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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2735/95
of 27 November 1995
extending the provisional anti-dumping duty on imports of refractory chamottes
originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 23 thereof,

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

Having regard to the proposal from the Commission,

Whereas Commission Regulation (EC) No 1878/95⁽³⁾ imposed a provisional anti-dumping duty on imports of refractory chamottes originating in the People's Republic of China;

Whereas examination of the facts has not yet been completed and the Commission has informed the Chinese Mission to the European Communities, in the absence of the cooperation of any producer/exporter in

the exporting country, of its intention to propose an extension of the validity of the provisional duty for an additional period of two months;

Whereas the Chinese Mission to the European Communities has raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duty on imports of refractory chamottes originating in the People's Republic of China imposed by Regulation (EC) No 1878/95 is hereby extended for a period of two months and shall expire on 30 January 1996. It shall cease to apply if, before that date, the Council adopts definitive measures or the proceeding is terminated pursuant to Article 9 of Regulation (EEC) No 2423/88.

Article 2

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

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

Done at Brussels, 27 November 1995.

For the Council

The President

P. SOLBES MIRA

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1. Regulation as last amended by Regulation (EC) No 1251/95 (OJ No L 122, 2. 6. 1995, p. 1).

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

⁽³⁾ OJ No L 179, 29. 7. 1995, p. 56.

COUNCIL REGULATION (EC) No 2736/95

of 27 November 1995

extending the provisional anti-dumping duty on imports of powdered activated carbon originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 23 thereof,

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

Having regard to the proposal from the Commission,

Whereas Commission Regulation (EC) No 1984/95⁽³⁾ imposed a provisional anti-dumping duty on imports of powdered activated carbon originating in the People's Republic of China;

Whereas examination of the facts has not yet been completed and the Commission has informed the exporters known to be concerned of its intention to propose an

extension of the validity of the provisional duty for an additional period of two months;

Whereas the exporters have raised no objections,

HAS ADOPTED THIS REGULATION:

Article 1

The validity of the provisional anti-dumping duty on imports of powdered activated carbon originating in the People's Republic of China imposed by Regulation (EC) No 1984/95 is hereby extended for a period of two months and shall expire on 16 February 1996. It shall cease to apply if, before this date, the Council adopts definitive measures or the proceedings are terminated pursuant to Article 9 of Regulation (EEC) No 2423/88.

Article 2

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

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

Done at Brussels, 27 November 1995.

For the Council

The President

P. SOLBES MIRA

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1. Regulation as last amended by Regulation (EC) No 1251/95 (OJ No L 122, 2. 6. 1995, p. 1).

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

⁽³⁾ OJ No L 192, 15. 8. 1995, p. 14.

COMMISSION REGULATION (EC) No 2737/95

of 27 November 1995

concerning the stopping of fishing for cod, haddock, whiting, plaice, common sole, anglerfish, sprat and saithe by vessels flying the flag of the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

for these stocks as from 1 January 1995; whereas it is therefore necessary to abide by that date,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION :

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

Article 1

Whereas Council Regulation (EC) No 3362/94 of 20 December 1994 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1995 and certain conditions under which they may be fished⁽²⁾, as last amended by Regulation (EC) No 746/95⁽³⁾, provides for cod, haddock, whiting, plaice, common sole, anglerfish, sprat and saithe quotas for 1995;

The quotas of cod in the waters of ICES divisions III a Skagerrak, VII a, VII b, c, d, e, f, g, h, j, k, VIII, IX, X; Cefac 34.1.1 (EC-zone), of haddock in the waters of ICES divisions III a, III b, c, d (EC-zone), of whiting in the waters of ICES divisions III a, VII a and VII b, c, d, e, f, g, h, j, k, of plaice in the waters of ICES divisions III a Skagerrak, VII a and VII h, j, k, of common sole in the waters of ICES divisions III a, III b, c, d (EC-zone), VII a, VII h, j, k and VIII a, b, of anglerfish in the waters of ICES divisions V b (EC-zone), VI, XII, XIV and VII, of sprat in the waters of ICES division VII d, e and of saithe in Faroese waters allocated to the Netherlands for 1995 are deemed to be exhausted.

