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I

*(Acts whose publication is obligatory)***COUNCIL REGULATION (EC) No 1469/95****of 22 June 1995****on measures to be taken with regard to certain beneficiaries of operations financed by the Guarantee Section of the EAGGF**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, at its meetings in June 1993 in Copenhagen and December 1994 in Essen, the European Council stressed the importance of pursuing the campaign against fraud and irregularities affecting the Community budget; whereas there should be a reinforcement of those measures designed to ensure that the Community funds intended for the implementation of the common agricultural policy (CAP) are not granted to persons or companies which do not offer all the guarantees of reliability as to the proper execution of the operations concerned;

Whereas Article 8 of Council Regulation (EEC) No 729/70 of 21 April 1970 on the financing of the common agricultural policy ⁽⁴⁾, lays down, in particular, that Member States are under an obligation to take all the measures necessary to ensure that transactions financed by the Fund are actually carried out and properly executed, and to prevent and follow up irregularities;

Whereas Council Regulation (EEC) No 595/91 of 4 March 1991 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the common agricultural policy and the organization of

an information system in this field and repealing Regulation (EEC) No 283/72 ⁽⁵⁾, provides, among other things, for the Member States regularly to inform the Commission of cases of irregularities and judicial or administrative procedures sanctioning persons who have committed irregularities, in order to acquire systematic knowledge of the nature of the fraudulent practices and to recover sums wrongly paid;

Whereas these provisions need to be supplemented by a Community system allowing all the national authorities to identify, in connection with tendering procedures, grant of export refunds or sales at reduced prices of intervention products, operators who have deliberately or as a result of serious negligence committed an irregularity prejudicial to Community funds or who are suspected on solid grounds of having done so; whereas, on that basis, there must be determined, in the light of the seriousness of the offence and depending on whether it has been established or suspected, a series of varied measures ranging from reinforced controls to the exclusion of the operators concerned from taking part in operations to be determined when their fraudulent actions are established;

Whereas, in order to provide operators with a maximum of guarantees, it would be advisable to adopt the essential features of the corresponding provisions of Regulation (EEC) No 595/91, in particular with regard to the observance of confidentiality and professional secrecy and the national rules relating to criminal proceedings; whereas, with regard to data protection, the relevant provisions laid down for that purpose in the rules on mutual assistance in customs and agricultural matters may be applied;

Whereas this system must be supplementary to the specific provisions already existing or to be adopted in the future under the CAP with a view to preventing irregularities, in particular those provisions relating to controls and sanctions established by the Commission by virtue of its powers confirmed by the Court of Justice;

⁽¹⁾ OJ No C 151, 2. 6. 1994, p. 13.

⁽²⁾ OJ No C 56, 6. 3. 1995, p. 175.

⁽³⁾ OJ No C 393, 31. 12. 1994, p. 81.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EC) No 1287/95 (OJ No L 125, 8. 6. 1995, p. 1).

⁽⁵⁾ OJ No L 67, 14. 3. 1991, p. 11.

Whereas, furthermore, as part of an across-the-board campaign against fraud, on 7 July 1994 the Commission submitted a proposal for a Regulation (EC, Euratom) on protection of the Community's financial interests⁽¹⁾, whereas, on the adoption of that Regulation by the Council, the common set of legal rules enacted by it for all areas of Community policy will apply to the measures introduced by this Regulation; whereas, until that Regulation is adopted, provision should be made for the detailed rules for the application of this Regulation temporarily to include similar rules, in particular as regards the definition of the irregularities involved,

HAS ADOPTED THIS REGULATION:

Article 1

1. A Community system is hereby established for the purpose of identifying and making known as rapidly as possible to all the competent authorities of the Member States and the Commission operators presenting, on the grounds of experience acquired with them as regards the proper execution of their previous obligations, a risk of non-reliability in connection with tendering procedures, export refunds and sales at reduced prices or intervention products, financed by the Guarantee Section of the EAGGF.

2. For the purposes of this Regulation, 'operators presenting a risk of non-reliability' means operators, whether natural or legal persons, who:

- (a) according to a final decision of an administrative or judicial authority, have deliberately or through serious negligence committed an irregularity in respect of relevant Community provisions and have unjustly benefited from a financial advantage or attempted to benefit therefrom;
- (b) have been the subject, in this respect, on the basis of established facts, of a preliminary administrative or judicial report by the competent authorities of the Member State.

3. Pending the entry into force of horizontal provisions defining irregularities, the conduct referred to in paragraph 2 (a) shall be defined in accordance with the procedure laid down in Article 5.

Article 2

1. The identification procedures and rules relating to notification shall be implemented on the initiative of the Member State in which the risk of the operator's non-reliability is identified.

2. Where a Member State fails to fulfil its obligation under paragraph 1 the Commission shall, within the framework of the existing legal provisions, ensure that the

identification and notification system is implemented by the Member State concerned.

Article 3

1. Member States shall take the following measures to deal with the operators referred to in Article 1 (2) (a):

- (a) reinforced checking of all operations performed by the operator, and/or
- (b) suspension, going as far as an administrative determination of the existence of an irregularity or of the absence of an irregularity, of payment of amounts relating to current operations, to be determined, and, where appropriate, of release of the guarantee relating thereto, and/or
- (c) their exclusion for a period of time from operations to be determined.

The measures referred to under points (b) and (c) shall be determined by the competent authorities of the Member State in accordance with criteria laid down in accordance with the procedure provided for in Article 5, having due regard to the risk of further irregularities that may be committed by the operator. They shall be adopted after any formalities relating thereto laid down in the laws of the Member States have been completed.

2. As regards the operators referred to in Article 1 (2) (b), only the measures set out in paragraph 1 points (a) and (b) shall apply.

3. Where, under a tendering procedure, the Commission itself awards a contract, it shall, as appropriate, take or propose to the Member State, one or more of the measures set out in paragraph 1.

Article 4

1. The measures referred to in Article 3 shall comply with the following principles, in accordance with the national law of the Member State:

- (a) a prior hearing and right of appeal by the operator concerned in respect of the measures referred to in Article 3 (1) (c) and, where appropriate, (b);
- (b) proportionality between the irregularity committed or suspected and one or other of the measures referred to in Article 3 (1), subject to the provisions to be established in accordance with the procedure laid down in Article 5;
- (c) non-discrimination between operators.

2. Member States and the Commission shall take all necessary precautions to ensure that the information which they exchange pursuant to this Regulation remains confidential.

Such information may not, in particular, be sent to persons other than those in the Member States or within the Community institutions whose duties require that they have access to it, unless the Member State supplying it has expressly so agreed.

⁽¹⁾ OJ No C 216, 6. 8. 1994, p. 11.

Information communicated or acquired in any form under this Regulation shall be covered by professional confidentiality and protected in the same way as similar information is protected by the national legislation of the Member State that received it and by the corresponding provisions applicable to the Community institutions.

In addition, that information may not be used for purposes other than those provided for in this Regulation unless the authorities providing it have expressly agreed and provided that the provisions in force in the Member State in which the authority that has received it is located do not prohibit such communication or use.

As regards data protection, the relevant provisions laid down in the rules on mutual assistance in customs and agricultural matters shall apply.

3. The provisions of this Regulation shall not affect the application in the Member States of rules governing criminal proceedings and mutual assistance in criminal matters between Member States. They shall not prevent the use, in the context of judicial proceedings or of proceedings brought subsequently for non-compliance with agricultural regulations, of information obtained pursuant to this Regulation; in the latter case the competent authority of the Member State which provided such information shall be notified of such use.

However, Member States shall take the administrative measures necessary to ensure that the provisions of the first subparagraph are applied in such a way as not to hinder the effective application of this Regulation as regards the operators referred to in Article 1 (2) (b).

If national laws provide for the confidentiality of judicial investigations, communication of information as provided for in this Regulation shall be subject to authorization by

the competent judicial authority. The competent administrative authority shall secure such authorization at the earliest opportunity.

Article 5

Detailed rules for the application of this Regulation shall be adopted in accordance with the procedure laid down in Article 13 of Regulation (EEC) No 729/70. They shall concern, among other things:

- the notifications to be made by the Member States;
- the nature of the links between different natural or legal persons which may result in their being regarded as operators within the meaning of this Regulation;
- the conditions under which operators may avoid the suspension of payments as referred to in Article 3 (1) (b) by lodging a security.

Article 6

This Regulation shall be supplementary to the specific provisions under the CAP.

Article 7

The Commission shall present to the European Parliament and the Council by 6 July 1997 a report on the implementation of this Regulation and, in the light of experience gained, shall propose amendments that may be needed to the arrangements introduced by this Regulation.

Article 8

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

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

Done at Brussels, 22 June 1995.

For the Council

The President

Ph. VASSEUR

COMMISSION REGULATION (EC) No 1470/95

of 28 June 1995

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

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

Whereas Council Regulation (EEC) No 766/68 of 18 June 1968 laying down general rules for granting export refunds on sugar⁽³⁾, as last amended by Regulation (EEC) No 1489/76⁽⁴⁾, provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 3 of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽⁵⁾; whereas, furthermore, this refund should be fixed in accordance with Article 5 (2) of Regulation (EEC) No 766/68; whereas candy sugar is defined in Commission Regulation (EEC) No 394/70 of 2 March 1970 on detailed rules for granting export refunds on sugar⁽⁶⁾, as last amended by Regulation (EC) No 2529/94⁽⁷⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾, as amended by Regulation (EC) No 1380/95⁽⁹⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁰⁾, as last amended by Regulation (EC) No 150/95⁽¹¹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹²⁾, as last amended by Regulation (EC) No 1053/95⁽¹³⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 29 June 1995.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 143, 25. 6. 1968, p. 6.

⁽⁴⁾ OJ No L 167, 26. 6. 1976, p. 13.

⁽⁵⁾ OJ No L 89, 10. 4. 1968, p. 3.

⁽⁶⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁷⁾ OJ No L 269, 20. 10. 1994, p. 14.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽¹⁰⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹¹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹²⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹³⁾ OJ No L 107, 12. 5. 1995, p. 4.

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

Done at Brussels, 28 June 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 28 June 1995 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	35,67 ⁽¹⁾
1701 11 90 910	35,74 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	35,67 ⁽¹⁾
1701 12 90 910	35,74 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3878
	— ECU/100 kg —
1701 99 10 100	38,78
1701 99 10 910	38,85
1701 99 10 950	38,85
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3878

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

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

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

COMMISSION REGULATION (EC) No 1471/95
of 28 June 1995

fixing the maximum export refund for white sugar for the 55th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94

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 1101/95⁽²⁾, and in particular the first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EC) No 1021/94 of 29 April 1994 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as last amended by Regulation (EC) No 1333/95⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1021/94, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 55th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾, as amended by Regulation (EC) No 1380/95⁽⁶⁾, prohibits

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 55th partial invitation to tender for white sugar issued pursuant to amended Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 41,868 per 100 kilograms.
2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 29 June 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 112, 3. 5. 1994, p. 13.

⁽⁴⁾ OJ No L 129, 14. 6. 1995, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

COMMISSION REGULATION (EC) No 1472/95
of 27 June 1995
establishing unit values for the determination of the customs value of certain
perishable goods

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code ⁽²⁾, as last amended by Regulation (EC) No 3254/94 ⁽³⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation ;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION :

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 30 June 1995.

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

Done at Brussels, 27 June 1995.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 346, 31. 12. 1994, p. 1.

ANNEX

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	øS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.10	New potatoes 0701 90 51 0701 90 59	a)	45,13	591,95	84,18	328,56	13 620,11	7 306,01
		b)	258,65	294,50	37,03	98 224,27	94,25	8 857,82
		c)	437,78	1 729,06	37,83			
1.30	Onions (other than seed) 0703 10 19	a)	31,17	408,88	58,15	226,95	9 407,96	5 046,56
		b)	178,66	203,42	25,58	67 847,48	65,10	6 118,46
		c)	302,39	1 194,33	26,13			
1.40	Garlic 0703 20 00	a)	161,42	2 117,37	301,11	1 175,22	48 718,22	26 133,11
		b)	925,16	1 053,40	132,46	351 341,58	337,13	31 683,83
		c)	1 565,89	6 184,72	135,33			
1.50	Leeks ex 0703 90 00	a)	42,20	553,55	78,72	307,24	12 736,47	6 832,01
		b)	241,87	275,39	34,63	91 851,68	88,14	8 283,14
		c)	409,37	1 616,88	35,38			
1.60	Cauliflowers ex 0704 10 10 ex 0704 10 90	a)	129,66	1 700,78	241,86	944,00	39 132,94	20 991,44
		b)	743,13	846,34	106,40	282 215,36	270,80	25 450,05
		c)	1 257,80	4 967,88	108,71			
1.70	Brussels sprouts 0704 20 00	a)	53,71	704,52	100,19	391,04	16 210,32	8 695,43
		b)	307,83	350,50	44,07	116 904,11	112,17	10 542,36
		c)	521,03	2 057,88	45,03			
1.80	White cabbages and red cabbages 0704 90 10	a)	33,87	444,22	63,17	246,56	10 221,01	5 482,69
		b)	194,10	221,00	27,79	73 710,97	70,73	6 647,22
		c)	328,52	1 297,55	28,39			
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> var. <i>italica</i>) ex 0704 90 90	a)	79,26	1 039,67	147,85	577,06	23 921,62	12 831,88
		b)	454,27	517,24	65,04	172 515,73	165,54	15 557,39
		c)	768,88	3 036,82	66,45			
1.100	Chinese cabbage ex 0704 90 90	a)	81,30	1 066,43	151,65	591,91	24 537,32	13 162,14
		b)	465,96	530,55	66,71	176 955,95	169,80	15 957,81
		c)	788,67	3 114,99	68,16			
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 90	a)	156,73	2 055,86	292,36	1 141,08	47 302,99	25 373,96
		b)	898,28	1 022,79	128,61	341 135,38	327,33	30 763,43
		c)	1 520,40	6 005,06	131,40			
1.120	Endives ex 0705 29 00	a)	21,82	286,22	40,70	158,86	6 585,54	3 532,57
		b)	125,06	142,39	17,91	47 492,98	45,57	4 282,90
		c)	211,67	836,03	18,29			
1.130	Carrots ex 0706 10 00	a)	31,60	414,53	58,95	230,08	9 537,95	5 116,29
		b)	181,13	206,23	25,93	68 784,93	66,00	6 202,99
		c)	306,57	1 210,83	26,50			
1.140	Radishes ex 0706 90 90	a)	39,42	517,08	73,53	287,00	11 897,43	6 381,94
		b)	225,93	257,25	32,35	85 800,78	82,33	7 737,48
		c)	382,41	1 510,37	33,05			
1.160	Peas (<i>Pisum sativum</i>) 0708 10 10 0708 10 90	a)	326,11	4 277,67	608,32	2 374,28	98 424,27	52 796,10
		b)	1 869,07	2 128,15	267,60	709 807,12	681,09	64 010,08
		c)	3 163,54	12 494,85	273,41			

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	δS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.170	Beans :							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.) ex 0708 20 10 ex 0708 20 90	a) b) c)	93,67 536,88 908,71	1 228,74 611,30 3 589,10	174,74 76,87 78,54	682,00 203 889,61	28 272,03 195,64	15 165,49 18 386,67
1.170.2	Beans (<i>Phaseolus</i> ssp., <i>vulgaris</i> var. <i>Compressus Savi</i>) ex 0708 20 10 ex 0708 20 90	a) b) c)	108,70 623,01 1 054,49	1 425,86 709,37 4 164,87	202,77 89,20 91,13	791,41 236 597,95	32 807,48 227,02	17 598,37 21 336,30
1.180	Broad beans ex 0708 90 00	a) b) c)	92,83 532,05 900,52	1 217,67 605,79 3 556,75	173,16 76,18 77,83	675,86 202 051,92	28 017,21 193,88	15 028,81 18 220,95
1.190	Globe artichokes 0709 10 10 0709 10 20 0709 10 30	a) b) c)	115,68 663,01 1 122,19	1 517,40 754,91 4 432,24	215,79 94,93 96,99	842,22 251 786,77	34 913,61 241,60	18 728,13 22 706,02
1.200	Asparagus :							
1.200.1	— green ex 0709 20 00	a) b) c)	466,74 2 675,06 4 527,72	6 122,28 3 045,85 17 882,89	870,64 383,00 391,31	3 398,11 1 015 890,42	140 866,83 974,78	75 562,85 91 612,54
1.200.2	— other ex 0709 20 00	a) b) c)	114,14 654,20 1 107,28	1 497,24 744,88 4 373,38	212,92 93,67 95,70	831,03 248 442,68	34 449,91 238,39	18 479,39 22 404,45
1.210	Aubergines (eggplants) 0709 30 00	a) b) c)	91,31 523,33 885,77	1 197,72 595,87 3 498,47	170,32 74,93 76,55	664,78 198 740,91	27 558,09 190,70	14 782,53 17 922,37
1.220	Ribbed celery (<i>Apium graveolens</i> var. <i>dulce</i>) ex 0709 40 00	a) b) c)	59,79 342,68 580,01	784,28 390,18 2 290,84	111,53 49,06 50,13	435,31 130 137,72	18 045,34 124,87	9 679,76 11 735,76
1.230	Chantarelles 0709 51 30	a) b) c)	1 678,38 9 619,47 16 281,61	22 015,65 10 952,84 64 306,63	3 130,80 1 377,26 1 407,15	12 219,56 3 653 128,78	506 555,28 3 505,31	271 723,04 329 437,50
1.240	Sweet peppers 0709 60 10	a) b) c)	137,38 787,39 1 332,71	1 802,06 896,53 5 263,72	256,27 112,73 115,18	1 000,21 299 021,17	41 463,29 286,92	22 241,47 26 965,59
1.250	Fennel 0709 90 50	a) b) c)	73,55 421,54 713,49	964,77 479,98 2 818,05	137,20 60,35 61,66	535,49 160 087,46	22 198,27 153,61	11 907,45 14 436,61
1.270	Sweet potatoes, whole, fresh (intended for human consumption) 0714 20 10	a) b) c)	47,44 271,90 460,21	622,28 309,59 1 817,65	88,49 38,93 39,77	345,39 103 256,96	14 317,96 99,08	7 680,35 9 311,67
2.10	Chestnuts (<i>Castanea</i> spp.), fresh ex 0802 40 00	a) b) c)	83,78 480,18 812,73	1 098,96 546,73 3 210,01	156,28 68,75 70,24	609,97 182 353,87	25 285,81 174,98	13 563,65 16 444,59
2.30	Pineapples, fresh ex 0804 30 00	a) b) c)	46,50 266,51 451,09	609,95 303,45 1 781,64	86,74 38,16 38,99	338,55 101 211,41	14 034,32 97,12	7 528,20 9 127,20
2.40	Avocados, fresh ex 0804 40 10 ex 0804 40 90	a) b) c)	135,89 778,85 1 318,25	1 782,51 886,81 5 206,64	253,49 111,51 113,93	989,37 295 778,50	41 013,66 283,81	22 000,27 26 673,17

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	128,05 733,91 1 242,20	1 679,68 835,64 4 906,26	238,86 105,08 107,36	932,29 278 714,55	38 647,51 267,44	20 731,04 25 134,35
2.60	Sweet oranges, fresh :							
2.60.1	— Sanguines and semi-sanguines 0805 10 01 0805 10 11 0805 10 21 0805 10 32 0805 10 42 0805 10 51	a) b) c)	71,44 409,45 693,02	937,09 466,21 2 737,20	133,26 58,62 59,89	520,12 155 494,88	21 561,45 149,20	11 565,85 14 022,46
2.60.2	— Navels, Navelines, Navelates, Salustianas, Vernas, Valencia lates, Maltese, Shamoutis, Ovalis, Trovita and Hamlins 0805 10 05 0805 10 15 0805 10 25 0805 10 34 0805 10 44 0805 10 55	a) b) c)	53,24 305,14 516,46	698,35 347,43 2 039,85	99,31 43,69 44,64	387,61 115 879,81	16 068,29 111,19	8 619,25 10 449,99
2.60.3	— Others 0805 10 09 0805 10 19 0805 10 29 0805 10 36 0805 10 46 0805 10 59	a) b) c)	47,31 271,16 458,96	620,59 308,75 1 812,71	88,25 38,82 39,67	344,45 102 976,61	14 279,09 98,81	7 659,49 9 286,38
2.70	Mandarins (including tangerines and satsumas), fresh ; clementines, wilkings and similar citrus hybrids, fresh :							
2.70.1	— Clementines ex 0805 20 11 ex 0805 20 21	a) b) c)	75,56 433,06 732,98	991,13 493,09 2 895,03	140,95 62,00 63,35	550,11 164 460,64	22 804,67 157,81	12 232,73 14 830,99
2.70.2	— Monreales and Satsumas ex 0805 20 13 ex 0805 20 23	a) b) c)	43,41 248,82 421,15	569,47 283,31 1 663,38	80,98 35,62 36,40	316,08 94 493,39	13 102,78 90,67	7 028,50 8 521,37
2.70.3	— Mandarines and wilkings ex 0805 20 15 ex 0805 20 25	a) b) c)	51,89 297,40 503,37	680,65 338,63 1 988,15	96,79 42,58 43,50	377,79 112 942,74	15 661,02 108,37	8 400,78 10 185,12
2.70.4	— Tangerines and others ex 0805 20 17 ex 0805 20 19 ex 0805 20 27 ex 0805 20 29	a) b) c)	65,92 377,83 639,50	864,72 430,20 2 525,80	122,97 54,10 55,27	479,95 143 485,81	19 896,23 137,68	10 672,61 12 939,49
2.80	Lemons (<i>Citrus limon</i> , <i>Citrus limonum</i>), fresh 0805 30 20	a) b) c)	69,99 401,17 679,00	918,13 456,77 2 681,82	130,57 57,44 58,68	509,60 152 348,63	21 125,18 146,18	11 331,83 13 738,73
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	108,91 624,21 1 056,51	1 428,60 710,73 4 172,86	203,16 89,37 91,31	792,93 237 051,76	32 870,41 227,46	17 632,13 21 377,22

