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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1063/95
of 12 May 1995**

laying down the extent to which applications lodged on 8 and 9 May 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⁾, as amended by Regulation (EC) No 973/95⁽²⁾, and in particular Article 3 thereof,

Whereas the export refunds for poultrymeat are laid down by Commission Regulation (EC) No 909/95⁽³⁾,

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 909/95 and which must be exported under the conditions laid down in Regulation (EC) No 437/95, submitted on 8 and 9 May 1995, shall be granted in full.

Article 2

This Regulation shall enter into force on 15 May 1995.

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 45, 1. 3. 1995, p. 30.

⁽²⁾ OJ No L 97, 29. 4. 1995, p. 65.

⁽³⁾ OJ No L 93, 26. 4. 1995, p. 16.

COMMISSION REGULATION (EC) No 1064/95

of 12 May 1995

suspending advance fixing of the export refunds on certain 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 the first subparagraph of Article 13 (7) thereof,

Whereas Article 13 (7) of Regulation (EEC) No 1766/92 provides that the provisions concerning advance fixing of the refund may be suspended if the market situation shows that the application of these provisions is causing or is likely to cause difficulties ;

Whereas there is a danger that the continuation of the present system could give rise to speculative operations ; whereas the advance fixing of the export refunds on certain products processed from cereals and rice should therefore be suspended ;

Whereas the above situation requires that application of the provisions concerning advance fixing of refunds for the products concerned be temporarily suspended ;

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 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 is hereby suspended from 13 to 19 May 1995.

Article 2

This Regulation shall enter into force on 13 May 1995.

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

COMMISSION REGULATION (EC) No 1065/95

of 12 May 1995

re-establishing the preferential customs duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

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

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as amended by Regulation (EC) No 298/95⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

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

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

Whereas Commission Regulation (EC) No 2578/94⁽⁵⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

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

down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 157/95⁽¹¹⁾;

Whereas the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 412/95⁽¹²⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

Article 2

This Regulation shall enter into force on 13 May 1995.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 1.

⁽⁵⁾ OJ No L 273, 25. 10. 1994, p. 4.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 96.

⁽¹¹⁾ OJ No L 69, 12. 3. 1994, p. 1.

⁽¹²⁾ OJ No L 44, 28. 2. 1995, p. 28.

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

Done at Brussels, 12 May 1995.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1066/95

of 12 May 1995

laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the raw tobacco quota system for the 1995, 1996 and 1997 harvests

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EC) No 711/95 ⁽²⁾, and in particular Articles 11, 14 and 27 thereof,

Whereas Article 9 of Regulation (EEC) No 2075/92 introduces a quota system for the various groups of tobacco varieties for the 1995, 1996 and 1997 harvests; whereas the quantities available by group of varieties are to be distributed between the Member States by the Council in accordance with the procedure laid down in Article 43 (2) of the Treaty;

Whereas time limits should be set for the quotas to be allocated sufficiently early to enable producers to take account of them as far as possible in tobacco production;

Whereas the allocation of a certain quantity conferring entitlement to the premium for a given harvest does not imply the acquisition of any right as regards subsequent harvests;

Whereas Article 9 (3) of Regulation (EEC) No 2075/92 provides for production quotas to be allocated to producers in proportion to the average quantities delivered for processing during the reference period; whereas that period includes 1990 and 1991; whereas deliveries should be grouped by harvest in order to take account in particular of overruns in the maximum guaranteed quantities fixed pursuant to Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽³⁾, as last amended by Regulation (EEC) No 860/92 ⁽⁴⁾;

Whereas the method for calculating quotas for the 1990 and 1991 harvests must be adjusted so as to bar speculative tobacco production in excess of the maximum

guaranteed quantities applicable pursuant to Regulation (EEC) No 727/70; whereas that adjustment must entail reducing the quantities in question in proportion to the overrun;

Whereas provisions should be laid down to enable account to be taken of tobacco processed in a Member State other than that of production; whereas in that case the quantity of raw tobacco in question should be taken over in the Member State of production for the benefit of producers in that Member State;

Whereas provision should be made for production quota certificates to be issued to producers on the basis of their tobacco deliveries during the reference year harvests; whereas Member States must be permitted to raise the quantities to be taken into consideration in order to take account of the particular situation of certain producers;

Whereas the threshold quantities applicable for a harvest may be greater than those fixed for the previous harvest for certain groups of varieties, but smaller for others; whereas the additional quantities should be allocated to those concerned in accordance with objective criteria, taking account of certain priorities to be determined by the Member States to suit their situation;

Whereas account should be taken of the conversion programme provided for in Article 14 of Regulation (EEC) No 2075/92 and of certain producers' need to switch to producing varieties more in line with market requirements by setting aside for them some of the quantities available;

Whereas the quantities allocated to certain producers must be made available to other producers where the persons entitled do not conclude cultivation contracts;

Whereas the possibility of transferring quotas should be restricted to cases economically justified by the transfer of ownership of the producer's holding; whereas temporary quota transfers must not be allowed, in order to prevent the circumvention of the restrictions laid down in the quota arrangements;

Whereas account should be taken of the joint operation of a production unit by members of a family, in particular as regards minimum quantities per production quota certificate and the prevention of fraud;

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 70.

⁽²⁾ OJ No L 73, 1. 4. 1995, p. 13.

⁽³⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽⁴⁾ OJ No L 91, 7. 4. 1992, p. 1.

Whereas the voluntary exchange of production quotas between producers can facilitate the rationalization of production ;

Whereas provision should be made for the resolution of disputes, if any, through joint committees ;

Whereas provision should be made to ensure that the data and documents belonging to processors and producers are available for use when checks are being carried out ;

Whereas, in the interests of sound management, transparency and monitoring, the production quota allocated to each producer must be made public ;

Whereas the role which could be played by the inter-branch organizations in the management of the system of quotas should be specified ; whereas temporary provisions will be needed for the period in which the inter-branch organizations have yet to be recognized pursuant to Council Regulation (EEC) No 2077/92⁽¹⁾ ;

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

HAS ADOPTED THIS REGULATION :

TITLE I

General provisions

Article 1

This Regulation lays down detailed rules governing the application of the quotas provided for in Article 9 of Regulation (EEC) No 2075/92.

Article 2

For the purposes of this Regulation :

- 'first processing' means the processing of raw tobacco supplied by a producer (grower) into a stable, storable product, packaged in good-quality homogeneous bales or parcels which meet the requirements of the final users (manufacturers),
- 'processing undertaking' means any natural or legal person operating, in his own name and on his own account, one or more establishments for the first processing of raw tobacco, having appropriate plant and equipment,

- 'producer' means any natural or legal person or group thereof who delivers raw tobacco produced by himself or by the members of the group to a processing undertaking in this own name and on his own account, under a cultivation contract concluded by him or in his name,

- 'Member State of production' means the Member State in which the raw tobacco delivered to a processing undertaking was produced,

- 'Member State of processing' means the Member State in which the first processing of the tobacco takes place.

TITLE II

Production quotas

Article 3

Member States may either allocate the production quotas directly among the producers, or require the producers to apply for production quotas.

Member States shall issue the producers with quota certificates not later than 31 January of the year of harvest.

The production quotas shall be set for each group of varieties as defined in the Annex to Regulation (EEC) No 2075/92.

For the 1995 harvest, Member States are hereby authorized to extend the deadline referred to in the second paragraph until 31 May.

Article 4

The allocations of a production quota for a harvest shall be without prejudice to the allocation of quotas for subsequent harvests.

Article 5

1. The quotas for each producer shall be equal to the average quantity each produces as a percentage of the total of the average quantities calculated in accordance with Article 9 of Regulation (EEC) No 2075/92 and Article 6 of this Regulation, such percentage being applied to the specific guarantee threshold of the Member State for the group of varieties in question.

2. The production quotas for producers who received a quota or a cultivation certificate for the 1993 or 1994 harvest pursuant to the third subparagraph of Article 9 (3) of Regulation (EEC) No 2075/92 in its original version or who began to grow a new group of tobacco varieties after the 1992 harvest shall be calculated as follows :

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 80.

- for the first harvest following the first year of activity, the producer shall obtain a quota proportional to his first production quota for the group of varieties in question,
- for subsequent harvests, the producer shall obtain a production quota proportional to the average quantity supplied during the years prior to the year of the last harvest for the group for varieties in question.

3. Producers' percentages shall be expressed to at least four decimal places. Quotas shall be expressed in kilograms.

Article 6

1. The average quantities delivered for processing by each producer shall be calculated by group of varieties in accordance with paragraphs 2 and 3.

2. For the purposes of calculating the average quantities delivered for processing, all the tobacco from a harvest shall be deemed to be delivered during the calendar year of the harvest in question. However, quantities delivered for processing on the basis of Article 2 (5) and (6) of Commission Regulation (EEC) No 3478/92⁽¹⁾ shall be deemed to have been delivered during the year of the harvest in which they were entitled to the premium. Only tobacco actually delivered giving rise to entitlement to the premium shall be taken into account.

However, the quantities of tobacco delivered by producers located outside the production areas recognized in accordance with point (a) of Article 5 of Regulation (EEC) No 2075/92 shall not be taken into account in the calculation referred to in the first subparagraph hereof.

3. Where the quantities of the different varieties of tobacco delivered to processing undertakings for the 1990 or 1991 harvest exceeded the maximum guaranteed quantity fixed pursuant to Regulation (EEC) No 727/70, such quantities shall be multiplied by a reduction coefficient. This reduction coefficient shall be equal to the maximum guaranteed quantity in question, divided by the total quantity of tobacco delivered.

Article 7

1. Where tobacco produced in one Member State is processed in another Member State, the quotas shall be allocated in accordance with paragraphs 2, 3 and 4, without prejudice to other provisions of this Title.

2. The Member State of processing shall inform the Member State of production, for each producer and group of varieties, of the quantities of raw tobacco from the

Member State of production delivered for processing during the reference years to be used for calculating the production quotas in accordance with Article 9 (3) of Regulation (EEC) No 2075/92.

3. The information shall be forwarded within 15 days following the publication of this Regulation for the 1995 harvest and thereafter not later than 15 November of the year preceding the harvest.

4. The Member State of production shall allocate the corresponding quantity of its specific guarantee threshold to producers who delivered tobacco to processors located in another Member State during the reference years referred to in paragraph 2.

When the production quotas are allocated, producers who delivered tobacco to processors located in another Member State during the reference years shall be treated in the same way as producers who delivered their production to a processor located in their Member State.

Article 8

1. For each group of varieties, Member States shall issue production quota certificates, within the limit of their guarantee thresholds, to producers located in a production area recognized in accordance with point (a) of Article 5 of Regulation (EEC) No 2075/92.

The production quota certificates shall indicate in particular the holder of the certificate, the group of varieties and the quantity of tobacco for which they are valid.

2. Member States shall determine the procedures for the issuing of the production quota certificates, as well as the measures to be taken for the prevention of fraud, in accordance with Article 20 (1) of Regulation (EEC) No 2075/92.

3. Member States may lay down minimum quantities (not exceeding 500 kilograms) for the issue of production quota certificates.

4. Where a producer provides proof that, as a result of exceptional circumstances, his production was abnormally low during a harvest included in his reference period, the Member State shall calculate, at the request of the producer concerned, the quantity to be taken into consideration for that harvest in making out his quota certificate; for the 1993 and subsequent harvests, the quantity may not be greater than the quantities entered in the quota certificates or the cultivation certificates allocated to the producer for the harvest in question. Member States shall notify the Commission of any decisions they intend to take.

⁽¹⁾ OJ No L 351, 2. 12. 1992, p. 11.

Article 9

1. Where the guarantee threshold fixed for a group of varieties for a particular harvest and a particular Member State in accordance with Article 9 (2) of Regulation (EEC) No 2075/92 is higher than the guarantee threshold for the previous harvest, the quantity exceeding that guarantee threshold shall be distributed in accordance with objective and consistent criteria to be adopted and published by the Member State. Member States shall inform the Commission forthwith of the measures they have adopted in this respect.

Where applicable, the quantities available under the first subparagraph shall be reduced by those set aside for the purposes of paragraph 2.

Member States may, in particular, stipulate that the additional quantities are to be allocated, as a priority, to producers:

- (a) for whom the quantity covered by their quota certificate has been reduced in relation to the previous harvest for another group of varieties;
- (b) who can significantly rationalize their production of tobacco of the group of varieties in question if they receive the additional quantity;
- (c) who began to produce the group of varieties in question in 1990 or 1991.

Member States which establish a national pool of production quota certificates in accordance with Article 14 may also place the additional quantities into this pool.

2. Italy and Greece may, for the 1995 harvest, establish a reserve of leaf tobacco belonging to other groups of varieties, for allocation as a priority to producers undertaking conversion programmes in accordance with Article 14 of Regulation (EEC) No 2075/92.

Article 10

Each producer may deliver tobacco from a given group of varieties from the same harvest to a single processing undertaking only.

However, producer groups which are producers may deliver their production to several processing undertakings.

Article 11

1. Production quota certificates which have not been used to conclude contracts at the date fixed for that purpose must be returned by the producer to the authorities of the Member State which drew them up, no later than five working days after that date.

2. If the producer does not return the certificates referred to in paragraph 1 within the time limit laid down, his reference quantity for the following harvest and

for the same group of varieties shall be reduced by 0,5 % per day overdue, up to a maximum of 15 %.

3. Quantities entered in the certificates referred to in paragraph 1 and other quantities which may be available shall be distributed by Member States fairly and on the basis of published objective criteria before 30 April of the year of harvest. In the distribution of these quantities priority must be given to producers who already have a quota. When adopting the criteria, the Member State must take account of the opinion of the inter-branch organizations recognized in accordance with Regulation (EEC) No 2077/92.

For the 1995 harvest, Member States are hereby authorized to extend the deadline referred to in the first subparagraph until 29 July.

TITLE III

Transfer of rights

Article 12

Except in the cases provided for in this Title, quotas may not be transferred or be the subject of transactions, whether for a consideration or free of charge, and quantities produced by a producer may not be taken into account for the benefit of another producer for the purposes of calculating his quota.

Article 13

1. Where a tobacco-producing holding is transferred to another party on any ground whatever, and in particular as a result of sale or lease, or in the event of an inheritance, the new incumbent shall be entitled to the production quota certificate for the whole reference period, unless the contract specifies otherwise.

2. Where part only of a tobacco-producing holding is transferred to another party, the new incumbent shall be entitled to the production quota certificate in proportion to the agricultural areas taken over. However, the parties concerned may agree that full entitlement shall be held by the person formerly or newly entitled.

3. Without prejudice to paragraph 1, reference quantities and rights acquired by a producer leasing the areas he farms shall continue to be held by him when the lease terminates.

4. Where several members of a family jointly farm, or have farmed, a tobacco holding, they must request that only one production quota certificate be issued on the basis of the aggregated quantities to which they are entitled.

Article 14

1. Subject to authorization by the Member State concerned, producers may exchange among themselves their rights to a production quota certificate for a group of varieties against a certificate for a different group of varieties. The Member State may provide for the establishment of a national pool of production quota certificates which the holders may wish to exchange between groups of varieties.

2. Exchange of rights to a production quota certificate in accordance with paragraph 1 shall be considered a definitive transfer between the producers concerned of the reference quantities on the basis of which the certificate was established.

TITLE IV

Final and transitional provisions

Article 15

Member States may provide that disputes relating to the distribution or transfer of production quota certificates must be submitted to an arbitration committee. Member States shall lay down the rules governing the membership and the proceedings of such committees.

Article 16

Processing undertakings and producers shall allow the competent authorities access to the data and documents necessary for the implementation of this Regulation and their use.

Article 17

For the 1995, 1996 and 1997 harvests, Member States may, for the purpose of applying Article 11 (3), bring together on a joint basis existing recognized professional organizations until such time as the inter-branch organizations recognized pursuant to Regulation (EEC) No 2077/92 have been set up.

Article 18

1. Member States shall establish a computerized database which shall contain, for each processing undertaking and each producer and group of producers, information identifying their establishments or their holdings, the quotas or the quantities appearing on production quota

certificates allocated to them and any other information which may be useful for monitoring the quota system.

2. Member States shall ensure that :

- data in the computerized database are preserved,
- the database is used exclusively for the application described in paragraph 1,
- measures are applied to safeguard the data, in particular against theft and interference,
- persons covered by the scheme have access to the files relevant to themselves without excessive expense or delay,
- persons covered by the scheme are able to have information concerning them changed, where justified, and in particular to have data which is no longer of interest periodically deleted.

3. Processing undertakings and producers :

- must not hinder in any way the establishment of the computerized database by duly qualified officials,
- must provide these officials with all the information required pursuant to this Regulation.

4. Member States shall ensure that, subject to national laws on the protection of data of a personal nature, the quota of each individual producer used for the conclusion of cultivation contracts or, where applicable, the quota of each producer who is a member of a producer group, is made public not later than one month after the deadline for the return of unused production quota certificates, in such a way as to be known to all producers concerned in a restricted production area as defined in Article 1 of Regulation (EEC) No 3478/92.

Article 19

Where a production quota covers a producer group which is itself a producer, the Member State shall ensure that the quantity in question is distributed fairly between all members of the group. Member States must also have at their disposal exact data on the production of all the individual producers so that the production quotas may be allocated to them if necessary.

In that case, the provisions of Title II shall apply *mutatis mutandis* to distribution between the members of the group ; however, with the agreement of all the members, the group may undertake a different distribution with a view to improved organization of production.