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

Fishing for cod in the waters of ICES divisions III a Skagerrak, VII, VII b, c, d, e, f, g, h, j, k, VIII, IX, X; Cefac 34.1.1 (EC-zone), for haddock in the waters of ICES divisions III a, III b, c, d (EC-zone), for whiting in the waters of ICES divisions III a, VII a and VII b, c, d, e, f, g, h, j, k, for plaice in the waters of ICES divisions III a Skagerrak, VII a and VII h, j, k, for common sole in the waters of ICES divisions III a, III b, c, d (EC-zone), VII a, VII h, j, k and VIII a, b, for anglerfish in the waters of ICES division V b (EC-zone), VI, XII, XIV and VII, for sprat in the waters of ICES division VII d, e and for saithe in Faroese waters by vessels flying the flag of the Netherlands or registered in the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of such stocks captured by the abovementioned vessels after the date of application of this Regulation.

Whereas the quotas of cod in the waters of ICES divisions III a Skagerrak, VII a, VII b, c, d, e, f, g, h, j, k, VIII, IX, X; Cefac 34.1.1 (EC-zone), of haddock in the waters of ICES divisions III a, III b, c, d (EC-zone), of whiting in the waters of ICES divisions III a, VII a and VII b, c, d, e, f, g, h, j, k, of plaice in the waters of ICES divisions III a Skagerrak, VII a and VII h, j, k, of common sole in the waters of ICES divisions III a, III b, c, d (EC-zone), VII a, VII h, j, k and VIII a, b, of anglerfish in the waters of ICES divisions V b (EC-zone), VI, XII, XIV and VII, of sprat in the waters of ICES division VII d, e and of saithe in Faroese waters allocated to the Netherlands for 1995, have been exhausted by exchanges of quotas; whereas the Netherlands have prohibited fishing

Article 2

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

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 363, 31. 12. 1994, p. 1.

⁽³⁾ OJ No L 74, 1. 4. 1995, p. 1.

It shall apply with effect from 1 January 1995.

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

Done at Brussels, 27 November 1995.

For the Commission
Emma BONINO
Member of the Commission

COMMISSION REGULATION (EC) No 2738/95**of 28 November 1995****establishing rules for the management and distribution of textile quotas
established for the year 1996 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 the import 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 last amended by Regulation (EC) No 1325/95⁽²⁾, and in particular Article 17 (3) and (6) and Article 21 (2) and (3) thereof, in relation to Article 25 (3) thereof,

Whereas the Council, by its Regulation (EC) No 517/94, established quantitative restrictions on imports of certain textile products originating in certain third countries and envisaged, in Article 17 (2), that these quotas will be allocated in the chronological reception order of the notifications from the Member States according to the principle of first come, first served;

Whereas past experience has revealed that for certain quotas the established annual quantities were insufficient to cover the quantities subject to requests for import authorizations notified to the Member States; whereas there are serious reasons to believe that, for all the quotas established by Regulation (EC) No 517/94 requests for import authorizations to be notified by the competent Member States' authorities will exceed the quantitative limits established for 1996;

Whereas Regulation (EC) No 517/94, Article 17 (3), stipulates that it is possible, in these circumstances, to make use of allocation methods which differ from the allocation method based exclusively on the chronological reception order of the notifications from Member States, as well as to envisage the division of the quotas in tranches;

Whereas it is advisable, in order not to affect unduly the continuity of trade flows, to adopt before the start of the quota year, rules for management and distribution of the quotas fixed established for 1996 by Regulation (EC) No 517/94;

Whereas it seems appropriate for a large majority of the quotas to adjust the allocation method based on the chronological reception order of the notifications from

Member States according to the principle of first come, first served in order to satisfy the greatest number of operators by limiting the quantities to be attributed to each operator, on the basis of this method, to a maximum amount at a level which allows the operators concerned to perform economically justifiable transactions;

Whereas as far as the other quotas are concerned which seem to be even more insufficient it is appropriate to have a method of allocation which takes into account traditional trade flows; whereas to this end it is appropriate to divide the quotas to be allocated into two parts, one reserved for traditional importers, the other for other applicants, and to fix the respective shares reserved for these different categories of operators at levels which, while taking into account traditional trade flows, will nevertheless ensure non-traditional importers significant access to the quotas; whereas it is necessary to define the concept of traditional importers with reference to the year 1992, 1993 not being representative due to certain distortions which characterized imports during this period within the Community;

