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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 119/96

of 22 January 1996

amending Regulation (EEC) No 1873/84 authorizing the offer for disposal for direct human consumption of certain imported wines which may have undergone oenological processes not provided for in Regulation (EEC) No 822/87

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, and in particular Article 73 (1) thereof,

Having regard to the proposal from the Commission,

Whereas Article 70 (1) of Regulation (EEC) No 822/87 provides that the products referred to in Article 1 (2) (a) and (b) of that Regulation may only be imported if accompanied by a certificate attesting that they comply with the provisions on production, release for free circulation and, where appropriate, disposal for direct human consumption applying in the third country in which they originate ;

Whereas Article 73 (1) of that Regulation stipulates that if the imported products in question have undergone oenological practices not allowed by Community rules or do not comply with the provisions of that Regulation or of those adopted pursuant thereto, they may not, except by way of a derogation, be offered or disposed of for direct

human consumption ; whereas the Council derogated from this principle by Regulation (EEC) No 1873/84 ⁽²⁾ ; whereas this derogation expires on 31 December 1995 ; whereas, so that consultations can continue between the Community and the third country concerned with a view to an agreement on this matter, the term of validity of the derogation should be extended until the end of 1996,

HAS ADOPTED THIS REGULATION :

Article 1

In the second subparagraph of Article 1 (1) of Regulation (EEC) No 1873/84, the date '31 December 1995' is hereby replaced by '31 December 1996'.

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 as from 1 January 1996.

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

Done at Brussels, 22 January 1996.

For the Council

The President

W. LUCCHETTI

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1544/95 (OJ No L 148, 30. 6. 1995, p. 31).

⁽²⁾ OJ No L 176, 3. 7. 1984, p. 6. Regulation as last amended by Regulation (EC) No 264/95 (OJ No L 31, 10. 2. 1995, p. 1).

COUNCIL REGULATION (EC) No 120/96
of 22 January 1996
amending Regulation (EEC) No 2390/89 laying down general rules for the import
of wines, grape juice and grape must

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, and in particular Article 70 (2) thereof,

Having regard to the proposal from the Commission,

Whereas Articles 1 (2) and 2 of Regulation (EEC) No 2390/89 ⁽²⁾ provide for import facilities for wine products originating in third countries which offer specific guarantees through the provision of a certificate of origin and conformity and an analysis report; whereas Article 3 (2) of that Regulation limits those facilities to a trial period expiring on 31 December 1995; whereas,

taking into account the time necessary to examine the implementation of future arrangements, that period should be extended until the end of 1996,

HAS ADOPTED THIS REGULATION :

Article 1

In Article 3 (2) of Regulation (EEC) No 2390/89, the date 31 December 1995 is hereby replaced by 31 December 1996.

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 as from 1 January 1996.

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

Done at Brussels, 22 January 1996.

For the Council
The President
W. LUCCHETTI

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1. Regulation as last amended by Regulation (EC) No 1544/95 (OJ No L 148, 30. 6. 1995, p. 31).

⁽²⁾ OJ No L 232, 9. 8. 1989, p. 1. Regulation as last amended by Regulation (EC) No 265/95 (OJ No L 31, 10. 2. 1995, p. 2).

COUNCIL REGULATION (EC) No 121/96

of 22 January 1996

setting, for the 1995/96 marketing year, the percentages referred to in Article 3 (1) (a) of Regulation (EEC) No 426/86 in connection with the premium granted for products processed from tomatoes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables⁽¹⁾, and in particular Article 3 (3) thereof,

Having regard to the proposal from the Commission,

Whereas, in order to encourage the conclusion of contracts between groups of tomato producers on the one hand associations of processors or processors on the other, Regulation (EEC) No 426/86 provides for the grant on certain terms of an additional premium ;

Whereas the 'significant specific percentage' for the total quantity of processed tomatoes covered by contracts concluded with producers' groups should be set for the 1995/96 marketing year ;

Whereas, in view of the important role played by tomato producers' groups in the producer Member States, it is desirable to maintain at the same level as for the 1994/95 marketing year the percentage of the quantities of tomatoes covered by contracts concluded with producers' associations in relation to the total quantity of processed tomatoes,

HAS ADOPTED THIS REGULATION :

Article 1

For the 1995/96 marketing year the percentage mentioned in Article 3 (1) (a) of Regulation (EEC) No 426/86 shall be 80 %.

Article 2

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

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

Done at Brussels, 22 January 1996.

For the Council

The President

W. LUCCHETTI

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1. Regulation as last amended by Regulation (EC) No 2314/95 (OJ No L 233, 30. 9. 1995, p. 69).

COUNCIL REGULATION (EC) No 122/96

of 22 January 1996

establishing favourable tariff treatment for imports of certain goods into the free zones of Madeira and the Azores by reason of their end use

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Council Decision 91/315/EEC⁽¹⁾ set up a programme of options specific to the remote and insular nature of Madeira and the Azores (Poseima); whereas the programme recognizes in its preamble that the free zones of the Azores and Madeira are essential for the development of the two archipelagos and to this end lays down specific measures to stimulate activity there;

Whereas Declaration 26 on the outermost regions of the Community, annexed to the Final Act of the Treaty on European Union, advocates specific measures for the economic and social development of those regions as long as there is an objective need to take such measures;

Whereas the situation of the productive sectors in these archipelagos, as described in the Commission's report on the implementation of the Poseima programme (1992 to 1993), calls for additional customs measures;

Whereas the Portuguese Government, by a letter dated 7 February 1994 requested a reduction in customs duties on raw materials for processing in the free zone of Madeira and subsequently released for free circulation in the territory of the Community in the form of compensating products;

Whereas the free zones of Madeira and the Azores are a key component of the economic and social development strategy of the two regions; whereas increasing activity in the free zones will have significant repercussions on the development of these archipelagos by diversifying production and creating jobs;

Whereas, in view of the economic and geographical similarities between Madeira and the Azores, measures should be proposed for the free zones of both archipelagos;

Whereas Madeira and the Azores are among the least-developed regions of the Community, their per capita gross national product being less than half the Community per capita gross national product average; whereas their trade balance is in deep deficit because of, among other things, the scarcity of exportable products; whereas their products, for these reasons, encounter serious difficulties in reaching the Community market; whereas this handicap calls for the diversification and upgrading of production;

Whereas supplying the archipelagos with raw materials is likely to stimulate sustainable processing activities and so satisfy these requirements; whereas, in order to facilitate the marketing of the products of such processing activities in the Community, provision should be made for favourable tariff treatment of imports into Madeira and the Azores of non-agricultural raw materials for processing; whereas, however, to avoid injury to the Community producers concerned, the granting of such tariff treatment should be subject to specific conditions, namely that processing takes place in the free zones and that it constitutes a substantial processing of the goods;

Whereas admission of the goods entitled to the said tariff treatment should be granted in accordance with the Community provisions on end use; whereas, moreover, the Community rules on the origin of goods are the most appropriate for determining the amount of processing required; whereas they lay down that goods may not be consumed or used in free zones;

Whereas the granting of tariff treatment is of a temporary nature linked to the economic lift-off of the free zones of Madeira and the Azores; whereas the relief should nevertheless be available over a period long enough to enable economic operators to plan their activities and make adequate investment; whereas this objective could be achieved if the measure in question is applicable for a minimum of 10 years;

Whereas the granting of favourable tariff treatment should be considered product by product on the basis of requests made by the Portuguese authorities; whereas the

⁽¹⁾ OJ No L 171, 29. 6. 1991, p. 10.

Commission, assisted by the Committee referred to in Article 247 of Regulation (EEC) No 2913/92⁽¹⁾, should examine these requests and ensure that favourable tariff treatment is not granted to the detriment of other sectors of activity in the archipelagos,

HAS ADOPTED THIS REGULATION :

Article 1

1. The customs duties applicable to goods released for free circulation in the free zones of Madeira and the Azores may be reduced by up to 100 % on condition that :

- the goods are to be processed at least to the extent required by Article 24 of Regulation (EEC) No 2913/92 and by Articles 35 to 46 of Commission Regulation (EEC) No 2454/93⁽²⁾,
- the processing is wholly carried out in the geographical confines of the free zones of Madeira and the Azores.

2. Agricultural products within the meaning of Article 38 of the Treaty and listed in Annex II to the Treaty and the products not contained in Annex II obtained from agricultural products or those that incorporate such products shall be excluded from the field of application of the ruling provided for in paragraph 1. This exclusion does not include the products of the fishing sector, except those which benefit from the Community system of compensation for surcharges generated for remoter regions as provided for in Decision 91/315/EEC.

3. Goods shall be eligible for favourable tariff treatment in accordance with Articles 291 to 304 of Regulation (EEC) No 2454/93. However, the authorizations required for the granting of such treatment shall be accorded only to persons established in the Community.

Article 2

The list of goods admitted with the tariff treatment provided for under this Regulation and the reduced rates of the customs duties shall be established by the Commission in accordance with the procedure provided for in Article 3 (2), on the basis of requests made by the Portuguese authorities.

The other implementing provisions for this Regulation shall be adopted by the same procedure.

⁽¹⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ No L 302, 19. 10. 1992, p. 1). Regulation as amended by the 1994 Act of Accession.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 1762/95 (OJ No L 171, 21. 7. 1995, p. 8).

Article 3

1. The Commission shall be assisted by the Customs Code Committee set up pursuant to Article 247 of Regulation (EEC) No 2913/92.

2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

The Commission shall adopt measures which apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall forthwith be communicated by the Commission to the Council. In that event, the Commission shall defer application of the measures which it has decided for three months from the date of notification.

The Council, acting by a qualified majority, may take a different decision within the time limit referred to in the previous subparagraph.

3. The Committee may examine any matter concerning the implementation of this Regulation which is raised by its chairman on his own initiative or at the request of a Member State.

Article 4

Goods released for free circulation with the tariff treatment provided for in this Regulation shall remain under customs surveillance in accordance with the procedure set out in Article 82 of Regulation (EEC) No 2913/92.

Article 5

The competent Portuguese authorities shall notify the Commission before 30 January each year of the volume of imports admitted in the previous year with the tariff treatment provided for in this Regulation.

Article 6

Should the volume or price of imports of products admitted with the tariff treatment provided for in this Regulation be such as to cause or threaten to cause injury to Community producers of like or directly competing products, the relevant duties may be reimposed in full or in part on the products in question, in accordance with the procedure provided for in Article 3 (2). Such measures may also be taken where there is serious injury or the threat of serious injury to a single region of the Community.

Article 7

The tariff treatment provided for in this Regulation shall be applicable until 31 December 2005.

After consultations with the competent Portuguese authorities, the Commission shall, in the course of the year 2000, study the effects of this measure on the economies

of the two archipelagos. On the basis of its findings, it shall, if appropriate, present suitable proposals to the Council for the remaining period.

Article 8

This Regulation shall enter into force on the third 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 January 1996.

For the Council

The President

L. DINI

COMMISSION REGULATION (EC) No 123/96

of 25 January 1996

amending Regulation (EC) No 2307/95 fixing, for unginmed cotton, the estimated production and amount of the advance on the aid for the 1995/96 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81⁽²⁾, and in particular Article 11 (1) thereof,

Whereas Article 5 (3) of Regulation (EC) No 1554/95 provides that the amount of the advance on the aid must be determined by taking account of the estimated production of unginmed cotton and of the anticipated amount of the aid, without, however, exceeding 40 % of the guide price; whereas in application of those criteria the amount of the advance for the 1995/96 marketing year was fixed in Article 1 (2) of Commission Regulation (EC) No 2307/95⁽³⁾ at 40 % of the guide price for Spain and at a lower amount for the other Member States;

Whereas in the light of a revised estimate of the forecast production for cotton and of the anticipated level of aid in the Member States concerned the amount of the

advance fixed for the Member States other than Spain for the marketing year in question should be increased;

Whereas in order to ensure that all operators are treated equally, the increase in the advance should apply retroactively;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the second indent of Article 1 (2) of Regulation (EC) No 2307/95 the amount of 'ECU 29,210' is hereby replaced by 'ECU 42,52'.

Article 2

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

It shall apply from 30 September 1995.

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

Done at Brussels, 25 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ No L 233, 30. 9. 1995, p. 51.

COMMISSION REGULATION (EC) No 124/96

of 25 January 1996

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1530/95⁽⁴⁾, and in particular Article 14 (3) thereof,

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

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 2915/95⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

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

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Article 4 (5) (b) of Regulation (EC) No 1222/94 provides that, in the absence of the proof referred to in Article 4 (5) (a) of that Regulation, a reduced rate of export refund has to be fixed, taking account of the amount of the production refund applicable, pursuant to Commission Regulation (EEC) No 1722/93⁽⁸⁾, as last amended by Regulation (EC) No 1516/95⁽⁹⁾, for the basic product in question, used during the assumed period of manufacture of the goods;

Whereas Council Regulation (EEC) No 990/93⁽¹⁰⁾, as amended by Regulation (EC) No 1380/95⁽¹¹⁾, 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 and in Council Regulation (EC) No 2815/95⁽¹²⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 2815/95 are observed.

Article 2

This Regulation shall enter into force on 26 January 1996.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ No L 305, 19. 12. 1995, p. 33.

⁽⁷⁾ OJ No L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁹⁾ OJ No L 147, 30. 6. 1995, p. 49.

⁽¹⁰⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽¹¹⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽¹²⁾ OJ No L 297, 9. 12. 1995, p. 1.