Article 20

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, 12 May 1995.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1067/95

of 12 May 1995

amending Regulation (EEC) No 3478/92 laying down detailed rules for the application of the premium system for raw tobacco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco ⁽¹⁾, as last amended by Regulation (EC) No 711/95 ⁽²⁾, and in particular Articles 7 and 27 thereof,

Whereas Regulation (EEC) No 2075/92 lays down that, from the 1994 harvest on, Member States may pay the premium direct to the producers and that, starting with that same harvest, the producers may carry over their surplus production to the next harvest, up to a maximum of 10 % of the quota allocated to them; whereas that Regulation also provides for the introduction of a single system of production quotas from the 1995 harvest on, and for an option whereby Member States may pay advances on the premium to the producers; whereas Commission Regulation (EEC) No 3478/92 ⁽³⁾, as last amended by Regulation (EC) No 1958/94 ⁽⁴⁾, should be amended by laying down the detailed rules for these provisions;

Whereas the essential details of the cultivation contract need to be specified so that account is taken of cases where a Member State opts for direct payment of the premium to the producer;

Whereas, should producers carry over their surplus production to the following harvest, provision should be made whereby the competent bodies can check that, during the following harvest, those involved reduce their production by a corresponding amount so that the accumulated quotas for the two harvests in question are observed;

Whereas the final dates for concluding and registering the contracts should be fixed sufficiently early so that from the start of the harvest year, producers have a stable market outlet for their next harvest and processing undertakings are ensured of a regular supply; whereas, for the 1995 harvest, provision should be made for the Member States to defer these final dates;

Whereas producer groups in certain Member States undertake first processing themselves; whereas pursuant

to Article 3 of Council Regulation (EEC) No 727/70 of 21 April 1970 on the common organization of the market in raw tobacco ⁽⁵⁾, as last amended by Regulation (EEC) No 860/92 ⁽⁶⁾, the system which had been established by that Regulation provided for the possibility of undertaking first processing on the basis of a cultivation declaration instead of a cultivation contract; whereas Regulation (EEC) No 2075/92 has replaced Regulation (EEC) No 727/70 but no longer provides for this possibility;

Whereas, because the absence of this facility created transitional difficulties in this sector and the short time lapse between the reform and its implementation made it difficult to abandon this trading practice in good time, Regulation (EEC) No 3478/92 had to be amended so that, while providing for strict and specific controls to prevent fraud, operators making use of this facility in the past might undertake first processing during the 1993 and 1994 harvests; whereas these provisions should be maintained for the 1995 harvest, while making specific provision for cases where additional quantities have been allocated pursuant to Article 11 (3) of Commission Regulation (EC) No 1066/95 ⁽⁷⁾;

Whereas the conditions governing the grant of advances to producers and the deduction of such advances from the premiums payable should be specified;

Whereas, pursuant to Article 20 (1) of Regulation (EEC) No 2075/92, Member States must decide upon the measures needed to ensure compliance with the Community provisions on raw tobacco; whereas, however, the control measures must satisfy certain requirements to ensure that their application is broadly uniform in the Member States;

Whereas, in accordance with points (a) and (c) of Article 5 of Regulation (EEC) No 2075/92, the grant of the premium is subject to the condition that the leaf tobacco comes from a specified production area and is delivered on the basis of a cultivation contract; whereas these conditions may be easily circumvented if there is no check to verify that the area declared on the contract has actually been cultivated with the variety indicated; whereas a minimum number of checks by the Member

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 70.

⁽²⁾ OJ No L 73, 1. 4. 1995, p. 13.

⁽³⁾ OJ No L 351, 2. 12. 1992, p. 17.

⁽⁴⁾ OJ No L 198, 30. 7. 1994, p. 91.

⁽⁵⁾ OJ No L 94, 28. 4. 1970, p. 1.

⁽⁶⁾ OJ No L 91, 7. 4. 1992, p. 1.

⁽⁷⁾ See page 5 of this Official Journal.

States on cultivated areas and the consequences when irregularities are discovered both need to be established; whereas, while complying with the principle of proportionality, those consequences must be sufficiently dissuasive to prevent false declarations;

Whereas, with a view to the prevention of fraud, the leaf tobacco must be placed under supervision the moment the producer delivers it to the first processing undertaking; whereas the tobacco must remain under supervision until processing and market preparation have taken place; whereas it is also necessary to check any leaf tobacco imported from third countries that undergoes first processing and market preparation in an undertaking also processing leaf tobacco of Community origin;

Whereas, to avoid any ambiguity, the meaning of the term 'delivery' must be specified;

Whereas, on account of the accession of Austria to the European Union, the production areas referred to in point (a) of Article 5 of Regulation (EEC) No 2075/92 should be specified for that Member State, together with the moisture contents referred to in Article 8 of Regulation (EEC) No 3478/92;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3478/92 is amended as follows:

1. Article 2 is amended as follows:

(a) Paragraph 3 is replaced by the following:

'3. Cultivation contracts must include at least the following details:

- (a) the parties to the contract;
- (b) the reference to the quota statement of the producer;
- (c) the variety of tobacco covered by the contract;
- (d) the maximum quantity to be delivered;
- (e) the exact location where the tobacco is produced (the production area as referred to in Article 1, province, municipality, identification of the parcel or place);
- (f) the area of the parcel concerned, excluding service roads and enclosures;

- (g) the purchase price, excluding the premium;
- (h) the quality to which the price refers;
- (i) the minimum quality requirements agreed;
- (j) the period during which the purchase price is to be paid, which may not exceed one month from the date of delivery.

If the Member State has decided to pay the premiums to the producers through the intermediary of the first-processing undertakings, the cultivation contract must also include a commitment on the part of the processing undertaking to pay the producer, in addition to the price, an amount equal to the premium for the quantity covered by the contract and actually delivered.'

(b) The followings paragraphs 5 and 6 are added:

'5. Pursuant to Article 10 (2) of Regulation (EEC) No 2075/92, the parties to a cultivation contract may increase, by means of a written amendment, the quantities initially specified in the contract, where the following conditions are met:

- (a) the amendment specifies the producer's surplus production at the places and in the harvest covered by the contract, up to a maximum of 10 % of the quota allocated to the producer during that harvest;
- (b) the amendment is submitted for registration to the competent authority before the date laid down in Article 9 (1).

The amendment referred to in the first subparagraph shall be registered by the competent authority once it has been verified that the producer did not carry over surpluses in the previous harvest.

6. Paragraph 5 and the first subparagraph of Article 9 (1) notwithstanding, Member States may deem the surplus production of a producer in the 1994 harvest eligible for the premium in respect of the 1995 harvest, up to a maximum of 10 % of the quota allocated to the producer during the 1994 harvest, where the following conditions are met:

- (a) before 25 May 1995, the producer in question has declared in writing to the competent control body his intention to deliver the surplus from the 1994 harvest when making the harvest delivery for 1995, specifying the quantity of tobacco involved and its place of storage;
- (b) the producer involved has concluded a cultivation contract for the 1995 harvest with a first-processing undertaking. The contract shall include:

- the agreement of the two parties to the delivery of the producer's 1994 harvest surplus during the 1995 harvest,
- specification of the quantity of tobacco involved,
- the reference to the cultivation certificate or quota statement for the 1994 harvest ;

- (c) a copy of the declaration referred to in (a) is attached to the cultivation contract concluded with the first processing undertaking for the 1995 harvest, when the contract is submitted for registration, in accordance with Article 3 (2).

The competent authorities for registering contracts shall check the accuracy of the information supplied in the declaration referred to in the first subparagraph, particular attention being paid to the contracts concluded and the quantities actually delivered by the producer in the previous harvest, and to observance of the accumulated quotas for the 1994 and 1995 harvests.

2. Paragraphs 1 and 2 of Article 3 are replaced by the following :

'1. Cultivation contracts shall be concluded, except in cases of *force majeure*, by 31 March of the year of the harvest covered by the contract. However, that date shall be 15 May of the same year for contracts concluded as a result of the allocation of additional quantities pursuant to Article 11 (3) of Commission Regulation (EC) No 1066/95 (*).

For the 1995 harvest, Member States may allow contracts which were concluded by 30 June 1995, or before 12 August 1995 in the case of contracts concluded as a result of the allocation of additional quantities pursuant to Article 11 (3) of Regulation (EC) No 1066/95, to benefit from the premium.

2. Except in cases of *force majeure*, the cultivation contracts once concluded must be submitted for registration to the competent body at the latest five working days after the deadline laid down for concluding them. However, that date shall be 31 May of the year of the harvest in question for the registration of contracts concluded as a result of the allocation of additional quantities pursuant to Article 11 (3) of Regulation (EC) No 1066/95.

For the 1995 harvest, Member States may allow contracts which were submitted for registration by 7 July 1995, or before 25 August 1995 in the case of contracts concluded as a result of the allocation of additional quantities pursuant to Article 11 (3) of

Regulation (EC) No 1066/95, to benefit from the premium.

(* OJ No L 108, 13. 5. 1995, p. 5.'

3. Article 5 (a) is amended as follows :

- (a) Paragraphs 1 and 2 are replaced by the following :

'1. Where a producer group regarded as a producer in accordance with the third indent of Article 2 of Regulation (EC) No 1066/95 carries out the first processing of tobacco, the cultivation contract shall, as a transitional measure, be replaced in respect of the 1995 harvest by a cultivation declaration to be submitted to the competent authorities of the Member State concerned, subject to the group's having presented such a declaration since the 1989 harvest or later and before 20 June 1992, in accordance with Article 3 (2) of Regulation (EEC) No 727/70.

For the 1995 harvest, Member States may allow cultivation declarations which have been submitted to the competent authorities by 30 June 1995, or before 12 August 1995 in the case of cultivation declarations made as a result of the allocation of additional quantities pursuant to Article 11 (3) of Regulation (EC) No 1066/95, to benefit from the premium.

2. The cultivation declaration must include at least the following details :

- (a) the name of the group concerned and of its members,
- (b) reference to the quota statements,
- (c) the tobacco variety,
- (d) the maximum quantity to be produced,
- (e) the proportion of production that will undergo first processing by the group,
- (f) the exact location where the tobacco is produced and undergoes first processing,
- (g) the areas cultivated by the members of the group.'

- (b) Paragraph 4 is replaced by the following :

'4. The cultivation declaration shall be registered by the competent authority by 7 July 1995, after the information provided has been verified and taking account in particular of data on the production and processing of previous harvests. However, that date shall be 25 August 1995 for the registration of cultivation declarations made as a result of the allocation of additional quantities pursuant to Article 11 (3) of Regulation (EC) No 1066/95.'

4. Article 8 (1) is replaced by the following :

'1. The premium to be paid to the producer and the quantity to be set off against the production quota statement of the party concerned shall be calculated on the basis of the weight of leaf tobacco of the group of varieties concerned corresponding to the minimum quality required and taken over by the processing undertaking.

However, where the moisture content differs from the level laid down in Annex III for the variety concerned, the weight shall be adjusted for each percentage point of difference, up to a maximum of 4 % moisture.'

5. Article 9 is replaced by the following :

Article 9

1. Except in cases of *force majeure*, the producer must deliver his entire production to the first processing undertaking by 15 May of the year following the year of harvest, failing which he shall lose his entitlement to the premium.

The delivery must be made either directly to the place where the tobacco will be processed or, if the Member State authorizes it, to an approved purchasing centre. The competent control body shall approve such purchasing centres which must have the appropriate facilities, weighing scales, instruments for determining moisture content and premises.

2. Each producer shall notify the competent control body, in writing and by 25 May, of the quantities of leaf tobacco not delivered to a first processing undertaking by 15 May, as well as the place where the tobacco is stored. The competent body shall take the necessary steps to ensure that any tobacco not delivered to a first processing undertaking by 15 May is not then declared as part of the subsequent harvest.

3. If the competent control body establishes the presence of tobacco which is not covered by the declaration referred to in paragraph 2, the quantity to be covered by the quota statement to which the producer is entitled for the following harvest shall be reduced by twice the quantity not declared.'

6. Article 10 is replaced by the following :

Article 10

1. Member States shall decide whether to pay the premiums to the producers through the intermediary of the processing undertakings or directly.

Where appropriate, Member States shall notify the Commission of the names and addresses of the bodies which are responsible for paying out the premiums. The Commission shall publish the list of

those bodies in the C series of the *Official Journal of the European Communities*.

2. The processing undertaking must pay the producer the amount equal to the premium within one month of delivery.

Payment of either the amount referred to in the first subparagraph or of the purchase price by the processing undertaking or by a producer group may be made only by bank or post office transfer.

3. Where a Member State has decided to pay the premiums direct to the producers, the relevant amount shall be paid on the basis of a provisional control certificate issued by the competent control body certifying the delivery. The time limit laid down in paragraph 2 shall apply for the payment of this amount.'

7. Article 11 is replaced by the following :

Article 11

The premium shall be paid to the producer in the currency of the Member State where the tobacco is produced.'

8. Article 12 is replaced by the following :

Article 12

1. Where a Member State decides to pay the premiums to the producers through the processing undertakings, it shall reimburse the amount of the premiums paid by the processing undertakings in question, in accordance with paragraphs 2 and 3.

2. The premiums paid to the producers shall be reimbursed to the processing undertakings, on application, on the basis of a control certificate issued by the competent bodies after verification of all the deliveries from a given harvest to that processing undertaking for the group of varieties in question, as specified in Article 17.

The certificate referred to in the first subparagraph must be supplied by 31 December of the year following the year of harvest.

3. Applications for reimbursement of the premiums paid to the producers must include, for each delivery, harvest and group of varieties, at least the following information :

- (a) the date of the cultivation contract relating to the delivery concerned, the date of registration of the contract and the official number given to it ;
- (b) the group of tobacco varieties delivered ;
- (c) the name of the vendor ;
- (d) the quantity of tobacco delivered ;
- (e) the date on which delivery was made ;
- (f) the place where delivery was made ;
- (g) the purchase price or prices paid, with particulars of the qualities to which the prices refer ;

- (h) proof of payment to the producer of an amount equal to the premium;
- (i) the original of the quota statement issued to the producer.'

9. Article 13 is replaced by the following :

Article 13

1. Where a Member State decides to pay the premiums to the producers through the processing undertakings, it shall apply a system of advances on premiums for the processing undertakings concerned, in accordance with paragraphs 2 to 5.

2. The Member State shall pay processing undertakings, on application, an advance on the premiums to be paid to the producers, on the basis of a statement of premiums payable, prepared by the competent control body. This statement shall be issued on the basis of the cultivation contracts concluded by the processing undertaking and the deliveries actually made or planned.

Where, within six weeks from the date of receipt, advances have not been used by processing undertakings for the payment of premiums to producers or reimbursed to the Member State, interest shall be payable on the amount still available at a rate to be determined by the Member State. The interest shall be calculated from the date the advance was received, and booked to the European Guidance and Guarantee Fund (EAGGF).

3. Payment of the advance shall be subject to the lodging of a security equal to the amount of the advance, plus 15 %.

4. Paragraph 5 notwithstanding, the security shall be released only on presentation of the certificate provided for in Article 12 (2). Where an advance has been paid, the security shall be forfeit in respect of the amount of the premiums for which the proof required for release has not been provided within the time limit laid down for issuing the certificate.

5. The security may be released in part upon presentation of a provisional control certificate issued by the competent control body certifying that :

- (a) the quantity of tobacco in question has been taken over by the first processing undertaking;
- (b) the quantity has been delivered under the quota statements allocated to the producers;
- (c) the operations conform to the provisions in force;
- (d) the amount equal to the premium has been paid to the producers entitled thereto in accordance with Article 10 (2).

Only 70 % of the amount covered by the provisional control certificate may be released. Member States shall establish any further conditions, notably the tobacco delivery periods or the minimum quantities in respect of which a provisional control certificate may be drawn up.'

10. Article 14 is replaced by the following :

Article 14

1. Where a Member State decides to pay the premiums direct to the producers, it shall apply a system of advances on premiums for the producers, in accordance with paragraphs 2 to 8.

2. The advance referred to in paragraph 1 shall be paid, upon application by the producer, on the basis of a statement of eligibility for the advance, prepared by the competent control body.

3. The following documents must accompany the application for an advance :

- (a) a copy of the cultivation contract concluded by the producer or, where appropriate, the cultivation declaration issued in his name;
- (b) a copy of the quota statement issued to the producer and covered by the said cultivation contract or declaration;
- (c) a written declaration from the producer concerned specifying the quantities of tobacco he is in a position to deliver during the current harvest.

4. The statement referred to in paragraph 2 shall be issued by the control body once the documents referred to in paragraph 3 are verified and the written declaration supplied by the producer is substantiated.

5. Payment of the advance, the maximum amount of which shall be 50 % of the premium payable to the producer, shall be subject to the lodging of a security equal to the amount of the advance, plus 15 %.

The advance shall be payable from 16 October of the year of harvest.

6. Where the advance is granted to a producer group but has not been paid to the members entitled or reimbursed to the Member State within six weeks of receipt, interest shall be payable on the amount still available at a rate to be determined by the Member State. The interest shall be calculated from the date the advance was received and booked to the European Guidance and Guarantee Fund (EAGGF).

7. The advance paid to a producer shall be deducted from the amount of the premium payable to the producer in accordance with Article 10 (3), starting from the first delivery made by the producer concerned.

The security lodged by the producer shall be released when the entire advance has been deducted from the premiums payable. However, the security may be released gradually as the advance is deducted, at a rate equal to 70 % of the amount of the advance which has been deducted.

If a producer fails to make the deliveries enabling full deduction of the advance from the premiums payable within the time limit laid down in Article 9 (1), the security lodged by him shall be forfeited at a rate equal to the amount of the advance not recovered.

8. Member States shall determine any further conditions governing the grant of the advances, and in particular the final date for lodging applications. A producer may not lodge an application for an advance once he has begun making deliveries.'

11. Article 15 is replaced by the following:

'Article 15

Commission Regulation (EEC) No 2220/85 (*) shall apply in the case of the securities to be lodged in accordance with Articles 13 and 14 of this Regulation, unless this Regulation provides otherwise.

(*) OJ No L 205, 3. 8. 1985, p. 5.'

12. Article 16 is replaced by the following:

'Article 16

1. Premiums shall be reimbursed or advanced by the Member State in which the tobacco was produced.

2. Where tobacco is processed in a Member State other than that in which it was produced, the processing Member State shall, after carrying out the necessary checks, provide the producer Member State with all the information needed to enable it to pay the premium or release the security.'

13. Article 17 is replaced by the following:

'Article 17

1. In so far as provisions like those contained herein have not yet been implemented at national level, Member States shall apply the provisions on checks and penalties laid down in paragraphs 2 to 8.

2. Member States shall establish a system of checks comprising the following:

- (a) field checks;
- (b) checks on deliveries of leaf tobacco;
- (c) checks when the tobacco is first processed and packaged.

3. In the case of the field checks, Member States shall carry out unannounced, on-the-spot checks to verify the information given in the cultivation

contracts or declarations and in particular the area and group of varieties cultivated.

For each processing undertaking, the checks shall cover at least 5 % of the individual growers covered by the contracts or declarations registered by group of varieties; the sample to be checked must be representative of the various amounts covered in the contracts or declarations.

If the checks reveal that the individual producer is not cultivating tobacco, he shall lose all entitlement to the premium for the current harvest and to a production quota for the following harvest.