Whereas with regard to the distribution of the part reserved to other operators, other than traditional importers, past experience has shown that the method based on the reception in chronological order of the notifications from the Member States satisfied only a limited number of operators and that the application of a method of distribution in proportion to the requested quantities on the basis of a simultaneous examination of all quantities notified to the Commission might satisfy a larger number of operators; whereas it is appropriate for the same reasons to envisage, furthermore, that the quantities requested by each individual operator, cannot exceed a predetermined quantity fixed to a level economically significant;

Whereas, it is possible that, in certain cases, for certain categories and countries concerned, quantities in a part reserved remain available after application of quantitative criteria adopted; whereas it is therefore appropriate for an optimum distribution of each quantitative limit to envisage the possibility of a transfer of quantities in between the different parts reserved for the two categories of operators;

Whereas for the purposes of quota allocation, it is appropriate to set a time period for the submission of licence applications by traditional and other importers;

⁽¹⁾ OJ No L 67, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 128, 13. 6. 1995, p. 1.

Whereas with a view to making optimal use of the quantities it is appropriate to envisage that quantities still available after distribution according to the rules described above will be distributed to all operators according to the principle of first come, first served within a predetermined maximum amount ;

Whereas, for optimum use of the quantities it is appropriate to envisage that each operator, after 50 % utilization of a licence, can introduce a new request for a licence, not exceeding a predetermined quantity, provided quantities are available in the quotas ;

Whereas for good management purposes it is appropriate to fix the period of validity of the import authorizations to nine months from the date of issuance, but not beyond the date of 31 December 1996 and to allow their issuance by the Member States, after notification of the Commission decision to the Member States, and provided that the concerned operator can justify the existence of a contract and certifies, except in cases where it is especially foreseen, not to have already benefited under this Regulation for the category and the country concerned of an import authorization within the Community ; whereas the national competent authorities are however authorized to extend up to 31 December 1996 upon request from importers concerned, the validity of licences of which the degree of utilization represents at least 60 % at the date of 30 September 1996 ;

Whereas the measures contained in this Regulation are in conformity with the opinion expressed by the Committee established by Regulation (EC) No 517/94,

HAS ADOPTED THIS REGULATION :

Article 1

This Regulation specifies certain rules concerning the management of quantitative limits established by Regulation (EC) No 517/94 and applicable for 1996.

TITLE I

Article 2

The quotas referred to in Article 1 and indicated in Annex I are distributed in chronological order of reception by the Commission of the notifications by the Member States of request from individual operators for quantities not exceeding for each operator the maximum quantities indicated in Annex III, according to the principle of first come, first served.

Operators can introduce their requests to the competent authorities of the Member States from the 10th day

following the date of entry into force of the present Regulation.

TITLE II

Article 3

The quantitative limits mentioned in Article 1 and referred to in Annex II are 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 to the competent Member State authorities from the date of entry into force of the present Regulation and at the latest the 10th day following that date.

Article 4

Those to be regarded as traditional importers of a category of products originating in one of the countries referred to in Annex II are 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.

Article 5

Member States will inform the Commission, at the latest 15 days after the date of entry into force of the present Regulation, by category and countries concerned as mentioned in Annex II, of the quantities required as well as the number of operators 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 of the Member States can issue the import authorizations.

Article 6

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

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

2. The quantities reserved for importers other than those referred to in Article 4 are 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 III.

3. If the 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 distribution 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, 5 and 6 are allocated within the limits of the maximum quantities indicated in Annex III, in chronological order of reception by the Commission of Member States' notifications following the principle of first come, first served, as from 2 January 1996 at 10 a.m., Brussels time, irrespective of the type of operator concerned.

TITLE III

Article 8

Notwithstanding the provisions of Titles I and II, every importer having utilized a licence to a level equal or superior to 50 % of the quantity which has been attri-

buted to him according to this Regulation can apply for a new licence, for the same category and the same country of origin, for quantities not exceeding the maximum quantities referred to in Annex III, provided quantities are still available within the quantitative limits.

