by Regulation (EC) No 774/94;

Whereas, on the basis of the experience gained, with a view to preventing speculation, the conditions for gaining access to the system and for allowing operators to withdraw their applications must be adjusted;

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

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

Done at Brussels, 27 February 1995.

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1431/94 is hereby amended as follows:

1. Article 3 (a) is replaced by the following:

(a) Applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have imported or exported not less than 50 tonnes (product weight) or exported not less than 500 tonnes (product weight) of products falling within CN code 0207, 1602 31 or 1602 39 in the two calendar years preceding the year in which the licence application is lodged. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this system.;

2. the third subparagraph of Article 4(4) is deleted.

*Article 2*

This Regulation shall enter into force on 1 March 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(2)</sup> OJ No L 282, 1. 11. 1975, p. 77.

<sup>(3)</sup> OJ No L 156, 23. 6. 1994, p. 9.

<sup>(4)</sup> OJ No L 255, 1. 10. 1994, p. 104.

**COMMISSION REGULATION (EC) No 407/95**  
**of 27 February 1995**  
**on the supply of cereals as food aid**

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management<sup>(1)</sup>, as last amended by Regulation (EEC) No 1930/90<sup>(2)</sup>, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management<sup>(3)</sup> 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 to certain beneficiaries 53 816 tonnes of cereals;

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<sup>(4)</sup>, as amended by Regulation (EEC) No 790/91<sup>(5)</sup>; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant cost;

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*

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

For lot D 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, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(5)</sup> OJ No L 81, 28. 3. 1991, p. 108.

## ANNEX I

## LOT A

1. **Operation Nos** (1): see Annex II
2. **Programme**: 1994
3. **Recipient** (2): WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (telex 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: durum wheat
7. **Characteristics and quality of the goods** (3) (4): OJ No C 11, 29. 4. 1991, p. 1 (under IIA.1 (b))
8. **Total quantity**: 12 245 tonnes
9. **Number of lots**: 1 (see Annex II)
10. **Packaging and marking** (5): see OJ No C 114, 29. 4. 1991, p. 1 (under IIA.2 (a) and IIA.3) in bulk + 257 150 sacks + 125 needles and sufficient twine (2 m/bag) (11)  
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed and trimmed (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**: 3 — 23. 4. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 14. 3. 1995
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 28. 3. 1995
  - (b) period for making the goods available at the port of shipment: 17. 4 — 7. 5. 1995
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 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, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** (6): refund applicable on 28. 2. 1995, fixed by Commission Regulation (EC) No 172/95 (OJ No L 24, 1. 2. 1995, p. 38)

## LOT B

1. **Operation No** <sup>(1)</sup>: see Annex II
2. **Programme**: 1993 and 1994
3. **Recipient** <sup>(2)</sup>: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (telex 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(8)</sup>: OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1 (a))
8. **Total quantity**: 20 000 tonnes
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** <sup>(6)</sup>: OJ No C 114, 29. 4. 1991, p. 1 (under IIA.2 (a) and IIA.3)  
Language to be used for the marking: see Annex II  
in bulk + 420 000 sacks + 200 needles and sufficient twine (2 m/bag) <sup>(11)</sup>
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed and trimmed <sup>(10)</sup>
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**: 3 — 23. 4. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 14. 3. 1995
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 28. 3. 1995
  - (b) period for making the goods available at the port of shipment: 17. 4 — 7. 5. 1995
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 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** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** <sup>(4)</sup>: refund applicable on 28. 2. 1995, fixed by Commission Regulation (EC) No 172/95 (OJ No L 24, 1. 2. 1995, p. 38).



## LOT C

1. **Operation No** (1): see Annex II
2. **Programme**: 1994
3. **Recipient** (2): Euronaid, PO box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; telefax 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**: see Annex II
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3) (4): see OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1 (a))
8. **Total quantity**: 612 tonnes
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** (5) (7) (13): see OJ No C 114, 29. 4. 1991, p. 1 (under IIA.2 (b) and IIA.3)  
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
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**: 27. 3 — 16. 4. 1995
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 14. 3. 1995
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 28. 3. 1995
  - (b) period for making the goods available at the port of shipment: 10 — 30. 4. 1995
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 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, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** (6): refund applicable on 28. 2. 1995, fixed by Commission Regulation (EC) No 172/95 (OJ No L 24, 1. 2. 1995, p. 38)

## LOT D

1. **Operation No** <sup>(1)</sup>: see Annex II
2. **Programme** : 1994
3. **Recipient** <sup>(2)</sup>: Euronaid PO Box 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** <sup>(3)</sup>: to be designated by the recipient
5. **Place or country of destination** : see Annex II
6. **Product to be mobilized** : common wheat flour
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(4)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.1 (a))
8. **Total quantity** : 700 tonnes (959 tonnes of cereals)
9. **Number of lots** : one (see Annex II)
10. **Packaging and marking** <sup>(6)</sup> <sup>(7)</sup> <sup>(13)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2 (d) and II.B.3)  
Language to be used for the marking : see Annex II
11. **Method of mobilization** : the Community market
12. **Stage of supply** : free at port of shipment <sup>(14)</sup>
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** : 27. 3 — 16. 4. 1995
18. **Deadline for the supply** : —
19. **Procedure for determining the costs of supply** : tendering
20. **Date of expiry of the period allowed for submission of tenders** : 12 noon (Brussels time) on 14. 3. 1995
21. **In the case of a second invitation to tender** :
  - (a) deadline for the submission of tenders : 12 noon (Brussels time) on 28. 3. 1995
  - (b) period for making the goods available at the port of shipment : 10 — 30. 4. 1995
  - (c) deadline for the supply : —
22. **Amount of the tendering security** : ECU 5 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** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 120, bureau 7/46, rue de la Loi 200, B-1049 Bruxelles (telex 22037 AGREC B ; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** <sup>(\*)</sup>: refund applicable on 28. 2. 1995, fixed by Commission Regulation (EC) No 172/95 (OJ No L 24, 1. 2. 1995, p. 38)

## LOT E

1. **Operation No** <sup>(1)</sup>: 1712/93
2. **Programme**: 1993
3. **Recipient** <sup>(2)</sup>: Yemen
4. **Representative of the recipient**: General Corporation for Foreign Trade and Grains, Sanoa, Baghdad Street, PO Box 710 ; Contact person : Dr. Yahia S. Al'Arassi, General Manager (tel. 202345/356/179 ; fax 2099511/542/543 ; telex 2262/2348/2349 A/B GCFTG)
5. **Place or country of destination** <sup>(3)</sup>: Yemen
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(8)</sup> <sup>(13)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.1 (a))
8. **Total quantity**: 14 598 tonnes (20 000 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** <sup>(9)</sup> <sup>(7)</sup> <sup>(12)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.2 (d) and II.B.3) Markings in English
11. **Method of mobilization of product**: the Community market
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**: Hodeida
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**: 10 — 23. 4. 1995
18. **Deadline for the supply**: 21. 5. 1995
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 14. 3. 1995
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 28. 3. 1995
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 24. 4 — 7. 5. 1995
  - (c) deadline for the supply: 4. 6. 1995
22. **Amount of the tendering security**: ECU 5 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** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi, B-1049 Bruxelles (telex 22037 AGREC B ; fax (32 2) 296 20 05/295 01 32/296 10 97)
25. **Refund payable on request by the successful tenderer** <sup>(4)</sup>: refund applicable on 28. 2. 1995, fixed by Commission Regulation (EC) No 172/95 (OJ No L 24, 1. 2. 1995, p. 38)

*Notes :*

- (<sup>1</sup>) The operation number should be mentioned in all correspondence.
- (<sup>2</sup>) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) 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.
- (<sup>4</sup>) 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 157/95 (OJ No L 24, 1. 2. 1995, p. 1), shall not apply to this amount.
- (<sup>5</sup>) Commission delegation to be contacted by the successful tenderer : see OJ No C 114, 29. 4. 1991, p. 33.
- (<sup>6</sup>) Notwithstanding OJ No C 114, point II.A.3 (c) or II.B.3 (c) is replaced by the following : 'the words "European Community"'.
- (<sup>7</sup>) 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'.
- (<sup>8</sup>) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate,
  - lots C, D : fumigation certificate.
- (<sup>9</sup>) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (<sup>10</sup>) Notwithstanding Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include all loading, handling, stowage and trimming costs.
- (<sup>11</sup>) For the twine : 60 % polyester, 40 % cotton, 20/4, knotted free yarn, 5 000 mg/kg, on spools of 3 kg.
- (<sup>12</sup>) Bagging must be carried out before shipment.
- (<sup>13</sup>) Shipment to take place in 20-foot containers, condition FCL/FCL.
- The supplier shall be responsible for the cost of making the container 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 subparagraph, 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.
- (<sup>14</sup>) For lot D, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipments not necessarily belonging to the same port area.
- (<sup>15</sup>) The cargo shall be fumigated in transit on board the ship by using a recirculation system with aluminous phosphine (application rate : minimum 1 mg phosphine per cubic metre of hold), in accordance with the 'Recommendations on the safe use of pesticides in ships' by the International Maritime Organization.

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

Lote Parti Partie Παρτίδα Lot Lot Lotto Partij Lote Parti Erä	Cantidad total (en toneladas) Totalmængde (i tons) Gesamtmenge (in Tonnen) Συνολική ποσότητα (σε τόνους) Total quantity (in tonnes) Quantité totale (en tonnes) Quantità totale (in tonnellate) Totale hoeveelheid (in ton) Quantidade total (em toneladas) Total Kvantitet (ton) Kokonaismäärä (tonnia)	Cantidades parciales (en toneladas) Delmængde (i tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas) Delkvantitet (ton) Osittaismäärä (tonnia)	Acción nº Aktion nr. Maßnahme Nr. Δράση αριθ. Operation No Action nº Azione n. Maatregel nr. Acção nº Aktion nr Toimi N:o	Pais de destino Bestemmelsesland Bestimmungsland Χώρα προορισμού Country of destination Pays de destination Paese di destinazione Land van bestemming País de destino Bestämmelseland Määrämaa	Lengua que se debe utilizar en la rotulación Mærkning på følgende sprog Kennzeichnung in folgender Sprache Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση Language to be used for the marking Langue à utiliser pour le marquage Lingua da utilizzare per la marcatura Taal te gebruiken voor de opschriften Língua a utilizar na rotulagem Märkning på följande språk Merkinnässä käytettävä kieli
A	12 245	A1 : 1 400 A2 : 7 100 A3 : 400 A4 : 3 345	727/94 728/94 729/94 730/94	Ethiopia Ethiopia Ethiopia Ethiopia	English English English English
B	20 000	B1 : 10 000 B2 : 10 000	1727/93 868/94	Ethiopia Ethiopia	English English
C	612	C1 : 108 C2 : 90 C3 : 144 C4 : 270	1264/94 1265/94 1266/94 1267/94	Ethiopia Ethiopia Ethiopia Ethiopia	English English English English
D	700	D1 : 40 D2 : 180 D3 : 40 D4 : 180 D5 : 140 D6 : 40 D7 : 80	1251/94 1252/94 1253/94 1254/94 1255/94 1256/94 1257/94	Ethiopia Eritrea Moçambique Colombia Perú Perú Perú	English English Português Español Español Español Español

## COMMISSION REGULATION (EC) No 408/95

of 27 February 1995

opening an invitation to tender for the refund for the export of oats produced in Finland and Sweden for export from Finland or Sweden to all third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 13 thereof,

Whereas Commission Regulation (EEC) No 1533/93<sup>(2)</sup>, as last amended by Regulation (EC) No 3304/94<sup>(3)</sup> lays down certain detailed rules for granting export refunds under Regulation (EEC) No 1766/92; whereas Article 5 provides that export refunds on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1766/92 may be fixed by invitation to tender;

Whereas the change in the support regime in relation to cereals on the accession of Finland and Sweden to the European Union has made necessary transitional measures allowing export refunds to be paid on oats produced in Finland and Sweden, which are exported from those Member States, in order to enable a continuation of the traditional practice of exporting oats; whereas an invitation to tender should be opened to tender for such refunds, in accordance with Article 5 of Regulation (EEC) No 1533/93;

Whereas the detailed procedural rules governing invitations to tender are set out in Regulation (EEC) No 1533/93; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas it is necessary to specify the exact duration of validity of the licences issued under this tendering procedure; whereas the period of validity must correspond to the current requirements of the world market;

Whereas, in order to ensure that all those concerned are treated equally, it is necessary to lay down that the period of validity of the licences issued should be identical;

Whereas, in order to ensure the smooth operation of the tendering procedure, it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

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*

1. Tenders shall be invited for the export refund as provided for in Article 5 of Regulation (EEC) No 1533/93.
2. The tendering procedure shall concern oats produced in Finland and Sweden for export from Finland or Sweden to all third countries.
3. The invitation shall remain open until 18 May 1995. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

*Article 2*

A tender shall be valid only if:

- (a) the oats to which the tender refers were produced in Finland and Sweden;
- (b) it is accompanied by an undertaking by the tenderer to export the oats from Finland or Sweden;
- (c) it relates to an amount of not less than 1 000 tonnes; and
- (d) it is lodged with the Finnish or Swedish intervention agency, as the case may be.

Where the undertaking referred to in subparagraph (b) is not fulfilled, the security referred to in Article 12 of Commission Regulation (EEC) No 891/89<sup>(4)</sup> shall be forfeited except in cases of *force majeure*.

*Article 3*

The security referred to in Article 6 of Regulation (EEC) No 1533/93 shall be ECU 12 per tonne.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 151, 23. 6. 1993, p. 15.

<sup>(3)</sup> OJ No L 341, 30. 12. 1994, p. 48.