Code	Description Species, varieties, CN code	Amount of unit values per 100 kg						
		a) b) c)	ECU Fmk SKr	δS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.170	Peaches ex 0809 30 19 ex 0809 30 59	a)	—	—	—	—	—	—
		b)	—	—	—	—	—	—
		c)	—	—	—	—	—	—
2.180	Nectarines 0809 30 11 0809 30 51	a)	—	—	—	—	—	—
		b)	—	—	—	—	—	—
		c)	—	—	—	—	—	—
2.190	Plums 0809 40 10 0809 40 40	a)	—	—	—	—	—	—
		b)	—	—	—	—	—	—
		c)	—	—	—	—	—	—
2.200	Strawberries 0810 10 10 0810 10 90	a)	351,18	4 606,49	655,08	2 556,79	105 990,13	56 854,52
		b)	2 012,75	2 291,74	288,17	764 369,84	733,44	68 930,53
		c)	3 406,72	13 455,33	294,43			
2.205	Raspberries 0810 20 10	a)	756,30	9 920,55	1 410,78	5 506,30	228 260,75	122 442,12
		b)	4 334,66	4 935,50	620,61	1 646 149,85	1 579,54	148 449,05
		c)	7 336,72	28 977,45	634,08			
2.210	Fruit of the species <i>Vaccinium myrtillus</i> 0810 40 30	a)	194,02	2 545,00	361,92	1 412,58	58 557,56	31 411,06
		b)	1 112,01	1 266,14	159,21	422 300,05	405,21	38 082,83
		c)	1 882,15	7 433,82	162,67			
2.220	Kiwi fruit (<i>Actinidia chinensis</i> Planch.) 0810 90 10	a)	85,51	1 121,70	159,51	622,59	25 809,03	13 844,31
		b)	490,11	558,05	70,17	186 127,19	178,60	16 784,87
		c)	829,55	3 276,43	71,69			
2.230	Pomegranates ex 0810 90 85	a)	87,74	1 150,90	163,67	638,80	26 480,98	14 204,76
		b)	502,87	572,58	72,00	190 973,13	183,25	17 221,87
		c)	851,15	3 361,73	73,56			
2.240	Khakis (including Sharon fruit) ex 0810 90 85	a)	370,13	4 855,07	690,43	2 694,76	111 709,68	59 922,57
		b)	2 121,36	2 415,41	303,73	805 617,56	773,02	72 650,23
		c)	3 590,55	14 181,42	310,32			
2.250	Lychees ex 0810 90 30	a)	334,33	4 385,46	623,65	2 434,11	100 904,59	54 126,58
		b)	1 916,17	2 181,78	274,35	727 694,47	698,25	65 623,16
		c)	3 243,26	12 809,73	280,30			

COMMISSION REGULATION (EC) No 1473/95
of 28 June 1995

establishing rules for management and distribution of the second tranche of
textile quotas established under Council Regulation (EC) No 517/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 517/94 of 7 March 1994 relating to the common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Community import rules⁽¹⁾, as modified by Regulation (EC) No 1325/95⁽²⁾, and in particular Article 17 (3) and (6) and Article 21 (2) and (3), in relation to Article 25 (3) thereof,

Whereas Commission Regulation (EC) No 2944/94⁽³⁾ established specific rules for the management and distribution of all quantitative textile quotas established by Regulation (EC) No 517/94 and, for 1995, opened a first tranche for distribution on the basis of the requests notified by the Member States' competent authorities between 3 December and 15 December 1994;

Whereas for these quotas of which the level has been increased by Regulation (EC) No 1325/95 to take into account the accession of the new Member States it is appropriate to open rapidly a second tranche and to foresee that it will cover quantities not covered by Regulation (EC) No 2944/94, with the exception of those relating to quotas applicable to products originating in the People's Republic of China, since the bilateral agreement on textile products not covered by the MFA bilateral agreement of 1988, initialled on 19 January 1995 and put into provisional application by Council Decision 95/155/EC⁽⁴⁾ foresees that these quantities will be export managed by the Peoples' Republic of China;

Whereas past experience accumulated during the allocation of the quantities of the first tranche tends to indicate, taking into account the quantities notified by the competent authorities of the Member States, that the continuation of the same method based on the taking into account of traditional trade flows seems to be indicated on account of the motives which led to it being retained in Regulation (EC) No 2944/94, for a limited number of quotas; it is therefore appropriate, for the allocation of the second tranche, to maintain it, *mutatis mutandis*, only for these quotas and to foresee that other quotas will be allocated according to the method based on the chro-

nological order of reception by the Commission of Member States' notifications, following the principle of 'first come, first served'; this choice relies on the consideration that this method constitutes, according to the letter and the spirit of Regulation (EC) No 517/94, the basic method of allocation; it is however appropriate with a view to satisfying the largest number of operators to limit the quantities to be allocated to each operator, on the basis of this method, to a predetermined quantity to a level however sufficient to allow operators concerned to make transactions economically justifiable;

Whereas for optimum use of the quantities which will be confirmed pursuant to this Regulation it is appropriate to fix the period of validity of the import authorizations to six months from the date of issuing and to allow their issuance by the Member States, after notification of the Commission decision to the Member States and provided that the operator concerned can justify the existence of a contract and certifies not to have already benefited for the category and the country concerned of an import authorization within the Community in application of the present Regulation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee established by Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation specifies certain rules concerning the management of the second tranche of quantitative limits established by Regulation (EC) No 517/94 and applicable for 1995 as indicated in Annex I. It indicates rules for the allocation applicable to quantities still available within these quotas.

TITLE I

Article 2

The second tranche of quotas referred to in Article 1 and indicated Annex II is distributed from the date of entry into force of the present Regulation in chronological order of reception by the Commission of the notifications by the Member States of requests for quantities not exceeding for each operator the predetermined quantities indicated in Annex IV, according to the principle first come, first served.

⁽¹⁾ OJ No L 67, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 128, 13. 6. 1995, p. 1.

⁽³⁾ OJ No L 310, 3. 12. 1994, p. 48.

⁽⁴⁾ OJ No L 104, 6. 5. 1995, p. 1.

TITLE II

Article 3

The second tranche of the quantitative limits referred to in Annex III is divided into two parts, one reserved for the traditional importers, the other to the other operators for quantities as indicated in the said Annex. These quantities are distributed following the modalities specified in Articles 4 to 7 on the basis of requests for import authorizations introduced by the operators up to 17 July 1995 to the competent Member State authorities. The quantities requested are notified to the Commission by the said authorities at the latest on 20 July 1995.

Article 4

Those to be regarded as traditional importers of a category of products originating in one of the countries referred to in Annex III will be importers who furnish proof to the competent Member State authorities of having imported, during 1992, products falling within the same category and originating in the same country.

The amount which can be allocated to any individual traditional importer for each of the categories and countries concerned will not be able to exceed the quantities actually imported in 1992 by each one of them for these same categories and countries.

If all quantities to be allocated to traditional importers on the basis of the quantities notified by Member States exceed the part which is reserved for them, the quantities allocated to each one of them will be reduced proportionally.

Article 5

The quantities reserved for other importers is allocated by application of the method of distribution in proportion to the requested quantities, the quantities susceptible to requests by each importer may not exceed the quantities indicated in Annex IV of the present Regulation.

Article 6

Member States will inform the Commission within the time limit as indicated in Article 3 by category and countries concerned, as mentioned in Annex III, including the quantities required as well as the number of operators and

indicating, if necessary, for those demands introduced by traditional importers within the meaning of Article 4, the quantities imported by each one of them during 1992.

On the basis of the total amounts transmitted, the Commission will adopt the quantitative criteria on the basis of which, in application of the present Title, the competent authorities from the Member States can issue the import authorizations.

If quantities for a product and a country concerned are still available within the part reserved for a category of operators, the Commission can, in accordance with the procedure of Article 25 of Regulation (EC) No 517/94, transfer these quantities to the part reserved for the other category of importers with a view to distributing in conformity with the quantitative criteria applicable to this category of operators.

Article 7

The quantities which remain available after allocation on the basis of the provisions of Articles 4 to 6 will be allocated in chronological order of reception by the Commission of Member States' notifications following the principle of first come, first served, as from 1 September 1995, at 10 a.m. Brussels time, whatever is the quality of the operators concerned.

TITLE III

Article 8

The duration of validity for import authorizations issued by the competent Member State authorities is six months as from the date of issuing.

Import authorizations will be granted by the competent Member State only after notification of the decision of the Commission and in as far as the operator concerned can prove the existence of a contract and certifies by a written declaration not to have already benefited from an import authorization inside the Community issued pursuant to this Regulation for the category and the country concerned.

Article 9

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, 28 June 1995.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I

Quantitative restrictions specified in Article 1

Third country	Category	Unit	Quantity
North Korea	1	tonnes	128,0
	2	tonnes	145,0
	3	tonnes	49,0
	4	1 000 pieces	285,0
	5	1 000 pieces	123,0
	6	1 000 pieces	144,0
	7	1 000 pieces	93,0
	8	1 000 pieces	201,0
	9	tonnes	71,0
	12	1 000 paires	1 290,0
	13	1 000 pieces	1 509,0
	14	1 000 pieces	96,0
	15	1 000 pieces	108,0
	16	1 000 pieces	55,0
	17	1 000 pieces	38,0
	18	tonnes	61,0
	19	1 000 pieces	411,0
	20	tonnes	142,0
	21	1 000 pieces	2 961,0
	24	1 000 pieces	263,0
	26	1 000 pieces	173,0
	27	1 000 pieces	179,0
	28	1 000 pieces	285,0
	29	1 000 pieces	75,0
	31	1 000 pieces	293,0
	36	tonnes	91,0
	37	tonnes	356,0
	39	tonnes	51,0
	59	tonnes	466,0
	61	tonnes	40,0
	68	tonnes	75,0
69	1 000 pieces	184,0	
70	1 000 pieces	270,0	
73	1 000 pieces	93,0	
74	1 000 pieces	133,0	
75	1 000 pieces	39,0	
76	tonnes	75,0	
77	tonnes	9,0	
78	tonnes	115,0	
83	tonnes	34,0	
117	tonnes	51,0	
118	tonnes	23,0	
142	tonnes	10,0	
151A	tonnes	10,0	
151B	tonnes	10,0	
161	tonnes	152,0	
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	tonnes	6 926,0
	2	tonnes	8 545,0
	2a	tonnes	1 931,0
	3	tonnes	935,0
	5	1 000 pieces	1 986,0
	6	1 000 pieces	1 048,0
	7	1 000 pieces	605,0
	8	1 000 pieces	2 664,0
	9	tonnes	877,0
	15	1 000 pieces	772,0
	16	1 000 pieces	580,0
67	tonnes	722,0	

ANNEX II

Distribution of second tranche

Third country	Category	Unit	Total
North Korea	1	tonnes	32,0
	2	tonnes	36,3
	3	tonnes	12,3
	4	1 000 pieces	71,3
	5	1 000 pieces	33,8
	6	1 000 pieces	36,0
	7	1 000 pieces	23,3
	8	1 000 pieces	101,3
	9	tonnes	17,8
	12	1 000 pairs	322,5
	13	1 000 pieces	377,3
	14	1 000 pieces	25,5
	15	1 000 pieces	27,8
	16	1 000 pieces	13,8
	17	1 000 pieces	9,5
	18	tonnes	15,3
	19	1 000 pieces	102,8
	20	tonnes	36,3
	24	1 000 pieces	65,8
	26	1 000 pieces	43,3
	27	1 000 pieces	53,8
	28	1 000 pieces	71,3
	29	1 000 pieces	18,8
	31	1 000 pieces	73,3
	36	tonnes	22,8
	37	tonnes	89,0
	39	tonnes	12,8
	59	tonnes	116,5
	61	tonnes	10,0
	68	tonnes	18,8
	69	1 000 pieces	46,0
	70	1 000 pieces	67,5
	73	1 000 pieces	23,3
	74	1 000 pieces	33,3
	75	1 000 pieces	9,8
	76	tonnes	19,5
78	tonnes	28,8	
83	tonnes	10,8	
117	tonnes	12,8	
118	tonnes	5,8	
142	tonnes	2,5	
151A	tonnes	2,5	
151B	tonnes	2,5	
161	tonnes	38,0	
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	tonnes	1 751,8
	2	tonnes	2 137,0
	2a	tonnes	482,8
	3	tonnes	233,8
	9	tonnes	253,8
	15	1 000 pieces	213,8

ANNEX III

Distribution of the second tranche to be allocated to requests made by importers and notified to the Commission before 20 July 1995

Third country	Category	Unit	Quantities reserved for traditional importers	Quantities reserved for other importers	Total
North Korea	21	1 000 pieces	581,0	237,3	818,3
	77	tonnes	1,6	0,7	2,3
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	5	1 000 pieces	393,0	160,5	553,5
	6	1 000 pieces	236,1	96,4	332,5
	7	1 000 pieces	125,5	51,3	176,8
	8	1 000 pieces	524,0	214,0	738,0
	16	1 000 pieces	109,9	44,9	154,8
	67	tonnes	128,2	52,3	180,5

ANNEX IV

Maximum amounts specified in Articles 2 and 5

Third country	Category	Unit	Maximum amount
North Korea	1	kilograms	1 000
	2	kilograms	1 000
	3	kilograms	1 000
	4	pieces	5 000
	5	pieces	5 000
	6	pieces	5 000
	7	pieces	1 000
	8	pieces	5 000
	9	kilograms	5 000
	12	pairs	5 000
	13	pieces	5 000
	14	pieces	5 000
	15	pieces	1 000
	16	pieces	5 000
	17	pieces	5 000
	18	kilograms	1 000
	19	pieces	5 000
	20	kilograms	1 000
	21	pieces	5 000
	24	pieces	5 000
	26	pieces	5 000
	27	pieces	5 000
	28	pieces	5 000
	29	pieces	5 000
	31	pieces	5 000
	36	kilograms	5 000
	37	kilograms	5 000
	39	kilograms	5 000
	59	kilograms	5 000
	61	kilograms	5 000
	68	kilograms	5 000
69	pieces	5 000	
70	pieces	5 000	
73	pieces	5 000	
74	pieces	5 000	
75	pieces	5 000	
76	kilograms	1 000	
77	kilograms	1 000	
78	kilograms	1 000	
83	kilograms	1 000	
117	kilograms	1 000	
118	kilograms	1 000	
142	kilograms	1 000	
151A	kilograms	1 000	
151B	kilograms	1 000	
161	kilograms	1 000	
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	1	kilograms	5 000
	2	kilograms	5 000
	2a	kilograms	5 000
	3	kilograms	5 000
	5	pieces	5 000
	6	pieces	5 000
	7	pieces	5 000
	8	pieces	5 000
	9	kilograms	5 000
	15	pieces	5 000
	16	pieces	5 000
67	kilograms	5 000	

COMMISSION REGULATION (EC) No 1474/95
of 28 June 1995

opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin resulting from the agreements concluded during the Uruguay Round of multilateral trade negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽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 Articles 3 (2), 6 (1) and 15 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the Common system of trade for ovalbumin and lactalbumin⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Articles 2 (1), 4 (1) and 10 thereof,

Whereas the Community has negotiated, in the framework of the Multilateral Trade negotiations of the Uruguay Round, various agreements and in particular the agreement on agriculture; whereas this agreement provides, amongst others, for the access to the Community markets of certain products in the egg sector and of egg albumin coming from third countries for a period of six years; whereas therefore detailed rules for the application of the import system in the egg and for egg albumin should be laid down for the period 1 July 1995 to 30 June 1996;

Whereas the administration of the arrangements should be based on import licences; whereas, to that end, the detailed rules for submission of the applications and the information which must appear on the applications and licences, by way of derogation from Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾, as last amended by Regulation (EC) No 1199/95⁽⁵⁾, should be laid down; whereas, in addition, provision should be made for the licences to be issued after a period of consi-

deration, applying, where necessary, a single percentage of acceptance; whereas it is in the interest of importers and exporters to allow the licence application to be withdrawn after the coefficient of acceptance has been fixed;

Whereas, in order to ensure the regularity of imports, the quantity referred to in Annex I should be staggered over one year;

Whereas, in order to ensure proper administration of the system, the security for import licences under the said system the security should be fixed at ECU 20 per 100 kg (shell egg equivalent);

Whereas in order to ensure that the system is working properly and in particular to eliminate the risk of speculation inherent in the system in the egg and albumin sector, precise conditions governing access by traders to the said system should be laid down aiming at ensuring the seriousness of their activities in this sector;

Whereas the attention of the operators should be drawn to the fact that licences may only be used for products which comply with all veterinary provisions in force in the Community;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the period 1 July 1995 to 30 June 1996, the import tariff quotas listed in Annex I are opened for the product groups and under the conditions indicated therein.

Article 2

The quotas referred to in Article 1 shall be staggered as follows:

for group E1:

- 20 % in the period 1 July to 30 September,
- 30 % in the period 1 October to 31 December,
- 30 % in the period 1 January to 31 March,
- 20 % in the period 1 April to 30 June;

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

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

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 119, 30. 5. 1995, p. 4.

For groups E2 and E3:

- 25 % in the period 1 July to 30 September,
- 25 % in the period 1 October to 31 December,
- 25 % in the period 1 January to 31 March,
- 25 % in the period 1 April to 30 June.

Article 3

All imports into the Community under the quotas referred to in Article 1 shall be subject to the presentation of an import licence.

Article 4

The import licences referred to in Article 3 shall be subject to the following provisions:

- (a) applicants for import licences must be natural or legal persons who, at the time applications are submitted, can prove to the satisfaction of the competent authorities in the Member States that they have imported not less than 50 tonnes of products falling within the scope of Regulation (EEC) No 2771/75 (excluding hatching eggs) and (EEC) No 2783/85 in each of the two calendar years preceding the year in which the licence application is lodged or who are approved in accordance with Article 6 (1) of Council Directive 89/437/EEC⁽¹⁾ for the treatment of egg products. However, retail establishments or restaurants selling their products to final consumers are excluded from the benefits of this system;
- (b) licence applications must not involve more than one of the groups referred to in Annex I of this Regulation. They may involve several products covered by different CN codes and originating in one single country; in such cases, all the CN codes shall be indicated in section 16 and their descriptions in section 15. Regarding groups E2 and E3, the total quantity shall be converted into shell egg equivalent.

Licence applications must relate to at least one tonne and to a maximum of 10 % of the quantity available for the group concerned and the periods specified in Article 2;

- (c) Section 8 of licence applications and licences shall show the country of origin; licences shall carry with them an obligation to import from the country indicated;
- (d) Section 20 licence applications and licences shall show one of the following:

Reglamento (CE) n° 1474/95
 Forordning (EF) nr. 1474/95
 Verordnung (EG) Nr. 1474/95
 Κανονισμός (ΕΚ) αριθ. 1474/95
 Regulation (EC) No 1474/95
 Règlement (CE) n° 1474/95

Regolamento (CE) n. 1474/95
 Verordening (EG) nr. 1474/95
 Regulamento (CE) n° 1474/95
 Asetus (EY) N:o 1474/95
 Förordning (EG) nr 1474/95;

- (e) Section 24 of licences shall show one of the following:

Reducción del derecho del AAC conforme a lo establecido en el Reglamento (CE) n° 1474/95

Reduktion i toldsatsen i henhold til forordning (EF) nr. 1474/95

Ermäßigung des Zollsatzes gemäß Verordnung (EG) Nr. 1474/95

Μείωση του δασμού του ΚΔ όπως προβλέπεται στον Κανονισμό (ΕΚ) αριθ. 1474/95

Reduction of CCT duty pursuant to Regulation (EC) No 1474/95

Réduction du droit du tarif douanier commun comme prévu au règlement (CE) n° 1474/95

Riduzione del dazio TDC come prevede il regolamento (CE) n. 1474/95

Verlaging van het GDT-recht op grond van Verordening (EG) nr. 1474/95

Redução do direito da PAC previsto no Regulamento (CE) n° 1474/95

Maksua alennettu seuraavan mukaisesti: Asetus (EY) N:o 1474/95

Reduktion av Gemensamma tulltaxans tariffer enligt förordning (EG) nr 1474/95.

Article 5

1. Licence applications may be lodged only during the first 10 days of each period as specified in Article 2.

2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any applications in respect of the current period, concerning products in the same group in the Member State in which his application is lodged or in another Member State. Where an applicant submits more than one application relating to products in the same group, all applications from that person shall be inadmissible.