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

Done at Brussels, 25 January 1996.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 25 January 1996 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1001 10 00	Durum wheat : – used unprocessed : – – on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America – – in all other cases – used in the form of : – – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – – hulled grains of CN code 1104 and starch of CN code 1108 – – germ of CN code 1104 – – gluten of CN code 1109 – – other (except flours of CN code 1101 and groats and meal of CN code 1103)	— — — — — — —
1001 90 99	Common wheat and meslin : – used unprocessed : – – on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America – – in all other cases – used in the form of : – – pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 – – hulled grains of CN code 1104 and starch of CN code 1108 – – germ of CN code 1104 – – gluten of CN code 1109 – – other (except flours of CN code 1101, and groats and meal of CN code 1103)	— — — — — — —
1002 00 00	Rye : – used unprocessed – used in the form of : – – groats, meal and pellets of CN code 1103, or pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germ of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other (except flours of CN code 1102)	3,597 2,158 3,237 1,050 3,000 — 3,597

CN code	Description of products (*)	Rate of refund per 100 kg of basic product (2)
1003 00 90	Barley :	
	– used unprocessed	1,230
	– used in the form of :	
	– – flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104	0,861
	– – pellets of CN code 1103	0,738
	– – germs of CN code 1104	1,050
	– – starch of CN code 1108 19 90	3,000
	– – gluten of CN code 2303 10 90	—
– – other	1,230	
1004 00 00	Oats :	
	– used unprocessed	0,650
	– used in the form of :	
	– – pellets of CN code 1103, and pearled grains of CN code 1104	0,390
	– – rolled or flaked grains and hulled grains of CN code 1104	0,585
	– – germs of CN code 1104	1,050
	– – starch of CN code 1108 19 90	3,000
	– – gluten of CN code 2303 10 90	—
– – other	0,650	
1005 90 00	Maize (Corn) :	
	– used unprocessed	3,000
	– used in the form of :	
	– – flours of CN codes 1102 20 10 and 1102 20 90	2,100
	– – groats and meal of CN code 1103 and rolled or flaked grains of CN code 1104	2,400
	– – pellets of CN code 1103	1,800
	– – hulled or perled grains of CN code 1104	2,700
	– – germs of CN code 1104	1,050
	– – starch of CN code 1108 12 00 :	
	– – – starch pursuant to Article 4(5) point (b) of Regulation (EC) No 1222/94 when goods listed in Annex I to amended Commission Regulation (EEC) No 1722/93 are exported (*)	1,620
	– – – starch pursuant to Article 7(2) of Regulation (EC) No 1222/94 when goods listed in Annex I to amended Regulation (EEC) No 1722/93 are exported	—
	– – – other	3,000
	– – potato starch of CN code 1108 13 :	
	– – – potato starch pursuant to Article 4 (5) point (b) of Regulation (EC) No 1222/94 when goods listed in Annex I to amended Commission Regulation (EEC) No 1722/93 are exported	0,965
	– – – potato starch pursuant to Article 7 (2) of Regulation (EC) No 1222/94 when goods listed in Annex I to amended Regulation (EEC) No 1722/93 are exported	—
– – – other	2,345	
– – gluten of CN code 2303 10 11	1,200	

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1005 90 00 (cont'd)	<ul style="list-style-type: none"> — — glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55⁽³⁾; — — — pursuant to Article 4 (5) point (b) of Regulation (EC) No 1222/94 — — — in all other cases — — other⁽³⁾ 	<ul style="list-style-type: none"> 0,870 2,250 3,000
1006 20	<ul style="list-style-type: none"> Round grain husked rice Medium grains husked rice Long grain husked rice 	<ul style="list-style-type: none"> 20,615 18,354 18,354
ex 1006 30	<ul style="list-style-type: none"> Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice 	<ul style="list-style-type: none"> 26,600 26,600 26,600
1006 40 00	<ul style="list-style-type: none"> Broken rice : — used unprocessed — used in the form of : — — flour of CN code 1102 30, groats and meal or pellets of CN code 1103 — — flaked grains of CN 1104 19 91 — — starch of CN code 1108 19 10 : — — — pursuant to Article 4 (5) point (b) of Regulation (EC) No 1222/94 — — — in all other cases — — other 	<ul style="list-style-type: none"> — — — — — — —
1007 00 90	Sorghum	1,230
1101 00	<ul style="list-style-type: none"> Wheat or meslin flour : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases 	<ul style="list-style-type: none"> — —
1102 10 00	Rye flour	4,928
1103 11 10	<ul style="list-style-type: none"> Groats and durum wheat meal : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases 	<ul style="list-style-type: none"> — —
1103 11 90	<ul style="list-style-type: none"> Common wheat groats and spelt : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases 	<ul style="list-style-type: none"> — —

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

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 2815/95 are observed.

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

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 112.

COMMISSION REGULATION (EC) No 125/96

of 25 January 1996

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 2931/95⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 (1) of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 (a), (b), (c), (d), (e), and (g) of that Regulation and prices within the Community may be covered by an export refund; whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 2915/95⁽⁴⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68;

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

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

Whereas Article 11 (1) of Regulation (EEC) No 804/68 provides for the payment of aid for Community-produced skimmed milk processed into casein if such milk and the casein manufactured from it fulfil certain conditions set out in Article 1 of Council Regulation (EEC) No 987/68 of 15 July 1968 laying down general rules for granting aid for skimmed milk processed into casein or caseinates⁽⁵⁾, as last amended by Regulation (EEC) No 1435/90⁽⁶⁾;

Whereas Commission Regulation (EEC) No 570/88 of 16 February 1988 on the sale of butter at reduced prices and the granting of aid for butter and concentrated butter for use in the manufacture of pastry products, ice-cream and other foodstuffs⁽⁷⁾, as last amended by Regulation (EC) No 2931/95, lay down that butter and cream at reduced prices should be made available to industries which manufacture certain goods;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾, 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 and in Council Regulation (EC) No 2815/95⁽¹⁰⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed in Article 1 of Regulation (EEC) No 804/68, exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, are hereby fixed as shown in the Annex to this Regulation.
2. No rates of refund are fixed for any of the products referred to in the preceding paragraph which are not listed in the Annex to this Regulation.
3. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only when the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 2815/95 are observed.

Article 2

This Regulation shall enter into force on 26 January 1996.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 305, 19. 12. 1995, p. 33.

⁽⁵⁾ OJ No L 169, 18. 7. 1968, p. 6.

⁽⁶⁾ OJ No L 138, 31. 5. 1990, p. 8.

⁽⁷⁾ OJ No L 55, 1. 3. 1988, p. 31.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽¹⁰⁾ OJ No L 297, 9. 12. 1995, p. 1.

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

Done at Brussels, 25 January 1996.

For the Commission
Martin BANGEMANN
Member of the Commission

ANNEX

to the Commission Regulation of 25 January 1996 fixing the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

<i>(ECU/100 kg)</i>		
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2):	
	(a) On exportation of goods of CN code 3501	—
	(b) On exportation of other goods	49,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	47,36
	(b) On exportation of other goods	98,05
ex 0405 10	Butter, with a fat content by weight of 82 % (PG 6):	
	(a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	35,00
	(b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	167,25
	(c) On exportation of other goods	160,00

COMMISSION REGULATION (EC) No 126/96
of 25 January 1996
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 2933/95⁽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 multilateral 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 26 January 1996.

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

Done at Brussels, 25 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽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 25 January 1996 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 15	052	59,6	0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	54,8	
	060	80,2		464	188,2	
	064	59,6		624	78,1	
	066	41,7		999	107,0	
	068	62,3		0805 30 20	052	70,5
	204	58,1			204	45,8
	208	44,0			388	67,5
	212	117,9			400	48,9
	624	84,5			512	54,8
	999	67,5			520	66,5
	0707 00 10	052			111,6	524
053		147,6	528		87,1	
060		61,0	600		88,8	
066		53,8	624		57,1	
068		127,5	999		68,8	
204		144,3	0808 10 51, 0808 10 53, 0808 10 59	052	64,0	
624		191,3		064	78,6	
999		119,6		388	39,2	
0709 10 10	220	451,7		400	69,1	
	999	451,7		404	63,5	
0709 90 71	052	139,0		508	68,4	
	204	77,5		512	51,2	
	412	54,2		524	57,4	
	624	241,6	528	48,0		
	999	128,1	624	86,5		
0805 10 01, 0805 10 05, 0805 10 09	052	43,7	728	107,3		
	204	34,3	800	78,0		
	208	68,2	804	21,0		
	212	36,0	999	64,0		
	388	40,5	0808 20 31	052	86,3	
	436	41,6		064	72,5	
	448	36,0		388	79,6	
	600	64,3		400	92,3	
	624	55,5		512	89,7	
	999	46,7		528	84,1	
	0805 20 11	052		70,0	624	79,0
		204		68,7	728	115,4
		624		94,2	800	55,8
		999		77,6	804	112,9
				999	86,8	

⁽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 127/96

of 25 January 1996

on the exceptional allocation of a quantity additional to the tariff quota for imports of bananas during the first quarter of 1996 as a result of tropical storms**Iris, Luis and Marilyn**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Commission Regulation (EC) No 3290/94 ⁽²⁾, and in particular Articles 16 (3), 20 and 30 thereof,Whereas Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 1164/95 ⁽⁴⁾, lays down the detailed rules for applying the arrangements for importing bananas into the Community;

Whereas in August and September 1995 the tropical storms Iris, Luis and Marilyn caused severe damage to the banana plantations in the Community regions of Martinique and Guadeloupe and in the ACP States of Saint Vincent, Saint Lucia and Dominica; whereas the effects of these exceptional circumstances on production in the regions affected will be felt until July 1996 and will greatly affect imports and supplies to the Community markets during the first quarter of 1996; whereas this is likely to cause an appreciable increase in market prices in certain regions of the Community;

Whereas Article 16 (3) of Regulation (EEC) No 404/93 stipulates that where necessary, in particular to take account of the effects of exceptional circumstances affecting production or import conditions, the forecast supply balance may be adjusted and, in such a case, the tariff quota is adapted;

Whereas the adaptation of the tariff quota must permit adequate supplies to the Community market during the first quarter of 1996 and provide compensation to operators who include or directly represent banana producers who suffered damage and who, in addition, in the absence of appropriate measures, risk losing their traditional outlets on the Community market on a long-term basis;

Whereas the measures to be taken should have a specific transitional nature, within the meaning of Article 30 of Regulation (EEC) No 404/93; whereas, prior to the entry

into force of the new common market organization on 1 July 1993, existing national market organizations, in order to cope with urgent cases or exceptional circumstances such as the tropical storms cited above, included provisions ensuring supplies to the market from other suppliers while safeguarding the interests of operators who are victims of such exceptional events;

Whereas also, under the Uruguay Round of multilateral trade negotiations, the Community negotiated an agreement which provides for the implementation of a provision for the reallocation of supplies which is intended to overcome such exceptional circumstances and which will safeguard the interests of operators in the supplier countries which have suffered such damage; whereas this agreement applies from 1 January 1995;

Whereas, the Community producer regions and the ACP States which suffer such exceptional circumstances should be able to benefit from comparable measures; whereas the measures should include the granting of the right to import in compensation third-country bananas and non-traditional ACP bananas for the benefit of the operators who directly suffered damage as a result of the impossibility of supplying the Community market with bananas originating in affected producer regions; whereas, in addition, provision should be made for the quantities marketed on the Community market pursuant to this measure to be taken into consideration, in due course, for determining the reference quantities for the operators concerned for the tariff quotas for future years; whereas these measures should be to the benefit of the operators who have directly suffered actual damage, without the possibility of compensation, and as a function of the extent of the damage;

Whereas the competent authorities in the Member States where the operators concerned are established are the only authorities capable of determining those who should benefit from the measure in view of their experience and their knowledge of the actual characteristics of the trade in question and to assess the damage on the basis of the supporting documentation provided by the operators;

Whereas, in view of their objectives, the provisions of this Regulation must enter into force immediately;

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

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.⁽⁴⁾ OJ No L 117, 24. 5. 1995, p. 14.

HAS ADOPTED THIS REGULATION :

Article 1

1. The tariff quota fixed for 1996 is increased by an additional quantity of 51 350 tonnes (net weight).
2. This additional quantity of 51 350 tonnes (net weight) shall be allocated to the operators determined in accordance with Article 2 below as follows:
 - (a) 13 400 tonnes for operators supplying the Community with bananas produced in Martinique;
 - (b) 23 500 tonnes for operators supplying the Community with bananas produced in Guadeloupe;
 - (c) 14 450 tonnes for operators supplying the Community with bananas produced in the Windward Islands (Saint Lucia, Dominica and Saint Vincent).

Article 2

1. The quantities referred to in Article 1 (2) shall be allocated to the operators who :

- include or directly represent banana producers affected by the tropical storms Iris, Luis and Marilyn,
- and who, during the first quarter of 1996, are unable to supply, on their own account, the Community market with bananas originating in the regions or countries referred to in Article 1 (2) on account of the damage caused by these tropical storms.

2. The competent authorities in the Member States concerned shall determine the beneficiary operators who meet the requirements of paragraph 1 and shall make an allocation to each of them pursuant to this Regulation on the basis of :

- the quantities allocated to the producer regions or countries referred to in Article 1 (2), and of

- the damage sustained as a result of the tropical storms Iris, Luis and Marilyn.

3. The competent authorities shall assess the damage sustained on the basis of all supporting documents and information collected from the operators concerned.

Article 3

1. The Member States concerned shall inform the Commission by 5 February 1996 at the latest of the quantities of bananas for which a proposal for an allocation pursuant to this Regulation has been made.

2. If the overall quantity for which proposals for allocations in connection with the tropical storms Iris, Luis and Marilyn are made exceeds the quantity additional to the tariff quota fixed in Article 1 (1), the Commission shall fix a uniform percentage reduction to be applied to all allocations.

3. Tropical storms Iris, Luis and Marilyn import licences shall be issued not later than 12 February 1996 and shall be valid until 30 April 1996.

The words 'Tropical storms Iris, Luis and Marilyn licence' shall be entered in box 20 of the licence.

Article 4

The quantities of bananas released for free circulation issued in accordance with this Regulation on the basis of tropical storms Iris, Luis and Marilyn import licences shall be taken into consideration for the purpose of determining the reference quantity of each operator concerned, as regards 1996, for the application of Articles 3 to 6 of Regulation (EEC) No 1442/93.

Article 5

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, 25 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 128/96

of 25 January 1996

on the opening of a standing invitation to tender for 11 000 tonnes of barley held
by the Austrian intervention agency for processing in Sardinia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Article 1

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,

1. Notwithstanding Commission Regulation (EEC) No 2131/93⁽³⁾, the Austrian intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 11 000 tonnes of barley it holds with a view to processing in Sardinia.

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

2. The regions where the 11 000 tonnes of barley are stored are set out in Annex I.

Whereas that shortage may be made good by making 11 000 tonnes of barley available to Sardinian stockfarmers ; whereas, for its part, the Italian intervention agency does not have fodder grain available ; whereas such Community grain is available at the Austrian intervention agency ;

Article 2

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

Whereas, given the current market situation, a standing invitation to tender should be opened for 11 000 tonnes of barley held by the Austrian intervention agency for compulsory dispatch to Sardinia ;

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

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

Article 3

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

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

Article 4

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

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

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

Article 5

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

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

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

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

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75⁽¹⁾.

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

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

- proof that the tenderer has lodged a security of ECU 20 per tonne,
- proof that a contract of sale for delivery in Sardinia has been concluded, subject to award to the contract,
- a written undertaking by the tenderer that the cereals covered by the award will be processed in Sardinia by 30 June 1996 at the latest.

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 1 February 1996.

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

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 28 March 1996.

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

Agrar Markt Austria,
GBII/Abt. 4
Dresdnerstraße 70
A-1201 Wien
Fax: (0222) 33 151/399.

Article 8

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

Article 9

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

Article 10

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

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

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

Article 11

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

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

- has been processed in Sardinia by 30 June 1996 at the latest, except in cases of *force majeure*, or
- is no longer fit for human or animal consumption.

