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## Legislation

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<sup>(1)</sup> Text with EEA relevance

## I

*(Acts whose publication is obligatory)*

**COMMISSION REGULATION (EC) No 256/96  
of 12 February 1996  
on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 73 607 tonnes of cereals ;

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

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

HAS ADOPTED THIS REGULATION :

*Article 1*

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

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

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

*Article 2*

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

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

Done at Brussels, 12 February 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 370, 30. 12. 1986, p. 1.

<sup>(2)</sup> OJ No L 174, 7. 7. 1990, p. 6.

<sup>(3)</sup> OJ No L 136, 26. 5. 1987, p. 1.

<sup>(4)</sup> OJ No L 204, 25. 7. 1987, p. 1.

<sup>(5)</sup> OJ No L 81, 28. 3. 1991, p. 108.

## ANNEX I

## LOT A

1. **Operation Nos** <sup>(1)</sup>: see Annex II
2. **Programme**: 1995 and 1994
3. **Recipient** <sup>(2)</sup>: Euronaid PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 330 57 57 ; fax 364 17 01 ; telex 30960 EURON NL)
4. **Representative of the recipient** <sup>(10)</sup>: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: milled rice (product code 1006 30 98 900)
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(7)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (1) (f))
8. **Total quantity**: 1 736 tonnes (3 125 tonnes of cereals)
9. **Number of lots**: 1 ; see Annex II
10. **Packaging and marking** <sup>(6)</sup> <sup>(8)</sup> <sup>(12)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (2) (c) and IIA (3))  
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment <sup>(11)</sup>
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 25. 3 — 14. 4. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 27. 2. 1996
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 3. 1996
  - (b) period for making the goods available at the port of shipment: 8 — 28. 4. 1996
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Brussels (Attention ! New numbers : telex 25670 AGREC B ; fax (32-2) 296 70 03 / 296 70 04)
25. **Refund payable on request by the successful tenderer**: —

## LOT B

1. **Operation No** <sup>(1)</sup>: see Annex II
2. **Programme**: 1995
3. **Recipient** <sup>(2)</sup>: Euronaid PO box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; fax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** <sup>(10)</sup>: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(7)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (a))
8. **Total quantity**: 4 340 tonnes (5 946 tonnes of cereals)
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** <sup>(4)</sup> <sup>(6)</sup> <sup>(8)</sup> <sup>(12)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (d) and II.B (3))  
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment <sup>(11)</sup>
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 25. 3 — 14. 4. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 27. 2. 1996
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 3. 1996
  - (b) period for making the goods available at the port of shipment: 8 — 28. 4. 1996
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Brussels (Attention! New numbers: telex 25670 AGREC B; fax (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on request by the successful tenderer** <sup>(4)</sup>: refund applicable on 23. 2. 1996, fixed by Commission Regulation (EC) No 140/96 (OJ No L 21, 27. 1. 1996, p. 19)

## LOT C

1. **Operation Nos** <sup>(1)</sup>: 460/95 (C1); 461/95 (C2)
2. **Programme**: 1995
3. **Recipient** <sup>(2)</sup>: CICR, 19, avenue de la Paix, CH-1202 Genève (tel. (41 22) 734 60 01; telex 22269 CH CICR)
4. **Representative of the recipient**: ICRC Tbilisi, Dutu Megreli Road 1, 380003 Tbilisi. Tel.: (78832) 93 55 11, fax: 935520
5. **Place or country of destination** <sup>(3)</sup>: Georgia
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(7)</sup>: OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (a))
8. **Total quantity**: 700 tonnes (959 tonnes of cereals)
9. **Number of lots**: 1 (C1: 300 tonnes; C2: 400 tonnes)
10. **Packaging and marking** <sup>(8)</sup> <sup>(9)</sup> <sup>(12)</sup> <sup>(14)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (d) and II.B (3))  
Markings in English
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: C1: ICRC Sochi (warehouse), c/o Soumi Cy, Truda street, 354003 Sochi 33; C2: see point 4
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 18. — 31. 3. 1996
18. **Deadline for the supply**: 28. 4. 1996
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 27. 2. 1996
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 3. 1996
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 1 — 14. 4. 1996
  - (c) deadline for the supply: 12. 5. 1996
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (Attention! New numbers: telex: 25670 AGREC B; fax (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on request by the successful tenderer** <sup>(4)</sup>: refund applicable on 23. 2. 1996; fixed by Commission Regulation (EC) No 140/96 (OJ No L 21, 27. 1. 1996, p. 19)