However, each applicant may lodge more than one application for import licences for products in one group, where such products originate in more than one country. Separate applications for each country of origin must be submitted simultaneously to the competent authority of a Member State. They shall be considered, as regards the

⁽¹⁾ OJ No L 212, 22. 7. 1989, p. 87.

maximum referred to in Article 4 (b) as well as application of the rules in the previous subparagraph, as single applications.

3. A security of ECU 20 per 100 kilograms shell egg equivalent shall be lodged for import licence applications for all products referred to in Article 1.

4. Member States shall notify the Commission, on the fifth working day following the end of the application submission period, of applications lodged for each of the products in the group in question. Such notification shall include a list of applicants and a statement of the quantities applied for in the group.

All notifications, including 'nil' notifications, shall be made by telex or fax on the working day stipulated, drawn up on the model shown in Annex II in cases where no application is made, and the models shown in Annexes II and III in cases where applications have been made.

5. The Commission shall decide as quickly as possible to what extent quantities may be awarded in respect of applications as referred to in Article 4.

If quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage of acceptance for the quantities applied for. Where this percentage is less than 5 %, it is possible that the Commission will not award the quantities applied for; the securities shall be released immediately.

Operators may withdraw their licence applications within 10 working days following publication of the single percentage of acceptance in the *Official Journal of the European Communities* if application of the percentage results in the fixing of a quantity less than 20 tonnes shell egg equivalent. The Member States shall inform the Commission thereof within five days following the with-

drawal of the licence application and shall release the security immediately.

The Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following period of the quota period referred to in Article 1.

6. Licences shall be issued as quickly as possible after the Commission has taken its decision.

7. Licences may only be used for products which comply with all veterinary provisions in force in the Community.

Article 6

For the purposes of Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue.

However, licences shall not be valid beyond 30 June 1996.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 7

Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

However, Article 8 (4) of that Regulation notwithstanding, the quantity imported under this Regulation may not exceed that shown in sections 17 and 18 of the import licence. The figure 0 shall accordingly be entered in section 19 of the licence.

Article 8

This Regulation shall enter into force on 1 July 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)

Group number	CN code	CCT duty applicable, ECU/tonne product weight	Tariff quotas (1. 7. 1995 to 30. 6. 1996)
E 1	0407 00 30	152	95 000
E 2	0408 11 80 0408 19 81 0408 19 89 0408 91 80 0408 99 80	711 310 331 687 176	7 000 (*)
E 3	3502 10 91 3502 10 99	617 83	10 000 (*)

(*) Shell egg equivalent. Conversion according to the rates of yield fixed in Annex 77 of Regulation (EEC) No 2454/93 (OJ No L 253, 11. 10. 1993, p. 1).

ANNEX II

Application of Regulation (EC) No 1474/95

 COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/3 Egg sector

Application for import licences at reduced duty — GATT	Date	Period
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Member State :

Sender :

Person to contact :

Telephone :

Fax :

Address : DG VI/D/3

Fax (322) 296 62 79 or 296 12 27

(tonnes)

Group number	Quantity applied for	
	Product weight	Shell egg equivalent
E 1		
E 2		
E 3		

ANNEX III

Application of Regulation (EC) No 1474/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/3 Egg sector

Application for import licences at reduced duty — GATT	Date	Period
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Member State :

(tonnes)

Group number	CN code	Applicant (name and address)	Quantity		Country of origin
			Product weight	Country of origin	
E 1					
		Total per group			
E 2					
		Total per group			
E 3					
		Total per group			

COMMISSION REGULATION (EC) No 1475/95

of 28 June 1995

on the application of Article 85 (3) of the Treaty to certain categories of motor vehicle distribution and servicing agreements

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

A list of definitions for the purpose of this Regulation is set out in Article 10.

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 19/65/EEC of 2 March 1965 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 1 thereof,

- (2) Notwithstanding that the obligations listed in Articles 1, 2 and 3 normally have as their object or effect the prevention, restriction or distortion of competition within the common market and are normally liable to affect trade between Member States, the prohibition in Article 85 (1) of the Treaty may nevertheless be declared inapplicable to these agreements by virtue of Article 85 (3), albeit only under certain restrictive conditions.

Having published a draft of this Regulation⁽²⁾,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

- (3) The applicability of Article 85 (1) of the Treaty to distribution and servicing agreements in the motor vehicle industry stems in particular from the fact that the restrictions on competition and obligations agreed within the framework of a manufacturer's distribution system, and listed in Articles 1 to 4 of this Regulation, are generally imposed in the same or similar form throughout the common market. The motor vehicle manufacturers cover the whole common market or substantial parts of it by means of a cluster of agreements involving similar restrictions on competition and affect in this way not only distribution and servicing within Member States but also trade between them.

Whereas :

- (1) Under Regulation No 19/65/EEC the Commission is empowered to declare by means of a Regulation that Article 85 (3) of the Treaty applies to certain categories of agreements falling within Article 85 (1) to which only two undertakings are party and by which one party agrees with the other to supply only to that other certain goods for resale within a defined area of the common market. The experience gained in dealing with many motor vehicle distribution and servicing agreements allows a category of agreement to be defined which can generally be regarded as satisfying the conditions laid down in Article 85 (3). These are agreements, for a definite or an indefinite period, by which the supplying party entrusts to the reselling party the task of promoting the distribution and servicing of certain products of the motor vehicle industry in a defined area and by which the supplier undertakes to supply contract goods for resale only to the dealer, or only to a limited number of undertakings within the distribution network besides the dealer, within the contract territory.

- (4) The exclusive and selective distribution clauses can be regarded as indispensable measures of rationalization in the motor vehicle industry, because motor vehicles are consumer durables which at both regular and irregular intervals require expert maintenance and repair, not always in the same place. Motor vehicle manufacturers cooperate with the selected dealers and repairers in order to provide specialized servicing for the product. On grounds of capacity and efficiency alone, such a form of cooperation cannot be extended to an unlimited number of dealers and repairers. The linking of servicing and distribution must be regarded as more efficient than a separation between a distribution organization for new vehicles on the one hand and a servicing organization which would also

⁽¹⁾ OJ No 36, 6. 3. 1965, p. 533/65.

⁽²⁾ OJ No C 379, 31. 12. 1994, p. 16.

distribute spare parts on the other, particularly as, before a new vehicle is delivered to the final consumer, the undertaking within the distribution system must give it a technical inspection according to the manufacturer's specification.

- (5) However, obligatory recourse to the authorized network is not in all respects indispensable for efficient distribution. It should therefore be provided that the supply of contract goods to resellers may not be prohibited where they :

— belong to the same distribution system (Article 3 (10) (a)), or

— purchase spare parts for their own use in effecting repairs or maintenance (Article 3 (10) (b)).

Measures taken by a manufacturer or by undertakings within the distribution system with the object of protecting the selective distribution system are compatible with the exemption under this Regulation. This applies in particular to a dealer's obligation to sell vehicles to a final consumer using the services of an intermediary only where that consumer has authorized that intermediary to act as his agent (Article 3 (11)).

- (6) It should be possible to prevent wholesalers not belonging to the distribution system from reselling parts originating from motor vehicle manufacturers. It may be supposed that the system, beneficial to the consumer, whereby spare parts are readily available across the whole contract range, including those parts with a low turnover, could not be maintained without obligatory recourse to the authorized network.

- (7) The ban on dealing in competing products may be exempted on condition that it does not inhibit the dealer from distributing vehicles of other makes in a manner which avoids all confusion between makes (Article 3 (3)). The obligation to refrain from selling products of other manufacturers other than in separate sales premises, under separate management, linked to the general obligation to avoid confusion between different makes, guarantees exclusivity of distribution for each make in each place of sale. This last obligation has to be implemented in good faith by the dealer so that the promotion, sale and after-sales service cannot, in any manner, cause confusion in the eyes of the consumer or result in unfair practices on the part of the dealer with regard to suppliers of competing makes. In order to maintain the competitiveness of competing products, the separate management of different sales premises has to be carried out by

distinct legal entities. Such an obligation provides an incentive for the dealer to develop sales and servicing of contract goods and thus promotes competition in the supply of those products and competing products. These provisions do not prevent the dealer from offering and providing maintenance and repair services for competing makes of motor vehicle in the same workshop, subject to the option of obliging the dealer not to allow third parties to benefit unduly from investments made by the supplier (Article 3 (4)).

- (8) However, bans on dealing in competing products cannot be regarded in all circumstances as indispensable to efficient distribution. Dealers must be free to obtain from third parties supplies of parts which match the quality of those offered by the manufacturer, and to use and sell them. In this regard, it can be presumed that all parts coming from the same source of production are identical in characteristics and origin ; it is for spare-part manufacturers offering parts to dealers to confirm, if need be, that such parts correspond to those supplied to the manufacturer of the vehicle. Moreover, dealers must retain their freedom to choose parts which are usable in motor vehicles within the contract range and which match or exceed the quality standard. Such a limit on the ban on dealing in competing products takes account of both the importance of vehicle safety and the maintenance of effective competition (Article 3 (5) and Article 4 (1) (6) and (7)).

- (9) The restrictions imposed on the dealer's activities outside the allotted area lead to more intensive distribution and servicing efforts in an easily supervised contract territory, to knowledge of the market based on closer contact with consumers, and to more demand-orientated supply (Article 3 (8) and (9)). However, demand for contract goods must remain flexible and should not be limited on a regional basis. Dealers must not be confined to satisfying the demand for contract goods within their contract territories, but must also be able to meet demand from persons and undertakings in other areas of the common market. Advertising by dealers in a medium which is directed at customers outside the contract territory should not be prevented, because it does not run counter to the obligation to promote sales within the contract territory. The acceptable means of advertising do not include direct personal contact with the customer, whether by telephone or other form of telecommunication, doorstep canvassing or by individual letter.

- (10) So as to give firms greater legal certainty, certain obligations imposed on the dealer that do not stand in the way of exemption should be specified regarding the observation of minimum distribution and servicing standards (Article 4 (1) (1)), regularity of orders (Article 4 (1) (2)), the achievement of quantitative sales or stock targets agreed by the parties or determined by an expert third party in the event of disagreement (Article 4 (1) (3) to (5)) and the arrangements made for after-sales service (Article 4 (1) (6) to (9)). Such obligations are directly related to the obligations in Articles 1, 2 and 3 and influence their restrictive effect. They may therefore be exempted, for the same reasons as the latter, where they fall in individual cases under the prohibition contained in Article 85 (1) of the Treaty (Article 4 (2)).
- (11) Pursuant to Regulation No 19/65/EEC, the conditions which must be satisfied if the declaration of inapplicability is to take effect must be specified.
- (12) Under Article 5 (1) (1) (a) and (b) it is a condition of exemption that the undertaking should honour the guarantee and provide free servicing, vehicle recall work, and repair and maintenance services necessary for the safe and reliable functioning of the vehicle, irrespective of where in the common market the vehicle was purchased. These provisions are intended to prevent limitation of the consumer's freedom to buy anywhere in the common market.
- (13) Article 5 (1) (2) (a) is intended to allow the manufacturer to build up a coordinated distribution system, but without hindering the relationship of confidence between dealers and sub-dealers. Accordingly, if the supplier reserves the right to approve appointments of sub-dealers by the dealer, he must not be allowed to withhold such approval arbitrarily.
- (14) Article 5 (1) (2) (b) requires the supplier not to impose on a dealer within the distribution system any requirements, as defined in Article 4 (1), which are discriminatory or inequitable.
- (15) Article 5 (1) (2) (c) is intended to counter the concentration of the dealer's demand on the supplier which might follow from cumulation of discounts. The purpose of this provision is to allow spare-parts suppliers which do not offer as wide a range of goods as the manufacturer to compete on equal terms.
- (16) Article 5 (1) (2) (d) makes exemption subject to the condition that the dealer must be able to purchase for customers in the common market volume-produced passenger cars with the technical features appropriate to their place of residence or to the place where the vehicle is to be registered, in so far as the corresponding model is also supplied by the manufacturer through undertakings within the distribution system in that place (Article 10 (10)). This provision obviates the danger that the manufacturer and undertakings within the distribution network might make use of product differentiation as between parts of the common market to partition the market.
- (17) Article 5 (2) makes the exemption dependent on other minimum conditions which aim to prevent the dealer, owing to the obligations which are imposed upon him, from becoming economically over-dependent on the supplier and from abandoning the competitive activity which is nominally open to him because to pursue it would be against the interests of the manufacturer or other undertakings within the distribution network.
- (18) Under Article 5 (2) (1), the dealer may, for objectively justified reasons, oppose the application of excessive obligations covered by Article 3 (3).
- (19) Article 5 (2) (2) and (3) and Article 5 (3) lay down minimum requirements for exemption concerning the duration and termination of the distribution and servicing agreement, because the combined effect of the investments the dealer makes in order to improve the distribution and servicing of contract goods and a short-term agreement or one terminable at short notice is greatly to increase the dealer's dependence on the supplier. In order to avoid obstructing the development of flexible and efficient distribution structures, however, the supplier should be entitled to terminate the agreement where there is a need to reorganize all or a substantial part of the network. To allow rapid settlement of any disputes, provision should be made for reference to an expert third party or arbitrator who will decide in the event of disagreement, without prejudice to the parties' right to bring the matter before a competent court in conformity with the relevant provisions of national law.

- (20) Pursuant to Regulation No 19/65/EEC, the restrictions or provisions which must not be contained in the agreements, if the declaration of inapplicability of Article 85 (1) of the Treaty under this Regulation is to take effect, are to be specified (Article 6 (1), (1) to (5)). Moreover, practices of the parties which lead to automatic loss of the benefit of exemption when committed systematically and repeatedly shall be defined (Article 6 (1) (6) to (12)).
- (21) Agreements under which one motor vehicle manufacturer entrusts the distribution of his products to another must be excluded from the block exemption, because of their far-reaching impact on competition (Article 6 (1), (1)).
- (22) In order to ensure that the parties remain within the limits of the Regulation, any agreements whose object goes beyond the products or services referred to in Article 1 or which stipulate restrictions of competition not exempted by this Regulation should also be excluded from the exemption (Article 6 (1) (2) and (3)).
- (23) The exemption similarly does not apply where the parties agree between themselves obligations concerning goods covered by this Regulation which would be acceptable in the combination of obligations which is exempted by Commission Regulation (EEC) No 1983/83 ⁽¹⁾ or (EEC) No 1984/83 ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, regarding the application of Article 85 (3) of the Treaty to categories of exclusive distribution agreements and exclusive purchasing agreements respectively, but which go beyond the scope of the obligations exempted by this Regulation (Article 6 (1) (4)).
- (24) In order to protect dealers' investments and prevent any circumvention by suppliers of the rules governing the termination of agreements, it should be confirmed that the exemption does not apply where the supplier reserves the right to amend unilaterally during the period covered by the contract the terms of the exclusive territorial dealership granted to the dealer (Article 6 (1) (5)).
- (25) In order to maintain effective competition at the distribution stage, it is necessary to provide that the manufacturer or supplier will lose the benefit of exemption where he restricts the dealer's freedom to develop his own policy on resale prices (Article 6 (1) (6)).
- (26) The principle of a single market requires that consumers shall be able to purchase motor vehicles wherever in the Community prices or terms are most favourable and even to resell them, provided that the resale is not effected for commercial purposes. The benefits of this Regulation cannot therefore be accorded to manufacturers or suppliers who impede parallel imports or exports through measures taken in respect of consumers, authorized intermediaries or undertakings within the network (Article 6 (1) (7) and (8)).
- (27) So as to ensure, in the interest of consumers, effective competition on the maintenance and repair markets, the exemption must also be withheld from manufacturers or suppliers who impede independent spare-part producers' and distributors' access to the markets or restrict the freedom of resellers or repairers, whether or not they belong to the network, to purchase and use such spare parts where they match the quality of the original spare parts. The dealer's right to procure spare parts with matching quality from external undertakings of his choice and the corresponding right for those undertakings to furnish spare parts to resellers of their choice, as well as their freedom to affix their trade mark or logo, are provided for subject to compliance with the industrial property rights applicable to those spare parts (Article 6 (1) (9) to (11)).
- (28) In order to give final consumers genuine opportunities of choice as between repairers belonging to the network and independent repairers, it is appropriate to impose upon manufacturers the obligation to give to repairers outside the network the technical information necessary for the repair and maintenance of their makes of car, whilst taking into account the legitimate interest of the manufacturer to decide itself the mode of exploitation of its intellectual property rights as well as its identified, substantial, secret know-how when granting licences to third parties. However, these rights must be exercised in a manner which avoids all discrimination or other abuse (Article 6 (1) (12)).
- (29) For reasons of clarity, the legal effects arising from inapplicability of the exemption in the various situations referred to in the Regulation should be defined (Article 6 (2) and (3)).

⁽¹⁾ OJ No L 173, 30. 6. 1983, p. 1.

⁽²⁾ OJ No L 173, 30. 6. 1983, p. 5.

- (30) Distribution and servicing agreements can be exempted, subject to the conditions laid down in Articles 5 and 6, so long as the application of obligations covered by Articles 1 to 4 brings about an improvement in distribution and servicing to the benefit of the consumer and effective competition exists, not only between manufacturers' distribution systems but also to a certain extent within each system within the common market. As regards the categories of products set out in Article 1, the conditions necessary for effective competition, including competition in trade between Member States, may be taken to exist at present, so that European consumers may be considered in general to take an equitable share in the benefit from the operation of such competition.
- (31) Since the provisions of Commission Regulation (EEC) No 123/85 of 12 December 1984 on the application of Article 85 (3) of the Treaty to certain categories of motor vehicle distribution and servicing agreements⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, are applicable until 30 June 1995, provision should be made for transitional arrangements in respect of agreements still running on that date which satisfy the exemption conditions laid down by that Regulation (Article 7). The Commission's powers to withdraw the benefit of exemption or to alter its scope in a particular case should be spelled out and several important categories of cases should be listed by way of example (Article 8). Where the Commission makes use of its power of withdrawal, as provided for in Article 8 (2), it should take into account any price differentials which do not principally result from the imposition of national fiscal measures or currency fluctuations between the Member States (Article 8).
- (32) In accordance with Regulation No 19/65/EEC, the exemption must be defined for a limited period. A period of seven years is appropriate for taking account of the specific characteristics of the motor vehicle sector and the foreseeable changes in competition in that sector. However, the Commission will regularly appraise the application of the Regulation by drawing up a report by 31 December 2000 (Articles 11 and 13).
- (33) Agreements which fulfil the conditions set out in this Regulation need not be notified. However, in the case of doubt undertakings are free to notify their agreements to the Commission in accordance with Council Regulation No 17⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden.
- (34) The sector-specific character of the exemption by category for motor vehicles broadly rules out any regulations containing general exemptions by category as regards distribution. Such exclusion should be confirmed in respect of Commission Regulation (EEC) No 4087/88 of 30 November 1988 concerning the application of Article 85 (3) of the Treaty to categories of franchise agreements⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, without prejudice to the right of undertakings to seek an individual exemption under Regulation No 17. On the other hand, as regards Regulations (EEC) No 1983/83 and (EEC) No 1984/83, which make provision for a more narrowly drawn framework of exemptions for undertakings, it is possible to allow them to choose. As for Commission Regulations (EEC) No 417/85⁽⁴⁾ and (EEC) No 418/85⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, which relate to the application of Article 85 (3) of the Treaty to categories of specialization agreements and to categories of research and development agreements, respectively, but whose emphasis is not on distribution, their applicability is not called in question (Article 12).
- (35) This Regulation is without prejudice to the application of Article 86 of the Treaty,

HAS ADOPTED THIS REGULATION :

Article 1

Pursuant to Article 85 (3) of the Treaty it is hereby declared that subject to the conditions laid down in this Regulation Article 85 (1) shall not apply to agreements to which only two undertakings are party and in which one contracting party agrees to supply, within a defined territory of the common market

- only to the other party, or
- only to the other party and to a specified number of other undertakings within the distribution system,

for the purpose of resale, certain new motor vehicles intended for use on public roads and having three or more road wheels, together with spare parts therefor.

Article 2

The exemption shall also apply where the obligation referred to in Article 1 is combined with an obligation on the supplier neither to sell contract goods to final consumers nor to provide them with servicing for contract goods in the contract territory.

⁽¹⁾ OJ No L 15, 18. 1. 1985, p. 16.

⁽²⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽³⁾ OJ No L 359, 28. 12. 1988, p. 46.

⁽⁴⁾ OJ No L 53, 22. 2. 1985, p. 1.

⁽⁵⁾ OJ No L 53, 22. 2. 1985, p. 5.

