

Official Journal

of the European Communities

ISSN 0378-6978

L 134

Volume 38

20 June 1995

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1381/95

of 19 June 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 16 June 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 20 June 1995.

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

Done at Brussels, 19 June 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 19 June 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (*)
0709 90 60	105,47 ⁽²⁾ ⁽³⁾
0712 90 19	105,47 ⁽²⁾ ⁽³⁾
1001 10 00	47,20 ⁽¹⁾ ⁽²⁾ ⁽¹¹⁾
1001 90 91	93,17
1001 90 99	93,17 ⁽²⁾ ⁽¹¹⁾
1002 00 00	144,19 ⁽⁴⁾
1003 00 10	106,95
1003 00 90	106,95 ⁽²⁾
1004 00 00	105,71
1005 10 90	105,47 ⁽²⁾ ⁽³⁾
1005 90 00	105,47 ⁽²⁾ ⁽³⁾
1007 00 90	114,14 ⁽⁴⁾
1008 10 00	58,25 ⁽²⁾
1008 20 00	62,70 ⁽⁴⁾ ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	⁽⁷⁾
1008 90 90	0
1101 00 11	176,02 ⁽²⁾
1101 00 15	176,02 ⁽²⁾
1101 00 90	176,02 ⁽²⁾
1102 10 00	247,45
1103 11 10	112,34
1103 11 90	203,61
1107 10 11	178,98
1107 10 19	137,06
1107 10 91	203,51 ⁽¹⁰⁾
1107 10 99	155,38 ⁽²⁾
1107 20 00	178,91 ⁽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.

COMMISSION REGULATION (EC) No 1382/95
of 19 June 1995
on the supply of cereals as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽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 beneficiaries 1 531 tonnes of cereals;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽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

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipient 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 lot 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, 19 June 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, B and C

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; fax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁷⁾: OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1)(e))
8. **Total quantity**: 888 tonnes (1 531 tonnes of cereals)
9. **Number of lots**: 3 (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾ ⁽¹⁰⁾ ⁽¹¹⁾: OJ No C 114, 29. 4. 1991, p. 1 (II.B (2)(f) + II (B)(3))
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment ⁽⁹⁾
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**: 31. 7 — 20. 8. 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 4. 7. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 18. 7. 1995
 - (b) period for making the goods available at the port of shipment: 14. 8 — 3. 9. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 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 30. 6. 1995 fixed by Commission Regulation (EC) No 1144/95 (OJ No L 114, 20. 5. 1995, p. 18)

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 1053/95 (OJ No L 107, 12. 5. 1995, p. 4) shall not apply to this amount.
- (⁵) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO box 1315, NL-1000 BH Amsterdam.
- (⁶) 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), number of which to be provided to the beneficiary's forwarder.
- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate,
 - fumigation certificate (the cargo shall be fumigated with alumine phosphine).
- (⁸) Notwithstanding OJ No C 114, point II.B (3)(c) is replaced by the following : 'the words "European Community"'.
- (⁹) For Lot 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) See fourth amendment to OJ No C 114 published in OJ No C 272, 21. 10. 1992, p. 6.
- (¹¹) 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'.

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción nº	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (tons)	Delmængde (tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	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 (en tonnes)	Action nº	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 nº	País de destino	Língua a utilizar na rotulagem
Parti	Total Kvantitet (ton)	Delkvantitet (ton)	Aktion nr	Bestämmelsesland	Mærkning på följande språk
Erä	Kokonaismäärä (tonnia)	Osittaismäärä (tonnia)	Toimi N:o	Määrämaa	Merkinnässä käytettävä kieli
A	420		1358/94	Perú	Español
B	324	B1 : 60 B2 : 120 B3 : 144	19/95 39/95 40/95	Perú Perú Perú	Español Español Español
C	144	C1 : 12 C2 : 132	1524/94 1588/94	Tanzania Haïti	English Français

COMMISSION REGULATION (EC) No 1383/95
of 19 June 1995
on the supply of cereals as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽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 beneficiaries 122 274 tonnes of cereals;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽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

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipient 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 lot A, 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, 19 June 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

LOT A

1. **Operation No** ⁽¹⁾: see Annex II
2. **Programme**: 1994 + 1995
3. **Recipient** ⁽²⁾: Euronaid PO Box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; fax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (a))
8. **Total quantity**: 1 660 tonnes (2 274 tonnes of cereals)
9. **Number of lots**: 1 (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾ ⁽¹²⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (d) and II.B (3))
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment ⁽¹¹⁾
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**: 24. 7 — 13. 8. 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 4. 7. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 18. 7. 1995
 - (b) period for making the goods available at the port of shipment: 7 — 27. 8. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 120, bureau 7/46, rue de la Loi/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 30. 6. 1995, fixed by Commission Regulation (EC) No 1144/95 (OJ No L 114, 20. 5. 1995, p. 18)

LOT B

1. **Operation No** (1): 1714/92
2. **Programme**: 1992
3. **Recipient** (2): Djibouti
4. **Representative of the recipient**: Office National d'Approvisionnement et de Commercialisation (O.N.A.C.), BP 79 Djibouti (tel. (253) 35 03 27; fax 35 67 01; telex 5933 DJ)
5. **Place or country of destination** (3): Djibouti
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** (3) (7): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B.1 (a))
8. **Total quantity**: 3 650 tonnes (5 000 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** (8) (9) (14): see OJ No C 114, 29. 4. 1991, p. 1 (under II.B. (2)(b) and II.B (3))
Markings in French
11. **Method of mobilization of product**: the Community market
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**: 24. 7 — 6. 8. 1995
18. **Deadline for the supply**: 27. 8. 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 4. 7. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 18. 7. 1995
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 7 — 20. 8. 1995
 - (c) deadline for the supply: 10. 9. 1995
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (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): refund applicable on 30. 6. 1995, fixed by Commission Regulation (EC) No 1144/95 (OJ No L 114, 20. 5. 1995, p. 18)