If the checks show that the area actually cultivated falls short of the area declared by more than 10 %, the premium to be paid to the producer in question during the current harvest and any quota to be allocated to that same producer in the subsequent harvest shall be reduced by double the discrepancy found.

The penalties laid down in the third and fourth subparagraphs shall not apply to a producer or processor who notifies the competent bodies in writing of these discrepancies before the checks are undertaken.

If the checks cannot be carried out for reasons attributable to the producer the area shall, except in cases of *force majeure*, be considered uncultivated.

4. Each delivery must be authorized by the competent control body, which must have been informed in advance so that it could determine the date of delivery.

Each delivery must be checked by the competent control body. During a check, the competent control body must verify that it has authorized the delivery in advance.

If delivery is being made to an approved purchasing centre as provided for in the second subparagraph of Article 9 (1), unprocessed tobacco, once checked, may leave the purchasing centre solely for the purpose of being transferred to the processing plant. After checking, the tobacco must be collected in numbered consignments, the weight and moisture content of which are well defined. The transfer of the consignments to the processing plant must be authorized in writing by the competent control body, which must have been informed in advance so that it could accurately identify the means of transport used, the route, the time of departure and arrival and the tobacco consignments transported.

When the tobacco reaches the processing plant, the competent control body shall verify that the consignments checked in the purchasing centres are those actually delivered, most notably by weighing them.

The competent control body shall lay down any particular conditions it deems necessary for checking the operations.

If the competent control body finds that the unprocessed tobacco has not been delivered to the places provided for in the second subparagraph of Article 9 (1) or that the transporter conveying the tobacco consignments checked at the purchasing centre to the processing plant does not have authorization to effect transport as provided for in the second subparagraph of this paragraph, the processing undertaking which received the tobacco concerned must pay the Member State a sum of money equal to the premiums corresponding to the quantity of tobacco in question. This amount shall be booked to the European Agricultural Guidance and Guarantee Fund (EAGGF).

5. The checks carried out at the first processing and market preparation stage must enable verification of the quantities of leaf tobacco in each undertaking either produced in the Community, or originating in or coming from third countries, and placed under supervision and they must also ensure that the tobacco subjected to this supervision is not released therefrom before the first processing and market preparation operations are completed, and that no tobacco is submitted more than once for checking.

The checks shall include :

- (a) placing the raw tobacco under supervision when it enters the place where processing will occur ;
- (b) an unannounced check for the processing undertaking's stocks ;
- (c) a check when the tobacco leaves the place in which it was under supervision, having undergone first processing and market preparation ;
- (d) all additional control measures that Member States deem necessary, particularly to ensure that no premium is paid for raw tobacco originating in or coming from third countries.

6. The checks referred to in paragraph 5 must be undertaken in the same place where the leaf tobacco

is processed. Within a time limit to be determined by the Member State, the undertakings involved shall notify their competent bodies, in writing, of the places where processing will take place. Member States may stipulate, to this end, the information to be provided by the first processing undertakings to the competent bodies.

7. The processing undertakings shall allow the competent bodies access to the premises where the tobacco is processed and stored, and to the necessary data and documents for implementing this Regulation.

8. Member States shall provide mutual assistance where leaf tobacco is traded between them.'

14. The following paragraph is added to Article 17a :

'For the purposes of this Regulation, "delivery" means any operation which, in the course of the same day, involves a producer or a producer group handing over to a processing undertaking raw tobacco produced by him or by the members of the group, in his/its name and on his/its own account, under a cultivation contract concluded by him or it, or in his or its name.'

15. Annexes I and III are replaced by Annexes I and II to this Regulation.

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 points 1 (b) and 6 of Article 1, which shall apply from the 1994 harvest.

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

ANNEX I

Recognized production areas

| Group of varieties in accordance with the Annex to Regulation (EEC) No 2075/92 | Member State | Production area |
|--|---|---|
| I. Flue-cured | Germany Greece France Italy Spain Portugal Austria | Schleswig-Holstein, Lower Saxony, Franconia, Rhine valley and adjacent valleys, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia Sterea Hellas, Thessaly, Macedonia, Thrace, Peloponnese, Epirus Aquitaine, Midi-Pyrénées, Auvergne, Limousin, Champagne-Ardenne, Alsace, Lorraine, Rhône-Alpes, Franche-Comté, Provence-Alpes-Côte d'Azur, Pays-de-Loire, Centre, Poitou-Charente, Bretagne, Languedoc-Roussillon, Normandy, Burgundy, Nord-Pas-de-Calais, Picardy, Ile-de-France Friuli, Veneto, Lombardy, Piedmont, Tuscany, Marche, Umbria, Lazio, Abruzzi, Molise, Campania, Basilicata, Apulia, Calabria Extremadura, Andalusia, Castile-Leon, Castile-La Mancha Beira Interior, Ribatejo Oeste, Alentejo, Autonomous Region of the Azores Burgenland, Niederösterreich, Oberösterreich, Steiermark |
| II. Light air-cured | Belgium Germany Greece France Italy Spain Portugal Austria | Flanders, Hainaut, Namur, Luxembourg Rhine valley and adjacent valleys, Mittelfranken, Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, Thuringia Macedonia, Thessaly Aquitaine, Midi-Pyrénées, Auvergne, Limousin, Alsace, Lorraine, Rhône-Alpes, Franche-Comté, Pays-de-Loire, Centre, Poitou-Charente, Bretagne, Burgundy, Languedoc-Roussillon Veneto, Lombardy, Piedmont, Umbria, Emilia-Romagna, Lazio, Abruzzi, Molise, Campania, Basilicata, Apulia, Sicily, Friuli, Tuscany, Marche Extremadura, Andalusia, Castile-Leon, Castile-La Mancha Beiras, Ribatejo Oeste, Entre Douro e Minho, Trás-os-Montes, Autonomous Region of the Azores Burgenland, Niederösterreich, Oberösterreich, Steiermark |
| III. Dark air-cured | Belgium Germany France Italy Spain | Flanders, Hainaut, Namur, Luxembourg Rhine valley and adjacent valleys, Mittelfranken, Brandenburg, Mecklenburg-Western Pomerania Aquitaine, Midi-Pyrénées, Languedoc-Roussillon, Auvergne, Limousin, Poitou-Charente, Bretagne, Pays-de-Loire, Centre, Rhône-Alpes, Provence-Alpes-Côte d'Azur, Franche-Comté, Alsace, Lorraine, Champagne-Ardenne, Picardy, Nord-Pas-de-Calais, Normandy, Burgundy, Réunion Friuli, Trentino, Veneto, Tuscany, Lazio, Molise, Campania, Apulia, Sicily Extremadura, Andalusia, Castile-Leon, Castile-La Mancha, Valencia (Comunidad autonoma), Navarre, Rioja, Catalonia, Madrid, Galicia, Asturias, Cantabria, zone of Compezo in the Basque region, La Palma (Canary Islands) |
| IV. Fire-cured | Italy Spain | Veneto, Tuscany, Umbria, Lazio, Campania Extremadura, Andalusia |

| Group of varieties in accordance with the Annex to Regulation (EEC) No 2075/92 | Member State | Production area |
|--|--------------|--|
| V. Sun-cured | Greece | Epirus, Sterea, Hellas, Thessaly, Peloponnese, Macedonia, Thrace and Islands |
| | Italy | Lazio, Abruzzi, Molise, Campania, Basilicata, Apulia, Sicily |
| VI. Basmás | Greece | Thrace, Macedonia, Sterea Hellas, Thessaly |
| VII. Katerini and similar varieties | Greece | Macedonia, Sterea Hellas, Epirus, Thessaly |
| VIII. Kaba Koulak classic, Ellassona, Myrodata Agrinion, Zichnomyrodata | Greece | Macedonia, Thessaly, Sterea Hellas, Thrace, Epirus, Peloponnese and Islands' |

ANNEX II

ANNEX III

Moisture content referred to in Article 8

| Group of varieties | Moisture content (%) |
|--|----------------------|
| I. <i>Flue cured</i> | 16 |
| II. <i>Light air-cured</i> | |
| Germany, France, Belgium, Austria, Portugal — autonomous region of the Azores | 22 |
| other Member States and other recognized production areas of Portugal | 20 |
| III. <i>Dark air-cured</i> | |
| Belgium, Germany, France | 26 |
| other Member States | 22 |
| IV. <i>Fire-cured</i> | 22 |
| V. <i>Sun-cured</i> | 16 |
| VI. <i>Basmás</i> | 16 |
| VII. <i>Katerini</i> | 16 |
| VIII. <i>Kaba Koulak classic, Ellassona, Myrodata d'Agrinion, Zichnomyrodata</i> | 16' |

COMMISSION REGULATION (EC) No 1068/95
of 12 May 1995
on the supply of white sugar as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86⁽³⁾, lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain recipients 258 tonnes of sugar;

Whereas it is necessary to provide for the carrying out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, in order to ensure that the supplies are carried out, provision should be made for tenderers to be able to mobilize either A or B quota sugar or C sugar in accordance with the regulations governing the market; whereas the contract for the supply of each lot is to be awarded to the tenderer submitting the lowest tender having regard to the conditions applicable to the categories of sugar in question;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of destinations of the supplies, provision should be made for the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

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

Tenders relating to the lots specified in the Annexes shall cover either sugar produced under the A or B quotas or C sugar within the meaning of points (a), (b) and (c) of the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81⁽⁶⁾. Tenders shall be rejected unless they specify the category of sugar to which they relate.

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

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

Article 2

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

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

⁽⁶⁾ OJ No L 177, 1. 7. 1981, p. 4.

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

LOT A

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1994 + 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 NL EURON)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: white sugar
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁷⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A (1))
8. **Total quantity**: 258 tonnes
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** ⁽⁹⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under V.A (2) and V.A (3))
Language to be used for the marking: see Annex II
Supplementary markings: 'Expiry date: ...' (A 6 + A 7)
11. **Method of mobilization**: sugar produced in the Community in accordance with the sixth subparagraph of Article 24 (1a) of Council Regulation (EEC) No 1785/81 as follows:
 - A or B sugar (points (a) and (b)) or
 - C sugar (point (c))
12. **Stage of supply**: free at port of shipment ⁽¹⁰⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 26. 6 — 16. 7. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 29. 5. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: at 12 noon (Brussels time) on 12. 6. 1995
 - (b) period for making the goods available at the port of shipment: 10 — 30. 7. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: in the case of A and B sugar: periodic refund applicable to white sugar on 2. 3. 1995, fixed by Commission Regulation (EC) No 965/95 (OJ No L 97, 29. 4. 1995, p. 40)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels. A6 + A7 : Radiation certificate must be legalized for the following country : Sudan.

- (⁴) For A and B sugar :

Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the abovementioned Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 157/95 (OJ No L 24, 1. 2. 1995, p. 1), shall not apply to this amount.

For C sugar :

Commission Regulation (EEC) No 2330/87 is not applicable. The rules given in Commission Regulation (EEC) No 2630/81 (OJ No L 258, 11. 9. 1981, p. 16) apply to exportation of sugar supplied under this Regulation.

- (⁵) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (⁶) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (⁷) The rule provided at the second indent of Article 18 (2) (a) of Regulation (EEC) No 2103/77 (OJ No L 246, 27. 9. 1977, p. 12) is binding for determination of the sugar category.
- (⁸) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following document :
- health certificate.
- (⁹) Notwithstanding OJ No C 114, point V.A(3)(c) is replaced by the following : 'the words "European Community".'
- (¹⁰) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
- (¹¹) Shipment to take place in 20-foot containers, condition FCL/FCL, The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

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

The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), the number of which to be provided to the beneficiary's forwarder.

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

| Lote | Cantidad total (en toneladas) | Cantidades parciales (en toneladas) | Acción n° | País de destino | Lengua que se debe utilizar en la rotulación |
|---------|------------------------------------|--|--|---|---|
| Parti | Totalmængde (i tons) | Delmængde (i tons) | Aktion nr. | Bestemmelsesland | Mærkning på følgende sprog |
| Partie | Gesamtmenge (in Tonnen) | Teilmengen (in Tonnen) | Maßnahme Nr. | Bestimmungsland | Kennzeichnung in folgender Sprache |
| Παρίδια | Συνολική ποσότητα (σε τόνους) | Μερικές ποσότητες (σε τόνους) | Δράση αριθ. | Χώρα προορισμού | Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση |
| Lot | Total quantity (in tonnes) | Partial quantities (in tonnes) | Operation No | Country of destination | Language to be used for the marking |
| Lot | Quantité totale (en tonnes) | Quantités partielles (in tonnes) | Action n° | Pays de destination | Langue à utiliser pour le marquage |
| Lotto | Quantità totale (in tonnellate) | Quantitativi parziali (in tonnellate) | Azione n. | Paese di destinazione | Lingua da utilizzare per la marcatura |
| Partij | Totale hoeveelheid (in ton) | Deelhoeveelheden (in ton) | Maatregel nr. | Land van bestemming | Taal te gebruiken voor de opschriften |
| Lote | Quantidade total (em toneladas) | Quantidades parciais (em toneladas) | Acção n° | País de destino | Língua a utilizar na rotulagem |
| Parti | Total Kvantitet (ton) | Delkvantitet (ton) | Aktion nr | Bestämmelsesland | Mærkning på følgende språk |
| Erä | Kokonaismäärä (tonnia) | Osittaismäärä (tonnia) | Toimi N:o | Määrämaa | Merkinnäissä käytettävä kieli |
| A | 258 | A1: 36 A2: 18 A3: 60 A4: 18 A5: 18 A6: 90 A7: 18 | 1479/94 1480/94 1481/94 1482/94 1483/94 8/95 21/95 | Tanzania Kenya Uganda Uganda Uganda Sudan Sudan | English English English English English English English |

COMMISSION REGULATION (EC) No 1069/95
of 12 May 1995
on the supply of milk products as food aid

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

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

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management ⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas following the taking of a number of decisions on the allocation of food aid the Commission has allocated to certain recipients 4 278 tonnes of milk powder;

Whereas it is necessary to provide for the carrying-out of this measure in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid ⁽⁴⁾, as amended by Regulation (EEC) No 790/91 ⁽⁵⁾; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of

destinations of the supplies, provision should be made for the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

Article 2

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

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOTS A and B

1. **Operation Nos** (1): See Annex II
2. **Programme**: 1993 + 1994
3. **Recipient** (2): World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma (telex 626675 I WFP)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** (3) (6): see OJ No C 114, 29. 4. 1991, p. 1 (under I.B (1))
8. **Total quantity**: 1 368 tonnes
9. **Number of lots**: two (see Annex II)
10. **Packaging and marking** (7): see OJ No C 114, 29. 4. 1991, p. 1 (under I.A (2) (3), I.B (2) and I.B (3))
Lot A: 20-foot containers
Language to be used for the marking: see Annex II
11. **Method of mobilization of product**: Community market
The manufacture of the skimmed-milk powder, and the incorporation of vitamins, must be carried out after the award of the tender
12. **Stage of supply**: free at port of shipment (8)
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 26. 6 — 16. 7. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 29. 5. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 6. 1995
 - (b) period for making the goods available at the port of shipment: 10 — 30. 7. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention Mr T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** (4): refund applicable on 2. 5. 1995, fixed by Commission Regulation (EC) No 943/95 (OJ No L 96, 28. 4. 1995, p. 31)

LOT C

1. **Operation Nos (1):** See Annex II
2. **Programme:** 1994
3. **Recipient (2):** World Food Programme, Via Cristoforo Colombo 426, I-00145 Roma (telex 626675 I WFP)
4. **Representative of the recipient:** to be designated by the recipient
5. **Place or country of destination:** see Annex II
6. **Product to be mobilized:** whole-milk powder
7. **Characteristics and quality of the goods (3) (4):** see OJ No C 114, 29. 4. 1991, p. 1 (under I.C (1))
8. **Total quantity:** 540 tonnes
9. **Number of lots:** one (see Annex II)
10. **Packaging and marking (5):** see OJ No C 114, 29. 4. 1991, p. 1 (under IA (2) (3), I.C (2) and I.C (3))
Language to be used for the marking: see Annex II
11. **Method of mobilization of product:** Community market
The manufacture of the whole-milk powder must be carried out after the award of the tender
12. **Stage of supply:** free at port of shipment (6)
13. **Port of shipment:** —
14. **Port of landing specified by the recipient:** —
15. **Port of landing:** —
16. **Address of the warehouse and, if appropriate, port of landing:** —
17. **Period for making the goods available at the port of shipment:** 26. 6 — 16. 7. 1995
18. **Deadline for the supply:** —
19. **Procedure for determining the costs of supply:** invitation to tender
20. **Date of expiry of the period allowed for submission of tenders:** 12 noon (Brussels time) on 29. 5. 1995
21. **In the case of a second invitation to tender:**
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 6. 1995
 - (b) period for making the goods available at the port of shipment: 10 — 30. 7. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security:** ECU 20 per tonne
23. **Amount of the delivery security:** 10 % of the tender in ecus
24. **Address for submission of tenders and tendering securities (7):** Bureau de l'aide alimentaire, à l'attention Mr T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer (8):** refund applicable on 2. 5. 1995, fixed by Commission Regulation (EC) No 943/95 (OJ No L 96, 28. 4. 1995, p. 31)

LOTS D, E, F and G

1. **Operation Nos** ⁽¹⁾: 1402/94 (lot D); 1403/94 (lot E); 1404/94 (lot F); 1405/94 (lot G)
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: Peru
4. **Representative of the recipient**: Programa Nacional de Asistencia Alimentaria (PRONAA), av. Argentina N° 3017, Callao (tel. 29 10 65; telefax 33 76 35)
5. **Place or country of destination** ⁽³⁾: Peru
6. **Product to be mobilized**: vitaminized skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾:
see OJ No C 114, 29. 4. 1991, p. 1 (under I.B(1))
8. **Total quantity**: 1 000 tonnes
9. **Number of lots**: four (lot D : 250 tonnes; lot E : 250 tonnes; lot F : 250 tonnes; lot G : 250 tonnes)
10. **Packaging and marking** ⁽⁷⁾ ⁽¹⁰⁾:
OJ No C 114, 29. 4. 1991, p. 1 (under I.A(2)(3), I.B(2) and I.B(3))
markings in Spanish; supplementary markings: 'Distribución gratuita'
11. **Method of mobilization of product**: the Community market
the manufacture of the skimmed-milk powder and the incorporation of vitamins must be carried out after the award of the tender
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: PRONAA Depot (see point 4)
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 19. 6 — 2. 7. 1995
18. **Deadline for the supply**: 30. 7. 1995
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 29. 5. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 6. 1995
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 3 — 16. 7. 1995
 - (c) deadline for the supply: 13. 8. 1995
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ⁽¹⁾: refund applicable on 2. 5. 1995, fixed by Commission Regulation (EC) No 943/95 (OJ No L 96, 28. 4. 1995, p. 31)