Article 3

The exemption shall also apply where the obligation referred to in Article 1 is combined with an obligation on the dealer :

1. not, without the supplier's consent, to modify contract goods or corresponding goods, unless such modification has been ordered by a final consumer and concerns a particular motor vehicle within the range covered by the contract, purchased by that final consumer ;
2. not to manufacture products which compete with contract goods ;
3. not to sell new motor vehicles offered by persons other than the manufacturer except on separate sales premises, under separate management, in the form of a distinct legal entity and in a manner which avoids confusion between makes ;
4. not to permit a third party to benefit unduly, through any after-sales service performed in a common workshop, from investments made by a supplier, notably in equipment or the training of personnel ;
5. neither to sell spare parts which compete with contract goods without matching them in quality nor to use them for repair or maintenance of contract goods or corresponding goods ;
6. without the supplier's consent, neither to conclude distribution or servicing agreements with undertakings operating in the contract territory for contract goods or corresponding goods nor to alter or terminate such agreements ;
7. to impose upon undertakings with which the dealer has concluded agreements in accordance with point 6 obligations comparable to those which the dealer has accepted in relation to the supplier and which are covered by Articles 1 to 4 and are in conformity with Articles 5 and 6 ;
8. outside the contract territory :
 - (a) not to maintain branches or depots for the distribution of contract goods or corresponding goods,
 - (b) not to solicit customers for contract goods or corresponding goods, by personalized advertising ;
9. not to entrust third parties with the distribution or servicing of contract goods or corresponding goods outside the contract territory ;

10. not to supply to a reseller :

- (a) contract goods or corresponding goods unless the reseller is an undertaking within the distribution system, or
- (b) spare parts within the contract range unless the reseller uses them for the repair or maintenance of a motor vehicle ;

11. not to sell motor vehicles within the contract range or corresponding goods to final consumers using the services of an intermediary unless that intermediary has prior written authority from such consumers to purchase a specified motor vehicle or where it is taken away by him, to collect it.

Article 4

1. The exemption shall apply notwithstanding any obligation whereby the dealer undertakes to :

- (1) comply, in distribution, sales and after-sales servicing with minimum standards, regarding in particular :
 - (a) the equipment of the business premises and the technical facilities for servicing ;
 - (b) the specialized, technical training of staff ;
 - (c) advertising ;
 - (d) the collection, storage and delivery of contract goods or corresponding goods and sales and after-sales servicing ;
 - (e) the repair and maintenance of contract goods and corresponding goods, particularly as regards the safe and reliable functioning of motor vehicles ;
- (2) order contract goods from the supplier only at certain times or within certain periods, provided that the interval between ordering dates does not exceed three months ;
- (3) endeavour to sell, within the contract territory and during a specified period, a minimum quantity of contract goods, determined by the parties by common agreement or, in the event of disagreement between the parties as to the minimum number of contractual goods to be sold annually, by an expert third party, account being taken in particular of sales previously achieved in the territory and of forecast sales for the territory and at national level ;

- (4) keep in stock such quantity of contract goods as may be determined in accordance with the procedure in (3);
- (5) keep such demonstration vehicles within the contract range, or such number thereof, as may be determined in accordance with the procedure in (3);
- (6) perform work under guarantee, free servicing and vehicle-recall work for contract goods and corresponding goods;
- (7) use only spare parts within the contract range or corresponding spare parts for work under guarantee, free servicing and vehicle-recall work in respect of contract goods or corresponding goods;
- (8) inform customers, in a general manner, of the extent to which spare parts from other sources might be used for the repair or maintenance of contract goods or corresponding goods;
- (9) inform customers whenever spare parts from other sources have been used for the repair or maintenance of contract goods or corresponding goods.

2. The exemption shall also apply to the obligations referred to in (1) above where such obligations fall in individual cases under the prohibition contained in Article 85 (1).

Article 5

1. In all cases, the exemption shall apply only if:

(1) the dealer undertakes:

(a) in respect of motor vehicles within the contract range or corresponding thereto which have been supplied in the common market by another undertaking within the distribution network:

— to honour guarantees and to perform free servicing and vehicle-recall work to an extent which corresponds to the dealer's obligation covered by Article 4 (1) (6),

— to carry out repair and maintenance work in accordance with Article 4 (1) (1) (e);

(b) to impose upon the undertakings operating within the contract territory with which the dealer has concluded distribution and servicing agreements as provided for in Article 3 (6) an obligation to honour guarantees and to perform free servicing and vehicle recall work at least to the extent to which the dealer himself is so obliged:

(2) the supplier:

(a) does not without objectively valid reasons withhold consent to conclude, alter or terminate sub-agreements referred to in Article 3 (6);

(b) does not apply, in relation to the dealer's obligations referred to in Article 4 (1), minimum requirements or criteria for estimates such that the dealer is subject to discrimination without objective reasons or is treated inequitably;

(c) distinguishes, in any scheme for aggregating quantities or values of goods obtained by the dealer from the supplier and from connected undertakings within a specified period for the purpose of calculating discounts, at least between supplies of

— motor vehicles within the contract range,

— spare parts within the contract range, for supplies of which the dealer is dependent on undertakings within the distribution network, and

— other goods;

(d) supplies to the dealer, for the purpose of performance of a contract of sale concluded between the dealer and a final customer in the common market, any passenger car which corresponds to a model within the contract range and which is marketed by the manufacturer or with the manufacturer's consent in the Member State in which the vehicle is to be registered.

2. Where the dealer has, in accordance with Article 4 (1), assumed obligations for the improvement of distribution and servicing structures, the exemption shall apply provided that:

(1) the supplier releases the dealer from the obligations referred to in Article 3 (3) where the dealer shows that there are objective reasons for doing so;

(2) the agreement is for a period of at least five years or, if for an indefinite period, the period of notice for regular termination of the agreement is at least two years for both parties; this period is reduced to at least one year where:

— the supplier is obliged by law or by special agreement to pay appropriate compensation on termination of the agreement, or

— the dealer is a new entrant to the distribution system and the period of the agreement, or the period of notice for regular termination of the agreement, is the first agreed by that dealer;

(3) each party undertakes to give the other at least six months' prior notice of intention not to renew an agreement concluded for a definite period.

3. The conditions for exemption laid down in (1) and (2) shall not affect;

— the right of the supplier to terminate the agreement subject to at least one year's notice in a case where it is necessary to reorganize the whole or a substantial part of the network,

— the right of one party to terminate the agreement for cause where the other party fails to perform one of its basic obligations.

In each case, the parties must, in the event of disagreement, accept a system for the quick resolution of the dispute, such as recourse to an expert third party or an arbitrator, without prejudice to the parties' right to apply to a competent court in conformity with the provisions of national law.

Article 6

1. The exemption shall not apply where:

(1) both parties to the agreement or their connected undertakings are motor vehicle manufacturers; or

(2) the parties link their agreement to stipulations concerning products or services other than those referred to in this Regulation or apply their agreement to such products or services; or

(3) in respect of motor vehicles having three or more road wheels, spare parts or services therefor, the parties agree restrictions of competition that are not expressly exempted by this Regulation; or

(4) in respect of motor vehicles having three or more road wheels or spare parts therefor, the parties make agreements or engage in concerted practices which are exempted from the prohibition in Article 85 (1) of the Treaty under Regulations (EEC) No 1983/83 or (EEC) No 1984/83 to an extent exceeding the scope of this Regulation; or

(5) the parties agree that the supplier reserves the right to conclude distribution and servicing agreements for contract goods with specified further undertakings operating within the contract territory, or to alter the contract territory; or

(6) the manufacturer, the supplier or another undertaking directly or indirectly restricts the dealer's freedom to determine prices and discounts in reselling contract goods or corresponding goods; or

(7) the manufacturer, the supplier or another undertaking within the network directly or indirectly restricts the freedom of final consumers, authorized intermediaries or dealers to obtain from an undertaking belonging to the network of their choice within the common market contract goods or corresponding goods or to obtain servicing for such goods, or the freedom of final consumers to resell the contract goods or corresponding goods, when the sale is not effected for commercial purposes; or

(8) the supplier, without any objective reason, grants dealers remunerations calculated on the basis of the place of destination of the motor vehicles resold or the place of residence of the purchaser; or

(9) the supplier directly or indirectly restricts the dealer's freedom under Article 3 (5) to obtain from a third undertaking of his choice spare parts which compete with contract goods and which match their quality; or

(10) the manufacturer directly or indirectly restricts the freedom of suppliers of spare-parts to supply such products to resellers of their choice, including those which are undertakings within the distribution system, provided that such parts match the quality of contract goods; or

(11) the manufacturer directly or indirectly restricts the freedom of spare-part manufacturers to place effectively and in an easily visible manner their trade mark or logo on parts supplied for the initial assembly or for the repair or maintenance of contract goods or corresponding goods; or

(12) the manufacturer refuses to make accessible, where appropriate upon payment, to repairers who are not undertakings within the distribution system, the technical information required for the repair or maintenance of the contractual or corresponding goods or for the implementing of environmental protection measures, provided that the information is not covered by an intellectual property right or does not constitute identified, substantial, secret know-how; in such case, the necessary technical information shall not be withheld improperly.

2. Without prejudice to the consequences for the other provisions of the agreement, in the cases specified in paragraph 1 (1) to (5), the inapplicability of the exemption shall apply to all the clauses restrictive of competition contained in the agreement concerned; in the cases specified in paragraph 1 (6) to (12), it shall apply only to the clauses restrictive of competition agreed respectively on behalf of the manufacturer, the supplier or another undertaking within the network which is engaged in the practice complained of.

3. Without prejudice to the consequences for the other provisions of the agreement, in the cases specified in paragraph 1 (6) to (12), the inapplicability of the exemption shall only apply to the clauses restrictive of competition agreed in favour of the manufacturer, the supplier or another undertaking within the network which appear in the distribution and servicing agreements concluded for a geographic area within the common market in which the objectionable practice distorts competition, and only for the duration of the practice complained of.

Article 7

The prohibition laid down in Article 85 (1) of the Treaty shall not apply during the period from 1 October 1995 to 30 September 1996 to agreements already in force on 1 October 1995 which satisfy the conditions for exemption provided for in Commission Regulation (EEC) No 123/85.

Article 8

The Commission may withdraw the benefit of the application of this Regulation, pursuant to Article 7 of Regulation No 19/65/EEC, where it finds that in an individual case an agreement which falls within the scope of this Regulation nevertheless has effects which are incompatible with the provisions of Article 85 (3) of the Treaty, and in particular:

- (1) where, in the common market or a substantial part thereof, contract goods or corresponding goods are not subject to competition from products considered by consumers as similar by reason of their characteristics, price and intended use;
- (2) where prices or conditions of supply for contract goods or for corresponding goods are continually being applied which differ substantially as between Member States, such substantial differences being chiefly due to obligations exempted by this Regulation;
- (3) where the manufacturer or an undertaking within the distribution system in supplying the distributors with contract goods or corresponding goods apply, unjustifiably, discriminatory prices or sales conditions.

Article 9

This Regulation shall apply *mutatis mutandis* to concerted practices falling within the categories covered by this Regulation.

Article 10

For the purposes of this Regulation the following terms shall have the following meanings:

1. 'distribution and servicing agreements' are framework agreements between two undertakings, for a definite or indefinite period, whereby the party supplying goods entrusts to the other the distribution and servicing of those goods;
2. 'parties', are the undertakings which are party to an agreement within the meaning of Article 1: 'the supplier' being the undertaking which supplies the contract goods, and 'the dealer' the undertaking entrusted by the supplier with the distribution and servicing of contract goods;
3. the 'contract territory' is the defined territory of the common market to which the obligation of exclusive supply in the meaning of Article 1 applies;
4. 'contract goods' are new motor vehicles intended for use on public roads and having three or more road wheels, and spare parts therefor, which are the subject of an agreement within the meaning of Article 1;
5. the 'contract range' refers to the totality of the contract goods;
6. 'spare parts' are parts which are to be installed in or upon a motor vehicle so as to replace components of that vehicle. They are to be distinguished from other parts and accessories, according to trade usage;
7. the 'manufacturer' is the undertaking:
 - (a) which manufactures or procures the manufacture of the motor vehicles in the contract range, or
 - (b) which is connected with an undertaking described at (a);
8. 'connected undertakings' are:
 - (a) undertakings one of which directly or indirectly:
 - holds more than half of the capital or business assets of the other, or
 - has the power to exercise more than half the voting rights in the other, or

- has the power to appoint more than half the members of the supervisory board, board of directors or bodies legally representing the other, or
 - has the right to manage the affairs of the other ;
- (b) undertakings in relation to which a third undertaking is able directly or indirectly to exercise such rights or powers as are mentioned in (a) above.
9. 'undertakings within the distribution system' are, besides the parties to the agreement, the manufacturer and undertakings which are entrusted by the manufacturer or with the manufacturer's consent with the distribution of servicing of contract goods or corresponding goods ;
10. a 'passenger car which corresponds to a model within the contract range' is a passenger car :
- manufactured or assembled in volume by the manufacturer, and
 - identical as to body style, drive-line, chassis, and type of motor with a passenger car within the contract range ;
11. 'corresponding goods', 'corresponding motor vehicles' and 'corresponding parts' are those which are similar in kind to those in the contract range, are distributed by the manufacturer or with the manufacturer's consent, and are the subject of a distribution or servicing agreement with an undertaking within the distribution system ;
12. 'resale' includes all transactions by which a physical or legal person — 'the reseller' — disposes of a motor vehicle which is still in a new condition and which he had previously acquired in his own name and on his own behalf, irrespective of the legal description

applied under civil law or the format of the transaction which effects such resale. The terms resale shall include all leasing contracts which provide for a transfer of ownership or an option to purchase prior to the expiry of the contract ;

13. 'distribute' and 'sell' include other forms of supply by the dealer such as leasing.

Article 11

1. The Commission will evaluate on a regular basis the application of this Regulation, particularly as regards the impact of the exempted system of distribution on price differentials of contract goods between the different Member States and on the quality of service to final users.
2. The Commission will collate the opinions of associations and experts representing the various interested parties, particularly consumer organizations.
3. The Commission will draw up a report on the evaluation of this Regulation on or before 31 December 2000, particularly taking into account the criteria provided for in paragraph 1.

Article 12

Regulation (EEC) No 4087/88 is not applicable to agreements concerning the products or services referred to in this Regulation.

Article 13

This Regulation shall enter into force on 1 July 1995. It shall apply from 1 October 1995 until 30 September 2002. The provisions of Regulation (EEC) No 123/85 shall continue to apply until 30 September 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION REGULATION (EC) No 1476/95

of 28 June 1995

laying down special detailed rules for the application of the system of import licences for olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats ⁽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 2 thereof,

Whereas Commission Regulation (EEC) No 2041/75 ⁽³⁾, as last amended by Regulation (EEC) No 557/91 ⁽⁴⁾, lays down special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats;

Whereas, from 1 July 1995, the provisions of the agreements concluded during the Uruguay Round of negotiations will apply to imports of olive oil into the Community;

Whereas certain special detailed rules should be laid down concerning imports of olive oil; whereas, in particular, the term of the validity of licences and the security applicable should be laid down and it should also be provided that in order to benefit from the special import systems such as those provided for Algeria, the Lebanon, Morocco, Tunisia and Turkey, the third countries concerned should be indicated in the licence;

Whereas imports of olive oil from Tunisia as referred to in Council Regulation (EC) No 287/94 ⁽⁵⁾ are effected on the basis of an agreement which expires at the end of October 1995; whereas conditions affecting those imports cannot be changed before that date;

Whereas the provisions of Regulation (EEC) No 2041/75 should continue to apply to those imports; whereas that Regulation will also continue to apply to export licences until 31 October 1995; whereas, therefore, since the Regulation cannot be repealed before that date, it should be explicitly laid down that its provisions concerning import licences apply only to the abovementioned imports of olive oil from Tunisia;

Whereas the provisions of this Regulation are additional to and in derogation from the provisions of Commission Regulation (EEC) No 3719/88 ⁽⁶⁾, as last amended by Regulation (EC) No 1199/95 ⁽⁷⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down the special detailed rules for the application of the system of import licences introduced by Article 2 of Regulation No 136/66/EEC.

Article 2

1. In order to qualify under the special arrangements provided for in the Regulations adopted for the implementation of the agreements concluded by the Community with certain third countries, section 7 and 8 of import licence applications and of the licences themselves must show the third country concerned.

2. In such cases, licences shall carry with them an obligation to import from the third country indicated a product meeting the conditions laid down in the Regulations referred to in paragraph 1 and for which the licence has been issued.

Article 3

1. The term of validity of import licences shall be 60 days from their date of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88.

2. Securities for import licences shall amount to ECU 10 per 100 kilograms net.

Article 4

As from the entry into force of this Regulation, the provisions of Regulation (EEC) No 2041/75 on import licences shall apply solely to imports of olive oil originating in Tunisia as referred to in Regulation (EC) No 287/94.

Article 5

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

It shall apply from 1 July 1995. However, it shall not apply to olive oil originating in Tunisia imported under the system referred to in Regulation (EC) No 287/94.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

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

⁽³⁾ OJ No L 213, 11. 8. 1975, p. 1.

⁽⁴⁾ OJ No L 62, 8. 3. 1991, p. 23.

⁽⁵⁾ OJ No L 39, 10. 2. 1994, p. 1.

⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁷⁾ OJ No L 119, 30. 5. 1995, p. 4.

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

Done at Brussels, 28 June 1995.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1477/95

of 28 June 1995

laying down certain transitional measures for the implementation of the Uruguay Round Agreement on Agriculture as regards olive oil

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 3 thereof,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽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 38 thereof,

Whereas, having regard to the marked difference between the level of duty applicable to olive oil resulting from the agreements concluded in connection with the Uruguay Round of multilateral trade negotiations (hereinafter referred to as 'the Agreements') and the levy currently applied and having regard to the present market situation, which is characterized by high prices for Community olive oil, it can be seen that the immediate application of the full rate of duty from 1 July 1995 would lead to market disturbance; whereas, therefore, provision should be made for the application of a reduced of duty until the end of the current marketing year;

Whereas Council Regulation (EEC) No 3089/78⁽³⁾, as last amended by Regulation (EEC) No 3461/87⁽⁴⁾, lays down that the release of imported olive oil for free circulation in the Community is subject to the provision of a security equal to the consumption aid; whereas the level of duty resulting from the Agreements is calculated taking the said security into account; whereas olive oil released for free circulation from 1 July 1995 after payment of the rate of duty provided for in this Regulation should not be subject to the system of securities, given that the duty includes a component corresponding to the level of security now applicable and whereas such oil may therefore be regarded as qualifying for consumption aid;

Whereas it is the Commission's intention to present a proposal for an amendment to Council Regulation (EEC) No 3089/78 to the Council shortly which would abolish the system of securities for imported olive oil apart from oil imported from Tunisia under special arrangements; whereas these transitional measures are necessary to ensure the smooth operation of the market organization during the transition from the present arrangements to those resulting from the Agreements;

Whereas, for reasons of clarity and legal certainty, the conditions applicable to the use after 1 July 1995 of import licences issued before that date should be specified and the rate of duty applicable to imports of olive oil from Tunisia under Council Regulation (EC) No 287/94 should be laid down⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION :

Article 1

Notwithstanding Article 2a of Regulation No 136/66/EEC, the rates of duty applicable during the period 1 July to 31 October 1995 to imports of the products referred to in the Annex shall be as set out therein.

Article 2

Import licences issued until 30 June 1995 pursuant to Council Regulation (EEC) No 2751/78⁽⁶⁾ and which are valid beyond that date may be used until their term of validity expires.

The duty applicable to imports against such licences shall be equal to the levy fixed in advance in the licences.

Article 3

The rate of duty applicable to imports of olive oil originating in Tunisia covered by Regulation (EC) No 287/94 in the period 1 July to 31 October 1995 shall be equal to ECU 9,419 per 100 kilograms.

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

⁽²⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽³⁾ OJ No L 369, 29. 12. 1978, p. 12.

⁽⁴⁾ OJ No L 329, 20. 11. 1987, p. 1.

⁽⁵⁾ OJ No L 39, 10. 2. 1994, p. 1.

⁽⁶⁾ OJ No L 331, 28. 11. 1978, p. 6.

Article 4

Notwithstanding Article 9 (1) of Council Regulation (EEC) No 3089/78, no security need be lodged for the release of olive oil for free circulation in the Community, with the exception of olive oil for free circulation in the Community, with the exception of olive oil originating in Tunisia and imported under the arrangements provided for in Regulation (EC) No 287/94 and olive oil imported in accordance with Article 2.

Article 5

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

It shall apply from 1 July 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX***Olive oil**

CN code	ECU/100 kg
1509 10 10	75
1509 10 90	76
1509 90 00	87
1510 00 10	82
1510 00 90	128

COMMISSION REGULATION (EC) No 1478/95

of 28 June 1995

repealing Regulations No 164/67/EEC, (EEC) No 1777/74 and (EEC) No 3011/79

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Council Regulation (EC) No 3290/94⁽²⁾, and in particular Articles 5 (2) and 7 (4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Article 5 (3) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Council Regulation (EC) No 3290/94, and in particular Articles 3 and 5 (5) thereof,

Whereas Commission Regulation No 164/67/EEC⁽⁵⁾, as amended by Regulation (EC) No 3501/93⁽⁶⁾, fixed the factors for calculating levies and sluice-gate prices for derived egg products;

Whereas Commission Regulation (EEC) No 1777/74⁽⁷⁾, as last amended by Regulation (EEC) No 4156/87⁽⁸⁾, fixes

the value of certain items to be used in calculating the import duties and sluice-gate prices for ovalbumin and lactalbumin;

Whereas Commission Regulation (EEC) No 3011/79⁽⁹⁾, as last amended by Regulation (EEC) No 3714/92⁽¹⁰⁾, fixes the coefficients for calculating levies on derived poultrymeat products;

Whereas, in the light of the replacement of the levies and import duties and the suspension of sluice-gate prices, Regulations No 164/67/EEC, (EEC) No 1777/74 and (EEC) No 3011/79 should be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulations No 164/67/EEC, (EEC) No 1777/74 and (EEC) No 3011/79 are hereby repealed.