Article 9

Import authorizations issued under the present Regulation by the national authorities of the Member States are not valid before 1 January 1996. The duration of validity for import authorizations is nine months as from the date of issuance or from 1 January 1996 if issued before this date. The competent national authorities are however authorized to extend up to 31 December 1996, upon request of importers concerned, the validity of licences of which the level of utilization is at least 60 % on 30 September 1996.

Import authorizations will be granted by the competent Member State only after notification of the decision of the Commission as from 1 January 1995 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 inside the Community from an import authorization issued pursuant to this Regulation for the category and the country concerned.

Article 10

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

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

Done at Brussels, 28 November 1995.

For the Commission

Leon BRITTAN

Vice-President

ANNEX I

Quantitative restrictions specified in Article 2 for 1996

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

ANNEX II

Quantitative restrictions specified in Article 3 for 1996

Third country	Category	Unit	Quantities reserved for traditional importers	Quantities reserved for other importers	Total
North Korea	4	1 000 pieces	213,8	71,3	285,1
	8	1 000 pieces	150,8	50,3	201,1
	19	1 000 pieces	308,3	102,8	411,1
	21	1 000 pieces	2 220,8	740,3	2 961,1
	77	tonnes	6,8	2,3	9,1
Republics of Bosnia-Herzegovina, Croatia and the former Yugoslav Republic of Macedonia	5	1 000 pieces	1 489,5	496,5	1 986,0
	6	1 000 pieces	786,0	262,0	1 048,0
	7	1 000 pieces	453,8	151,3	605,1
	8	1 000 pieces	1 998,0	666,0	2 664,0
	16	1 000 pieces	435,0	145,0	580,0
	67	tonnes	541,5	180,5	722,0

ANNEX III

Maximum amounts for 1996 to be allocated to operators other than traditional importers for the category and country concerned

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 2739/95
of 28 November 1995

amending Regulation (EC) No 1370/95 laying down detailed rules for
implementing the system of export licences in the pigmeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Article 1

Regulation (EC) No 1370/95 is hereby amended as follows :

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽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 8 (2) and 13 (12) thereof,

1. the following subparagraph is added to Article 3 (1) :

'However, where those three days are holidays for the competent authorities of a Member State, applications may be lodged on the Thursday following that period in the Member State in question.' ;

Whereas Commission Regulation (EC) No 1370/95⁽³⁾ lays down detailed rules for implementing the system of export licences in the pigmeat sector ;

2. the introductory phrase of Article 7 (1) is replaced by the following :

'1. Member States shall communicate to the Commission, each Wednesday from 1 p.m., or, where the second subparagraph of Article 3 (1) applies, each Thursday from 1 p.m., by fax for the preceding period.' ;

Whereas, in order to guarantee exporters equal access to export licences, the submission period for applications, running from Monday to Wednesday, should be extended by one day where those days are holidays for the competent authorities of a Member State ;

3. in Annex II, the words 'Monday ... to Wednesday ...' are deleted.

Article 2

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

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 November 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

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

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 9.

COMMISSION REGULATION (EC) No 2740/95
of 28 November 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 last amended by Regulation (EC) No 1740/95⁽²⁾, and in particular Article 4 (1) 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 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from

third countries, in respect of the products and periods stipulated in the Annex thereto;

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

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 November 1995.

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

Done at Brussels, 28 November 1995.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 167, 18. 7. 1995, p. 10.

⁽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 November 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 45	052	63,5	0805 30 40	052	78,4
	060	80,2		388	67,5
	064	59,6		400	132,8
	066	41,7		512	54,8
	068	62,3		520	66,5
	204	50,3		524	100,8
	208	44,0		528	94,7
	212	117,9		600	77,2
	624	89,6		624	78,0
	999	67,7		999	83,4
0707 00 40	052	77,6	0808 10 92, 0808 10 94, 0808 10 98	064	78,6
	053	166,9		388	39,2
	060	61,0		400	69,0
	066	53,8		404	62,0
	068	60,4		508	68,4
	204	49,1		512	51,2
	624	125,4		524	57,4
	999	84,9		528	48,0
0709 90 79	052	96,1	0808 20 67	800	78,0
	204	77,5		804	21,0
	624	134,8		999	57,3
	999	102,8		052	143,7
0805 20 31	204	71,0	064	70,3	
	999	71,0	388	79,6	
			400	77,3	
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	55,5	512	89,7	
	464	107,9	528	84,1	
	624	131,1	624	77,5	
	999	98,2	800	55,8	
			804	112,9	
			999	87,9	