LOT H

1. **Operation Nos** ⁽¹⁾: 1408/94
2. **Programme**: 1994
3. **Recipient** ⁽²⁾: Tunisia
4. **Representative of the recipient**: STIL-25 rue Bel Hassen Ben Chaabane 1005 EL OMRANE (Tunis)
(tel. (216-1) 56 01 17/56 24 83; telefax 561882; telex 15322TN-Tunisie)
5. **Place or country of destination** ⁽³⁾: Tunisia
6. **Product to be mobilized**: skimmed-milk powder
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁴⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IA (1))
8. **Total quantity**: 1 000 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IA (2) (3) and IA (3))
— Markings in French
11. **Method of mobilization**: the Community market
The skimmed-milk powder must be manufactured after the award of the tender
12. **Stage of supply**: free at port of shipment — fob rail ⁽⁸⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment stage**: 26. 6 — 16. 7. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 29. 5. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 6. 1995
 - (b) period for making the goods available at the port of shipment: 10 — 30. 7. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex 22037 / AGREC B; telefax: (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: refund applicable on 2. 5. 1995, fixed by Commission Regulation (EC) No 943/95 (OJ No L 96, 28. 4. 1995, p. 31)

LOT I

1. **Operation No** (1): 1460/94
2. **Programme**: 1994
3. **Recipient** (2): Mozambique
4. **Representative of the recipient**:
Food Security Department, Av. 25 de Setembro, 1008 Maputo (tel. (258 1) 42 87 71 ; telefax 429455)
5. **Place or country of destination** (3): Mozambique
6. **Product to be mobilized**: skimmed-milk powder
7. **Characteristics and quality of the goods** (4) (5): see OJ No C 114, 29. 4. 1991, p. 1, (under I. A (1))
8. **Total quantity**: 370 tonnes
9. **Number of lots**: one
10. **Packaging and marking** (7) (10): see OJ No C 114, 29. 4. 1991, p. 1 (under I. A (2), I. A (2) (3) and I. A (3))
Markings in Portuguese
11. **Method of mobilization of product**: Community market
The manufacture of the skimmed-milk powder must be carried out after the award of the tender
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: see point 4
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 19. 6 — 2. 7. 1995
18. **Deadline for the supply**: 30. 7. 1995
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 29. 5. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 6. 1995
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 3 — 16. 7. 1995
 - (c) deadline for the supply: 13. 8. 1995
22. **Amount of the tendering security**: ECU 20 per tonne
23. **Amount of the delivery security**: 10 % of the tender in ecus
24. **Address for submission of tenders and tendering securities** (1): Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B ; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** (4): refund applicable on 5. 4. 1995, fixed by Commission Regulation (EC) No 243/95 (OJ No L 96, 28. 4. 1995, p. 31)

Notes :

- (1) The operation number should be mentioned in all correspondence.
- (2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (4) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 157/95 (OJ No L 24, 1. 2. 1995, p. 1), shall not apply to this amount.
- (5) Commission delegation to be contacted by the successful tenderer : OJ No C 114, 29. 4. 1991, p. 33.
- Lots D, E, F and G : Manuel Gonzalez Olaechea N° 247, San Isidro, Lima (tel. (51 14) 41 58 27 ; telefax 41 80 17).
- (6) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- health certificate,
 - lots D, E, F, G, H and I : veterinary certificate issued by an official entity stating that the product was processed with pasteurized milk, coming from healthy animals, processed under excellent sanitary conditions which are supervised by qualified technical personnel and that the area of production of raw milk had not registered foot-and-mouth disease nor any other notifiable infectious/contagious disease during the 12 months prior to the processing.
- (7) Notwithstanding OJ No C 114, point IA (3)(c) or IB (3) (c) or IC (3)(c) is replaced by the following : 'the words "European Community"'.
- (8) Notwithstanding Articles 7 (3)(f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include all costs up to the time when the goods clear the ship's rail.
- (9) For lots A, B and C, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
- (10) Placed in 20-foot containers. The free holding period for containers must be at least 15 days.
-

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

| Lote Parti Partie Παρτίδα Lot Lot Lotto Partij Lote Parti Erä | Cantidad total (en toneladas) Totalmængde (i tons) Gesamtmenge (in Tonnen) Συνολική ποσότητα (σε τόνους) Total quantity (in tonnes) Quantité totale (en tonnes) Quantità totale (in tonnellate) Totale hoeveelheid (in ton) Quantidade total (em toneladas) Total Kvantitet (ton) Kokonaismäärä (tonnia) | Cantidades parciales (en toneladas) Delmængde (i tons) Teilmengen (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas) Delkvantitet (ton) Osittaismäärä (tonnia) | Acción nº Aktion nr. Maßnahme Nr. Δράση αριθ. Operation No Action nº Azione n. Maatregel nr. Acção nº Aktion nr Toimi N:o | País de destino Bestemmelsesland Bestimmungsland Χώρα προορισμού Country of destination Pays de destination Paese di destinazione Land van bestemming País de destino Bestämmelsesland Määrämaa | Lengua que se debe utilizar en la rotulación Mærkning på følgende sprog Kennzeichnung in folgender Sprache Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση Language to be used for the marking Langue à utiliser pour le marquage Lingua da utilizzare per la marcatura Taal te gebruiken voor de opschriften Língua a utilizar na rotulagem Mærkning på følgende språk Merkinnäissä käytettävä kieli |
|---|---|--|--|---|---|
| A | 900 | A1: 872 A2: 28 | 1806/93 1422/94 | Somalia Somalia | English English |
| B | 468 | B1: 153 B2: 215 B3: 100 | 1439/94 1424/94 1441/94 | Burundi Botswana Uganda | Français English English |
| C | 540 | C1: 150 C2: 390 | 1425/94 1426/94 | Uganda Tanzania | English English |

COMMISSION REGULATION (EC) No 1070/95

of 12 May 1995

opening a standing invitation to tender for the export of 200 000 tonnes of barley held by the United Kingdom intervention agency

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 Regulation (EC) No 3290/94⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by intervention agencies;

Whereas, given the current market situation, a standing invitation to tender should be opened for the export at the beginning of the 1995/96 cereals marketing year of 200 000 tonnes of barley held by the United Kingdom intervention agency;

Whereas the proposed invitation to tender for the export of intervention stocks is special in that it will be opened at the end of the marketing year, from May 1995, but for deliveries which will not be possible until 1 July 1995; whereas there should therefore be a derogation from the first paragraph of Article 16 of Regulation (EEC) No 2131/93, which provides for a maximum delay of one month between acceptance of the tender and payment and also a derogation from the third paragraph of Article 16 of the said Regulation, application of which would have led to the price accepted already being increased by monthly increments for the removal of the cereals from the intervention store in July, whereas export was not scheduled previously;

Whereas the operative event for the conversion of tenders submitted for intervention stocks is the date of payment for cereals as fixed by Commission Regulation (EEC) No 1068/93⁽⁵⁾, as last amended by Regulation (EC) No 157/95⁽⁶⁾; whereas this rule should be applied to the sales provided for in this Regulation without prejudice to the possibility of fixing the agricultural conversion rate in advance in accordance with Articles 13 to 17 of Regulation (EEC) No 1068/93;

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 United Kingdom intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 200 000 tonnes of barley held by it.

Article 2

1. The invitation to tender shall cover a maximum of 200 000 tonnes of barley to be exported to all third countries. Customs export formalities may not be completed before 1 July 1995.

2. The regions in which the 200 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 3

1. The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until the end of the following fourth month.

2. Tenders submitted in response to this invitation to tender shall be admissible only if they are accompanied by a written undertaking to export beginning on 1 July 1995. They may not be accompanied by applications for export licences pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 18 May 1995 at 9 a.m. (Brussels time).

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 24, 1. 2. 1995, p. 1.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

3. The last partial invitation to tender shall expire on 30 May 1996 at 9 a.m. (Brussels time).

4. The tenders shall be lodged with the United Kingdom intervention agency.

Article 5

The following provisions shall apply to tenders submitted before 1 July 1995:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the payment must be made not later than 31 July 1995,
- notwithstanding the third subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be converted using the agricultural conversion rate applicable on the date of the payment of cereals of the batch concerned.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place from 1 July 1995.

Article 7

1. The intervention agency, the storer and the successful tenderer, if he so wishes, shall by common agreement, either before or at the moment of removal from storage, as the successful tenderer chooses, take reference samples at the rate of at least one sample for every 500 tonnes, and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The Commission must be informed of the findings of the analyses within three days.

Reference samples shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples were taken on removal from storage. If the final result of the sample analyses indicates a quality:

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics for intervention but below the quality described in the notice of

invitation to tender, with the difference remaining within a limit of up to:

- 2 kg/hl for the specific weight, which must not, however, be less than 60 kg/hl,
 - one percentage point for the moisture content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92⁽¹⁾,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Commission Regulation (EEC) No 689/92, the percentage admissible for noxious grains and ergot, however remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may:

- either accept the lot as established,

- or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II;

- (d) below the minimum characteristics required for intervention, the successful tenderer may not remove the lot in question. He shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention barley of the quality laid down, without additional charges. In this case, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

2. However, if the barley is removed before the results of the analysis are known, all risks shall be borne by the successful tenderer from the time of removal of the lot, without prejudice to the forms of recourse the successful tenderer may have against the storer.

3. If, the successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for replacement, he shall be released from all his obligations, including the securities, once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. The costs of the taking of samples and the analyses referred to in paragraph 1, except those where the final result of the analyses produces a quality inferior to the minimum characteristics required for intervention, shall be borne by the EAGGF up to a maximum of one analysis per 500 tonnes with the exception of the trans-

silage costs. The cost of any additional analyses requested by the successful tenderer shall be borne by him.

Article 8

The United Kingdom intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex III to this Regulation, to the telex or telefax numbers in Annex IV.

Article 9

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

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)

| Place of storage | Quantity |
|------------------|----------|
| England | 133 000 |
| Scotland | 61 000 |

ANNEX II

Communication of refusal of lots under the standing invitation to tender for the export of 200 000 tonnes of barley held by the United Kingdom intervention agency

(Article 7 (1) of Regulation (EC) No 1070/95)

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

| Lot No | Quantity in tonnes | Address of silo | Reason for refusal to take over |
|--------|--------------------|-----------------|--|
| | | | <ul style="list-style-type: none"> — Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other |

ANNEX III

Standing invitation to tender for the export of 200 000 tonnes of barley held by the United Kingdom intervention agency

(Regulation (EC) No 1070/95)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----------|----------------|-------------------|-----------------------------|--|------------------------------|-------------|
| Tender No | Consignment No | Quantity (tonnes) | Offer price (ECU/tonne) (1) | Price increases (+) or reductions (-) (ECU/tonne) p.m. | Commercial costs (ECU/tonne) | Destination |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| etc. | | | | | | |

(1) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG VI-C-1)

- telex : 22037 AGREC B,
22070 AGREC B (Greek characters);
- telefax : 296 49 56,
295 25 15.

COMMISSION REGULATION (EC) No 1071/95

of 12 May 1995

opening a standing invitation to tender for the export of 500 000 tonnes of rye held by the German intervention agency

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 Regulation (EC) No 3290/94⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by intervention agencies;

Whereas, given the current market situation, a standing invitation to tender should be opened for the export at the beginning of the 1995/96 cereals marketing year of 500 000 tonnes of rye held by the German intervention agency;

Whereas the proposed invitation to tender for the export of intervention stocks is special in that it will be opened at the end of the marketing year, from May 1995, but for deliveries which will not be possible until 1 July 1995; whereas there should therefore be a derogation from the first paragraph of Article 16 of Regulation (EEC) No 2131/93, which provides for a maximum delay of one month between acceptance of the tender and payment and also a derogation from the third paragraph of Article 16 of the said Regulation, application of which would have led to the price accepted already being increased by monthly increments for the removal of the cereals from the intervention store in July, whereas export was not scheduled previously;

Whereas the operative event for the conversion of tenders submitted for intervention stocks is the date of payment for cereals as fixed by Commission Regulation (EEC) No 1068/93⁽⁵⁾, as last amended by Regulation (EC) No 157/95⁽⁶⁾; whereas this rule should be applied to the sales provided for in this Regulation without prejudice to the possibility of fixing the agricultural conversion rate in advance in accordance with Articles 13 to 17 of Regulation (EEC) No 1068/93;

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 German intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 500 000 tonnes of rye held by it.

Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of rye to be exported to all third countries. Customs export formalities may not be completed before 1 July 1995.

2. The regions in which the 500 000 tonnes of rye are stored are stated in Annex I to this Regulation.

Article 3

1. The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until the end of the fourth month following.

2. Tenders submitted in response to this invitation to tender shall be admissible only if they are accompanied by a written undertaking to export only beginning 1 July 1995. They may not be accompanied by applications for export licences pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 18 May 1995 at 9 a.m. (Brussels time).

2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 24, 1. 2. 1995, p. 1.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

3. The last partial invitation to tender shall expire on 30 May 1996 at 9 a.m. (Brussels time).

4. The tenders shall be lodged with the German intervention agency.

Article 5

The following provisions shall apply to tenders submitted before 1 July 1995:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the payment must be made not later than 31 July 1995,
- notwithstanding the third subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be converted using the agricultural conversion rate applicable on the date of the payment of cereals of the batch concerned.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place from 1 July 1995.

Article 7

1. The intervention agency, the storer and the successful tenderer, if he so wishes, shall by common agreement, either before or at the moment of removal from storage, as the successful tenderer chooses, take reference samples at the rate of at least one sample for every 500 tonnes, and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The Commission must be informed of the findings of the analyses within three days.

Reference samples shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples were taken on removal from storage. If the final result of the sample analyses indicates a quality:

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics for intervention but below the quality described in the notice of

invitation to tender, with the difference remaining within a limit of up to:

- 1 kg/hl for the specific weight, which must not, however, be less than 68 kg/hl,
 - one percentage point for the moisture content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92⁽¹⁾,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Commission Regulation (EEC) No 689/92, the percentage admissible for noxious grains and ergot, however remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may:

- either accept the lot as established,

- or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention rye of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II;

- (d) below the minimum characteristics required for intervention, the successful tenderer may not remove the lot in question. He shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention rye of the quality laid down, without additional charges. In this case, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

2. However, if the rye is removed before the results of the analysis are known, all risks shall be borne by the successful tenderer from the time of removal of the lot, without prejudice to the forms of recourse the successful tenderer may have against the storer.

3. If, the successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for replacement, he shall be released from all his obligations, including the securities, once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. The costs of the taking of samples and the analyses referred to in paragraph 1, except those where the final result of the analyses produces a quality inferior to the minimum characteristics required for intervention, shall be borne by the EAGGF up to a maximum of one analysis per 500 tonnes with the exception of the trans-

silage costs. The cost of any additional analyses requested by the successful tenderer shall be borne by him.

Article 8

The German intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex III to this Regulation, to the telex or telefax numbers in Annex IV.

Article 9

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

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

| Place of storage | Quantity <i>(tonnes)</i> |
|---|-----------------------------|
| Schleswig-Holstein/ Niedersachsen/Bremen/ Nordrhein-Westfalen | 286 223 |
| Berlin/Brandenburg/ Mecklenburg-Vorpommern | 164 465 |
| Sachsen/Sachsen-Anhalt/Thüringen | 49 310 |

ANNEX II

Communication of refusal of lots under the standing invitation to tender for the export of
500 000 tonnes of rye held by the German intervention agency

(Article 7 (1) of Regulation (EC) No 1071/95)

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

| Lot No | Quantity in tonnes | Address of silo | Reason for refusal to take over |
|-----------|-----------------------|--------------------|--|
| | | | <ul style="list-style-type: none"> — Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other |

ANNEX III

Standing invitation to tender for the export of 500 000 tonnes of rye held by the German intervention agency

(Regulation (EC) No 1071/95)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----------|----------------|-------------------|-----------------------------|--|------------------------------|-------------|
| Tender No | Consignment No | Quantity (tonnes) | Offer price (ECU/tonne) (1) | Price increases (+) or reductions (-) (ECU/tonne) p.m. | Commercial costs (ECU/tonne) | Destination |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| etc. | | | | | | |

(1) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG VI-C-1)

- telex : 22037 AGREC B,
22070 AGREC B (Greek characters);
- telefax : 296 49 56,
295 25 15.

COMMISSION REGULATION (EC) No 1072/95
of 12 May 1995

**opening a standing invitation to tender for the export of 1 000 000 tonnes of
barley held by the German intervention agency**

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 Regulation (EC) No 3290/94⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by intervention agencies;

Whereas, given the current market situation, a standing invitation to tender should be opened for the export at the beginning of the 1995/96 cereals marketing year of 1 000 000 tonnes of barley held by the German intervention agency;

Whereas the proposed invitation to tender for the export of intervention stocks is special in that it will be opened at the end of the marketing year, from May 1995, but for deliveries which will not be possible until 1 July 1995; whereas there should therefore be a derogation from the first paragraph of Article 16 of Regulation (EEC) No 2131/93, which provides for a maximum delay of one month between acceptance of the tender and payment and also a derogation from the third paragraph of Article 16 of the said Regulation, application of which would have led to the price accepted already being increased by monthly increments for the removal of the cereals from the intervention store in July, whereas export was not scheduled previously;

Whereas the operative event for the conversion of tenders submitted for intervention stocks is the date of payment for cereals as fixed by Commission Regulation (EEC) No 1068/93⁽⁵⁾, as last amended by Regulation (EC) No 157/95⁽⁶⁾; whereas this rule should be applied to the sales provided for in this Regulation without prejudice to the possibility of fixing the agricultural conversion rate in advance in accordance with Articles 13 to 17 of Regulation (EEC) No 1068/93;

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 German intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 1 000 000 tonnes of barley held by it.