Article 2

This Regulation shall enter into force on 1 July 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

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

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽⁵⁾ OJ No 129, 28. 6. 1967, p. 2578/67.

⁽⁶⁾ OJ No L 319, 21. 12. 1993, p. 25.

⁽⁷⁾ OJ No L 186, 10. 7. 1974, p. 19.

⁽⁸⁾ OJ No L 392, 31. 12. 1987, p. 35.

⁽⁹⁾ OJ No L 337, 29. 12. 1979, p. 65.

⁽¹⁰⁾ OJ No L 378, 23. 12. 1992, p. 23.

**COMMISSION REGULATION (EC) No 1479/95
of 28 June 1995**

**amending Regulation (EEC) No 2225/92 on the detailed rules for the
implementation of the specific arrangements for the supply of hops to the
Azores and Madeira**

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

Having regard to Council Regulation (EEC) No 1600/92
of 15 June 1992 concerning specific measures for the
Azores and Madeira with regard to certain agricultural
products ⁽¹⁾, as last amended by Regulation (EC) No
3290/94 ⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 2225/92 ⁽³⁾,
as amended by Regulation (EC) No 1741/94 ⁽⁴⁾, sets the
quantity of hops in the forecast supply balance which
qualifies for exemption from customs duty on import
from third countries or for Community aid and the
amount thereof; whereas that quantity and the aid should
be established for the period 1 July 1995 to 30 June
1996;

Whereas the security to ensure compliance by operators
with their obligations should be fixed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2225/92 is hereby amended as
follows:

1. Article 1 is replaced by the following:

'Article 1

For the purposes of Articles 2 and 3 of Regulation
(EEC) No 1600/92, the quantity of hops covered by

CN code 1210 in the forecast supply balance quali-
fying for exemption from customs duty when
imported directly into Madeira from third countries or
for Community aid shall be 10 tonnes for the period 1
July 1995 to 30 June 1996.'

2. Article 2 is replaced by the following:

'Article 2

The aid provided for in Article 3 (2) of Regulation
(EEC) No 1600/92 for the supply of hops from the
Community market to Madeira in accordance with the
forecast supply balance shall be ECU 12,08 per 100
kilograms.'

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

'1. Applications for certificates shall be submitted to
the competent authority in the first five working
days of each month. Applications for certificates
shall only be admissible if:

- (a) the quantity does not exceed the maximum
available quantity of hops published by the
Portuguese authorities;
- (b) prior to expiry of the time limit laid down for
submission of certificate applications, proof has
been provided that the party concerned has
lodged a security of ECU 3,02 per 100 kilo-
grams.'

Article 2

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

It shall apply from 1 July 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

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

⁽³⁾ OJ No L 218, 1. 8. 1992, p. 91.

⁽⁴⁾ OJ No L 182, 16. 7. 1994, p. 18.

COMMISSION REGULATION (EC) No 1480/95
of 28 June 1995

amending Regulation (EEC) No 2224/92 on the detailed rules for the
implementation of the specific arrangements for the supply of hops to the
Canary Islands

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

Having regard to Council Regulation (EEC) No 1601/92
of 15 June 1992 concerning specific measures for the
Canary Islands with regard to certain agricultural
products⁽¹⁾, as last amended by Regulation (EC) No
3290/94⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EEC) No 2224/92⁽³⁾,
as amended by Regulation (EC) No 3102/94⁽⁴⁾, sets the
quantity of hops in the forecast supply balance which
qualifies for exemption from the customs duty on imports
from third countries or for Community aid and the
amounts thereof; whereas that quantity and the aid for
the period 1 July 1995 to 30 June 1996 should be deter-
mined;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2224/92 is hereby amended as
follows:

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

Done at Brussels, 28 June 1995.

1. Article 1 is replaced by the following:

Article 1

For the purposes of Articles 2 and 3 of Regulation
(EEC) No 1601/92, the quantity of hops covered by
CN code 1210 in the forecast supply balance quali-
fying for exemption from customs duty on direct
imports into the Canary Islands from third countries
or for Community aid shall be 500 tonnes for the
period 1 July 1995 to 30 June 1996.'

2. Article 2 is replaced by the following:

Article 2

The aid provided for in Article 3 (2) of Regulation
(EEC) No 1601/92 for the supply of hops from the
Community to the Canary Islands in accordance with
the forecast supply balance shall be ECU 12,08 per
100 kilograms.'

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 1 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

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

⁽³⁾ OJ No L 218, 1. 8. 1992, p. 89.

⁽⁴⁾ OJ No L 328, 20. 12. 1994, p. 18.

COMMISSION REGULATION (EC) No 1481/95

of 28 June 1995

amending Regulation (EEC) No 2168/92 laying down detailed implementing rules for the specific measures for the Canary Islands with regards to potatoes (forecast supply balance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 3 (4) thereof,

Whereas, pursuant to Articles 2 and 3 of Regulation (EEC) No 1601/92, Commission Regulation (EEC) No 2168/92⁽³⁾, as last amended by Regulation (EC) No 3099/94⁽⁴⁾, sets the quantity in the forecast supply balance for the supply of seed potatoes to the Canary Islands for the 1994/95 marketing year; whereas the forecast supply balance for the supply of seed potatoes to the Canary Islands for the 1995/96 marketing year should be established; whereas that supply balance must be established on the basis of the requirements of the Canary Islands and taking traditional trade patterns into account;

Whereas, pursuant to Article 3 (2) of Regulation (EEC) No 1601/92, aid for the supply of seed potatoes to the Canary Islands from the rest of the Community should be set for the 1995/96 marketing year at a level ensuring that seed potatoes are supplied under conditions which are equivalent for the end user to those resulting from the exemption from customs duties on imports of seed potatoes originating in third countries; whereas the aid must be set taking account in particular of the costs of supplying the products from the world market;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2168/92 is hereby amended as follows:

1. Article 1 is replaced by the following:

Article 1

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1601/92 the quantity in the forecast supply balance of seed potatoes covered by CN code 0701 10 00 qualifying for exemption from customs duty on direct imports into the Canary Islands from third countries or for Community aid shall be 12 000 tonnes for the period from 1 July 1995 to 30 June 1996.'

2. Article 2 is replaced by the following:

Article 2

Pursuant to Article 3 (2) of Regulation (EEC) No 1601/92 aid shall be granted for the supply of seed potatoes to the Canary Islands from the Community market in accordance with the forecast supply balance. The aid shall be ECU 4,226 per 100 kilograms.'

Article 2

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

It shall apply from 1 July 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

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

⁽³⁾ OJ No L 217, 31. 7. 1992, p. 44.

⁽⁴⁾ OJ No L 328, 20. 12. 1994, p. 13.

**COMMISSION REGULATION (EC) No 1482/95
of 28 June 1995**

determining as a transitional measure the conversion rates to be applied under the Common Customs Tariff to agricultural products and certain products obtained from the processing thereof

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 agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, and in particular Article 3 (1) thereof,

Whereas the amounts fixed in ecus by Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽²⁾, a last amended by Commission Regulation (EC) No 3115/94⁽³⁾, are to be converted into national currency at the rate determined in accordance with Article 18 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden ;

Whereas Article 1 of Regulation (EEC) No 2913/92 provides that Article 18 of that Regulation is to apply without prejudice to special rules laid down in other fields ; whereas, pursuant to Council Regulation (EEC) No 1167/76 of 17 May 1976 amending Annex IV to Regulation (EEC) No 816/70 laying down additional provisions for the common organization of the market in wine and the Common Customs Tariff as regards the exchange rate applicable to customs duties on certain wines⁽⁵⁾, the agricultural conversion rate is to apply to wine other than sparkling wine covered by CN codes 2204 21 11 to 2204 21 99 and 2204 29 12 to 2204 29 99 ;

Whereas, pursuant to the Agreement concluded during the Uruguay Round of multilateral trade negotiations, most import duties are to be expressed in ecus as from 1 July 1995 in the case of agricultural products and products resulting from the processing thereof ; whereas, to prevent deflection of trade, duties expressed in ecus must be converted into national currencies using conversion rates updated more frequently than those referred to in Article 18 of Regulation (EEC) No 2913/92 ;

Whereas the Commission intends proposing, to that end, an amendment to Article 18 of Regulation (EEC) No

2913/92 so as to introduce as from 1 July 1996 a monthly rate together with a safeguard mechanism ; whereas, to facilitate the switchover to the arrangements resulting from the agreements concluded during the Uruguay Round of multilateral trade negotiations, provision should be made for the application to agricultural product groups as from 1 July 1995 of the provisions it is proposed to apply generally from 1 July 1996 ;

Whereas, as a result, there exists for a transitional period a system of agricultural amounts levied on imports based on two different conversion rates according to whether the amounts in question are fixed directly in ecus in the Common Customs Tariff or not ;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION :

Article 1

1. Notwithstanding Article 18 of Regulation (EEC) No 2913/92 and Regulation (EEC) No 1167/76, paragraph 2 shall apply until 30 June 1996 in respect of products covered by the Combined Nomenclature codes listed in the Annex.

2. The value of the ecu in national currencies to be used for the purposes of determining the tariff classification of goods and customs duties shall be fixed once a month. The rates applying for such conversion shall be those published in the *Official Journal of the European Communities*, C series, by virtue of the second-to-last quotation day of the month. The rates shall apply during the whole month thereafter.

However, where the rate applicable at the beginning of the month differs by more than 5 % from the rate published by virtue of the second-to-last quotation day preceding the 15th day of that month, the latter rate shall apply from the 15th day to the end of the month in question.

For the purposes of this Regulation a quotation day is understood to be any day in respect of which the Commission determines a rate for the ecu, with the exception of 31 December.

Article 2

This Regulation shall enter into force on 1 July 1995.

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

⁽²⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽³⁾ OJ No L 345, 31. 12. 1994, p. 1.

⁽⁴⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽⁵⁾ OJ No L 135, 24. 5. 1976, p. 42.

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

Done at Brussels, 28 June 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

CN codes of products referred to in Article 1 of Regulation (EC) No 1482/95:

- all CN codes in Chapters 1, 2 and 4,
 - CN codes commencing with 0504, 0505 10 90, 0505 90, 0509 00 90 and 0511,
 - all CN codes in Chapters 6, 7 and 8,
 - CN codes in Chapter 9, excepting those commencing with 0903,
 - all CN codes in Chapters 10, 11 and 12,
 - CN codes in Chapter 13, excepting those commencing with 1301, 1302 11 00, 1302 19 10, 1302 19 99, 1302 32 90 and 1302 39 00,
 - all CN codes in Chapters 15 to 19,
 - CN codes in Chapter 20, excepting vine leaves, hops shoots and other edible parts of plants covered by CN codes 2001 90 96 and 2008 99 99,
 - all CN codes in Chapter 21,
 - CN codes in Chapter 22, excepting 2201 90 00,
 - all CN codes in Chapters 23 and 24,
 - CN codes commencing with 2905 43 00 and 2905 44,
 - CN codes commencing with 3501, excepting 3501 90 10, and with 3505, excepting 3503 10 50,
 - CN codes commencing with 3502 10 91, 3502 10 99, 3502 90 51 and 3502 90 59,
 - CN codes commencing with 3809 10 and 3823 60,
 - CN codes commencing with 5301 and 5302.
-

COMMISSION REGULATION (EC) No 1483/95

of 28 June 1995

amending Regulation (EEC) No 2165/92 laying down detailed rules for the application of the specific measures for Madeira and the Azores as regards potatoes and endives

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION :

Article 1

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 10 thereof,

Regulation (EEC) No 2165/92 is hereby amended as follows :

1. Article 1 is replaced by the following :

'Article 1

For the purposes of Articles 2 and 3 of Regulation (EEC) No 1600/92, the quantity of seed potatoes covered by CN code 0701 10 00 in the forecast supply balance and qualifying for exemption from customs duty, when imported directly into Madeira from third countries or for Community aid shall be 1 500 tonnes for the period 1 July 1995 to 30 June 1996.'

Whereas, pursuant to Articles 2 and 3 of Regulation (EEC) No 1600/92, Commission Regulation (EEC) No 2165/92⁽³⁾, as last amended by Regulation (EC) No 1759/94⁽⁴⁾, establishes the quantity of seed potatoes in the forecast supply balance for Madeira for the 1994/95 marketing year ; whereas the forecast supply balance for seed potatoes for Madeira for 1995/96 should be established ; whereas that supply balance must be established on the basis of the requirements of Madeira and taking account in particular of traditional trade patterns ;

2. Article 2 is replaced by the following :

'Article 2

Pursuant to Article 3 (2) of Regulation (EEC) No 1600/92, aid shall be granted for the supply of seed potatoes to Madeira from the Community market in accordance with the forecast supply balance. The aid shall be ECU 4,226 per 100 kilograms.'

Whereas, pursuant to Article 3 (2) of Regulation (EEC) No 1600/92, the aid for the supply of seed potatoes to Madeira from the rest of the Community should be set for the 1995/96 marketing year at a level ensuring that seed potatoes are supplied under conditions which are equivalent for the end user to exemption from customs duties on imports of seed potatoes originating in third countries ; whereas the aid must be set taking account in particular of the cost of supplying the products from the world market ; whereas the security ensuring compliance by operators with their obligations should also be fixed ;

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

'(b) evidence is provided, before the deadline for the submission of applications, that the party concerned has lodged a security of ECU 2,113 per 100 kilograms.'

Article 2

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

It shall apply from 1 July 1995.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

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

⁽³⁾ OJ No L 217, 31. 7. 1992, p. 29.

⁽⁴⁾ OJ No L 183, 19. 7. 1994, p. 16.

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

Done at Brussels, 28 June 1995.

For the Commission
Franz FISCHLER
Member of the Commission

COMMISSION REGULATION (EC) No 1484/95

of 28 June 1995

laying down detailed rules for implementing the system of additional import duties and fixing additional import duties in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Council Regulation (EC) No 3290/94⁽²⁾, and in particular Articles 5 (4) and 15 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Articles 5 (4) and 15 thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Article 3 (4) and 10 thereof,

Whereas Regulations (EEC) No 2771/75, (EEC) No 2777/75 and (EEC) No 2783/75 provide that from 1 July 1995 imports of one or more of the products falling under these Regulations at the rate of duty of the Common Customs Tariff shall be subject to the payment of an additional import duty if certain conditions set out in the Agreement on Agriculture concluded in the framework of the Uruguay Round of multilateral trade negotiations have been fulfilled, unless the imports are unlikely to disturb the Community market, or where the effects would be disproportionate to the intended objective; whereas these additional import duties may be imposed in particular if the import prices fall below the trigger prices;

Whereas, therefore, specific implementing rules should be laid down for the poultrymeat and egg sectors as well as

for egg albumin and the trigger prices should be published;

Whereas the import prices to be taken into consideration for imposing an additional import duty should be checked against the representative prices on the world market or on the Community import market for the products in question; whereas it is necessary that Member States communicate the prices at various stages of marketing at regular intervals in order to be able to determine the representative prices and the corresponding additional duties;

Whereas the importer may choose that the additional duty is calculated on a basis which is different from the representative price; whereas, however, in that case there should be provision for the lodging of a security equal to the amount of additional duty which he would have paid if the additional duty had been determined on the basis of the representative price; whereas the security will be reimbursed if, within a certain time limit, proof is provided that the conditions for the disposal of the consignment have been met; whereas, as part of a *posteriori* checks, additional duty due will be recovered pursuant to Article 220 of Council Regulation (EEC) No 2913/92⁽⁵⁾ establishing the Community customs code; whereas it is only fair that, within the framework of such checks, interest will be added to the duty due;

Whereas the provisions of Commission Regulation No 163/67/EEC of 26 June 1967 on fixing the additional amount for imports of poultry-farming products from third countries⁽⁶⁾, as last amended by Regulation (EEC) No 3821/92⁽⁷⁾, are replaced by the provisions of this Regulation; whereas the aforementioned Regulation should, therefore, be replaced as from the date of entry into force of the Agreement on Agriculture of the Uruguay Round;

Whereas it results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors as well as for egg albumin that additional duties should be

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

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

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽⁵⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽⁶⁾ OJ No 129, 28. 6. 1967, p. 2577/67.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 24.

imposed on the import of certain products, taking into account variation of prices according to origin; whereas, therefore, representative prices and corresponding additional duties should be published for those products;

Whereas additional duties may not be imposed in particular on products imported within tariff quotas agreed upon in the framework of the Uruguay Round of multi-lateral trade negotiations;

Whereas the Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by the chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The additional import duties referred to in Article 5 (1) of Regulations (EEC) No 2771/75 and (EEC) No 2777/75 and in Article 3 (1) of Regulation (EEC) No 2783/75, hereinafter referred to as 'additional duties', are applied to the products listed in Annex I and originating in the countries indicated therein.

The corresponding trigger prices referred to in Article 5 (2) of Regulations (EEC) No 2771/75 and (EEC) No 2777/75 and in Article 3 (2) of Regulation (EEC) No 2783/75 are shown in Annex II.

Article 2

1. The representative prices referred to in the second subparagraph of Article 5 (3) of Regulation (EEC) No 2771/75 and (EEC) No 2777/75 and in the second subparagraph of Article 3 (3) of Regulation (EEC) No 2783/75, shall be determined at regular intervals taking into account in particular:

- the prices on third country markets,
- free-at-Community-frontier offer prices,
- prices at the various stages of marketing in the Community for imported products.

These prices are shown in Annex I.

2. The Member States shall communicate to the Commission, each Monday, the prices referred to at the third indent of paragraph 1 for representative shipments of products listed in Annex II.

Article 3

1. At the request of the importer the additional duty may be established on the basis of the cif import price of the consignment in question, if this price is higher than

the applicable representative price, referred to in Article 2 (1).

The application of the cif import price of the consignment in question for establishing the additional duty is subject to the presentation by the interested party to the competent authorities of the importing Member State of at least the following proofs:

- the purchasing contract, or any other equivalent document,
- the insurance contract,
- the invoice,
- the certificate of origin (where applicable),
- the transport contract,
- and, in the case of sea transport, the bill of lading.

2. In the case referred to in paragraph 1, the importer must lodge the security referred to in Article 248 (1) of Commission Regulation (EEC) No 2454/93⁽¹⁾, equal to the amount of additional duty which he would have paid if the calculation of the additional duty had been made on the basis of the representative price applicable to the product in question.

The importer shall have one month from the sale of the products in question, subject to a limit of four months from the date of acceptance of the declaration of release for free circulation, to prove that the consignment was disposed of under conditions confirming the correctness of the prices referred to in paragraph 1. Failure to meet one or other of these deadlines shall entail the loss of the security lodged. However, the time limit of four months may be extended by the competent authorities by a maximum of three months at the request of the importer, which must be duly substantiated.

The security lodged shall be released to the extent that proof of the conditions of disposal is provided to the satisfaction of the customs authorities.

Otherwise, the security shall be forfeit by way of payment of the additional duties.

If on verification the competent authorities establish that the requirements of this Article have not been met, they shall recover the duty due in accordance with Article 220 of Regulation (EEC) No 2913/92. The amount of the duty to be recovered or remaining to be recovered shall include interest from the date the goods were released for free circulation up to the date of recovery. The interest rate applied shall be that in force for recovery operations under national law.

3. In the absence of the request referred to in paragraph 1, the import price of the consignment in question to be taken into consideration for imposing an additional duty shall be the representative price referred to in Article 2 (1).

⁽¹⁾ OJ No L 253, 11. 10. 1993, p. 1.

Article 4

1. If the difference between the trigger price in question referred to in Article 1 (2) and the import price to be taken into consideration for imposing an additional duty in accordance with Article 3 (1) of (3):

- (a) is less than or equal to 10 % of the trigger price, no additional duty shall be imposed;
- (b) is greater than 10 % but less than or equal to 40 % of the trigger price, the additional duty shall equal 30 % of the amount by which the difference exceeds 10 %;
- (c) is greater than 40 % but less than or equal to 60 % of the trigger price, the additional duty shall equal 50 % of the amount by which the difference exceeds 40 %, plus the additional duty allowed under (b);
- (d) is greater than 60 % but less than or equal to 75 %, the additional duty shall equal 70 % of the amount by which the difference exceeds 60 % of the trigger price, plus the additional duties allowed under (b) and (c);
- (e) is greater than 75 % of the trigger price, the additional duty shall equal 90 % of the amount by which the difference exceeds 75 %, plus the additional duties allowed under (b), (c) and (d).

2. The additional duties corresponding to the representative prices laid down in accordance with Article 2 (1) are shown in Annex I.

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

Done at Brussels, 28 June 1995.

Article 5

If necessary, the Commission may, at the request of a Member State or on its own initiative, adjust Annex I.

However, the Commission may adjust the representative prices only if these prices are at least 5 % different from the determined prices.