⁽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 2741/95

of 28 November 1995

altering the export refunds 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 Commission Regulation (EC) No 1863/95 ⁽²⁾, and in particular the fourth subparagraph of Article 13 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 2713/95 ⁽³⁾, as amended by Regulation (EC) No 2734/95 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2713/95 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas export possibilities exist for a quantity of 30 000 tonnes of common wheat to certain destinations; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95 ⁽⁵⁾, as amended by Regulation (EC) No 2147/95 ⁽⁶⁾ should be used; whereas account should be taken of this when the refunds are fixed;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁷⁾, as

last amended by Regulation (EC) No 150/95 ⁽⁸⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁹⁾, as last amended by Regulation (EC) No 1053/95 ⁽¹⁰⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 2713/95 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 29 November 1995.

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

Done at Brussels, 28 November 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 282, 24. 11. 1995, p. 8.

⁽⁴⁾ OJ No L 284, 28. 11. 1995, p. 13.

⁽⁵⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ No L 215, 9. 9. 1995, p. 4.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹⁰⁾ OJ No L 107, 12. 5. 1995, p. 4.

ANNEX

to the Commission Regulation of 28 November 1995 altering the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1101 00 11 000	—	—
0712 90 19 000	—	—	1101 00 15 100	01	0
1001 10 00 200	—	—	1101 00 15 130	01	0
1001 10 00 400	—	—	1101 00 15 150	—	—
1001 90 91 000	—	—	1101 00 15 170	—	—
1001 90 99 000	03	0 (*)	1101 00 15 180	—	—
	02	—	1101 00 15 190	—	—
1002 00 00 000	01	0	1101 00 90 000	—	—
1003 00 10 000	—	—	1102 10 00 500	01	25,00
1003 00 90 000	—	—	1102 10 00 700	—	—
1004 00 00 200	—	—	1102 10 00 900	—	—
1004 00 00 400	—	—	1103 11 10 200	—	— ⁽³⁾
1005 10 90 000	—	—	1103 11 10 400	—	— ⁽³⁾
1005 90 00 000	—	—	1103 11 10 900	—	—
1007 00 90 000	—	—	1103 11 90 200	—	— ⁽³⁾
1008 20 00 000	—	—	1103 11 90 800	—	—

(1) The destinations are identified as follows :

- 01 All third countries,
- 02 Other third countries,
- 03 Morocco.

(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.

(3) No refund is granted when this product contains compressed meal.

(*) Refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 30 000 tonnes of common wheat for export to Morocco.

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

COMMISSION REGULATION (EC) No 2742/95

of 28 November 1995

on the transfer of 100 000 tonnes of barley and 100 000 tonnes of rye held by the German intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 5 thereof,

Whereas the unusually severe weather conditions in Spain have brought about a shortage of fodder which could lead farmers to sell their livestock prematurely and suffer a loss of income;

Whereas the shortage of fodder may be offset by the use by stock-farmers of 200 000 tonnes of feed grain; whereas these cereals are available from the German intervention agency in the form of barley and rye; whereas, in order to make these cereals available to the stock-farmers concerned, they will have to be transferred to Spain;

Whereas the Spanish intervention agency resells transferred stocks under the conditions set out in Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies⁽³⁾, as last amended by Regulation (EC) No 120/94⁽⁴⁾;

Whereas the Spanish intervention agency must rapidly be informed of the storage locations in Germany of the quantities to be transferred; whereas that information and details of the storage locations in Spain must be sent to the Commission to enable it, inter alia, to assess the cost of the transfer;

Whereas the port areas of Spain are supplied with feed grain through resales to Spain carried out by the German and Austrian intervention agencies; whereas, in order to ensure the supply of the affected inland areas under equivalent economic conditions, it should be laid down that the cereals concerned must be transferred to specific silos;

