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Legislation

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I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (EC) No 709/95
of 27 March 1995**

amending Regulation (EEC) No 2552/93 imposing a definitive anti-dumping duty on imports of artificial corundum originating in the People's Republic of China, the Russian Federation and Ukraine, with the exception of those products sold for export to the Community by companies whose undertakings have been accepted

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 8 thereof,

Having regard to the proposal from the Commission submitted after consultation within the Advisory Committee,

Whereas :

A. Previous measures

- (1) By Decision 91/512/EEC of 25 July 1991⁽²⁾, the Commission accepted undertakings given in connection with the review of anti-dumping measures concerning imports of artificial corundum originating in the Soviet Union, Hungary, Poland, Czechoslovakia, the People's Republic of China, and in connection with the anti-dumping proceeding concerning imports of artificial corundum originating in Brazil and Yugoslavia. By Council Regulation (EEC) No 2552/93⁽³⁾ a definitive anti-dumping duty was imposed on imports of artificial corundum originating in the People's Republic of China, the Russian Federation and Ukraine, with the exception of the

product sold for export to the Community by companies whose undertakings had been accepted.

B. Withdrawal of undertaking

- (2) The company V/O Stankoimport, an exporter in the Russian Federation which had given an undertaking in the abovementioned proceeding, informed the Commission services, in the context of its regular reporting on the implementation of the undertaking, that it had started exporting certain types of artificial corundum which it had declared not to export in the undertaking. Stankoimport also alleged that it was having difficulty in selling for export to the Community certain other types of artificial corundum at the prices stipulated in the undertaking, due to changes in market conditions. To verify this allegation, the Commission services visited the company on 20 September 1994. On 21 November 1994, Stankoimport informed the Commission services that it had decided to withdraw its undertaking, effective as from 1 January 1995.

C. Definitive duty

- (3) Article 8⁽⁹⁾ of Regulation (EC) No 3283/94 states that in case of withdrawal of an undertaking, a definitive duty shall be imposed on the basis of the facts established within the context of the investigation which led to the undertaking, provided that such investigation was concluded with a final determination on dumping and injury. The investigation leading to the acceptance of Stankoimport's undertaking by Decision 91/512/EEC was concluded with a final determination for the Soviet Union of dumping and injury caused thereby, together with a determination that the imposition of anti-dumping measures was in the interest of the Community.

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1. Regulation amended by Regulation (EC) No 355/95 (OJ No L 41, 23. 2. 1995, p. 2).

⁽²⁾ OJ No L 275, 2. 10. 1991, p. 27.

⁽³⁾ OJ No L 235, 18. 9. 1993, p. 1.

Had it not been for the acceptance of Stankoimport's undertaking, an anti-dumping duty would have been imposed of 9,8 %. The same rate was subsequently used in Regulation (EEC) No 2552/93 as the duty applicable to exporters from the Russian Federation other than Stankoimport. The Council thus considers that the exemption in Regulation (EEC) No 2552/93 for Stankoimport from the duty of 9,8 % should now be revoked and that, consequently, Regulation (EEC) No 2552/93 should be amended so that the same duty of 9,8 % applies to all exporters from the Russian Federation,

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 (5) of Regulation (EEC) No 2552/93 shall be deleted.

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 March 1995.

For the Council

The President

M. GIRAUD

COUNCIL REGULATION (EC) No 710/95

of 27 March 1995

imposing a definitive anti-dumping duty on imports of colour television receivers originating in Malaysia, the People's Republic of China, the Republic of Korea, Singapore and Thailand and collecting definitively the provisional duty imposed

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 12 thereof,

Having regard to the proposal submitted by the Commission after consultation of the Advisory Committee,

Whereas :

A. PROVISIONAL MEASURES

- (1) The Commission, by Regulation (EC) No 2376/94⁽²⁾, hereinafter referred to as the 'provisional Regulation', imposed a provisional anti-dumping duty on imports into the Community of colour television receivers (hereinafter referred to as 'CTVs') originating in Malaysia, the People's Republic of China, the Republic of Korea, Singapore and Thailand.

By Regulation (EC) No 140/95⁽³⁾ the Council extended the validity of this duty for a period of two months expiring on 3 April 1995.

B. SUBSEQUENT PROCEDURE

- (2) Following the imposition of the provisional anti-dumping duty, several interested parties submitted comments in writing, requested, and were granted, hearings.
- (3) Upon request, parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of definitive duties and the definitive collection of amounts secured by way of a provisional duty. They were also granted a period within which to make representations subsequent to the disclosure.
- (4) The oral and written comments submitted by the parties were considered and, where appropriate, the

Commission's findings were modified to take account of them.

C. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (5) As no new evidence nor arguments have been presented regarding the product under consideration and the like product, the findings set out in recitals 8 to 18 of the provisional Regulation are confirmed.

D. COMMUNITY INDUSTRY

- (6) After the imposition of the provisional duties, several exporters questioned the standing of the complainants, on the grounds that the criteria used to define the producers' 'main core of business' (recital 23 of the provisional Regulation) were too weak, particularly in the light of the fact that imports by the Community industry from the countries concerned accounted for up to 25 % of their Community production sold in the Community.

It should be recalled in this respect that Article 4 (5) of Regulation (EEC) No 2423/88 (hereinafter referred to as the 'Basic Regulation') leaves a margin of discretion to the Community institutions to interpret the term Community industry as referring to the rest of Community producers, where the other producers are related to the exporters concerned or are themselves importers of the product concerned.

In this particular case sufficient evidence has been provided to show that the purpose of the imports of the Community producers from countries concerned in the proceeding was to stay on the market with as full a range of models as possible or even to protect market niches which would have disappeared without sales of the models in question. Account was also taken of the fact that the commercial decision to import CTVs from the countries concerned had been taken by the producers in question at least partly as a consequence of the proven injurious dumping and that the prices of these imports did not undercut already depressed prices on the Community market.

In addition one exporter argued that, due to the allegedly insufficient standing of the complainants, injury had been assessed on too narrow a basis. The standing of the complainants has been the subject of an in-depth examination by the Commission

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

⁽²⁾ OJ No L 255, 1. 10. 1994, p. 50.

⁽³⁾ OJ No L 21, 28. 1. 1995, p. 1.

which was referred to, in detail, in the provisional Regulation. The exporter argued that other non-complaining Community producers should have been taken into account when assessing whether the complainants comprised a major proportion of the Community industry. This factor has indeed been taken into account in the said examination and the argument of the exporter in this regard is therefore rejected as being unfounded.

- (7) In these circumstances, it is considered that the criteria referred to in the provisional Regulation for the purpose of applying Article 4 (5) of the Basic Regulation were applied appropriately and reasonably and consequently, the findings set out in recitals 19 to 23 of the provisional Regulation are confirmed. The standing of the complainants thus confirmed, the allegations made in respect of the scope of the injury investigation are therefore rejected.

E. ORIGIN

- (8) The three Chinese exporters, specifically referred to in recitals 33 and 34 of the provisional Regulation, which disputed the Commission's origin findings as established in recitals 33 to 38 of the said Regulation, claimed that the origin had not been determined for the People's Republic of China in accordance with the relevant customs provisions in force and that the approach followed in the case of the People's Republic of China was inconsistent with that adopted in respect of the other exporting countries concerned.

As already indicated in recitals 32 and 37 of the provisional Regulation, the investigation has been based, *inter alia*, on the working assumption that CTVs have the origin declared when imported into the Community.

The Chinese exporters who disputed the Commission's conclusions arising out of the origin examination had previously supplied importers in the Community with information that indicated that the CTVs imported into the Community during the investigation period had indeed originated in China.

The Commission continued to examine the issue of origin in relation to Chinese exports and took into account the arguments made by Chinese exporters following publication of the provisional Regulation. However no new evidence was forwarded by the Chinese exporters concerned which would lead the Commission to consider that a different conclusion would be appropriate for the definitive determination. It was decided that there were insufficient grounds to depart from the origin of these exports as declared to the Customs

authorities of the Member States during the period of investigation.

- (9) One Korean producer alleged that the approach taken by the Community with regard to the origin of CTVs in this proceeding would favour non-cooperating subsidiaries of Japanese companies located in Malaysia and Singapore, in that these subsidiaries might in the future declare their CTVs assembled in Malaysia and Singapore to be of Japanese origin and, in this way, avoid the residual duties established for those latter countries. This would be as a direct result of Japanese exporters being excluded from the proceeding on the grounds of insufficient imports into the Community of Japanese origin CTVs.

In this respect it has to be pointed out that the exporter concerned did not submit any evidence that the CTVs assembled in Malaysia and Singapore by subsidiaries of Japanese companies actually originated in Japan. A change in the origin determination is therefore not warranted. It should be recalled that only in those cases where data verified by the investigators at on-site verification visits conducted as part of a normal anti-dumping investigation proved that declarations were incorrect, was a departure made from the origin as declared by importers based on information received from their suppliers. With regard to the possibility that in the future these subsidiaries of Japanese companies located in Malaysia and Singapore will declare their CTVs exported to the Community to be of Japanese origin, the normal customs control against false declaration will take place. Should the declared Japanese origin turn out to be true and all other conditions for initiating an anti-dumping proceeding against CTVs of Japanese origin be fulfilled, a proceeding may be initiated.

- (10) Since all above claims have been rejected, the findings set out in recitals 24 to 41 of the provisional Regulation are confirmed.

F. DUMPING

(i) Normal value

(a) General

- (11) One Malaysian and one Thai exporter continued to claim that the Commission should have based normal values on sales to third countries after making adjustments for 'cost differences'. Informed of the Commission's position that the application of the methodology in question would require adjustments which risked committing serious errors due to a lack of precise comparable data, these exporters argued that the constructed values involved subjective choices as to the establishment

of the amounts for both selling, general and administrative (S.G.A.) expenses and profit. The exporters concerned stressed that the constructed values led to a much more unfavourable result than the method based on sales to third countries and that, where there was a choice between two alternative methods, the method leading to a lower dumping margin should be preferred.

After extensive examination of this issue, the Commission rejects the argument that the level of S.G.A. and profit were subjectively determined. It should indeed be noted that the level of S.G.A. and profit used for the constructed value methodology applied to these exporters were not determined on subjective assessments but were based on actual accounting data. The Commission remains of the opinion that the use of S.G.A. and profit established as indicated in the provisional Regulation and applied to producers/exporters in market economy countries, is more precise than the suggested methodology based on third country export prices. Accordingly, the use of constructed normal values, which are more accurate and therefore more appropriate is confirmed.

- (12) One Korean exporter objected to the method of calculating the original equipment manufacturer (OEM) allowance in relation to the construction of normal values. The exporter concerned argued that the OEM allowance should be 30 % instead of one third of the profit realized on own-brand sales.

In relation to the level of the OEM allowance, it should be recalled that this allowance has been applied in the past on a case-by-case basis, dependent on the facts established in particular proceedings. In the absence of OEM sales on some domestic markets, the Commission has, in this case, decided to grant the OEM allowance by applying the profit used for constructing normal values as one third of the profit realized on own-brand sales. This approach is in line with previous practice and has not been objected to by any other exporter in this proceeding. The claim by the exporter is therefore rejected and recitals 51 and 52 of the provisional Regulation are confirmed.

(b) *Republic of Korea*

- (13) One Korean exporter claimed that its normal values should be reduced because the Commission had based the constructed values on the expenses incurred and the profit realized on the sales of products in the same business sector and not solely on sales of the like product. The Commission had originally based its calculations on sales in the same business sector because it was not satisfied that there were sufficient representative sales of the

like product sold profitably on the domestic market. The exporter concerned was able satisfactorily to demonstrate that its sales of the like product on the domestic market were both profitable and made in sufficient quantities. Accordingly, the exporter's normal values were revised.

- (14) One Korean exporter continued to claim that an OEM allowance should be granted on comparable models' normal values for two of its models exported to the Community. However, after requesting further documentation relating to these particular sales, it was apparent that these models were own-brand sales and therefore the granting of an OEM allowance for normal value calculations was not justified in these circumstances.
- (15) The findings set out in recitals 54 to 56 are confirmed.
- (16) One Turkish exporter of Korean origin sets, for which a dumping margin was established for the purposes of the provisional Regulation, had its normal values revised. This arose because of changes to the normal value of comparable sets manufactured and sold on the Korean market and upon which the exporter's margin was based. As a consequence of these changes it was determined that no dumping margin was applicable to this producer's exports of own-assembled Korean origin sets.

(c) *Singapore*

- (17) In the absence of any new arguments, the findings laid down in recital 58 are confirmed.

(d) *Thailand*

- (18) In the absence of any new arguments, the findings laid down in recitals 59 to 64 of the provisional Regulation are confirmed.

(e) *Malaysia*

- (19) One Malaysian exporter objected to the amount of an adjustment made for financing costs which involved an interest-free loan from its parent company. This objection was based on the premise that the benefits gained from the loan in constructing normal value had been overestimated. After re-examining the method of calculation and the amount of costs allocated to the like product, the effects of the change to the exporter's normal value was adjusted to take account of its objection. The findings set out in recitals 65 to 67 of the provisional Regulation are confirmed.