Article 6

The additional duties laid down in Annex I shall not apply to imports in the framework of Commission Regulation (EC) No 1431/94⁽¹⁾ and (EC) No 1474/95⁽²⁾.

Article 7

Regulation No 163/67/EEC is repealed.

Article 8

This Regulation shall enter into force on 1 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 156, 23. 6. 1994, p. 9.

⁽²⁾ See page 19 of this Official Journal.

ANNEX I

CN code	Description	Representative price ECU/100 kg	Additional duty ECU/100 kg	Origin (¹)
0207 41 10	Boneless cuts of fowls of the species <i>gallus domesticus</i>	185	38	01
		220	24	02
		240	18	03
0408 11 80	Dried egg yolk	225	25	04

(¹) Origin of imports :

01 China

02 Brazil

03 Thailand

04 Canada, United States of America

ANNEX II

CN code	Trigger price ECU/100 kg	CN code	Trigger price ECU/100 kg
0105 11 11	8 588,0	0207 39 65	100,0
0105 11 19	8 588,0	0207 39 67	78,3
0105 11 91	8 588,0	0207 39 71	463,4
0105 11 99	8 588,0	0207 39 73	331,9
0105 19 10	3 242,3	0207 39 75	309,7
0105 19 90	14 525,0	0207 39 77	164,2
0105 91 00	55,8	0207 41 10	333,5
0105 99 10	115,1	0207 41 11	251,1
0105 99 20	185,9	0207 41 21	97,5
0105 99 30	147,8	0207 41 31	80,0
0105 99 50	133,3	0207 41 41	235,7
0207 10 11	142,3	0207 41 51	158,9
0207 10 15	100,2	0207 41 71	316,6
0207 10 19	128,5	0207 41 90	143,4
0207 10 31	170,0	0207 42 10	329,9
0207 10 39	250,0	0207 42 11	337,8
0207 10 51	158,8	0207 42 31	80,8
0207 10 55	185,1	0207 42 41	280,0
0207 10 59	173,5	0207 42 51	111,1
0207 10 71	207,1	0207 42 59	172,7
0207 10 79	257,3	0207 42 71	233,3
0207 10 90	173,2	0207 42 90	131,3
0207 21 10	98,8	0207 43 11	465,3
0207 21 90	131,2	0207 43 15	354,5
0207 22 10	177,7	0207 43 21	100,0
0207 22 90	179,8	0207 43 23	133,3
0207 23 11	170,1	0207 43 31	107,8
0207 23 19	167,9	0207 43 41	81,1
0207 23 51	200,0	0207 43 51	432,4
0207 23 59	248,2	0207 43 53	308,3
0207 23 90	204,5	0207 43 61	309,7
0207 39 11	339,8	0207 43 63	166,0
0207 39 13	100,0	0207 43 71	234,5
0207 39 15	180,0	0207 43 81	500,0
0207 39 21	227,1	0207 43 90	163,2
0207 39 23	158,1	0209 00 90	135,8
0207 39 25	310,7	1602 39 11	318,6
0207 39 27	100,0	0407 00 11	935,9
0207 39 31	339,0	0407 00 19	743,6
0207 39 33	342,3	0407 00 30	52,7
0207 39 41	279,9	0408 11 80	343,3
0207 39 43	142,9	0408 19 81	69,6
0207 39 45	177,8	0408 19 89	111,9
0207 39 47	200,0	0408 91 80	271,4
0207 39 51	216,7	0408 99 80	59,7
0207 39 53	435,3	3502 10 91	521,5
0207 39 55	423,2	3502 10 99	51,7
0207 39 61	133,3		

COMMISSION REGULATION (EC) No 1485/95
of 28 June 1995

opening and providing for the administration of Community tariff quotas for the import of bulls, cows and heifers, other than those intended for slaughter, of certain Alpine and mountain breeds for the period 1 July 1995 to 30 June 1996

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 424/95⁽²⁾, and in particular Article 12 (1) and (4) thereof,

Whereas the Community has undertaken, pursuant to the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, to open an annual tariff quota of 20 000 head at a rate of duty of 6 % for bulls, cows and heifers, other than those intended for slaughter, of the mottled Simmental breed and the Schwyz and Fribourg breeds and an annual tariff quota of 5 000 head at a rate of 4 % for cows and heifers, other than those intended for slaughter, of the grey, brown, yellow and mottled Simmental breed and the Pinzgau breed; whereas Council Decision 95/136/EC of 14 March 1995 relating to the conclusion of an Agreement between the European Community and Austria pursuant to Article XXVIII of the GATT⁽³⁾ unbinds the quota of 20 000 head and replaces it with a tariff quota of 5 000 head at the same rate of duty; whereas those quotas should therefore be opened for the period 1 July 1995 to 30 June 1996 and detailed rules adopted for their application;

Whereas there should be a guarantee in particular of equal and continuing access to the said quotas for all interested traders within the Community and of uninterrupted application of the customs duties laid down for those quotas to all imports of the animals in question until the quotas are exhausted;

Whereas these arrangements are based on the allocation by the Commission of the quantities available to traditional traders (first part) and traders involved in the cattle trade (second part); whereas the first part should be allocated to traditional importers in proportion to the number of animals imported under similar quotas between 1 July 1992 and 30 June 1995 and to traditional

importers in the new Member States; whereas, in order to prevent speculation and given the end-use, only quantities of a certain size representative of trade with third countries should be taken into account as reference quantities for the allocation of the second part; whereas, for all traders from the new Member States, imported animals must be from countries which are third countries for them at the time of import;

Whereas, subject to the provisions of this Regulation, Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾, as last amended by Regulation (EC) No 1199/95⁽⁵⁾, is applicable;

Whereas implementation of the abovementioned Agreements requires a revision of the specific detailed rules governing import licensing arrangements in the beef and veal sector, currently provided for in Commission Regulation (EEC) No 2377/80⁽⁶⁾, as last amended by Regulation (EC) No 1084/94⁽⁷⁾, before 1 July 1995; whereas, to prevent problems arising in the practical application of the current quotas, that Regulation should not apply and this Regulation should include the necessary detailed rules for the import licences required;

Whereas Article 82 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁸⁾, as amended by the Act of Accession of Austria, Finland and Sweden, provides for customs supervision of goods put into free circulation at a reduced rate of duty on account of their end-use; whereas imported animals should be monitored for a certain period to ensure they are not slaughtered; whereas, in order to ensure that the animals concerned are not slaughtered, a security should be required;

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 45, 1. 3. 1995, p. 2.

⁽³⁾ OJ No L 91, 22. 4. 1995, p. 41.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 119, 30. 5. 1995, p. 4.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 120, 11. 5. 1994, p. 30.

⁽⁸⁾ OJ No L 302, 19. 10. 1992, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

1. The following tariff quotas are hereby opened for the period 1 July 1995 to 30 June 1996 :

Serial No	CN code (')	Description	Quota volume	Customs duty
09.0001	ex 0102 90 05 ex 0102 90 29 ex 0102 90 49 ex 0102 90 59 ex 0102 90 69	Cows and heifers, other than those intended for slaughter, of the following mountain breeds : grey, brown, yellow and mottled Simmental breed and Pinzgau breed	5 000	6 %
09.0003	ex 0102 90 05 ex 0102 90 29 ex 0102 90 49 ex 0102 90 59 ex 0102 90 69 ex 0102 90 79	Bulls, cows and heifers, other than those intended for slaughter, of the following breeds : mottled Simmental breed and Schwyz and Fribourg breeds	5 000	4 %

(') Taric codes : see Annex I.

2. For the purposes of this Regulation, the animals referred to in paragraph 1 shall be considered not to be intended for slaughter if they are not slaughtered within four months of the date of acceptance of the declaration of release for free circulation.

Derogations may, however, be granted in the event of duly proven cases of *force majeure*.

3. To benefit from the tariff quota covered by serial No 09.0003, the following must be presented :

- for bulls : a pedigree certificate,
- for female animals : a pedigree certificate or a certificate of registration in a herdbook certifying the purity of the breed.

— importers from the new Member States who are able to furnish proof of having, between 1 July 1992 and 30 June 1995, imported into the Member State in which they are established animals falling within the CN codes referred to in Annex I from countries which, at the time of import, were for them third countries.

- (b) The second part, equal to 20 % of the quota volume, shall be reserved for applicants who can prove that they imported, between 1 July 1994 and 30 June 1995, at least 15 live bovine animals falling within CN code 0102 from countries which, at the time of import, were for them third countries.

Importers must be entered in a national VAT register.

Article 2

1. The two quota volumes referred to in Article 1 (1) shall each be divided into two parts of 80 %, i.e. 4 000 head, and 20 %, i.e. 1 000 head :

- (a) The first part, equal to 80 % of the quota volume, shall be allocated to :

— importers from the Community as constituted on 31 December 1994 who are able to furnish proof of having imported animals covered by the quotas between 1 July 1992 and 30 June 1995, and

2. The first part shall be allocated to importers as referred to in 1 (a) in proportion to their imports under the same quota between 1 July 1992 and 30 June 1995 or to the quantities applied for if they are less than imports during the period in question. The second part shall be allocated to eligible importers as referred to in 1 (b) in proportion to the quantities applied for. In the latter case :

- (a) applications for the right to import more than 50 head shall automatically be reduced to that number ;
- (b) applications which would give rise to a right to import less than 15 head shall not be taken into account ;

(c) quantities which have not been allocated, owing to the minimum 15 head limitation, shall be allocated by drawing lots for batches of 15 head.

3. Any quantities of one of the two parts of the same tariff quota referred to in paragraph 1 not applied for shall automatically be transferred to the other part of the quota in question.

4. Proof of import shall be provided solely by means of the customs document of release for free circulation duly endorsed by the customs authorities.

Article 3

1. An application for the right to import may only be submitted in the Member State in which the applicant is entered in a national VAT register.

2. An applicant may submit only one application per quota and that application shall refer to only one part of the quota.

Where an applicant submits more than one application for a quota, all applications from that person shall be considered invalid.

3. For the purposes of Article 2 (2), all applications, accompanied by the proof referred to in Article 2 (4), must reach the competent authorities by 24 July 1995.

After verifying the documents submitted, the Member States shall notify the Commission, by 11 August 1995, of:

- the number of applicants and the number of head applied for by each category of importer;
- the average figure for previous imports supplied by each applicant in respect of the quantities reserved for importers as referred to in Article 2 (1) (a).

4. All notifications, including 'zero' notifications, shall be made to the address given in Annex II.

Article 4

The Commission shall notify the Member States as soon as possible of the quantities to be allocated to each applicant, where necessary as a percentage of the quantity originally applied for or of the applicant's previous imports.

Article 5

1. Imports of quantities allocated shall be subject to presentation of an import licence.

2. Import licence applications may only be lodged with the competent authority of the Member State in which the applicant is entered in a national VAT register.

3. Pursuant to the notification of allocation from the Commission, import licences shall be issued as soon as possible on application by and in the names of the traders who have obtained rights to import. The issue of licences shall be subject to the lodging by the applicant of a security of ECU 25 per head.

The security shall be released immediately licences are returned to the issuing authority bearing an endorsement by the customs authorities acknowledging import of the animals.

4. Import licences shall be valid for ninety days from the date of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88. However, their term of validity shall expire on 30 June 1996 at the latest.

5. Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 shall apply.

Notwithstanding Article 9 (1) of Regulation (EEC) No 3719/88, however, import licences issued pursuant to this Regulation shall not be transferable and shall confer the right to use the tariff quota only if made out in the name entered on the declaration of release for free circulation accompanying them.

Article 8 (4) and the second subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88 shall not apply.

Article 6

1. Checks to ensure that imported animals are not slaughtered within four months of release into free circulation shall be carried out in accordance with Article 82 of Regulation (EEC) No 2913/92.

2. Without prejudice to the provisions of Regulation (EEC) No 2913/92, importers shall lodge a security of ECU 1 367 per tonne with the competent customs authorities to ensure compliance with the obligation not to slaughter the animals.

The security shall be released immediately proof is supplied to the customs authorities concerned that the animals:

- (a) were not slaughtered within four months of the date of release for free circulation, or
- (b) were slaughtered within that period for reasons constituting a case of *force majeure* or for health reasons or died as a result of sickness or an accident.

Article 7

On the licence application and the licence itself shall be entered:

- (a) in section 8, the country of origin;
- (b) in section 16, the CN codes given in Annex I;

(c) in section 20, one of the following :

- Razas alpinas y de montaña [Reglamento (CE) n° 1485/95],
- Alpine racer og bjergracer (forordning (EF) nr. 1485/95),
- Höhenrassen (Verordnung (EG) Nr. 1485/95),
- Αλπικές και ορεινές φυλές [κανονισμός (ΕΚ) αριθ. 1485/95],
- Alpine and mountain breeds (Regulation (EC) No 1485/95),
- Races alpines et de montagne [règlement (CE) n° 1485/95],
- Razze alpine e di montagna [regolamento (CE) n. 1485/95],
- Bergrassen [Verordening (EG) nr. 1485/95],
- Raças alpinas e de montanha [Regulamento (CE) n° 1485/95],
- Alppi- ja vuoristorotuja [asetus (EY) N:o 1485/95],
- Alp- och bergraser (förrordning (EG) nr 1485/95).

Article 8

At the beginning of each month, the competent authorities shall forward details of the quantities and the origin of the animals imported during the previous month on

the basis of the returned licences referred to in Article 5 (3).

The information shall be sent by fax to the address given in Annex III.

Article 9

1. Quantities for which import licence applications have not been received by 31 March 1996 shall be allocated to importers who have applied for import licences for the total quantity to which they are entitled, irrespective of the provisions of Article 2 (1).

2. To that end, by 10 April 1996, Member States shall forward to the address given in Annex II details of the quantities for which no application has been received and the information referred to in the second subparagraph of Article 3 (3). The Commission shall carry out an allocation, by lot, of batches of 15 head and notify the Member States of the result by 17 April 1996.

3. For the purposes of this Article, Articles 5, 6 and 7 shall apply.

Article 10

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

It shall apply from 1 July 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Taric codes

Order No	CN code	Taric code
09.0001	ex 0102 90 05	0102 90 05*20 *40
	ex 0102 90 29	0102 90 29*20 *40
	ex 0102 90 49	0102 90 49*20 *40
	ex 0102 90 59	0102 90 59*11 *19 *31 *39
	ex 0102 90 69	0102 90 69*10 *30
	09.0003	ex 0102 90 05
ex 0102 90 29		0102 90 29*30 *40 *50
ex 0102 90 49		0102 90 49*30 *40 *50
ex 0102 90 59		0102 90 59*21 *29 *31 *39
ex 0102 90 69		0102 90 69*20 *30
ex 0102 90 79		0102 90 79*21 *29

ANNEX II

COMMISSION OF THE EUROPEAN COMMUNITIES,
DG XXI-B.6 — Economic Tariff Questions ;

telefax : (32-2) 296 33 06.

ANNEX III

COMMISSION OF THE EUROPEAN COMMUNITIES,
DG VI-D.2 — Beef/veal and sheepmeat ;

telefax : (32-2) 295 36 13.

COMMISSION REGULATION (EC) No 1486/95
of 28 June 1995

opening and providing for the administration of a tariff quota for certain products falling within CN codes ex 0203 19 55 and ex 0203 29 55 in the pigmeat sector for the period from 1 July 1995 to 30 June 1996

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organisation of the market in pigmeat⁽¹⁾, as last amended by the Act of accession of Austria, Finland and Sweden and by Council Regulation (EC) No 3290/94⁽²⁾, and in particular Articles 8 (2), 11 (1), and 22 thereof,

Whereas, in the framework of the Uruguay Round of the multilateral trade negotiations, the Community negotiated various agreements in particular that on agriculture; the agreement allows, among others, certain products in the pigmeat sector coming from third countries access to the Community market for a period of six years; it is now possible to establish specific rules of application for the pigmeat sector for the period from 1 July 1995 to 30 June 1996;

Whereas the agreement calls for the suppression of variable import levies by converting into customs duties all the measures which restrict the import of agricultural products;

Whereas, the administration of the arrangements should be based on import licences; whereas, to that end, detailed rules for the submission of applications and the information which must appear in applications and licences, by way of derogation from Article 8 of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, as last amended by Regulation (EC) No 1199/95⁽⁴⁾, should be laid down; whereas provision should also be made for the licences to be issued after a period for consideration and, where necessary, a single percentage should be applied to determine the quantity awarded in respect of each application;

Whereas, in order to ensure that imports are regular, it is necessary to define products covered by the import regime and to ensure that those quantities referred to in

Annex I are spread over the period from 1 July 1995 to 30 June 1996;

Whereas, in order to ensure proper administration of the arrangements, the security for import licences under the system should be set at ECU 40 per 100 kg; whereas, in view of the arrangements' inherent risk of speculation as regards pigmeat, clear conditions should be laid down as regards access by operators;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the period from 1 July 1995 to 30 June 1996, the import tariff quotas referred to in Annex I shall be opened for the groups of products and for the conditions laying them down.

Article 2

In accordance with the present Regulation, products of CN codes ex 0203 19 55 and ex 0203 29 55 referred to in groups G 2 and G 3 of Annex I have the following meanings assigned to them:

- 'boneless loins', loins and cuts thereof, without tenderloin, with or without subcutaneous fat or rind,
- 'tenderloin', cuts including the meats of muscles *musculus major psoas* and *musculus minor psoas*, with or without head, trimmed or not trimmed.

Article 3

The quotas referred to in Article 1 shall be divided into quarterly figures of 25 % applicable from 1 July, 1 October, 1 January and 1 April.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

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

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 119, 30. 5. 1995, p. 4.

Article 4

The import licences referred to in Article 1 shall be subject to the following provisions:

- (a) applicants for import licences must be natural or legal persons who, at the time of application, must prove to the satisfaction of the competent authorities in the Member States that they have been engaged in trade with third countries in pigmeat products for at least the preceding 12 months; however, retail and catering establishments selling their products to final consumers shall be excluded from the regime;
- (b) licence applications may refer to only one of the group numbers set out in Annex I of this regulation and may relate to more than one product covered by different CN codes and originating from only one country; in such cases, all the CN codes shall be indicated in section 16 and their descriptions in section 15; for the group G 2, licence applications must relate to at least 20 tonnes and to a maximum of 10 % of the quantity available for the period as specified in Article 3; for the group G 3, licence applications must relate to at least one tonne and to a maximum of 10 % of the quantity available for the period as specified in Article 3;
- (c) section 8 of licence applications and licences shall show the country of origin; licences shall carry on obligation to import from the country indicated;
- (d) section 20 of licence applications and licences shall show one of the following:
- Reglamento (CE) n° ...
 - Forordning (EF) nr. ...
 - Verordnung (EG) Nr. ...
 - Κανονισμός (ΕΚ) αριθ. ...
 - Regulation (EC) No ...
 - Règlement (CE) n° ...
 - Regolamento (CE) n. ...
 - Verordening (EG) nr. ...
 - Regulamento (CE) n° ...
 - Asetus (EY) N:o ...
 - Förordning (EG) nr ...;
- (e) section 24 of licences shall show one of the following:

Duty of ... pursuant to:

- Reglamento (CE) n° ...
- Forordning (EF) nr. ...
- Verordnung (EG) Nr. ...
- Κανονισμός (ΕΚ) αριθ. ...
- Regulation (EC) No ...
- Règlement (CE) n° ...
- Regolamento (CE) n. ...

- Verordening (EG) nr. ...
- Regulamento (CE) n° ...
- Asetus (EY) N:o ...
- Förordning (EG) nr ...

Article 5

1. Licence applications shall be lodged during the first 10 days of each period as specified in Article 3.

2. Licence applications shall only be admissible where the applicant declares in writing that he has not submitted and undertakes not to submit any other applications during the current period for products in the same group fixed in Annex I in the Member State in which his application is submitted or in any other Member State;

Where an applicant submits more than one application relating to products in the same group fixed in Annex I, all applications from that person shall be inadmissible; however, each applicant may lodge several applications for import licences for products fixed in Annex I, if these products originate in different countries.

The applications, one each for a single country of origin, should be submitted together to the competent authority of a Member State. They shall be considered, as regards the maximum referred to in Article 4 (b) as well as application of the rule of the present Article, as a single application.

3. A security of ECU 40 per 100 kilograms shall be lodged for import licence applications for all products referred to in Article 1.

4. On the third working day following the end of the application submission period, the Member States shall notify the Commission of applications lodged for each of the products in the groups concerned. Such notifications shall include a list of applicants and a statement of the quantities applied for in each group.

All notifications, including 'nil' notifications shall be made by telex or fax on the working day stipulated, using the model shown in Annex II in cases where no applications have been made, and the models shown in Annexes II and III in cases where applications have been made.

5. The Commission shall decide as quickly as possible what quantities may be awarded in respect of applications referred to in Article 4.

If the quantities in respect of which licences have been applied for exceed the quantities available, the Commission shall fix a single percentage of acceptance of the quantities applied for. In the case where the percentage is less than 5 %, the Commission can refuse all applications and the corresponding security shall be released immediately.

The trader may withdraw his application for certificates within 10 working days of the publication of the single percentage of acceptance in the *Official Journal of the European Communities*, if the application of this rate leads to the fixation of a quantity smaller than 20 tonnes for group G 2 and smaller than one tonne for group G 3. Member States shall notify the Commission, in the five days following the withdrawal of the application and the corresponding security shall be released immediately.