LOTS C and D

1. **Operation No** (1): 1499/94 (C); 1500/94 (D)
2. **Programme**: 1994
3. **Recipient** (2): Egypt
4. **Representative of the recipient**: Ambassade de la République Arabe d'Égypte, Section Commerciale, 522 av. Louise/Louizalaan, 1050 Bruxelles/Brussel (Tel. (32 2) 647 32 27; fax 646 45 09; tlx 64809 COMARU B)
5. **Place or country of destination** (3): Egypt
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** (3)(7)(10): see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (1) (a))
8. **Total quantity**: 100 000 tonnes
9. **Number of lots**: two (C: 50 000 tonnes; D: 50 000 tonnes)
10. **Packaging and marking**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Alexandria
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: C: 17 — 30. 7. 1995, D: 31. 7 — 13. 8. 1995
18. **Deadline for the supply**: C: 13. 8. 1995, D: 27. 8. 1995
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 4. 7. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 18. 7. 1995
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: C: 31. 7 — 13. 8. 1995, D: 14 — 27. 8. 1995
 - (c) deadline for the supply: C: 27. 8. 1995, D: 10. 9. 1995
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** (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; 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 30. 6. 1995, fixed by Commission Regulation (EC) No 1144/95 (OJ No L 114, 20. 5. 1995, p. 18)

LOTS E and F

1. **Operation Nos** ⁽¹⁾: 1810/93 (E); 1811/93 (F)
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Mozambique
4. **Representative of the recipient**: Commercial Bank of Mozambique, Ave. 25 de Setembro, 1657 Maputo, Mr Alfaika (tel. (258 1) 42 81 57; telex 6 240/244/551)
5. **Place or country of destination** ⁽³⁾: Mozambique
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾ ⁽¹⁰⁾: See OJ No C 114, 29. 4. 1991, p. 1 (II. A (1)(a))
8. **Total quantity**: 15 000 tonnes
9. **Number of lots**: two (E: 5 000 tonnes; F: 10 000)
10. **Packaging and marking**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: E: Nacala; F: Maputo
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 17 — 30. 7. 1995
18. **Deadline for the supply**: 27. 8. 1995
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 4. 7. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 18. 7. 1995
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 31. 7 — 13. 8. 1995
 - (c) deadline for the supply: 10. 9. 1995
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi/Wetsstraat, 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 30. 6. 1995, fixed by Commission Regulation (EC) No 1144/95 (OJ No L 114, 20. 5. 1995, p. 18)

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.
- Lots C and D : Radiation certificate must be issued by official authorities and be legalized for the following country : Egypt.
- (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 1053/95 (OJ No L 107, 12. 5. 1995, p. 4) 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.
- (6) 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), number of which to be provided to the beneficiary's forwarder.
- (7) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate,
 - fumigation certificate (lots A and B : the cargo shall be fumigated before shipment with alumine phosphine).
- (8) Notwithstanding OJ No C 114, point II.A. (3) (c) or II.B. (3) (c) is replaced by the following : 'the words "European Community"'.
- (9) 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'.
- (10) The cargo shall be fumigated in transit on board the ship by using a recirculation or distribution system with alumine phosphine (application rate : minimum 1 g phosphine per cubic metre of hold) in accordance with the 'Recommendations on the safe use of pesticides in ships' by the International Maritime Organization.
- (11) For lot A, 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.
- (12) See second amendment to OJ No C 114 published in OJ No C 135, 26. 5. 1992, p. 20.
- (13) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (14) 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	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción nº	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
Παρτίδα	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 (en tonnes)	Action nº	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 nº	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	Merkinnässä käytettävä kieli
A	1 660	A1: 200 A2: 260 A3: 140 A4: 60 A5: 80 A6: 40 A7: 380 A8: 500	1522/94 1523/94 1549/94 1550/94 16/94 17/95 41/95 42/95	Haïti Perú Perú Perú Perú Perú Perú Perú	Français Español Español Español Español Español Español Español

COMMISSION REGULATION (EC) No 1384/95

of 19 June 1995

amending Regulation (EEC) No 3665/87 as regards the adjustments necessary for the implementation of the Uruguay Round Agreement on Agriculture

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Article 13 (11) thereof, and the corresponding provisions of the other regulations on the common organization of markets in agricultural products,

Whereas the implementation of the Uruguay Round Agreement on Agriculture involves substantial amendments to the arrangements for export refunds, and in particular making the grant of a refund subject, as a general rule, to the requirement of an export licence comprising the advance fixing of the refund; whereas, however, deliveries in the Community for international organizations and for the armed forces, deliveries for victualling and exports of small quantities are special cases and of minor economic importance; whereas, for those reasons, provision has been made for a special system without an export licence to simplify such export operations and avoid an excessive administrative burden for economic operators and the competent authorities; whereas the special system should be maintained for the abovementioned deliveries, so as not to make it obligatory to present an export licence comprising advance fixing of the refund; whereas, in return for this special procedure, a short time limit must be set for the notification of the quantities to be entered in the accounts in connection with the Uruguay Round Agreement;

Whereas in the case of differentiated refunds, if there has been a change of destination, the refund applicable to the actual destination is payable, subject to a ceiling of the level of the amount applicable to the destination fixed in advance; whereas to prevent abuse whereby destinations with the highest rates of refund are selected systemati-

cally, a system of penalties for changing the destination where the actual rate of refund is less than the rate for the destination fixed in advance should be introduced; whereas this new provision has consequences for the calculation of the part of the refund payable once the exporter furnishes proof that the product has left the customs territory of the Community;

Whereas Commission Regulation (EEC) No 3665/87⁽³⁾, as last amended by Regulation (EC) No 331/95⁽⁴⁾, should be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of all the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3665/87 is amended as follows:

1. Article 1 is replaced by the following:

'Article 1

Without prejudice to derogations provided for in Community rules specific to certain products, this Regulation lays down common detailed rules for the application of the system of export refunds (hereinafter referred to as "refunds") established by or provided for in:

- Article 3 of Council Regulation No 136/66/EEC⁽¹⁾ (oils and fats),
- Article 17 of Council Regulation (EEC) No 804/68⁽²⁾ (milk and milk products),
- Article 13 of Council Regulation (EEC) No 805/68⁽²⁾ (beef and veal),
- Article 26 of Council Regulation (EEC) No 1035/72⁽⁴⁾ (fruit and vegetables),
- Article 17 of Council Regulation (EEC) No 1785/81⁽⁵⁾ (sugar, isoglucose, inulin syrup),
- Article 13 of Council Regulation (EEC) No 2759/75⁽⁶⁾ (pigmeat),
- Article 8 of Council Regulation (EEC) No 2771/75⁽⁷⁾ (eggs),

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽³⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 38, 18. 2. 1995, p. 1.

- Article 8 of Council Regulation (EEC) No 2777/75 ^(*) (poultrymeat),
- Article 14 of Council Regulation (EEC) No 1418/76 ^(*) (rice),
- Articles 13, 14 and 14a of Council Regulation (EEC) No 426/86 ^(*) (products processed from fruit and vegetables),
- Articles 55 and 56 of Council Regulation (EEC) No 822/87 ^(*) (wine),
- Article 13 of Council Regulation (EEC) No 1766/92 ^(*) (cereals).