(f) *People's Republic of China*

- (20) As far as the choice of the market economy country used for reference purposes as set out in Article 2 (5) of the Basic Regulation is concerned, one exporter, after having expressed in the course of the investigation its preference for the country 'with the lowest normal value', indicated that it now considered Korea more appropriate than Singapore. However, neither the alleged greater similarity of models nor the assumption that the comparison would be easier if Korea was chosen were supported by substantiated evidence. This claim was therefore rejected.
- (21) Another exporter continued to express its preference for normal values based on domestic prices in the market economy country used for reference purposes as set out in Article 2 (5) of the Basic Regulation. In this respect, reference should be made to the fact that such a methodology would require numerous, and possibly inaccurate adjustments, a situation which also led the Commission to establish constructed normal values for the exporters themselves in the market economy countries concerned.
- (22) The choice of Singapore as the market economy country used for reference purposes as set out in Article 2 (5) of the Basic Regulation for the establishment of normal value for the People's Republic of China is therefore confirmed.

(ii) **Export price**(a) *Market economy countries: General*

- (23) The findings set out in recitals 71 to 73 of the provisional Regulation are confirmed.

(b) *Market economy countries: Related importers*

- (24) A Korean exporter reiterated that all exports to this related importer in the Community should be taken into account for export price calculations. This request cannot be acceded to, since the exports concerned were not imported into the Community, but held under bond, until a sale to an independent customer in, or outside, the Community was made. Only those exports that were released for free circulation in the Community during the period of investigation were taken into account.

Recitals 74 to 76 of the provisional Regulation are therefore confirmed.

(c) *People's Republic of China*

- (25) All Chinese exporters reiterated their claims to receive individual treatment and alleged that the Commission did not sufficiently motivate the refusal of such treatment in the provisional Regulation.

The Commission has repeatedly stated, *in extenso*, its reasoning for not allowing individual treatment of companies in the People's Republic of China. In the provisional Regulation, reference was made in particular to the difficulty of establishing whether a company enjoys real and permanent independence where it merely appears to enjoy a degree of independence at a certain point in time. No Chinese exporter supplied sufficient evidence to warrant a different conclusion to be drawn. Although some exporters were able to show that they enjoyed a degree of independence from the state in that they were not wholly controlled State organizations, this freedom can only be seen as conferring at most a quasi-autonomous status within an economic and political system that still retains a large degree of centralized control and which clearly does not correspond to that which pertains in a market economy country.

It is considered that the reasons for not allowing individual treatment in this case are sufficiently explained. The findings set out in recitals 78 to 81 of the provisional Regulation are therefore confirmed.

(iii) **Comparison**

- (26) Several exporters disputed the preliminary determination insofar as it rejected the allowances claimed under Article 2 (10) (c) of the Basic Regulation in respect of OEM sales. After due consideration, the Commission accepted that those direct selling expenses claimed by exporters and duly substantiated should be deducted in full, as the expenses to which they relate formed part of expenses included in the construction of normal value for the OEM models.
- (27) Although the difference in prices for sales made in different quantities was already taken into account by the acceptance of a volume rebate granted by the exporter concerned in the calculation of normal value, one Korean exporter continued to claim an allowance for sales made in different quantities and at different commercial stages. At the request of the Commission the exporter produced further evidence to support its claim. However, the evidence forwarded did not justify making the additional allowances claimed.

(28) All producers concerned reiterated their claims that certain commissions paid to companies belonging to the same group should not be treated, as indicated in recital 86 of the provisional Regulation, as expenses under Article 2 (10) (c) (v) of the Basic Regulation. Following the imposition of provisional duties, the producers concerned provided sufficient evidence that the commissions in question related partly to payments which had no bearing on the sales under consideration. Accordingly, the relevant adjustments were reduced to the amount corresponding to the actual sales Commissions.

(29) Two Korean exporters objected to the Commission reducing the allowance claimed in respect of normal value for the cost of credit granted, by the costs relating to the financing of value added tax (VAT) and special excise tax portions of the net invoiced amount. They argued that the taxes charged on the invoices were directly related to the sales under consideration and that they were demonstrably part of the costs of credit relating to the sales.

After due consideration, the Commission accepted that the costs of credit relating to special excise tax did form part of legitimate costs relating to sales and thus could form part of the allowance claimed, after taking into account the legal deadline for rendering the monies due to the Korean tax authorities. However, in the case of VAT, their arguments were rejected. No direct link between the (net) costs of VAT payable with the sales concerned could be established since the amount of VAT charged on domestic sales is not accountable in full to the Korean tax authorities; such VAT is offset against VAT charged on the purchases of the exporters concerned and only the net amount is payable, (if any). Any cost of credit relating to the exporters VAT accounting system is a general overhead expense and cannot be identified separately as a selling expense for CTVs. The credit adjustments of the producers concerned were revised accordingly.

(30) Several Chinese exporters claimed that an adjustment to normal value should be granted for differences 'in economic levels' existing between the People's Republic of China and the market economy country used for reference purposes as set out in Article 2 (5) of the Basic Regulation. In the absence of any provision in the Basic Regulation in this respect, no such adjustment was granted.

(iv) Dumping margins

(a) Cooperating Exporters

(31) Account being taken of comments received from interested parties where appropriate, the dumping margins thus established are as follows:

Malaysia:

— Makonka :	2,3 %
— Orion :	13,5 %
— Technol Silver :	25,1 %
— Thai companies assembling CTVs of Malaysian origin :	
— GoldStar Mitr :	19,6 %
— World Electric :	17,3 %

Thailand:

— Samsung :	29,7 %
— Teletech :	33,6 %
— Thomson :	14,7 %

Singapore:

— Hitachi	16,3 %
— Funai :	0 %
— Philips :	24,6 %
— Sanyo :	14,4 %
— Thomson :	13,3 %

Korea:

— Daewoo :	17,9 %
— GoldStar :	13,4 %
— Samsung :	13,7 %
— Turkish companies assembling CTVs of Korean origin :	
— Profilo :	0 %
— Bekoteknik :	0 %

People's Republic of China: 25,6 %.

(b) Non-cooperating Exporters

(32) Several Chinese exporters disputed the methodology used for the establishment of the weighted average dumping margin for the People's Republic of China in the provisional Regulation. One exporter claimed in particular that the weighted average dumping margin of the cooperating companies should be used for all Chinese exporters.

In the absence of any indication that the dumping margins of the non-cooperating companies are lower than the maximum margin found at the cooperating companies, it is considered that this claim should be rejected. Indeed, if dumping margins had been lower, the exporters concerned would, in all probability, have made themselves known and cooperated.

- (33) Several of the Chinese exporters claimed that the methodology chosen would dissuade exporters from cooperating since it did not take account of the relatively high level of cooperation reached in the present case.

It has to be stressed in this respect that, on the contrary, cooperation enables the companies to improve the information available to the Commission. In particular, it is clear that the larger the percentage of cooperating exporters, the smaller the impact of the 'highest dumping margin' on the level of the duty applicable. Finally, as far as the reasoning is based on the percentage of cooperation. It is precisely because the reported figures were considered as representative that they were used as 'facts available'.

- (34) In the absence of any further comment, recitals 95 and 96 of the provisional Regulation are therefore confirmed.

G. INJURY

(i) Prices of the dumped imports

(a) *Related importers*

- (35) Concerning the method of establishing the level of price undercutting in relation to sales by related importers to the first independent customers in the Community, one exporter objected that the model comparison, as explained in recitals 102 and 103 of the provisional Regulation, did not take account of all factors affecting selling prices. The exporter claimed that differences in signal reception capabilities had an impact on the selling price. In view of the fact that no conclusive evidence was supplied by this exporter to support its objection and that no other exporter contested the criteria which were uniformly applied for determining the comparability of models, the Commission found that there were no reasonable grounds to modify the price undercutting calculation.

(b) *Unrelated importers*

- (36) For the purposes of the establishment of price undercutting, the price of all imports by unrelated importers had been established at the level of the

Community frontier price plus customs duty and other import costs (15 %). Given the difficulty of arriving at an amount which took into account all channels of sale as well as individual levels of trade for the sales to non-cooperating importers, (a large majority) and given the fact that most exporters who sold to unrelated importers had a similar mix of customers, it was considered reasonable to apply a uniform percentage. Accordingly, a further 10 % was added for additional distribution and marketing costs and profit.

With regard to this method of establishing price undercutting, representations were made that the adjustments to the selling prices of the product concerned were inadequate for allowing a correct calculation. One exporter claimed that the 10 % mark-up to cover distribution and marketing costs plus profit was inadequate and that a higher adjustment should be applied. It was, however, pointed out that its proposals for adjustments were based on a selective sample of sales and that, conversely, sales which were made direct to large retail chains incurred little or no extra distribution or marketing costs and therefore in these circumstances a 10 % adjustment would have been excessive.

Therefore, taking all sales channels into account, an amount of 10 % was considered reasonable for comparison purposes. A general change in the method of undercutting was therefore not appropriate. The findings set out in recitals 102 to 105 of the provisional Regulation are confirmed.

- (37) After a general re-examination, the weighted average undercutting margins expressed as a percentage of the free-at-Community-frontier price were in the following ranges :

- for Malaysia, from 7,50 % to 23,40 %,
- for Thailand, from 3,02 % to 29,89 %,
- for Singapore, from 0 % to 23,68 %,
- for the Republic of Korea, from 38,61 % to 54,00 %.

For the People's Republic of China, the weighted average undercutting margin expressed as a percentage of the free-at-Community-frontier price was 58,7 %.

(ii) Other injury issues

- (38) Another exporter claimed that the volume of so-called large screen CTVs imported from the People's Republic of China was insignificant and should not be cumulated with the imports of other countries involved in the proceeding. The Commission cannot accept that these imports should not be cumulated. It should be noted that the Community market share of Chinese exports of large screen CTVs alone was more than 2 % of total Community consumption in the investigation period and that these imports represented more than ten times the imports of large screen Chinese CTVs in 1988.
- (39) One exporter continued to claim that the Community industry had not suffered injury in the case of imports of so-called large screen CTVs and that the decrease in sales of small screen CTVs could not justify injury causation in the case of large screen CTVs. The Commission examined this issue in the provisional Regulation and the exporter concerned produced no new evidence to support its arguments. Therefore the claim was rejected for the reasons given in the provisional Regulation.
- (40) The remaining findings in recitals 97 to 117 of the provisional Regulation are therefore confirmed.

H. CAUSATION**(i) Effect of the dumped imports**

- (41) One Chinese exporter argued that exports of very large screen CTVs from the People's Republic of China were either negligible or did not exist and therefore could not be causing injury to the Community industry. This claim cannot be accepted, as the exports of CTVs from the People's Republic of China which form part of the product under consideration and the like product, compete with Community production of all CTVs including such large screen CTVs and thereby contribute to the overall injurious effects of dumping that has been found.

(ii) Effects of other factors

- (42) One exporter alleged that the Community industry had suffered from self-inflicted injury or was shielded from the effects of dumping, in that a large proportion of its lost sales were merely replaced by Community industry-owned produc-

tion in Austria or from dumped imports by Community producers from countries involved in the proceeding.

This allegation cannot be accepted. Only a part of the exports from Austria may be linked to the Community industry. No evidence was produced which demonstrated that any of the imports from Austria were offered at prices which undercut the Community industry's prices.

As already stated in recital 6 of this Regulation, the purpose of the imports of the Community producers from the countries concerned in the proceeding was to stay on the market with as full a range of models as possible or even to protect market niches which would have disappeared. The producers in question took a commercial decision influenced by external factors and based on legitimate self-interest. Their decision to import from the countries concerned was caused by the proven injurious dumping that took place. It should also be recalled that the prices of these imports did not undercut the already depressed prices on the Community market.

- (43) After re-examination it should be noted that recital 126 of the provisional Regulation requires correction to the extent that volumes imported by the Community industry from the countries concerned represented 4,5 % of the market in 1990, while during the period of investigation, this share was 4,1 %.

(iii) Conclusion

- (44) In consideration of the above, the findings set out in recitals 118 to 129, with the exception mentioned in recital 43 of this Regulation, are confirmed.

I. COMMUNITY INTEREST

- (45) One exporter alleged that taking measures would not avoid further relocation of Community production since the Community production of CTVs would be non-viable for structural reasons. No evidence to support this allegation was supplied.
- (46) Several exporters alleged that measures would not be in the interest of consumers. This allegation has already been addressed at length in the provisional Regulation and in the absence of any further substantiated evidence, the findings set out in recitals 130 to 138 of the said Regulation are confirmed.

J. DETERMINATION IN RESPECT OF TURKEY

- (47) Further analysis of the situation pertaining to exports of Turkish origin CTVs, described in recitals 98, 99 and 139 of the provisional Regulation was carried out and the conclusion reached is that the facts as set out in the provisional determination should be confirmed.

K. UNDERTAKINGS

- (48) The Commission has received offers of undertakings from several exporters pursuant to Article 10 (2) of the Basic Regulation. These offers have been the subject of careful examination, with particular attention being paid to the feasibility of monitoring the undertakings proposed.

The acceptance of undertakings for consumer products has historically been exceptional given, *inter alia*, the complexity of the models, the number of different types and the variety and the regularity with which they are upgraded or otherwise modified. All these characteristics lead to virtually insurmountable difficulties in monitoring. In the case of CTVs, it is the Commission's opinion that these difficulties could not be overcome and that, consequently, such measures would not ensure the long-term suppression of injurious dumping. It was therefore considered, after consultation, that the acceptance of undertakings was not appropriate in this particular proceeding and the offers concerned have accordingly been rejected.