Article 2

1. The invitation to tender shall cover a maximum of 1 000 000 tonnes of barley to be exported to all third countries. Customs export formalities may not be completed before 1 July 1995.
2. The regions in which the 1 000 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 3

1. The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until the end of the fourth month following.
2. Tenders submitted in response to this invitation to tender shall be admissible only if they are accompanied by a written undertaking to export only beginning 1 July 1995. They may not be accompanied by applications for export licences pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 18 May 1995 at 9 a.m. (Brussels time).
2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 24, 1. 2. 1995, p. 1.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

3. The last partial invitation to tender shall expire on 30 May 1996 at 9 a.m. (Brussels time).

4. The tenders shall be lodged with the German intervention agency.

Article 5

The following provisions shall apply to tenders submitted before 1 July 1995:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the payment must be made not later than 31 July 1995,
- notwithstanding the third subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be converted using the agricultural conversion rate applicable on the date of the payment of cereals of the batch concerned.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place from 1 July 1995.

Article 7

1. The intervention agency, the storer and the successful tenderer, if he so wishes, shall by common agreement, either before or at the moment of removal from storage, as the successful tenderer chooses, take reference samples at the rate of at least one sample for every 500 tonnes, and shall analyse the samples. The intervention agency may be represented by a proxy, provided this is not the storer.

The Commission must be informed of the findings of the analyses within three days.

Reference samples shall be taken and analysed within seven working days of the date of the successful tenderer's request or within three working days if the samples were taken on removal from storage. If the final result of the sample analyses indicates a quality:

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics for intervention but below the quality described in the notice of

invitation to tender, with the difference remaining within a limit of up to:

- 2 kg/hl for the specific weight, which must not, however, be less than 60 kg/hl,
 - one percentage point for the moisture content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92⁽¹⁾,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Commission Regulation (EEC) No 689/92, the percentage admissible for noxious grains and ergot, however remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may:

- either accept the lot as established,

- or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II;

- (d) below the minimum characteristics required for intervention, the successful tenderer may not remove the lot in question. He shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex II; however, he may request the intervention agency to supply him with another lot of intervention barley of the quality laid down, without additional charges. In this case, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II.

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

2. However, if the barley is removed before the results of the analysis are known, all risks shall be borne by the successful tenderer from the time of removal of the lot, without prejudice to the forms of recourse the successful tenderer may have against the storer.

3. If, the successive replacements, the successful tenderer has not received a replacement lot of the quality laid down within one month of the date of his request for replacement, he shall be released from all his obligations, including the securities, once he has informed the Commission and the intervention agency forthwith in accordance with Annex II.

4. The costs of the taking of samples and the analyses referred to in paragraph 1, except those where the final result of the analyses produces a quality inferior to the minimum characteristics required for intervention, shall be borne by the EAGGF up to a maximum of one analysis per 500 tonnes with the exception of the trans-

silage costs. The cost of any additional analyses requested by the successful tenderer shall be borne by him.

Article 8

The German intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex III to this Regulation, to the telex or telefax numbers in Annex IV.

Article 9

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

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

| Place of storage | Quantity <i>(tonnes)</i> |
|---|-----------------------------|
| Schleswig-Holstein/ Niedersachsen/Bremen/ Nordrhein-Westfalen | 433 078 |
| Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern | 23 902 |
| Berlin/Brandenburg/ Mecklenburg-Vorpommern | 165 352 |
| Sachsen/Sachsen-Anhalt/Thüringen | 378 556 |

ANNEX II

Communication of refusal of lots under the standing invitation to tender for the export of
1 000 000 tonnes of barley held by the German intervention agency

(Article 7 (1) of Regulation (EC) No 1072/95)

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

| Lot No | Quantity in tonnes | Address of silo | Reason for refusal to take over |
|-----------|-----------------------|--------------------|--|
| | | | <ul style="list-style-type: none"> — Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not basic cereal of unimpaired quality — Other |

ANNEX III

**Standing invitation to tender for the export of 1 000 000 tonnes of barley held by the
German intervention agency**

(Regulation (EC) No 1072/95)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|-----------|----------------|-------------------|-----------------------------|--|------------------------------|-------------|
| Tender No | Consignment No | Quantity (tonnes) | Offer price (ECU/tonne) (1) | Price increases (+) or reductions (-) (ECU/tonne) p.m. | Commercial costs (ECU/tonne) | Destination |
| 1 | | | | | | |
| 2 | | | | | | |
| 3 | | | | | | |
| etc. | | | | | | |

(1) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG VI-C-1)

— telex : 22037 AGREC B
 22070 AGREC B (Greek characters)

— telefax : 296 49 56,
 295 25 15.

COMMISSION REGULATION (EC) No 1073/95

of 12 May 1995

on the opening of a standing invitation to tender for 300 000 tonnes of barley held by the German intervention agency for processing in Spain

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 by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 5 thereof,

Whereas the drought affecting Spain in recent months has resulted in a shortage of fodder, which may induce stockfarmers to sell their livestock early, thereby adversely affecting their incomes;

Whereas that shortage may be made good by making 300 000 tonnes of barley available to Spanish stockfarmers; whereas, for its part, the Spanish intervention agency does not have fodder grain available; whereas such Community grain is available at the German intervention agency;

Whereas, given the current market situation, a standing invitation to tender should be opened for 300 000 tonnes of barley held by the German intervention agency for compulsory dispatch to Spain;

Whereas the aim of the measures can only be achieved if the minimum price laid down under the invitation to tender takes account of the forwarding costs between Germany and Spain but does not disturb the Spanish domestic market; whereas, under these circumstances, the most appropriate procedure is that followed for exports of cereals to third countries; whereas a special system, combining certain rules on resale on the internal market and those on exports, should therefore be laid down;

Whereas, as regards proof of processing in Spain, Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽³⁾, as last amended by Regulation (EEC) No 1938/93⁽⁴⁾, should apply;

Whereas, in view of the early harvest in Spain and if the provisions of this Regulation are to produce an effect, the measures adopted must be applied as soon as possible;

Whereas the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies⁽⁵⁾, the German intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 300 000 tonnes of barley it holds with a view to processing in Spain.

2. The regions where the 300 000 tonnes of barley are stored are set out in Annex I.

Article 2

1. In the notice of invitation to tender provided for in Article 5, the intervention agency shall specify for each lot the port or place of exit which may be accessed at the lowest transport costs and which has adequate technical facilities for dispatching the cereals put up for tender.

2. The lowest transport costs between the place of storage and the place of loading at the port or place of exit referred to in paragraph 1 shall be reimbursed to the successful tenderer by the intervention agency in respect of the quantities delivered.

Article 3

Tenders shall be deemed to relate to cereals delivered to, but not unloaded at, the ports or places of exit referred to in Article 2.

Article 4

When each closing date for the submission of tenders has expired, the Member State concerned shall forward to the Commission a list of tenders, without names, showing in each case in particular the quantity, the price and the price increases or reductions applying thereto. In accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, the Commission shall fix the minimum selling price or shall decide to take no action in respect of tenders received.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

The minimum selling price shall be set at a level which does not disturb the Spanish market.

Article 5

At least five days before the first closing date for the submission of tenders, the German intervention agency shall publish a notice of invitation to tender setting out:

- supplementary terms and conditions of sale in accordance with this Regulation,
- the main physical and technical characteristics of the various lots as ascertained at the time of buying-in by the intervention agency or during checks conducted thereafter,
- the places of storage and the names and addresses of the storers.

The notice and any amendments thereto shall be forwarded to the Commission before the first closing date for the submission of tenders.

The German intervention agency shall take all measures necessary to enable interested parties to assess the quality of the cereals put up for sale before submitting their tenders.

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize and durum wheat⁽¹⁾.

Where the quality of the cereals does not comply with the standard quality, the price of the tender accepted shall be adjusted by applying price increases or reductions pursuant to Articles 4 and 5 of Regulation (EEC) No 1766/92.

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

- proof that the tenderer has lodged a security of ECU 10 per tonne,
- proof that a contract of sale for delivery in Spain has been concluded, subject to award to the contract,
- a written undertaking by the tenderer that the cereals covered by the award will be processed in Spain by 30 September 1995 at the latest.

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 18 May 1995.

2. The time limit for the submission of tenders in response to subsequent partial invitations to tender shall expire at 9 a.m. (Brussels time) each Thursday.

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 27 July 1995.

4. Tenders must be submitted to the German intervention agency at the following address:

Bundesanstalt für Landwirtschaft und Ernährung (BLE),
Adickesallee 40,
D-60322 Frankfurt/Main,
(Telex: 4-11475, 4-16044).

Article 8

Not later than two hours after the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notifications shall be sent to the telex or telefax numbers set out in Annex III, using the model set out in Annex II.

Article 9

The intervention agency shall immediately inform all tenderers of the outcome of their tenders. Within three working days of such notification, it shall forward statements of award to the successful tenderers by registered letter or written telecommunication.

Article 10

Successful tenderers shall pay for the cereals before they are removed and at the latest within one month of the date of forwarding of the statements referred to in Article 9. They shall bear all risks and storage costs in respect of cereals not removed within the term of payment.

Cereals covered by contracts awarded and not removed within the term of payment shall be deemed to all effects to have been removed on expiry of that term. In such cases, the tender price shall be adjusted by reference to the quality specifications laid down in the notice of invitation to tender.

Where the successful tenderer has not paid for the cereals within the term laid down in the first paragraph, the contract shall be cancelled by the intervention agency in respect of the quantities not paid for.

Article 11

Securities as referred to in Article 6 (2) shall be released where they cover quantities in respect of which:

- the tender has not been accepted,
- the selling price is paid within the term laid down and a security covering the difference between the price accepted and the intervention price applying on the closing date for the submission of tenders, plus ECU 30/tonne, has been lodged.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

1. Securities as referred to in the second indent of Article 11 shall be released where they cover quantities in respect of which the tenderers provide proof that the product:

- has been processed in Spain by 30 September 1995 at the latest, except in cases of *force majeure*, or
- is no longer fit for human or animal consumption.

2. Proof that the cereals covered by this Regulation have been processed in Spain shall be furnished in accordance with Regulation (EEC) No 3002/92.

However, processing shall be deemed to have taken place once the barley has been delivered to a store in Spain.

Article 13

In addition to the endorsements provided for in Regulation (EEC) No 3002/92, box 104 of the T5 control copy must bear one or more of the following:

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

Done at Brussels, 12 May 1995.

- Destinados a la transformación [Reglamento (CE) nº 1073/95],
- Til forarbejdning (forordning (EF) nr. 1073/95),
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 1073/95),
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 1073/95],
- For processing (Regulation (EC) No 1073/95),
- Destinées à la transformation [règlement (CE) nº 1073/95],
- Destinate alla trasformazione [regolamento (CE) n. 1073/95],
- Bestemd om te worden verwerkt (Verordening (EG) nr. 1073/95),
- Para transformação [Regulamento (CE) nº 1073/95],
- Tarkoitettu jalostukseen [Asetus (EY) N:o 1073/95],
- För bearbetning (förordning (EG) nr 1073/95).

Article 14

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

ANNEX I

| <i>(tonnes)</i> | |
|---|----------|
| Place of storage | Quantity |
| Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen | 161 298 |
| Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern | 19 104 |
| Berlin/Brandenburg/Mecklenburg- Vorpommern | 52 749 |
| Sachsen/Sachsen-Anhalt/Thüringen | 66 845 |

ANNEX II

Standing invitation for the resale of 300 000 tonnes of barley held by the German intervention agency for dispatch to Spain

(Regulation (EC) No 1073/95)

| 1 | 2 | 3 | 4 | 5 | 6 |
|--------------------|---------------|-------------------|--------------------------|---|------------------------------|
| Number of tenderer | Number of lot | Quantity (tonnes) | Tender price (ECU/tonne) | Price increase (+) or reduction (-) (ECU/tonne) (p. m.) | Commercial costs (ECU/tonne) |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| etc. | | | | | |

ANNEX III

Only the following numbers in Brussels should be used (DG VI. (C.1) Attention : Messrs Thibault and Brus):

- telex : — 22037 AGREC B,
 — 22070 AGREC B (Greek alphabet);
- telefax : — 295 01 32,
 — 296 10 97,
 — 295 25 15.

COMMISSION REGULATION (EC) No 1074/95
of 12 May 1995

**on the opening of a standing invitation to tender for 100 000 tonnes of rye held
by the German intervention agency for processing in Spain**

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 by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 5 thereof,

Whereas the drought affecting Spain in recent months has resulted in a shortage of fodder, which may induce stockfarmers to sell their livestock early, thereby adversely affecting their incomes;

Whereas that shortage may be made good by making 100 000 tonnes of rye available to Spanish stockfarmers; whereas, for its part, the Spanish intervention agency does not have fodder grain available; whereas such Community grain is available at the German intervention agency;

Whereas, given the current market situation, a standing invitation to tender should be opened for 100 000 tonnes of rye held by the German intervention agency for compulsory dispatch to Spain;

Whereas the aim of the measures can only be achieved if the minimum price laid down under the invitation to tender takes account of the forwarding costs between Germany and Spain but does not disturb the Spanish domestic market; whereas, under these circumstances, the most appropriate procedure is that followed for exports of cereals to third countries; whereas a special system, combining certain rules on resale on the internal market and those on exports, should therefore be laid down;

Whereas, as regards proof of processing in Spain, Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽³⁾, as last amended by Regulation (EEC) No 1938/93⁽⁴⁾, should apply;

Whereas, in view of the early harvest in Spain and if the provisions of this Regulation are to produce an effect, the measures adopted must be applied as soon as possible;

Whereas the Joint Management Committee for Cereals, Oils and Fats and Dried Fodder has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies⁽⁵⁾, the German intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 100 000 tonnes of rye it holds with a view to processing in Spain.

2. The regions where the 100 000 tonnes of rye are stored are set out in Annex I.

Article 2

1. In the notice of invitation to tender provided for in Article 5, the intervention agency shall specify for each lot the port or place of exit which may be accessed at the lowest transport costs and which has adequate technical facilities for dispatching the cereals put up for tender.

2. The lowest transport costs between the place of storage and the place of loading at the port or place of exit referred to in paragraph 1 shall be reimbursed to the successful tenderer by the intervention agency in respect of the quantities delivered.

Article 3

Tenders shall be deemed to relate to cereals delivered to, but not unloaded at, the ports or places of exit referred to in Article 2.

Article 4

When each closing date for the submission of tenders has expired, the Member State concerned shall forward to the Commission a list of tenders, without names, showing in each case in particular the quantity, the price and the price increases or reductions applying thereto. In accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, the Commission shall fix the minimum selling price or shall decide to take no action in respect of tenders received.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

The minimum selling price shall be set at a level which does not disturb the Spanish market.

Article 5

At least five days before the first closing date for the submission of tenders, the German intervention agency shall publish a notice of invitation to tender setting out:

- supplementary terms and conditions of sale in accordance with this Regulation,
- the main physical and technical characteristics of the various lots as ascertained at the time of buying-in by the intervention agency or during checks conducted thereafter,
- the places of storage and the names and addresses of the storers.

The notice and any amendments thereto shall be forwarded to the Commission before the first closing date for the submission of tenders.

The German intervention agency shall take all measures necessary to enable interested parties to assess the quality of the cereals put up for sale before submitting their tenders.

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize and durum wheat⁽¹⁾.

Where the quality of the cereals does not comply with the standard quality, the price of the tender accepted shall be adjusted by applying price increases or reductions pursuant to Articles 4 and 5 of Regulation (EEC) No 1766/92.

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

- proof that the tenderer has lodged a security of ECU 10 per tonne,
- proof that a contract of sale for delivery in Spain has been concluded, subject to award to the contract,
- a written undertaking by the tenderer that the cereals covered by the award will be processed in Spain by 30 September 1995 at the latest.

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 18 May 1995.

2. The time limit for the submission of tenders in response to subsequent partial invitations to tender shall expire at 9 a.m. (Brussels time) each Thursday.

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 27 July 1995.

4. Tenders must be submitted to the German intervention agency at the following address:

Bundesanstalt für Landwirtschaft und Ernährung (BLE),
Adickesallee 40,
D-60322 Frankfurt/Main,
(Telex: 4-11475, 4-16044).

Article 8

Not later than two hours after the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notifications shall be sent to the telex or telefax numbers set out in Annex III, using the model set out in Annex II.

Article 9

The intervention agency shall immediately inform all tenderers of the outcome of their tenders. Within three working days of such notification, it shall forward statements of award to the successful tenderers by registered letter or written telecommunication.

Article 10

Successful tenderers shall pay for the cereals before they are removed and at the latest within one month of the date of forwarding of the statements referred to in Article 9. They shall bear all risks and storage costs in respect of cereals not removed within the term of payment.

Cereals covered by contracts awarded and not removed within the term of payment shall be deemed to all effects to have been removed on expiry of that term. In such cases, the tender price shall be adjusted by reference to the quality specifications laid down in the notice of invitation to tender.

Where the successful tenderer has not paid for the cereals within the term laid down in the first paragraph, the contract shall be cancelled by the intervention agency in respect of the quantities not paid for.

Article 11

Securities as referred to in Article 6 (2) shall be released where they cover quantities in respect of which:

- the tender has not been accepted,
- the selling price is paid within the term laid down and a security covering the difference between the price accepted and the intervention price applying on the closing date for the submission of tenders, plus ECU 30/tonne, has been lodged.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

1. Securities as referred to in the second indent of Article 11 shall be released where they cover quantities in respect of which the tenderers provide proof that the product:

- has been processed in Spain by 30 September 1995 at the latest, except in cases of *force majeure*, or
- is no longer fit for human or animal consumption.

2. Proof that the cereals covered by this Regulation have been processed in Spain shall be furnished in accordance with Regulation (EEC) No 3002/92.

However, processing shall be deemed to have taken place once the rye has been delivered to a store in Spain.

Article 13

In addition to the endorsements provided for in Regulation (EEC) No 3002/92, box 104 of the T5 control copy must bear one or more of the following:

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

Done at Brussels, 12 May 1995.

- Destinados a la transformación [Reglamento (CE) n° 1074/95],
- Til forarbejdning (forordning (EF) nr. 1074/95),
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 1074/95),
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 1074/95],
- For processing (Regulation (EC) No 1074/95),
- Destinées à la transformation [règlement (CE) n° 1074/95],
- Destinate alla trasformazione [regolamento (CE) n. 1074/95],
- Bestemd om te worden verwerkt (Verordening (EG) nr. 1074/95),
- Para transformação [Regulamento (CE) n° 1074/95],
- Tarkoitettu jalostukseen [Asetus (EY) N:o 1074/95],
- För bearbetning (förordning (EG) nr 1074/95).