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

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

Article 13

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

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

Done at Brussels, 25 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

- Destinos a la transformación [Reglamento (CE) n° 128/96]
- Til forarbejdning (forordning (EF) nr. 128/96)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 128/96)
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 128/96]
- For processing (Regulation (EC) No 128/96)
- Destinées à la transformation [règlement (CE) n° 128/96]
- Destinate alla trasformazione [regolamento (CE) n. 128/96]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 128/96)
- Para transformação [Regulamento (CE) n° 128/96]
- Tarkoitettu jalostukseen [Asetus (EY) N:o 128/96]
- För bearbetning (förordning (EG) nr 128/96).

Article 14

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

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Niederösterreich	6 009
Burgenland	4 991

ANNEX II

Standing invitation for the resale of 11 000 tonnes of barley held by the Austrian intervention agency for dispatch to Sardinia

(Regulation (EC) No 128/96)

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

ANNEX III

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

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

COMMISSION REGULATION (EC) No 129/96
of 25 January 1996

fixing 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 Regulation (EC) No 1863/95⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 1 of Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as amended by Regulation (EC) No 95/96⁽⁴⁾;

Whereas export possibilities exist for a quantity of 300 000 tonnes of common wheat flour to certain descriptions; whereas the procedure laid down in Article 7 (4) of Commission Regulation (EC) No 1162/95⁽⁵⁾, as amended by Regulation (EC) No 2993/95⁽⁶⁾ should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EC) No 1501/95;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to

vary the refund for certain products according to destination;

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

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

Whereas Council Regulation (EEC) No 990/93⁽⁷⁾, as amended by Regulation (EC) No 1380/95⁽⁸⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 2815/95⁽⁹⁾; whereas account should be taken of this fact when fixing the refunds;

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

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, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 January 1996.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽⁵⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁶⁾ OJ No L 312, 23. 12. 1995, p. 25.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁸⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁹⁾ OJ No L 297, 9. 12. 1995, p. 1.

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

Done at Brussels, 25 January 1996.

For the Commission
 Franz FISCHLER
 Member of the Commission

ANNEX

to the Commission Regulation of 25 January 1996 fixing 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	—	—	1101 00 15 180	—	—
1002 00 00 000	01	0	1101 00 15 190	—	—
1003 00 10 000	—	—	1101 00 90 000	—	—
1003 00 90 000	—	—	1102 10 00 500	01	45,00
1004 00 00 200	—	—	1102 10 00 700	—	—
1004 00 00 400	—	—	1102 10 00 900	—	—
1005 10 90 000	—	—	1103 11 10 200	—	— (3)
1005 90 00 000	—	—	1103 11 10 400	—	— (3)
1007 00 90 000	—	—	1103 11 10 900	—	—
1008 20 00 000	—	—	1103 11 90 200	—	— (3)
			1103 11 90 800	—	—

(1) The destinations are identified as follows:

01 All 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 and Regulation (EC) No 2815/95 are observed.

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

(4) Refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 300 000 tonnes of wheat flour for export to third countries.

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

COMMISSION REGULATION (EC) No 130/96
of 25 January 1996
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 13 (4) thereof,

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

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as amended by Regulation (EC) No 95/96⁽⁴⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

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

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

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

Done at Brussels, 25 January 1996.

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 2853/95⁽⁸⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 January 1996.

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 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽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. 10a.

⁽⁸⁾ OJ No L 299, 12. 12. 1995, p. 1.

ANNEX

to the Commission Regulation of 25 January 1996 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current	1st period	2nd period	3rd period	4th period	5th period	6th period
		1	2	3	4	5	6	7
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	—	—	—	—	—	—	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	-1,30	-2,60	-3,90	-5,20	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	01	0	0	0	0	0	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	—	—	—	—	—	—	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 11 000	—	—	—	—	—	—	—	—
1101 00 15 100	01	0	-1,78	-3,56	-5,34	-7,12	—	—
1101 00 15 130	01	0	-1,66	-3,32	-4,98	-6,64	—	—
1101 00 15 150	—	—	—	—	—	—	—	—
1101 00 15 170	—	—	—	—	—	—	—	—
1101 00 15 180	—	—	—	—	—	—	—	—
1101 00 15 190	—	—	—	—	—	—	—	—
1101 00 90 000	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	—	—	—	—	—	—	—	—
1103 11 10 400	—	—	—	—	—	—	—	—
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	—	—	—	—	—	—	—	—
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

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

COMMISSION REGULATION (EC) No 131/96
of 25 January 1996
amending Regulation (EEC) No 2219/92 laying down detailed rules for the
application of the specific supply arrangements for Madeira relating to milk
products regarding the amounts of aid

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 relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2537/95⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Azores and Madeira;

Whereas Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance⁽⁵⁾, as last amended by Regulation (EC) No 3026/95⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EC) No 2996/95 of 15 December 1995 amending Regulation (EEC) No 3846/87

establishing an agricultural product nomenclature for export refunds⁽⁷⁾, adjusts the nomenclature for export refunds on certain milk products; whereas Commission Regulation (EC) No 133/96 of 25 January 1996 fixing the export refunds on milk and milk products⁽⁸⁾ fixes the refunds on those products; whereas Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to amended Regulation (EEC) No 2219/92 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 26 January 1996.

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

Done at Brussels, 25 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 218, 1. 8. 1992, p. 75.

⁽⁶⁾ OJ No L 315, 29. 12. 1995, p. 25.

⁽⁷⁾ OJ No L 312, 23. 12. 1995, p. 31.

⁽⁸⁾ See page 44 of this Official Journal.

ANNEX

ANNEX II

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	– Of a fat content, by weight, not exceeding 1 % :			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(¹)	4,748
0401 10 90	– – Other	0401 10 90 000	(¹)	4,748
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 % :			
	– – Not exceeding 3 % :			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(¹)	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	7,340
0401 20 19	– – – Other :			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	7,340
	– – Exceeding 3 % :			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(¹)	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	11,39
0401 20 99	– – – Other :			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	11,39
0401 30	– Of a fat content, by weight, exceeding 6 % :			
	– – Not exceeding 21 % :			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight :			
	– Not exceeding 10 %	0401 30 11 100	(¹)	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	22,55
	– Exceeding 17 %	0401 30 11 700	(¹)	33,87
0401 30 19	– – – Other :			
	– Of a fat content, by weight :			
	– Not exceeding 10 %	0401 30 19 100	(¹)	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	22,55
	– Exceeding 17 %	0401 30 19 700	(¹)	33,87
	– – Exceeding 21 % but not exceeding 45 % :			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight :			
	– Not exceeding 35 %	0401 30 31 100	(¹)	40,34
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	63,00
	– Exceeding 39 %	0401 30 31 700	(¹)	69,47

<i>(in ECU/100 kg weight, if no other indication)</i>				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	— — — Other :			
	— Of a fat content, by weight :			
	— Not exceeding 35 %	0401 30 39 100	(1)	40,34
	— Exceeding 35 % but not exceeding 39 %	0401 30 39 400	(1)	63,00
	— Exceeding 39 %	0401 30 39 700	(1)	69,47
	— — Exceeding 45 % :			
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres :			
	— Of a fat content, by weight :			
	— Not exceeding 68 %	0401 30 91 100	(1)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 91 400	(1)	116,37
	— Exceeding 80 %	0401 30 91 700	(1)	135,80
0401 30 99	— — — Other :			
	— Of a fat content, by weight :			
	— Not exceeding 68 %	0401 30 99 100	(1)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 99 400	(1)	116,37
	— Exceeding 80 %	0401 30 99 700	(1)	135,80
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 000 0402 10 19 000	(2)	49,00
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 900 0402 21 19 900	(2)	98,05
ex 0405	Butter and other fats and oils derived from milk ; dairy spreads :			
0405 10	— Butter :			
	— — Of a fat content, by weight, not exceeding 85 % :			
	— — — Natural butter :			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg :			
	— — — — — Of a fat content by weight :			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 11 500		156,10
	— — — — — — Of 82 % or more	0405 10 11 700		160,00
0405 10 19	— — — — — Other :			
	— — — — — — Of a fat content by weight :			
	— — — — — — — Of 80 % or more but less than 82 %	0405 10 19 500		156,10
	— — — — — — — Of 82 % or more	0405 10 19 700		160,00
0405 10 30	— — — — — Recombined butter :			
	— — — — — — In immediate packings of a net content not exceeding 1 kg :			
	— — — — — — — Of a fat content by weight :			
	— — — — — — — — Of 80 % or more but less than 82 %	0405 10 30 100		156,10
	— — — — — — — — Of 82 % or more	0405 10 30 300		160,00
	— — — — — — — Other :			
	— — — — — — — — Of a fat content by weight :			
	— — — — — — — — — Of 80 % or more but less than 82 %	0405 10 30 500		156,10
	— — — — — — — — — Of 82 % or more	0405 10 30 700		160,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0405 10 50	--- Whey butter :			
	--- -- In immediate packings of a net content not exceeding 1 kg :			
	--- --- Of a fat content by weight :			
	--- --- -- Of 80 % or more but less than 82 %	0405 10 50 100		156,10
	--- --- -- Of 82 % or more	0405 10 50 300		160,00
	--- --- -- Other :			
	--- --- -- Of a fat content by weight :			
	--- --- -- -- Of 80 % or more but less than 82 %	0405 10 50 500		156,10
	--- --- -- -- Of 82 % or more	0405 10 50 700		160,00
0405 10 90	-- Other	0405 10 90 000		165,85
ex 0405 20	-- Dairy spreads :			
0405 20 90	-- Of a fat content by weight of more than 75 % but less than 80 % :			
	-- -- Of a fat content by weight :			
	-- -- -- Of more than 75 % but less than 78 %	0405 20 90 500		146,34
	-- -- -- Of 78 % or more	0405 20 90 700		152,20
0405 90	-- Other :			
0405 90 10	-- Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 % :	0405 90 10 000		205,00
0405 90 90	-- Other	0405 90 90 000		160,00
ex 0406	Cheeses :			
0406 90 23	Edam	0406 90 23 900		107,08
0406 90 25	Tilsit	0406 90 25 900		110,65
0406 90 76	--- -- -- -- -- Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø	0406 90 76 100		90,58
0406 90 78	--- -- -- -- -- Gouda	0406 90 78 100		90,58
	--- -- -- -- -- Other cheeses, of a water content, calculated by weight, of the non-fatty matter			
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	0406 90 79 900		93,77
0406 90 81	Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	0406 90 81 900		106,29
0406 90 86	--- -- -- -- -- Exceeding 47 % but not exceeding 52 % :			
	-- Cheeses produced from whey	0406 90 86 100		—
	-- Other :			
	-- -- Of a fat content, by weight, in the dry matter :			
	-- -- -- Of less than 5 %	0406 90 86 200	(³)	73,16
	-- -- -- Of 5 % or more but less 19 %	0406 90 86 300	(³)	80,22
	-- -- -- Of 19 % or more but less than 39 %	0406 90 86 400	(³)	90,58
	-- -- -- Of more than 39 %	0406 90 86 900	(³)	106,29

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 87	----- Exceeding 52 % but not exceeding 62 % :			
	- Cheeses produced from whey	0406 90 87 100		—
	- Other :			
	- Of a fat content, by weight, in the dry matter :			
	- Of less than 5 %	0406 90 87 200	(³)	73,16
	- Of 5 % or more but less than 19 %	0406 90 87 300	(³)	80,22
	- Of 19 % or more but less than 39 %	0406 90 87 400	(³)	90,58
	- Of more than 39 % :			
	- Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk	0406 90 87 951	(³)	132,76
	- Maasdam	0406 90 87 971	(³)	110,65
	- Manouri, of a fat content, by weight, of 30 % or more	0406 90 87 972	(³)	42,17
	- Other	0406 90 87 979	(³)	110,65
0406 90 88	----- Exceeding 62 % but not exceeding 72 % :			
	- Cheeses produced from whey	0406 90 88 100		—
	- Other :			
	- Of a fat content, by weight in the dry matter :			
	- Of less than 5 % and of a dry matter content, by weight, of 32 % or more	0406 90 88 200	(³)	73,16
	- Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more	0406 90 88 300	(³)	80,22
	- Other	0406 90 88 900		—

(¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

(²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

(³) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

COMMISSION REGULATION (EC) No 132/96

of 25 January 1996

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

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 2537/95⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 2790/94⁽³⁾, as amended by Regulation (EC) No 2883/94⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Commission Regulation (EC) No 2993/94⁽⁵⁾, as last amended by Regulation (EC) No 3025/95⁽⁶⁾, fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 2996/95 of 19 December 1995⁽⁷⁾ amending Regulation (EEC) No

3846/87 establishing an agricultural product nomenclature for export refunds adjusts the nomenclature for export refunds on certain milk products; whereas Commission Regulation (EC) No 133/96 of 25 January 1996 fixing the export refunds on milk and milk products⁽⁸⁾ fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 26 January 1996.

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

Done at Brussels, 25 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 316, 9. 12. 1994, p. 11.

⁽⁶⁾ OJ No L 315, 29. 12. 1995, p. 13.

⁽⁷⁾ OJ No L 312, 23. 12. 1995, p. 31.

⁽⁸⁾ See page 44 of this Official Journal.