L. DUTY

- (49) Divergent views were submitted on the fact that duty calculations were based on the injury elimination level (where appropriate), which was arrived at by using price undercutting calculations. No new arguments or viewpoints which were sufficiently reasoned have been forwarded, therefore a change in the method of calculating the injury elimination level is not justified.

On this basis, the resulting percentage increases are:

- for the Republic of Korea, up to 54,00 %,
- for Malaysia, up to 23,40 %,
- for Thailand, up to 29,89 %,
- for Singapore, up to 23,68 %,
- for the People's Republic of China, up to 58,79 %.

For the reasons outlined in the provisional Regulation and in recitals 25, 32 and 33 of this Regulation, a single duty has been established for all producers in the People's Republic of China.

- (50) The methodology applied in establishing the duty rates for non-cooperating exporters who exported CTVs originating in Malaysia, the Republic of Korea, Singapore and Thailand, as set out in recital 145 of the provisional Regulation is confirmed.
- (51) Definitive anti-dumping duties, in the form of ad valorem duties, should be imposed as follows:

Rate of duty

Republic of Korea	17,9 %	
Daewoo	17,9 %	
GoldStar	13,4 %	
Samsung	13,7 %	
Profilo	0	(CTVs assembled in Turkey)
Bekoteknik	0	(CTVs assembled in Turkey)
Malaysia	23,4 %	
Makonka	2,3 %	
Orion	10,1 %	
Technol Silver	7,5 %	
GoldStar Mitr	19,6 %	(CTVs assembled in Thailand)
World Electric	13,5 %	(CTVs assembled in Thailand)
Singapore	23,6 %	
Thomson	2,6 %	
Sanyo	4,3 %	
Philips	2,8 %	
Hitachi	0	
Funai	0	
Thailand	29,8 %	
Teletech	29,8 %	
Thomson	3,0 %	
Samsung	12,1 %	
People's Republic of China	25,6 %	

M. COLLECTION OF THE PROVISIONAL DUTIES

- (52) In view of the magnitude of the dumping margins found for the majority of exporters and the seriousness of the injury caused thereby, it is considered necessary that amounts secured by way of provisional anti-dumping duty for all companies should be definitively collected. Where the provisional duty exceeds the duty rate definitively imposed, the amount collected should not exceed that of the definitive anti-dumping duty,

HAS ADOPTED THIS REGULATION :

originating in the People's Republic of China and the Republic of Korea.

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of colour television receivers :

— with a diagonal screen size of more than 15,5 cm, whether or not combined in the same housing with a radio broadcast receiver and/or a clock, falling within CN codes ex 8528 10 52 (Taric code ex 8528 10 52*10), 8528 10 54, 8528 10 56, 8528 10 58, ex 8528 10 62 (Taric code 8528 10 62*10) and 8528 10 66, originating in Malaysia, Singapore and Thailand,

— with a diagonal screen size of more than 42 cm, whether or not combined in the same housing with a radio broadcast receiver and/or a clock, falling within CN codes 8528 10 54, 8528 10 56, 8528 10 58, ex 8528 10 62 (Taric code 8528 10 62*90) and 8528 10 66,

2. The rate of the duty applicable to the net, free-at-Community-frontier price, before duty shall be as follows :

	Rate of duty	Taric additional code
Malaysia	23,4 %	8801
People's Republic of China	25,6 %	—
Republic of Korea	17,9 %	8807
Singapore	23,6 %	8812
Thailand	29,8 %	8816

with the exception of imports which are manufactured and sold for export to the Community by the following companies which shall be subject to the rate of duty mentioned hereunder :

	Rate of duty	Taric additional code
(a) <i>CTVs originating in Malaysia manufactured by:</i>		
— Makonka Electronics SDN BHD, Ehsan, Malaysia	2,3 %	8796
— Orion Electric SDN BHD, Melaka, Malaysia	10,1 %	8797
— Technol Silver (M) SDN BHD, Malaysia	7,5 %	8798
— GoldStar Mittr Co. Ltd, Samutsakorn, Thailand	19,6 %	8799
— World Electric (Thailand) Ltd, Chonburi, Thailand	13,5 %	8800
(b) <i>CTVs originating in the Republic of Korea manufactured by:</i>		
— Daewoo Electronics Co. Ltd, Seoul, Republic of Korea	17,9 %	8802
— GoldStar Co. Ltd, Seoul, Republic of Korea	13,4 %	8803
— Samsung Electronics Co. Ltd, Seoul, Republic of Korea	13,7 %	8804
— Bekoteknik Sanayi AS, Istanbul, Turkey	0,0 %	8805
— Profilo Telra Elektronik Sanayi Ve Ticaret AS, Istanbul, Turkey	0,0 %	8805
(c) <i>CTVs originating in Singapore manufactured by:</i>		
— Funai Electric (Singapore) Pte Ltd, Singapore	0,0 %	8808
— Hitachi Consumer Products (S.) Pte Ltd, Singapore	0,0 %	8808
— Philips Singapore Pte Ltd, Singapore	2,8 %	8809
— Sanyo Electronics (Singapore) Pte Ltd, Singapore	4,3 %	8810
— Thomson Television Singapore Pte Ltd, Singapore	2,6 %	8811
(d) <i>CTVs originating in Thailand manufactured by:</i>		
— Teletech (Thailand) Ltd, Chonburi, Thailand	29,8 %	8813
— Thai Samsung Electronics Co. Ltd, Chonburi, Thailand	12,1 %	8814
— Thomson Television (Thailand) Co. Ltd, Pathumthani, Thailand	3,0 %	8815

3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The amounts secured by way of provisional anti-dumping duty under Regulation (EC) No 2376/94 shall be definitively collected at the duty rate definitively imposed. Amounts secured in excess of the definitive rate of duty shall be released.

Article 3

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 March 1995.

For the Council

The President

M. GIRAUD

COUNCIL REGULATION (EC) No 711/95
of 27 March 1995
amending Regulation (EEC) No 2075/92 on the common organization of the
market in raw tobacco

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

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

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

Whereas Regulation (EEC) No 2075/92 ⁽³⁾, lays down measures to orientate and limit production of raw tobacco; whereas, in view of experience gained, amendments should be made thereto with a view to better production orientation;

Whereas the whole premium must ultimately be paid to the growers; whereas those Member States which so choose should be permitted to pay the premiums directly to the growers;

Whereas the quantities produced and qualifying for the premium must be determined in respect of each producer; whereas the Member States should divide up the quotas among the growers concerned, subject to the guarantee thresholds fixed, the aim of the Community rules laid down for the purpose being to ensure fair allocation on the basis of quantities delivered in the past, unusually high or low production figures being disregarded;

Whereas tobacco produced by growers in excess of their quotas cannot give rise to entitlement to the premium; whereas, however, account should be taken of the possibility of unintentional overproduction; whereas the parties concerned should be permitted to carry over those surpluses, within certain limits, to the following harvest, provided the combined quotas for the two harvests are not exceeded;

Whereas the Member States able to do so should be permitted to pay premiums directly to growers as from the 1994 harvest,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2075/92 is hereby amended as follows:

1. Article 6 shall be replaced by the following:

Article 6

1. Cultivation contracts shall include:

- an undertaking by the first processor to pay the grower the purchase price and, where the competent body of the Member State does not pay the premium to the grower directly, a sum equal to the premium for the quantity under contract and actually delivered,
- an undertaking by the grower to deliver raw tobacco meeting the quality requirements laid down in the contract to the premises of the first processor.

2. The competent body of the Member State shall pay the premium to the grower against submission of proof of delivery of the tobacco or shall reimburse the premium to the first processor where the latter has paid the producer a sum equal to the premium, against submission of proof of delivery of the tobacco by the grower and payment of the sum referred to in paragraph 1.

2. In Article 7, the fourth indent shall be replaced by the following:

- ‘— the possible obligation on first processors or growers to provide a security and the conditions governing the lodging and release of the security in the event of an application for an advance.’

3. Article 9 shall be replaced by the following:

Article 9

1. To ensure observance of the guarantee thresholds, a system of production quotas shall apply for the 1995, 1996 and 1997 harvests.

2. Pursuant to the procedure laid down in Article 43 (2) of the Treaty, the Council shall allocate the quantities available in each group of varieties for each harvest among the producer Member States.

3. On the basis of the quantities allocated pursuant to paragraph 2 and without prejudice to the application of paragraph 4, the Member States shall divide up production quotas among the growers in proportion to the average quantities delivered for processing in the three years preceding the year of the last harvest, broken down by group of varieties. However, production in 1992 and deliveries from that harvest shall not be taken into account; they shall be replaced by those of the fourth year preceding the year of the last harvest. The procedure for allocating production quotas for subsequent harvests shall not be affected by this distribution.

⁽¹⁾ OJ No C 46, 23. 2. 1995, p. 6.

⁽²⁾ Opinion delivered on 17 March 1995 (not yet published in the Official Journal).

⁽³⁾ OJ No L 215, 30. 7. 1992, p. 70.

4. When quotas are divided up as provided for in paragraph 3, no account shall be taken, in particular, when calculating the reference production, of quantities of raw tobacco produced in excess of the maximum guaranteed quantities applicable pursuant to Regulation (EEC) No 727/70.

Where appropriate, only production within the quotas allocated during the years taken into consideration shall be taken into account.

4. Article 10 shall be replaced by the following:

Article 10

1. No premium may be granted in respect of quantities produced in excess of the quota allocated to the grower.

2. Notwithstanding paragraph 1, growers may deliver surplus production corresponding to up to 10 % of their quotas for each group of varieties, that surplus being eligible for the premium granted in

respect of the following harvest on condition that, during the latter harvest, the party concerned reduces his production by a corresponding amount so that the combined quotas for the two harvests in question are not exceeded.

5. Article 11 shall be replaced by the following:

Article 11

Detailed rules for the application of this Title shall be adopted in accordance with the procedure laid down in Article 23. They shall include in particular the adjustments to the method for dividing up the quotas provided for Article 9 (4).

Article 2

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

It shall apply from the 1995 harvest, except for Article 1 (1) and 4, which apply from the 1994 harvest.

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

Done at Brussels, 27 March 1995.

For the Council

The President

J. PUECH

COUNCIL REGULATION (EC) No 712/95

of 27 March 1995

amending Regulation (EC) No 1799/94 on special arrangements for imports of maize and sorghum into Spain for 1994

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to the Agreement between the European Economic Community and the United States of America for the conclusion of negotiations under Article XXIV.6 of the General Agreement on Tariffs and Trade (GATT)⁽¹⁾ which was supplemented by an Exchange of Letters⁽²⁾ extending that Agreement until 31 December 1991, the Community agreed to take certain measures;

Whereas the Community applied such measures in 1994 under Council Regulation (EC) No 532/94 of 7 March 1994 extending the measures taken under the Agreement between the European Economic Community and the United States of America for the conclusion of negotiations under GATT Article XXIV.6⁽³⁾; whereas, in 1995, such measures will be applied until 30 June 1995 under Council Regulation (EC) No 3231/94 of 22 December 1994 concerning certain measures resulting from the conclusion of negotiations under Article XXIV.6 and other measures necessary for simplification purposes⁽⁴⁾; whereas the rules relating to imports covered by Regulation (EC) No 532/94 are set out in Regulation (EC) No 1799/94⁽⁵⁾; whereas Regulation (EC) No 1799/94 should therefore be extended until 30 June 1995,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1799/94 shall be amended as follows:

1. in the title and in Article 2 (1), the reference to 'year 1994' shall be replaced by the following 'period from 1 January 1995 to 30 June 1995';
2. Article 1 shall be replaced by the following:

Article 1

For the period from 1 January to 30 June 1995 imports from third countries, for free circulation in Spain, of a maximum quantity of 1 000 000 tonnes of maize and 0,15 million tonnes of sorghum shall be effected as provided for in the following Articles.'

Article 2

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

It shall apply from 1 January 1995.

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

Done at Brussels, 27 March 1995.

For the Council

The President

J. PUECH

⁽¹⁾ OJ No L 98, 10. 4. 1987, p. 1.

⁽²⁾ OJ No L 17, 23. 1. 1991, p. 17.

⁽³⁾ OJ No L 68, 11. 3. 1994, p. 1.

⁽⁴⁾ OJ No L 338, 28. 12. 1994, p. 1.

⁽⁵⁾ OJ No L 189, 23. 7. 1994, p. 17.

COUNCIL REGULATION (EC) No 713/95

of 27 March 1995

amending Regulation (EEC) No 620/71 laying down outline provisions for contracts for the sale of flax and hemp straw

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1308/70 of 29 June 1970 on the common organization of the market in flax and hemp⁽¹⁾, and in particular Article 6 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 4a of Regulation (EEC) No 620/71⁽²⁾, the contracting parties must indicate in sales contracts for flax straw that the selling price takes account of the guide price for linseed referred to in Article 1 of Council Regulation (EEC) No 569/76 of 15 March 1976 laying down special measures for linseed⁽³⁾;

Whereas the aid scheme for linseed introduced by Regulation (EEC) No 569/76 was replaced by that introduced

by Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops⁽⁴⁾; whereas Article 4a of Regulation (EEC) No 620/71 should therefore be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4a of Regulation (EEC) No 620/71 is hereby repealed.

Article 2

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

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

Done at Brussels, 27 March 1995.

For the Council

The President

J. PUECH

⁽¹⁾ OJ No L 146, 4. 7. 1970, p. 1. Regulation as last amended by Regulation (EC) No 3290/94 (OJ No 349, 31. 12. 1994, p. 105).