^(*) OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽⁴⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽⁵⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁶⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽⁷⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽⁸⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽¹⁰⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽¹¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽¹²⁾ OJ No L 181, 1. 7. 1992, p. 21.

2. In Article 2 (1) (b) 'agricultural levies and' is deleted.
3. In Chapter 1, the following Article 2a is inserted:

'Article 2a

Entitlement to the refund shall be conditional upon presentation of an export licence comprising advance fixing of the refund, except in the case of exports of agricultural products in the form of goods not covered by Annex II to the Treaty and exports relating to food aid operations within the meaning of Article 10 (4) of the Uruguay Round Agreement on Agriculture.

However, no licence shall be required:

- where the amount of the refund per export declaration does not exceed ECU 60; where an export declaration includes several separate codes of the refunds nomenclature or the combined nomenclature, the entries relating to each of the codes shall be regarded as constituting a separate declaration,
- in the cases referred to in Articles 3a, 34, 38, 42, 43 and 44 (1).⁷

4. In Article 10, the second subparagraph of paragraph 2 is deleted.
5. In the seventh subparagraph of Article 11 (1) 'Article 48' is replaced by 'Article 33 (2) or Article 48'.
6. Article 20 is replaced by the following:

'Article 20

1. By way of derogation from Article 16 and without prejudice to Article 5, a part of the refund

shall be paid upon proof being furnished that the product has left the customs territory of the Community.

Where the amount payable does not exceed ECU 1 000, Member States may defer payment of such an amount until payment of the total amount of the refund concerned, except in cases where the exporter states that he will not apply for payment of a further amount for the operation concerned.

2. The part of the refund referred to in paragraph 1 shall be equal to the amount of the refund which the exporter would receive if his product reached a destination for which the lowest rate of refund had been fixed, the non-fixing of a rate being regarded as the lowest rate.

The part of the refund referred to in paragraph 1 shall be equal to the lowest amount resulting from the application of paragraph 3.

3. Where the destination indicated in box 7 of the licence issued comprising advance fixing of the refund has not been observed:

- (a) if the rate of refund corresponding to the actual destination is equal to or greater than the rate of refund for the destination indicated in box 7, the rate of refund for the destination indicated in box 7 shall apply;
- (b) if the rate of refund corresponding to the actual destination is less than the rate of refund for the destination indicated in box 7, the refund to be paid shall be:
 - that resulting from the application of the rate corresponding to the actual destination,
 - reduced, save in the case of *force majeure*, by 20 % of the difference between the refund resulting from the destination indicated in box 7 and the refund for the actual destination.

For the purposes of applying the first subparagraph, the rates of refund to be taken into consideration shall be those valid on the day on which the licence application is submitted.

Where the provisions of the first and second subparagraphs and of Article 11 apply to one and the same export operation, the amount resulting from the first subparagraph shall be reduced by the penalty referred to in Article 11.

4. Where a rate of refund has been determined in connection with a tendering procedure and that tendering procedure contains an obligatory destination clause, the non-fixing of a periodic refund or the fixing of a periodic refund for that obligatory destina-

tion on the date on which the licence application is submitted and on the date on which the export declaration is accepted shall not be taken into consideration for determining the lowest rate of refund.'

7. In Article 21, paragraph 4 is replaced by the following:

'4. Where paragraph 3 applies, the refund applicable shall be equal to the refund fixed for the actual destination but may not be greater than the refund applicable for the destination indicated in box 7 of the licence issued comprising advance fixing of the refund.'

8. In Article 33 (2) the following is added at the end:

'The provisions of Article 48 (4) and (6) shall apply *mutatis mutandis*.'

9. In the first subparagraph of Article 42 (2) 'specified in Article 20' is deleted.

10. In Article 49, the following indent is added:

— for each eleven-digit code the quantities exported without an export licence comprising advance fixing of the refund for the cases referred to in the second subparagraph of Article 2a, the information being broken down for each of the cases referred to in the second subparagraph of Article 2a. Member States shall take appropriate measures

to ensure that the communication is made at the latest in the second month following that in which the customs export formalities are completed.'

Article 2

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

This Regulation shall apply to export declarations accepted from 1 July 1995.

However,

— for products falling within the rice and wine sectors, this Regulation shall apply to export declarations accepted from 1 September 1995,

— for products falling within the sugar sector, this Regulation shall apply to export declarations accepted from 1 October 1995,

— for products falling within the olive oil sector, this Regulation shall apply to export declarations accepted from 1 November 1995.

Points 5 and 8 of Article 1 shall apply to exports for which the formalities referred to in Article 3 or Article 25 of Regulation (EEC) No 3665/87 are completed on or after 1 April 1995.

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

Done at Brussels, 19 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1385/95

of 19 June 1995

altering the rate of refunds applicable for certain products of the cereals and rice sectors exported in the form of goods not covered by Annex II to the Treaty

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

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

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

Whereas the rates of the refunds applicable from 1 June 1995 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty,

were fixed by Commission Regulation (EC) No 1235/95 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 1235/95 to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The rates of refund fixed by Regulation (EC) No 1235/95 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 20 June 1995.

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

Done at Brussels, 19 June 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽³⁾ OJ No L 121, 1. 6. 1995, p. 23.

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1004 00 00	Oats : – used unprocessed – used in the form of : – – pellets of CN code 1103, and pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	6,410 3,846 5,769 2,602 7,434 — 6,410
1005 90 00	Maize (Corn): – used unprocessed – used in the form of : – – flours of CN codes 1102 20 10 and 1102 20 90 – – groats and meal of CN code 1003 and rolled or flaked grains of CN code 1104 – – pellets of CN code 1103 – – hulled or perled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 12 00 – – gluten of CN code 2303 10 11 – – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ – – other ⁽³⁾	7,434 5,204 5,947 4,460 6,691 2,602 7,434 2,974 7,434 7,434
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	24,723 22,011 22,011
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	31,900 31,900 31,900
1006 40 00	Broken rice : – used unprocessed – used in the form of : – – flour of CN code 1102 30, groats and meal or pellets of CN code 1103 – – flaked grains of CN 1104 19 91 – – starch of CN code 1108 19 10 – – other	7,200 7,200 4,320 7,200 —
1007 00 90	Sorghum	6,657
1101 00	Wheat or meslin flour : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	4,294 6,606
1102 10 00	Rye flour	10,552
1103 11 10	Groats and durum wheat meal : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	2,062 3,172
1103 11 90	Common wheat groats and spelt : – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – in all other cases	4,294 6,606

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

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

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

COMMISSION REGULATION (EC) No 1386/95

of 19 June 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 1363/95⁽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 20 June 1995.