ANNEX

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter (1):			
0401 10	– Of a fat content, by weight, not exceeding 1 % :			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(1)	4,748
0401 10 90	– – Other	0401 10 90 000	(1)	4,748
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 % :			
	– – Not exceeding 3 % :			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(1)	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(1)	7,340
0401 20 19	– – – Other :			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(1)	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(1)	7,340
	– – Exceeding 3 % :			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(1)	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(1)	11,39
0401 20 99	– – – Other :			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(1)	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(1)	11,39
0401 30	– Of a fat content, by weight, exceeding 6 % :			
	– – Not exceeding 21 % :			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight :			
	– Not exceeding 10 %	0401 30 11 100	(1)	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(1)	22,55
	– Exceeding 17 %	0401 30 11 700	(1)	33,87
0401 30 19	– – – Other :			
	– Of a fat content, by weight :			
	– Not exceeding 10 %	0401 30 19 100	(1)	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(1)	22,55
	– Exceeding 17 %	0401 30 19 700	(1)	33,87
	– – Exceeding 21 % but not exceeding 45 % :			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres :			
	– Of a fat content, by weight :			
	– Not exceeding 35 %	0401 30 31 100	(1)	40,34
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(1)	63,00
	– Exceeding 39 %	0401 30 31 700	(1)	69,47

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	<ul style="list-style-type: none"> — — — Other : — Of a fat content, by weight : — Not exceeding 35 % — Exceeding 35 % but not exceeding 39 % — Exceeding 39 % — — Exceeding 45 % : 	<ul style="list-style-type: none"> 0401 30 39 100 0401 30 39 400 0401 30 39 700 	<ul style="list-style-type: none"> (1) (1) (1) 	<ul style="list-style-type: none"> 40,34 63,00 69,47
0401 30 91	<ul style="list-style-type: none"> — — — In immediate packings of a net content not exceeding 2 litres : — Of a fat content, by weight : — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 % 	<ul style="list-style-type: none"> 0401 30 91 100 0401 30 91 400 0401 30 91 700 	<ul style="list-style-type: none"> (1) (1) (1) 	<ul style="list-style-type: none"> 79,18 116,37 135,80
0401 30 99	<ul style="list-style-type: none"> — — — Other : — Of a fat content, by weight : — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 % 	<ul style="list-style-type: none"> 0401 30 99 100 0401 30 99 400 0401 30 99 700 	<ul style="list-style-type: none"> (1) (1) (1) 	<ul style="list-style-type: none"> 79,18 116,37 135,80
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter :			
0402 10	<ul style="list-style-type: none"> — In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (7) : — — Not containing added sugar or other sweetening matter (2) : 			
0402 10 11	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(2)	49,00
0402 10 19	<ul style="list-style-type: none"> — — — Other — — Other (2) : 	0402 10 19 000	(2)	49,00
0402 10 91	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(2)	0,4900
0402 10 99	<ul style="list-style-type: none"> — — — Other — In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (7) : — — Not containing added sugar or other sweetening matter (2) : — — — Of a fat content, by weight, not exceeding 27 % : 	0402 10 99 000	(2)	0,4900
0402 21	<ul style="list-style-type: none"> — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — — Other : 	<ul style="list-style-type: none"> 0402 21 11 200 0402 21 11 300 0402 21 11 500 0402 21 11 900 	<ul style="list-style-type: none"> (2) (2) (2) (2) 	<ul style="list-style-type: none"> 49,00 86,53 91,16 98,05
0402 21 17	— — — — — Of a fat content, by weight, not exceeding 11 %	0402 21 17 000	(2)	49,00
0402 21 19	<ul style="list-style-type: none"> — — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 % : — Not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — — — Of a fat content, by weight, exceeding 27 % : 	<ul style="list-style-type: none"> 0402 21 19 300 0402 21 19 500 0402 21 19 900 	<ul style="list-style-type: none"> (2) (2) (2) 	<ul style="list-style-type: none"> 86,53 91,16 98,05

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	<ul style="list-style-type: none"> — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : <ul style="list-style-type: none"> — Not 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 7 % 	<ul style="list-style-type: none"> 0402 21 91 100 0402 21 91 200 0402 21 91 300 0402 21 91 400 0402 21 91 500 0402 21 91 600 0402 21 91 700 0402 21 91 900 	<ul style="list-style-type: none"> (²) (²) (²) (²) (²) (²) (²) (²) 	<ul style="list-style-type: none"> 98,77 99,45 100,67 107,61 110,00 119,21 124,61 130,71
0402 21 99	<ul style="list-style-type: none"> — — — — Other : — Of a fat content, by weight : <ul style="list-style-type: none"> — Not exceeding 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 % 	<ul style="list-style-type: none"> 0402 21 99 100 0402 21 99 200 0402 21 99 300 0402 21 99 400 0402 21 99 500 0402 21 99 600 0402 21 99 700 0402 21 99 900 	<ul style="list-style-type: none"> (²) (²) (²) (²) (²) (²) (²) (²) 	<ul style="list-style-type: none"> 98,77 99,45 100,67 107,61 110,00 119,21 124,61 130,71
ex 0402 29	<ul style="list-style-type: none"> — — Other (³) : — — — Of a fat content, by weight, not exceeding 27 % : — — — — Other : 			
0402 29 15	<ul style="list-style-type: none"> — — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : <ul style="list-style-type: none"> — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % 	<ul style="list-style-type: none"> 0402 29 15 200 0402 29 15 300 0402 29 15 500 0402 29 15 900 	<ul style="list-style-type: none"> (³) (³) (³) (³) 	<ul style="list-style-type: none"> 0,4900 0,8653 0,9116 0,9805
0402 29 19	<ul style="list-style-type: none"> — — — — — Other : — Of a fat content, by weight : <ul style="list-style-type: none"> — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 % : 	<ul style="list-style-type: none"> 0402 29 19 200 0402 29 19 300 0402 29 19 500 0402 29 19 900 	<ul style="list-style-type: none"> (³) (³) (³) (³) 	<ul style="list-style-type: none"> 0,4900 0,8653 0,9116 0,9805

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 29 91	— — — — In immediate packings of a net content not exceeding 2,5 kg :			
	— Of a fat content, by weight :			
	— Not exceeding 41 %	0402 29 91 100	(³)	0,9877
	— Exceeding 41 %	0402 29 91 500	(³)	1,0761
0402 29 99	— — — — Other :			
	— Of a fat content, by weight :			
	— Not exceeding 41 %	0402 29 99 100	(³)	0,9877
	— Exceeding 41 %	0402 29 99 500	(³)	1,0761
0402 91	— — Not containing added sugar or other sweetening matter (²) :			
	— — — Of a fat content, by weight, not exceeding 8 % :			
0402 91 11	— — — — In immediate packings of a net content not exceeding 2,5 kg :			
	— Of a non-fat lactic dry matter content :			
	— Of less than 15 % and of a fat content, by weight :			
	— Not exceeding 3 %	0402 91 11 110	(²)	4,748
	— Exceeding 3 %	0402 91 11 120	(²)	9,775
	— Of 15 % or more and of a fat content, by weight :			
	— Not exceeding 3 %	0402 91 11 310	(²)	16,36
	— Exceeding 3 % but not exceeding 7,4 %	0402 91 11 350	(²)	20,06
	— Exceeding 7,4 %	0402 91 11 370	(²)	24,39
0402 91 19	— — — — Other :			
	— Of a non-fat lactic dry matter content :			
	— Of less than 15 % and of a fat content, by weight :			
	— Not exceeding 3 %	0402 91 19 110	(²)	4,748
	— Exceeding 3 %	0402 91 19 120	(²)	9,775
	— Of 15 % or more and of a fat content, by weight :			
	— Not exceeding 3 %	0402 91 19 310	(²)	16,36
	— Exceeding 3 % but not exceeding 7,4 %	0402 91 19 350	(²)	20,06
	— Exceeding 7,4 %	0402 91 19 370	(²)	24,39
	— — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 % :			
0402 91 31	— — — — In immediate packings of a net content not exceeding 2,5 kg :			
	— Of a non-fat lactic dry matter content :			
	— Of less than 15 %	0402 91 31 100	(²)	19,31
	— Of 15 % or more	0402 91 31 300	(²)	28,83
0402 91 39	— — — — Other :			
	— Of a non-fat lactic dry matter content :			
	— Of less than 15 %	0402 91 39 100	(²)	19,31
	— Of 15 % or more	0402 91 39 300	(²)	28,83
	— — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 % :			
0402 91 51	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 000	(²)	22,55
0402 91 59	— — — — Other	0402 91 59 000	(²)	22,55

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
	— — — Of a fat content, by weight, exceeding 45 % :			
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 000	(²)	79,18
0402 91 99	— — — — Other	0402 91 99 000	(²)	79,18
2 0402 99	— — Other :			
	— — — Of a fat content, by weight, not exceeding 9,5 % :			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³) :			
	— Not exceeding 3 %	0402 99 11 110	(³)	0,0475
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	(³)	0,0978
	— Exceeding 6,9 %	0402 99 11 150	(³)	0,1562
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴) :			
	— Not exceeding 3 %	0402 99 11 310	(⁴)	18,88
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	(⁴)	22,65
	— Exceeding 6,9 %	0402 99 11 350	(⁴)	30,11
0402 99 19	— — — — Other :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³) :			
	— Not exceeding 3 %	0402 99 19 110	(³)	0,0475
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	(³)	0,0978
	— Exceeding 6,9 %	0402 99 19 150	(³)	0,1562
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴) :			
	— Not exceeding 3 %	0402 99 19 310	(⁴)	18,88
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	(⁴)	22,65
	— Exceeding 6,9 %	0402 99 19 350	(⁴)	30,11
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 % :			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % (³)	0402 99 31 110	(³)	0,2094
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more (⁴)	0402 99 31 150	(⁴)	31,35
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % (³)	0402 99 31 300	(³)	0,4034
	— Of a fat content, by weight, exceeding 39 % (³)	0402 99 31 500	(³)	0,6947

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 99 39	— — — — Other :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 39 110	⁽³⁾	0,2094
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 39 150	⁽⁴⁾	31,35
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 39 300	⁽³⁾	0,4034
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 39 500	⁽³⁾	0,6947
	— — — Of a fat content, by weight, exceeding 45 % :			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg ⁽²⁾	0402 99 91 000	⁽²⁾	0,7918
0402 99 99	— — — — Other ⁽³⁾	0402 99 99 000	⁽²⁾	0,7918
ex 0405	Butter and other fats and oils derived from milk ; dairy spreads :			
0405 10	— Butter :			
	— — Of a fat content, by weight, not exceeding 85 % :			
	— — — Natural butter :			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg :			
	— — — — — Of a fat content by weight :			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 11 500		156,10
	— — — — — — Of 82 % or more	0405 10 11 700		160,00
0405 10 19	— — — — — Other :			
	— — — — — — Of a fat content by weight :			
	— — — — — — — Of 80 % or more but less than 82 %	0405 10 19 500		156,10
	— — — — — — — Of 82 % or more	0405 10 19 700		160,00
0405 10 30	— — — — — Recombined butter :			
	— — — — — — In immediate packings of a net content not exceeding 1 kg :			
	— — — — — — — Of a fat content by weight :			
	— — — — — — — — Of 80 % or more but less than 82 %	0405 10 30 100		156,10
	— — — — — — — — Of 82 % or more	0405 10 30 300		160,00
	— — — — — — — Other :			
	— — — — — — — — Of a fat content by weight :			
	— — — — — — — — — Of 80 % or more but less than 82 %	0405 10 30 500		156,10
	— — — — — — — — — Of 82 % or more	0405 10 30 700		160,00
0405 10 50	— — — — — Whey butter :			
	— — — — — — In immediate packings of a net content not exceeding 1 kg :			
	— — — — — — — Of a fat content by weight :			
	— — — — — — — — Of 80 % or more but less than 82 %	0405 10 50 100		156,10
	— — — — — — — — Of 82 % or more	0405 10 50 300		160,00
	— — — — — — — Other :			
	— — — — — — — — Of a fat content by weight :			
	— — — — — — — — — Of 80 % or more but less than 82 %	0405 10 50 500		156,10
	— — — — — — — — — Of 82 % or more	0405 10 50 700		160,00
0405 10 90	— — — Other	0405 10 90 000		165,85

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
ex 0405 20	– Dairy spreads :			
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 % :			
	– – – Of a fat content by weight :			
	– – – – Of more than 75 % but less than 78 %	0405 20 90 500		146,34
	– – – – Of 78 % or more	0405 20 90 700		152,20
0405 90	– Other :			
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 % :	0405 90 10 000		205,00
0405 90 90	– – Other	0405 90 90 000		160,00
0406	– Cheese :			
0406 30	– Processed, cheese, not grated or powdered (°) :			
0406 30 10	– – In the blending of which only Emmentaler, Gruyere and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger) ; put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 % :			
	– – – In the blending of which only Emmentaler and Gruyere have been used of a fat content by weight in the dry matter, not exceeding 56 % :			
	– – – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :			
	– – – – – Not exceeding 48 % :			
	– – – – – Of a dry matter content, by weight :			
	– – – – – – Of less than 27 %	0406 30 10 100		—
	– – – – – – Of 27 % or more but less than 33 %	0406 30 10 150		15,50
	– – – – – – Of 33 % or more but less than 38 %	0406 30 10 200		33,06
	– – – – – – Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :			
	– – – – – – – Of less than 20 %	0406 30 10 250		33,06
	– – – – – – – Of 20 % or more	0406 30 10 300		48,50
	– – – – – – – Of 43 % or more and of a fat content, by weight, in the dry matter :			
	– – – – – – – – Of less than 20 %	0406 30 10 350		33,06
	– – – – – – – – Of 20 % or more but less than 40 %	0406 30 10 400		48,50
	– – – – – – – – Of 40 % or more	0406 30 10 450		70,57
	– – – – – Exceeding 48 % :			
	– – – – – – Of a dry matter content, by weight :			
	– – – – – – – Of less than 33 %	0406 30 10 500		—
	– – – – – – – Of 33 % or more but less than 38 %	0406 30 10 550		33,06
	– – – – – – – Of 38 % or more but less than 43 %	0406 30 10 600		48,50

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 30 10 (cont'd)	– Of 43 % or more but less than 46 %	0406 30 10 650		70,57
	– Of 46 % or more and of a fat content, by weight, in the dry matter :			
	– Of less than 55 %	0406 30 10 700		70,57
	– Of 55 % or more	0406 30 10 750		83,70
	– – – – Of a fat content, by weight, exceeding 36 %	0406 30 10 800		83,70
	– – – Other	0406 30 10 900		—
	– – Other :			
	– – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :			
0406 30 31	– – – – Not exceeding 48 % :			
	– Of a dry matter content, by weight :			
	– Of less than 27 %	0406 30 31 100		—
	– Of 27 % or more but less than 33 %	0406 30 31 300	(⁹)	15,50
	– Of 33 % or more but less than 38 %	0406 30 31 500	(⁹)	33,06
	– Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :			
	– Of less than 20 %	0406 30 31 710	(⁹)	33,06
	– Of 20 % or more	0406 30 31 730	(⁹)	48,50
	– Of 43 % or more and of a fat content, by weight, in the dry matter :			
	– Of less than 20 %	0406 30 31 910	(⁹)	33,06
	– Of 20 % or more but less than 40 %	0406 30 31 930	(⁹)	48,50
	– Of 40 % or more	0406 30 31 950	(⁹)	70,57
0406 30 39	– – – – Exceeding 48 % :			
	– Of a dry matter content, by weight :			
	– Of less than 33 %	0406 30 39 100		—
	– Of 33 % or more but less than 38 %	0406 30 39 300	(⁹)	33,06
	– Of 38 % or more but less than 43 %	0406 30 39 500	(⁹)	48,50
	– Of 43 % or more but less than 46 %	0406 30 39 700	(⁹)	70,57
	– Of 46 % or more and of a fat content, by weight, in the dry matter :			
	– Of less than 55 %	0406 30 39 930	(⁹)	70,57
	– Of 55 % or more	0406 30 39 950	(⁹)	83,70
0406 30 90	– – – Of a fat content, by weight, exceeding 36 %	0406 30 90 000	(⁹)	83,70
0406 90 23	– – – Edam :			
	– Of a fat content, by weight, in the dry matter :			
	– Of less than 39 %	0406 90 23 100		—
	– Of 39 % or more	0406 90 23 900	(⁹)	107,08
0406 90 25	– – – Tilsit :			
	– Of a fat content, by weight, in the dry matter :			
	– Of less than 39 %	0406 90 25 100		—
	– Of 39 % or more	0406 90 25 900	(⁹)	110,65