<sup>(4)</sup> OJ No L 94, 7. 4. 1989, p. 13.

*Article 4*

1. Notwithstanding Article 21 (1) of Commission Regulation (EEC) No 3719/88 <sup>(1)</sup>, export licences issued under Article 9 (1) of Regulation (EEC) No 1533/93 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Subject to the provisions of Article 1 of Commission Regulation (EC) No 1521/94 <sup>(2)</sup> export licences issued in connection with the invitation to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

*Article 5*

1. The Commission shall decide, under the procedure laid down in Article 23 of Regulation (EEC) No 1766/92 :

- to fix a maximum export refund, taking account in particular of the criteria laid down in Articles 2 of Regulation (EEC) No 1533/93, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*Article 6*

Tenders shall be communicated to the Commission by Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex I, to the telex or telefax numbers in Annex II.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

*Article 7*

The time limits fixed for the submission of tenders shall correspond to Belgian time.

*Article 8*

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

<sup>(1)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(2)</sup> OJ No L 162, 30. 6. 1994, p. 47.

*ANNEX I***Weekly tender for the refund for the export of oats to all third countries**

(Regulation (EC) No 408/95)

(Closing date for the submission of tenders (date/time))

1	2	3
Number of tender	Quantity in tonnes	Amount of export refund in ecu per tonne
1		
2		
3		
etc.		

*ANNEX II*

The only numbers to use to call Brussels (DG VI-C-1, External Market) are :

- telex : 22037 AGREC B  
22070 AGREC B (Greek characters)
  - telefax : 295 01 32  
296 10 97  
236 25 15
-



**COMMISSION REGULATION (EC) No 409/95**  
**of 27 February 1995**

**concerning applications for export licences for products falling within code  
1101 00 15 100 with advance fixing of the refund**

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<sup>(1)</sup>, as last amended by the Act of Acces-  
sion of Austria, Finland and Sweden,

Whereas Article 9 (4) of Commission Regulation (EEC)  
No 891/89<sup>(2)</sup>, as last amended by Regulation (EC) No  
2658/94<sup>(3)</sup>, provides where this paragraph is specifically  
referred to when an export refund is fixed, for an interval  
of three working days between the day of submission of  
applications and the granting of export licences with  
advance fixing of the refund and provides that the  
Commission is to fix a uniform percentage reduction in  
the quantities if applications for export licences exceed  
the quantities which may be exported; whereas applica-  
tions for licences submitted on 24 February 1995 relate to  
131 000 tonnes destined for Yemen and the maximum  
quantity which may be exported is 100 000 tonnes

destined for Yemen; whereas the percentage for the  
reduction in the export licence applications submitted on  
24 February 1995 should be fixed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Applications for export licences to Yemen with advanced  
fixing of the refund conveyed to the Commission before  
25 February 1995 for common wheat flour falling within  
code 1101 00 15 100 submitted on 24 February 1995,  
shall be accepted for the tonnages indicated therein  
multiplied by a coefficient of 0,763359. Requests that are  
not conveyed to the Commission before 25 February 1995  
shall be refused.

*Article 2*

This Regulation shall enter into force on 28 February  
1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 94, 7. 4. 1989, p. 13.

<sup>(3)</sup> OJ No L 284, 1. 11. 1994, p. 24.

**COMMISSION REGULATION (EC) No 410/95**  
**of 27 February 1995**  
**fixing the import levies on milk and milk products**

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 14 (8) thereof,

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EC) No 3343/94 <sup>(2)</sup>, as last amended by Regulation (EC) No 305/95 <sup>(3)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 3343/94 to the prices

known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

*Article 1*

The import levies referred to in Article 14 of Regulation (EEC) No 804/68 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 13.

<sup>(2)</sup> OJ No L 350, 31. 12. 1994, p. 88.

<sup>(3)</sup> OJ No L 35, 15. 2. 1995, p. 19.

## ANNEX

## to the Commission Regulation of 27 February 1995 fixing the import levies on milk and milk products

(ECU/100 kg net weight, unless otherwise indicated)

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0401 10 10		18,59	0403 10 16	(°)	2,5297/kg + 31,52
0401 10 90		17,13	0403 10 22		27,51
0401 20 11		24,60	0403 10 24		31,73
0401 20 19		23,14	0403 10 26		73,14
0401 20 91		28,82	0403 10 32	(°)	0,2022/kg + 30,06
0401 20 99		27,36	0403 10 34	(°)	0,2444/kg + 30,06
0401 30 11		70,23	0403 10 36	(°)	0,6585/kg + 30,06
0401 30 19		68,77	0403 90 11		131,69
0401 30 31		132,22	0403 90 13		219,38
0401 30 39		130,76	0403 90 19		261,72
0401 30 91		219,13	0403 90 31	(°)	1,2294/kg + 31,52
0401 30 99		217,67	0403 90 33	(°)	2,1063/kg + 31,52
0402 10 11	(°)	131,69	0403 90 39	(°)	2,5297/kg + 31,52
0402 10 19	(°)(°)	122,94	0403 90 51		27,51
0402 10 91	(°)(°)	1,2294/kg + 31,52	0403 90 53		31,73
0402 10 99	(°)(°)	1,2294/kg + 22,77	0403 90 59		73,14
0402 21 11	(°)	219,38	0403 90 61	(°)	0,2022/kg + 30,06
0402 21 17	(°)	210,63	0403 90 63	(°)	0,2444/kg + 30,06
0402 21 19	(°)(°)	210,63	0403 90 69	(°)	0,6585/kg + 30,06
0402 21 91	(°)(°)	261,72	0404 10 02		31,61
0402 21 99	(°)(°)	252,97	0404 10 04		219,38
0402 29 11	(°)(°)(°)	2,1063/kg + 31,52	0404 10 06		261,72
0402 29 15	(°)(°)	2,1063/kg + 31,52	0404 10 12		131,69
0402 29 19	(°)(°)	2,1063/kg + 22,77	0404 10 14		219,38
0402 29 91	(°)(°)	2,5297/kg + 31,52	0404 10 16		261,72
0402 29 99	(°)(°)	2,5297/kg + 22,77	0404 10 26	(°)	0,3161/kg + 22,77
0402 91 11	(°)	46,46	0404 10 28	(°)	2,1063/kg + 31,52
0402 91 19	(°)	46,46	0404 10 32	(°)	2,5297/kg + 31,52
0402 91 31	(°)	58,08	0404 10 34	(°)	1,2294/kg + 31,52
0402 91 39	(°)	58,08	0404 10 36	(°)	2,1063/kg + 31,52
0402 91 51	(°)	132,22	0404 10 38	(°)	2,5297/kg + 31,52
0402 91 59	(°)	130,76	0404 10 48	(°)	0,3161/kg
0402 91 91	(°)	219,13	0404 10 52	(°)	2,1063/kg + 7,29
0402 91 99	(°)	217,67	0404 10 54	(°)	2,5297/kg + 7,29
0402 99 11	(°)	67,02	0404 10 56	(°)	1,2294/kg + 7,29
0402 99 19	(°)	67,02	0404 10 58	(°)	2,1063/kg + 7,29
0402 99 31	(°)(°)	1,2784/kg + 27,15	0404 10 62	(°)	2,5297/kg + 7,29
0402 99 39	(°)(°)	1,2784/kg + 25,69	0404 10 72	(°)	0,3161/kg + 22,77
0402 99 91	(°)(°)	2,1475/kg + 27,15	0404 10 74	(°)	2,1063/kg + 30,06
0402 99 99	(°)(°)	2,1475/kg + 25,69	0404 10 76	(°)	2,5297/kg + 30,06
0403 10 02		131,69	0404 10 78	(°)	1,2294/kg + 30,06
0403 10 04		219,38	0404 10 82	(°)	2,1063/kg + 30,06
0403 10 06		261,72	0404 10 84	(°)	2,5297/kg + 30,06
0403 10 12	(°)	1,2294/kg + 31,52	0404 90 11		131,69
0403 10 14	(°)	2,1063/kg + 31,52	0404 90 13		219,38

CN code	Note (°)	Import levy	CN code	Note (°)	Import levy
0404 90 19		261,72	0406 90 23	(°) (*)	194,57
0404 90 31		131,69	0406 90 25	(°) (*)	194,57
0404 90 33		219,38	0406 90 27	(°) (*)	194,57
0404 90 39		261,72	0406 90 29	(°) (*)	194,57
0404 90 51	(°)	1,2294/kg + 31,52	0406 90 31	(°) (*)	194,57
0404 90 53	(°) (°)	2,1063/kg + 31,52	0406 90 33	(°) (*)	194,57
0404 90 59	(°)	2,5297/kg + 31,52	0406 90 35	(°) (*)	194,57
0404 90 91	(°)	1,2294/kg + 31,52	0406 90 37	(°) (*)	194,57
0404 90 93	(°) (°)	2,1063/kg + 31,52	0406 90 39	(°) (*)	194,57
0404 90 99	(°)	2,5297/kg + 31,52	0406 90 50	(°) (*)	194,57
0405 00 11	(°)	224,77	0406 90 61	(°) (*)	458,21
0405 00 19	(°)	224,77	0406 90 63	(°) (*)	458,21
0405 00 90		274,22	0406 90 69	(°) (*)	458,21
0406 10 20	(°) (*)	235,03	0406 90 73	(°) (*)	194,57
0406 10 80	(°) (*)	311,36	0406 90 75	(°) (*)	194,57
0406 20 10	(°) (*)	458,21	0406 90 76	(°) (*)	194,57
0406 20 90	(°) (*)	458,21	0406 90 78	(°) (*)	194,57
0406 30 10	(°) (*)	185,29	0406 90 79	(°) (*)	194,57
0406 30 31	(°) (*)	181,49	0406 90 81	(°) (*)	194,57
0406 30 39	(°) (*)	185,29	0406 90 82	(°) (*)	194,57
0406 30 90	(°) (*)	302,08	0406 90 84	(°) (*)	194,57
0406 40 10	(°) (*)	182,18	0406 90 85	(°) (*)	194,57
0406 40 50	(°) (*)	182,18	0406 90 86	(°) (*)	194,57
0406 40 90	(°) (*)	182,18	0406 90 87	(°) (*)	194,57
0406 90 01	(°) (*)	255,78	0406 90 88	(°) (*)	194,57
0406 90 02	(°) (*)	195,42	0406 90 93	(°) (*)	235,03
0406 90 03	(°) (*)	195,42	0406 90 99	(°) (*)	311,36
0406 90 04	(°) (*)	195,42	1702 10 10		74,85
0406 90 05	(°) (*)	195,42	1702 10 90		74,85
0406 90 06	(°) (*)	195,42	2106 90 51		74,85
0406 90 07	(°) (*)	195,42	2309 10 15		95,13
0406 90 08	(°) (*)	195,42	2309 10 19		123,40
0406 90 09	(°) (*)	195,42	2309 10 39		115,28
0406 90 12	(°) (*)	195,42	2309 10 59		94,33
0406 90 14	(°) (*)	195,42	2309 10 70		123,40
0406 90 16	(°) (*)	195,42	2309 90 35		95,13
0406 90 18	(°) (*)	195,42	2309 90 39		123,40
0406 90 19	(°) (*)	458,21	2309 90 49		115,28
0406 90 21	(°) (*)	255,78	2309 90 59		94,33
			2309 90 70		123,40

(°) The levy on 100 kg of product falling within this code is equal to the sum of the following :

- (a) the amount per kilogram shown, multiplied by the weight of lactic matter contained in 100 kg of product; and  
(b) the other amount indicated.

(°) The levy on 100 kg of product falling within this code is equal to :

- (a) the amount per kilogram shown, multiplied by the weight of the dry lactic matter contained in 100 kg of product plus, where appropriate,  
(b) the other amount indicated.

(°) Products falling within this code and imported from a third country

- for which an IMA 1 certificate, issued in accordance with amended Commission Regulation (EEC) No 1767/82 (OJ No L 196, 5. 7. 1982, p. 1), is presented,  
— for which an EUR 1 certificate, issued in accordance with amended Commission Regulation (EEC) No 584/92 (OJ No L 62, 7. 3. 1992, p. 34) for Poland, the Czech and Slovak Republics and Hungary and Commission Regulation (EC) No 1588/94 (OJ No L 167, 1. 7. 1994, p. 8) for Bulgaria and Romania, is presented,

shall be subject to the levies defined in the said Regulations, respectively.

(°) The levy applicable is limited under the conditions laid down in amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

(°) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

## COMMISSION REGULATION (EC) No 411/95

of 27 February 1995

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of multiflorous (spray) 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<sup>(1)</sup>, as amended by Regulation (EEC) No 3551/88<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential 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 into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94<sup>(3)</sup> opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2578/94<sup>(4)</sup> fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88<sup>(5)</sup>, as last amended by Regulation (EEC) No 2917/93<sup>(6)</sup>, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(7)</sup>, as last amended by Regulation (EC) No 150/95<sup>(8)</sup>, 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<sup>(9)</sup>, as last amended by Regulation (EC) No 157/95<sup>(10)</sup>;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) (a) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for multiflorous (spray) carnations originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of multiflorous (spray) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

*Article 2*

This Regulation shall enter into force on 28 February 1995.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 199, 2. 8. 1994, p. 1.

<sup>(4)</sup> OJ No L 273, 25. 10. 1994, p. 4.

<sup>(5)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(6)</sup> OJ No L 264, 23. 10. 1993, p. 33.

<sup>(7)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(8)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(9)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(10)</sup> OJ No L 24, 1. 2. 1995, p. 1.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 412/95

of 27 February 1995

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses 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<sup>(1)</sup>, as amended by Regulation (EEC) No 3551/88<sup>(2)</sup>, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential 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 into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94<sup>(3)</sup> opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days during that period, the prices of the import product have been below that level;

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 199, 2. 8. 1994, p. 1.