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

Done at Brussels, 19 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.⁽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 19 June 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 35	052	56,6
	060	80,2
	066	35,4
	068	32,4
	204	50,9
	212	117,9
	624	75,0
	999	64,1
0707 00 25	052	53,1
	053	166,9
	060	39,2
	066	53,8
	068	60,4
	204	49,1
	624	207,3
	999	90,0
0709 90 77	052	59,7
	204	77,5
	624	196,3
	999	111,2
0805 30 30	388	68,0
	528	54,3
	600	54,7
	624	78,0
	999	63,8
0809 10 20	052	133,4
	064	135,8
	999	134,6
0809 20 41, 0809 20 49	052	188,4
	064	232,0
	068	244,6
	400	208,0
	624	288,9
	676	166,2
	999	221,3
0809 30 21, 0809 30 29	220	128,9
	624	106,8
	999	117,8
0809 40 20	624	264,5
	999	264,5

(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 1387/95

of 19 June 1995

on the issuing of import licences for bananas under the tariff quota for the third quarter of 1995 and on the submission of new applications

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,Whereas Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 1164/95 ⁽⁴⁾, lays down detailed rules for the application of the arrangements for importing bananas into the Community; whereas Commission Regulation (EC) No 478/95 ⁽⁵⁾, as amended by Regulation (EC) No 702/95 ⁽⁶⁾, lays down additional rules for the application of the tariff quota arrangements laid down in Articles 18 and 19 of Regulation (EEC) No 404/93;

Whereas Article 9 (3) of Regulation (EEC) No 1442/93, as amended by Regulation (EC) No 478/95, lays down that, where, in the case of a given quarter of origin, for a country or group of countries referred to in Annex I to Regulation (EC) No 478/95, the quantities covered by import licence applications from one or more of the categories of operators appreciably exceed the indicative quantity fixed, a reduction percentage to be applied to applications shall be set; whereas, however, that provision does not apply to applications relating to 150 tonnes or less;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 1442/93, the indicative quantities for import under the tariff quota are laid down for the third quarter of 1995 in Commission Regulation (EC) No 1220/95 ⁽⁷⁾;

Whereas in the case of the quantities covered by licence applications that are either less than or not significantly more than the indicative quantities fixed for the quarter in question, licences are issued for the quantities applied for; whereas, however, for certain origins, the quantities applied for considerably exceed the indicative quantities or the percentages set out in the Annex to Regulation (EC) No 478/95; whereas, therefore, a reduction percen-

tage should be set to be applied to each licence application for the origin or origins involved and category of licence in question;

Whereas, the maximum quantity for which such licence applications may still be submitted should be set taking account of the indicative quantities fixed by Regulation (EC) No 1220/95 and the applications accepted at the end of the application period running from 1 to 7 June 1995; whereas Council Regulation (EC) No 478/95 on additional rules for the application of Regulation (EEC) No 404/93 as regards the tariff quota arrangements for imports of bananas into the Community and amending Regulation (EEC) No 1442/93 applies;

Whereas this Regulation should apply immediately to permit licences to be issued as quickly as possible;

Whereas the Management Committee for Bananas has not issued an opinion within the time limit laid down by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences shall be issued under the tariff quota for the import of bananas, provided for in Articles 18 and 19 of Regulation (EEC) No 404/93, for the third quarter of 1995:

- (a) for the quantity indicated in the licence application, multiplied by reduction coefficients of 0,2149, 0,6166 and 0,5886 for applications indicating the origins 'Dominican Republic', 'Costa Rica: category B' and 'Others' respectively;
- (b) for the quantity indicated in the licence application where the application is for a quantity of 150 tonnes or less.

Article 2

The quantities for which licence applications may still be issued in respect of the third quarter of 1995 are laid down in the Annex hereto.

*Article 3*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.⁽⁴⁾ OJ No L 117, 24. 5. 1995, p. 14.⁽⁵⁾ OJ No L 49, 4. 3. 1995, p. 13.⁽⁶⁾ OJ No L 71, 31. 3. 1995, p. 84.⁽⁷⁾ OJ No L 120, 31. 5. 1995, p. 32.

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

Done at Brussels, 19 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

(in tonnes)

	Quantities available for new requests
COLOMBIA	
— Categories A and C	93 729,185
— Category B	44 345,850
COSTA RICA	
— Categories A and C	74 254,708
VENEZUELA	12 035,000
BELIZE	3 000,000
CAMEROON	2 175,000
Other ACP	1 430,295

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 May 1995

concerning the conclusion of an Agreement in the form of exchange of letters between the European Community and the United States of America on government procurement

(95/215/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the last sentence of Article 57 (2) and Articles 66, 100 a, 113 in conjunction with the first sentence of Article 228 (2) and Article 228 (3) thereof,

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

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

Whereas, for the Community, the powers to conclude international agreements are not merely attributed explicitly by the Treaty but may also result from other provisions of the Treaty and from acts taken pursuant to those provisions by Community institutions;

Whereas, when Community rules were adopted in order to attain the goals of the Treaty, Member States may not, outside the framework of the common institutions, make commitments which might affect those rules or alter the scope thereof;

Whereas part of the commitments in the Agreement negotiated by the European Community with the United States on government procurement fall within the exclusive jurisdiction of the Community under Article 113 of the Treaty;

Whereas, moreover, some of the other commitments affect Community rules adopted on the basis of Articles 57 (2), 66 and 100 a of the Treaty;

Whereas, finally, Article 37 of Directive 93/38/EEC ⁽³⁾ expressly confers upon the Community institutions powers to conduct negotiations with third countries concerning the legal arrangements applicable to government contracts awarded by entities in Member States in the electricity and port sectors *inter alia*;

Whereas the Agreement negotiated by the European Community with the United States on government procurement should be concluded,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an exchange of letters between the European Community and the United States of America on government procurement is hereby approved on behalf of the European Community.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the European Community.

Done at Brussels, 29 May 1995.

For the Council

The President

H. de CHARETTE

⁽¹⁾ OJ No C 291, 19. 10. 1994, p. 4.

⁽²⁾ Assent given on 19 May 1995 (not yet published in the Official Journal).

⁽³⁾ Council Directive 93/38/EEC of 14 June 1993 coordinating the procurement procedures of entities operating in the water, energy, transport and telecommunications sectors (OJ No L 199, 9. 8. 1993, p. 84).