Whereas, in order to find the most economical means of carrying out this operation, an invitation to tender should be opened for transport contracts and rules should be laid down to ensure that the transfer is completed successfully and that the stipulated deadlines are met;

Whereas the transfer is subject to the provisions of Council Regulation (EEC) No 1055/77 of 17 May 1977 on the storage and movement of products bought in by an intervention agency⁽⁵⁾ and Commission Regulation (EEC) No 3515/92 of 4 December 1992 laying down common detailed rules for the application of Council Regulation (EEC) No 1055/77 on the storage and movement of products bought in by an intervention agency⁽⁶⁾, as amended by Regulation (EC) No 306/95⁽⁷⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The German intervention agency shall make available to the Spanish intervention agency 100 000 tonnes of barley and 100 000 tonnes of rye.
2. The Spanish intervention agency shall take charge of the products referred to in paragraph 1 and ensure that they are transferred to Spain before 1 March 1996 (and disposed of in animal feed before 30 June 1996).
3. The resale of the products referred to in paragraph 1 shall be carried out in accordance with Regulation (EEC) No 2131/93.
4. Transport contracts shall be awarded by tendering procedure. Mobilization shall be carried out under the most favourable transport conditions.

Article 2

1. The German intervention agency shall debit the account referred to in Article 4 of Council Regulation (EEC) No 1883/78⁽⁸⁾ with the quantities of barley and rye transferred, valued at zero.
2. The Spanish intervention agency shall credit the account referred to in paragraph 1 with the quantities of barley and rye of which it has taken delivery, valued at zero, and shall value them at the end of each month at

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 128, 24. 5. 1977, p. 1.

⁽⁶⁾ OJ No L 355, 5. 12. 1992, p. 15.

⁽⁷⁾ OJ No L 36, 16. 2. 1995, p. 1.

⁽⁸⁾ OJ No L 216, 5. 8. 1978, p. 1.

ECU 63 per tonne for rye and ECU 80 per tonne for barley. The amounts are to be converted into national currency at the agricultural rate applying on 30 September 1995.

3. The transport costs of the barley and rye referred to in Article 1 shall be entered in the accounts referred to in paragraphs 1 and 2 of this Article.

Article 3

The Spanish and German intervention agencies shall :

- (a) agree on the choice of storage locations and places of departure, taking account of the destination referred to in Article 4, so as to reduce transport costs to a minimum, and on the dates of removal of the product ; the lists of those places shall be forwarded to the Commission immediately ;
- (b) ascertain, on loading in Germany and on entry into the storage locations in Spain, the weights loaded and unloaded and, by analysing a representative sample, the quality of the product in question.

Article 4

The Spanish intervention agency shall ensure that the relevant quantities of the products referred to in Article 1 (1) are transferred to the silos listed in the Annex hereto.

Article 5

1. The Spanish intervention agency shall determine the transport costs for the products by means of a tendering procedure. Those costs shall comprise :

- (a) the cost of transport (excluding the costs of withdrawal) from the storage location of departure to the storage location of destination (excluding the costs of entry into storage) ;
- (b) the cost of insurance covering 12 % of the intervention price for the goods referred to in Article 3 of Regulation (EEC) No 1766/92 ; that price shall be converted into national currency at the agricultural conversion rate applying on the date on which the validity of tenders expires.

2. The invitation to tender may relate to one or more lots.

3. The Spanish intervention agency shall determine the terms and conditions governing the invitation to tender in accordance with the provisions of this Regulation. They shall provide *inter alia*, for :

- a written undertaking by the tenderer, endorsed by a recognized credit institution, to lodge, within two working days of the day on which notification of award of contract is received, a performance security for the operations covered by the invitation to tender of ECU 140 per tonne, converted into national currency using the rate referred to in paragraph 1 (b),
- the loss, except in cases of *force majeure*, of an appropriate amount of the security for each day's delay in fulfilling the obligations arising from the contract. Notwithstanding Article 23 of Commission Regula-

tion (EEC) No 2220/85⁽¹⁾, that amount shall be equal to at least 10 % of the transport costs set out in the contract for those quantities not transported within the time limit. That percentage shall be increased by 1 % per day of additional delay from the sixth day following the stipulated date of delivery.