Whereas Commission Regulation (EC) No 2578/94<sup>(4)</sup> fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88<sup>(5)</sup>, as last amended by Regulation (EEC) No 2917/93<sup>(6)</sup>, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(7)</sup>, as last amended by Regulation (EC) No 150/95<sup>(8)</sup>, 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<sup>(9)</sup>, as last amended by Regulation (EC) No 157/95<sup>(10)</sup>;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

*Article 1*

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

*Article 2*

This Regulation shall enter into force on 28 February 1995.

<sup>(4)</sup> OJ No L 273, 25. 10. 1994, p. 4.

<sup>(5)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(6)</sup> OJ No L 264, 23. 10. 1993, p. 33.

<sup>(7)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(8)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(9)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(10)</sup> OJ No L 24, 1. 2. 1995, p. 1.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 413/95**  
**of 27 February 1995**  
**on the issue of import licences for garlic originating in China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 3290/94<sup>(2)</sup>,

Having regard to Council Regulation (EC) No 1213/94 of 27 May 1994 concerning a protective measure applicable to imports of garlic from China<sup>(3)</sup>, as last amended by Regulation (EC) No 2815/94<sup>(4)</sup>, and in particular Article 1 (4) thereof,

Whereas Council Regulation (EEC) No 2707/72<sup>(5)</sup> lays down the conditions for applying protective measures for fruit and vegetables;

Whereas pursuant to Commission Regulation (EEC) No 1859/93<sup>(6)</sup>, as amended by Regulation (EC) No 1662/94<sup>(7)</sup>, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1 (2) of Commission Regulation (EC) No 1213/94, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 25 August 1994 to 24 May 1995;

Whereas, given the criteria laid down in Article 1 (3) of that Regulation and the import licences already issued, the quantity applied for at 22 February 1995 is in excess of the maximum monthly quantity for March 1995; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to these applications; whereas the issue of licences in response to applications lodged after 22 February 1995 and before 27 March 1995 should be refused,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences applied for under Article 1 of Regulation (EEC) No 1859/93 at 22 February 1995 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,79125 % of the quantity applied for, having regard to the information available to the Commission on 24 February 1995.

For the abovementioned products applications for import licences lodged after 22 February 1995 and before 27 March 1995 shall be refused.

*Article 2*

This Regulation shall enter into force on 28 February 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994.

<sup>(3)</sup> OJ No L 133, 28. 5. 1994, p. 36.

<sup>(4)</sup> OJ No L 298, 19. 11. 1994, p. 26.

<sup>(5)</sup> OJ No L 291, 28. 12. 1972, p. 3.

<sup>(6)</sup> OJ No L 170, 13. 7. 1993, p. 10.

<sup>(7)</sup> OJ No L 176, 9. 7. 1994, p. 1.

**COMMISSION REGULATION (EC) No 414/95**  
**of 27 February 1995**  
**fixing the import levies on frozen beef and veal**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 12 (8) thereof,

Whereas, pursuant to Article 9 of Regulation (EEC) No 805/68, a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff <sup>(2)</sup>, as last amended by Regulation (EEC) No 3661/92 <sup>(3)</sup>, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at ECU 6,65;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 75, 23. 3. 1977, p. 10.

<sup>(3)</sup> OJ No L 370, 19. 12. 1992, p. 16.

- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;

- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;

- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;

- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;

- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals for the 1994/95 marketing year were fixed by Council Regulation (EC) No 1885/94 <sup>(4)</sup>;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard

<sup>(4)</sup> OJ No L 197, 30. 7. 1994, p. 29.

coefficient fixed for each of the products in question ; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77 ;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account ; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin ;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community <sup>(1)</sup>, as last amended by Regulation (EC) No 3270/94 <sup>(2)</sup> ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas Council Regulation (EEC) No 715/90 <sup>(3)</sup>, as last amended by Regulation (EC) No 2484/94 <sup>(4)</sup>, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States ;

Whereas Council Regulations (EC) No 3491/93 <sup>(5)</sup> and (EC) No 3492/93 <sup>(6)</sup>, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part <sup>(7)</sup>, as amended by Regulation (EEC) No 2235/93 <sup>(8)</sup>, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain products ; whereas Commission Regulation (EC) No 1390/94 <sup>(9)</sup> lays down detailed rules for applying the arrangements provided for in these agreements as regards beef ;

<sup>(1)</sup> OJ No L 77, 25. 3. 1977, p. 1.

<sup>(2)</sup> OJ No L 339, 29. 12. 1994, p. 48.

<sup>(3)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(4)</sup> OJ No L 265, 15. 10. 1994, p. 3.

<sup>(5)</sup> OJ No L 319, 21. 12. 1993, p. 1.

<sup>(6)</sup> OJ No L 319, 21. 12. 1993, p. 4.

<sup>(7)</sup> OJ No L 56, 29. 2. 1992, p. 9.

<sup>(8)</sup> OJ No L 200, 10. 8. 1993, p. 5.

<sup>(9)</sup> OJ No L 152, 18. 6. 1994, p. 20.

Whereas Council Regulations (EC) No 3641/93<sup>(1)</sup> and (EC) No 3642/93<sup>(2)</sup> on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part; whereas Commission Regulation (EC) No 1389/94<sup>(3)</sup>, as amended by Regulation (EC) No 1850/94<sup>(4)</sup>, lays down detailed rules for applying the arrangements provided for in these agreements as regards beef;

Whereas the levy is not collected in respect of imports under the quotas opened by Council Regulations (EC) No 3071/94<sup>(5)</sup> and (EC) No 774/94<sup>(6)</sup> and by Commission Regulations (EC) No 3241/94<sup>(7)</sup> and (EC) No 3243/94<sup>(8)</sup>;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(9)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in

the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(10)</sup>, as last amended by Regulation (EC) No 150/95<sup>(11)</sup>, 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<sup>(12)</sup>, as last amended by Regulation (EC) No 157/95<sup>(13)</sup>;

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies on frozen beef and veal shall be as set out in the Annex.

*Article 2*

This Regulation shall enter into force on 6 March 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 333, 31. 12. 1993, p. 16.  
<sup>(2)</sup> OJ No L 333, 31. 12. 1993, p. 17.  
<sup>(3)</sup> OJ No L 152, 18. 6. 1994, p. 16.  
<sup>(4)</sup> OJ No L 192, 28. 7. 1994, p. 24.  
<sup>(5)</sup> OJ No L 325, 17. 12. 1994, p. 1.  
<sup>(6)</sup> OJ No L 91, 8. 4. 1994, p. 1.  
<sup>(7)</sup> OJ No L 338, 28. 12. 1994, p. 53.  
<sup>(8)</sup> OJ No L 338, 28. 12. 1994, p. 62.  
<sup>(9)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(10)</sup> OJ No L 387, 31. 12. 1992, p. 1.  
<sup>(11)</sup> OJ No L 22, 31. 1. 1995, p. 1.  
<sup>(12)</sup> OJ No L 108, 1. 5. 1993, p. 106.  
<sup>(13)</sup> OJ No L 24, 1. 2. 1995, p. 1.

## ANNEX

to the Commission Regulation of 27 February 1995 fixing the import levies on frozen beef and veal <sup>(1)</sup> <sup>(2)</sup>

(ECU/100 kg)

CN code	Levy
	— Net weight —
0202 10 00	189,053 <sup>(3)</sup>
0202 20 10	189,053 <sup>(3)</sup>
0202 20 30	151,243 <sup>(3)</sup>
0202 20 50	236,316 <sup>(3)</sup>
0202 20 90	283,580 <sup>(3)</sup>
0202 30 10	236,316 <sup>(3)</sup>
0202 30 50	236,316 <sup>(3)</sup>
0202 30 90	325,171 <sup>(3)</sup> <sup>(4)</sup>
0206 29 91	325,171 <sup>(4)</sup>

<sup>(1)</sup> In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

<sup>(2)</sup> No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

<sup>(3)</sup> Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic, Bulgaria, Romania and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EC) No 1390/94, amended, or Regulation (EC) No 1389/94 have been presented, are subject to the levies foreseen in those Regulations.

<sup>(4)</sup> The levy on the products falling within these codes, imported pursuant to Council Regulations (EC) No 3071/94 and (EC) No 774/94 and Commission Regulations (EC) No 3241/94, (EC) No 957/94 and (EC) No 3243/94, is restricted pursuant to the conditions laid down in those Regulations.

## COMMISSION REGULATION (EC) No 415/95

of 27 February 1995

## fixing the import levies on live cattle and on beef and veal other than frozen

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 12 (8) thereof,

Whereas, pursuant to Article 9 of Regulation (EEC) No 805/68, a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 00, 0201 10 90, 0201 20 20 to 0201 20 50, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to

or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff<sup>(2)</sup>, as last amended by Regulation (EEC) No 3661/92<sup>(3)</sup>;

Whereas the prices for adult bovine animals for the 1994/95 marketing year have been fixed by Council Regulation (EC) No 1885/94<sup>(4)</sup>;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

<sup>(2)</sup> OJ No L 75, 23. 3. 1977, p. 10.

<sup>(3)</sup> OJ No L 370, 19. 12. 1992, p. 16.

<sup>(4)</sup> OJ No L 197, 30. 7. 1994, p. 29.

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation ;

Whereas if the free-at-frontier offer price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty ;

Whereas Commission Regulation (EEC) No 611/77 <sup>(1)</sup>, as last amended by Regulation (EC) No 3246/94 <sup>(2)</sup>, provides that the special levy on products originating in Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of this third country ; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77 ;

Whereas the levy is not collected in respect of imports under the quotas opened by Council Regulations (EC) No 3071/94 <sup>(3)</sup> and (EC) No 774/94 <sup>(4)</sup> and Commission Regulations (EC) No 3241/94 <sup>(5)</sup> and (EC) No 3243/94 <sup>(6)</sup> ;

Whereas the average price is not to be used for calculating the special levy unless it is at least ECU 1,21 per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68 ;

Whereas if the average price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained ;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the

basis of prices recorded over a period to be determined on the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community <sup>(7)</sup>, as last amended by Regulation (EC) No 3270/94 <sup>(8)</sup> ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

<sup>(1)</sup> OJ No L 77, 25. 3. 1977, p. 14.

<sup>(2)</sup> OJ No L 338, 28. 12. 1994, p. 70.

<sup>(3)</sup> OJ No L 325, 17. 12. 1994, p. 1.

<sup>(4)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(5)</sup> OJ No L 338, 28. 12. 1994, p. 53.

<sup>(6)</sup> OJ No L 338, 28. 12. 1994, p. 62.

<sup>(7)</sup> OJ No L 77, 25. 3. 1977, p. 1.

<sup>(8)</sup> OJ No L 339, 29. 12. 1994, p. 48.

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ; whereas account should also be taken of Council Regulation (EC) No 3355/94 of 22 December 1994 concerning the arrangements applicable to the import into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the former Yugoslav Republic of Macedonia<sup>(1)</sup>, which provides for reductions in the levies on certain products of the beef and veal sector imported into the Community ; whereas Commission Regulation (EC) No 207/95<sup>(2)</sup> establishes detailed rules for the importation of these products ;

Whereas, in addition, account must be taken of Decision 94/1/ECSC, EC of the Council and Commission<sup>(3)</sup>, concerning the conclusion of the Agreements on the European Economic Area, between the European Community, the European Coal and Steel Community and their Member States, on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Liechtenstein, on the other hand, hereafter referred to as the 'EEA Agreement' ;

Whereas Council Regulation (EEC) No 715/90<sup>(4)</sup>, as last amended by Regulation (EC) No 2484/94<sup>(5)</sup>, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States ;

Whereas Council Regulations (EC) No 3491/93<sup>(6)</sup>, and (EC) No 3492/93<sup>(7)</sup>, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part<sup>(8)</sup>, as amended by Regulation (EEC) No 2235/93<sup>(9)</sup>, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain

products ; whereas Commission Regulation (EC) No 1390/94<sup>(10)</sup>, lays down detailed rules for applying the import arrangements provided for in these agreements as regards beef ;

Whereas Council Regulations (EC) No 3641/93<sup>(11)</sup>, and (EC) No 3642/93<sup>(12)</sup>, on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part ; whereas Commission Regulation (EC) No 1389/94<sup>(13)</sup>, as amended by Regulation (EC) No 1850/94<sup>(14)</sup>, lays down detailed rules for applying the arrangements provided for in these agreements as regards beef ;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(15)</sup> no levies shall apply on imports of products originating in the overseas countries and territories ;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77 ;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature ;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month ; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets ;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(16)</sup>, as last amended by Regulation (EC) No 150/95<sup>(17)</sup>, 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<sup>(18)</sup>, as last amended by Regulation (EC) No 157/95<sup>(19)</sup>,

Whereas, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

<sup>(1)</sup> OJ No L 353, 31. 12. 1994, p. 1.

<sup>(2)</sup> OJ No L 25, 2. 2. 1995, p. 2.

<sup>(3)</sup> OJ No L 1, 3. 1. 1994, p. 1.

<sup>(4)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(5)</sup> OJ No L 265, 15. 10. 1994, p. 3.

<sup>(6)</sup> OJ No L 319, 21. 12. 1993, p. 1.

<sup>(7)</sup> OJ No L 319, 21. 12. 1993, p. 4.

<sup>(8)</sup> OJ No L 56, 29. 2. 1992, p. 9.

<sup>(9)</sup> OJ No L 200, 10. 8. 1993, p. 5.

<sup>(10)</sup> OJ No L 152, 18. 6. 1994, p. 20.