AGREEMENT

in the form of an exchange of letters between the European Community and the United States of America on government procurement

His Excellency Sir Leon Brittan,
Commissioner,
Commission of the European Communities,
200 Rue de la Loi/Wetstraat,
1049 Brussels.

Washington, 30 May 1995

Dear Mr Commissioner,

With reference to the discussion held between representatives of the Government of the United States of America (hereinafter the US) and the European Community (hereinafter the EC) regarding government procurement, I have the honour to confirm the following:

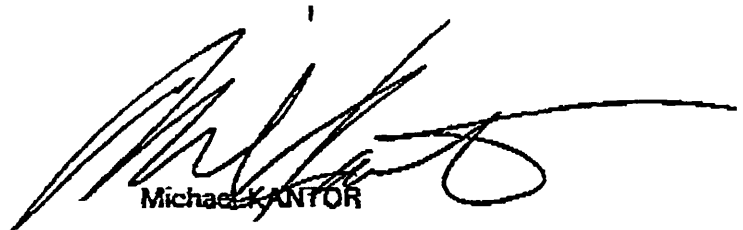
1. The US and the EC agree to amend their respective Appendix I of the Government Procurement Agreement signed at Marrakesh on 15 April 1994, as set out in the attachments to this letter.
2. The US shall grant to EC suppliers of goods and services, including construction services, treatment no less favourable than for out-of-state suppliers for the Massachusetts Port Authority and for the states of West Virginia, North Dakota and as regards Illinois for procurement not covered by the Government Procurement Agreement, and for out-of-city suppliers for the cities of Boston, Chicago, Dallas, Detroit, Indianapolis, Nashville and San Antonio.
3. The US and EC agree to cooperate and take all necessary steps to improve substantially the transparency of the notices of intended procurement in order to ensure that contracts covered under the Government Procurement Agreement can be clearly identified as such.
4. The US and EC agree that the Memorandum of Understanding between the US and the EC on Government Procurement of 25 May 1993 will be extended until the date of entry into force of the Government Procurement Agreement signed at Marrakesh on 15 April 1994.
5. The US agrees that it will implement its obligations with respect to the Rural Electrification Administration contained in Annex 3 of its Appendix I attached hereto as soon as possible after entry into force of this Agreement, but no later than entry into force of the Agreement establishing the World Trade Organization.

I shall be grateful, Mr Commissioner, if you could kindly confirm that this letter and its attachments correctly set out the understanding reached between us.

I propose that, if the EC so agrees, this letter and its attachments and your reply to that effect constitute an agreement between the EC and the Government of the US, which will enter into force on the date hereof, with the exception of point 2 above, which will be effective upon entry into force of the Government Procurement Agreement signed at Marrakesh on 15 April 1994.

Please accept, Mr Commissioner, the assurance of my highest consideration.

Sincerely,



Michael KANTOR

Michael KANTOR

Attachments: Amended Annexes 2 and 3 General Notes of Appendix I of the United States.
Amended general notes and derogations from the provisions of Article III of Appendix I of the EC.

Ambassador Michael Kantor,
United States Trade Representative,
Executive Office of the President,
WASHINGTON DC 20506
(United States of America).

Brussels, 30 May 1995

Dear Mr Ambassador,

I have the honour to acknowledge receipt of your letter of today's date, which reads as follows :

'With reference to the discussions held between representatives of the Government of the United States of America (hereinafter the US) and the European Community (hereinafter the EC) regarding government procurement, I have the honour to confirm the following :

1. The US and the EC agree to amend their respective Appendix I of the Government Procurement Agreement signed at Marrakesh on 15 April 1994, as set out in the attachments to this letter.
2. The US shall grant to EC suppliers of goods and services, including construction services, treatment no less favourable than for out-of-State suppliers for the Massachusetts Port Authority and for the States of West Virginia, North Dakota and as regards Illinois for procurement not covered by the Government Procurement Agreement, and for out-of-city suppliers for the cities of Boston, Chicago, Dallas, Detroit, Indianapolis, Nashville and San Antonio.
3. The US and the EC agree to cooperate and take all necessary steps to improve substantially the transparency of the notices of intended procurement in order to ensure that contracts covered under the Government Procurement Agreement can be clearly identified as such.
4. The US and the EC agree that the Memorandum of Understanding between the US and the EC on Government Procurement of 25 May 1993 will be extended until the date of entry into force of the Government Procurement Agreement signed at Marrakesh on 15 April 1994.
5. The US agrees that it will implement its obligations with respect to the Rural Electrification Administration contained in Annex 3 of its Appendix I attached hereto as soon as possible after entry into force of this Agreement, but no later than entry into force of the Agreement establishing the World Trade Organization.

I shall be grateful, Mr Commissioner, if you could kindly confirm that this letter and its attachments correctly set out the understanding reached between us.

I propose that, if the EC so agrees, this letter and its attachments and your reply to that effect constitute an agreement between the EC and the Government of the US, which will enter into force on the date hereof, with the exception of point 2 above, which will be effective upon entry into force of the Government Procurement Agreement signed at Marakesh on 15 April 1994.

Please accept, Mr Commissioner, the assurance of my highest consideration.

Sincerely,

Michael KANTOR

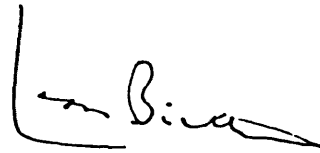
Attachments : Amended Annexes 2 and 3 and General Notes of Appendix I of the United States.

Amended general notes and derogations from the provisions of Article III of Appendix I of the EC.'

I have the honour to confirm that the EC agrees to the common understanding set out in your letter and its attachments and that your letter, this reply and the attachments shall constitute an agreement between the EC and the Government of the US.

Please accept, Mr Ambassador, the assurance of my highest consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Leon Brittan', with a stylized flourish at the end.