Article 14

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

ANNEX I

| Place of storage | Quantity (tonnes) |
|---|----------------------|
| Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen | 20 617 |
| Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern | 2 966 |
| Berlin/Brandenburg/Mecklenburg- Vorpommern | 29 446 |
| Sachsen/Sachsen-Anhalt/Thüringen | 46 968 |

ANNEX II

Standing invitation for the resale of 100 000 tonnes of rye held by the German intervention agency for dispatch to Spain

(Regulation (EC) No 1074/95)

| 1 | 2 | 3 | 4 | 5 | 6 |
|--------------------|---------------|-------------------|--------------------------|---|------------------------------|
| Number of tenderer | Number of lot | Quantity (tonnes) | Tender price (ECU/tonne) | Price increase (+) or reduction (-) (ECU/tonne) (p. m.) | Commercial costs (ECU/tonne) |
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| etc. | | | | | |

ANNEX III

Only the following numbers in Brussels should be used (DG VI. (C.1) Attention : Messrs Thibault and Brus) :

- telex : — 22037 AGREC B,
 — 22070 AGREC B (Greek alphabet);
- telefax : — 295 01 32,
 — 296 10 97,
 — 295 25 15.

COMMISSION REGULATION (EC) No 1075/95

of 12 May 1995

determining the percentage of quantities covered by applications for advance fixing of refunds on eggs and poultrymeat which may be accepted and suspending advance fixing thereof

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

Having regard to Commission Regulation (EEC) No 3652/81 of 18 December 1981 laying down detailed rules for implementing the system of advance fixing certificates for refunds in the poultrymeat and eggs sector⁽¹⁾, as last amended by Regulation (EC) No 1030/95⁽²⁾, and in particular Article 4 thereof,

Whereas Regulation (EEC) No 3652/81 provides for measures to ensure compliance with the limit on quantities covered by advance-fixing certificates valid beyond 30 June 1995 and submitted pursuant to Commission Regulation (EC) No 974/95 of 28 April 1995 on certain transitional measures required to implement the Uruguay Round Agricultural Agreement⁽³⁾;

Whereas the quantity covered by applications for advance fixing of refunds on eggs and poultrymeat submitted on 8 and 9 May 1995 is greater than that normally disposed of; whereas a percentage of such quantities which may be accepted should therefore be fixed pursuant to Regulation (EC) No 974/95;

Whereas no further applications for advance fixing of refunds should therefore be accepted pursuant to Regula-

tion (EC) No 974/95 from 15 to 31 May and applications pending should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for advance fixing of refunds on eggs and poultrymeat submitted pursuant to Article 1 of Regulation (EC) No 974/95 shall be dealt with as follows:

1. 66,67 % quantities applied for in the case of eggs and 53,45 % in the case of poultrymeat in applications submitted on 8 and 9 May 1995 shall be accepted;
2. no further action shall be taken in respect of applications pending, for certificates which should have been issued from 17 May 1995;
3. the submission of applications is hereby suspended from 15 to 17 May 1995.

Article 2

This Regulation shall enter into force on 15 May 1995.

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 364, 19. 12. 1981, p. 19.

⁽²⁾ OJ No L 103, 6. 5. 1995, p. 36.

⁽³⁾ OJ No L 97, 29. 4. 1995, p. 66.

COMMISSION REGULATION (EC) No 1076/95
of 12 May 1995
fixing the import levies on milk and milk products

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

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

Whereas the import levies on milk and milk products were fixed by Commission Regulation (EC) No 944/95⁽²⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 944/95 to the prices

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 16 May 1995.

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 96, 28. 4. 1995, p. 42.

ANNEX

to the Commission Regulation of 12 May 1995 fixing the import levies on milk and milk products

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

| CN code | Note (*) | Import levy | CN code | Note (*) | Import levy |
|------------|-----------|-------------------|------------|----------|-------------------|
| 0401 10 10 | | 18,71 | 0403 10 16 | (1) | 2,5574/kg + 33,45 |
| 0401 10 90 | | 17,25 | 0403 10 22 | | 27,69 |
| 0401 20 11 | | 24,78 | 0403 10 24 | | 31,97 |
| 0401 20 19 | | 23,32 | 0403 10 26 | | 73,83 |
| 0401 20 91 | | 29,06 | 0403 10 32 | (1) | 0,2040/kg + 31,99 |
| 0401 20 99 | | 27,60 | 0403 10 34 | (1) | 0,2468/kg + 31,99 |
| 0401 30 11 | | 70,92 | 0403 10 36 | (1) | 0,6654/kg + 31,99 |
| 0401 30 19 | | 69,46 | 0403 90 11 | | 132,67 |
| 0401 30 31 | | 133,59 | 0403 90 13 | | 224,10 |
| 0401 30 39 | | 132,13 | 0403 90 19 | | 264,49 |
| 0401 30 91 | | 221,47 | 0403 90 31 | (1) | 1,2392/kg + 33,45 |
| 0401 30 99 | | 220,01 | 0403 90 33 | (1) | 2,1535/kg + 33,45 |
| 0402 10 11 | (*) | 132,67 | 0403 90 39 | (1) | 2,5574/kg + 33,45 |
| 0402 10 19 | (3)(*) | 123,92 | 0403 90 51 | | 27,69 |
| 0402 10 91 | (1)(*) | 1,2392/kg + 33,45 | 0403 90 53 | | 31,97 |
| 0402 10 99 | (1)(*) | 1,2392/kg + 24,70 | 0403 90 59 | | 73,83 |
| 0402 21 11 | (*) | 224,10 | 0403 90 61 | (1) | 0,2040/kg + 31,99 |
| 0402 21 17 | (*) | 215,35 | 0403 90 63 | (1) | 0,2468/kg + 31,99 |
| 0402 21 19 | (3)(*) | 215,35 | 0403 90 69 | (1) | 0,6654/kg + 31,99 |
| 0402 21 91 | (3)(*) | 264,49 | 0404 10 02 | | 32,88 |
| 0402 21 99 | (3)(*) | 255,74 | 0404 10 04 | | 224,10 |
| 0402 29 11 | (1)(3)(*) | 2,1535/kg + 33,45 | 0404 10 06 | | 264,49 |
| 0402 29 15 | (1)(*) | 2,1535/kg + 33,45 | 0404 10 12 | | 132,67 |
| 0402 29 19 | (1)(*) | 2,1535/kg + 24,70 | 0404 10 14 | | 224,10 |
| 0402 29 91 | (1)(*) | 2,5574/kg + 33,45 | 0404 10 16 | | 264,49 |
| 0402 29 99 | (1)(*) | 2,5574/kg + 24,70 | 0404 10 26 | (1) | 0,3288/kg + 24,70 |
| 0402 91 11 | (*) | 49,91 | 0404 10 28 | (1) | 2,1535/kg + 33,45 |
| 0402 91 19 | (*) | 49,91 | 0404 10 32 | (1) | 2,5574/kg + 33,45 |
| 0402 91 31 | (*) | 62,39 | 0404 10 34 | (1) | 1,2392/kg + 33,45 |
| 0402 91 39 | (*) | 62,39 | 0404 10 36 | (1) | 2,1535/kg + 33,45 |
| 0402 91 51 | (*) | 133,59 | 0404 10 38 | (1) | 2,5574/kg + 33,45 |
| 0402 91 59 | (*) | 132,13 | 0404 10 48 | (2) | 0,3288/kg |
| 0402 91 91 | (*) | 221,47 | 0404 10 52 | (2) | 2,1535/kg + 7,29 |
| 0402 91 99 | (*) | 220,01 | 0404 10 54 | (2) | 2,5574/kg + 7,29 |
| 0402 99 11 | (*) | 70,51 | 0404 10 56 | (2) | 1,2392/kg + 7,29 |
| 0402 99 19 | (*) | 70,51 | 0404 10 58 | (2) | 2,1535/kg + 7,29 |
| 0402 99 31 | (1)(*) | 1,2921/kg + 29,08 | 0404 10 62 | (2) | 2,5574/kg + 7,29 |
| 0402 99 39 | (1)(*) | 1,2921/kg + 27,62 | 0404 10 72 | (2) | 0,3288/kg + 24,70 |
| 0402 99 91 | (1)(*) | 2,1709/kg + 29,08 | 0404 10 74 | (2) | 2,1535/kg + 31,99 |
| 0402 99 99 | (1)(*) | 2,1709/kg + 27,62 | 0404 10 76 | (2) | 2,5574/kg + 31,99 |
| 0403 10 02 | | 132,67 | 0404 10 78 | (2) | 1,2392/kg + 31,99 |
| 0403 10 04 | | 224,10 | 0404 10 82 | (2) | 2,1535/kg + 31,99 |
| 0403 10 06 | | 264,49 | 0404 10 84 | (2) | 2,5574/kg + 31,99 |
| 0403 10 12 | (1) | 1,2392/kg + 33,45 | 0404 90 11 | | 132,67 |
| 0403 10 14 | (1) | 2,1535/kg + 33,45 | 0404 90 13 | | 224,10 |

| CN code | Note (1) | Import levy | CN code | Note (2) | Import levy |
|------------|----------|-------------------|------------|----------|-------------|
| 0404 90 19 | | 264,49 | 0406 90 23 | (3) (*) | 194,39 |
| 0404 90 31 | | 132,67 | 0406 90 25 | (3) (*) | 194,39 |
| 0404 90 33 | | 224,10 | 0406 90 27 | (3) (*) | 194,39 |
| 0404 90 39 | | 264,49 | 0406 90 29 | (3) (*) | 194,39 |
| 0404 90 51 | (1) | 1,2392/kg + 33,45 | 0406 90 31 | (3) (*) | 194,39 |
| 0404 90 53 | (1) (3) | 2,1535/kg + 33,45 | 0406 90 33 | (3) (*) | 194,39 |
| 0404 90 59 | (1) | 2,5574/kg + 33,45 | 0406 90 35 | (3) (*) | 194,39 |
| 0404 90 91 | (1) | 1,2392/kg + 33,45 | 0406 90 37 | (3) (*) | 194,39 |
| 0404 90 93 | (1) (3) | 2,1535/kg + 33,45 | 0406 90 39 | (3) (*) | 194,39 |
| 0404 90 99 | (1) | 2,5574/kg + 33,45 | 0406 90 50 | (3) (*) | 194,39 |
| 0405 00 11 | (3) | 227,22 | 0406 90 61 | (3) (*) | 468,91 |
| 0405 00 19 | (3) | 227,22 | 0406 90 63 | (3) (*) | 468,91 |
| 0405 00 90 | | 277,21 | 0406 90 69 | (3) (*) | 468,91 |
| 0406 10 20 | (3) (*) | 235,29 | 0406 90 73 | (3) (*) | 194,39 |
| 0406 10 80 | (3) (*) | 311,18 | 0406 90 75 | (3) (*) | 194,39 |
| 0406 20 10 | (3) (*) | 468,91 | 0406 90 76 | (3) (*) | 194,39 |
| 0406 20 90 | (3) (*) | 468,91 | 0406 90 78 | (3) (*) | 194,39 |
| 0406 30 10 | (3) (*) | 185,77 | 0406 90 79 | (3) (*) | 194,39 |
| 0406 30 31 | (3) (*) | 181,47 | 0406 90 81 | (3) (*) | 194,39 |
| 0406 30 39 | (3) (*) | 185,77 | 0406 90 82 | (3) (*) | 194,39 |
| 0406 30 90 | (3) (*) | 302,56 | 0406 90 84 | (3) (*) | 194,39 |
| 0406 40 10 | (3) (*) | 190,37 | 0406 90 85 | (3) (*) | 194,39 |
| 0406 40 50 | (3) (*) | 190,37 | 0406 90 86 | (3) (*) | 194,39 |
| 0406 40 90 | (3) (*) | 190,37 | 0406 90 87 | (3) (*) | 194,39 |
| 0406 90 01 | (3) (*) | 255,78 | 0406 90 88 | (3) (*) | 194,39 |
| 0406 90 02 | (3) (*) | 195,42 | 0406 90 93 | (3) (*) | 235,29 |
| 0406 90 03 | (3) (*) | 195,42 | 0406 90 99 | (3) (*) | 311,18 |
| 0406 90 04 | (3) (*) | 195,42 | 1702 10 10 | | 76,81 |
| 0406 90 05 | (3) (*) | 195,42 | 1702 10 90 | | 76,81 |
| 0406 90 06 | (3) (*) | 195,42 | 2106 90 51 | | 76,81 |
| 0406 90 07 | (3) (*) | 195,42 | 2309 10 15 | | 95,86 |
| 0406 90 08 | (3) (*) | 195,42 | 2309 10 19 | | 124,36 |
| 0406 90 09 | (3) (*) | 195,42 | 2309 10 39 | | 116,31 |
| 0406 90 12 | (3) (*) | 195,42 | 2309 10 59 | | 95,49 |
| 0406 90 14 | (3) (*) | 195,42 | 2309 10 70 | | 124,36 |
| 0406 90 16 | (3) (*) | 195,42 | 2309 90 35 | | 95,86 |
| 0406 90 18 | (3) (*) | 195,42 | 2309 90 39 | | 124,36 |
| 0406 90 19 | (3) (*) | 468,91 | 2309 90 49 | | 116,31 |
| 0406 90 21 | (3) (*) | 255,78 | 2309 90 59 | | 95,49 |
| | | | 2309 90 70 | | 124,36 |

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

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

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

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

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

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

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

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

COMMISSION REGULATION (EC) No 1077/95

of 12 May 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 13 May 1995.

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

Done at Brussels, 12 May 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 12 May 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 25 | 052 | 69,9 |
| | 060 | 80,2 |
| | 066 | 57,8 |
| | 204 | 50,9 |
| | 212 | 117,9 |
| | 624 | 89,0 |
| | 999 | 77,6 |
| 0707 00 20 | 052 | 47,2 |
| | 053 | 166,9 |
| | 060 | 39,2 |
| | 066 | 63,0 |
| | 068 | 64,4 |
| | 204 | 49,1 |
| | 624 | 207,3 |
| | 999 | 91,0 |
| 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 1078/95
of 12 May 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 1046/95⁽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 unginning cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 46,590 per 100 kilograms.

Article 2

This Regulation shall enter into force on 13 May 1995.

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

Done at Brussels, 12 May 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 106, 11. 5. 1995, p. 13.

COMMISSION REGULATION (EC) No 1079/95
of 12 May 1995
fixing the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 901/95⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽⁴⁾, as last amended by Regulation (EC) No 157/95⁽⁵⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas the confirmation period that began on 25 April 1995 ends on 24 May 1995 in accordance with Article 1 of Commission Regulation (EC) No 996/95 of 3 May 1995 laying down special rules for fixing agricultural conversion rates⁽⁶⁾;

Whereas, as a consequence of the exchange rates recorded from 5 to 14 May 1995, and the application of Article 2 of

Regulation (EC) No 996/95 it is necessary to fix a new agricultural conversion rate for the pound sterling;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 901/95 is hereby repealed.

Article 4

This Regulation shall enter into force on 15 May 1995.

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 92, 25. 4. 1995, p. 22.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 24, 1. 2. 1995, p. 1.

⁽⁶⁾ OJ No L 101, 4. 5. 1995, p. 15.

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

Done at Brussels, 12 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Agricultural conversion rates

| | | |
|---------|----------|----------------------------------|
| ECU 1 = | 40,8337 | Belgian and Luxembourg francs |
| | 7,74166 | Danish kroner |
| | 1,94962 | German marks |
| | 302,837 | Greek drachmas |
| | 198,202 | Portuguese escudos |
| | 6,61023 | French francs |
| | 5,88000 | Finnish marks |
| | 2,19672 | Dutch guilders |
| | 0,829498 | Irish punt |
| | 2 311,19 | Italian lire |
| | 13,7190 | Austrian schillings |
| | 170,165 | Spanish pesetas |
| | 9,91834 | Swedish kroner |
| | 0,840997 | Pound sterling |

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

| Table A | | | Table B | | |
|---------|----------|----------------------------------|---------|----------|----------------------------------|
| ECU 1 = | 39,2632 | Belgian and Luxembourg francs | ECU 1 = | 42,5351 | Belgian and Luxembourg francs |
| | 7,44390 | Danish kroner | | 8,06423 | Danish kroner |
| | 1,87463 | German marks | | 2,03085 | German marks |
| | 291,189 | Greek drachmas | | 315,455 | Greek drachmas |
| | 190,579 | Portuguese escudos | | 206,460 | Portuguese escudos |
| | 6,35599 | French francs | | 6,88566 | French francs |
| | 5,65385 | Finnish marks | | 6,12500 | Finnish marks |
| | 2,11223 | Dutch guilders | | 2,28825 | Dutch guilders |
| | 0,797594 | Irish punt | | 0,864060 | Irish punt |
| | 2 222,30 | Italian lire | | 2 407,49 | Italian lire |
| | 13,1913 | Austrian schillings | | 14,2906 | Austrian schillings |
| | 163,620 | Spanish pesetas | | 177,255 | Spanish pesetas |
| | 9,53687 | Swedish kroner | | 10,3316 | Swedish kroner |
| | 0,808651 | Pound sterling | | 0,876039 | Pound sterling |

COMMISSION REGULATION (EC) No 1080/95
of 12 May 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 1060/95 ⁽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 11 May 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 13 May 1995.

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

Done at Brussels, 12 May 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 107, 12. 5. 1995, p. 46.

ANNEX

to the Commission Regulation of 12 May 1995 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

| CN code | Levy ⁽³⁾ |
|------------|----------------------|
| 1701 11 10 | 40,09 ⁽¹⁾ |
| 1701 11 90 | 40,09 ⁽¹⁾ |
| 1701 12 10 | 40,09 ⁽¹⁾ |
| 1701 12 90 | 40,09 ⁽¹⁾ |
| 1701 91 00 | 51,03 |
| 1701 99 10 | 51,03 |
| 1701 99 90 | 51,03 ⁽²⁾ |

(¹) 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).

(²) 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.

(³) No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 1081/95

of 12 May 1995

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽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 syrups and certain other sugar products were fixed by Commission Regulation (EC) No 960/95⁽⁵⁾, as last amended by Regulation (EC) No 1013/95⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 960/95 to the information known to the Commission that the basic amount of

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 11 May 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EC) No 960/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 13 May 1995.

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

Done at Brussels, 12 May 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 97, 29. 4. 1995, p. 30.

⁽⁶⁾ OJ No L 102, 5. 5. 1995, p. 14.