The Commission shall calculate the quantity remaining, which shall be added to the quantity available in respect of the following quarter for the same period referred to in Article I.

6. Licences shall be issued as quickly as possible after the Commission has taken its decision.

7. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 6

For the purposes of Article 21 (2) of Regulation (EEC) No 3719/88, import licences shall be valid for 150 days from the date of actual issue.

However, licences shall not be valid beyond 30 June of the year of issue.

Import licences issued pursuant to this Regulation shall not be transferable.

Article 7

The dispositions of Regulation (EEC) No 3719/88 shall apply, without prejudice to the provisions of this Regulation.

However, by way of derogation from Article 8 (4) of that Regulation, the quantity imported under this Regulation may not exceed that shown in sections 17 and 18 of the import licence. The figure '0' shall accordingly be entered in section 19 of the licence.

Article 8

This Regulation shall enter into force on 1 July 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Group	CN Code	Product description		from 1 July 1995 to 30 June 1996
G 2	ex 0203 19 55 ex 0203 29 55	loins and hams boneless, fresh, chilled or frozen	Quantities in tonnes	5 667
			Customs duty ECU/tonnes	250
G 3	ex 0203 19 55 ex 0203 29 55	tenderloin fresh, chilled or frozen	Quantities in tonnes	833
			Customs duty ECU/tonnes	300

ANNEX II

Regulation (EC) No 1486/95 — GATT Imports

COMMISSION OF THE EUROPEAN COMMUNITIES

DG VI/D/3 — Pigeat

Application for import licences	Date	Period
Member State : Sender : Contact : Telephone number : Telefax number :		
To : DG VI/D/3 — Telefax No : (0032-2) 296 62 79 ; 296 12 27		
Group number	Quantity applied for	
G 2		
G 3		

ANNEX III

Regulation (EC) No 1486/95 — GATT Imports

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI/D/3 — Pigeat				
Application for import licences			Date	Period
Member State				
<i>(tonnes)</i>				
Group number	CN code	Applicant (name and address)	Quantity	Country of origin
G 2				
		Total		
<i>(tonnes)</i>				
Group number	CN code	Applicant (name and address)	Quantity	Country of origin
G 3				
		Total		

COMMISSION REGULATION (EC) No 1487/95

of 28 June 1995

establishing the supply balance for the Canary Islands for products from the pigmeat sector and fixing the aid for products coming from the Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures for the Canary Islands concerning certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Articles 3 (4) and 4 (4) thereof,

Whereas in application of Articles 2, 3 and 4 of Regulation (EEC) No 1601/92, it is necessary to determine for the pigmeat sector and for the 1995/96 marketing year, on the one hand, the quantities of meat and processed products of the forecast supply balance with benefit from an exemption from the duty on imports from third countries or from an aid for deliveries originating from the rest of the Community, and on the other hand, the quantities of pure-bred breeding animals originating in the Community which benefit from an aid with a view to developing the potential for production in the archipelago of the Canaries;

Whereas it is appropriate to fix the amount of the aids referred to above for the supply to the archipelago, on the one hand, in meat and, on the other hand, of breeding animals originating in the rest of the Community; whereas these aids must be fixed taking into account in particular the costs of supply from the world market, conditions due to the geographical situation of the archipelago and the basis of the current prices on export to third countries for the animals or products concerned;

Whereas the common detailed rules for the implementation of the supply arrangements for the Canary Islands are adopted in Commission Regulation (EC) No 2790/94 ⁽³⁾, as amended by Regulation (EC) No 2883/94 ⁽⁴⁾;

Whereas, in the interests of clarity, Commission Regulation (EC) No 752/95 of 3 April 1995 fixing the aid for the supply of products from the pigmeat sector to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Regulation (EEC) No 1601/92 ⁽⁵⁾ should be repealed;

Whereas in application of Regulation (EEC) No 1601/92, the supply arrangements will apply from 1 July; whereas, therefore, this Regulation should apply immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

Pursuant to Article 2 of Regulation (EEC) No 1601/92, the quantities of the forecast supply balance with products from the pigmeat sector which benefit from exemption from the import duty on products coming from third countries or which benefit from Community aid shall be as fixed in Annex I.

Article 2

1. The aid provided for in Article 3 (2) of Regulation (EEC) No 1601/92 for products included in the forecast supply balance which come from the Community market shall be as fixed in Annex II.

2. Products benefiting from the aid shall be specified in accordance with the provisions of Commission Regulation (EEC) No 3846/87 ⁽⁶⁾, and in particular point 7 of its Annex.

Article 3

The aid provided for in Article 4 (1) of Regulation (EEC) No 1601/92 for the supply to the Canary Islands of pure-bred breeding pigs of Community origin as well as the number of animals benefiting from the aid shall be as fixed in Annex III.

Article 4

Regulation (EC) No 752/95 is hereby repealed.

Article 5

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

It shall apply from 1 July 1995.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

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

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 75, 4. 4. 1995, p. 1.

⁽⁶⁾ OJ No L 366, 24. 12. 1987, p. 1.

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

Done at Brussels, 28 June 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX I

Forecast supply balance for the Canary Islands regarding products from the pigmeat sector for the period from 1 July 1995 to 30 June 1996

CN code	Description of goods	Number or quantity (tonnes)
ex 0203	Meat of domestic swine, fresh or chilled	—
ex 0203	Meat of domestic swine, frozen	19 000 (1)
1601 00	Sausages and similar products, of meat, meat offal or blood ; food preparations based on these products	12 000
1602 20 90	Prepared or preserved livers of all animals other than geese or ducks	600
	Other preparations or conserves containing meat or meat offal of domestic swine :	
1602 41 10	Hams and cuts thereof	4 000
1602 42 10	Shoulders and cuts thereof	3 000
1602 49	Others, including mixtures	4 000

(1) Of which 5 000 tonnes for processing and/or packaging.

ANNEX II

Amounts of aid granted for products coming from the Community market

(ECU/100 kg net weight)

Product code	Amount of aid
0203 21 10 000	19
0203 22 11 100	28
0203 22 19 100	19
0203 29 11 100	19
0203 29 13 100	28
0203 29 15 100	19
0203 29 55 120	32
0203 29 55 190	32
0203 29 55 311	32
0203 29 55 391	32
1601 00 91 100	28
1601 00 99 100	19
1602 20 90 100	9
1602 41 10 210	32
1602 42 10 210	23
1602 49 11 190	—
1602 49 13 190	—
1602 49 19 190	19

NB: The product codes as well as the footnotes are defined in Regulation (EEC) No 3846/87.

ANNEX III

Supply in the Canary Islands of pure-bred breeding pigs originating in the Community for the period from 1 July 1995 to 30 June 1996

CN code	Description of the goods	Number of animals to supply	Aid (ECU/head)
0103 10 00	Pure-bred breeding pigs ⁽¹⁾ :		
	— male animals	160	483
	— female animals	3 000	423

⁽¹⁾ Inclusion in this sub-position is subject to the conditions provided for by the Community provisions which regulate the matter.

COMMISSION REGULATION (EC) No 1488/95
of 28 June 1995
on implementing rules for export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 26 (11) thereof,

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⁽³⁾, and in particular Articles 3 and 4 thereof,

Whereas Article 26 (6) of Regulation (EEC) No 1035/72 imposes an export licence requirement for the granting of refunds;

Whereas Commission Regulation (EEC) No 3719/88⁽⁴⁾, as last amended by Regulation (EC) No 1199/95⁽⁵⁾, sets detailed rules for application of the system of import and export licences and advance fixing certificates for agricultural products;

Whereas Commission Regulation (EEC) No 3846/87⁽⁶⁾, as last amended by Regulation (EC) No 836/95⁽⁷⁾, establishes an agricultural product nomenclature for export refunds;

Whereas Commission Regulation (EEC) No 3665/87⁽⁸⁾, as last amended by Regulation (EC) No 331/95⁽⁹⁾, lays down common detailed rules for the application of the system of export refunds on agricultural products; whereas these detailed rules must be supplemented by specific rules relating to fruit and vegetables;

Whereas, pursuant to Article 26 (1) of Regulation (EEC) No 1035/72, refunds are to be set with due regard to the

limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas the Commission must fix the refund rates and maximum quantities eligible for refunds; whereas these amounts and quantities must be fixed per period of allocation of export licences; whereas they may be revised on the basis of economic circumstances;

Whereas, to ensure that quantities for export can be very precisely managed, export licences should require refunds to be fixed in advance; whereas time should be allowed for consideration before licences are issued and details should be provided concerning the data to be notified to the Commission and the form this notification should take;

Whereas the Member States should designate the authorities responsible for issuing the licences;

Whereas the issue of licences should also be subject to the lodging of a security;

Whereas, within the tolerance limits, the exported quantity in respect of which refunds may be paid may not exceed the quantity applied for in the licence application;

Whereas, in order to maintain the flexibility which is a characteristic of exports in the fruit and vegetables sector, provision should be made for certain transactions to be eligible for a refund without advance fixing provided that a licence application is submitted *a posteriori*;

Whereas the Member States should regularly forward certain information on licence applications to the Commission;

Whereas Commission Regulation (EEC) No 497/70 of 17 March 1970 on rules for the application of export refunds on fruit and vegetables⁽¹⁰⁾, as last amended by Regulation (EEC) No 2075/85⁽¹¹⁾, should be repealed and certain of its provisions taken over into this Regulation;

Whereas action must be taken to ensure that exported products on which refunds are granted meet the relevant common quality standards and any national rules on the quality of fruit and vegetables exported to third countries;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 119, 30. 5. 1995, p. 4.

⁽⁶⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁷⁾ OJ No L 88, 20. 4. 1995, p. 1.

⁽⁸⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁹⁾ OJ No L 38, 18. 2. 1995, p. 1.

⁽¹⁰⁾ OJ No L 62, 18. 3. 1970, p. 15.

⁽¹¹⁾ OJ No L 196, 26. 7. 1985, p. 25.

Whereas, in the case of victualling deliveries to vessels and aircraft treated as exports from the Community and so qualifying for export refunds, checking of each consignment would impose an administrative burden disproportionate to the small quantities of fruit and vegetables normally involved; whereas the checking of such deliveries should therefore be dispensed with subject to certain conditions;

Whereas, in accordance with Article 4 (3) of Commission Regulation (EEC) No 2251/92 of 29 July 1990 on quality inspection of fresh fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 3148/94 ⁽²⁾, the above derogation is acceptable only for quantities of 500 kilograms of product or less;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund rates referred to in Article 26 (3) of Regulation (EEC) No 1035/72 for products on which export refunds are granted in the fruit and vegetables sector shall be set at the same as the quantities for which licences with advance fixing of the refund may be issued.

The Commission shall set indicative quantities for exports without advance fixing of the refund. For such exports, the rates referred to in the first subparagraph shall also have an indicative value.

2. The rates and quantities referred to in paragraph 1 shall be fixed for each licence allocation period.

3. Where necessary, the quantities may be revised on the basis of trends in Community production and the outlook for exports.

Article 2

Member States shall designate the agency or agencies responsible for issuing the export licences referred to in Article 26 (6) of Regulation (EEC) No 1035/72 and shall inform the Commission thereof.

Article 3

1. Exporters shall apply for licences with advance fixing of the refund to the competent authorities of the Member States with a view to the grant of a refund at the rate in force on the date of submission of the application.

Licence applications shall be accompanied by the lodging of a security equal to half the amount of the refund in force for the export in question on the day of application.

2. Licence applications and licences shall carry in box 16 the 11-figure product code of the agricultural product nomenclature for export refunds given in Regulation (EEC) No 3846/87.

On application this code may be replaced after the licence has been issued by another provided that the refund rate applicable is the same and the code is that of a product in the same category.

Category, within the meaning of the second paragraph of Article 13a of Regulation (EEC) No 3719/88, shall mean the following classes of products:

- tomatoes falling within CN code 0702 00,
- shelled almonds falling within CN code 0802 12,
- hazelnuts falling within CN codes 0802 21 and 0802 22,
- walnuts in shell falling within CN code 0802 31,
- oranges falling within CN code 0805 10,
- clementines falling within CN codes 0805 20 11, 0805 20 21 and 0805 20 31,
- monreales and satsumas falling within CN codes 0805 20 13, 0805 20 23 and 0805 20 33,
- mandarins and wilkings falling within CN codes 0805 20 15, 0805 20 25 and 0805 20 35,
- tangerines falling within CN codes 0805 20 17, 0805 20 27 and 0805 20 37,
- other similar citrus hybrids falling within CN codes 0805 20 19, 0805 20 29 and 0805 20 39,
- lemons falling within CN codes 0805 30 20, 0805 30 30 and 0805 30 40,
- limes falling within CN code 0805 30 90,
- table grapes falling within CN code 0806 10,
- apples falling within CN code 0808 10,
- peaches and nectarines falling within CN code 0809 30.

3. The following entry shall be made in box 22 of the licence:

- Restitución válida para ... (*cantidad por la que se haya expedido el certificado*) como máximo
- Restititionen omfatter højst ... (*den mængde, licensen er udstedt for*)
- Erstattung gültig für höchstens ... (*Menge, für die die Lizenz erteilt wurde*)

⁽¹⁾ OJ No L 219, 4. 8. 1992, p. 9.

⁽²⁾ OJ No L 332, 22. 12. 1994, p. 28.

- Επιστροφή που ισχύει για ... (ποσότητα για την οποία εκδίδεται το πιστοποιητικό) κατ' ανώτατο όριο
- Refund valid for not more than ... (quantity for which licence issued)
- Restitution valable pour ... (quantité pour laquelle le certificat est délivré) au maximum
- Restituzione valida al massimo per ... (quantitativo per il quale è rilasciato il titolo)
- Restitutie voor ten hoogste ... (hoeveelheid waarvoor het certificaat is afgegeven)
- Restituição válida para ... (quantidade em relação à qual é emitido o certificado), no máximo
- Vientituki voimassa enintään ... (määrä, jolle todistus on annettu) osalta
- Bidrag som gäller för högst ... (kvantitet för vilken licensen skall utfärdas).

Article 4

1. The Commission shall check, for each application lodged day in turn, whether the total quantities applied for pursuant to Article 3 in each product category as referred to in Article 3 (2) exceed the quantity referred to in Article 1,

- less the quantities for which licences with advance fixing of the refund have been issued during the current issuing period, not including the licences issued for food aid as provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations,
- less the quantities for which refunds have been granted without a licence pursuant to the second paragraph of Article 2a of Regulation (EEC) No 3665/87, according to the information available to the Commission,
- plus the quantities provided for in point (c) of Article 7,
- plus any quantities covered by applications withdrawn under paragraph 4 of this Article,
- plus any quantities for which licences have been issued but not used,
- plus any quantities not used within the tolerance provided for in Article 8 (5) of Regulation (EEC) No 3719/88.

If they do the Commission shall set a reduction percentage or decide to reject the applications.

2. Export licences shall be issued on the fifth working day following the day on which the application was

lodged, provided that no specific measures as referred to in paragraph 1 have been taken in the interval.

3. Licences shall be valid for two months from the date of their issue.

However, in the case of licences for apples intended for Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico and Costa Rica, the duration of validity shall commence:

- on 15 July of the current year for licences issued from 15 May to 14 July,
- on the day of issue for licences issued from 15 July to the end of the following February,

and shall end:

- two months after the day of issue for licences issued from 15 May to 31 December,
- at the end of February for licences issued from 1 January to the end of February.

These dates shall be indicated as follows in box 22 of the licence:

- Certificado válido del (fecha de comienzo del período de validez) al (fecha final del período de validez)
- Licensen er gyldig fra (gyldighedsperiodens begyndelse) til (gyldighedsperiodens ophør)
- Lizenz gültig vom (Beginn der Gültigkeitsdauer) bis zum (Ende der Gültigkeitsdauer)
- Πιστοποιητικό που ισχύει από (ημερομηνία έναρξης ισχύος) έως (ημερομηνία λήξης ισχύος)
- Licence valid from (date of commencement of validity) to (date of end of validity)
- Certificat valable du (date de début de validité) au (date de fin de validité)
- Titolo valido dal (data di decorrenza della validità) al (data di scadenza della validità)
- Certificaat geldig van (datum van de eerste dag van de geldigheidsduur) tot en met (datum van de laatste dag van de geldigheidsduur)
- Certificado válido de (data de início da validade) a (data de termo da validade)
- Todistus voimassa (voimassaolon alkamispäivämäärä) (voimassaolon päättymispäivämäärä)
- Licens giltig från (datum för giltighetstidens början) till (datum då giltighetstiden slutar).

The licences referred to in the second subparagraph shall not be issued during the period from 1 March to 14 May. The destination given on licences which are valid during part of the period from 1 March to 14 July for the export of apples to other destinations may not be changed to one of the countries listed in the second subparagraph.

4. Where a percentage reduction is fixed in accordance with paragraph 1, licence applications may be withdrawn within 10 working days of the date of publication of the percentage reduction. Such withdrawal shall entail release of the security. The security shall also be released where applications are refused.

5. Quantities exported within the tolerance provided for in Article 8 (4) of Regulation (EEC) No 3719/88 shall not be eligible for payment of a refund.

Article 5

1. Notwithstanding Article 3 of this Regulation and the first paragraph of Article 2a of Regulation (EEC) No 3665/87, exporters may apply for licences without advance fixing of the refund from the competent authorities of the Member States with a view to the grant of a refund.

However, in the case of licences for apples intended for Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico and Costa Rica, such applications shall only be admissible during the period from 15 July to the end of the following February.

2. The application must be made at the latest on the working day following the date on which the export declaration for the products was completed and must be accompanied by a copy of that declaration. The declaration must contain one of the following entries:

- Exportación por la que se presentará una solicitud *a posteriori* de certificado de exportación sin fijación anticipada de la restitución
- Udførsel, for hvilken der efterfølgende ansøges om eksportlicens uden forudfastsættelse af restitutionen
- Ausfuhr, für die nachträglich eine Ausfuhrlizenz ohne Vorausfestsetzung der Erstattung beantragt wird
- Εξαγωγή για την οποία θα υποβληθεί αίτηση εκ των υστέρων για την έκδοση πιστοποιητικού εξαγωγής χωρίς προκαθορισμό της επιστροφής
- Export to be the subject of an *a posteriori* application for an export licence without advance fixing of the refund
- Exportation qui fera l'objet d'une demande *a posteriori* de certificat à l'exportation sans fixation à l'avance de la restitution
- Esportazione che formerà oggetto di una domanda *a posteriori* di titolo di esportazione senza fissazione anticipata della restituzione
- Uitvoer waarvoor achteraf een uitvoercertificaat zonder vaststelling vooraf van de restitutie zal worden aangevraagd

- Exportação que será objecto de um pedido *a posteriori* de certificado de exportação sem prefixação da restituição
- Vienti, jota koskee sellainen vientitodistushakemus, joka jätetään jälkikäteen ja johon ei liity vientituen ennakkovahvistusta
- Export som kräver en ansökan i efterhand om exportlicens utan förutfastställelse av bidraget.

3. The licence application shall be accompanied by the lodging of a security equal in amount to half the product of the quantity exported multiplied by the indicative rate of the refund in force on the day of the application.

4. Licence applications and licences shall carry in box 16 the 11-figure product code of the agricultural product nomenclature for export refunds given in Regulation (EEC) No 3846/87 and in box 22 one of the following entries:

- Solicitud de certificado de exportación sin fijación anticipada de la restitución con arreglo al artículo 5 del Reglamento (CE) No 1488/95
- Ansøgning om eksportlicens uden forudfastsættelse af restitutionen, jf. artikel 5 i forordning (EF) nr. 1488/95
- Antrag auf Erteilung einer Ausfuhrlizenz ohne Vorausfestsetzung der Erstattung gemäß Artikel 5 der Verordnung (EG) Nr. 1488/95
- Αίτηση για την έκδοση πιστοποιητικού εξαγωγής χωρίς προκαθορισμό της επιστροφής σύμφωνα με το άρθρο 5 του κανονισμού (ΕΚ) αριθ. 1488/95
- Application for export licence without advance fixing of the refund in accordance with Article 5 of Regulation (EC) No 1488/95
- Demande de certificat d'exportation sans fixation à l'avance de la restitution conforme à l'article 5 du règlement (CE) n° 1488/95
- Domanda di titolo di esportazione senza fissazione anticipata della restituzione, conforme all'articolo 5 del regolamento (CE) n. 1488/95
- Aanvraag om uitvoercertificaat zonder vaststelling vooraf van de restitutie overeenkomstig artikel 5 van Verordening (EG) nr. 1488/95
- Pedido de certificado de exportação sem prefixação da restituição, nos termos do artigo 5º do Regulamento (CE) nº 1488/95
- Sellaista vientitodistusta koskeva hakemus, johon ei liity asetuksen N:o (EY) 1488/95 5 artiklan mukaisen vientituen ennakkovahvistusta
- Ansökan om exportlicens utan förutfastställelse av bidraget enligt artikel 5 i förordning (EG) nr 1488/95.