## LOT D

1. **Operation No** <sup>(1)</sup>: 607/95
2. **Programme**: 1995
3. **Recipient** <sup>(1)</sup>: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (telex 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: Yemen
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** <sup>(2)</sup> <sup>(7)</sup>: OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (a))
8. **Total quantity**: 400 tonnes (548 tonnes of cereals)
9. **Number of lots**: one
10. **Packaging and marking** <sup>(8)</sup> <sup>(9)</sup>: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (a) and II.B (3))  
Markings in English
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed <sup>(13)</sup>
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 18. 3 — 7. 4. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 27. 2. 1996
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 3. 1996
  - (b) period for making the goods available at the port of shipment: 1 — 21. 4. 1996
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (Attention ! New numbers : tlx : 25670 AGREC B ; fax : (32-2) 296 70 03 / 296 70 04)
25. **Refund payable on request by the successful tenderer** <sup>(4)</sup>: refund applicable on 23. 2. 1996, fixed by Commission Regulation (EC) No 140/96 (OJ No L 21, 27. 1. 1996, p. 19)

## LOTS E, F, G and H

1. **Operation Nos** <sup>(1)</sup>: see Annex II
2. **Programme**: 1995
3. **Recipient** <sup>(2)</sup>: WFP (World Food Programme), via Cristoforo Colombo 426, I-00145 Roma (telex 626675 WFP I)
4. **Representative of the recipient**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(7)</sup>: OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1 (a))
8. **Total quantity**: 23 029 tonnes
9. **Number of lots**: 4 (see Annex II)
10. **Packaging and marking** <sup>(8)</sup> <sup>(9)</sup> <sup>(12)</sup>: OJ No C 114, 29. 4. 1991, p. 1 (under IIA.2 (c) and IIA.3)  
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed <sup>(13)</sup>
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: lots E, F: 18. 3 — 7. 4. 1996; lot G: 8 — 28. 4. 1996; lot H: 29. 4 — 19. 5. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 27. 2. 1996
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 3. 1996
  - (b) period for making the goods available at the port of shipment: lots E, F: 1 — 21. 4. 1996; lot G: 22. 4 — 12. 5. 1996; lot H: 13. 5 — 2. 6. 1996
  - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (Attention! New numbers: tlx: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04)
25. **Refund payable on request by the successful tenderer** <sup>(4)</sup>: refund applicable on 23. 2. 1996, fixed by Commission Regulation (EC) No 140/96 (OJ No L 21, 27. 1. 1996, p. 19)



## LOTS I and K

1. **Operation Nos** <sup>(1)</sup>: 483/95 (lot I); 484/95 (lot K)
2. **Programme**: 1995
3. **Recipient** <sup>(2)</sup>: Zambia
4. **Representative of the recipient**: Tobacco Association of Zambia, P.O. Box 32617, Mungwi Road, Lusaka.
5. **Place or country of destination** <sup>(3)</sup>: Zambia
6. **Product to be mobilized**: maize
7. **Characteristics and quality of the goods** <sup>(3)</sup> <sup>(7)</sup>: See OJ No C 114, 29. 4. 1991, p. 1 (II.A. (1) (d))
8. **Total quantity**: 40 000 tonnes
9. **Number of lots**: 2 (lot I: 20 000 tonnes; lot K: 20 000 tonnes)
10. **Packaging and marking** <sup>(8)</sup> <sup>(9)</sup> <sup>(12)</sup>: See OJ No C 114, 29. 4. 1991, p. 1 (II.A. (2) (c) and II.A. (3)) markings in English
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**:  
Tobacco Association of Zambia warehouse, Plot No 5055, Mungwi Road (off Lumumba Road), Lusaka. Railway siding No 1031, contacts Mr D.G. Wallace, Executive Director and Mr A. Van der Vinne, Managing Director. Tel.: (260-1) 28 66 34/5/6, fax: 286635, tlx: CFB/ZA 40164
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: lot I: 25. 3 — 7. 4. 1996; lot K: 8 — 21. 4. 1996
18. **Deadline for the supply**: lot I: 19. 5. 1996, lot K: 3 — 16. 6. 1996
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 27. 2. 1996
21. **In the case of a second invitation to tender**:
  - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 12. 3. 1996
  - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: lot I: 8 — 21. 4. 1996; lot K: 22. 4 — 5. 5. 1996
  - (c) deadline for the supply: lot I: 3. 6. 1996; lot K: 17 — 30. 6. 1996
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** <sup>(1)</sup>: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (Attention! New numbers: tlx: 25670 AGREC B; fax (32 2) 296 70 03 / 295 70 04)
25. **Refund payable on request by the successful tenderer** <sup>(\*)</sup>: refund applicable on 23. 2. 1996, fixed by Commission Regulation (EC) No 140/96 (OJ No L 21, 27. 1. 1996, p. 19)