ANNEX

**to the Commission Regulation of 12 May 1995 altering the basic amount of the import levy
on syrups and certain other products in the sugar sector**

(ECU)

| CN code | Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾ | Amount of levy per 100 kg of dry matter ⁽¹⁾ |
|------------------------------|---|---|
| 1702 20 10 | 0,5103 | — |
| 1702 20 90 | 0,5103 | — |
| 1702 30 10 | — | 59,06 |
| 1702 40 10 | — | 59,06 |
| 1702 60 10 | — | 59,06 |
| 1702 60 90 10 ⁽²⁾ | — | 112,21 |
| 1702 60 90 90 ⁽³⁾ | 0,5103 | — |
| 1702 90 30 | — | 59,06 |
| 1702 90 60 | 0,5103 | — |
| 1702 90 71 | 0,5103 | — |
| 1702 90 80 | — | 112,21 |
| 1702 90 99 | 0,5103 | — |
| 2106 90 30 | — | 59,06 |
| 2106 90 59 | 0,5103 | — |

⁽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 1082/95
of 12 May 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 1024/95 ⁽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 13 May 1995.

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

Done at Brussels, 12 May 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 103, 6. 5. 1995, p. 26.

ANNEX

to the Commission Regulation of 12 May 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) (°) |
| 1006 10 21 | — | 187,86 | 384,43 |
| 1006 10 23 | — | 191,15 | 391,01 |
| 1006 10 25 | — | 191,15 | 391,01 |
| 1006 10 27 | 293,26 | 191,15 | 391,01 |
| 1006 10 92 | — | 187,86 | 384,43 |
| 1006 10 94 | — | 191,15 | 391,01 |
| 1006 10 96 | — | 191,15 | 391,01 |
| 1006 10 98 | 293,26 | 191,15 | 391,01 |
| 1006 20 11 | — | 235,91 | 480,54 |
| 1006 20 13 | — | 240,03 | 488,76 |
| 1006 20 15 | — | 240,03 | 488,76 |
| 1006 20 17 | 366,57 | 240,03 | 488,76 |
| 1006 20 92 | — | 235,91 | 480,54 |
| 1006 20 94 | — | 240,03 | 488,76 |
| 1006 20 96 | — | 240,03 | 488,76 |
| 1006 20 98 | 366,57 | 240,03 | 488,76 |
| 1006 30 21 | — | 290,23 | 609,26 |
| 1006 30 23 | — | 336,67 | 702,06 |
| 1006 30 25 | — | 336,67 | 702,06 |
| 1006 30 27 | 526,55 | 336,67 | 702,06 |
| 1006 30 42 | — | 290,23 | 609,26 |
| 1006 30 44 | — | 336,67 | 702,06 |
| 1006 30 46 | — | 336,67 | 702,06 |
| 1006 30 48 | 526,55 | 336,67 | 702,06 |
| 1006 30 61 | — | 309,51 | 648,86 |
| 1006 30 63 | — | 361,38 | 752,60 |
| 1006 30 65 | — | 361,38 | 752,60 |
| 1006 30 67 | 564,45 | 361,38 | 752,60 |
| 1006 30 92 | — | 309,51 | 648,86 |
| 1006 30 94 | — | 361,38 | 752,60 |
| 1006 30 96 | — | 361,38 | 752,60 |
| 1006 30 98 | 564,45 | 361,38 | 752,60 |
| 1006 40 00 | — | 65,36 | 137,98 |

(⁽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 1083/95
of 12 May 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 11 May 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 13 May 1995.

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

Done at Brussels, 12 May 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 12 May 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

| CN code | Third countries ⁽²⁾ |
|------------|---|
| 0709 90 60 | 111,15 ⁽²⁾ ⁽³⁾ |
| 0712 90 19 | 111,15 ⁽²⁾ ⁽³⁾ |
| 1001 10 00 | 59,75 ⁽¹⁾ ⁽⁴⁾ ⁽¹¹⁾ |
| 1001 90 91 | 110,05 |
| 1001 90 99 | 110,05 ⁽²⁾ ⁽¹¹⁾ |
| 1002 00 00 | 144,36 ⁽⁶⁾ |
| 1003 00 10 | 107,18 |
| 1003 00 90 | 107,18 ⁽²⁾ |
| 1004 00 00 | 108,43 |
| 1005 10 90 | 111,15 ⁽²⁾ ⁽³⁾ |
| 1005 90 00 | 111,15 ⁽²⁾ ⁽³⁾ |
| 1007 00 90 | 115,88 ⁽⁴⁾ |
| 1008 10 00 | 57,97 ⁽²⁾ |
| 1008 20 00 | 62,40 ⁽⁴⁾ ⁽²⁾ |
| 1008 30 00 | 0 ⁽²⁾ |
| 1008 90 10 | (7) |
| 1008 90 90 | 0 |
| 1101 00 11 | 197,44 ⁽²⁾ |
| 1101 00 15 | 197,44 ⁽²⁾ |
| 1101 00 90 | 197,44 ⁽²⁾ |
| 1102 10 00 | 247,42 |
| 1103 11 10 | 134,11 |
| 1103 11 90 | 225,03 |
| 1107 10 11 | 209,03 |
| 1107 10 19 | 159,51 |
| 1107 10 91 | 203,92 ⁽¹⁰⁾ |
| 1107 10 99 | 155,69 ⁽²⁾ |
| 1107 20 00 | 179,27 ⁽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 amended Regulation (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.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 April 1995

amending Decision 93/436/EEC laying down specific conditions for importing fishery products from Chile

(Text with EEA relevance)

(95/164/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the list of establishments and factory ships approved by Chile for importing fishery products into the Community has been drawn up in Commission Decision 93/436/EEC⁽²⁾, as last amended by Decision 94/675/EC⁽³⁾; whereas this list may be amended following the communication of a new list by the competent authority in Chile;

Whereas the competent authority in Chile had proposed a temporary approval of the establishments, in order to implement the controls foreseen in Article 6 of Directive 91/493/EEC and in Commission Decision 94/356/EC⁽⁴⁾; whereas the assurances given by the competent authority in Chile show that the implementation of these controls is progressing well but that it is necessary to prolong until 31 December 1995 the delay granted for their full implementation;

Whereas the competent authority in Chile has communicated a new list adding eight establishments and one factory ship, deleting seven factory ships and one establishment, and amending the data of the establishment;

Whereas it is necessary to amend the list of approved establishments and factory ships accordingly;

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

HAS ADOPTED THIS DECISION:

Article 1

Annex B of Decision 93/436/EEC is replaced by the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 April 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

⁽²⁾ OJ No L 202, 12. 8. 1993, p. 31.

⁽³⁾ OJ No L 268, 19. 10. 1994, p. 22.

⁽⁴⁾ OJ No L 156, 23. 6. 1994, p. 50.

ANNEX

ANNEX B

LIST OF APPROVED ESTABLISHMENTS AND FACTORY VESSELS

I. Establishments

| Number | Name and address | Approval granted until (*) |
|--------|--|----------------------------|
| 01003 | Procemar SA Arica | 31. 12. 1995 |
| 01007 | Frigopesca SA Arica | 31. 12. 1995 |
| 01011 | Agropesca SA Arica | 31. 12. 1995 |
| 01012 | Novamar SA Arica | 31. 12. 1995 |
| 01013 | Pesquera Marvesa SA Arica | 31. 12. 1995 |
| 01017 | Hema SA Arica | 31. 12. 1995 |
| 01060 | Pesquera Iquique-Guanayes SA Iquique | 31. 12. 1995 |
| 01062 | Sociedad Marítima y Armadora San Jorge Ltda Iquique | 31. 12. 1995 |
| 01064 | Pesquera del Norte SA Iquique | 31. 12. 1995 |
| 01065 | Pesquera Vamar Ltda Iquique | 31. 12. 1995 |
| 01068 | Inversiones Santa Mónica Ltda Iquique | 31. 12. 1995 |
| 01069 | Pesquera Centomar Ltda Iquique | 31. 12. 1995 |
| 01070 | Sarmenia Cultivos Marinos Iquique | 31. 12. 1995 |
| 01072 | Pesquera Helga Mánquez Monardez-Iquique | 31. 12. 1995 |
| 01073 | Pesquera Guimar SA Iquique | 31. 12. 1995 |
| 01074 | Octomar Importaciones-Exportaciones Ltda Iquique | 31. 12. 1995 |
| 02005 | Helga Mánquez Monardes Tocopilla | 31. 12. 1995 |
| 02022 | Pesquera Friomar Ltda Antofagasta | 31. 12. 1995 |
| 02023 | Rodolfo Rojas y Cía Ltda Antofagasta | 31. 12. 1995 |
| 02025 | Pesquera Marazul Ltda Antofagasta | 31. 12. 1995 |
| 02029 | Universidad de Antofagasta Antofagasta | 31. 12. 1995 |
| 02030 | Sociedad Abaroa y Gómez Ltda Antofagasta | 31. 12. 1995 |
| 02034 | Hugo Díaz Marín Antofagasta | 31. 12. 1995 |
| 02035 | Pesquera Arántzazu SA Antofagasta | 31. 12. 1995 |
| 02037 | Norpesca Ltda Antofagasta | 31. 12. 1995 |
| 02040 | Granja Marina SA Antofagasta | 31. 12. 1995 |

| Number | Name and address | Approval granted until (*) |
|--------|--|----------------------------|
| 02043 | Oriele Rojas Rojas Antofagasta | 31. 12. 1995 |
| 02044 | Consuelo Freire Saavedra Antofagasta | 31. 12. 1995 |
| 02046 | Sociedad Pesquera Galeb Ltda Antofagasta | 31. 12. 1995 |
| 02049 | Pesquera Obilinovic Ltda Antofagasta | 31. 12. 1995 |
| 02050 | Pesquera y Conservera Tamai Ltda Taltal | 31. 12. 1995 |
| 02055 | Consuelo Freire Saavedra Taltal | 31. 12. 1995 |
| 02066 | Santana y Cía Ltda Mejillones | 31. 12. 1995 |
| 03061 | Cía Pesquera Camanchaca SA Caldera | 31. 12. 1995 |
| 03062 | Sociedad Pesquera Caldera SA Caldera | 31. 12. 1995 |
| 03067 | Gilframar Ltda Caldera | 31. 12. 1995 |
| 03072 | Pesquera Playa Blanca SA Caldera | 31. 12. 1995 |
| 03073 | Cabo Negro SA Caldera | 31. 12. 1995 |
| 03074 | Pesquera Skuna Ltda Caldera | 31. 12. 1995 |
| 03077 | Pesquera Huillinco Ltda Caldera | 31. 12. 1995 |
| 03078 | Sociedad Exportadora Mas-Mar Ltda Caldera | 31. 12. 1995 |
| 03079 | Pesquera MTS-CA SA Caldera | 31. 12. 1995 |
| 03090 | Mar del Norte Ltda Caldera | 31. 12. 1995 |
| 03094 | Cultivos Marinos Flamenco Ltda Caldera | 31. 12. 1995 |
| 03095 | Cultivos Marinos Internacionales SA Caldera | 31. 12. 1995 |
| 04002 | Sarpesca SA Coquimbo | 31. 12. 1995 |
| 04004 | Luis Felipe Videla Julio Coquimbo | 31. 12. 1995 |
| 04005 | Pesquera Humboldt SA Coquimbo | 31. 12. 1995 |
| 04007 | Pesquera San José SA Coquimbo | 31. 12. 1995 |
| 04009 | Soc. Pesquera Baquedano Ltda Coquimbo | 31. 12. 1995 |
| 04010 | Soc. Procesadora de Alimentos Provelco Ltda Coquimbo | 31. 12. 1995 |
| 04011 | Pesquera Sabropesca Ltda Coquimbo | 31. 12. 1995 |
| 04012 | Frigorifico dal Nord Ltda Coquimbo | 31. 12. 1995 |
| 04013 | Productora y Comercializadora del Mar Ltda (Procomar Ltda) Coquimbo | 31. 12. 1995 |
| 04017 | Sociedad Agrícola Industrial y Comercial Pérez y Ramírez Ltda (Leymo) Coquimbo | 31. 12. 1995 |

| Number | Name and address | Approval granted until (*) |
|--------|---|----------------------------|
| 04023 | Empresa Pesquera y Conservera Proteus SA Coquimbo | 31. 12. 1995 |
| 04031 | Pesquera Andacollo SA Coquimbo | 31. 12. 1995 |
| 04037 | Prodiel Alimentos Limitada Coquimbo | 31. 12. 1995 |
| 04052 | Pesquera Mares de Chile SA Coquimbo | 31. 12. 1995 |
| 04056 | Sociedad Pesca Marina Ltda Coquimbo | 31. 12. 1995 |
| 04057 | Com. E Inversiones Loanco Ltda Tongoy | 31. 12. 1995 |
| 04059 | Omega Seafoods Coquimbo | 31. 12. 1995 |
| 04062 | Yacurimar SA Coquimbo | 31. 12. 1995 |
| 05003 | Pesquera Quintero SA Quintero | 31. 12. 1995 |
| 05004 | Pesquera Papudo SA Quintero | 31. 12. 1995 |
| 05005 | Sociedad Comercial e Industrial Golden Seagull Quintero | 31. 12. 1995 |
| 05011 | Pesquera Santa Lucía SA Quintero | 31. 12. 1995 |
| 05054 | Comercial Alesa SA Valparaíso | 31. 12. 1995 |
| 05057 | Pesquera Francis Drake SA Valparaíso | 31. 12. 1995 |
| 05060 | Conservera Trans Antartic Ltda Valparaíso | 31. 12. 1995 |
| 05067 | La Ballenita Ltda Valparaíso | 31. 12. 1995 |
| 05071 | Intercomercial Sama SA Valparaíso | 31. 12. 1995 |
| 05074 | Sociedad Comercial Frigorífico Valparaíso Ltda Valparaíso | 31. 12. 1995 |
| 05077 | Mavicruz SA Valparaíso | 31. 12. 1995 |
| 05079 | Pesquera Marli Mar SA Valparaíso | 31. 12. 1995 |
| 05200 | Pesquera Catalina San Antonio | 31. 12. 1995 |
| 05205 | Jaime Azócar Campusano San Antonio | 31. 12. 1995 |
| 05210 | Pesquera Santo Domingo SA San Antonio | 31. 12. 1995 |
| 05211 | Pesquera San Sebastián SA San Antonio | 31. 12. 1995 |
| 05212 | Pesquera Mamiña SA San Antonio | 31. 12. 1995 |
| 05214 | Pesquera Marazul Ltda San Antonio | 31. 12. 1995 |
| 05218 | Compañía de Comercio Montemar SA San Antonio | 31. 12. 1995 |
| 07005 | Pesquera Constitución Ltda Constitución | 31. 12. 1995 |
| 08003 | Chile Algas Talcahuano | 31. 12. 1995 |

| Number | Name and address | Approval granted until (1) |
|--------|--|----------------------------|
| 08090 | Conservas Multiexport SA, Coronel | 31. 12. 1995 |
| 08091 | Macrogel Ltda Talcahuano | 31. 12. 1995 |
| 08097 | Arlavan Ltda Talcahuano | 31. 12. 1995 |
| 08098 | Comercial Alesa SA Talcahuano | 31. 12. 1995 |
| 08100 | Pesquera Santa María SA Talcahuano | 31. 12. 1995 |
| 08104 | Prodemar Ltda Talcahuano | 31. 12. 1995 |
| 08107 | Pesquera San Miguel Ltda Talcahuano | 31. 12. 1995 |
| 08113 | Iquique-Guanaye Talcahuano | 31. 12. 1995 |
| 08116 | Congelados del Pacífico Ltda Talcahuano | 31. 12. 1995 |
| 08119 | Pesquera del Cabo SA Talcahuano | 31. 12. 1995 |
| 08120 | Pesquera San José del Sur SA Talcahuano | 31. 12. 1995 |
| 08123 | Pesquera El Golfo SA Talcahuano | 31. 12. 1995 |
| 08128 | Pesquera Cantábrico SA Talcahuano | 31. 12. 1995 |
| 08133 | Unifish SA Talcahuano | 31. 12. 1995 |
| 08134 | Pesquera América Fish Ltda Talcahuano | 31. 12. 1995 |
| 08136 | Frioexport SA Coronel | 31. 12. 1995 |
| 08137 | Heriberto Muñoz Concha Talcahuano | 31. 12. 1995 |
| 08138 | Pesquera Grimar SA Talcahuano | 31. 12. 1995 |
| 08141 | Frigorífico Talcahuano Talcahuano | 31. 12. 1995 |
| 08142 | Sociedad Empacadora Austral SA Talcahuano | 31. 12. 1995 |
| 08143 | Compañía Pesquera Camanchaca SA Tomé | 31. 12. 1995 |
| 08146 | Pesquera Larus Ltda Talcahuano | 31. 12. 1995 |
| 08148 | Unifish Canning Talcahuano | 31. 12. 1995 |
| 08150 | Industria Conservera Agromar Ltda Talcahuano | 31. 12. 1995 |
| 08152 | La Fuente del Mar Talcahuano | 31. 12. 1995 |
| 08157 | Thomas Campbell G. Talcahuano | 31. 12. 1995 |
| 08250 | Cía Pesquera San Pedro SACI Talcahuano | 31. 12. 1995 |
| 08252 | Fundación para la Capacitación Pescador Artesanal "Funcap" Coronel | 31. 12. 1995 |
| 08253 | Sociedad Pesquera Viento Sur LT Coronel | 31. 12. 1995 |