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 27	— — — Butterkäse :			
	— Of a fat content, by weight, in the dry matter :			
	— Of less than 39 %	0406 90 27 100		—
	— Of 39 % or more	0406 90 27 900	(¹)	93,77
0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø :			
	— Of a fat content, by weight, in the dry matter of less than 39 %	0406 90 76 100	(¹)	90,58
	— Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 %	0406 90 76 300	(¹)	110,65
	— Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 76 500	(¹)	110,65
0406 90 78	— — — — — Gouda :			
	— Of a fat content, by weight, in the dry matter of less than 39 %	0406 90 78 100	(¹)	90,58
	— Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 %	0406 90 78 300	(¹)	110,65
	— Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 78 500	(¹)	110,65
	— — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter			
0406 90 79	— — — — — Estrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin and Taleggio :			
	— Of a fat content, by weight, in the dry matter of less than 39 %	0406 90 79 100		—
	— Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 900	(¹)	93,77
0406 90 81	— — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby and Monterey :			
	— Of a fat content, by weight, in the dry matter of less than 39 %	0406 90 81 100		—
	— Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 900	(¹)	106,29
0406 90 86	— — — — — Exceeding 47 % but not exceeding 52 % :			
	— Cheeses produced from whey	0406 90 86 100		—
	— Other :			
	— Of a fat content, by weight, in the dry matter :			
	— Of less than 5 %	0406 90 86 200	(¹)	73,16
	— Of 5 % or more but less than 19 %	0406 90 86 300	(¹)	80,22
	— Of 19 % or more but less than 39 %	0406 90 86 400	(¹)	90,58
	— Of more than 39 %	0406 90 86 900	(¹)	106,29

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 87	----- Exceeding 52 % but not exceeding 62 % :			
	-- Cheeses produced from whey	0406 90 87 100		—
	-- Other :			
	-- Of a fat content, by weight, in the dry matter :			
	-- Of less than 5 %	0406 90 87 200	(¹)	73,16
	-- Of 5 % or more but less than 19 %	0406 90 87 300	(¹)	80,22
	-- Of 19 % or more but less than 39 %	0406 90 87 400	(¹)	90,58
	-- Of more than 39 % :			
	-- Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk	0406 90 87 951	(¹)	132,76
	-- Maasdam	0406 90 87 971	(¹)	110,65
	-- Manouri, of a fat content, by weight, of 30 % or more	0406 90 87 972	(¹)	42,17
	-- Other	0406 90 87 979	(¹)	110,65
0406 90 88	----- Exceeding 62 % but not exceeding 72 % :			
	-- Cheeses produced from whey	0406 90 88 100		—
	-- Other :			
	-- Of a fat content, by weight, in the dry matter :			
	-- Of less than 5 % and of a dry matter content, by weight, of 32 % or more	0406 90 88 200	(¹)	73,16
	-- Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more	0406 90 88 300	(¹)	80,22
	-- Other	0406 90 88 900		—

(¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

(²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

(³) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.

The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components :

(a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product ;

- (b) a component calculated in accordance with the provisions of Article 2 (3) of amended Regulation (EEC) No 1098/68 (OJ No L 184, 29. 7. 1968, p. 10).
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
— the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
— the lactose content of the added whey.
- (*) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements :
- (a) the amount per 100 kilograms shown ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be :
— multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
— divided by the weight of the lactic part contained in 100 kilograms of product ;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
— the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
— the lactose content of the added whey.
- (*) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
- (*) Where the product contains casein and/or caseinates, the part corresponding to the casein and/or the added caseinates will not be taken into account for the purpose of calculating the aid.
When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.
- (*) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.
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COMMISSION REGULATION (EC) No 133/96
of 25 January 1996
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Regulation (EC) No 2931/95⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products⁽³⁾, as last amended by Regulation (EC) No 2931/95, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 181,13 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽³⁾, as last amended by Regulation (EEC) No 222/88⁽⁴⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

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 and in Council Regulation (EC) No 2815/95⁽⁷⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 26 January 1996.

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

Done at Brussels, 25 January 1996.

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 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 297, 9. 12. 1995, p. 1.

ANNEX

to the Commission Regulation of 25 January 1996 fixing the export refunds on milk and milk products

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

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000	+	4,748	0402 21 91 500	+	110,00
0401 10 90 000	+	4,748	0402 21 91 600	+	119,21
0401 20 11 100	+	4,748	0402 21 91 700	+	124,61
0401 20 11 500	+	7,340	0402 21 91 900	+	130,71
0401 20 19 100	+	4,748	0402 21 99 100	+	98,77
0401 20 19 500	+	7,340	0402 21 99 200	+	99,45
0401 20 91 100	+	9,775	0402 21 99 300	+	100,67
0401 20 91 500	+	11,39	0402 21 99 400	+	107,61
0401 20 99 100	+	9,775	0402 21 99 500	+	110,00
0401 20 99 500	+	11,39	0402 21 99 600	+	119,21
0401 30 11 100	+	14,62	0402 21 99 700	+	124,61
0401 30 11 400	+	22,55	0402 21 99 900	+	130,71
0401 30 11 700	+	33,87	0402 29 15 200	+	0,4900
0401 30 19 100	+	14,62	0402 29 15 300	+	0,8653
0401 30 19 400	+	22,55	0402 29 15 500	+	0,9116
0401 30 19 700	+	33,87	0402 29 15 900	+	0,9805
0401 30 31 100	+	40,34	0402 29 19 200	+	0,4900
0401 30 31 400	+	63,00	0402 29 19 300	+	0,8653
0401 30 31 700	+	69,47	0402 29 19 500	+	0,9116
0401 30 39 100	+	40,34	0402 29 19 900	+	0,9805
0401 30 39 400	+	63,00	0402 29 91 100	+	0,9877
0401 30 39 700	+	69,47	0402 29 91 500	+	1,0761
0401 30 91 100	+	79,18	0402 29 99 100	+	0,9877
0401 30 91 400	+	116,37	0402 29 99 500	+	1,0761
0401 30 91 700	+	135,80	0402 91 11 110	+	4,748
0401 30 99 100	+	79,18	0402 91 11 120	+	9,775
0401 30 99 400	+	116,37	0402 91 11 310	+	16,36
0401 30 99 700	+	135,80	0402 91 11 350	+	20,06
0402 10 11 000	+	49,00	0402 91 11 370	+	24,39
0402 10 19 000	+	49,00	0402 91 19 110	+	4,748
0402 10 91 000	+	0,4900	0402 91 19 120	+	9,775
0402 10 99 000	+	0,4900	0402 91 19 310	+	16,36
0402 21 11 200	+	49,00	0402 91 19 350	+	20,06
0402 21 11 300	+	86,53	0402 91 19 370	+	24,39
0402 21 11 500	+	91,16	0402 91 31 100	+	19,31
0402 21 11 900	+	98,05	0402 91 31 300	+	28,83
0402 21 17 000	+	49,00	0402 91 39 100	+	19,31
0402 21 19 300	+	86,53	0402 91 39 300	+	28,83
0402 21 19 500	+	91,16	0402 91 51 000	+	22,55
0402 21 19 900	+	98,05	0402 91 59 000	+	22,55
0402 21 91 100	+	98,77	0402 91 91 000	+	79,18
0402 21 91 200	+	99,45	0402 91 99 000	+	79,18
0402 21 91 300	+	100,67	0402 99 11 110	+	0,0475
0402 21 91 400	+	107,61			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0402 99 11 130	+	0,0978	0403 90 61 300	+	0,0734
0402 99 11 150	+	0,1562	0403 90 63 000	+	0,0978
0402 99 11 310	+	18,88	0403 90 69 000	+	0,1462
0402 99 11 330	+	22,65	0404 90 21 100	+	48,30
0402 99 11 350	+	30,11	0404 90 21 910	+	4,748
0402 99 19 110	+	0,0475	0404 90 21 950	+	16,22
0402 99 19 130	+	0,0978	0404 90 23 120	+	48,30
0402 99 19 150	+	0,1562	0404 90 23 130	+	85,76
0402 99 19 310	+	18,88	0404 90 23 140	+	90,35
0402 99 19 330	+	22,65	0404 90 23 150	+	97,18
0402 99 19 350	+	30,11	0404 90 23 911	+	4,748
0402 99 31 110	+	0,2094	0404 90 23 913	+	9,775
0402 99 31 150	+	31,35	0404 90 23 915	+	14,62
0402 99 31 300	+	0,4034	0404 90 23 917	+	22,55
0402 99 31 500	+	0,6947	0404 90 23 919	+	33,87
0402 99 39 110	+	0,2094	0404 90 23 931	+	16,22
0402 99 39 150	+	31,35	0404 90 23 933	+	19,88
0402 99 39 300	+	0,4034	0404 90 23 935	+	24,17
0402 99 39 500	+	0,6947	0404 90 23 937	+	28,58
0402 99 91 000	+	0,7918	0404 90 23 939	+	29,87
0402 99 99 000	+	0,7918	0404 90 29 110	+	97,90
0403 10 11 400	+	4,748	0404 90 29 115	+	98,55
0403 10 11 800	+	7,340	0404 90 29 120	+	99,78
0403 10 13 800	+	9,775	0404 90 29 130	+	106,65
0403 10 19 800	+	14,62	0404 90 29 135	+	109,00
0403 10 31 400	+	0,0475	0404 90 29 150	+	118,13
0403 10 31 800	+	0,0734	0404 90 29 160	+	123,50
0403 10 33 800	+	0,0978	0404 90 29 180	+	129,53
0403 10 39 800	+	0,1462	0404 90 81 100	+	0,4830
0403 90 11 000	+	48,30	0404 90 81 910	+	0,0475
0403 90 13 200	+	48,30	0404 90 81 950	+	18,71
0403 90 13 300	+	85,76	0404 90 83 110	+	0,4830
0403 90 13 500	+	90,35	0404 90 83 130	+	0,8576
0403 90 13 900	+	97,18	0404 90 83 150	+	0,9035
0403 90 19 000	+	97,90	0404 90 83 170	+	0,9718
0403 90 31 000	+	0,4830	0404 90 83 911	+	0,0475
0403 90 33 200	+	0,4830	0404 90 83 913	+	0,0978
0403 90 33 300	+	0,8576	0404 90 83 915	+	0,1462
0403 90 33 500	+	0,9035	0404 90 83 917	+	0,2255
0403 90 33 900	+	0,9718	0404 90 83 919	+	0,3387
0403 90 39 000	+	0,9790	0404 90 83 931	+	18,71
0403 90 51 100	+	4,748	0404 90 83 933	+	22,46
0403 90 51 300	+	7,340	0404 90 83 935	+	29,84
0403 90 53 000	+	9,775	0404 90 83 937	+	31,06
0403 90 59 110	+	14,62	0404 90 89 130	+	0,9790
0403 90 59 140	+	22,55	0404 90 89 150	+	1,0665
0403 90 59 170	+	33,87	0404 90 89 930	+	0,4843
0403 90 59 310	+	40,34	0404 90 89 950	+	0,6947
0403 90 59 340	+	63,00	0404 90 89 990	+	0,7918
0403 90 59 370	+	69,47	0405 10 11 500	+	156,10
0403 90 59 510	+	79,18	0405 10 11 700	+	160,00
0403 90 59 540	+	116,37	0405 10 19 500	+	156,10
0403 90 59 570	+	135,80	0405 10 19 700	+	160,00
0403 90 61 100	+	0,0475			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0405 10 30 100	+	156,10	0406 10 20 660	+	—
0405 10 30 300	+	160,00	0406 10 20 810	028	—
0405 10 30 500	+	156,10		037	—
0405 10 30 700	+	160,00		039	—
0405 10 50 100	+	156,10		400	17,23
0405 10 50 300	+	160,00		404	—
0405 10 50 500	+	156,10		...	17,23
0405 10 50 700	+	160,00	0406 10 20 830	028	—
0405 10 90 000	+	165,85		037	—
0405 20 90 500	+	146,34		039	—
0405 20 90 700	+	152,20		400	29,41
0405 90 10 000	+	205,00		404	—
0405 90 90 000	+	160,00		...	29,41
0406 10 20 100	+	—	0406 10 20 850	028	—
0406 10 20 230	028	—		037	—
	400	34,33		039	—
	404	—		400	35,66
	...	42,17		404	—
0406 10 20 290	028	—		...	35,66
	400	31,93	0406 10 20 870	+	—
	404	—	0406 10 20 900	+	—
	...	39,22	0406 20 90 100	+	—
0406 10 20 610	028	11,04	0406 20 90 913	028	—
	037	—		400	69,45
	039	—		404	—
	400	71,32		...	69,45
	404	—	0406 20 90 915	028	—
	...	73,16		400	92,60
0406 10 20 620	028	16,36		404	—
	037	—		...	92,60
	039	—	0406 20 90 917	028	—
	400	78,63		400	98,38
	404	—		404	—
	...	80,22		...	98,38
0406 10 20 630	028	19,62	0406 20 90 919	028	—
	037	—		400	109,95
	039	—		404	—
	400	89,37		...	109,95
	404	—	0406 20 90 990	+	—
	...	90,58	0406 30 10 100	+	—
0406 10 20 640	028	—	0406 30 10 150	028	—
	037	—		037	—
	039	—		039	—
	400	106,29		400	13,61
	404	—		404	—
	...	106,29		...	15,50
0406 10 20 650	028	22,49	0406 30 10 200	028	—
	037	—		037	—
	039	—		039	—
	400	53,14		400	29,55
	404	—		404	—
	...	110,65		...	33,06

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)	
0406 30 10 250	028	—	0406 30 10 750	400	63,17	
	037	—		404	—	
	039	—		***	70,57	
	400	29,55		028	—	
	404	—		037	—	
	***	33,06		039	—	
0406 30 10 300	028	—	0406 30 10 800	400	74,91	
	037	—		404	—	
	039	—		***	83,70	
	400	43,38		028	—	
	404	—		037	—	
	***	48,50		039	—	
0406 30 10 350	028	—	0406 30 31 100	400	74,91	
	037	—		404	—	
	039	—		***	83,70	
	400	29,55		+	—	
	404	—		028	—	
	***	33,06		037	—	
0406 30 10 400	028	—	0406 30 31 300	039	—	
	037	—		400	13,61	
	039	—		404	—	
	400	43,38		***	15,50	
	404	—		028	—	
	***	48,50		037	—	
0406 30 10 450	028	—	0406 30 31 500	039	—	
	037	—		400	29,55	
	039	—		404	—	
	400	63,17		***	33,06	
	404	—		028	—	
	***	70,57		037	—	
0406 30 10 500	+	—	0406 30 31 710	039	—	
0406 30 10 550	028	—		0406 30 31 730	400	29,55
	037	—			404	—
	039	—			***	33,06
	400	29,55			028	—
	404	13,59			037	—
	***	33,06	039		—	
0406 30 10 600	028	—	0406 30 31 910	400	43,38	
	037	—		404	—	
	039	—		***	48,50	
	400	43,38		028	—	
	404	19,02		037	—	
	***	48,50		039	—	
0406 30 10 650	028	—	0406 30 31 930	400	29,55	
	037	—		404	—	
	039	—		***	33,06	
	400	63,17		028	—	
	404	—		037	—	
	***	70,57		039	—	
0406 30 10 700	028	—	400	43,38		
	037	—	404	—		
	039	—	***	48,50		