Leon BRITTAN

AMENDED ANNEXES 2 AND 3 AND GENERAL NOTES OF APPENDIX I OF THE UNITED STATES

ANNEX 2

SUB-CENTRAL GOVERNMENT ENTITIES WHICH PROCURE IN ACCORDANCE WITH THE PROVISIONS OF THIS AGREEMENT

Threshold: 355 000 SDRs for supplies and services
5 million SDRs for construction

LIST OF ENTITIES

Arizona

Executive branch agencies

Arkansas

Executive branch agencies, including universities but excluding the Office of Fish and Game and construction services

California

Executive branch agencies

Colorado

Executive branch agencies

Connecticut

Department of Administrative Services
Connecticut Department of Transportation
Connecticut Department of Public Works
Constituent Units of Higher Education

Delaware (*)

Administrative Services (Central Procurement Agency)
State Universities
State Colleges

Florida (*)

Executive branch agencies

Hawaii

Department of Accounting and General Services (with the exception of procurements of software developed in the state and construction)

Idaho

Central Procurement Agency (including all colleges and universities subject to central purchasing oversight)

Illinois (*)

Department of Central Management Services

Iowa (*)

Department of General Services
Department of Transportation
Board of Regents' Institutions (universities)

Kansas

Executive branch agencies, excluding construction services, automobiles and aircraft

Kentucky

Division of Purchases, Finance and Administration Cabinet, excluding construction projects

Louisiana

Executive branch agencies

Maine (*)

Department of Administrative and Financial Services
Bureau of General Services (covering State government agencies and school construction)
Maine Department of Transportation

Maryland (*)

Office of the Treasury
Department of the Environment
Department of General Services
Department of Housing and Community Development
Department of Human Resources
Department of Licensing and Regulation
Department of Natural Resources
Department of Public Safety and Correctional Services
Department of Personnel
Department of Transportation

Massachusetts

Executive Office for Administration and Finance
Executive Office of Communities and Development
Executive Office of Consumer Affairs
Executive Office of Economic Affairs
Executive Office of Education
Executive Office of Elder Affairs
Executive Office of Environmental Affairs
Executive Office of Health and Human Service
Executive Office of Labor
Executive Office of Public Safety
Executive Office of Transportation and Construction

Michigan (*)

Department of Management and Budget

Minnesota

Executive branch agencies

Mississippi

Department of Finance and Administration (does not include services)

Missouri

Office of Administration
Division of Purchasing and Materials Management

Montana

Executive branch agencies (only for services and construction)

New York (*)

State agencies
State university system
Public authorities and public benefit corporations, with the exception of those entities with multi-state mandates

In addition to the exceptions noted at the end of this Annex, transit cars, buses and related equipment are not covered

Nebraska

Central Procurement Agency

New Hampshire (*)

Central Procurement Agency

Oklahoma (*)

Office of Public Affairs and all State agencies and departments subject to the Oklahoma Central Purchasing Act, excluding construction services

Oregon

Department of Administrative Services

Pennsylvania (*)

Executive branch agencies, including :

Governor's Office

Department of the Auditor General

Treasury Department

Department of Agriculture

Department of Banking

Pennsylvania Securities Commission

Department of Health

Department of Transportation

Insurance Department

Department of Aging

Department of Correction

Department of Labor and Industry

Department of Military Affairs

Office of Attorney General

Department of General Services

Department of Education

Public Utility Commission

Department of Revenue

Department of State

Pennsylvania State Police

Department of Public Welfare

Fish Commission

Game Commission

Department of Commerce

Board of Probation and Parole

Liquor Control Board

Milk Marketing Board

Lieutenant Governor's Office

Department of Community Affairs

Pennsylvania Historical and Museum Commission

Pennsylvania Emergency Management Agency

State Civil Service Commission

Pennsylvania Public Television Network

Department of Environmental Resources

State Tax Equalization Board

Department of Public Welfare

State Employees' Retirement System

Pennsylvania Municipal Retirement Board

Public School Employees' Retirement System

Pennsylvania Crime Commission

Executive Offices

Rhode Island

Executive branch agencies, excluding boats, automobiles, buses and related equipment

South Dakota

Central Procuring Agency (including universities and penal institutions)

In addition to the exceptions noted at the end of this Annex, procurements of beef are not covered

Tennessee

Executive branch agencies (excluding services and construction)

Texas

General Services Commission

Utah

Executive branch agencies

Vermont

Executive branch agencies

Washington

Washington State executive branch agencies, including :

General Administration

Department of Transportation

State Universities

In addition to the exceptions noted at the end of this Annex, procurements of fuel, paper products, boats, ships and vessels are not covered

Wisconsin

Executive branch agencies, including :

Department of Administration

State Correctional Institutions

Department of Development

Educational Communications Board

Department of Employment Relations

State Historical Society

Department of Health and Social Services

Insurance Commissioner

Department of Justice

Lottery Board

Department of Natural Resources

Administration for Public Instruction

Racing Board

Department of Revenue

State Fair Park Board

Department of Transportation

State University System

Wyoming (*)

Procurement Services Division

Wyoming Department of Transportation

University of Wyoming

Notes to Annex 2

In addition to the conditions specified in the General Notes, the following conditions apply :

1. For those States marked by an asterisk with pre-existing restrictions, the Agreement does not apply to procurement of construction-grade steel (including requirements on subcontracts), motor vehicles and coal.
2. The Agreement shall not apply to preferences or restrictions associated with programs promoting the development of distressed areas and businesses owned by minorities, disabled veterans and women are reserved from coverage.
3. Nothing in this Annex shall be construed to prevent any State entity from applying restrictions that promote the general environmental quality in that State, as long as such restrictions are not disguised barriers to international trade.
4. The Agreement shall not apply to any procurement made by a covered entity on behalf of non-covered entities at a different level of government.
5. The Agreement shall not apply to restrictions attached to Federal funds for mass transit and highway projects.

ANNEX 3

ALL OTHER ENTITIES WHICH PROCURE IN ACCORDANCE WITH THE PROVISIONS OF THIS AGREEMENT

Threshold: 400 000 SDRs for supplies and services (except as specified below)
5 million SDRs for construction

LIST OF ENTITIES

The following entities at the SDR equivalent of \$ 250 000 for supplies and services :

Tennessee Valley Authority

Power Marketing Administrations of the Department of Energy

- Bonneville Power Administration
- Western Area Power Administration
- Southeastern Power Administration
- Southwestern Power Administration
- Alaska Power Administration

St Lawrence Seaway Development Corporation

The following entities at 400 000 SDRs for supplies and services :

The Port Authority of New York and New Jersey with the following exceptions :

- maintenance, repair and operating materials and supplies (e.g. hardware, tools, lamps/lighting, plumbing);
- in exceptional cases, individual procurements may require certain regional production of goods if authorized by the Board of Directors;
- procurements pursuant to multi-jurisdictional agreement (i.e. for contracts which have initially been awarded by other jurisdictions).

The Port of Baltimore (subject to the conditions specified for the state of Maryland in Annex 2)

The New York Power Authority (subject to the conditions specified for the state of New York in Annex 2)

Rural Electrification Administration Financing :

1. waiver of Buy American restrictions on financing for all power generation projects (restrictions on financing for telecommunication projects are excluded from the Agreement);
2. application of Code-equivalent procurement procedures and national treatment to funded projects exceeding the thresholds specified above.