<sup>(11)</sup> OJ No L 333, 31. 12. 1993, p. 16.

<sup>(12)</sup> OJ No L 333, 31. 12. 1993, p. 17.

<sup>(13)</sup> OJ No L 152, 18. 6. 1994, p. 16.

<sup>(14)</sup> OJ No L 192, 28. 7. 1994, p. 24.

<sup>(15)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(16)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(17)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(18)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(19)</sup> OJ No L 24, 1. 2. 1995, p. 1.



HAS ADOPTED THIS REGULATION:

*Article 2*

*Article 1*

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

This Regulation shall enter into force on 6 March 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 27 February 1995 fixing the import levies on live cattle  
and on beef and veal other than frozen

(ECU/100 kg)

CN code	Croatia / Slovenia / Bosnia-Herzegovina / Former Yugoslav Republic of Macedonia (*)	Switzerland	Other third countries (2)
— Live weight —			
0102 90 05	—	0	158,710 (1)
0102 90 21	—	0	158,710 (1)
0102 90 29	—	0	158,710 (1)
0102 90 41	—	0	158,710 (1) (3)
0102 90 49	—	0	158,710 (1) (3)
0102 90 51	27,844	0	158,710 (1)
0102 90 59	27,844	0	158,710 (1)
0102 90 61	—	0	158,710 (1)
0102 90 69	—	0	158,710 (1)
0102 90 71	27,844	0	158,710 (1)
0102 90 79	27,844	0	158,710 (1)
— Net weight —			
0201 10 00	52,903	0	301,548 (1) (4)
0201 20 20	52,903	0	301,548 (1) (4)
0201 20 30	42,323	0	241,239 (1) (4)
0201 20 50	63,484	0	361,858 (1) (4)
0201 20 90	—	0	452,322 (1) (4)
0201 30 00	—	0	517,394 (1) (4) (6)
0206 10 95	—	0	517,394 (1) (6)
0210 20 10	—	0	452,322
0210 20 90	—	0	517,394
0210 90 41	—	0	517,394
0210 90 90	—	0	517,394
1602 50 10	—	0	517,394
1602 90 61	—	0	517,394

(1) In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

(2) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

(3) This levy is applicable only to products complying with the provisions of Commission Regulation (EC) No 207/95.

(4) Products falling within this code, imported from Poland and Hungary under the Agreements concluded between those countries and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EC) No 1390/94 or Regulation (EC) No 1389/94 have been presented, are subject to the levies foreseen in those Regulations.

(5) Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EC) No 358/94 (OJ No L 46, 18. 2. 1994, p. 34) have been presented, are subject to the levies foreseen in that Regulation.

(6) For imported products falling within these codes, the levy applicable is restricted within the conditions provided for in Council Regulations (EC) No 3071/94 and (EC) No 774/94 and Commission Regulations (EC) No 3241/94 and (EC) No 3243/94.

## COMMISSION REGULATION (EC) No 416/95

of 27 February 1995

## fixing the import levies 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<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(2)</sup>, as last amended by Regulation (EC) No 3290/94<sup>(3)</sup>, and in particular Article 12 (4) thereof,

Whereas the rules to be applied in calculating the variable component of the import levy on products processed from cereals and rice are laid down in Article 11 (1) (A) of Regulation (EEC) No 1766/92 and Article 12 (1) (a) of Regulation (EEC) No 1418/76; whereas Article 2 of Commission Regulation (EEC) No 1620/93 of 25 June 1993 on the import and export system for products processed from cereals and rice<sup>(4)</sup>, provides that the incidence on the prime costs of these products of the levies applicable to their basic products should be calculated on the basis of the average of the levies applicable to these basic products for the first 25 days of the month preceding that of importation; whereas this average, adjusted on the basis of the threshold price valid for the basic products in question during the month of importation is calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the processed product or the competing product which serves as a reference for processed products not containing cereals;

Whereas Commission Regulation (EEC) No 1579/74 of 24 June 1974 on the procedure for calculating the import levy on products processed from cereals and from rice and for the advance fixing of this levy for these products and for compound feedingstuffs manufactured from cereals<sup>(5)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(6)</sup>, provides that the levy thus determined, increased by the fixed component, is altered where the levy applicable to the basic product concerned differs by

not less than ECU 3,02 per tonne from the average of the levies calculated as described above;

Whereas, in order that account may be taken of the interests of the African, Caribbean and Pacific States, the levy relating to them in respect of certain products processed from cereals must be reduced by the amount of the fixed component and, in respect of some of these products, by part of the variable component; whereas this reduction must be made in accordance with Article 14 of Council Regulation (EEC) No 715/90 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the ACP States<sup>(7)</sup>, as last amended by Regulation (EC) No 2484/94<sup>(8)</sup>;

Whereas Article 3 (4) of Council Regulation (EEC) No 3763/91<sup>(9)</sup>, as amended by Commission Regulation (EEC) No 3714/92<sup>(10)</sup>, allows that within the limit of an annual quantity of 8 000 tonnes, the levy shall not be applied to imports into the French department of Réunion of wheat bran falling within CN code 2302 30 from the African, Caribbean and Pacific (ACP) States;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(11)</sup> no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas Council Regulation (EC) No 774/94<sup>(12)</sup> has opened Community tariff quotas for certain agricultural products and fixed the levies to be applied on imports of those products; whereas Commission Regulation (EC) No 1897/94<sup>(13)</sup> has established the detailed rules of the import regime for cereals laid down in Regulation (EC) No 774/94;

Whereas Council Regulation (EEC) No 430/87 of 9 February 1987 concerning the import arrangements applicable to products falling within CN codes 0714 10 and 0714 90 originating in certain third countries<sup>(14)</sup>, as last amended by Regulation (EC) No 3191/94<sup>(15)</sup>, lay down the terms on which the import levy is limited to 6 % *ad valorem*;

(1) OJ No L 181, 1. 7. 1992, p. 21.  
 (2) OJ No L 166, 25. 6. 1976, p. 1.  
 (3) OJ No L 349, 31. 12. 1994, p. 105.  
 (4) OJ No L 155, 26. 6. 1993, p. 29.  
 (5) OJ No L 168, 25. 6. 1974, p. 7.  
 (6) OJ No L 202, 26. 7. 1978, p. 8.

(7) OJ No L 84, 30. 3. 1990, p. 85.  
 (8) OJ No L 265, 15. 10. 1994, p. 3.  
 (9) OJ No L 356, 24. 12. 1991, p. 1.  
 (10) OJ No L 378, 23. 12. 1992, p. 23.  
 (11) OJ No L 263, 19. 9. 1991, p. 1.  
 (12) OJ No L 91, 8. 4. 1994, p. 1.  
 (13) OJ No L 194, 29. 7. 1994, p. 4.  
 (14) OJ No L 43, 13. 2. 1987, p. 9.  
 (15) OJ No L 337, 24. 12. 1994, p. 8.

Whereas Council Regulation (EEC) No 2730/75 of 29 October 1975 on glucose and lactose<sup>(1)</sup>, as amended by Regulation (EEC) No 222/88<sup>(2)</sup>, stipulates that the treatment provided for glucose and glucose syrup falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 by Regulation (EEC) No 1766/92 it is to be extended to glucose and glucose syrup falling within CN codes 1702 30 51 and 1702 30 59; whereas consequently the levy fixed for products falling within CN codes 1702 30 91, 1702 30 99 and 1702 40 90 also applies to products falling within CN codes 1702 30 51 and 1702 30 59; whereas, to ensure that the provision in question is properly applied, these products and the levy thereon should be explicitly mentioned in the list of levies;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, 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 Regu-

lation (EEC) No 1068/93<sup>(5)</sup>, as last amended by Regulation (EC) No 157/95<sup>(6)</sup>,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on the products listed in Article 1 (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 1620/93 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 March 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 281, 1. 11. 1975, p. 20.

<sup>(2)</sup> OJ No L 28, 1. 2. 1988, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(5)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(6)</sup> OJ No L 24, 1. 2. 1995, p. 1.

## ANNEX

## to the Commission Regulation of 27 February 1995 fixing the import levies on products processed from cereals and rice

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
CN code	Import levies (?)		CN code	Import levies (?)	
	ACP	Third countries (other than ACP)		ACP	Third countries (other than ACP)
0714 10 10 <sup>(1)</sup>	100,49	107,14	1104 23 90	109,13	112,15
0714 10 91	104,12 <sup>(2)</sup> <sup>(3)</sup>	104,12	1104 29 11	129,71	132,73
0714 10 99	102,31	107,14	1104 29 15	180,72	183,74
0714 90 11	104,12 <sup>(2)</sup> <sup>(3)</sup>	104,12	1104 29 19	177,30	180,32
0714 90 19	102,31 <sup>(2)</sup>	107,14	1104 29 31	156,05	159,07
1102 20 10	192,58	198,62	1104 29 35	217,41	220,43
1102 20 90	109,13	112,15	1104 29 39	177,30	180,32
1102 30 00	133,14	136,16	1104 29 91	99,48	102,50
1102 90 10	187,42	193,46	1104 29 95	138,60	141,62
1102 90 30	204,23	210,27	1104 29 99	113,03	116,05
1102 90 90	113,03	116,05	1104 30 10	73,15	79,19
1103 12 00	204,23	210,27	1104 30 90	80,24	86,28
1103 13 10	192,58	198,62	1106 20 10	100,49 <sup>(2)</sup>	107,14
1103 13 90	109,13	112,15	1106 20 90	168,62 <sup>(2)</sup>	192,80
1103 14 00	133,14	136,16	1108 11 00	214,56	235,11
1103 19 10	244,58	250,62	1108 12 00	172,25	192,80
1103 19 30	187,42	193,46	1108 13 00	172,25	192,80
1103 19 90	113,03	116,05	1108 14 00	86,12	192,80
1103 21 00	175,55	181,59	1108 19 10	190,91	221,74
1103 29 10	244,58	250,62	1108 19 90	86,12 <sup>(2)</sup>	192,80
1103 29 20	187,42	193,46	1109 00 00	390,12	571,46
1103 29 30	204,23	210,27	1702 30 51	224,68	321,40
1103 29 40	192,58	198,62	1702 30 59	172,25	238,74
1103 29 50	133,14	136,16	1702 30 91	224,68	321,40
1103 29 90	113,03	116,05	1702 30 99	172,25	238,74
1104 11 10	106,20	109,22	1702 40 90	172,25	238,74
1104 11 90	208,24	214,28	1702 90 50	172,25	238,74
1104 12 10	115,73	118,75	1702 90 75	235,38	332,10
1104 12 90	226,92	232,96	1702 90 79	163,69	230,18
1104 19 10	175,55	181,59	2106 90 55	172,25	238,74
1104 19 30	244,58	250,62	2302 10 10	43,21	49,21
1104 19 50	192,58	198,62	2302 10 90	92,59	98,59
1104 19 91	226,08	232,12	2302 20 10	43,21	49,21
1104 19 99	199,46	205,50	2302 20 90	92,59	98,59
1104 21 10	166,59	169,61	2302 30 10	43,21 <sup>(7)</sup>	49,21 <sup>(8)</sup>
1104 21 30	166,59	169,61	2302 30 90	92,59 <sup>(7)</sup>	98,59 <sup>(8)</sup>
1104 21 50	260,30	266,34	2302 40 10	43,21	49,21 <sup>(8)</sup>
1104 21 90	106,20	109,22	2302 40 90	92,59	98,59 <sup>(8)</sup>
1104 22 10 10 <sup>(2)</sup>	115,73	118,75	2303 10 11	213,98	395,32
1104 22 10 90 <sup>(4)</sup>	204,23	207,25			
1104 22 30	204,23	207,25			
1104 22 50	181,54	184,56			
1104 22 90	115,73	118,75			
1104 23 10	171,18	174,20			
1104 23 30	171,18	174,20			

- 
- (<sup>1</sup>) 6 % *ad valorem*, subject to certain conditions.
- (<sup>2</sup>) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States :
- products falling within CN code ex 0714 10 91,
  - products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
  - flours and meal of arrow-root falling within CN code 1106 20,
  - arrow-root starch falling within CN code 1108 19 90.
- (<sup>3</sup>) Taric code : clipped oats.
- (<sup>4</sup>) Taric code : CN code 1104 22 10, other than 'clipped oats'.
- (<sup>5</sup>) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States.
- (<sup>6</sup>) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
- (<sup>7</sup>) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.
- (<sup>8</sup>) For imported products falling within these codes, the levy applicable is restricted within the conditions provided for in Council Regulation (EC) No 774/94.
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## COMMISSION REGULATION (EC) No 417/95

of 27 February 1995

## altering the import levies 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<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(2)</sup>, as last amended by Regulation (EC) No 1869/94<sup>(3)</sup>, and in particular Article 12 (4) 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<sup>(4)</sup>, as last amended by Regulation (EC) No 150/95<sup>(5)</sup>,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EC) No 163/95<sup>(6)</sup>, as last amended by Regulation (EC) No 368/95<sup>(7)</sup>;

Whereas the levy on the basic product as last fixed differs from the average levy by more than ECU 3,02 per tonne of basic product; whereas, pursuant to Article 1 of Commission Regulation (EEC) No 1579/74<sup>(8)</sup>, as last amended by Regulation (EEC) No 1740/78<sup>(9)</sup>, the levies at present in force must therefore be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on products processed from cereals and rice covered by Commission Regulation (EEC) No 1620/93<sup>(10)</sup> as fixed in the Annex to amended Regulation (EC) No 163/95 are hereby altered to the amounts set out in the Annex.

*Article 2*

This Regulation shall enter into force on 28 February 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(3)</sup> OJ No L 197, 30. 7. 1994, p. 7.