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 31 950	028	—	0406 90 07 000	028	—
	037	—		037	—
	039	—		039	—
	400	63,17		400	114,29
	404	—		404	—
	...	70,57		...	130,27
0406 30 39 100	+	—	0406 90 08 100	028	—
0406 30 39 300	028	—	037	—	
	037	—	039	—	
	039	—	400	106,29	
	400	29,55	404	—	
	404	13,59	...	130,27	
	...	33,06	0406 90 08 900	+	—
0406 30 39 500	028	—	0406 90 09 100	028	—
	037	—	037	—	
	039	—	039	—	
	400	43,38	400	106,29	
	404	19,02	404	—	
	...	48,50	...	130,27	
0406 30 39 700	028	—	0406 90 09 900	+	—
	037	—	0406 90 12 000	028	—
	039	—	037	—	
	400	63,17	039	—	
	404	—	400	114,29	
	...	70,57	404	—	
0406 30 39 930	028	—	...	130,27	
	037	—	0406 90 14 100	028	—
	039	—	037	—	
	400	63,17	039	—	
	404	—	400	106,29	
	...	70,57	404	—	
0406 30 39 950	028	—	...	130,27	
	037	—	0406 90 14 900	+	—
	039	—	0406 90 16 100	028	—
	400	74,91	037	—	
	404	—	039	—	
	...	83,70	400	106,29	
0406 30 90 000	028	—	404	—	
	037	—	...	130,27	
	039	—	0406 90 16 900	+	—
	400	74,91	0406 90 21 900	028	—
	404	—	037	—	
	...	83,70	039	—	
0406 40 50 000	028	—	400	106,29	
	400	98,13	404	—	
	404	—	...	124,02	
	...	103,43	0406 90 23 900	028	—
0406 40 90 000	028	—	037	—	
	400	98,13	039	—	
	404	—	400	51,43	
	...	103,43	404	—	
			...	107,08	

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)	
0406 90 25 900	028	—	0406 90 35 990	028	—	
	037	—		037	—	
	039	—		039	—	
	400	53,14		400	106,29	
	404	—		404	—	
	***	110,65		***	106,29	
0406 90 27 900	028	—	0406 90 37 000	028	—	
	037	—		037	—	
	039	—		039	—	
	400	45,89		400	106,29	
	404	—		404	—	
	***	93,77		***	130,27	
0406 90 31 119	028	—	0406 90 61 000	028	—	
	037	—		037	73,59	
	039	—		039	73,59	
	400	54,92		400	151,26	
	404	14,07		404	114,46	
	***	79,08		***	151,26	
0406 90 31 151	028	—	0406 90 63 100	028	—	
	037	—		037	92,33	
	039	—		039	92,33	
	400	51,33		400	186,48	
	404	13,15		404	140,66	
	***	73,71		***	186,48	
0406 90 31 159	+	—	0406 90 63 900	028	—	
0406 90 33 119	028	—		037	57,24	
	037	—		039	57,24	
	039	—		400	122,64	
	400	54,92		404	65,41	
	404	14,07		***	134,90	
	***	79,08	0406 90 69 100	+	—	
0406 90 33 151	028	—		0406 90 69 910	028	—
	037	—			037	57,24
	039	—			039	57,24
	400	51,33			400	122,64
	404	13,15			404	65,41
	***	73,71	***		134,90	
0406 90 33 919	028	—	0406 90 73 900	028	—	
	037	—		037	34,88	
	039	—		039	34,88	
	400	51,08		400	123,47	
	404	13,09		404	98,13	
	***	73,54		***	123,47	
0406 90 33 951	028	—	0406 90 75 900	028	—	
	037	—		037	—	
	039	—		039	—	
	400	47,74		400	53,14	
	404	12,23		404	—	
	***	68,55		***	102,99	
0406 90 35 190	028	—	0406 90 76 100	028	19,62	
	037	37,51		037	—	
	039	37,51		039	—	
	400	139,38		400	48,04	
	404	79,13		404	—	
	***	139,38		***	90,58	

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)		
0406 90 76 300	028	—	0406 90 85 995	028	22,49		
	037	—		037	—		
	039	—		039	—		
	400	53,14		400	53,14		
	404	—		404	—		
	...	110,65		...	110,65		
0406 90 76 500	028	—	0406 90 85 999	+	—		
	037	—		0406 90 86 100	+	—	
	039	—			0406 90 86 200	028	11,04
	400	61,32				037	—
	404	—				039	—
	...	110,65				400	73,16
0406 90 78 100	028	19,62	0406 90 86 300			404	—
	037	—		...		73,16	
	039	—		028	16,36		
	400	48,04		037	—		
	404	—		039	—		
	...	90,58		400	78,63		
0406 90 78 300	028	—	0406 90 86 400	404	—		
	037	—		...	80,22		
	039	—		028	19,62		
	400	53,14		037	—		
	404	—		039	—		
	...	110,65		400	89,37		
0406 90 78 500	028	—	0406 90 86 900	404	—		
	037	—		...	90,58		
	039	—		028	—		
	400	61,32		037	—		
	404	—		039	—		
	...	110,65		400	106,29		
0406 90 79 900	028	—	0406 90 87 100	404	—		
	037	—		0406 90 87 200	...	106,29	
	039	—			+	—	
	400	45,89			028	11,04	
	404	—			037	—	
	...	93,77			039	—	
0406 90 81 900	028	—	0406 90 87 300		400	73,16	
	037	—		404	—		
	039	—		...	73,16		
	400	106,29		028	16,36		
	404	—		037	—		
	...	106,29		039	—		
0406 90 85 910	028	—	0406 90 87 400	400	78,63		
	037	37,51		404	—		
	039	37,51		...	80,22		
	400	139,38		028	19,62		
	404	79,13		037	—		
	...	139,38		039	—		
0406 90 85 991	028	—		400	89,37		
	037	—		404	—		
	039	—		...	90,58		
	400	106,29					
	404	—					
	...	106,29					

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 87 951	028	—	2309 10 19 100	+	—
	037	37,51	2309 10 19 200	+	—
	039	37,51	2309 10 19 300	+	—
	400	132,76	2309 10 19 400	+	—
	404	79,13	2309 10 19 500	+	—
	...	132,76	2309 10 19 600	+	—
0406 90 87 971	028	22,49	2309 10 19 700	+	—
	037	—	2309 10 19 800	+	—
	039	—	2309 10 70 010	+	—
	400	60,51	2309 10 70 100	+	14,58
	404	—	2309 10 70 200	+	19,44
	...	110,65	2309 10 70 300	+	24,30
0406 90 87 972	028	—	2309 10 70 500	+	29,16
	400	34,33	2309 10 70 600	+	34,02
	404	—	2309 10 70 700	+	38,88
	...	42,17	2309 10 70 800	+	42,77
0406 90 87 979	028	22,49	2309 90 35 010	+	—
	037	—	2309 90 35 100	+	—
	039	—	2309 90 35 200	+	—
	400	60,51	2309 90 35 300	+	—
	404	—	2309 90 35 400	+	—
	...	110,65	2309 90 35 500	+	—
0406 90 88 100	+	—	2309 90 35 700	+	—
0406 90 88 200	028	11,04	2309 90 39 010	+	—
	037	—	2309 90 39 100	+	—
	039	—	2309 90 39 200	+	—
	400	73,16	2309 90 39 300	+	—
	404	—	2309 90 39 400	+	—
	...	73,16	2309 90 39 500	+	—
0406 90 88 300	028	16,36	2309 90 39 600	+	—
	037	—	2309 90 39 700	+	—
	039	—	2309 90 39 800	+	—
	400	78,63	2309 90 70 010	+	—
	404	—	2309 90 70 100	+	14,58
	...	80,22	2309 90 70 200	+	19,44
2309 10 15 010	+	—	2309 90 70 300	+	24,30
2309 10 15 100	+	—	2309 90 70 500	+	29,16
2309 10 15 200	+	—	2309 90 70 600	+	34,02
2309 10 15 300	+	—	2309 90 70 700	+	38,88
2309 10 15 400	+	—	2309 90 70 800	+	42,77
2309 10 15 500	+	—			
2309 10 15 700	+	—			
2309 10 19 010	+	—			

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (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 and Regulation (EC) No 2815/95 are observed.

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

COMMISSION REGULATION (EC) No 134/96

of 25 January 1996

fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1530/95⁽⁴⁾, and in particular Article 14 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 14 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 14 of Regulation (EEC) No 1418/76 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁵⁾, as amended by Regulation (EC) No 2993/95⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content

being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

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

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

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

Whereas Council Regulation (EEC) No 990/93⁽⁷⁾, as amended by Regulation (EC) 1380/95⁽⁸⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 2815/95⁽⁹⁾; whereas account should be taken of this fact when fixing the refunds;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁶⁾ OJ No L 312, 23. 12. 1995, p. 25.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁸⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁹⁾ OJ No L 297, 9. 12. 1995, p. 1.

Article 2

This Regulation shall enter into force on 26 January 1996.

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

Done at Brussels, 25 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 25 January 1996 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund (1)	Product code	Refund (1)
1102 20 10 200 (2)	42,00	1104 23 10 100	45,00
1102 20 10 400 (2)	36,00	1104 23 10 300	34,50
1102 20 90 200 (2)	36,00	1104 29 11 000	0,00
1102 90 10 100	0,00	1104 29 51 000	0,00
1102 90 10 900	0,00	1104 29 55 000	0,00
1102 90 30 100	11,70	1104 30 10 000	0,00
1103 12 00 100	11,70	1104 30 90 000	7,50
1103 13 10 100 (2)	54,00	1107 10 11 000	0,00
1103 13 10 300 (2)	42,00	1107 10 91 000	0,00
1103 13 10 500 (2)	36,00	1108 11 00 200	0,00
1103 13 90 100 (2)	36,00	1108 11 00 300	0,00
1103 19 10 000	35,97	1108 12 00 200	48,00
1103 19 30 100	0,00	1108 12 00 300	48,00
1103 21 00 000	0,00	1108 13 00 200	37,52
1103 29 20 000	0,00	1108 13 00 300	37,52
1104 11 90 100	0,00	1108 19 10 200	0,00
1104 12 90 100	13,00	1108 19 10 300	0,00
1104 12 90 300	10,40	1109 00 00 100	0,00
1104 19 10 000	0,00	1702 30 51 000 (3)	47,03
1104 19 50 110	48,00	1702 30 59 000 (3)	36,00
1104 19 50 130	39,00	1702 30 91 000	47,03
1104 21 10 100	0,00	1702 30 99 000	36,00
1104 21 30 100	0,00	1702 40 90 000	36,00
1104 21 50 100	0,00	1702 90 50 100	47,03
1104 21 50 300	0,00	1702 90 50 900	36,00
1104 22 20 100	10,40	1702 90 75 000	49,28
1104 22 30 100	11,05	1702 90 79 000	34,20
		2106 90 55 000	36,00

(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 and Regulation (EC) No 2815/95 are observed.

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

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

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

COMMISSION REGULATION (EC) No 135/96

of 25 January 1996

fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular the third subparagraph of Article 13 (4) thereof,

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

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

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

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to

avoid disturbances on the Community market and the economic aspect of the export;

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

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

Whereas Council Regulation (EEC) No 990/93⁽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 and in Council Regulation (EC) No 2815/95⁽⁶⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 January 1996.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 51.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁶⁾ OJ No L 297, 9. 12. 1995, p. 1.

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

Done at Brussels, 25 January 1996.

For the Commission
 Franz FISCHLER
Member of the Commission

ANNEX

to the Commission Regulation of 25 January 1996 fixing the export refunds on cereal-based compound feedings

Product code benefitting from export refund⁽¹⁾:

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

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽³⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	30
Cereal products ⁽²⁾ excluding maize and maize products	0,00

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

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.
 Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

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

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulations (EEC) No 990/93 and (EC) No 2815/95 are observed.

COMMISSION REGULATION (EC) No 136/96
of 25 January 1996
fixing production refunds on cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992, on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 7(3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1530/95⁽⁴⁾, and in particular Article 9(3) thereof,

Having regard to Commission Regulation (EEC) No 1722/93 of 30 June 1993 laying down detailed rules for the arrangements concerning production refunds in the cereals and rice sectors⁽⁵⁾, as last amended by Regulation (EC) No 1516/95⁽⁶⁾, and in particular Article 3 thereof,

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

Whereas the production refunds to be fixed in this Regulation should be adjusted by the coefficients listed in the

Annex II to Regulation (EEC) No 1722/93 to establish the exact amount payable;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The refund referred to in Article 3(2) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from maize, wheat, potatoes, rice or broken rice, shall be ECU 13,07 per tonne.

2. The refund referred to in Article 3(3) of Regulation (EEC) No 1722/93, expressed per tonne of starch extracted from barley and oats, shall be ECU 9,15 per tonne.

Article 2

This Regulation shall enter into force on 26 January 1996.

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

Done at Brussels, 25 January 1996.

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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 112.

⁽⁶⁾ OJ No L 147, 30. 6. 1995, p. 49.

COMMISSION DIRECTIVE 96/2/EC

of 16 January 1996

amending Directive 90/388/EEC with regard to mobile and personal communications

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 90 (3) thereof,

Whereas :

- (1) In its communication on the consultation on the Green Paper on mobile and personal communications of 23 November 1994, the Commission set out the major actions required for the future regulatory environment necessary to exploit the potential of this means of communication. It emphasized the need for the abolition, as soon as possible, of all remaining exclusive and special rights in the sector through full application of Community competition rules and with the amendment of Commission Directive 90/388/EEC of 28 June 1990 competition in the markets for telecommunications services⁽¹⁾, as last amended by Directive 95/51/EC⁽²⁾, where required. Moreover, the communication considered removing restrictions on the free choice of underlying facilities used by mobile network operators for the operation and development of their networks for those activities which are allowed by the licences or authorizations. Such a step was seen as essential in order to overcome current distortions of fair competition and, in particular, to allow such operators control over their cost base.
- (2) The Council Resolution of 29 June 1995 on the further development of mobile and personal communications in the European Union⁽³⁾ gave general support to the actions required, as set out in the Commission's communication of 23 November 1994, and considered as one of the major goals the abolition of exclusive or special rights in this area.
- (3) The European Parliament, in its Resolution of 14 December 1995 concerning the draft Commission Directive amending Directive 90/388/EEC with

regard to mobile and personal communications⁽⁴⁾, welcomed this Directive in both its principles and its objectives.