Notes to Annex 3

1. With respect to these entities, the Agreement shall not apply to restrictions attached to Federal funds for airport projects.
2. The conditions specified in the General Notes apply to this Annex.

General Notes

1. Notwithstanding the above, this Agreement will not apply to set asides on behalf of small and minority businesses.
2. Except as specified otherwise in this Appendix, procurement in terms of US coverage does not include non-contractual agreements or any form of government assistance, including cooperative agreements, grants, loans, equity infusions, guarantees, fiscal incentives, and governmental provision of goods and services to persons or governmental authorities not specifically covered under US Annexes to this Agreement.
3. Procurement does not include the acquisition of fiscal agency or depositary services, liquidation and management services for regulated financial institutions and sale and distribution services for government debt.
4. Where a contract to be awarded by an entity is not covered by this Agreement, this Agreement shall not be construed to cover any good or service component of that contract.
5. For goods and services (including construction) of the following countries and suppliers of such goods and services, this Agreement does not apply to procurement by the entities listed in Annexes 2 and 3 or the waiver described in Annex 3:
Canada
Switzerland
Norway
Japan
The United States is prepared to amend this note at such time as coverage with respect to these Annexes can be resolved with a Party listed above.
6. For construction services of the Republic of Korea and suppliers of such services, this Agreement applies only to procurement of the entities listed in Annexes 2 and 3 above a threshold of 15 million SDRs.
7. For goods and services (including construction) of Japan and suppliers of such goods and services, this Agreement does not apply to procurement by the National Aeronautics and Space Administration.
8. A service listed in Annex 4 is covered with respect to a particular Party only to the extent that such Party has included that service in its Annex 4.

**AMENDED GENERAL NOTES AND DEROGATIONS FROM THE PROVISIONS OF
ARTICLE III OF APPENDIX I OF THE EC**

General notes and derogations from the provisions of Article III

1. The EC will not extend the benefits of this Agreement :

- as regards the award of contracts listed in Annex 2 to the suppliers and service providers of Canada,
- as regards the award of contracts, other than for supplies, listed in Annex 2 to the suppliers and service providers of the USA,
- as regards the award of contracts by entities listed in Annex 3 paragraph
 - (a) (water), to the suppliers and service providers of Canada and the USA ;
 - (b) (electricity), to the suppliers and service providers of Canada, Hong Kong and Japan ;
 - (c) (airports), to the suppliers and service providers of Canada, Korea and the USA ;
 - (d) (ports), to the suppliers and service providers of Canada ;
 - (e) (urban transport), to the suppliers and service providers of Canada, Israel, Japan, Korea and the USA

until such time as the EC has accepted that the Parties concerned give comparable and effective access for EC undertakings to the relevant markets :

- to service providers of Parties which do not include service contracts for the relevant entities in Annexes 1 to 3 and the relevant service category under Annexes 4 and 5 in their own coverage.

2. The provisions of Article XX shall not apply to suppliers and service providers of :

- Israel, Japan, Korea and Switzerland in contesting the award of contracts by entities listed under Annex 2, paragraph 2, until such time as the EC accepts that they have completed coverage of sub-central entities,
- Japan, Korea and the USA in contesting the award of contracts to a supplier or service provider of Parties other than those mentioned, which are small or medium-sized enterprises under the relevant provisions of EC law, until such time as the EC accepts that they no longer operate discriminatory measures in favour of certain domestic small and minority businesses,
- Israel, Japan and Korea in contesting the award of contracts by EC entities, whose value is less than the threshold applied for the same category of contracts awarded by these Parties.

3. Until such time as the EC has accepted that the Parties concerned provide access for EC suppliers and service providers to their own markets, the EC will not extend the benefits of this Agreement to suppliers and service providers of :

- Canada, as regards procurement of FSC 36, 70 and 74 (special industry machinery, general purpose automatic data processing equipment, software, supplies and support equipment (except 7010 ADPE configurations), office machines, visible record equipment and ADP equipment),
- Canada, as regards procurement of FSG 58 (communications, protection and coherent radiation equipment) and the USA as regards air traffic control equipment,
- Korea and Israel as regards procurement by entities listed in Annex 3 paragraph (b), as regards procurement of HS Nos 8504, 8535, 8537 and 8544 (electrical transformers, plugs, switches and insulated cables); and for Israel, HS Nos 8501, 8536 and 902830,
- the USA, as regards procurement by entities listed in Annex 3 paragraph (d), as regards procurement of dredging services and procurement related to shipbuilding,
- Canada and the USA as regards contracts for good or service components of contracts which, although awarded by an entity covered by this Agreement, are not themselves subject to this Agreement.

4. The Agreement shall not apply to contracts awarded under :

- an international agreement and intended for the joint implementation or exploitation of a project by the signatory States,
- an international agreement relating to the stationing of troops,
- the particular procedure of an international organization.

5. The Agreement shall not apply to procurement of agricultural products made in furtherance of agricultural support programmes and human feeding programmes.
 6. Contracts awarded by entities in Annexes 1 and 2 in connection with activities in the fields of drinking water, energy, transport or telecommunications, are not included.
 7. This Agreement shall not apply to contracts awarded by entities in Annex 3 :
 - for the purchase of water and for the supply of energy or of fuels for the production of energy,
 - for purposes other than the pursuit of their activities as described in this Annex or for the pursuit of such activities in a non-member country,
 - for purposes of re-sale or hire to third parties, provided that the contracting entity enjoys no special or exclusive right to sell or hire the subject of such contracts and other entities are free to sell or hire it under the same conditions as the contracting entity.
 8. This Agreement shall not be applicable to contracts :
 - for the acquisition or rental of land, existing buildings or other immovable property or concerning rights thereon,
 - for the acquisition, development, production or co-production of programme material by broadcasters and contracts for broadcasting time.
 9. This Agreement shall not be applicable to the award of service contracts by Spanish entities listed in Annex 3 before 1 January 1997 or to the award of contracts by Greek or Portuguese entities listed in Annex 3 before 1 January 1998.
-

COMMISSION

COMMISSION RECOMMENDATION

of 8 June 1995

concerning improvement of safety of existing lifts

(Text with the EEA relevance)

(95/216/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 155, second indent, thereof,

Whereas it is incumbent upon the Member States to provide for the safety of persons on their territory;

Whereas the Member States have not all enacted regulations on the safety of lifts;

Whereas despite the differences in design and age of such lifts, it is possible to identify a minimum number of points to be checked in all such forms of equipment;

Whereas that modernization, in the interest of safety, may be spread over several years,

HEREBY RECOMMENDS THAT THE MEMBER STATES:

1. Take all necessary action, where existing laws are as yet inadequate to meet the requirements of this recommendation:

— ensure a satisfactory level of maintenance for existing lifts,

— improve the safety of these lifts based on the principles in the Annex to this recommendation.