<sup>(4)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(5)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(6)</sup> OJ No L 24, 1. 2. 1995, p. 17.

<sup>(7)</sup> OJ No L 41, 23. 2. 1995, p. 39.

<sup>(8)</sup> OJ No L 168, 25. 6. 1974, p. 7.

<sup>(9)</sup> OJ No L 202, 26. 7. 1978, p. 8.

<sup>(10)</sup> OJ No L 155, 26. 6. 1993, p. 29.

## ANNEX

## to the Commission Regulation of 27 February 1995 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (°)	
	ACP	Third countries (other than ACP)
1103 21 00	176,71	184,00
1104 19 10	176,71	184,00
1104 29 11	130,57	134,21
1104 29 31	157,07	160,72
1104 29 91	100,13	103,78
1104 30 10	73,63	80,92
1108 11 00	215,97	240,79
1109 00 00	392,68	611,65

(°) In accordance with Regulation (EEC) No 715/90 the levy shall not be charged on the following products originating in the African, Caribbean and Pacific States:

- products falling within CN code ex 0714 10 91,
- products falling within CN code 0714 90 11 and arrow-root falling within CN code 0714 90 19,
- flours and meal of arrow-root falling within CN code 1106 20,
- arrow-root starch falling within CN code 1108 19 90.

(°) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments originating in the African, Caribbean and Pacific States.

(°) Under the terms of Regulation (EEC) No 3763/91 the levy does not apply to wheat bran originating in the African, Caribbean and Pacific States (ACP) and directly imported into the French department of Réunion.



**COMMISSION REGULATION (EC) No 418/95****of 27 February 1995****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 10 (5) and 11 (3) 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<sup>(2)</sup>, as last amended by Regulation (EC) No 150/95<sup>(3)</sup>,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 3035/94<sup>(4)</sup> and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 24

February 1995, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 3035/94 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 February 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(4)</sup> OJ No L 321, 14. 12. 1994, p. 28.

## ANNEX

## to the Commission Regulation of 27 February 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries <sup>(*)</sup>
0709 90 60	107,53 <sup>(2)</sup> <sup>(3)</sup>
0712 90 19	107,53 <sup>(2)</sup> <sup>(3)</sup>
1001 10 00	37,91 <sup>(1)</sup> <sup>(2)</sup> <sup>(11)</sup>
1001 90 91	97,16
1001 90 99	97,16 <sup>(2)</sup> <sup>(11)</sup>
1002 00 00	135,68 <sup>(6)</sup>
1003 00 10	104,38
1003 00 90	104,38 <sup>(2)</sup>
1004 00 00	113,21
1005 10 90	107,53 <sup>(2)</sup> <sup>(3)</sup>
1005 90 00	107,53 <sup>(2)</sup> <sup>(3)</sup>
1007 00 90	111,99 <sup>(4)</sup>
1008 10 00	47,46 <sup>(2)</sup>
1008 20 00	48,74 <sup>(4)</sup> <sup>(2)</sup>
1008 30 00	0 <sup>(2)</sup>
1008 90 10	<sup>(7)</sup>
1008 90 90	0
1101 00 00	181,74 <sup>(2)</sup>
1102 10 00	236,73
1103 11 10	103,23
1103 11 90	208,77
1107 10 11	186,08
1107 10 19	142,36
1107 10 91	198,94 <sup>(10)</sup>
1107 10 99	151,97 <sup>(2)</sup>
1107 20 00	174,93 <sup>(10)</sup>

- (1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.
- (2) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.
- (3) Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 2,186/tonne.
- (4) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.
- (5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.
- (6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).
- (7) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).
- (8) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
- (9) Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with amended Regulation (EC) No 121/94 or (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.
- (10) In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 6,569 per tonne for products originating in Turkey.
- (11) The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

**COMMISSION REGULATION (EC) No 419/95****of 27 February 1995****fixing the premiums to be added to the import levies on cereals, flour and malt**

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<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden to the European Union<sup>(2)</sup>, and in particular Article 12 (4) 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EC) No 1938/94<sup>(5)</sup> and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 24

February 1995, as regards floating currencies, should be used to calculate the levies;

Whereas, on the basis of today's cif prices and cif forward delivery prices, the premiums at present in force, which are to be added to the levies, should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

*Article 1*

The premiums to be added to the levies fixed in advance for the import in respect of the products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 February 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No C 241, 29. 8. 1994, p. 21.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(5)</sup> OJ No L 198, 30. 7. 1994, p. 39.

## ANNEX

to the Commission Regulation of 27 February 1995 fixing the premiums to be added to the import levies on cereals, flour and malt

## A. Cereals and flour

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period
	2	3	4	5
0709 90 60	0	3,76	3,76	1,85
0712 90 19	0	3,76	3,76	1,85
1001 10 00	0	2,41	2,41	2,41
1001 90 91	0	0	0	0
1001 90 99	0	0	0	0
1002 00 00	0	0	0	0
1003 00 10	0	0	0	0
1003 00 90	0	0	0	0
1004 00 00	0	0	0	1,96
1005 10 90	0	3,76	3,76	1,85
1005 90 00	0	3,76	3,76	1,85
1007 00 90	0	0	0	0
1008 10 00	0	0	0	0
1008 20 00	0	0	0	0
1008 30 00	0	0	0	0
1008 90 90	0	0	0	0
1101 00.00	0	0	0	0
1102 10 00	0	0	0	0
1103 11 10	0	0	0	0
1103 11 90	0	0	0	0

## B. Malt

*(ECU/tonne)*

CN code	Current	1st period	2nd period	3rd period	4th period
	2	3	4	5	6
1107 10 11	0	0	0	0	0
1107 10 19	0	0	0	0	0
1107 10 91	0	0	0	0	0
1107 10 99	0	0	0	0	0
1107 20 00	0	0	0	0	0

**COMMISSION REGULATION (EC) No 420/95****of 27 February 1995****altering the basic amount of the import levies on syrups and certain other products in the sugar sector**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 283/95<sup>(2)</sup>, and in particular Article 16 (8) 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, and in particular Article 5 thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 159/95<sup>(5)</sup>, as amended by Regulation (EC) No 399/95<sup>(6)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 159/95 to the information known to the Commission that the basic amount of

the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 24 February 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

*Article 1*

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EC) No 159/95 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 February 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 34, 14. 2. 1995, p. 3.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(5)</sup> OJ No L 24, 1. 2. 1995, p. 6.

<sup>(6)</sup> OJ No L 43, 25. 2. 1995, p. 49.

## ANNEX

**to the Commission Regulation of 27 February 1995 altering the basic amount of the import  
levy on syrups and certain other products in the sugar sector**

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question <sup>(1)</sup>	Amount of levy per 100 kg of dry matter <sup>(1)</sup>
1702 20 10	0,4613	—
1702 20 90	0,4613	—
1702 30 10	—	56,68
1702 40 10	—	56,68
1702 60 10	—	56,68
1702 60 90 10 <sup>(2)</sup>	—	107,70
1702 60 90 90 <sup>(3)</sup>	0,4613	—
1702 90 30	—	56,68
1702 90 60	0,4613	—
1702 90 71	0,4613	—
1702 90 80	—	107,70
1702 90 99	0,4613	—
2106 90 30	—	56,68
2106 90 59	0,4613	—

<sup>(1)</sup> No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

<sup>(2)</sup> Taric code: Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product obtained by hydrolysis of inulin or oligofructoses.

<sup>(3)</sup> Taric code: CN code 1702 60 90, other than inulin syrup.

**COMMISSION REGULATION (EC) No 421/95**  
**of 27 February 1995**  
**fixing the import levies on white sugar and raw sugar**

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 16 (8) 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<sup>(2)</sup>, as last amended by Regulation (EC) No 150/95<sup>(3)</sup>, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94<sup>(4)</sup>, as last amended by Regulation (EC) No 398/95<sup>(5)</sup>;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 to the information known to the Commission that the levies

at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 24 February 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

*Article 1*

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 28 February 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(4)</sup> OJ No L 198, 30. 7. 1994, p. 88.

<sup>(5)</sup> OJ No L 43, 25. 2. 1995, p. 47.

## ANNEX

## to the Commission Regulation of 27 February 1995 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (°)
1701 11 10	36,60 (°)
1701 11 90	36,60 (°)
1701 12 10	36,60 (°)
1701 12 90	36,60 (°)
1701 91 00	46,13
1701 99 10	46,13
1701 99 90	46,13 (°)

(°) The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

(°) In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

(°) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.



## COMMISSION REGULATION (EC) No 422/95

of 27 February 1995

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994, on detailed rules for the application of the import arrangements for fruit and vegetables<sup>(1)</sup>, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the units of account on the conversion rates to be applied with the purposes of the common agricultural policy<sup>(2)</sup>, as last amended by Regulation (EC) No 150/95<sup>(3)</sup>, 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;

Whereas the derogation laid down in the second subparagraph of Article 1 of Council Regulation (EC) No 3311/94 of 20 December 1994 extending by one month the application of the agrimonetary arrangements in force on 31 December 1994 and fixing the agricultural conversion rates for the new Member States<sup>(4)</sup> should be applied,

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 28 February 1995.

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

Done at Brussels, 27 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(4)</sup> OJ No L 350, 31. 12. 1994, p. 1.

## ANNEX

to the Commission Regulation of 27 February 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

*(ECU/100 kg)*

CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 15	204	49,8
	212	82,0
	624	97,3
	999	76,4
0707 00 10	052	99,8
	053	166,9
	068	96,0
	204	115,7
	624	207,3
	999	137,1
0709 90 73	052	99,8
	204	129,2
	624	196,3
	999	141,8

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

## COMMISSION DIRECTIVE 95/4/EC

of 21 February 1995

amending certain Annexes to Council Directive 77/93/EEC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community

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<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the second indent, third and fourth subindents of Article 13,

Whereas the harmful organism *Thrips palmi* Karny has not hitherto been known to occur in the Community;

Whereas *Thrips Palmi* Karny has been found to be present on plants of *Ficus* L. during checks carried out in the Community following the introduction of these plants;

Whereas *Pseudomonas solanacearum* (Smith) Smith has been found to be present in a larger area of the Community than was originally recognized;

Whereas *Pseudomonas solanacearum* (Smith) Smith has been found on potato tubers imported from Egypt and Turkey;

Whereas, therefore, the provisions on the protective measures against *Pseudomonas solanacearum* (Smith) Smith should be improved and in particular the list of host plants should be extended;

Whereas by virtue of Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed<sup>(2)</sup>, as last amended by Directive 90/654/EEC<sup>(3)</sup>, certain conditions govern basic and certified seed of sugar and fodder beet of the species *Beta vulgaris* L. in order to ensure that such seed is free from beet necrotic yellow vein virus (rhizomania);

Whereas it is desirable that seed of sugar and fodder beet of the species *Beta vulgaris* L. which has not yet been

finally certified and which is intended for official certification in another Member State should also be subject to controls to ensure that there is no risk of beet necrotic yellow vein virus spreading during transport, processing or the disposal of waste arising out of such processing;

Whereas there are at present no conditions to prevent the spread of beet necrotic yellow vein virus in the course of the marketing of vegetable seed of the species *Beta vulgaris* L.;

Whereas therefore it is desirable to introduce protective measures against Beet necrotic yellow vein virus in relation to seed of sugar, fodder and vegetable beet of the species *Beta vulgaris* L.;

Whereas some provisions for protective measures against tubers of *Solanum tuberosum* L., other than those intended for planting, should be modified because it is no longer appropriate to maintain the current prohibitions set out in Directive 77/93/EEC in respect of potato tubers originating in Syria;

Whereas therefore the relevant Annexes to the said Directive 77/93/EEC should be amended accordingly;

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

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annexes I to IV to Directive 77/93/EEC are hereby amended in accordance with the Annex to this Directive.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive on 1 April 1995. They shall forthwith inform the Commission thereof.

<sup>(1)</sup> OJ No L 26, 31. 1. 1977, p. 20.

<sup>(2)</sup> OJ No 125, 11. 7. 1966, p. 2290/66.

<sup>(3)</sup> OJ No L 353, 17. 12. 1990, p. 48.

When Member States adopt these measures, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. The Member States shall immediately communicate to the Commission the essential provisions of domestic law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.

*Article 3*

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

Done at Brussels, 21 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## ANNEX

1. In Annex I, Part A, Section II (b) the following new point is added :

'2. *Pseudomonas solanacearum* (Smith) Smith.'

2. In Annex II, Part A, Section II (b), point 6 is deleted.

3. In Annex III, Part A, point 12, right hand column, 'Syria' is inserted between 'Morocco' and 'Switzerland'.

4. In Annex IV, Part A, Section I, the following is added to the right hand column of point 25.4 :

'and

(aa) either, the tubers originate in areas in which *Pseudomonas solanacearum* (Smith) Smith is known not to occur ; or

(bb) in areas where *Pseudomonas solanacearum* (Smith) Smith is known to occur, the tubers originate from a place of production found free from *Pseudomonas solanacearum* (Smith) Smith, or considered to be free thereof, as a consequence of the implementation of an appropriate procedure aiming at eradicating *Pseudomonas solanacearum* (Smith) Smith which shall be determined pursuant to the procedure laid down in Article 16a.'

5. In Annex IV, Part A, Section I the following new point is added :

'25.7 Plants of *Capsicum annum* L., *Lycopersicon lycopersicum* (L.) Karsten ex Farw., *Musa* L., *Nicotiana* L. and *Solanum melongena* L., intended for planting, other than seeds, originating in countries where *Pseudomonas solanacearum* (Smith) Smith is known to occur

Without prejudice to the provisions applicable to the plants listed in Annex III A (11), (13), and Annex IVAI (25.5) and (25.6), where appropriate, official statement that :

(a) the plants originate in areas which have been found free from *Pseudomonas solanacearum* (Smith) Smith ; or

(b) no symptoms of *Pseudomonas solanacearum* (Smith) Smith have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation'.