⁽²⁾ OJ No L 72, 26. 3. 1971, p. 4. Regulation as amended by Regulation (EEC) No 1776/76 (OJ No L 199, 24. 7. 1976, p. 4).

⁽³⁾ OJ No L 67, 15. 3. 1976, p. 29. Regulation as last amended by Regulation (EEC) No 2048/92 (OJ No L 215, 30. 7. 1992, p. 5).

⁽⁴⁾ No L 181, 1. 7. 1992, p. 12. Regulation as last amended by Regulation (EC) No 920/94 (OJ No L 106, 27. 4. 1994, p. 14).

COMMISSION REGULATION (EC) No 714/95

of 31 March 1995

setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products last for the benefit of the Canary Islands⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 2 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EC) No 2790/94⁽²⁾, as amended by Regulation (EC) No 2883/94⁽³⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands;

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

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁶⁾, as last amended by Regulation (EC) No 157/95⁽⁷⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽³⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 24, 1. 2. 1995, p. 1.

ANNEX

to the Commission Regulation of 31 March 1995 setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

(ECU/tonne)

Product (CN code)	Amount of aid
	Canary Islands
Milled rice (1006 30)	295,00
Broken rice (1006 40)	65,00

COMMISSION REGULATION (EC) No 715/95
of 31 March 1995

**setting the amounts of aid for the supply of rice products from the Community
to the Azores and Madeira**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93⁽²⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the forecast supply balance for these products⁽⁵⁾, as last amended by Regulation (EC) No 1683/94⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

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

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1995.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 198, 17. 7. 1992, p. 37.

⁽⁶⁾ OJ No L 178, 12. 7. 1994, p. 53.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 24, 1. 2. 1995, p. 1.

ANNEX

to the Commission Regulation of 31 March 1995 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

(ECU/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	295,00	295,00

COMMISSION REGULATION (EC) No 716/95
of 31 March 1995
amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply
of cereals products from the Community to the Canary Islands

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 3 (4) thereof,

Whereas the amounts of aid for the supply of cereals products to the Canary Islands has been settled by Commission Regulation (EEC) No 1832/92⁽²⁾, as last amended by Regulation (EC) No 387/95⁽³⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

The Annex of amended Regulation (EEC) No 1832/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 185, 4. 7. 1992, p. 26.

⁽³⁾ OJ No L 43, 25. 2. 1995, p. 3.

ANNEX

to the Commission Regulation of 31 March 1995 amending Regulation (EEC) No 1832/92 setting the amounts of aid for the supply of cereals products from the Community to the Canary Islands

(Ecu/tonne)

Product (CN code)	Amount of aid
Common wheat (1001 90 99)	59,00
Barley (1003 00 90)	70,00
Maize (1005 90 00)	75,00
Durum wheat (1001 10 00)	0,00
Oats (1004 00 00)	66,00

COMMISSION REGULATION (EC) No 717/95

of 31 March 1995

amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 10 thereof,

Whereas the amounts of aid for the supply of cereals products to the Azores and Madeira has been settled by Commission Regulation (EEC) No 1833/92 ⁽³⁾, as last amended by Regulation (EC) No 388/95 ⁽⁴⁾, whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market, the aid for supply to the Azores

and Madeira should be set at the amounts given in the Annex;

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

The Annex of amended Regulation (EEC) No 1833/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 185, 4. 7. 1992, p. 28.

⁽⁴⁾ OJ No L 43, 25. 2. 1995, p. 5.

ANNEX

to the Commission Regulation of 31 March 1995 amending Regulation (EEC) No 1833/92 setting the amounts of aid for the supply of cereals products from the Community to the Azores and Madeira

(Ecu/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Common wheat (1001 90 99)	59,00	59,00
Barley (1003 00 90)	70,00	70,00
Maize (1005 90 00)	75,00	75,00
Durum wheat (1001 10 00)	0,00	0,00

COMMISSION REGULATION (EC) No 718/95**of 31 March 1995****amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments**

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

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments ⁽¹⁾, as amended by Regulation (EEC) No 3714/92 ⁽²⁾, and in particular Article 2 (6) thereof,

Whereas the amounts of aid for the supply of cereals products to the French overseas departments (FOD) has been settled by Commission Regulation (EEC) No 391/92 ⁽³⁾, as last amended by Regulation (EC) No 386/95 ⁽⁴⁾; whereas, as a consequence of the changes of the rates and prices for cereals products in the European part of the Community and on the world market,

the aid for supply to the FOD should be set at the amounts given in the Annex;

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

The Annex of amended Regulation (EEC) No 391/92 is replaced by the Annex to the present Regulation.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 43, 19. 2. 1992, p. 23.

⁽⁴⁾ OJ No L 43, 25. 2. 1995, p. 1.

ANNEX

to the Commission Regulation of 31 March 1995 amending Regulation (EEC) No 391/92 setting the amounts of aid for the supply of cereals products from the Community to the French overseas departments

(Ecu/tonnes)

Product (CN code)	Amount of aid			
	Destination			
	Guadeloupe	Martinique	French Guiana	Réunion
Common wheat (1001 90 99)	62,00	62,00	62,00	65,00
Barley (1003 00 90)	73,00	73,00	73,00	76,00
Maize (1005 90 00)	78,00	78,00	78,00	81,00
Durum wheat (1001 10 00)	0,00	0,00	0,00	0,00

COMMISSION REGULATION (EC) No 719/95
of 31 March 1995
fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and in particular the first sentence of the fourth subparagraph of Article 17 ⁽²⁾ thereof,

Whereas Article 17 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76 of 21 June 1976 laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds ⁽²⁾, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 3 of Regulation (EEC) No 1431/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

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

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as last amended by Regulation (EC) No 150/95 ⁽⁵⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾, as last amended by Regulation (EC) No 157/95 ⁽⁷⁾;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

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

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽³⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 24, 1. 2. 1995, p. 1.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

ADOPTED THIS REGULATION :

listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 1

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 31 March 1995 fixing the export refunds on rice and broken rice

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refunds (2)	Product code	Destination (1)	Amount of refunds (2)
1006 20 11 000	01	224,00	1006 30 65 100	01	281,00
1006 20 13 000	01	224,00		02	287,00
1006 20 15 000	01	224,00		03	292,00
1006 20 17 000	—	—		04	281,00
1006 20 92 000	01	224,00	1006 30 65 900	01	281,00
1006 20 94 000	01	224,00		04	281,00
1006 20 96 000	01	224,00	1006 30 67 100	—	—
1006 20 98 000	—	—	1006 30 67 900	—	—
1006 30.21 000	01	224,00	1006 30 92 100	01	281,00
1006 30 23 000	01	224,00		02	287,00
1006 30 25 000	01	224,00		03	292,00
1006 30 27 000	—	—		04	281,00
1006 30 42 000	01	224,00	1006 30 92 900	01	281,00
1006 30 44 000	01	224,00		04	281,00
1006 30 46 000	01	224,00	1006 30 94 100	01	281,00
1006 30 48 000	—	—		02	287,00
1006 30 61 100	01	281,00		03	292,00
	02	287,00		04	281,00
	03	292,00	1006 30 94 900	01	281,00
	04	281,00		04	281,00
1006 30 61 900	01	281,00	1006 30 96 100	01	281,00
	04	281,00		02	287,00
1006 30 63 100	01	281,00		03	292,00
	02	287,00		04	281,00
	03	292,00	1006 30 96 900	01	281,00
	04	281,00		04	281,00
1006 30 63 900	01	281,00	1006 30 98 100	—	—
	04	281,00	1006 30 98 900	—	—
			1006 40 00 000	—	—

(1) The destinations are identified as follows :

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87

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

NB : The zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 720/95

of 31 March 1995

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended the Act of Accession of Austria, Finland and Sweden, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76⁽³⁾ laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EEC) No 1620/93⁽⁴⁾, as amended by Regulation (EC) No 438/95⁽⁵⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to

be taken into account when the refund on these products is being calculated;

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

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, 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⁽⁸⁾, as last amended by Regulation (EC) No 157/95⁽⁹⁾;

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

Whereas Council Regulation (EEC) No 990/93⁽¹⁰⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁴⁾ OJ No L 155, 26. 6. 1993, p. 29.

⁽⁵⁾ OJ No L 45, 1. 3. 1995, p. 32.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 24, 1. 2. 1995, p. 1.

⁽¹⁰⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Whereas, pursuant to the abovementioned provisions, the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EEC) No 1620/93 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 31 March 1995 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund (1)	Product code	Refund (1)
1102 20 10 200 (2)	97,06	1104 23 10 300	79,73
1102 20 10 400 (2)	83,20	1104 29 11 000	40,98
1102 20 90 200 (2)	83,20	1104 29 51 000	40,18
1102 90 10 100	92,42	1104 29 55 000	40,18
1102 90 10 900	62,84	1104 30 10 000	10,05
1102 90 30 100	116,10	1104 30 90 000	17,33
1103 12 00 100	116,10	1107 10 11 000	71,52
1103 13 10 100 (2)	124,79	1107 10 91 000	109,67
1103 13 10 300 (2)	97,06	1108 11 00 200	80,36
1103 13 10 500 (2)	83,20	1108 11 00 300	80,36
1103 13 90 100 (2)	83,20	1108 12 00 200	110,93
1103 19 10 000	73,24	1108 12 00 300	110,93
1103 19 30 100	95,50	1108 13 00 200	110,93
1103 21 00 000	40,98	1108 13 00 300	110,93
1103 29 20 000	62,84	1108 19 10 200	97,28
1104 11 90 100	92,42	1108 19 10 300	97,28
1104 12 90 100	129,00	1109 00 00 100	0,00
1104 12 90 300	103,20	1702 30 51 000 (3)	144,90
1104 19 10 000	40,98	1702 30 59 000 (3)	110,93
1104 19 50 110	110,93	1702 30 91 000	144,90
1104 19 50 130	90,13	1702 30 99 000	110,93
1104 21 10 100	92,42	1702 40 90 000	110,93
1104 21 30 100	92,42	1702 90 50 100	144,90
1104 21 50 100	123,22	1702 90 50 900	110,93
1104 21 50 300	98,58	1702 90 75 000	151,83
1104 22 30 100	109,65	1702 90 79 000	105,38
1104 22 99 100	103,20	2106 90 55 000	110,93
1104 23 10 100	104,00		

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

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

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

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

COMMISSION REGULATION (EC) No 721/95

of 31 March 1995

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended the Act of Accession of Austria, Finland and Sweden, and in particular the third subparagraph of Article 13 (4) thereof,

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

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽²⁾, as last amended by Regulation (EC) No 1707/94⁽³⁾, provides that calculation of the export refund must take account of, in particular, the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month;

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

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

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

Whereas under the terms of Article 4 of Commission Regulation (EEC) No 1619/93⁽⁴⁾, the refund may be varied on the basis of the destination;

Whereas the representative market areas defined in Article I of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used on 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⁽⁷⁾, as last amended by Regulation (EC) No 157/95⁽⁸⁾;

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

Whereas Council Regulation (EEC) No 930/93⁽⁹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas, pursuant to the abovementioned provisions, the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EEC) No 1619/93 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 April 1995.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽³⁾ OJ No L 180, 14. 7. 1994, p. 19.

⁽⁴⁾ OJ No L 155, 26. 6. 1993, p. 24.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 24, 1. 2. 1995, p. 1.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 31 March 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 31 March 1995 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund (1) :

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

(ECU/tonne)

Cereal products (2)	Amount of refund (3)
Maize and maize products : CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10.	69,33
Cereal products (2) excluding maize and maize products	50,90

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

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

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

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

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

COMMISSION REGULATION (EC) No 722/95
of 31 March 1995
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 7 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 (3) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors⁽³⁾, as last amended by Regulation (EC) No 3125/94⁽⁴⁾, and in particular Article 3 thereof,

Whereas Regulation (EEC) No 1722/93 establishes the conditions for granting the production refund; whereas the basis for the calculation is established in Article 3 of the said Regulation; whereas the refund thus calculated must be fixed once a month and may be altered if the price of maize, wheat and barley changes significantly;

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund referred to in Article 3 (2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 76,45 per tonne.
2. The refund referred to in Article 3 (3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 78,28 per tonne.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁴⁾ OJ No L 330, 21. 12. 1994, p. 39.

COMMISSION REGULATION (EC) No 723/95

of 31 March 1995

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (2) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid⁽³⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

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

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Council Regulation (EEC) No 1431/76⁽⁴⁾;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, the refunds applicable for April 1995 to cereals and rice sector products shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 288, 25. 10. 1974, p. 1.

⁽⁴⁾ OJ No L 166, 25. 6. 1976, p. 36.