The principal requirement of the abovementioned security shall be deemed to have been fulfilled on delivery to the destination designated by the Spanish authorities. Proof thereof shall be supplied within one month of delivery. Notices of invitation to tender shall be drawn up by lot and by destination. They shall be published by the Spanish authorities at least five working days before the award date referred to in paragraph 4.

4. The award shall be made on 4 December 1995 at 1.00 p.m.

5. Tenders shall be both submitted to the Spanish intervention agency and accepted in pesetas.

6. Tenders may be submitted by telex.

7. Tenders shall only be valid if accompanied by proof that the tenderer has lodged a security of ECU 5 per tonne. That security shall be released :

- if the tender is unsuccessful,
- when the security referred to in the first indent of paragraph 3 has been lodged.

8. Contracts shall be awarded by lot and by destination to the tenderer offering the best terms. However, if no tender is in line with normal prices and costs, no award shall be made.

Article 6

The Spanish intervention agency shall take charge of the barley and rye when it is loaded on the means of transport at the German intervention agency's storage location of departure and shall assume responsibility for it from that moment.

The German intervention agency shall keep the Spanish intervention agency and the Commission informed as to the actual quantities of grain removed and the dates of removal from each place of storage.

Article 7

The Spanish intervention agency shall keep the Commission informed of the progress of the tendering procedure and shall immediately notify the outcome to both the Commission and the German intervention agency.

Article 8

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

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

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

Done at Brussels, 28 November 1995.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

DESTINATION SILOS

(tonnes)

Province	Silo	Product		Total	Port of arrival
		Barley	Rye		
Córdoba	Valchillón	6 950	8 050	15 000	Huelva
Sevilla	Marchena	6 950	8 050	15 000	Huelva
Andalucía		13 900	16 100	30 000	
Badajoz	Montijo	10 800	9 200	20 000	Huelva
Badajoz	Don Benito	6 000	4 000	10 000	Huelva
Badajoz	Mérida	—	10 000	10 000	Huelva
Cáceres	Cáceres	5 000	—	5 000	Huelva
Cáceres	Trujillo	4 400	10 600	15 000	Huelva
Extremadura		26 200	33 800	60 000	
Albacete	Albacete	4 700	1 300	6 000	Valencia
Albacete	Minaya	—	4 000	4 000	Valencia
Ciudad Real	Cinco Casas	9 400	10 600	20 000	Valencia
Cuenca	Tarancón	3 700	6 300	10 000	Valencia
Guadalajara	Cabañas	4 000	1 000	5 000	Valencia
Toledo	Talavera de la Reina	4 400	3 600	8 000	Valencia
Toledo	Torrijos	—	7 000	7 000	Valencia
Castilla-La Mancha		30 900	39 100	70 000	
Ávila	Arévalo	5 000	—	5 000	Santander
Salamanca	Gomecello	2 000	—	2 000	Gijón
Salamanca	Peñaranda	8 000	6 000	14 000	Santander
Salamanca	Tejares	4 000	—	4 000	Gijón
Segovia	Campo San Pedro	3 000	—	3 000	Santander
Segovia	San Cristóbal	—	4 000	4 000	Santander
Segovia	Sepúlveda	3 000	—	3 000	Santander
Zamora	Barcial	4 000	1 000	5 000	Gijón
Castilla y León		29 000	11 000	40 000	
Total		100 000	100 000	200 000	

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 2704/95 of 22 November 1995 amending Regulations (EC) No 2549/95 and (EC) No 2628/95 on the issue of export licences for fruit and vegetables with advance fixing of the refund

(Official Journal of the European Communities No L 280 of 23 November 1995)

On page 36, in Article 1, first indent :

for: 'Licence applications with advance fixing of the refund for tomatoes, hazelnuts in shell, walnuts in shell, lemons and apples submitted after 25 October 1995 and before 3 January 1996 shall be rejected.'

read: 'Licence applications with advance fixing of the refund for tomatoes, hazelnuts in shell, walnuts in shell and lemons submitted after 25 October 1995 and before 3 January 1996 shall be rejected.'

On page 36, in Article 1, second indent :

for: 'Licence applications with advance fixing of the refund for oranges submitted ...';

read: 'Licence applications with advance fixing of the refund for oranges and apples submitted ...'