6. In Annex IV, Part A, Section I the following new point is added :

'25.8. Tubers of *Solanum tuberosum* L., other than those intended for planting

Without prejudice to the provisions applicable to tubers listed in Annex III A (12) and Annex IVAI (25.1), (25.2) (25.3), official statement that the tubers originate in areas in which *Pseudomonas solanacearum* (Smith) Smith is not known to occur'.

7. In Annex IV, Part A, Section I, point 36 is replaced by the following :

'36.1. Plants of *Ficus* L., intended for planting, other than seeds

Official statement that :

(a) the place of production has been found free from *Thrips palmi* Karny on official inspections carried out at least monthly during the three months prior to export ;

or

(b) the consignment has undergone appropriate treatment to ensure freedom from Thysanoptera ;

or

(c) the plants have been grown in greenhouses in which official measures have been taken to monitor the presence of *Thrips palmi* Karny during an appropriate period, and that during such monitoring no *Thrips palmi* Karny have been detected

36.2 Plants, other than *Ficus* L., intended for planting, and other than seeds

Official statement that :

- (a) the plants originate in a country known to be free from *Thrips palmi* Karny  
or
- (b) the place of production has been found free from *Thrips palmi* Karny on official inspections carried out at least monthly during the three months prior to export ;  
or
- (c) the consignment has undergone appropriate treatment to ensure freedom from Thysanoptera'.

8. In Annex IV, Part A, Section II, the following is added to the right hand column of point 19.1 :

'and (d)

- (aa) either, the tubers originate in areas in which *Pseudomonas solanacearum* (Smith) Smith is known not to occur ; or
- (bb) in areas where *Pseudomonas solanacearum* (Smith) Smith is known to occur, the tubers originate from a place of production found free from *Pseudomonas solanacearum* (Smith) Smith, or considered to be free thereof, as a consequence of the implementation of an appropriate procedure aiming at eradicating *Pseudomonas solanacearum* (Smith) Smith.'

9. In Annex IV, Part A, Section II, the following is added to the list in the right hand column of point 19.3, (cc), second indent ;

- '— *Clavibacter michiganensis* ssp. *sepedonicus* (Spieckermann et Kotthof) Davis et al' is replaced by :
- '— *Pseudomonas solanacearum* (Smith) Smith'.

10. In Annex IV, Part A, Section II, the following new point is added :

'19.7. Plants of *Capsicum annuum* L. *Lycopersicon lycopersicum* (L.) Karsten ex Farw., *Musa* L. *Nicotiana* L. and *Solanum melongena* L., intended for planting, other than seeds

Without prejudice to the requirements applicable to the plants listed in Annex IV A II (19.6) where appropriate, official statement that :

- (a) the plants originate in areas which have been found free from *Pseudomonas solanacearum* (Smith) Smith ; or
- (b) no symptoms of *Pseudomonas solanacearum* (Smith) Smith have been observed on the plants at the place of production since the beginning of the last complete cycle of vegetation'.

11. In Annex IV, Part B, point 27 is replaced by the following :

'27.1. Sugar and fodder beet seed of the species *Beta vulgaris* L.

Without prejudice to the provisions of Directive 66/400/EEC, where applicable, official statement that :

DK, IRL, P (Azores), UK

- (a) the seed of the categories "Basic seed" and "Certified seed" satisfies the conditions laid down in Annex I (B) (3) of Directive 66/400/EEC ; or
- (b) in the case of "seed not finally certified", the seed :
  - satisfies the conditions laid down in Article 15 (2) of Directive 66/400/EEC, and
  - is intended for processing that will satisfy the conditions laid down in Annex IB of Directive 66/400/EEC and delivered to a processing enterprise with officially approved controlled waste disposal, to prevent the spread of Beet necrotic yellow vein virus (BNYVV) ;
- (c) the seed has been produced from a crop grown in an area where BNYVV is known not to occur

27.2. Vegetable seed of the species *Beta vulgaris* L.

Without prejudice to the provisions of Directive 70/458/EEC, where applicable, official statement that :

DK, IRL, P (Azores), UK

- (a) the processed seed contains no more than 0,5 % by weight of inert matter, in the case of pelleted seed this standard shall be met prior to pelleting ; or
  - (b) in the case of non-processed seed, the seed :
    - shall be officially packed in such a manner as to ensure that there is no risk of spread of BNYVV, and
    - is intended for processing that will satisfy the conditions laid down in (a) and delivered to a processing enterprise with officially approved controlled waste disposal, to prevent the spread of Beet necrotic yellow vein virus (BNYVV) ; or
  - (c) the seed has been produced from a crop grown in an area where BNYVV is known not to occur'
-

**AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF  
JUSTICE OF THE EUROPEAN COMMUNITIES OF 19 JUNE 1991**

THE COURT,

Having regard to the Treaty on European Union, signed in Maastricht on 7 February 1992,

Having regard to the third paragraph of Article 188 of the Treaty establishing the European Community,

Having regard to Article 55 of the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community,

Having regard to the third paragraph of Article 160 of the Treaty establishing the European Atomic Energy Community,

Whereas following the entry into force of the Treaty on European Union and the Agreement on the European Economic Area it is necessary to amend the Rules of Procedure,

Having regard to the unanimous approval of the Council, given on 22 December 1994,

ADOPTS THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE :

*Article 1*

The Rules of Procedure of the Court of Justice of the European Communities, adopted on 19 June 1991 (*Official Journal of the European Communities* No L 176, 4 July 1991, p. 7), shall be amended as follows :

1. The following shall be substituted for Article 1 :

'In these Rules :

- "EC Treaty" means the Treaty establishing the European Community,
- "EC Statute" means the Protocol on the Statute of the Court of Justice of the European Community,
- "ECSC Treaty" means the Treaty establishing the European Coal and Steel Community,
- "ECSC Statute" means the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community,
- "Euratom Treaty" means the Treaty establishing the European Atomic Energy Community (Euratom),
- "Euratom Statute" means the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community,

— "EEA Agreement" means the Agreement on the European Economic Area.

For the purposes of these Rules :

- "Institutions" means the institutions of the Communities and bodies which are established by the Treaties, or by an act adopted in implementation thereof, and which may be parties before the Court,
- "EFTA Surveillance Authority" means the surveillance authority referred to in the EEA Agreement.'

2. The following fifth subparagraph shall be added to Article 29 (3) :

'The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, may be authorized to use one of the languages mentioned in paragraph 1, other than the language of the case, when they intervene in a case before the Court or participate in preliminary ruling proceedings envisaged by Article 20 of the EC Statute. This provision shall apply both to written statements and oral addresses. The Registrar shall cause any such statement or address to be translated into the language of the case.'

3. The following shall be substituted for Article 32 (1) :

'Agents, advisers and lawyers appearing before the Court or before any judicial authority to which the Court has addressed letters rogatory, shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.'

4. The following shall be substituted for Article 33 :

'In order to qualify for the privileges, immunities and facilities specified in Article 32, persons entitled to them shall furnish proof of their status as follows :

- (a) agents shall produce an official document issued by the party for whom they act, and shall forward without delay a copy thereof to the Registrar ;
- (b) advisers and lawyers shall produce a certificate signed by the Registrar. The validity of this certificate shall be limited to a specified period, which may be extended or curtailed according to the length of the proceedings.'

5. The following shall be substituted for Article 38 (3) :

'The lawyer acting for a party must lodge at the Registry a certificate that he is authorized to practise before a court of a Member State or of another State which is a party to the EEA Agreement.'



6. The following second subparagraph shall be added to Article 69 (4):

'The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, shall bear their own costs if they intervene in the proceedings.'

The second subparagraph becomes the following third subparagraph:

'The Court may order an intervener other than those mentioned in the preceding subparagraphs to bear his own costs.'

7. In Article 93 (1):

- the following shall be substituted for point (f) of the second subparagraph:

'(f) a statement of the circumstances establishing the right to intervene, where the application is submitted pursuant to the second or third paragraph of Article 37 of the EC Statute, Article 34 of the ECSC Statute or the second paragraph of Article 38 of the Euratom Statute.';

- the following shall be substituted for the third subparagraph:

'The intervener shall be represented in accordance with Article 17 of the EC Statute, Article 20 of the ECSC Statute and Article 17 of the Euratom Statute.'

8. The following shall be substituted for Article 95 (1):

'The Court may assign any case brought before it to a Chamber insofar as the difficulty or importance of the case or particular circumstances are not such as to require that the Court decide it in plenary session.'

In the first sentence of the second subparagraph of Article 95 (2), there shall be inserted after the words 'an institution', the words 'of the Communities'.

9. The following second subparagraph shall be added to Article 104 (1):

'In the cases governed by Article 20 of the EC Statute, the decisions of national courts or tribunals shall be notified to the States, other than the Member States, which are parties to the EEA Agreement, and also to the EFTA Surveillance Authority, in the original version, accompanied by a translation into one of the languages mentioned in Article 29 (1), to be chosen by the addressee of the notification.'

10. The following shall be inserted:

#### TITLE V

(Procedures provided for by the EEA Agreement)

#### Article 123a

1. In the case governed by Article 111 (3) of the EEA Agreement<sup>(1)</sup>, the matter shall be brought before

the Court by a request submitted by the Contracting Parties to the dispute. The request shall be served on the other Contracting Parties, on the Commission, on the EFTA Surveillance Authority and, where appropriate, on the other persons to whom a reference for a preliminary ruling raising the same question of interpretation of Community legislation would be notified.

The President shall prescribe a period within which the Contracting Parties and the other persons on whom the request has been served may submit written observations.

The request shall be made in one of the languages mentioned in Article 29 (1). Paragraphs (3) and (5) of that Article shall apply. The provisions of Article 104 (1) shall apply *mutatis mutandis*.

2. As soon as the request referred to in paragraph 1 of this Article has been submitted, the President shall appoint a Judge-Rapporteur. The First Advocate-General shall, immediately afterwards, assign the request to an Advocate-General.

The Court shall, after hearing the Advocate-General, give a reasoned decision on the request in closed session.

3. The decision of the Court, signed by the President, by the Judges who took part in the deliberations and by the Registrar, shall be served on the Contracting Parties and on the other persons referred to in paragraph 1.

#### Article 123b

In the case governed by Article 1 of Protocol 34 to the EEA Agreement, the request of a court or tribunal of an EFTA State shall be served on the parties to the case, on the Contracting Parties, on the Commission, on the EFTA Surveillance Authority and, where appropriate, on the other persons to whom a reference for a preliminary ruling raising the same question of interpretation of Community legislation would be notified.

If the request is not submitted in one of the languages mentioned in Article 29 (1), it shall be accompanied by a translation into one of those languages.

Within two months of this notification, the parties to the case, the Contracting Parties and the other persons referred to in the first paragraph shall be entitled to submit statements of case or written observations.

The procedure shall be governed by the provisions of these Rules, subject to the adaptations called for by the nature of the request.

<sup>(1)</sup> OJ No L 1, 3. 1. 1994, p. 27.

11. In  
Article 7 (1),  
Article 9 (1),  
Article 16 (7),  
Article 24 (1),  
Article 36,  
Article 38 (1), (4) and (6),  
Article 45 (2),  
Article 48 (4),  
Article 77, second paragraph,  
Article 80 (1),  
Article 82a (1),  
Article 83 (1),  
Article 89, first paragraph,  
Article 93 (1),  
Article 103 (1),  
Article 104 (3) and (4),  
Article 107 (1) and (2),

Article 110 and  
Article 125  
the terms 'EEC Treaty' or 'EEC Statute' shall be replaced by the terms 'EC Treaty' or 'EC Statute'.

In Articles 7 (1), 9 (1), 16 (7), 38 (6), 48 (4), 77, second paragraph, 80 (1), 83 (1) and 89, first paragraph, the order in which the Treaties are cited becomes 'EC Treaty, ECSC Treaty, Euratom Treaty'.

In Articles 24 (1), 36, 38 (1) and (4), 45 (2), 82a (1), 93 (1), 110 and 125, the order in which the Statutes are cited becomes 'EC Statute, ECSC Statute, Euratom Statute'.

#### *Article 2*

These amendments to the Rules of Procedure, which are authentic in the languages mentioned in Article 29 (1) of the Rules of Procedure, shall be published in the *Official Journal of the European Communities* and shall enter into force on the first day of the second month after their publication.

Adopted in Luxembourg, 21 February 1995.