ANNEX

to the Commission Regulation of 31 March 1995 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

Product code	(ECU/tonne)	
	Refund	
1001 10 00 400	0,00	
1001 90 99 000	56,00	
1002 00 00 000	65,00	
1003 00 90 000	67,00	
1004 00 00 400	63,00	
1005 90 00 000	72,00	
1006 20 92 000	237,60	
1006 20 94 000	237,60	
1006 30 42 000	—	
1006 30 44 000	—	
1006 30 92 100	297,00	
1006 30 92 900	297,00	
1006 30 94 100	297,00	
1006 30 94 900	297,00	
1006 30 96 100	297,00	
1006 30 96 900	297,00	
1006 40 00 000	—	
1007 00 90 000	72,00	
1101 00 15 100	68,00	
1101 00 15 130	68,00	
1102 20 10 200	97,06	
1102 20 10 400	83,20	
1102 30 00 000	—	
1102 90 10 100	92,42	
1103 11 10 200	0,00	
1103 11 90 200	0,00	
1103 13 10 100	124,79	
1103 14 00 000	—	
1104 12 90 100	129,00	
1104 21 50 100	123,22	

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

COMMISSION REGULATION (EC) No 724/95

of 31 March 1995

fixing the import levies on compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (3) thereof,

Whereas the rules to be applied in calculating the variable component of the import levy on compound feedingstuffs are laid down in Article 11 (1) (A) of Regulation (EEC) No 1766/92; whereas Article 4 of Commission Regulation (EEC) No 1619/93 of 25 June 1993 on the arrangements applicable to cereal-based compound feedingstuffs⁽²⁾ provides that the incidence on the prime costs of those feedingstuffs of the levies applicable to their basic products should be calculated on the basis of the sum of the amounts equal to the average levies applicable during the first 25 days of the month preceding the month of importation to the quantities of basic products, maize and milk powder, considered to have been used in the manufacture of such compound feedingstuffs, the averages being adjusted on the basis of the threshold price for the basic products in question applicable during the month of importation;

Whereas the fixed component is laid down in Article 6 of Regulation (EEC) No 1619/93;

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 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories⁽³⁾, as last amended by Regulation (EC) No 2484/94⁽⁴⁾;

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⁽⁵⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas, in addition, account must be taken of Council Decision 93/239/EEC of 15 March 1993 concerning the conclusion of the Agreements in the form of exchanges of letters between the European Economic Community, of the one part, and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway and the Kingdom of Sweden, of the other part, on the provisional application of the Agreements on certain arrangements in the field of agriculture, signed by the said parties in Oporto on 2 May 1992⁽⁶⁾;

Whereas equally account must be taken of Council Regulation (EC) No 3641/93 of 20 December 1993, 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 Bulgaria, of the other part⁽⁷⁾, whereas Commission Regulation (EC) No 1550/94⁽⁸⁾, as amended by Regulation (EC) No 2221/94⁽⁹⁾, for the importation of products falling within CN codes 2309 90 31 and 2309 90 41 originating in Bulgaria;

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

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on the compound feedingstuffs covered by Regulation (EEC) No 1619/93 and subject to Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1995.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 155, 26. 6. 1993, p. 24.

⁽³⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽⁴⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽⁵⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽⁶⁾ OJ No L 109, 1. 5. 1993, p. 1.

⁽⁷⁾ OJ No L 333, 31. 12. 1993, p. 16.

⁽⁸⁾ OJ No L 166, 1. 7. 1994, p. 43.

⁽⁹⁾ OJ No L 239, 14. 9. 1994, p. 6.

⁽¹⁰⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹¹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹²⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹³⁾ 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, 31 March 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 31 March 1995 fixing the import levies on compound feedingstuffs

(ECU/tonne)

CN code	Levies (1)	
	ACP	Third countries (other than ACP)
2309 10 11	17,93	28,81
2309 10 13	625,98	636,86
2309 10 31	56,04	66,92
2309 10 33	664,09	674,97
2309 10 51	112,09	122,97
2309 10 53	720,14	731,02
2309 90 31	17,93	28,81 (2)
2309 90 33	625,98	636,86
2309 90 41	56,04	66,92 (2)
2309 90 43	664,09	674,97
2309 90 51	112,09	122,97
2309 90 53	720,14	731,02

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

(2) The levy may be reduced in accordance with the Agreement between the Community and Bulgaria (OJ No L 333, 31. 12. 1993, p. 16) and Regulation (EC) No 623/94 (OJ No L 78, 22. 3. 1994, p. 7).

COMMISSION REGULATION (EC) No 725/95**of 31 March 1995****fixing 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⁽¹⁾, as last amended by Regulation (EC) No 283/95⁽²⁾, and in particular Article 16 (8) thereof,

Whereas Article 16 (1) of Regulation (EEC) No 1785/81 provides for charging a levy on imports of the products listed in Article 1 (1) of that Regulation;

Whereas the levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 must be calculated, where appropriate, at a standard rate on the basis of the sucrose content (including other sugars expressed as sucrose) of the product concerned and of the levy on white sugar; whereas, however, the levies on maple sugar and maple syrup are limited to the amount resulting from application of the rate of duty bound within GATT;

Whereas Article 7 of Commission Regulation (EEC) No 837/68 of 28 June 1968 on detailed rules for the application of levies on sugar⁽³⁾, as last amended by Regulation (EEC) No 1428/78⁽⁴⁾, provides that the basic amount of the levy for 100 kilograms of product must be fixed per percentage point of sucrose content;

Whereas the basic amount of the levy must be equal to one-hundredth of the average of the levies applicable to 100 kilograms of white sugar during the first 20 days of the month preceding the month for which the basic amount of the levy is fixed; whereas, however, the levy applicable to white sugar on the day of the fixing of the basic amount must be substituted for the average of the levies, where that levy differs by at least ECU 0,73 from that average;

Whereas the basic amount must be fixed each month; whereas it must, however, be altered during the period

between the day on which it is fixed and the first day of the month following the month for which the basic amount is applicable, if the levy on white sugar differs by at least ECU 0,73 from the average referred to above or from the levy on white sugar used to fix the basic amount; whereas, in this case, the basic amount must be equal to one-hundredth of the levy on white sugar used to calculate the alteration;

Whereas the basic amount thus fixed must be adjusted on the basis of variations in the threshold price for white sugar occurring between the month in which the basic amount is fixed and the period of application; whereas this adjustment, equal to one-hundredth of the difference between these two threshold prices, must be deducted from or added to the basic amount in the circumstances provided for in Article 7 (6) of Regulation (EEC) No 837/68;

Whereas the levy on the products referred to in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 comprises, under Article 16 (6) of that Regulation, a variable element and a fixed element, with the latter, per 100 kilograms of dry matter, being equal to one-tenth of the fixed element established pursuant to point B of Article 11 (1) of Council Regulation (EEC) No 1766/92⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, for the fixing of the import levy on the products falling within CN codes 1702 30 91, 1702 30 99, 1702 40 90 and 1702 90 50, and the variable element, per 100 kilograms of dry matter, being equal to 100 times the basic import levy applicable as from the first of each month in the case of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81; whereas the levy must be fixed each month;

Whereas as a consequence of the amendment of Article 1 (2) of Regulation (EEC) No 1785/81 and by virtue of Article 16 thereof, a levy is chargeable on imports of inuline syrup; whereas the levy is defined in paragraph 6 (a) of the said Article 16 as equal, per 100 kilograms of dry matter, to the levy fixed in accordance with paragraph 6 of that Article multiplied by a coefficient of 1,9;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 151, 30. 6. 1968, p. 42.

⁽⁴⁾ OJ No L 171, 28. 6. 1978, p. 34.

⁽⁵⁾ OJ No L 181, 1. 7. 1992, p. 21.

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⁽¹⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽²⁾, as last amended by Regulation (EC) No 150/95⁽³⁾, 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⁽⁴⁾, as last amended by Regulation (EC) No 157/95⁽⁵⁾;

Whereas it follows from the application of these provisions that the import levies on the products concerned should be as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 24, 1. 2. 1995, p. 1.

ANNEX

**to the Commission Regulation of 31 March 1995 fixing 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 ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4878	—
1702 20 90	0,4878	—
1702 30 10	—	58,45
1702 40 10	—	58,45
1702 60 10	—	58,45
1702 60 90 10 ⁽²⁾	—	111,06
1702 60 90 90 ⁽³⁾	0,4878	—
1702 90 30	—	58,45
1702 90 60	0,4878	—
1702 90 71	0,4878	—
1702 90 80	—	111,06
1702 90 99	0,4878	—
2106 90 30	—	58,45
2106 90 59	0,4878	—

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

⁽²⁾ 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.

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

COMMISSION REGULATION (EC) No 726/95

of 31 March 1995

altering the export refunds on white sugar and raw sugar exported in the natural state

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 ⁽¹⁾, as last amended by Regulation (EC) No 283/95 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 674/95 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 674/95 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

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

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾, as last amended by Regulation (EC) No 157/95 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 674/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 70, 30. 3. 1995, p. 9.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 24, 1. 2. 1995, p. 1.

ANNEX

to the Commission Regulation of 31 March 1995 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	37,84 ⁽¹⁾
1701 11 90 910	34,03 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	37,84 ⁽¹⁾
1701 12 90 910	34,03 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,4114
	— ECU/100 kg —
1701 99 10 100	41,14
1701 99 10 910	41,14
1701 99 10 950	41,14
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,4114

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No. 766/68.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

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

COMMISSION REGULATION (EC) No 727/95

of 31 March 1995

fixing the export refunds on syrups and certain other sugar products exported in the natural state

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⁽¹⁾, as last amended by Regulation (EC) No 283/95⁽²⁾, and in particular Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (d) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 8 of Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that the export refund on 100 kilograms of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 is equal to the basic amount multiplied by the sucrose content, including, where appropriate, other sugars expressed as sucrose; whereas the sucrose content of the product in question is determined in accordance with Article 13 of Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁵⁾, as last amended by Regulation (EC) No 2529/94⁽⁶⁾;

Whereas Article 7 of Regulation (EEC) No 766/68 provides that the basic amount of the refund on sorbose exported in the natural state must be equal to the basic amount of the refund less one-hundredth of the production refund applicable, pursuant to Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on sugar used in the chemical industry⁽⁷⁾, last amended by Commission Regu-

lation (EEC) No 464/91⁽⁸⁾, to the products listed in the Annex to the last mentioned Regulation;

Whereas the basic amount of the refund on the other products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 exported in the natural state must be equal to one-hundredth of an amount which takes account, on the one hand, of the difference between the intervention price for white sugar for the Community areas without deficit for the month for which the basic amount is fixed and quotations or prices for white sugar on the world market and, on the other, of the need to establish a balance between the use of Community basic products in the manufacture of processed goods for export to third countries and the use of third country products brought in under inward processing arrangements;

Whereas the application of the basic amount may be limited to some of the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81;

Whereas Article 19 of Regulation (EEC) No 1785/81 makes provision for setting refunds for export in the natural state of products referred to in Article 1 (1) (f) and (g) and (h) of that Regulation; whereas the refund must be fixed per 100 kilograms of dry matter, taking account of the export refund for products falling within CN code 1702 30 91 and for products referred to in Article 1 (1) (d) of Regulation (EEC) No 1785/81 and of the economic aspects of the intended exports; whereas, in the case of the products referred to in the said Article 1 (1) (f) and (g), the refund is to be granted only for products complying with the conditions in Article 3 of Commission Regulation (EEC) No 1469/77 of 30 June 1977 laying down rules for applying the levy and the refund in respect of isoglucose and amending Regulation (EEC) No 192/75⁽⁹⁾, as amended by Regulation (EEC) No 1714/88⁽¹⁰⁾; whereas, for the products referred to in Article 1 (1) (h), the refund shall be granted only for products complying with the conditions in Article 13b of Regulation (EEC) No 394/70;

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁶⁾ OJ No L 269, 20. 10. 1994, p. 14.

⁽⁷⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁸⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁹⁾ OJ No L 25, 31. 1. 1975, p. 1.

⁽¹⁰⁾ OJ No L 152, 18. 6. 1988, p. 23.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾, as last amended by Regulation (EC) No 150/95⁽²⁾, 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⁽³⁾, as last amended by Regulation (EC) No 157/95⁽⁴⁾;

Whereas the refunds referred to above must be fixed every month; whereas they may be altered in the intervening period;

Whereas application of these quotas results in fixing refunds for the products in question at the levels given in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro);

whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d), (f), (g) and (h) of Regulation (EEC) No 1785/81, exported in the natural state, shall be set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 24, 1. 2. 1995, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 31 March 1995 fixing the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 100	41,14 ⁽²⁾ ⁽³⁾
1702 60 10 000	41,14 ⁽²⁾ ⁽³⁾
1702 60 90 200	78,17 ⁽³⁾ ⁽⁵⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 800	0,4114 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
1702 90 30 000	41,14 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,4114 ⁽¹⁾ ⁽³⁾
1702 90 71 000	0,4114 ⁽¹⁾ ⁽³⁾
1702 90 99 900	0,4114 ⁽¹⁾ ⁽³⁾ ⁽⁴⁾
	— ECU/100 kg dry matter —
2106 90 30 000	41,14 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 000	0,4114 ⁽¹⁾ ⁽³⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

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

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

⁽⁵⁾ Applicable only to products defined under Article 13 (3) of Regulation (EEC) No 394/70.