- (4) Several Member States have already opened up certain mobile communications services to competition and introduced licensing schemes for such services. Nevertheless, the number of licences granted is still restricted in many Member States on the basis of discretion or, in the case of operators competing with telecommunications organizations subject to technical restrictions such as a ban on using infrastructure other than those provided by the telecommunications organization. Many Member States, for example, have still not granted licences for DCS 1800 mobile telephony.

In addition, some Member States have maintained exclusive rights for the provision of certain mobile and personal communications services granted to the national telecommunications organization.

- (5) Directive 90/388/EEC provides for the abolition of special or exclusive rights granted by Member States in respect of the provision of telecommunications services. However, the Directive does not as yet apply to mobile services.
- (6) Where the number of undertakings authorized to provide mobile and personal communications services is limited by Member States through the existence of special rights and *a fortiori* exclusive rights, these constitute restrictions which would be incompatible with Article 90 in conjunction with Article 59 of the Treaty whenever such limitation is not justified under specific Treaty provisions or the essential requirements, since these rights prevent other undertakings from supplying the services concerned, to and from other Member States. In the case of mobile and personal communication networks and services, the applicable essential requirements encompass the effective use of the frequency spectrum and the avoidance of harmful interference between radio-based, space-based or terrestrial technical systems. Consequently, provided that the equipment used to offer the services also satisfies these essential requirements, the current special rights and *a fortiori* exclusive

⁽¹⁾ OJ No L 192, 24. 7. 1990, p. 10.

⁽²⁾ OJ No L 256, 26. 10. 1995, p. 49.

⁽³⁾ OJ No C 188, 22. 7. 1995, p. 3.

⁽⁴⁾ Resolution A4-0306/95.

rights on the provision of mobile services are not justified and therefore should be treated in the same way as the other telecommunications services already covered by Directive 90/388/EEC. The scope of application of that Directive should accordingly be extended so as to include mobile and personal communications services.

- (7) When opening the markets for mobile and personal communications to competition Member States should give preference to the use of Pan-European standards in the area, such as GSM, DCS 1800, DECT and ERMES, in order to allow development and transborder provision of mobile and personal communications services.
- (8) Certain Member States have currently granted licences for digital mobile radio-based services making use of frequencies in the 1 700 to 1 900 Mhz band, according to the DCS 1800 standard. The Commission communication of 23 November 1994 established that DCS 1800 is to be seen as part of the GSM system family. The other Member States have not authorized such services even where frequencies are available in this band, thereby preventing the cross-border provision of such services. This is also incompatible with Article 90 in conjunction with Article 59. To remedy this situation, Member States which have not yet established a procedure for granting such licences should do so within a reasonable time-frame. In this context, due account should be taken of the requirement to promote investments by new entrants in these areas. Member States should be able to refrain from granting a licence to existing operators, for example to operators of GSM systems already present on their territory, if it can be shown that this would eliminate effective competition in particular by the extension of a dominant position. In particular, where a Member State grants or has already granted DCS 1800 licences, the granting of new or supplementary licences for existing GSM or DCS 1800 operators may take place only under conditions ensuring effective competition.
- (9) Digital European cordless telecommunications (DECT) services are also an essential element for the development towards personal communications. DECT provides an alternative to the current local loop access to the public switched telephone network. On 3 June 1991, the Council, by Directive 91/287/EEC, designated coordinated frequency bands for the introduction of DECT into the Community⁽¹⁾ to be implemented not later than 31 December 1991. Certain Member States are, however, preventing the use of these frequencies for such services by refusing to grant licences to companies which intend to start offering DECT services. Where telecommunications organizations were granted exclusive rights for the establishment of the public switched telephone network, the effect of such refusals is to strengthen their dominant position and also to delay the emergence of personal communications services and therefore restricts technical progress at the expense of the users contrary to Article 90 of the Treaty in conjunction with point (b) of Article 86. To remedy this situation Member States which have not yet established a procedure for granting such licences should also do so within a reasonable time-frame.
- (10) Even where licences were granted to competing mobile operators, Member States have in certain cases granted to one of them, in a discretionary manner, special legal advantages which were not granted to others. In such a situation, these advantages may be counterbalanced by special obligations and do not, necessarily, preclude the latter from entering and competing in the market. The compatibility of these advantages with the Treaty must therefore be assessed on a case-by-case basis taking into account their impact on the effective freedom of other entities to provide, in an efficient manner, the same telecommunications service and their possible justifications regarding the activity concerned.
- (11) The exclusive rights that currently exist in the mobile communications field were generally granted to organizations which already enjoyed a dominant position in creating the terrestrial networks, or to one of their subsidiaries. In such a situation, these rights have the effect of extending the dominant position enjoyed by those organizations and therefore strengthening that position, which, according to the case-law of the Court of Justice, constitutes an abuse of a dominant position contrary to Article 86 of the Treaty. The exclusive rights granted in the mobile and personal communications field are consequently incompatible with Article 90 read in conjunction with Article 86. These exclusive rights should consequently be abolished.
- (12) Moreover, as regards new mobile services, given the difficulty of ensuring that telecommunications organizations in those Member States with less developed networks which would qualify for a transitional time period for the abolition of the exclusive rights for the establishment and use of infrastructures required for a given mobile service, would

(1) OJ No L 144, 8. 6. 1991, p. 45.

not use this position to extend it to the market of the relevant mobile service, the Member States should, in order to prevent abuses of dominant positions contrary to the Treaty, abstain from granting such telecommunications organization, or any associated organization, a licence for this mobile service. Where telecommunications organization, do not or no longer enjoy exclusive rights for the establishment and the provision of the public network infrastructure, they should, however, not *a priori* be excluded from such licensing procedures.

- (13) Exclusive rights not only limit access to the market, but they also have the effect of restricting or preventing, to the disadvantage of users, the use of mobile and personal communications on offer, thereby holding back technical progress in this area. The telecommunications organizations have, in particular, maintained higher tariffs for mobile radiophony in comparison with fixed voice telephony which hinders competition at the expense of their main source of revenues.

Where investment decisions are taken by undertakings in areas where they enjoy exclusive rights, these undertakings are in a position whereby they can decide to give priority to fixed network technologies, whereas new entrants may exploit mobile and personal technology even to compete with fixed services, in particular as regards the local loop. Thus, the exclusive rights imply that there is a restriction on the development of mobile and personal communications and this is incompatible with Article 90, read in conjunction with Article 86.

- (14) In order to establish the conditions under which mobile and personal communications systems are to be provided, Member States may introduce licensing or declaration procedures to ensure compliance with the applicable essential requirements and public service specifications in the form of trade regulations, subject to the proportionality principle. Public service specifications in the form of trade regulations relate to conditions of permanence, availability, and quality of the service. Such conditions may include the obligation to give service providers access to airtime on terms at least as favourable as those available to a service provision business owned by, or with ownership links to, a

mobile network. This framework is without prejudice to the harmonization of the framework for licensing in the Community.

The number of licences may be limited only in the case of scarcity of the frequency resources. Conversely, licensing is not justified when a mere declaration procedure would suffice to attain the relevant objective.

As regards airtime resale and other mere provision of services by independent service providers or directly by mobile network operators on already authorized mobile systems, none of the applicable essential requirements would justify the introduction or maintenance of licensing procedures, given that such services do not consist of the provision of telecommunications services or the operation of a mobile communications network, but of the retail of authorized services, the provision of which is likely to be subject to conditions ensuring compliance with essential requirements or public service specifications in the form of trade regulations.

They could therefore, besides the application of national fair trade rules concerning all similar retail activities, only be subject to a requirement of a declaration of their activities to the National Regulatory Authority of the Member States where they choose to operate. Mobile network operators could on the other hand refuse to allow service providers to distribute their services, in particular where these service providers did not adhere to a code of conduct for service providers in conformity with the competition rules of the Treaty, as far as such code exists.

- (15) In the context of mobile and personal communications systems radiofrequencies are a crucial bottleneck resource. The allocation of radiofrequencies for mobile and personal communications system by Member States according to criteria other than those which are objective, transparent and non-discriminatory constitutes a restriction incompatible with Article 90 in conjunction with Article 59 of the Treaty to the extent that operators from other Member States are disadvantaged in these allocation procedures. The development of effective competition in the telecommunications sector may be an objective justification to refuse the allocation of frequencies to operators already dominant in the geographical market.

Member States should ensure that the procedure for allocation of radiofrequencies is based on objective criteria and without discriminatory effects. In this context Member States should, with regard to future designation of frequencies for specific communications services, publish the frequency plans as well as the procedures to be followed by operators to obtain frequencies within the designated frequency bands. Current frequency allocation should be reviewed by the Member States at regular intervals. In cases where the number of licences was limited on the basis of spectrum scarcity, Member States should also review whether advances in technology would allow spectrum to be made available for additional licences. Possible fees for the use of frequencies should be proportional and levied according to the number of channels effectively granted.

- (16) Most Member States currently oblige mobile operators to use the leased line capacity of telecommunications organizations for both internal network connections and for the routing of long distance portions of calls. As the charges for leased line rental represent a substantial proportion of the mobile operator's cost base, this requirement gives the supplying telecommunications organization, i.e. in many cases its direct competitor, a considerable influence on the commercial viability and cost structure of mobile operators. In addition, restrictions on the self-provision of infrastructure and the use of third party infrastructure is slowing down the development of mobile services, in particular because effective pan-European roaming for GSM relies on the widespread availability of addressed signalling systems, a technology which is not yet universally offered by telecommunications organizations throughout the Community.

Such restrictions on the provision and use of infrastructures constrain the provision of mobile and personal communications services by operators from other Member States and are thus incompatible with Article 90 in conjunction with Article 59 of the Treaty. To the extent that the competitive provision of mobile voice services is prevented because the telecommunications organization is unable to meet the mobile operator's demand for infrastructures or will only do so on the basis of tariffs which are not oriented towards the costs of the leased line capacity concerned, these restrictions inevitably favour the telecommunications organization's offering of fixed telephony services, for which most Member States still maintain exclusive rights. The restriction on the provision and use of infrastructure thus infringes Article 90, in

conjunction with Article 86 of the Treaty. Accordingly, Member States must lift these restrictions and grant, if requested, the relevant mobile operators on a non-discriminatory basis access to the necessary scarce resources to set up their own infrastructure including radiofrequencies.

- (17) Currently, the direct interconnection between mobile communications systems as well as between mobile communications systems and fixed telecommunications networks within a single Member State or between systems located in different Member States is restricted in mobile licences granted by many Member States without any technical justification. Furthermore, restrictions exist for the interconnection of such networks via networks other than the public telecommunications networks. In the Member States concerned, mobile operators are required to interconnect with other mobile operators via the telecommunications organization's fixed network. Such requirements result in additional costs and thus impede, in particular, the development of transborder provision of mobile communication services in the Community and therefore infringe Article 90, in conjunction with Article 59.

As in most Member States exclusive rights for the provision of voice telephony and public fixed network infrastructure are maintained, potential abuses of the relevant telecommunications organization's dominant position can be prevented only if Member States ensure that interconnection of public mobile communications systems is made possible at defined interfaces with the public telecommunications network of those telecommunications organizations and that the interconnection conditions are based on objective criteria, justified by the cost of providing the interconnection service, are transparent, non-discriminatory, published in advance and allow the necessary tariff flexibility, including the application of off-peak rates. In particular, transparency is required in respect of cost-accounting of operators providing both fixed networks and mobile telecommunications networks. Special and exclusive rights in respect of the establishment of cross-border infrastructure for voice telephony are not affected by this Directive.

In order to be able to ensure the full application of this Directive as regards interconnection, information on interconnection agreements must be available to the Commission on request.

The drawing up of such national procedures for licensing and interconnection, is without prejudice to the harmonization of the latter at Community level by European Parliament and Council Directives, in particular within the framework of Directives on open network provision (ONP).

- (18) Article 90 (2) of the Treaty provides for an exception to the Treaty rules, and in particular to Article 86, in cases where the application of the latter would obstruct the performance, in law or in fact, of the particular tasks assigned to the telecommunications organizations. Pursuant to that provision, Directive 90/388/EEC allows exclusive rights to be maintained for a transitional period in respect of voice telephony.

Voice telephony is defined in Article 1 of Directive 90/388/EEC as the commercial provision for the public of the direct transport and switching of speech in real time between public switched network termination points, enabling any user to use equipment connected to such a network termination point in order to communicate with another termination point. The direct transport and switching of speech via mobile and personal communications networks is not implemented between two public switched termination points and is therefore not voice telephony within the meaning of Directive 90/388/EEC.

On the basis of Article 90 (2) of the Treaty, public service specifications in the form of trade regulations applicable to all authorized operators of mobile telecommunications services provided to the public, are, however, justified to ensure the fulfilment of objectives of general economic interest, such as ensuring geographical coverage or the implementation of Community-wide standards.

- (19) In its assessment of current restrictions imposed on mobile operators concerning the establishment and use of their own infrastructure and/or the use of third party infrastructures, the Commission will further consider the need for additional transition periods for Member States with less developed networks as called for in the Council's Resolution of 22 July 1993 on the review of the situation in the telecommunications sector and the need for further development in that market⁽¹⁾ in addition to the Council's Resolution of 22 December 1994 on the principles and timetable for the liberalization of telecommunications infrastructures⁽²⁾.

Although not covered by these resolutions there should be the possibility of requesting an additional transition period as regards the direct interconnection of mobile networks. The Member States which may request such an exception are Spain, Ireland, Greece and Portugal. However, only certain of these Member States do not allow GSM mobile operators to use own and/or third party infrastructures. A specific procedure should be provided in order to assess the possible justification for the maintenance of that regime for the provision of mobile and personal communications services for a transitional time period as set out in the said Council resolutions.

- (20) This Directive does not prevent measures being adopted in accordance with Community law and existing international obligations so as to ensure that nationals of Member States are afforded equivalent treatment in third countries,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Directive 90/388/EEC is amended as follows :

1. Article 1 (1) is amended as follows :

- (a) the following indents are inserted after the ninth indent :

— "mobile and personal communications services" means services other than satellite services whose provision consists, wholly or partly, in the establishment of radiocommunications to a mobile user, and makes use wholly or partly of mobile and personal communications systems,

— "mobile and personal communications systems" means systems consisting of the establishment and operation of a mobile network infrastructure whether connected or not to public network termination points, to support the transmission and provision of radiocommunications services to mobile users;

- (b) the thirteenth indent is replaced by the following :

— "essential requirements" means the non-economic reasons in the public interest which may cause a Member State to impose conditions on the establishment and/or operation of telecommunications networks or the provision of telecommunications services. These reasons are the security of network operations, maintenance of network integrity, and where justified,

⁽¹⁾ OJ No C 213, 6. 8. 1993, p. 2.