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**AMENDMENTS TO THE RULES OF PROCEDURE OF THE COURT OF  
FIRST INSTANCE OF THE EUROPEAN COMMUNITIES**

THE COURT OF FIRST INSTANCE OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty on European Union signed at Maastricht on 7 February 1992,

Having regard to Article 168a of the Treaty establishing the European Community,

Having regard to Article 32d of the Treaty establishing the European Coal and Steel Community,

Having regard to Article 140a of the Treaty establishing the European Atomic Energy Community,

Having regard to the Protocol on the Statute of the Court of Justice of the European Community, signed in Brussels on 17 April 1957,

Having regard to the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community, signed in Paris on 18 April 1951,

Having regard to the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community, signed in Brussels on 17 April 1957,

Having regard to Council Decision 88/591/ECSC, EEC, Euratom of 24 October 1988 establishing a Court of First Instance of the European Communities (OJ No L 319, 25. 11. 1988 p. 1 and Corrigendum OJ No L 241, 17. 8. 1989, p. 4), amended by Council Decision 93/350/Euratom, ECSC, EEC of 8 June 1993 (OJ No L 144, 16. 6. 1993, p. 21) and Council Decision 94/149/ECSC, EC of 7 March 1994 (OJ No L 66, 10. 3. 1994, p. 29),

Having regard to the agreement of the Court of Justice,

Having regard to the unanimous approval of the Council, given on 22 December 1994,

Whereas, as a result of the entry into force of the Treaty on European Union and of the Agreement on the European Economic Area, it is necessary to adapt certain provisions of the Rules of Procedure of the Court of First Instance,

HEREBY ADOPTS THE FOLLOWING AMENDMENTS TO ITS RULES OF PROCEDURE :

*Article 1*

The Rules of Procedure of the Court of First Instance of the European Communities adopted on 2 May 1991 (OJ No L 136, 30. 5. 1991, p. 1 and Corrigendum OJ No L

317, 19. 11. 1991, p. 34) and amended on 15 September 1994 (OJ No L 249, 24. 9. 1994, p. 17) shall be amended as follows :

1. Article 1 shall be replaced by the following :

‘In these Rules :

- “EC Treaty” means the Treaty establishing the European Community,
- “EC Statute” means the Protocol on the Statute of the Court of Justice of the European Community,
- “ECSC Treaty” means the Treaty establishing the European Coal and Steel Community,
- “ECSC statute” means the Protocol on the Statute of the Court of Justice of the European Coal and Steel Community,
- “Euratom Treaty” means the Treaty establishing the European Atomic Energy Community (Euratom),
- “Euratom Statute” means the Protocol on the Statute of the Court of Justice of the European Atomic Energy Community,
- “EEA Agreement” means the Agreement on the European Economic Area.

For the purpose of these Rules :

- “institutions” means the institutions of the Communities and bodies which are established by the Treaties, or by an act adopted in implementation thereof, and which may be parties before the Court of First Instance,
  - “EFTA Surveillance Authority” means the surveillance authority referred to in the EEA Agreement.’
2. In Article 7 (1) the words ‘Article 32d of the ECSC Treaty, Article 168a of the EEC Treaty and Article 140a of the Euratom Treaty’ shall be replaced by the words ‘Article 168a of the EC Treaty, Article 32d of the ECSC Treaty and Article 140a of the Euratom Treaty’.
  3. In Article 24 (7) the words ‘the third paragraph of Article 36 of the ECSC Treaty, Article 184 of the EEC Treaty or Article 156 of the Euratom Treaty’ shall be replaced by the words ‘Article 184 of the EC Treaty, the third paragraph of Article 36 of the ECSC Treaty or Article 156 of the Euratom Treaty’.
  4. There shall be added to Article 35 (3) the following new fifth subparagraph :

- 'The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, may be authorized to use one of the languages mentioned in paragraph 1, other than the language of the case, when they intervene in a case before the Court of First Instance. This provision shall apply both to written statements and oral addresses. The Registrar shall cause any such statement or address to be translated into the language of the case.'
5. Article 38 (1) shall be replaced by the following :
    - '1. Agents, advisers and lawyers, appearing before the Court of First Instance or before any judicial authority to which it has addressed letters rogatory, shall enjoy immunity in respect of words spoken or written by them concerning the case or the parties.'
  6. Article 39 (a) shall be replaced by the following :
    - '(a) agents shall produce an official document issued by the party for whom they act and shall forward without delay a copy thereof to the Registrar.'
  7. In Article 42 the words 'Article 20 of the ECSC Statute and Article 17 of the EEC and Euratom Statutes' shall be replaced by the words 'Article 17 of the EC Statute, Article 20 of the ECSC Statute and Article 17 of the Euratom Statute'.
  8. In Article 44 (1) the words 'Article 22 of the ECSC Statute and Article 19 of the EEC and Euratom Statutes' shall be replaced by the words 'Article 19 of the EC Statute, Article 22 of the ECSC Statute and Article 19 of the Euratom Statute'.
  9. Article 44 (3) shall be replaced by the following :
 

'The lawyer acting for a party must lodge at the Registry a certificate that he is authorized to practise before a Court of a Member State or of another State which is a party to the EEA Agreement.'
  10. In Article 44 (4) the words 'in the second paragraph of Article 22 of the ECSC Statute and in the second paragraph of Article 19 of the EEC and Euratom Statutes' shall be replaced by the words 'in the second paragraph of Article 19 of the EC Statute, in the second paragraph of Article 22 of the ECSC Statute and in the second paragraph of Article 19 of the Euratom Statute'.
  11. In Article 65 the words 'Articles 24 and 25 of the ECSC Statute, Articles 21 and 22 of the EEC Statute and Articles 22 and 23 of the Euratom Statute' shall be replaced by the words 'Articles 21 and 22 of the EC Statute, Articles 24 and 25 of the ECSC Statute and Articles 22 and 23 of the Euratom Statute'.
  12. In Article 69 (4) the words 'Articles 44 and 92 of the ECSC Treaty, Articles 187 and 192 of the EEC Treaty and Articles 159 and 164 of the Euratom Treaty' shall be replaced by the words 'Articles 187 and 192 of the EC Treaty, Articles 44 and 92 of the ECSC Treaty and Articles 159 and 164 of the Euratom Treaty'.
  13. In Article 77 the words 'the third paragraph of Article 47 of the ECSC Statute, the third paragraph of Article 47 of the EEC Statute and the third paragraph of Article 48 of the Euratom Statute' shall be replaced by the words 'the third paragraph of Article 47 of the EC Statute, the third paragraph of Article 47 of the ECSC Statute and the third paragraph of Article 48 of the Euratom Statute'.
  14. In Article 80 the words 'the third paragraph of Article 47 of the ECSC Statute, the third paragraph of Article 47 of the EEC Statute and the third paragraph of Article 48 of the Euratom Statute' shall be replaced by the words 'the third paragraph of Article 47 of the EC Statute, the third paragraph of Article 47 of the ECSC Statute and the third paragraph of Article 48 of the Euratom Statute'.
  15. In Article 83 the words 'the second paragraph of Article 53 of the ECSC Statute, the second paragraph of Article 53 of the EEC Statute and the second paragraph of Article 54 of the Euratom Statute' shall be replaced by the words 'the second paragraph of Article 53 of the EC Statute, the second paragraph of Article 53 of the ECSC Statute and the second paragraph of Article 54 of the Euratom Statute'.
  16. There shall be inserted in Article 87 (4) a new second subparagraph worded as follows :
 

'The States, other than the Member States, which are parties to the EEA Agreement, and also the EFTA Surveillance Authority, shall bear their own costs if they intervene in the proceedings.'

The former second subparagraph shall become the third subparagraph.
  17. In Article 98 the words 'Articles 33 and 35 of the ECSC Treaty, Articles 173 and 175 of the EEC Treaty and Articles 146 and 148 of the Euratom Treaty' shall be replaced by the words 'Articles 173 and 175 of the EC Treaty, Articles 33 and 35 of the ECSC Treaty and Articles 146 and 148 of the Euratom Treaty'.
  18. In Article 101 (1) the words 'the ECSC, EEC and Euratom Treaties' shall be replaced by the words 'the EC, ECSC and Euratom Treaties'.
  19. In the first paragraph of Article 104 (1) the words 'the second paragraph of Article 39 of the ECSC Treaty, Article 185 of the EEC Treaty and Article 157 of the Euratom Treaty' shall be replaced by the words 'Article 185 of the EC Treaty, the second paragraph of Article 39 of the ECSC Treaty and Article 157 of the Euratom Treaty'.
  20. In the second paragraph of Article 104 (1) the words 'the third paragraph of Article 39 of the ECSC Treaty, Article 186 of the EEC Treaty and Article 158 of the Euratom Treaty' shall be replaced by the words 'Article 186 of the EC Treaty, the third paragraph of Article 39 of the ECSC Treaty and Article 158 of the Euratom Treaty'.
  21. In Article 110 the words 'Articles 44 and 92 of the ECSC Treaty, Articles 187 and 192 of the EEC Treaty and Articles 159 and 164 of the Euratom Treaty' shall be replaced by the words 'Articles 187 and 192 of the EC Treaty, Articles 44 and 92 of the ECSC Treaty and Articles 159 and 164 of the Euratom Treaty'.

22. In Article 112 the words 'the second paragraph of Article 47 of the ECSC Statute, the second paragraph of Article 47 of the EEC Statute and the second paragraph of Article 48 of the Euratom Statute' shall be replaced by the words 'the second paragraph of Article 47 of the EC Statute, the second paragraph of Article 47 of the ECSC Statute and the second paragraph of Article 48 of the Euratom Statute'.

23. Article 115 (2) (f) first subparagraph shall be replaced by the following:

'A statement of the circumstances establishing the right to intervene, where the application is submitted pursuant to the second or third paragraph of Article 37 of the EC Statute, Article 34 of the ECSC Statute or the second paragraph of Article 38 of the Euratom Statute.'

24. In Article 115 (3) the words 'the first and second paragraphs of Article 20 of the ECSC Statute and Article 17 of the EEC and Euratom Statutes' shall be replaced by the words 'Article 17 of the EC Statute, the first and second paragraphs of Article 20 of the ECSC Statute and Article 17 of the Euratom Statute'.

25. In Article 125 the words 'the third paragraph of Article 38 of the ECSC Statute, the third paragraph of

Article 41 of the EEC Statute and the third paragraph of Article 42 of the Euratom Statute' shall be replaced by the words 'the third paragraph of Article 41 of the EC Statute, the third paragraph of Article 38 of the ECSC Statute and the third paragraph of Article 42 of the Euratom Statute'.

#### *Article 2*

These amendments, which are authentic in the languages mentioned in Article 35 (1), shall be published in the *Official Journal of the European Communities*. They shall enter into force on the first day of the second month from the date of their publication.

Done at Luxembourg, 17 February 1995.

*Registrar*

H. JUNG

*President*

J. L. DA CRUZ VILAÇA

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 16 February 1995

amending Commission Decision 94/324/EC laying down specific conditions for importing fishery and aquaculture products from Indonesia

(Text with EEA relevance)

(95/34/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the list of establishments approved by Indonesia for importing fishery and aquaculture products into the Community has been drawn up in Commission Decision 94/324/EC <sup>(2)</sup>; whereas this list may be amended following the communication of a new list by the competent authority in Indonesia;

Whereas the competent authority in Indonesia has communicated a new list adding 49 establishments, deleting 22 establishments, and amending the data of 39 establishments;

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

Whereas the measures provided for in this Decision have been drawn up in accordance with the procedure laid down by Commission Decision 90/13/EEC <sup>(3)</sup>,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex B of Decision 94/324/EC is replaced by the Annex to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 16 February 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 268, 24. 9. 1991, p. 15.

<sup>(2)</sup> OJ No L 145, 10. 6. 1994, p. 23.

<sup>(3)</sup> OJ No L 8, 11. 1. 1990, p. 70.

## ANNEX

## ANNEX B

## List of approved establishments

Approval granted number	Establishment	Address	Approval until (*)
001.09.B	PT Affi	Cirebon, West Java	unlimited
002.25.B	PT Asa Engeneering	Minahasa, North Sulawesi	unlimited
003.07.B	PT Agung Jayasari Sakti	Palembang, South Sumatra	unlimited
005.27.B	PT Alfa Kurnia Fish Enterprise	Sorong, Irian Jaya	unlimited
006.11.B	PT Almina Utama	Cilacap, Central Java	unlimited
008.11.B	PT Aorta	Semarang, Central Java	unlimited
009.13.B	CV Armada Jaya	Pasuruan, East Java	unlimited
010.14.B	PT Balinusa Windumas	Denpasar, Bali	unlimited
011.24.B	PT Banggai Central Shrimp	Batui-Luwuk, Central Sulawesi	unlimited
012.22.B	PT Bonecom	Ujung Pandang, South Sulawesi	unlimited
013.10.B	PT Bonecom	Jakarta, Jakarta	unlimited
015.13.B	PT Bumi Menara Internusa	Surabaya, East Java	unlimited
016.09.B	PT Cahaya Windu	Kerawang, West Java	unlimited
017.13.B	PT Candi Jaya Amerta	Sidoarjo, East Java	unlimited
018.11.B	PT Cejamp	Semarang, Central Java	unlimited
019.11.B	PT Cenjaco	Cilacap, Central Java	unlimited
020.13.B	PT Central Windu Sejati	Sidoarjo, East Java	unlimited
021.22.B	PT Citra Arisco Mina	Ujung Pandang, South Sulawesi	unlimited
022.22.B	PT Dataran Bosowa	Ujung Pandang, South Sulawesi	unlimited
023.26.B	PT Daya Guna Samudra	Benjina, Maluku	unlimited
024.10.B	PT Dharma Mulia	Jakarta, Jakarta	unlimited
025.07.B	PT Dharma Niaga	Palembang, South Sumatra	unlimited
026.08.B	PT Dipasena Citra Darmaja	Lampung, Lampung	unlimited
027.13.B	PT Dua Mutiara	Sidoarjo, East Java	unlimited
028.27.B	PT Dwi Bina Utama	Sorong, Irian Jaya	unlimited
029.13.B	PT Emral Putra Mandiri	Surabaya, East Java	unlimited
031.09.B	PT Fega Aquafarmino	Tangerang, West Java	unlimited
032.11.B	PT Fishindo Makmur Sentosa	Semarang, Central Java	unlimited
034.13.B	PT Golden Great Wall Indonesia	Gresik, East Java	unlimited
035.02.B	PT Growth Pacific	Medan, North Sumatra	unlimited
036.10.B	PT Halimas Sakti Sejati	Jakarta, Jakarta	unlimited
038.10.B	PT Hotanjaya Graha	Jakarta, Jakarta	unlimited
039.11.B	PT Ika Citra Fishtama	Pekalongan, Central Java	unlimited
040.13.B	PT Indaco Aneka Jaya	Pasuruan, East Java	unlimited
041.13.B	PT Indonusa Royal Seafood Corp.	Pasuruan, East Java	unlimited
042.09.B	PT Intimina Setiatama	Cirebon, West Java	unlimited
043.27.B	PT Irian Marine Product Development	Sorong, Irian Jaya	unlimited
044.13.B	PT Istana Cipta Sejahtera	Banyuwangi, East Java	unlimited
046.02.B	PT Juta Jelita	Medan, North Sumatra	unlimited
049.13.B	PT Karya Manunggal Prima Sukses	Banyuwangi, East Java	unlimited
050.10.B	PT Kedamaian	Jakarta, Jakarta	unlimited
051.22.B	PT Kiju Shintaka	Ujung Pandang, South Sulawesi	unlimited
052.13.B	PT Ksatrya Bhakti	Surabaya, East Java	unlimited
053.07.B	PT Laura Indo	Palembang, South Sumatra	unlimited
054.07.B	PT Lestari Magris	Palembang, South Sumatra	unlimited