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

COMMISSION REGULATION (EC) No 728/95

of 31 March 1995

fixing the reduced levy on imports into Finland and Portugal of certain quantities of raw sugar intended for Finnish and Portuguese refineries

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 ⁽¹⁾, as last amended by Regulation (EC) No 283/95 ⁽²⁾, and in particular Article 16 (5) thereof,

Whereas Article 16 a (1) of Regulation (EEC) No 1785/81 provides for a reduced rate levy to apply during the 1994/95 marketing year to Portuguese imports of certain quantities of raw sugar originating in specified third countries and for use by Portuguese refineries;

Whereas Article 16 a (2) of Regulation (EEC) No 1785/81 stipulates that this reduced levy is to equal the intervention price for raw sugar as indicated in Article 3 (2) of that Regulation applicable when the sugar is imported, less an amount equal to the average of the spot prices, adjusted where necessary to the cif stage, quoted on the London market during the first 20 days of the month preceding that for which the reduced levy amount is set;

Whereas pursuant to Article 16 a (5) the reduced levy is to be set each month for the following month;

Whereas under Article 3 of Commission Regulation (EC) No 3300/94 of 21 December 1994 laying down transitional measures to apply in the sugar sector following the accession of Austria, Finland and Sweden ⁽³⁾, during the period from 1 January to 30 June 1995, the reduced levy

for Finland referred to in Article 16a (2a) of Regulation (EEC) No 1785/81 is to be that established, fixed and applied in accordance with paragraphs 3, 4 and 5 of the said Article 16a for Portugal;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as last amended by Regulation (EC) No 150/95 ⁽⁵⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁶⁾, as last amended by Regulation (EC) No 157/95 ⁽⁷⁾;

Whereas application of the abovementioned provisions gives a reduced rate import levy for the raw sugar concerned of the amount indicated in this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The reduced levy on imports into Finland and Portugal of the quantities of raw sugar for refining (CN codes 1701 11 10 and 1701 12 10) indicated in Article 16 a of Regulation (EEC) No 1785/81 shall, for standard quality, be ECU 25,05 per 100 kg.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.
⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.
⁽³⁾ OJ No L 341, 30. 12. 1994, p. 39.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.
⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.
⁽⁷⁾ OJ No L 24, 1. 2. 1995, p. 1.

COMMISSION REGULATION (EC) No 729/95
of 31 March 1995
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 13(4) thereof,

Whereas Article 13(4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, as last amended by Regulation (EC) No 3304/94⁽³⁾, allows for the fixing of a corrective amount for the products listed in Article 1(1)(c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 2 of Regulation (EEC) No 1533/93;

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

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

Done at Brussels, 31 March 1995.

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as last amended by Regulation (EC) No 150/95⁽⁵⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁶⁾, as last amended by Regulation (EC) No 157/95⁽⁷⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

The corrective amount referred to in Article 1(1)(a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽³⁾ OJ No L 341, 30. 12. 1994, p. 48.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 24, 1. 2. 1995, p. 1.

ANNEX

to the Commission Regulation of 31 March 1995 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		4	5	6	7	8	9	10
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	- 35,00	- 35,00	—	—
1002 00 00 000	01	0	0	0	- 35,00	- 35,00	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	- 35,00	- 35,00	- 35,00	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	01	0	0	0	- 35,00	- 35,00	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	—	—	—	—	—	—	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 11 000	—	—	—	—	—	—	—	—
1101 00 15 100	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 15 130	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 15 150	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 15 170	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 15 180	01	0	0	0	- 35,00	- 35,00	—	—
1101 00 15 190	—	—	—	—	—	—	—	—
1101 00 90 000	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	- 35,00	- 35,00	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	0	- 35,00	- 35,00	- 35,00	- 35,00	- 35,00
1103 11 10 400	01	0	0	- 35,00	- 35,00	- 35,00	- 35,00	- 35,00
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	01	0	0	- 35,00	- 35,00	- 35,00	—	—
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

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

COMMISSION REGULATION (EC) No 730/95

of 31 March 1995

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the first sentence of the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 17 (1) of Regulation (EEC) No 1418/76 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 2296/94 ⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of

America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC ⁽⁵⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

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

Article 2

This Regulation shall enter into force on 1 April 1995.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁵⁾ OJ No L 275, 29. 9. 1987, p. 36.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 31 March 1995.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 31 March 1995 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products (1)	Rate of refund per 100 kg of basic product (2)
1001 10 00	Durum wheat : – used unprocessed : – – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – – in all other cases – used in the form of : – – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – – hulled grains of CN code 1104 and starch of CN code 1108 – – germ of CN code 1104 – – gluten of CN code 1109 – – other (except flours of CN code 1101 and groats and meal of CN code 1103)	2,038 3,135 2,411 3,616 1,406 — 4,018
1001 90 99	Common wheat and meslin : – used unprocessed : – – on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America – – in all other cases – used in the form of : – – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – – hulled grains of CN code 1104 and starch of CN code 1108 – – germ of CN code 1104 – – gluten of CN code 1109 – – other (except flours of CN code 1101, and groats and meal of CN code 1103)	2,612 4,018 2,411 3,616 1,406 — 4,018
1002 00 00	Rye : – used unprocessed – used in the form of : – – groats, meal and pellets of CN code 1103, or pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germ of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other (except flours of CN code 1102)	7,324 4,394 6,592 2,427 6,933 — 7,324
1003 00 90	Barley : – used unprocessed – used in the form of : – – flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104 – – pellets of CN code 1103 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	6,161 4,313 3,697 2,427 6,933 — 6,161

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1004 00 00	Oats : – used unprocessed – used in the form of : – – pellets of CN code 1103, and pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	6,450 3,870 5,805 2,427 6,933 — 6,450
1005 90 00	Maize (Corn) : – used unprocessed – used in the form of : – – flours of CN codes 1102 20 10 and 1102 20 90 – – groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 – – pellets of CN code 1103 – – hulled or perled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 12 00 – – gluten of CN code 2303 10 11 – – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ – – other ⁽³⁾	6,933 4,853 5,546 4,160 6,240 2,427 6,933 2,773 6,933 6,933
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	22,010 19,596 19,596
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	28,400 28,400 28,400
1006 40 00	Broken rice : – used unprocessed – used in the form of : – – flour of CN code 1102 30, groats and meal or pellets of CN code 1103 – – flaked grains of CN 1104 19 91 – – starch of CN code 1108 19 10 – – other	6,400 6,400 3,840 6,400 —
1007 00 90	Sorghum	6,161
1101 00	Wheat or meslin flour : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	3,212 4,942
1102 10 00	Rye flour	10,034
1103 11 10	Groats and durum wheat meal : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	2,894 4,452
1103 11 90	Common wheat groats and spelt : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	3,212 4,942

⁽¹⁾ The quantities of semi-processed products used must be multiplied, as the case may be, by the coefficients shown in Annex I to amended Commission Regulation (EEC) No 1620/93 (OJ No L 155, 26. 6. 1993, p. 29).

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

⁽³⁾ For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

COMMISSION REGULATION (EC) No 731/95

of 31 March 1995

fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 17 (4) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds⁽²⁾, as last amended by Regulation (EC) No 2296/94⁽³⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Article 4 (3) of Regulation (EC) No 1222/94 provides that, when the rate of the refund is being fixed, account should be taken, where necessary, of production refunds, aids or other measures having equivalent effect applicable in all Member States in accordance with the Regulation on the common organization of the market in the product in question to the basic products listed in Annex A to that Regulation or to assimilated products;

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽⁴⁾, as last amended by Regulation (EEC) No 1435/90⁽⁵⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁶⁾, as last amended by Regulation (EC) No 455/95⁽⁷⁾, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.
2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.
3. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only when the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 1 April 1995.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽³⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁴⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁵⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁶⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁷⁾ OJ No L 46, 1. 3. 1995, p. 31.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 31 March 1995.

For the Commission
 Martin BANGEMANN
 Member of the Commission

ANNEX

to the Commission Regulation of 31 March 1995 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

<i>(ECU/100 kg)</i>		
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2):	
	a) On exportation of goods of CN code 3501	—
	b) On exportation of other goods	70,28
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	56,76
	b) On exportation of other goods	117,90
ex 0405 00	Butter, with a fat content by weight of 82 % (PG 6):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	15,00
	b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	167,25
	c) On exportation of other goods	160,00

COMMISSION REGULATION (EC) No 732/95

of 31 March 1995

fixing the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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 market in sugar⁽¹⁾, as last amended by Regulation (EC) No 283/95⁽²⁾, and in particular Article 19 (4) (a) and (7) thereof,

Whereas Article 19 (1) and (2) of Regulation (EEC) No 1785/81 provides that, for the products listed in Article 1 (1) (a), (c), (d), (f) and (g) of that Regulation, an export refund may be granted when these goods are exported in the form of goods listed in Annex I to that same Regulation; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds for certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 2296/94⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Community and the

Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 (1) and (2) of Regulation (EEC) No 1785/81, exported in the form of goods listed in Annex I to Regulation (EEC) No 1785/81, are fixed as shown in the Annex hereto.

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

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 31 March 1995 fixing the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

	<i>— Rate of refund in ECU/100 kg —</i>
White sugar :	41,14
Raw sugar :	37,84
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$41,14^{(*)} \times \frac{S^{(1)}}{100}$ or
	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	
Molasses :	—
Isoglucose ⁽²⁾ :	41,14 ⁽³⁾

(1) 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

(2) Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

(3) Amount of refund per 100 kilograms of dry matter.

(4) The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 733/95**of 31 March 1995****laying down the extent to which applications lodged on 27 and 28 March 1995 for certificates for the advance-fixing of the export refund for certain poultrymeat products may be accepted**

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

Having regard to Commission Regulation (EC) No 437/95 of 28 February 1995 laying down detailed rules for granting a special refund for exports of poultrymeat sector products to certain third countries⁽¹⁾, and in particular Article 3 thereof,

Whereas the export refunds for poultrymeat are laid down by Commission Regulation (EC) No 187/95⁽²⁾;

Whereas Regulation (EC) No 437/95 lays down that refunds must be fixed in advance for control purposes;

Whereas pursuant to Article 3 of Regulation (EC) No 437/95, it may be decided to terminate the lodging of applications for advance-fixing certificates and to reduce the quantities applied for when the total quantity exceeds 40 000 tonnes; whereas, in view of the quantities for

which advance-fixing certificates have been applied for, applications may be granted in full,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for certificates for the advance-fixing of the refund for products falling within CN codes 0207 21 10 and 0207 21 90 referred to in the Annex to Regulation (EC) No 187/95 and which must be exported under the conditions laid down in Regulation (EC) No 437/95, submitted on 27 and 28 March 1995, shall be granted in full.

Article 2

This Regulation shall enter into force on 3 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 45, 1. 3. 1995, p. 30.

⁽²⁾ OJ No L 24, 1. 2. 1995, p. 72.

COMMISSION REGULATION (EC) No 734/95**of 31 March 1995****suspending advance fixing of export refunds on certain cereal and rice products
exported in the form of goods not covered by Annex II to the Treaty**

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

Having regard to Council Regulation (EEC) No 1766/92
of 30 June 1992 on the common organization of the
market in cereals ⁽¹⁾, as last amended by the Act of Acces-
sion of Austria, Finland and Sweden, and in particular the
first subparagraph of Article 13 (7) thereof,

Having regard to Commission Regulation (EC)
No 1222/94 of 31 May 1994 laying down general rules for
granting export refunds on certain agricultural products
exported in the form of goods not covered by Annex II to
the Treaty, and the criteria for fixing the amount of such
refunds ⁽²⁾, as last amended by Regulation (EC)
No 2296/94 ⁽³⁾, and in particular the first subparagraph of
Article 5 (3) thereof,

Whereas the first subparagraph of Article 13 (7) of Regu-
lation (EEC) No 1766/92 and the first subparagraph of
Article 5 (3) of Regulation (EC) No 1222/94 make provi-
sion for advance fixing of the refund to be suspended for
basic products exported in the form of certain goods;

Whereas the situation on certain markets may make it
necessary for the refunds to be adjusted; whereas in order
to prevent applications for advance fixing of refunds for
speculative purposes, the abovementioned advance fixing
should be suspended until this adjustment comes into
force;

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

Advance fixing of export refunds on durum wheat,
exported in the form of goods listed in Annex B to Regu-
lation (EEC) No 1766/92 is suspended.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽³⁾ OJ No L 249, 24. 9. 1994, p. 9.

COMMISSION REGULATION (EC) No 735/95
of 31 March 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⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, 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⁽²⁾, as last amended by Regulation (EC) No 150/95⁽³⁾,

Whereas the premiums to be added to the levies on cereals and malt were fixed by Commission Regulation (EC) No 1938/94⁽⁴⁾ 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 30 March 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 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁴⁾ OJ No L 198, 30. 7. 1994, p. 39.

ANNEX

to the Commission Regulation of 31 March 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
	4	5	6	7
0709 90 60	0	0	0	0
0712 90 19	0	0	0	0
1001 10 00	0	0	0	0
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	1,96	1,95	1,52
1005 10 90	0	0	0	0
1005 90 00	0	0	0	0
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 15	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
	4	5	6	7	8
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 736/95
of 31 March 1995
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 1554/93 ⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EC) No 195/95 ⁽⁴⁾, as last amended by Regulation (EC) No 700/95 ⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 195/95 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 50,703 per 100 kilograms.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 24, 1. 2. 1995, p. 109.

⁽⁵⁾ OJ No L 71, 31. 3. 1995, p. 72.

COMMISSION REGULATION (EC) No 737/95**of 30 March 1995****concerning the stopping of fishing for Greenland halibut by vessels flying the flag of a Member State**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21 (3) thereof,

Whereas Council Regulation (EC) No 3377/94 of 20 December 1994 allocating, for the period until 31 March 1995, certain catch quotas between Member States for vessels fishing the Norwegian exclusive economic zone and the fishing zone around Jan Mayen⁽²⁾, provides for Greenland halibut quotas for 1995;

Whereas in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of Greenland halibut in the waters of ICES divisions I and II a and b (Norwegian

waters north of 62 °N) by vessels flying the flag of a Member State or registered in a Member State have reached the quota allocated for 1995,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Greenland halibut in the waters of ICES divisions I and II a and b (Norwegian waters north of 62 °N) by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the quota allocated to the Community for 1995.