5. Export licences shall be issued on the tenth working day after the end of the current period of allocation of licences for that period. Box 22 of the licences shall contain one of the following entries, along with the

refund rate, amended if necessary in accordance with the first subparagraph of Article 6 (2), and the quantity, reduced if necessary by the reduction rate referred to in the second subparagraph of Article 6 (2):

- Exportación por la que se presentará una solicitud *a posteriori* de certificado de exportación sin fijación anticipada de la restitución
- Udførsel, for hvilken der efterfølgende ansøges om eksportlicens uden forudfastsættelse af restitutionen
- Ausfuhr, für die nachträglich eine Ausfuhrlicenz ohne Vorausfestsetzung der Erstattung beantragt wird
- Εξαγωγή για την οποία θα υποβληθεί αίτηση εκ των υστέρων για την έκδοση πιστοποιητικού εξαγωγής χωρίς προκαθορισμό της επιστροφής
- Export to be the subject of an *a posteriori* application for an export licence without advance fixing of the refund
- Exportation qui fera l'objet d'une demande *a posteriori* de certificat à l'exportation sans fixation à l'avance de la restitution
- Esportazione che formerà oggetto di una domanda *a posteriori* di titolo di esportazione senza fissazione anticipata della restituzione
- Uitvoer waarvoor achteraf een uitvoercertificaat zonder vaststelling vooraf van de restitutie zal worden aangevraagd
- Exportação que será objecto de um pedido *a posteriori* de certificado de exportação sem prefixação da restituição
- Vienti, jota koskee sellainen vientitodistushakemus, joka jätetään jälkikäteen ja johon ei liity vientituen ennakkovahvistusta
- Export som kräver en ansökan i efterhand om exportlicens utan förutfastställelse av bidraget.

However, if the reduction coefficient or the rate of refund, as referred to in Article 6, is zero, the applications shall be rejected and the securities released.

Article 6

1. At the end of each period of allocation of the licences referred to in Article 1, the Commission shall, using the information available to it, check for each product whether the quantities applied for pursuant to Article 5 outside the scope of the food aid provided for in Article 10 (4) of the Agreement on Agriculture concluded

during the Uruguay Round of multilateral trade negotiations exceed the indicative quantities provided for pursuant to Article 1, where necessary increased by the quantities set for licences with advance fixing of the refund and not used up, less the quantities referred to in Article 7 (b) and plus the quantities referred to in Article 7 (c).

2. Where this is the case, the Commission may reduce the coefficient of refund for those transactions.

In addition, so as to comply with the annual limits resulting from the agreements concluded in accordance with Article 228 of the Treaty, the Commission may set a rate of reduction for the quantities applied for.

Article 7

At the end of each period of allocation of the licences referred to in Article 1,

- (a) the quantities of the products set for the issue of licences with advance fixing of the refund and not used up shall be added to the indicative quantities of the same products set for the same period;
- (b) in the case referred to in the first subparagraph of Article 6 (2), the quantities having been the subject of an overrun shall be deducted from the quantities set for the following period;
- (c) after application of points (a) and (b), quantities not used up of all products shall be added where necessary to those set for the following period, in proportion to the quantities and/or expenditure initially fixed for each product, and within the limits resulting from the agreements concluded in accordance with Article 228 of the Treaty.

Article 8

Member States shall notify to the Commission by fax, in accordance with the model in the Annex, not later than 12 o'clock (Brussels time) on Monday and Thursday of each week, information concerning, per working day, for each product category and for each destination:

- the quantities for which licences have been applied for, with or without advance fixing of the refund or, where applicable, the absence of applications,
- any quantities for which refunds have been granted without a licence pursuant to the second paragraph of Article 2a of Regulation (EEC) No 3665/87,

- any quantities covered by applications withdrawn under Article 4 (4),
- any quantities for which licences have been issued but not used,
- any quantities not used within the tolerance provided for in Article 8 (5) of Regulation (EEC) No 3719/88,

for the period up to the working day preceding the day of notification.

The quantities shall be broken down according to whether or not they fall within the scope of the food aid provided for in Article 10 (4) of the Agreement on Agriculture concluded during the Uruguay Round of multi-lateral trade negotiations.

Article 9

1. In addition to the conditions provided for in Regulation (EEC) No 3665/87, refunds may not be paid unless the following is submitted:

- for products for which common quality standards have been set, the inspection certificate provided for in Article 4 (4) of Regulation (EEC) No 2251/92,
- for products for which common quality standards have not been set but national rules on the quality of fruit and vegetables exported from the Community are applicable, a document issued by the Member State's inspection agency certifying that at the time of inspection the products met the requirements.

2. However, in the case of fruit and vegetable deliveries as referred to in Article 34 (1) (a) of Regulation (EEC) No 3665/87, in so far as such deliveries concern quantities weighing 500 kilograms or less per product category, submission

— of the inspection certificate referred to in the first indent of paragraph 1,

or

— of the document referred to in the second indent of paragraph 1,

shall not be required for payment of the refund provided that the procedure indicated in Article 38 of that Regulation or in Council Regulation (EEC) No 565/80 on advance payment of export refunds on agricultural products⁽¹⁾ is not applied.

Article 10

Commission Regulation (EEC) No 497/70⁽²⁾ is hereby repealed. However, it shall remain applicable to licences issued prior to 1 July 1995 under that Regulation.

Article 11

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

However, Article 8 shall apply from 29 June 1995 and Articles 5, 6, 9 and 10 shall apply from 1 July 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽²⁾ OJ No L 62, 18. 3. 1970, p. 15.

COMMISSION REGULATION (EC) No 1489/95
of 28 June 1995
setting export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 26 (11) thereof,

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⁽³⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 1488/95⁽⁴⁾ sets implementing rules for export refunds on fruit and vegetables;

Whereas Article 26 (1) of Regulation (EEC) No 1035/72 states that, to the extent necessary to permit economically significant exportation, the difference between prices in international trade of the products listed in that Article and their prices in the Community may be covered by export refunds;

Whereas Article 26 (4) of Regulation (EEC) No 1035/72 states that refunds must be fixed with regard to the existing situation and outlook for fruit and vegetable prices on the Community market and supply availability, on the one hand, and prices in international trade on the other hand; whereas account must also be taken of the costs indicated at (b) in that paragraph and of the economic aspect of the envisaged exports;

Whereas refunds are, pursuant to Article 26 (1) of Regulation (EEC) No 1035/72, to be set with due regard to the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Article 26 (5) of Regulation (EEC) No 1035/72 states that prices on the Community market are to be determined taking account of those most favourable from the exportation standpoint; whereas international trade

prices are to be determined account taken of the prices indicated in the second subparagraph of that paragraph;

Whereas the international trade situation or the special requirements of certain markets may make it necessary to vary the refund on a given product depending on the destination of that product;

Whereas economically significant exports can be made at the present time of tomatoes, lemons, oranges, apples, peaches and nectarines of classes 'extra', I and II of the common quality standards, table grapes of classes 'extra' and I, shelled almonds, hazelnuts and walnuts in shell;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations, all of which are specified in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of these in setting refunds;

Whereas the representative market rates as defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, are used to convert amounts in third country currencies and are the basis for determining the agricultural conversion rates of the Member States' currencies; whereas rules for determining and applying these conversion rates were set by Commission Regulation (EEC) No 1068/93⁽⁸⁾, as last amended by Regulation (EC) No 1053/95⁽⁹⁾;

Whereas application of the rules mentioned above to the present and forecast market situation, in particular to fruit and vegetable prices in the Community and in international trade, leads to the refund rates set in the Annexes hereto;

Whereas, pursuant to Article 26 (2) of Regulation (EEC) No 1035/72, the most efficient possible use should be made of the resources available without creating discrimination between traders; whereas, therefore, care should be taken not to disturb the trade flows previously induced by the refund arrangements; whereas, for these reasons and because of the seasonal nature of exports of fruit and vegetables, quotas should be fixed for each product;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽⁴⁾ See page 68 of this Official Journal.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 107, 12. 5. 1995, p. 4.

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The export refund rates and quantities eligible for refunds in the fruit and vegetables sector for licences with advance fixing of the refund issued between 1 July 1995 and 30 June 1996 shall be those fixed Annex I hereto.

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

Done at Brussels, 28 June 1995.

The indicative rates and quantities for exports without advance fixing of the refund shall be those fixed in Annex II hereto.

2. Quantities for which licences are issued in the context of food aid, as referred to in Article 14a of Commission Regulation (EEC) No 3719/88⁽¹⁾ laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products, shall not count against the eligible quantities referred to in the first paragraph.

Article 2

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

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 331, 2. 12. 1988, p. 1.

Product	Product code	Destination code (*)	Refund rate (%) (BCU/tonne net)	Quantities provided for per licence issuing period (in tonnes)																
				1995						1996										
				July	August	September	October	November	December	January	February	March	April	May	June					
Table grapes	0806 10 21 200	F	54,7	5 637	20 823	7 934	441									13				
	0806 10 29 200																			
	0806 10 30 200																			
	0806 10 40 200																			
	0806 10 50 200																			
	0806 10 61 200																			
	0806 10 69 200																			
Apples	0808 10 51 910	A B D	90,4	2 517	7 260	8 538	8 860	10 191								7 882				
	0808 10 53 910																			
	0808 10 59 910																			
	0808 10 61 910																			
	0808 10 63 910																			
	0808 10 69 910																			
	0808 10 71 910																			
	0808 10 73 910																			
	0808 10 79 910																			
	0808 10 92 910																			
Peaches and nectarines	0809 30 11 100	E	56,5	4 571	2 609											766				
	0809 30 19 100																			
	0809 30 21 100																			
	0809 30 29 100																			
	0809 30 31 100																			
	0809 30 39 100																			
	0809 30 41 100																			
0809 30 51 100																				
0809 30 59 100																				

(*) The destination codes are defined as follows:

A : Norway, Iceland, Greenland, Poland, Hungary, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Malta

B : Faeroes, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia

C : Switzerland, Czech Republic, Slovakia

D : Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica

E : All destinations except Switzerland

F : All destinations

(†) For refunds to be granted on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) the requirements of Regulation (EEC) No 990/93 must be met.

ANNEX II

RATES AND QUANTITIES LAID DOWN FOR THE ALLOCATION OF LICENCES WITHOUT ADVANCE FIXING OF THE REFUND

Product	Product code	Destination code (*)	Refund rate (%) (ECU/tonne net)	Quantities provided for per licence issuing period (in tonnes)																	
				1995						1996											
				July	August	September	October	November	December	January	February	March	April	May	June						
Tomatoes	0702 00 15 100	F	50,8	2 786	3 758	3 297	1 664	7 886	1 5407												
	0702 00 20 100																				
	0702 00 25 100																				
	0702 00 30 100																				
	0702 00 35 100																				
	0702 00 40 100																				
	0702 00 45 100																				
0702 00 50 100																					
Shelled almonds	0802 12 90 000	F	109,3	122	304	336	161	371	494												
	0802 21 00 000	F	127,7	25	205	87	12	11	15												
Shelled hazelnuts	0802 22 00 000	F	246,3	447	908	1 766	860	694	779												
	0802 31 00 000	F	158,3	2	84	241	16	7	2												
Oranges	0805 10 01 200	A C	124,3	1 138	633	30 594	66 505	98 566	21 871												
	0805 10 05 200																				
	0805 10 09 200																				
	0805 10 11 200																				
	0805 10 15 200																				
	0805 10 19 200																				
	0805 10 21 200																				
	0805 10 25 200																				
	0805 10 29 200																				
	0805 10 32 200																				
	0805 10 34 200																				
	0805 10 36 200																				
	0805 10 42 200																				
	0805 10 44 200																				
0805 10 46 200																					
0805 10 51 200																					
0805 10 55 200																					
0805 10 59 200																					
0805 10 61 200																					
0805 10 65 200																					
0805 10 69 200																					
Lemons	0805 30 20 100	F	152,5	8 370	2 077	10 100	11 885	20 868	20 388												
	0805 30 30 100																				
	0805 30 40 100																				

Product	Product code	Destination code (1)	Refund rate (2) (ECU/tonne net)	Quantities provided for per licence issuing period (in tonnes)														
				1995						1996								
				July	August	September	October	November	December	January	February	March	April	May	June			
Table grapes	0806 10 21 200	F	54,7	5 637	20 823	7 934	441								13			
	0806 10 29 200																	
	0806 10 30 200																	
	0806 10 40 200																	
	0806 10 50 200																	
	0806 10 61 200																	
	0806 10 69 200																	
Apples	0808 10 51 910	A B D	90,4	2 517	7 260	8 538	8 860							10 191	7 882			
	0808 10 53 910																	
	0808 10 59 910																	
	0808 10 61 910																	
	0808 10 63 910																	
	0808 10 69 910																	
	0808 10 71 910																	
	0808 10 73 910																	
	0808 10 79 910																	
	0808 10 92 910																	
Peaches and nectarines	0809 30 11 100	E	56,5	4 571	2 609										766			
	0809 30 19 100																	
	0809 30 21 100																	
	0809 30 29 100																	
	0809 30 31 100																	
	0809 30 39 100																	
	0809 30 41 100																	
	0809 30 49 100																	
	0809 30 51 100																	
	0809 30 59 100																	

(1) The destination codes are defined as follows :

- A : Norway, Iceland, Greenland, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Malta
- B : Faeroes, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia
- C : Switzerland, Czech Republic, Slovakia
- D : Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica
- E : All destinations except Switzerland
- F : All destinations

(2) For refunds to be granted on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) the requirements of Regulation (EEC) No 990/93 must be met.

COMMISSION REGULATION (EC) No 1490/95
of 28 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 29 June 1995.

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

Done at Brussels, 28 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 28 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	49,3
	060	80,2
	066	41,7
	068	32,4
	204	50,9
	212	117,9
	624	75,0
	999	63,9
0707 00 25	052	50,1
	053	166,9
	060	39,2
	066	53,8
	068	60,4
	204	49,1
	624	207,3
	999	89,5
0709 90 77	052	55,4
	204	77,5
	624	196,3
	999	109,7
0805 30 30	388	69,6
	528	47,3
	600	54,7
	624	78,0
	999	62,4
0809 10 30	052	133,4
	064	133,6
	999	133,5
0809 20 41, 0809 20 49	052	185,3
	064	159,2
	068	266,3
	400	220,8
	624	282,4
	676	166,2
	999	213,4
0809 30 31, 0809 30 39	220	121,8
	624	106,8
	999	114,3
0809 40 20	624	262,7
	999	262,7

⁽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 1491/95

of 28 June 1995

laying down the extent to which applications lodged on 26 and 27 June 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 last amended by Regulation (EC) No 1419/95 ⁽²⁾, and in particular Article 3 thereof,

Whereas the export refunds for poultrymeat are laid down by Commission Regulation (EC) No 1373/95 ⁽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 10 900, 0207 21 90 190, 0207 41 11 900, 0207 41 71 190, 0207 42 51 000, 0207 42 59 000 and 0207 42 10 990 referred to in the Annex to Regulation (EC) No 1373/95 and which must be exported under the conditions laid down in Regulation (EC) No 437/95, submitted on 26 and 27 June 1995, shall be granted in full.

Article 2

This Regulation shall enter into force on 29 June 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 45, 1. 3. 1995, p. 30.

⁽²⁾ OJ No L 141, 24. 6. 1995, p. 8.

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 36.

COMMISSION REGULATION (EC) No 1492/95
of 28 June 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 (2) and 12 thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 1417/95⁽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 monetary gaps are currently in excess of four points and were in excess of five points on several occasions during the month of February; whereas that situation has been confirmed for the German mark, the Austrian schilling and the Dutch guilder and has created uncertainty on the markets as well as risks of distortion of the flow of trade;

Whereas under these conditions it is appropriate to reduce certain monetary gaps recorded in relation to representative market rates determined on the basis of the reference period 24 May to 23 June 1995, with effect from 1 July 1995, the date of commencement of several marketing years; whereas new agricultural conversion rates should therefore be fixed on the basis of a reduction by half the monetary gap for the German mark, the Austrian schilling and the Dutch guilder;

Whereas, in the case of the currencies in question, it is necessary to suspend the application of the rules on advance fixing of agricultural conversion rates which may occur before 1 July 1995, in order to avoid difficulties for the markets; whereas, however, the application of Article 15 (1) 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 1053/95⁽⁵⁾ is not justified;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance is to be adjusted in 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;

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

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

1. The advance fixing of the agricultural conversion rate for the German mark, the Austrian schilling and the Dutch guilder shall be suspended for applications submitted from 29 to 30 June 1995.

2. Article 15 (1) of Regulation (EEC) No 1068/93 shall not apply for the agricultural conversion rates amended by this Regulation.

Article 3

In the case referred to in Article 15 (2) 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 4

Regulation (EC) No 1417/95 is hereby repealed.

Article 5

This Regulation shall enter into force on 29 June 1995.

However, Articles 1 and 3 shall apply from 1 July 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 141, 24. 6. 1995, p. 3.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 107, 12. 5. 1995, p. 4.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Agricultural conversion rates

ECU 1 =	39,5239	Belgian and Luxembourg francs
	7,74166	Danish kroner
	1,90616	German marks
	302,837	Greek drachmas
	198,202	Portuguese escudos
	6,61023	French francs
	5,88000	Finnish marks
	2,14021	Dutch guilders
	0,829498	Irish punt
	2 311,19	Italian lire
	13,4084	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 =	38,0600	Belgian and Luxembourg francs	ECU 1 =	41,2317	Belgian and Luxembourg francs
	7,44390	Danish kroner		8,06423	Danish kroner
	1,83285	German marks		1,98558	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
	2,05789	Dutch guilders		2,22939	Dutch guilders
	0,797594	Irish punt		0,864060	Irish punt
	2 222,30	Italian lire		2 407,49	Italian lire
	12,8927	Austrian schillings		13,9671	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 1493/95
of 28 June 1995
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil⁽²⁾, and in particular the first sentence of Article 3 (1) thereof,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽³⁾, as last amended by Regulation (EEC) No 2962/77⁽⁴⁾;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market; whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period; whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, 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⁽⁷⁾, as last amended by Regulation (EC) No 1053/95⁽⁸⁾;

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾, as amended by Regulation (EC) No 1380/95⁽¹⁰⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽³⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁴⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽¹⁰⁾ OJ No L 138, 21. 6. 1995, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 July 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

—

ANNEX

to the Commission Regulation of 28 June 1995 fixing the export refunds on olive oil

(ECU/100 kg)

Product code	Amount of refund ⁽¹⁾ ⁽²⁾
1509 10 90 100	42,00
1509 10 90 900	0,00
1509 90 00 100	50,50
1509 90 00 900	0,00
1510 00 90 100	9,50
1510 00 90 900	0,00

⁽¹⁾ For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 as well as for exports to third countries.

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

NB : The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

—

COMMISSION REGULATION (EC) No 1494/95
of 28 June 1995

fixing the maximum export refunds on olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil⁽²⁾, and in particular Article 7 thereof,

Whereas Commission Regulation (EC) No 2517/94⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

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

Whereas Article 6 of Regulation (EC) No 2517/94 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current

situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 June 1995.

Article 2

This Regulation shall enter into force on 29 June 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

⁽²⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽³⁾ OJ No L 268, 19. 10. 1994, p. 3.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

ANNEX

to the Commission Regulation of 28 June 1995 fixing the maximum export refunds on olive oil for the 14th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94

(ECU/100 kg)

Product code	Amount of refund (1)
1509 10 90 100	45,35
1509 10 90 900	—
1509 90 00 100	54,10
1509 90 00 900	—
1510 00 90 100	11,80
1510 00 90 900	—

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

NB: The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 1495/95

of 28 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 27 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 29 June 1995.

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

Done at Brussels, 28 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 28 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	109,20 ^{(2) (3)}
0712 90 19	109,20 ^{(2) (3)}
1001 10 00	47,20 ^{(1) (3) (11)}
1001 90 91	81,06
1001 90 99	81,06 ^{(*) (11)}
1002 00 00	122,71 ^(*)
1003 00 10	106,02
1003 00 90	106,02 ^(*)
1004 00 00	105,17
1005 10 90	109,20 ^{(2) (3)}
1005 90 00	109,20 ^{(2) (3)}
1007 00 90	111,24 ^(*)
1008 10 00	60,58 ^(*)
1008 20 00	65,17 ^{(*) (9)}
1008 30 00	0 ⁽³⁾
1008 90 10	(7)
1008 90 90	0
1101 00 11	161,56 ^(*)
1101 00 15	161,56 ^(*)
1101 00 90	161,56 ^(*)
1102 10 00	217,38
1103 11 10	116,49
1103 11 90	189,15
1107 10 11	157,43
1107 10 19	120,95
1107 10 91	201,86 ⁽¹⁰⁾
1107 10 99	154,15 ^(*)
1107 20 00	177,47 ⁽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 1496/95
of 28 June 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 1101/95 ⁽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 1452/95 ⁽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 27 June 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 29 June 1995.

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

Done at Brussels, 28 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 143, 27. 6. 1995, p. 57.

ANNEX

to the Commission Regulation of 28 June 1995 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	37,77 ⁽¹⁾
1701 11 90	37,77 ⁽¹⁾
1701 12 10	37,77 ⁽¹⁾
1701 12 90	37,77 ⁽¹⁾
1701 91 00	41,92
1701 99 10	41,92
1701 99 90	41,92 ⁽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.