⁽²⁾ OJ No C 379, 31. 12. 1994, p. 4.

interoperability of services, data protection, the protection of the environment and town and country planning objectives as well as the efficient use of the frequency spectrum and the avoidance of harmful interference between radio-based telecommunications systems and other space-based or terrestrial technical systems.

Data protection may include protection of personal data, the confidentiality of information transmitted or stored as well as the protection of privacy.'

2. Article 1 (2) is replaced by the following :

'2. This Directive shall not apply to telex.'

3. The following Articles 3a to 3d are inserted :

Article 3a

In addition to the requirements set out in the second paragraph of Article 2 Member States shall, in attaching conditions to licences or general authorizations for mobile and personal communications systems, ensure the following :

- (i) licensing conditions must not contain conditions other than those justified on the grounds of the essential requirements and, in the case of systems for use by the general public, public service requirements in the form of trade regulation within the meaning of Article 3 ;
- (ii) licensing conditions for mobile network operators must ensure transparent and non-discriminatory behaviour between fixed and mobile network operators in common ownership ;
- (iii) licensing conditions should not include unjustified technical restrictions. Member States may not, in particular, prevent combination of licences or restrict the offer of different technologies making use of distinct frequencies, where multistandard equipment is available.

As far as frequencies are available, member States shall award licences according to open, non-discriminatory, and transparent procedures.

Member States may limit the number of licences for mobile and personal communications systems to be issued only on the basis of essential requirements and only where related to the lack of availability of frequency spectrum and justified under the principle of proportionality.

Licence award procedures may consider public service requirements in the form of trade regulation within the meaning of Article 3, provided the solution which least restricts competition is chosen. The relevant conditions related to trade regulations may be attached to the licences granted.

Member States which are granted an additional implementation period to abolish the restrictions with regard to infrastructure as provided for in Article 3c, shall not during that period grant any further mobile or personal communications licence to telecommunications organizations in such Member States do not or no longer enjoy exclusive or special rights, within the meaning of points (b) and (c) of the first paragraph of Article 2, for the establishment and the provision of the public network infrastructure, they shall not *a priori* be excluded from such licensing procedures.

Article 3b

The designation of radiofrequencies for specific communication services must be based on objective criteria. Procedures must be transparent and published in an appropriate manner.

Member States shall publish every year or make available on request, the allocation scheme of frequencies reserved for mobile and personal communications services, according to the scheme set out in the Annex, including the plans for future extension of such frequencies.

This designation must be reviewed by Member States at regular appropriate intervals.

Article 3c

Member States shall ensure that all restrictions on operators of mobile and personal communications systems with regard to the establishment of their own infrastructure, the use of infrastructures provided by third and the sharing of infrastructure, other facilities and sites, subject to limiting the use of such infrastructures to those activities provided for in their licence or authorization, are lifted.

Article 3d

Without prejudice to the future harmonization of national interconnection rules in the context of ONP, Member States shall ensure that direct interconnection between mobile communications systems, as well as between mobile communications systems and fixed telecommunications networks, is allowed. In order to achieve this, restrictions on interconnection shall be lifted.

Member States shall ensure that operators of mobile communications systems for the public have the right to interconnect their systems with the public telecommunications network. To this end, Member States shall guarantee access to the necessary number of points of interconnection to the public telecommunications network in the licences for mobile services. Member States shall ensure that the technical interfaces offered at such points of interconnection are the least restrictive interfaces available as regards the features of the mobile services.

Member States shall ensure that interconnection conditions with the public telecommunications network of the telecommunications organizations are set on the basis of objective criteria, are transparent and non-discriminatory, and compatible with the principle of proportionality. They shall ensure that, in case of appeal, full access to interconnection agreements is given to National Regulatory Authorities and that such information is made available to the Commission on request.

4. In the first sentence of Article 4 the word 'fixed' is inserted before the words 'public telecommunications networks'.

Article 2

1. Without prejudice to Article 2 of Directive 90/388/EEC, and subject to the provision set out in paragraph 4 of this Article, Member States shall not refuse to allocate licences for operating mobile systems according to the DCS 1800 standard at the latest after adoption of a decision of the European Radiocommunications Committee on the allocation of DCS 1800 frequencies and in any case by 1 January 1998.

2. Member States shall, subject to the provision set out in paragraph 4, not refuse to allocate licences for public access/Telepoint applications, including systems operation on the basis of the DECT standard as from the entry into force of this Directive.

3. Member States shall not restrict the combination of mobile technologies or systems, in particular where multistandard equipment is available. When extending existing licences to cover such combinations Member States shall ensure that such extension is justified in accordance with the provisions of paragraph 4.

4. Member States shall adopt, where required, measures to ensure the implementation of this Article taking

account of the requirement to ensure effective competition between operators competing in the relevant markets.

Article 3

Member States shall supply to the Commission, not later than nine months after this Directive has entered into force, such information as will allow the Commission to confirm that Article 1 as well as Article 2 (2) have been complied with.

Member States shall supply to the Commission, not later than 1 January 1998, such information as will allow the Commission to confirm that Article 2 (1) has been complied with.

Article 4

Member States with less developed networks may request at the latest three months from the entry into force of this Directive an additional implementation period of up to five years, in which to implement all or some of the conditions set out in Article 3c and in Article 3d (1) of Directive 90/388/EEC, to the extent justifiable by the need to achieve the necessary structural adjustments. Such a request must include a detailed description of the planned adjustments and a precise assessment of the timetable envisaged for their implementation. The information provided shall be made available to any interested party on demand.

The Commission will assess such requests and take a reasoned decision within a time period of three months on the principle, implications and maximum duration of the additional period to be granted.

Article 5

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

Article 6

This Directive is addressed to the Member States.

Done at Brussels, 16 January 1996.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

1. Frequency bands allocated to mobile systems.
(specifying the number of channels, the service to which it is allocated and the review date of the allocation)
 2. Frequency bands which will be made available for mobile systems during the next year.
 3. Procedures envisaged to assign these frequencies to existing or new operators.
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II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 January 1996

adjusting the weightings applicable from 1 February 1994 to the remuneration of officials of the European Communities serving in third countries

(96/83/Euratom, ECSC, EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (ECSC, EC, Euratom) No 3161/94 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EC, Euratom, ECSC) No 2356/95 ⁽³⁾ laid down the weightings to be applied from 1 January 1994 to the remuneration of officials serving in third countries, payable in the currency of their country of employment ;

Whereas some of these weightings should be adjusted with effect from 1 February 1994 given that the statistics available to the Commission show that in certain third countries the variation in the cost of living measured on the basis of the weighting and the corresponding

exchange rate has exceeded 5 % since weightings were last laid down,

HAS DECIDED AS FOLLOWS :

Sole Article

With effect from 1 February 1994 the weightings applicable to the remuneration of officials serving in third countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Union for the month preceding the date referred to in the first paragraph.

Done at Brussels, 8 January 1996.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 335, 23. 12. 1994, p. 1.

⁽³⁾ OJ No L 241, 10. 10. 1995, p. 1.

ANNEX

Country of employment	Weightings applicable with effect from 1 February 1994
Angola	1 864,410000
Brazil	78,970000
China	94,810000
Ghana	55,050000
Nigeria	45,730000
Romania	44,480000
Zambia	106,110000

COMMISSION DECISION

of 8 January 1996

adjusting the weightings applicable from 1 March 1994 to the remuneration of officials of the European Communities serving in third countries

(96/84/Euratom, ECSC, EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (ECSC, EC, Euratom) No 3161/94 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EC, Euratom, ECSC) No 2356/95 ⁽³⁾ laid down the weightings to be applied from 1 January 1994 to the remuneration of officials serving in third countries, payable in the currency of their country of employment;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations ⁽⁴⁾;

Whereas some of these weightings should be adjusted with effect from 1 March 1994 given that the statistics available to the Commission show that in certain third countries the variation in the cost of living measured on

the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

HAS DECIDED AS FOLLOWS:

Sole Article

With effect from 1 March 1994 the weightings applicable to the remuneration of officials serving in third countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Union for the month preceding the date referred to in the first paragraph.

Done at Brussels, 8 January 1996.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 335, 23. 12. 1994, p. 1.

⁽³⁾ OJ No L 241, 10. 10. 1995, p. 1.

⁽⁴⁾ OJ No L 263, 4. 11. 1995, pp. 20 to 28.

ANNEX

Country of employment	Weightings applicable with effect from 1 March 1994
Angola	2 521,3300000
Benin	51,7300000
Brazil	75,7200000
Bulgaria	38,5300000
China	66,4600000
Ghana	51,1900000
Côte d'Ivoire	72,2900000
Mozambique	64,7300000
Niger	59,7200000
Nigeria	88,9100000
Poland	78,2000000
Romania	36,4600000
Sudan	58,9200000
Turkey	62,0000000
Ukraine	71,0100000
Venezuela	57,1800000
Zambia	76,8000000

COMMISSION DECISION

of 8 January 1996

adjusting the weightings applicable from 1 April 1994 to the remuneration of officials of the European Communities serving in third countries

(96/85/Euratom, ECSC, EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68⁽¹⁾, as last amended by Regulation (ECSC, EC, Euratom) No 3161/94⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EC, Euratom, ECSC) No 2356/95⁽³⁾ laid down the weightings to be applied from 1 January 1994 to the remuneration of officials serving in third countries, payable in the currency of their country of employment ;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations⁽⁴⁾ ;

Whereas some of these weightings should be adjusted with effect from 1 April 1994 given that the statistics available to the Commission show that in certain third countries the variation in the cost of living measured on

the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

HAS DECIDED AS FOLLOWS :

Sole Article

With effect from 1 April 1994 the weightings applicable to the remuneration of officials serving in third countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the budget of the European Union for the month preceding the date referred to in the first paragraph.

Done at Brussels, 8 January 1996.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 335, 23. 12. 1994, p. 1.

⁽³⁾ OJ No L 241, 10. 10. 1995, p. 1.

⁽⁴⁾ OJ No L 263, 4. 11. 1995, pp. 20 to 28.

ANNEX

Country of employment	Weightings applicable with effect from 1 April 1994
Angola	721,8300000
Benin	54,2500000
Brazil	78,7300000
Bulgaria	44,9100000
Burkina Faso	64,0300000
Colombia	65,1400000
Congo	79,6400000
Equatorial Guinea	66,3200000
Haiti	63,7200000
Côte d'Ivoire	76,3100000
Jamaica	45,8100000
Mali	68,5900000
Niger	62,5900000
Romania	37,5400000
Slovenia	71,0800000
Solomon Islands	89,3300000
Suriname	72,9600000
Togo	67,5100000
Turkey	62,3100000
Uruguay	89,3700000

COMMISSION DECISION

of 8 January 1996

adjusting the weightings applicable from 1 May 1994 to the remuneration of officials of the European Communities serving in third countries

(96/86/Euratom, ECSC, EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68⁽¹⁾, as last amended by Regulation (ECSC, EC, Euratom) No 3161/94⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EC, Euratom, ECSC) No 2356/95⁽³⁾ laid down the weightings to be applied from 1 January 1994 to the remuneration of officials serving in third countries, payable in the currency of their country of employment ;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations⁽⁴⁾ ;

Whereas some of these weightings should be adjusted with effect from 1 May 1994 given that the statistics available to the Commission show that in certain third countries the variation in the cost of living measured on

the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

HAS DECIDED AS FOLLOWS :

Sole Article

With effect from 1 May 1994 the weightings applicable to the remuneration of officials serving in third countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the budget of the European Union for the month preceding the date referred to in the first paragraph.

Done at Brussels, 8 January 1996.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 335, 23. 12. 1994, p. 1.

⁽³⁾ OJ No L 241, 10. 10. 1995, p. 1.

⁽⁴⁾ OJ No L 263, 4. 11. 1995, pp. 20 to 28.

ANNEX

Country of employment	Weightings applicable with effect from 1 May 1994
Angola	399,0900000
Brazil	76,7700000
Bulgaria	37,4900000
China	67,6800000
Congo	84,1500000
Lebanon	26,0400000
Madagascar	84,5000000
Niger	72,6400000
Romania	35,0100000
Suriname	70,7900000
Turkey	52,9600000
Venezuela	55,3600000

COMMISSION DECISION

of 8 January 1996

adjusting the weightings applicable from 1 June 1994 to the remuneration of officials of the European Communities serving in third countries

(96/87/Euratom, ECSC, EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,
Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of the Officials of the European Communities and the conditions of employment of other servants of the Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, as last amended by Regulation (ECSC, EC, Euratom) No 3161/94 ⁽²⁾, and in particular the second paragraph of Article 13 of Annex X thereto,

Whereas, pursuant to the first paragraph of Article 13 of Annex X to the Staff Regulations, Council Regulation (EC, Euratom, ECSC) No 2356/95 ⁽³⁾ laid down the weightings to be applied from 1 January 1994 to the remuneration of officials serving in third countries, payable in the currency of their country of employment ;

Whereas the Commission has made a number of adjustments to these weightings in recent months, pursuant to the second paragraph of Article 13 of Annex X to the Staff Regulations ⁽⁴⁾ ;

Whereas some of these weightings should be adjusted with effect from 1 June 1994 given that the statistics available to the Commission show that in certain third countries the variation in the cost of living measured on

the basis of the weighting and the corresponding exchange rate has exceeded 5 % since weightings were last laid down,

HAS DECIDED AS FOLLOWS :

Sole Article

With effect from 1 June 1994 the weightings applicable to the remuneration of officials serving in third countries payable in the currency of their country of employment are adjusted as shown in the Annex.

The exchange rates for the calculation of such remuneration shall be those used for implementation of the general budget of the European Union for the month preceding the date referred to in the first paragraph.

Done at Brussels, 8 January 1996.

For the Commission

Hans VAN DEN BROEK

Member of the Commission

⁽¹⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽²⁾ OJ No L 335, 23. 12. 1994, p. 1.

⁽³⁾ OJ No L 241, 10. 10. 1995, p. 1.

⁽⁴⁾ OJ No L 263, 4. 11. 1995, pp. 20 to 28.

ANNEX

Country of employment	Weightings applicable with effect from 1 June 1994
Angola	441,0900000
Benin	56,9200000
Brazil	77,0600000
Bulgaria	40,8900000
Burkina Faso	69,4200000
Central African Republic	100,2500000
Comoros	81,5400000
Congo	88,7700000
Equatorial Guinea	71,2600000
Gabon	96,5100000
Hungary	75,5700000
Côte d'Ivoire	82,4200000
Jamaica	46,9800000
Kenya	70,1100000
Malawi	47,9100000
Mali	71,8500000
Mozambique	62,9500000
Poland	77,3000000
Romania	36,4900000
Slovenia	74,5200000
Sudan	59,9000000
Suriname	68,7100000
Turkey	42,7200000
Ukraine	73,7200000
Uruguay	89,0500000