Approval granted number	Establishment	Address	Approval until (!)
055.10.B	PT Lola Mina	Jakarta, Jakarta	unlimited
057.13.B	PT Makin Jaya Co.	Surabaya, East Java	unlimited
058.22.B	PT Marco Piposs	Ujung Pandang, South Sulawesi	unlimited
059.25.B	PT Mega Galaxy	Bitung, North Sulawesi	unlimited
060.13.B	PT Mega Marine	Pasuruan, East Java	unlimited
061.21.B	PT Minanusa Ikatama	Berau, East Kalimantan	unlimited
062.10.B	PT Merto International Tangguh	Jakarta, Jakarta	unlimited
063.13.B	PT Mina Kencana Sejahtera	Sidoarjo, East Java	unlimited
064.13.B	PT Mina Mas Utama	Sidoarjo, East Java	unlimited
065.19.B	PT Misaja Mitra	Kota Baru, South Kalimantan	unlimited
066.21.B	PT Misaja Mitra	Samarinda, East Kalimantan	unlimited
067.21.B	PT Misaja Mitra	Tarakan, East Kalimantan	unlimited
068.22.B	PT Mitra Kartika Sejati	Ujung Pandang, South Sulawesi	unlimited
069.13.B	PT Modern Sinar Jayantara	Surabaya, East Java	unlimited
070.13.B	PT Multi Prawn	Sidoarjo, East Java	unlimited
071.10.B	PT Naga Mas Sakti Perkasa	Jakarta, Jakarta	unlimited
072.13.B	PT Naga Mas Sakti Perkasa	Sidoarjo, East Java	unlimited
073.02.B	PT Native Prima	Medan, North Sumatra	unlimited
074.21.B	PT Nelayan Abadi Kalimantan Jaya	Tarakan, East Kalimantan	unlimited
075.13.B	PT Ocean Gemindo	Pasuruan, East Java	unlimited
077.10.B	PT Panggung Enterprise Ltd.	Jakarta, Jakarta	unlimited
078.25.B	PT Perikani Persero	Bitung, North Sulawesi	unlimited
079.14.A	PT Perikanan Samudra Besar (Persero)	Denpasar, Bali	unlimited
079.14.B	PT Perikanan Samudra Besar (Persero)	Denpasar, Bali	unlimited
082.02.B	PT Pulau Salju Indah Lestari	Tj. Balai Asahan, North Sumatra	unlimited
083.10.B	PT Pumar	Jakarta, Jakarta	unlimited
084.14.B	CV Puri Rasa Food Industry	Tabanan, Bali	unlimited
086.25.B	PT Ratatotok	Bitung, North Sulawesi	unlimited
087.02.B	PT Red Ribbon	Medan, North Sumatra	unlimited
089.21.B	PT Samarinda Cendana Cold Storage & Industry	Samarinda, East Kalimantan	unlimited
091.10.B	PT Sandimas Akuatek	Jakarta, Jakarta	unlimited
092.25.B	PT Sapta Forta Universal	Gorontalo, North Sulawesi	unlimited
093.13.B	PT Sari Tirta Jaya	Banyuwangi, East Java	unlimited
094.11.B	PT Sekar Abadi Jaya	Semarang, Central Java	unlimited
095.13.B	PT Sekar Bumi I	Sidoarjo, East Java	unlimited
096.13.B	PT Sekar Bumi II	Surabaya, East Java	unlimited
097.13.D	PT Sekar Laut	Sidoarjo, East Java	unlimited
098.10.B	PT Sekar Mulya	Jakarta, Jakarta	unlimited
099.13.B	PT Sekar Mulya	Sidoarjo, East Java	unlimited
100.18.B	PT Sekar Mulya	Pontianak, West Kalimantan	unlimited
101.22.B	PT Sipu Mutiara Indah	Bone, South Sulawesi	unlimited
102.22.B	PT Sitto Mas	Ujung Pandang, South Sulawesi	unlimited
103.27.B	PT Sky Line Kurnia	Jayapura, Irian Jaya	unlimited
104.14.B	PT Soejasch Bali	Denpasar, Bali	unlimited
105.22.B	PT Sulawesi Agro Utama	Bone, South Sulawesi	unlimited
106.21.B	PT Sumber Kalimantan Abadi	Tarakan, East Kalimantan	unlimited
108.13.B	PT Suri Tani Pemuka	Banyuwangi, East Java	unlimited
109.13.B	PT Surya Adikumala Abadi	Sidoarjo, East Java	unlimited
110.13.B	PT Surya Alam Tunggal	Sidoarjo, East Java	unlimited
111.18.B	PT Surya Rejeki Kita	Pontianak, West Kalimantan	unlimited
112.22.B	PT South Suco	Ujung Pandang, South Sulawesi	unlimited
113.02.B	PT Tambak Sari Jalmorejo	Medan, North Sumatra	unlimited



Approval granted number	Establishment	Address	Approval until (°)
114.22.B	PT Tani Abadi Sulawesi	Wetampone, South Sulawesi	unlimited
115.02.B	PT Tanjung Bedagai Indah Fisheries	Medan, North Sumatra	unlimited
116.15.B	PT Tekad Andhika Dharma	Bima, West Nusa Tenggara	unlimited
118.02.B	PT Timur Jaya	Tj. Balai Asahan, North Sumatra	unlimited
118.02.C	PT Timur Jaya	Tanjung Balai Asahan, North Sumatra	unlimited
119.11.B	PT Tirta Raya Mina (Persero)	Pekalongan, Central Java	unlimited
120.13.D	PT Titani Alam Semesta	Gresik, East Java	unlimited
122.20.B	PT Ujung Timur	Kumai, Central Kalimantan	unlimited
123.18.B	PT Ujung Timur	Pontianak, West Kalimantan	unlimited
124.01.B	PT Ujung Timur	Langsa, Aceh	unlimited
125.09.B	PT Ujung Timur	Cirebon, West Java	unlimited
126.13.B	PT Ujung Timur	Sidoarjo, East Java	unlimited
128.13.B	PT Ujung Timur II	Banyuwangi, East Java	unlimited
130.27.B	PT Usaha Mina (Persero)	Sorong, Irian Jaya	unlimited
131.13.B	PT Varia Indowin Perkasa	Surabaya, East Java	unlimited
132.22.B	PT Wahyu Utama Sakti	Ujung Pandang, South Sulawesi	unlimited
133.27.B	PT West Irian Fishing Industry	Sorong, Irian Jaya	unlimited
134.13.B	PT Windu Blambangan Sejati	Banyuwangi, East Java	unlimited
135.13.B	PT Windu Mutiara	Banyuwangi, East Java	unlimited
136.10B	PT Wirontono	Jakarta, Jakarta	unlimited
137.19.B	PT Wirontono	Banjarmasin, South Kalimantan	unlimited
138.13.B	PT Aneka Tuna Indonesia	Malang, East Java	unlimited
138.13.C	PT Aneka Tuna Indonesia	Malang, East Java	unlimited
139.13.C	PT Avila Prima	Banyuwangi, East Java	unlimited
140.11.C	PT Bali Maya Permai	Pekalongan, Central Java	unlimited
141.14.C	PT Bali Maya Permai	Negara, Bali	unlimited
142.14.C	PT Bali Raya	Denpasar, Bali	unlimited
144.02.C	PT Medan Tropical Canning & Frozen Industries	Medan, North Sumatra	unlimited
144.13.C	PT Blambangan Raya	Banyuwangi, East Java	unlimited
145.25.C	PT Deho Canning	Bitung, North Sulawesi	unlimited
146.25.C	PT Esthada Pesca	Bitung, North Sulawesi	unlimited
147.08.B	PT Keong Nusantara Abadi	Lampung, Lampung	unlimited
147.08.C	PT Keong Nusantara Abadi	Lampung, Lampung	unlimited
148.13.C	PT Maya Muncar	Banyuwangi, East Java	unlimited
149.02.B	PT Medan Tropical Canning & Frozen Industries	Medan, North Sumatra	unlimited
150.02.C	PT Native Prima	Medan, North Sumatra	unlimited
151.13.B	PT Rex Canning & Frozen Industry	Pasuruan, East Java	unlimited
151.13.C	PT Rex Canning & Frozen Industry	Pasuruan, East Java	unlimited
152.25.C	PT Sinar Pure Food	Bitung, North Sulawesi	unlimited
153.25.C	PT Union Pacific Foods	Bitung, North Sulawesi	unlimited
154.13.D	PT Karya Kencana Sumber Sari	Sidoarjo, East Java	unlimited
155.11.B	PT Seafer General Foods	Kendal, Central Java	unlimited
156.11.B	PT Nagamas Sakti Perkasa	Semarang, Central Java	unlimited
157.13.D	PT Alfa Prima Aneka Industry	Sidoarjo, East Java	unlimited
158.26.B	PT Aneka Sumber Tata Bahari	Ambon, Maluku	unlimited
159.10.B	PT Berlian Mina Sejahtera	Jakarta, Jakarta	unlimited
160.07.D	UD Bersaudara Jaya	Bangka, South Sumatra	unlimited
161.13.B	PT Bumimas Indah	Pasuruan, East Java	unlimited
162.11.D	PT Cassanatama Naturindo	Semarang, Central Java	unlimited
163.02B	PT Central Windu Sejati	Medan, North Sumatra	unlimited
164.10.B	PT Ciptayasa Pangan Mandiri	Jakarta, Jakarta	unlimited
165.10.B	PT Danau Matano Persada Raya	Jakarta, Jakarta	unlimited

Approval granted number	Establishment	Address	Approval until (1)
166.13.B	PT Fishindo Makmur Sentosa	Pasuruan, East Java	unlimited
167.13.D	PT Giri Asri Megah Perdana	Sumenep, East Java	unlimited
168.04.B	PT Halpindo Bagan	Bagan Si Api Api, Riau	unlimited
169.09.C	PT Inni Pioneer Food Industry	Kerawang, West Java	unlimited
170.11.B	PT Intraco Mandiri	Semarang, Central Java	unlimited
171.10.B	PT Jawa Galapagos	Jakarta, Jakarta	unlimited
172.19.B	PT Kalimantan Fishery	Benjarmasin, South Kalimantan	unlimited
173.13.D	CV Mahera	Jumiang-Madura, East Java	unlimited
174.21.B	PT Malindo Kencana Utama	Tarakan, East Kalimantan	unlimited
175.13.B	PT Marinecepta Agung	Pasuruan, East Java	unlimited
176.25.B	PT Melody Asri	Bitung, North Sulawesi	unlimited
177.26.B	PT Mina Kartika Sejati	Ambon, Maluku	unlimited
178.11.B	PT Misaja Mitra	Pati, Central Java	unlimited
179.27.C	PT Multi Transpeche Indonesia	Biak, Irian Jaya	unlimited
180.26.B	PT Nusantara Fishery	Ambon, Maluku	unlimited
181.14.C	PT Pengambangan Raya	Negara, Bali	unlimited
182.11.B	PT Phillips Seafoods	Pemalang, Central Java	unlimited
182.11.C	PT Phillips Seafoods	Pemalang, Central Java	unlimited
183.10.B	PT Red Ribbon Indonesia Corporation	Jakarta, Jakarta	unlimited
184.25.B	PT Sari Cakalang	Bitung, North Sulawesi	unlimited
184.25.D	PT Sari Cakalang	Bitung, North Sulawesi	unlimited
185.14.A	PT Sari Segara Utama	Denpasar, Bali	unlimited
185.14.B	PT Sari Segara Utama	Denpasar, Bali	unlimited
186.13.B	PT Sekar Katokichi	Sidoarjo, East Java	unlimited
187.26.B	PT Sinar Abadi Cemerlang	Ambon, Maluku	unlimited
188.18.B	PT Sumber Harapan Indah	Pontianak, West Kalimantan	unlimited
189.13.C	PT Sumber Yalasamudra	Banyuwangi, East Java	unlimited
190.14.C	PT Sumina Ekstrasindo	Negara, Bali	unlimited
191.09.B	PT Tahapan Jaya	Sukabumi, West Java	unlimited
192.26.B	PT Tunggal Jaya Abadi	Ambon, Maluku	unlimited
193.26.B	PT Usaha Mina (Persero)	Bacan, Maluku	unlimited
194.18.B	PT Windu Alam Prima	Pontianaka, West Kalimantan	unlimited
195.10.D	PT Wira Aksara	Jakarta, Jakarta	unlimited

(1) Date of expiry of approval, or unlimited.

A = Fresh fishery products.

B = Frozen fishery products.

C = Preserved fishery products.

D = Smoked, salted, dehydrated or marinated fishery products.