2. Take measures beyond those mentioned in the Annex, if safety demands.

This recommendation is addressed to the Member States.

Done at Brussels, 8 June 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

PRINCIPLES RELATING TO IMPROVEMENT OF THE SAFETY OF EXISTING LIFTS

Preliminary remark

European standards EN 81-1 and EN 81-2 may be applied, whenever possible, in order to obtain numerical values relating, in particular, to dimensions, tolerances, speeds or acceleration rates.

1. Car doors to be fitted and a floor-level indicator to be fitted inside the car.
 2. The car suspension cables to be inspected and possibly replaced.
 3. The stop controls to be modified in order to achieve a high degree of precision in the stopping level of the car and a gradual deceleration.
 4. Make the controls in both the cars and lift wells intelligible and usable by unaccompanied disabled persons.
 5. Fit human- or animal-presence detectors to the automatic doors.
 6. For lifts which travel faster than 0,6 m/s, fit a parachute system allowing them to decelerate smoothly when stopping.
 7. Modify the alarm systems to establish a permanent link with a high-speed breakdown service.
 8. Eliminate any asbestos in the braking systems, where this exists.
 9. Fit a device preventing uncontrolled movements towards the top of the car.
 10. Provide cars with emergency lighting that operates in the event of a main power supply failure. It must operate for long enough to enable the rescue services to intervene in a normal manner. The installation must also enable the alarm system provided for in item 7 to function.
-

COMMISSION OPINION

of 12 June 1995

addressed to the Netherlands Government concerning a draft temporary law on cargo allocation in north-south inland waterway services

(95/217/EC)

Pursuant to Article 1 of the Council Decision of 21 March 1962 instituting a procedure for prior examination and consultation in respect of certain laws, regulations and administrative provisions concerning transport proposed in the Member States⁽¹⁾, as amended by Decision 73/402/EEC⁽²⁾, the Netherlands Government notified the Commission by letter dated 15 July 1994 of a draft temporary law on cargo allocation in North-South inland waterway services.

The letter from the Netherlands Government reached the Commission on 25 July 1994. The Netherlands Government notified the other Member States of the draft law on 12 September 1994.

Pursuant to Article 2 of the abovementioned Council Decision, the Commission hereby delivers the following opinion :

1. The Commission finds that the objective of the proposed law is to establish a temporary chartering system for part of the inland waterway cargo transport services from the Netherlands to Belgium or France, with a view to gradual deregulation of this market, while maintaining its stability. The draft law provides for the introduction of a rotation system for allocating cargo and chartering services. This will be mandatory and will be administered by the public authorities. In particular, the tariffs and conditions of carriage together with the administrative and operating procedures for this system will be regulated. In addition, the draft law provides for liberalization of the tariffs and conditions of carriage for some of the traffic covered by the law plus incentives to form commercial groupings. The law will expire on 1 January 2000 or on an earlier date set by Royal Decree.

The cargo-allocation system introduced by the draft law will replace the voluntary rotation system currently administered by the operator's association 'Vereniging Toerbeurt Noord-Zuid', which will cease its activities.

It will cover a volume of traffic accounting for most of the services chartered under this rotation system at the moment.

2. The Commission finds that the draft law provides for the possibility of repeal of the law in the event of the adoption of Community legislation on liberalization of systems of chartering by rotation.

3. From the economic point of view, the Commission considers that introduction of the new temporary mandatory cargo-allocation system provided for by the draft law must create no obstacles to the liberalization of the inland waterway market advocated in the Commission's report on 9 June 1994 on the organization of the inland waterway transport market and systems of chartering by rotation. No such system could be contemplated without strict guarantees that the branch of the market concerned will switch definitively to a system based on free competition within an effectively limited period. The Commission realizes that the plan is to extend chartering by rotation to a greater volume of cargo, but notes with interest the clauses contained in the draft law on liberalization and greater competition in the inland waterways sector. It also notes that the law proposed would be temporary. The provision made in the draft law for this system to end definitively on 1 January 2000 would be compatible with the objectives of liberalization of the inland waterway market set in the abovementioned report from the Commission and could fit in with the timetable envisaged for liberalization of this market in another Member State.

However, the Commission notes that the draft law imposes the obligation to apply a system of chartering by rotation with fixed tariffs and conditions of carriage as the general rule and presents the liberalization clauses only by way of derogation therefrom. To provide fuller guarantees that the transition of this sector of the market concerned will be completed by the date envisaged for ending the system, the Commission recommends that the Netherlands Government amend the draft law to this effect, i.e. that

⁽¹⁾ OJ No 23, 3. 4. 1962, p. 720/62.

⁽²⁾ OJ No L 347, 17. 12. 1973, p. 48.

it establish the general principle of liberalization of the North-South market first and then set out the rules on the cargo-allocation system envisaged thereafter, by way of derogation from this general principle and for a limited period ending on 1 January 2000.

It also recommends the Netherlands Government to take positive accompanying measures to facilitate the social changes necessitated by the liberalization envisaged, taking due account of the relevant Community legislation.

4. Out of concern to ensure a more effective transition to free competition by the time limit envisaged and to encourage commercial cooperation between the inland waterway operators concerned, the Commission requests the Netherlands Government to make the following amendments to the draft law :

— Article 11 (2) of the draft gives the Minister of Transport the possibility to release some of the services provided by commercial groupings from the constraints of the rotation system. The Commission requests that this possibility be made mandatory for such services and that this obligation be incorporated in the text of the law ;

— Article 12 of the draft provides for the possibility of chartering cargo by draw. The Commission

requests that this procedure for selecting the boats by drawing lots be replaced by a selection procedure based on the prices quoted by the carriers.

5. Subject to the foregoing points and conditions, the Commission considers that this draft law is not incompatible with the general transport policy.
6. The Commission calls on the Netherlands Government in any event to notify it, before they enter into force, of the measures adopted to implement the proposed law, particularly those provided for in Articles 7, 9, 10, 12 and 14, and reserves the right to express its opinion on them.
7. The Commission is sending this opinion to the other Member States.

Done at Brussels, 12 June 1995.

For the Commission

Neil KINNOCK

Member of the Commission