Fishing for Greenland halibut in the waters of ICES divisions I and II a and b (Norwegian waters north of 62 °N) by vessels flying the flag of a Member State or registered in a Member State is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

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, 30 March 1995.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 363, 31. 12. 1994, p. 122.

COMMISSION REGULATION (EC) No 738/95

of 31 March 1995

fixing advance payments in respect of the production levies in the sugar sector for the 1994/95 marketing year

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⁽¹⁾, as last amended by Regulation (EC) No 283/95⁽²⁾, and in particular Article 28 (8) thereof,

Whereas Article 5 of Commission Regulation (EEC) No 1443/82 of 8 June 1982 laying down detailed rules for the application of the quota system in the sugar sector⁽³⁾, as last amended by Regulation (EC) No 392/94⁽⁴⁾, provides for the fixing before 1 April and the collection before the following 1 June, of the unit amounts to be paid by sugar producers, isoglucose producers and inulin syrup producers as advance payments of the production levies for the current marketing year; whereas the estimate of the basic production levy and of the B levy, referred to in Article 6 of Regulation (EEC) No 1443/82, gives an amount which is more than 60 % of the maximum amounts indicated in Article 28 (3), (4) and (5) of Regulation (EEC) No 1785/81; whereas, in accordance with Article 6 of Regulation (EEC) No 1443/82, the unit amounts for sugar and inulin syrup should therefore be fixed at 50 % of the maximum amounts concerned and for isoglucose the unit amount of the advance payment should therefore be fixed at 40 % of the unit amount of the basic production levy estimated for sugar;

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

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

HAS ADOPTED THIS REGULATION:

Article 1

The unit amounts referred to in Article 5 (1) (b) of Regulation (EEC) No 1443/82 in respect of the 1994/95 marketing year are hereby fixed as follows:

- (a) the advance payment of the basic production levy for A sugar and B sugar shall be ECU 0,632 per 100 kilograms of white sugar;
- (b) the advance payment of the B levy for B sugar shall be ECU 11,848 per 100 kilograms of white sugar;
- (c) the advance payment of the basic production levy for A isoglucose and B isoglucose shall be ECU 0,506 per 100 kilograms of dry matter;
- (d) the advance payment of the basic production levy for A inulin syrup and B inulin syrup shall be ECU 0,632 per 100 kilograms of dry matter equivalent sugar/isoglucose;
- (e) the advance payment of the B levy for B inulin syrup shall be ECU 11,848 per 100 kilograms of dry matter equivalent sugar/isoglucose.

Article 2

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 158, 9. 6. 1982, p. 17.

⁽⁴⁾ OJ No L 53, 24. 2. 1994, p. 7.

COMMISSION REGULATION (EC) No 739/95

of 31 March 1995

opening an individual sale by invitation to tender for vinous alcohol to be used
in the motor fuel sector in Sweden

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36, and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽²⁾,

Whereas Commission Regulation (EEC) No 377/93 ⁽³⁾, as last amended by Regulation (EC) No 3152/94 ⁽⁴⁾, lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies;

Whereas, in view of the cost of storing alcohol, individual sales by invitation to tender should be opened for vinous alcohol obtained from the distillation operation referred to in Article 39 of Regulation (EEC) No 822/87 and held by the Spanish intervention agency;

Whereas an individual invitation to tender should be organized for the sale of vinous alcohol to Sweden with a view to its end use as motor fuel in the public transport sector, given Sweden's capacity to produce alcohol intended for use in the motor fuel sector is currently limited;

Whereas that use is unlikely to disturb traditional alcohol markets; whereas, in addition, vinous alcohol does not replace synthetic alcohol in this case but alcohol obtained from renewable raw materials;

Whereas compliance with the stipulated destination and end use of the alcohol will be guaranteed by the competent control authorities in the Member States, as laid down in Article 37 of Regulation (EEC) No 377/93, and also by an international control company which will verify correct performance of the tender, by denaturing the alcohol in accordance with the specifications of the Swedish authorities and by a financial security which will

be released as and when proof is supplied of the destination and use of a quantity of alcohol removed;

Whereas the tender prices expressed in ecus/hl, submitted under invitations to tender for vinous alcohol must take account of any amendments made under the agrimonetary system established by 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 ⁽⁵⁾, as last amended by Regulation (EC) No 150/95 ⁽⁶⁾;

Whereas Commission Regulation (EEC) No 2192/93 ⁽⁷⁾ concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93 specifies the agricultural conversion rates to be used to convert the payments and securities provided for in connection with individual invitations to tender into national currency;

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

1. One individual sale by invitation to tender No 173/95 EC shall be held of a total quantity of 50 000 hectolitres of alcohol obtained from the distillation operation referred to in Article 39 of Regulation (EEC) No 822/87 and held by the Spanish intervention agency.
2. The alcohol offered for sale must be used only as motor fuel in the public transport sector in Sweden.
3. The alcohol must be denatured in Sweden in accordance with the specification adopted by the Swedish authorities.

Article 2

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in Annex I to this Regulation.

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽³⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽⁴⁾ OJ No L 332, 22. 12. 1994, p. 34.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 196, 5. 8. 1993, p. 19.

Article 3

1. The sale shall take place in accordance with Articles 13 to 18 and 30 to 38 of Regulation (EEC) No 377/93.
2. Notwithstanding Article 18 (2) of Regulation (EEC) 377/93 the successful tenderer shall pay for the alcohol awarded to him and shall assume responsibility for any theft, loss or destruction and for alcohol storage costs under the invitation to tender referred to in this Regulation by 26 June 1995 at the latest.
3. Notwithstanding Article 18 (6) of Regulation (EEC) 377/93, utilization of the alcohol awarded must be completed by 31 December 1996 at the latest.

Article 4

1. The performance guarantee shall be ECU 36,23 per hectolitre of alcohol at 100 % vol and shall be lodged for the total quantity offered for sale.
2. The performance guarantee shall be released on demand by the intervention agency concerned for the quantity removed once proof is supplied of the destination and intended use of that quantity of alcohol removed, in accordance with Commission Regulation (EEC) No 2220/85⁽¹⁾.

Article 5

1. Before the awarded alcohol is removed, the intervention agency and the successful tenderer shall take a reference sample and shall analyse that sample to verify the alcoholic strength expressed in % vol of the alcohol in question.

Where the final results of the analysis of the sample show a difference between the alcoholic strength by volume of the alcohol to be removed and the minimum alcoholic strength by volume stated in the notice of invitation to tender, the following provisions shall apply:

- (i) the intervention agency shall, the same day, inform the Commission thereof in accordance with Annex II, as well as the storer and the successful tenderer;

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

Done at Brussels, 31 March 1995.

- (ii) the successful tenderer may:

- either agree to take over the lot with its characteristics as established, subject to the Commission's agreement,
- or refuse to take over the lot in question.

In either case, the successful tenderer shall, the same day, inform the intervention agency and the Commission thereof in accordance with Annex III.

Once these formalities have been completed, if he has refused to take over the lot concerned, he shall be immediately released from all his obligations relating to that lot.

2. Where the successful tenderer refuses the merchandise, as provided for in paragraph 1, the intervention agency shall supply him with another quantity of alcohol of the requisite quality, at no extra charge, within eight days.
3. If physical removal of the alcohol is delayed by more than five working days in relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons imputable to the intervention agency, the Member State shall be responsible for the payment of compensation.

Article 6

Notwithstanding the first subparagraph of Article 36 (2) of Regulation (EEC) No 377/93, the alcohol contained in the vats indicated in the communication from the Member States referred to in Article 36 of Regulation (EEC) No 377/93 and covered by the invitation to tender referred to in Article 1 of this Regulation may be substituted by the intervention agency holding the alcohol concerned in agreement with the Commission or mixed with other alcohol delivered to the intervention agency until a removal order is issued for that alcohol, in particular for logistical reasons.

Article 7

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

ANNEX I

INDIVIDUAL INVITATION TO TENDER No 173/95 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tarancón	C-3	23 210	39	Neutral
	Tarancón	D-3	26 790	39	Neutral
	Total			50 000	

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be used exclusively as motor fuel in the public transport sector in Sweden.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 50 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel, or
- be submitted at the reception of the Loi 120 building of the Commission of the European Communities, Rue de la Loi/Wetstraat 130, B-1049 Bruxelles/Brussel, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 173/95 EC (alcohol), DG VI-E-2 — to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 20 April 1995.

5. Tenders must state the name and address of the tenderer and must :

- (a) include a reference to individual sale by tender No 173/95 EC ;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

- SENPA, Beneficencia 8, E-28004 Madrid (tel. 347 65 00 ; telex 23427 SENPA ; fax 521 98 32).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

IV. Award of contract

Within 20 days following the date of receipt of the Commission's decision awarding the lot in question, the successful tenderer shall provide evidence of the lodging of a performance guarantee of ECU 36,23 per hectolitre of alcohol at 100 % vol with the intervention agency concerned.

ANNEX II

The only telex and fax numbers in Brussels to be used are :

DG VI/E/2 (for the attention of Mr Chiappone/Mr Van der Stappen)

- telex : 22037 AGREC B,
22070 AGREC B (Greek characters),
- fax : (32 2) 295 92 52.

ANNEX III

Communication of refusal or acceptance of lots under the individual invitation to tender for the export of vinous alcohol opened by Regulation (EC) No 739/95

- Name of the successful tenderer :
- Date of award of contract :
- Date of refusal or acceptance of the lot by the successful tenderer :

Lot No	Quantity in hectolitres	Location of alcohol	Reason for refusal or acceptance to take over

COMMISSION REGULATION (EC) No 740/95

of 31 March 1995

fixing the production refund for white sugar used in the chemical industry

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⁽¹⁾, as last amended by Regulation (EC) No 283/95⁽²⁾, and in particular Article 9 (6) thereof,

Whereas pursuant to Article 9 (3) of Regulation (EEC) No 1785/81 it may be decided to grant production refunds on the products listed in Article 1 (1) (a) and (f) and on the syrups listed in Article 1 (1) (d) thereof which are in one of the situations referred to in Article 9 (2) of the Treaty and which are used in the manufacture of certain products of the chemical industry;

Whereas Council Regulation (EEC) No 1010/86 of 25 March 1986 laying down general rules for the production refund on certain sugar products used in the chemical industry⁽³⁾, as last amended by Commission Regulation (EEC) No 464/91⁽⁴⁾, establishes the framework within which the production refunds may be determined and lists the chemical products of which the manufacture makes it possible to grant a production refund for the basic products used in their manufacture; whereas Articles 5, 6 and 7 of Regulation (EEC) No 1010/86 provide that the production refund granted for raw sugar, sucrose syrups and unprocessed isoglucose shall be derived from the refund fixed for white sugar according to a method of calculation peculiar to each of these basic products;

Whereas Commission Regulation (EEC) No 1729/78 of 24 July 1978 laying down detailed rules of application in respect of the production refund for sugar used in the chemical industry⁽⁵⁾, as last amended by Regulation (EEC) No 464/91, specifies the method to be used for

establishing the production refund; whereas Article 1 of Regulation (EEC) No 1729/78 provides that the production refund for white sugar shall be fixed at three-monthly intervals for the periods beginning 1 July, 1 October, 1 January and 1 April; whereas the application of the abovementioned method entails fixing the production refund as stated in Article 1 for the period referred to therein;

Whereas the amendment of the definition of white sugar and raw sugar referred to in Article 1 (2) (a) and (b) of Regulation (EEC) No 1785/81 has the consequence that flavoured sugars or sugars containing added colouring agents or other substances are no longer considered as falling within these definitions but are to be considered as 'other sugars'; whereas Article 1 of Regulation (EEC) No 1010/86 provides for these sugars to be eligible as basic products to the production refund; whereas a method of calculation based on their sucrose content should be laid down for establishing the production refund applicable to these products;

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

HAS ADOPTED THIS REGULATION:

Article 1

The production refund per 100 kilograms of white sugar referred to in Article 4 of Regulation (EEC) No 1010/86 is hereby fixed at ECU 32,240 for the quarter 1 April to 30 June 1995.

Article 2

This Regulation shall enter into force on 1 April 1995.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 94, 9. 4. 1986, p. 9.

⁽⁴⁾ OJ No L 54, 28. 2. 1991, p. 22.

⁽⁵⁾ OJ No L 201, 25. 7. 1978, p. 26.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 741/95

of 31 March 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⁽¹⁾, as amended by Regulation (EC) No 553/95⁽²⁾, 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⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

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

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 56, 14. 3. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 31 March 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 20	052	63,0
	204	89,4
	212	95,9
	624	171,7
	999	105,0
0707 00 15	052	100,7
	053	166,9
	066	96,0
	068	73,4
	204	51,1
	624	207,3
	999	115,9
0709 90 75	052	129,7
	204	77,5
	624	196,3
	999	134,5

⁽¹⁾ 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 REGULATION (EC) No 742/95
of 31 March 1995
fixing the import levies on rice and broken rice

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽²⁾, as last amended by Regulation (EEC) No 674/91 ⁽³⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EC) No 178/95 ⁽⁴⁾, as last amended by Regulation (EC) No 646/95 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽³⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁴⁾ OJ No L 24, 1. 2. 1995, p. 52.

⁽⁵⁾ OJ No L 67, 25. 3. 1995, p. 28.