| Number | Name and address | Approval granted until (*) |
|--------|---|----------------------------|
| 08254 | Independent Fisheries SA Coronel | 31. 12. 1995 |
| 08259 | Comercial e Industrial Anchomar Ltda Coronel | 31. 12. 1995 |
| 08264 | Pesquera del Norte SA Coronel | 31. 12. 1995 |
| 08269 | Ferrol Ltda Coronel | 31. 12. 1995 |
| 09009 | Conservasur Ltda Temuco | 31. 12. 1995 |
| 10012 | Fast-Service Ltda Valdivia | 31. 12. 1995 |
| 10014 | Serviven SA Valdivia | 31. 12. 1995 |
| 10018 | Piscícola Entrerrios SA Valdivia | 31. 12. 1995 |
| 10019 | Pesquera Río Calle Calle SA Valdivia | 31. 12. 1995 |
| 10030 | Isla Tenglo Ltda Puerto Montt | 31. 12. 1995 |
| 10032 | Eicomar SA Puerto Montt | 31. 12. 1995 |
| 10034 | Pesquera Trans Antartic Ltda Puerto Montt | 31. 12. 1995 |
| 10036 | Proaustral Ltda Puerto Montt | 31. 12. 1995 |
| 10037 | Jaalmar Ltda Puerto Montt | 31. 12. 1995 |
| 10039 | Pesquera Ralún Ltda Puerto Montt | 31. 12. 1995 |
| 10050 | Pesquera Royale Ltda Puerto Montt | 31. 12. 1995 |
| 10053 | Alimentos Multiexport SA Puerto Montt | 31. 12. 1995 |
| 10054 | Infrimar Ltda Puerto Montt | 31. 12. 1995 |
| 10055 | Pesquera Quehui Ltda Puerto Montt | 31. 12. 1995 |
| 10057 | Pesquera Luis Ibarra Pozo Ltda Puerto Montt | 31. 12. 1995 |
| 10058 | Asenav SA Puerto Montt | 31. 12. 1995 |
| 10060 | Pesquera Luis Andrade Pinto Puerto Montt | 31. 12. 1995 |
| 10063 | Tamai Ltda Puerto Montt | 31. 12. 1995 |
| 10064 | Pesquera Mar Antártico SA Puerto Montt | 31. 12. 1995 |
| 10066 | Aquasur Fisheries SA Puerto Montt | 31. 12. 1995 |
| 10067 | Agroindustrial Santa Cruz SA Puerto Montt | 31. 12. 1995 |
| 10068 | Dipromar SA Puerto Montt | 31. 12. 1995 |
| 10070 | Nichiro Chile Ltda Puerto Montt | 31. 12. 1995 |
| 10072 | Pesquera Aguamar SA Puerto Montt | 31. 12. 1995 |

| Number | Name and address | Approval granted until (!) |
|--------|---|----------------------------|
| 10076 | Pesquera Cormoran Ltda Puerto Montt | 31. 12. 1995 |
| 10080 | Fiordo Blanco Ltda Puerto Montt | 31. 12. 1995 |
| 10081 | Conservamar SA Puerto Montt | 31. 12. 1995 |
| 10082 | Produal Ltda Puerto Montt | 31. 12. 1995 |
| 10083 | Seabay Chile SA Puerto Montt | 31. 12. 1995 |
| 10084 | Ventisqueros SA Puerto Montt | 31. 12. 1995 |
| 10085 | Comercial Comtesa Ltda Puerto Montt | 31. 12. 1995 |
| 10092 | Vartich Comercio Exterior Puerto Montt | 31. 12. 1995 |
| 10097 | Pesquera Santa Marta Ltda Puerto Montt | 31. 12. 1995 |
| 10100 | Luis Orlando Retamales Carden Puerto Montt | 31. 12. 1995 |
| 10103 | Canales del Sur SA Puerto Montt | 31. 12. 1995 |
| 10111 | Acuicultura Lago Verde y Cia Ltda Puerto Montt | 31. 12. 1995 |
| 10116 | Comercial e Industrial del Sur SA Puerto Montt | 31. 12. 1995 |
| 10123 | Salmopack SA Puerto Montt | 31. 12. 1995 |
| 10150 | Conservera San Rafael Ltda Calbuco | 31. 12. 1995 |
| 10154 | Soto Lenize Hijos Ltda Calbuco | 31. 12. 1995 |
| 10156 | Fitz-Roy SA Calbuco | 31. 12. 1995 |
| 10157 | Pesquera Leymo Ltda (Pérez y Ramírez Ltda) Calbuco | 31. 12. 1995 |
| 10158 | Pesquera Puluqui Ltda Calbuco | 31. 12. 1995 |
| 10159 | Pesquera y Conservera El Ancla Ltda Calbuco | 31. 12. 1995 |
| 10160 | Aguas Claras SA Calbuco | 31. 12. 1995 |
| 10163 | South Pacific Fishing Co. SA Calbuco | 31. 12. 1995 |
| 10166 | Conservera Sacramento SA Calbuco | 31. 12. 1995 |
| 10180 | Pesquera American Seafood Ltd Ancud | 31. 12. 1995 |
| 10182 | Infrimar Ltda Ancud | 31. 12. 1995 |
| 10183 | Sociedad Comercial Gran América Ltda Ancud | 31. 12. 1995 |
| 10189 | Pesquera Messamar SA Ancud | 31. 12. 1995 |
| 10190 | Sociedad Pesquera Pacífico Austral Ltd Ancud | 31. 12. 1995 |
| 10195 | Cultivos Marinos Chile SA Ancud | 31. 12. 1995 |
| 10210 | Sociedad Comercial Industrial Agromar Ltda Castro | 31. 12. 1995 |

| Number | Name and address | Approval granted until (*) |
|--------|--|----------------------------|
| 10212 | Promex Ltda Castro | 31. 12. 1995 |
| 10216 | Pesquera Andina SA Castro | 31. 12. 1995 |
| 10217 | Salmones Aucar Ltda Castro | 31. 12. 1995 |
| 10220 | Pesquera Unichile SA Castro | 31. 12. 1995 |
| 10221 | Salmones Antártica SA Castro | 31. 12. 1995 |
| 10223 | Conservas Dalcahue SA Castro | 31. 12. 1995 |
| 10225 | Comercial Gop Ltda Castro | 31. 12. 1995 |
| 10226 | Skiring Salmón Ltda Castro | 31. 12. 1995 |
| 10227 | Pesquera Unimarc SA Castro | 31. 12. 1995 |
| 10228 | Frigorífico Dalcahue SA Castro | 31. 12. 1995 |
| 10229 | Sociedad Comercial Industrial Agromar Ltda Castro | 31. 12. 1995 |
| 10231 | Antarfrío SA Castro | 31. 12. 1995 |
| 10232 | Maintec SA Castro | 31. 12. 1995 |
| 10235 | Procesadora Avalón SA Castro | 31. 12. 1995 |
| 10237 | Cultivos Achao SA Castro | 31. 12. 1995 |
| 10238 | René Díaz Miranda Castro | 31. 12. 1995 |
| 10240 | Empresa Pesquera Apiao Ltda Castro | 31. 12. 1995 |
| 10241 | Los Elefantes SA Castro | 31. 12. 1995 |
| 10255 | Salazar y Cerna Ltda Quellón | 31. 12. 1995 |
| 10256 | Pesquera Palacios SA Quellón | 31. 12. 1995 |
| 10258 | Salmones Quellón Ltda Quellón | 31. 12. 1995 |
| 10259 | Pacific Star SA Quellón | 31. 12. 1995 |
| 10267 | Sociedad Comercial Madrinós Principado Quellón | 31. 12. 1995 |
| 10280 | Yadrán Quellón SA Quellón | 31. 12. 1995 |
| 11004 | Pesquera Friosur SA Puerto Aysén | 31. 12. 1995 |
| 11006 | Sociedad Comercial GOP Ltda Puerto Aysén | 31. 12. 1995 |
| 11007 | Darwin Ltda Puerto Aysén | 31. 12. 1995 |
| 11010 | Pesquera Salmar Ltda Puerto Aysén | 31. 12. 1995 |
| 11012 | Pesca Chile SA Puerto Aysén | 31. 12. 1995 |
| 11014 | Pesca Austral SA Puerto Aysén | 31. 12. 1995 |
| 11018 | Salmones Antártica Puerto Aysén | 31. 12. 1995 |

| Number | Name and address | Approval granted until (*) |
|--------|---|----------------------------|
| 11025 | Comercial Comtesa Ltda Puerto Aysén | 31. 12. 1995 |
| 11026 | Pesquera Palacios SA Puerto Aysen | 31. 12. 1995 |
| 12004 | Pesquera Cabo de Hornos SA Punta Arenas | 31. 12. 1995 |
| 12006 | Pesquera Morelia Reyes y Cía Ltd Punta Arenas | 31. 12. 1995 |
| 12007 | Pesquera Héctor Ujevic Pivcevic Punta Arenas | 31. 12. 1995 |
| 12008 | Pesquera Teresa Saldivia Moraga Punta Arenas | 31. 12. 1995 |
| 12015 | Pesquera Galindo y Vergara Ltd Punta Arenas | 31. 12. 1995 |
| 12016 | Comercial Comtesa SA Punta Arenas | 31. 12. 1995 |
| 12027 | Pesquera Edgardo Higuera Iturra Punta Arenas | 31. 12. 1995 |
| 12028 | Pesquera Royale Ltda Punta Arenas | 31. 12. 1995 |
| 12029 | Pesquera del Estrecho SA Punta Arenas | 31. 12. 1995 |
| 12030 | Pesquera Torres del Paine SA Punta Arenas | 31. 12. 1995 |
| 12033 | Cidepes Ltda Puerto Williams | 31. 12. 1995 |
| 12036 | Pesquera Edén Ltda Puerto Natales | 31. 12. 1995 |
| 12038 | Copra Ltda Punta Arenas | 31. 12. 1995 |
| 12039 | Pesca Chile SA Punta Arenas | 31. 12. 1995 |
| 12042 | Frigorífico Tres Puentes de Magallanes Ltda Punta Arenas | 31. 12. 1995 |
| 12048 | Pesca Suribérica SA Punta Arenas | 31. 12. 1995 |
| 13024 | Sociedad Agrícola Aguas Claras Santiago | 31. 12. 1995 |
| 13025 | Empacadora del Pacífico Ltda Santiago | 31. 12. 1995 |
| 13027 | Sociedad Comercial e Industrial Nanaimo Ltd Santiago | 31. 12. 1995 |
| 13030 | Sociedad Agrícola Aguas Blancas Santiago | 31. 12. 1995 |
| 13031 | Comercial Magna Ltda Santiago | 31. 12. 1995 |
| 13032 | Finamar SA Santiago | 31. 12. 1995 |
| 13035 | Comercial e Industrial Alichile LT Santiago | 31. 12. 1995 |
| 13043 | Chile Seafoods SA Santiago | 31. 12. 1995 |
| 13044 | Frigorífico Seminario Ltda Santiago | 31. 12. 1995 |
| 13051 | Sociedad Comercial Santa Bárbara SA Santiago | 31. 12. 1995 |
| 13052 | Maximiliano Garcia M Padre Hurtado | 31. 12. 1995 |
| 13057 | Aquapuro SA Santiago | 31. 12. 1995 |
| 13058 | Productos Alimenticios Marval Ltda Santiago | 31. 12. 1995 |

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

II. Factory vessels

| Number | Name | Name and address of owner | Approval granted until (*) |
|--------|------------------------|-----------------------------------|----------------------------|
| 1231 | "Faro de Hércules" B/F | Pesca Chile | 31.12.1995 |
| 1472 | Iber I | Iber Chile Ltda | 31.12.1995 |
| 2001 | San Rafael | Pesquera Iquique Guanaye | 31.12.1995 |
| 2007 | Jing Yang I | Empresa Daerim Fishery Co Ltda | 31.12.1995 |
| 2011 | Puerto Ballena | Pesca Chile SA | 31.12.1995 |
| 2013 | Betanzos | Pesca Chile SA | 31.12.1995 |
| 2014 | Pedrosa | Pesca Chile SA | 31.12.1995 |
| 2015 | Gualas | Pesquera Alba Ltda | 31.12.1995 |
| 2016 | Chomapi Maru | Pesca Chile SA | 31.12.1995 |
| 2018 | Elqui | Pesquera de Los Andes SA | 31.12.1995 |
| 2019 | Unzen | Endepes SA | 31.12.1995 |
| 2020 | Mar del Sur I | Pesquera Mar del Sur SA | 31.12.1995 |
| 2022 | Ercilla | Pesquera de Los Andes SA | 31.12.1995 |
| 2023 | Cisne Blanco | Pesca Cisnes SA | 31.12.1995 |
| 2024 | Cisne Verde | Pesca Cisnes SA | 31.12.1995 |
| 2026 | Isla Isabel | Pesca Suribérica SA | 31.12.1995 |
| 2030 | Antonio Lorenzo | Concar SA | 31.12.1995 |
| 2031 | Isla Sofía | Pesca Suribérica SA | 31.12.1995 |
| 2032 | Isla Camila | Pesca Suribérica SA | 31.12.1995 |
| 2037 | Chaval | Pesquera Punta Arenas SA | 31.12.1995 |
| 2038 | María Tamara | Concar SA | 31.12.1995 |
| 2039 | Friosur V | Friaysen SA | 31.12.1995 |
| 2049 | Unionsur | Empedes SA | 31.12.1995 |

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

COMMISSION DECISION

of 4 May 1995

establishing uniform criteria for the grant of derogations to certain establishments manufacturing milk-based products

(95/165/EC)

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

Having regard to Council Directive 92/46/EEC of 16 June 1992 laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (2) thereof,

Whereas the Member States have sent the Commission, pursuant to the second subparagraph of Article 11 (1) of Directive 92/46/EEC, the information they considered appropriate for establishing uniform criteria for the grant of derogations to certain establishments manufacturing milk-based products;

Whereas, in view of the variety of milk-based products and manufacturing processes, the total quantity of milk used in a given year by an establishment to manufacture one or more milk-based products should be taken as a basis; whereas the criteria adopted reflect the limited nature of the production of an establishment;

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 uniform criteria provided for in Article 11 (2) of Directive 92/46/EEC for the grant of derogations from

Article 7 (A) (2) and Article 14 (2) of Directive 92/46/EEC to certain establishments manufacturing milk-based products are established in Annex A hereto. These derogations shall be granted only if they do not affect the hygienic conditions of production.

Article 2

The uniform criteria provided for in Article 11 (2) of Directive 92/46/EEC for the grant of derogations from Chapters I and V of Annex B to Directive 92/46/EEC to certain establishments manufacturing milk-based products are established in Annex B hereto. These derogations shall be granted only if they do not affect the hygienic conditions of production.

Article 3

This Decision shall apply from 1 January 1996.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 4 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

(1) OJ No L 268, 14. 9. 1992, p. 1.

*ANNEX A***Uniform criteria as provided for in Article 11 (2) of Directive 92/46/EEC for the grant of derogations from Articles 7 (A) (2) and 14 (2) of Directive 92/46/EEC to certain establishments manufacturing milk-based products**

1. Establishments must hold documents which can be used to determine the quantity of milk processed by them during the previous year. They must be able to produce these documents for the competent authority to inspect.
2. Establishments must have processed during the previous year a quantity of milk of less than 500 000 litres or must give an undertaking in writing to the competent authority that the quantity processed annually will not exceed that amount.
3. Establishments must present to the competent authority an application in writing for a derogation as provided for in Article 11 of Directive 92/46/EEC. Without prejudice to specific information which the competent authority may wish to receive, applications must indicate :
 - the name and address of the establishments,
 - the quantity of milk processed by it during the year preceding that in which the application is made or an undertaking not to process a quantity in excess of 500 000 litres annually,
 - the nature of the documents which can be used to determine the quantity of milk processed by the establishment,
 - the type and quantity of milk-based products manufactured by the establishment during the year preceding that in which the application is made,
 - the type of derogations which the establishment would like to receive.

Applications must, in addition, contain an undertaking to notify the competent authority immediately in writing where an establishment no longer satisfies the criterion in point 2 of this Annex.

*ANNEX B***Uniform criteria as provided for in Article 11 (2) of Directive 92/46/EEC for the grant of derogations from Chapters I and V of Annex B to Directive 92/46/EEC to certain establishments manufacturing milk-based products**

1. Establishments must hold documents which can be used to determine the quantity of milk processed by them during the previous year. They must be able to produce these documents for the competent authority to inspect.
2. Establishments must have processed during the previous year a quantity of milk of less than 2 million litres or must give an undertaking in writing to the competent authority that the quantity processed annually will not exceed that amount.
3. Establishments must present to the competent authority an application in writing for a derogation as provided for in Article 11 of Council Directive 92/46/EEC. Without prejudice to specific information which the competent authority may wish to receive, applications must indicate :
 - the name and address of the establishments,
 - the quantity of milk processed by it during the year preceding that in which the application is made or an undertaking not to process a quantity in excess of 2 million litres annually,
 - the nature of the documents which can be used to determine the quantity of milk processed by the establishment,
 - the type and quantity of milk-based products manufactured by the establishment during the year preceding that in which the application is made,
 - the type of derogations which the establishment would like to receive.

Applications must, in addition, contain an undertaking to notify the competent authority immediately in writing where an establishment no longer satisfies the criterion in point 2 of this Annex.

COMMISSION DECISION

of 5 May 1995

suspending the buying-in of butter in certain Member States

(Only the Danish, German, Spanish, English, French, Italian, Dutch, Portuguese, Finnish and Swedish texts are authentic)

(95/166/EC)

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 the first subparagraph of Article 7a (1) and Article 7a (3) thereof,Whereas Council Regulation (EEC) No 777/87 ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, sets out the circumstances under which the buying-in of butter and skimmed milk powder may be suspended and subsequently resumed and, where suspension takes place, the alternative measures that may be taken ;Whereas Commission Regulation (EEC) No 1547/87 ⁽³⁾, as last amended by Regulation (EC) No 455/95 ⁽⁴⁾, lays down the criteria on the basis of which the buying-in of butter by invitation to tender is to be opened and suspended in a Member State or, as regards the United Kingdom and the Federal Republic of Germany, in a region ;Whereas Commission Decision 95/87/EC ⁽⁵⁾ suspends buying-in of butter in certain Member States ; whereas information on market prices shows that the condition laid down in Article 1 (3) of Regulation (EEC) No 1547/87 is currently met in Belgium, Denmark, Germany, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Austria, Portugal, Finland, Sweden, Great Britain and Northern Ireland ; whereas the list of Member States where that suspension applies must be adapted accordingly ;

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

HAS ADOPTED THIS DECISION :

Article 1

The buying-in of butter by invitation to tender as provided for in Article 1 (3) of Regulation (EEC) No 777/87 is hereby suspended in Belgium, Denmark, Germany, Spain, France, Ireland, Italy, Luxembourg, Netherlands, Austria, Portugal, Finland, Sweden, Great Britain and Northern Ireland.

Article 2

Decision 95/87/EC is hereby repealed.

Article 3

This Decision is addressed to the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Austrian Republic, the Portuguese Republic, the Finnish Republic, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 5 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 78, 20. 3. 1987, p. 10.⁽³⁾ OJ No L 144, 4. 6. 1987, p. 12.⁽⁴⁾ OJ No L 46, 1. 3. 1995, p. 31.⁽⁵⁾ OJ No L 68, 28. 3. 1995, p. 33.