ANNEX

to the Commission Regulation of 31 March 1995 fixing the import levies on rice and broken rice

(ECU/tonne)

CN code	Levies (°)		
	Arrangement in Regulation (EEC) No 3877/86 (°)	ACP Bangladesh (¹) (²) (³) (⁴)	Third countries (except ACP and Bangladesh) (⁵)
1006 10 21	—	186,53	381,77
1006 10 23	—	192,35	393,40
1006 10 25	—	192,35	393,40
1006 10 27	295,05	192,35	393,40
1006 10 92	—	186,53	381,77
1006 10 94	—	192,35	393,40
1006 10 96	—	192,35	393,40
1006 10 98	295,05	192,35	393,40
1006 20 11	—	234,25	477,22
1006 20 13	—	241,53	491,76
1006 20 15	—	241,53	491,76
1006 20 17	368,82	241,53	491,76
1006 20 92	—	234,25	477,22
1006 20 94	—	241,53	491,76
1006 20 96	—	241,53	491,76
1006 20 98	368,82	241,53	491,76
1006 30 21	—	288,60	606,00
1006 30 23	—	337,89	704,49
1006 30 25	—	337,89	704,49
1006 30 27	528,37	337,89	704,49
1006 30 42	—	288,60	606,00
1006 30 44	—	337,89	704,49
1006 30 46	—	337,89	704,49
1006 30 48	528,37	337,89	704,49
1006 30 61	—	307,78	645,39
1006 30 63	—	362,70	755,22
1006 30 65	—	362,70	755,22
1006 30 67	566,42	362,70	755,22
1006 30 92	—	307,78	645,39
1006 30 94	—	362,70	755,22
1006 30 96	—	362,70	755,22
1006 30 98	566,42	362,70	755,22
1006 40 00	—	67,48	142,21

(¹) Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

(²) In accordance with Regulation (EEC) No 715/90, the levies are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(³) The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

(⁴) The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

(⁵) The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

(⁶) No import levy applies to products originating in the OCT pursuant to Article 101 (1) of amended Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 743/95
of 31 March 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⁽¹⁾, as last amended by Regulation (EC) No 283/95⁽²⁾, 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⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, 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⁽⁵⁾, as last amended by Regulation (EC) No 706/95⁽⁶⁾;

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 30 March 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 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 71, 31. 3. 1995, p. 93.

ANNEX

to the Commission Regulation of 31 March 1995 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy (°)
1701 11 10	37,51 (°)
1701 11 90	37,51 (°)
1701 12 10	37,51 (°)
1701 12 90	37,51 (°)
1701 91 00	48,78
1701 99 10	48,78
1701 99 90	48,78 (°)

(°) 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 744/95
of 31 March 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 ⁽¹⁾, 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 ⁽²⁾, as last amended by Regulation (EC) No 150/95 ⁽³⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 502/95 ⁽⁴⁾ 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 30 March 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 502/95 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 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁴⁾ OJ No L 50, 7. 3. 1995, p. 15.

ANNEX

to the Commission Regulation of 31 March 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (*)
0709 90 60	115,17 ⁽²⁾ ⁽³⁾
0712 90 19	115,17 ⁽²⁾ ⁽³⁾
1001 10 00	57,96 ⁽¹⁾ ⁽⁵⁾ ⁽¹¹⁾
1001 90 91	108,63
1001 90 99	108,63 ⁽⁹⁾ ⁽¹¹⁾
1002 00 00	140,53 ⁽⁹⁾
1003 00 10	111,92
1003 00 90	111,92 ⁽⁹⁾
1004 00 00	121,69
1005 10 90	115,17 ⁽²⁾ ⁽³⁾
1005 90 00	115,17 ⁽²⁾ ⁽³⁾
1007 00 90	116,44 ⁽⁴⁾
1008 10 00	56,96 ⁽⁹⁾
1008 20 00	65,55 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽⁵⁾
1008 90 10	(7)
1008 90 90	0
1101 00 11	197,76 ⁽⁹⁾
1101 00 15	197,76 ⁽⁹⁾
1101 00 90	197,76 ⁽⁹⁾
1102 10 00	242,42
1103 11 10	131,41
1103 11 90	224,97
1107 10 11	206,50
1107 10 19	157,62
1107 10 91	212,36 ⁽¹⁰⁾
1107 10 99	161,99 ⁽⁹⁾
1107 20 00	186,62 ⁽¹⁰⁾

- (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 745/95

of 31 March 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⁽¹⁾, 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⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, 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⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾,

Whereas the import levies on products processed from cereals and rice were fixed by Commission Regulation (EC) No 705/95⁽⁵⁾;

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⁽⁶⁾, as last amended by Regulation (EEC) No 1740/78⁽⁷⁾, 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⁽⁸⁾, as amended by Regulation (EC) No 438/95⁽⁹⁾, as fixed in the Annex to Regulation (EC) No 705/95 are hereby altered to the amounts set out in the Annex.

Article 2

This Regulation shall enter into force on 1 April 1995.

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

Done at Brussels, 31 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 71, 31. 3. 1995, p. 89.

⁽⁶⁾ OJ No L 168, 25. 6. 1974, p. 7.

⁽⁷⁾ OJ No L 202, 26. 7. 1978, p. 8.

⁽⁸⁾ OJ No L 155, 26. 6. 1993, p. 29.

⁽⁹⁾ OJ No L 45, 1. 3. 1995, p. 32.

ANNEX

to the Commission Regulation of 31 March 1995 altering the import levies on products processed from cereals and rice

(ECU/tonne)

CN code	Import levies (°)	
	ACP	Third countries (other than ACP)
1102 20 10	207,20	214,49
1102 20 90	117,41	121,05
1103 13 10	207,20	214,49
1103 13 90	117,41	121,05
1103 21 00	194,60	201,89
1103 29 40	207,20	214,49
1104 19 10	194,60	201,89
1104 19 50	207,20	214,49
1104 23 10	184,18	187,82
1104 23 30	184,18	187,82
1104 23 90	117,41	121,05
1104 23 99	117,41	121,05
1104 29 11	143,79	147,43
1104 29 31	172,98	176,62
1104 29 51	110,27	113,91
1104 29 81	110,27	113,91
1104 30 10	81,08	88,37
1104 30 90	86,33	93,62
1106 20 90	181,70 (°)	210,14
1108 11 00	237,84	262,65
1108 12 00	185,33	210,14
1108 13 00	185,33	210,14
1108 14 00	92,66	210,14
1108 19 90	92,66 (°)	210,14
1109 00 00	432,44	651,41
1702 30 51	241,73	358,52
1702 30 59	185,33	265,62
1702 30 91	241,73	358,52
1702 30 99	185,33	265,62
1702 40 90	185,33	265,62
1702 90 50	185,33	265,62
1702 90 75	253,24	370,03
1702 90 79	176,12	256,41
2106 90 55	185,33	265,62
2303 10 11	230,22	449,19

(°) 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.

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 March 1995

terminating the anti-dumping proceeding in respect of imports of colour television receivers originating in Turkey

(95/92/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, as last amended by Regulation (EC) No 522/94⁽²⁾, and in particular Article 9 thereof,

After consultation within the Advisory Committee,

Whereas :

The proceeding was initiated as a result of a complaint lodged by the Society for Coherent Anti-dumping Norms (SCAN), on behalf of producers whose collective output of CTVs was alleged to represent a major proportion of the Community production of these televisions.

The complaint contained evidence of dumping of this product originating in or exported from the countries indicated above, and of material injury resulting therefrom which was considered sufficient to justify the opening of a proceeding in respect of those countries.

A. PROCEDURE

(1) In November 1992, the Commission announced by a notice published in the *Official Journal of the European Communities*⁽³⁾ the initiation of an anti-dumping proceeding concerning imports into the Community of colour television receivers (hereinafter referred to as CTVs) exported from or originating in Malaysia, the People's Republic of China, the Republic of Korea, Singapore, Thailand and Turkey and commenced an investigation.

(2) The Commission officially notified the producers, exporters and importers known to be concerned, the representatives of the exporting countries, and the complainant, and gave the parties concerned the opportunity to make their views known in writing and to request a hearing.

(3) The investigation of dumping covered the period from 1 July 1991 to 30 June 1992.

(4) Several parties including the Turkish authorities made their views known in writing and those so requesting were granted a hearing.

(5) The Commission sought and verified all information it deemed necessary for the preliminary determination of dumping and injury.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1.

⁽²⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽³⁾ OJ No C 307, 25. 11. 1992, p. 4.

B. PROVISIONAL DETERMINATION IN RESPECT OF TURKEY

- (6) By Regulation (EC) No 2376/94 ⁽¹⁾ the Commission imposed a provisional anti-dumping duty on imports into the Community of CTVs originating in all the above countries with the exception of Turkey. At that stage it was provisionally included that there were insufficient elements to impose provisional measures against Turkey. The reasons for this conclusion were set out in recitals 31, 93, 98, 99 and 139 of the abovementioned Regulation.

C. SUBSEQUENT PROCEDURE

- (7) No new evidence nor arguments have been brought forward which would warrant a change in the Commission's position since the imposition of provisional measures.

D. TERMINATION OF THE PROCEEDING IN RESPECT OF TURKEY

- (8) Accordingly, the Commission considers that termination of the proceeding in respect of imports of CTVs originating in Turkey is warranted.
- (9) The complainants and other interested parties concerned were informed of the Commission's

intention to terminate the proceeding with regard to imports of CTVs originating in Turkey, and did not dispute this course of action.

- (10) No objections were raised in the Advisory Committee to the termination of the proceeding in respect of imports of CTVs originating in Turkey,

HAS DECIDED AS FOLLOWS:

Sole Article

The anti-dumping proceeding in respect of imports of colour television receivers originating in Turkey falling within CN codes ex 8528 10 52, 8528 10 54, 8528 10 56, 8528 10 58, ex 8528 10 62, 8528 10 66, 8528 10 72 and 8528 10 76 is hereby terminated.

Done at Brussels, 20 March 1995.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ No L 255, 1. 10. 1994, p. 50.

COMMISSION DECISION

of 24 March 1995

amending Commission Decision 92/452/EEC establishing lists of embryo collection teams approved in third countries for export of bovine embryos to the Community

(Text with EEA relevance)

(95/93/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/556/EEC of 25 September 1989 on animal health conditions governing intra-Community trade in and imports from third countries of embryos of domestic animals of the bovine species⁽¹⁾, as last amended by Commission Decision 94/113/EC⁽²⁾, and in particular Article 8 thereof,

Whereas Commission Decision 92/452/EEC⁽³⁾, as last amended by Decision 94/737/EC⁽⁴⁾, establishes a list of embryo collection teams approved in third countries for the export of embryos of domestic animals of the bovine species to the Community;

Whereas the competent authorities of the United States of America have forwarded amendments to their list of teams;

Whereas it is now necessary to amend the list of approved teams as regards the United States of America;

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

HAS ADOPTED THIS DECISION:

Article 1

The following embryo collection teams are added to part 3 of the Annex to Decision 92/452/EEC:

'94OH077 E7	Select Embryos Inc. 11555 US 42 Plain City, Ohio	Dr. Ronald F. Rohde
94MN076 E608	Trans Ova Genetics RR1, Box 144A Sioux Centre, Iowa	Dr. Doug K. Lain
94WI078 E845	Dairyland Veterinary Service SC 310 Main Street Casco, Wisconsin	Dr. Michael Staudinger

Article 2

This Decision is addressed to Member States.

Done at Brussels, 24 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 302, 10. 10. 1989, p. 1.

⁽²⁾ OJ No L 53, 24. 2. 1994, p. 23.

⁽³⁾ OJ No L 250, 29. 8. 1992, p. 40.

⁽⁴⁾ OJ No L 294, 15. 11. 1994, p. 37.

COMMISSION DECISION

of 24 March 1995

establishing a list of semen collection centres approved for the export to the Community of semen of domestic animals of the porcine species from certain third countries

(Text with EEA relevance)

(95/94/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 8 thereof,

Whereas Commission Decision 93/160/EEC⁽²⁾, as amended by Decision 94/453/EC⁽³⁾, establishes a list of third countries from which Member States authorize the importation of semen of domestic animals of the porcine species;

Whereas Switzerland is included in this list; whereas the Swiss competent authorities have forwarded a list of semen collection centres officially approved for export of porcine semen to the Community;

Whereas the Commission is satisfied that the centre approved by the third country to which this Decision refers meets the terms of Directive 90/429/EEC and can, in the circumstances, be included in a list of centres approved for the export of porcine semen to the Community;

Whereas it will be necessary to re-examine and, if necessary, to amend this Decision in the light of new information from time to time;

Whereas Community on-the-spot visits will at the same time be undertaken to ensure the uniform application of

Directive 90/429/EEC, particularly in relation to the veterinary supervision of semen production systems, the powers of the veterinary services and the supervision to which semen collection centres are subject;

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

HAS ADOPTED THIS DECISION:

Article 1

The semen collection centres listed in the Annex are hereby approved for the export to the Community of semen of domestic animals of the porcine species.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 24 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 62.

⁽²⁾ OJ No L 67, 19. 3. 1993, p. 27.

⁽³⁾ OJ No L 187, 22. 7. 1994, p. 11.

*ANNEX**Part 1*

SWITZERLAND: Suissem
Schweiz. Schweinesperma AG
Schaubern
6213 Knutwil
Approval No: CH-AI-3S