*Notes :*

- (<sup>1</sup>) The operation number should be mentioned in all correspondence.
- (<sup>2</sup>) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (<sup>3</sup>) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (<sup>4</sup>) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 2853/95 (OJ No L 299, 12. 12. 1995, p. 1), shall not apply to this amount.

- (<sup>5</sup>) Commission delegation to be contacted by the successful tenderer : OJ No C 114, 29. 4. 1991, p. 33
- (<sup>6</sup>) Shipment to take place in 20-foot containers condition FCL/FCL (each containing 18 tonnes net). (A 4 + A 5) and 20 tonnes (lot B). The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

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

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

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

- (<sup>7</sup>) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate,
  - lots A, B : fumigation certificate (Cereals/cereals derivatives are to be fumigated prior to shipment by way of Magnesium Phosphide (min. 2 g/m<sup>3</sup>) for a minimum period of five (5) days between the application of the fumigant and the venting process. The appropriate certification must be made available at the time of shipment.)

- (<sup>8</sup>) Notwithstanding OJ No C 114, point II.A (3) (c) or II.B (3) (c) is replaced by the following : 'the words "European Community".'

- (<sup>9</sup>) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

- (<sup>10</sup>) The supplier should send a duplicate of the original invoice to Willis Corroon Scheuer, Postbus 1315, NL-1000 BH Amsterdam.

- (<sup>11</sup>) For lots A and B, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

- (<sup>12</sup>) See second amendment to OJ No C 114 published in OJ No C 135, 26. 5. 1992, p. 20.

- (<sup>13</sup>) Notwithstanding Articles (7) (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include all loading, handling and stowage costs.

(14) The bags shall be stacked, maximum 21 on wooden pallets (made of pine, fir, or poplar wood) measuring not more than 1 200 × 1 400 mm, and with the following features :

- four-way entry, non-reversible, with wings,
- a top deck consisting of a minimum of seven planks (width : 100 mm ; thickness : 22 mm),
- a bottom deck consisting of three planks (width : 100 mm ; thickness : 22 mm),
- three bearers (width : 100 mm ; thickness : 22 mm),
- nine dowels : 100 × 100 × 78 mm minimum.

The palletized bags shall be covered by a shrink film of a thickness of at least 150 microns. The pallet shall be covered with a wooden structure to allow stocking. The whole of the above must be bound, in each direction, by two nylon straps of a width of not less than 15 mm with plastic buckles.

The bags are further protected by board of wood placed between the bags and straps.

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

Lote Parti Partie Παρτίδα Lot Lot Lotto Partij Lote Erä Parti	Cantidad total (en toneladas) Totalmængde (tons) Gesamtmenge (in Tonnen) Συνολική ποσότητα (σε τόνους) Total quantity (in tonnes) Quantité totale (en tonnes) Quantità totale (in tonnellate) Totale hoeveelheid (in ton) Quantidade total (em toneladas) Kokonaismäärä (tonnia) Total kvantitet (ton)	Cantidades parciales (en toneladas) Delmængde (tons) Teilmenge (in Tonnen) Μερικές ποσότητες (σε τόνους) Partial quantities (in tonnes) Quantités partielles (en tonnes) Quantitativi parziali (in tonnellate) Deelhoeveelheden (in ton) Quantidades parciais (em toneladas) Osittaismäärä (tonnia) Delkvantitet (ton)	Acción nº Aktion nr. Maßnahme Nr. Δράση αριθ. Operation No Action nº Azione n. Maatregel nr. Acção nº Toimi N:o Aktion nr	País de destino Bestemmelsesland Bestimmungsland Χώρα προορισμού Country of destination Pays de destination Paese di destinazione Land van bestemming País de destino Määrämaa Bestämmelseland	Lengua que se debe utilizar en la rotulación Mærkning på følgende sprog Kennzeichnung in folgender Sprache Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση Language to be used for the marking Langue à utiliser pour le marquage Lingua da utilizzare per la marcatura Taal te gebruiken voor de opschriften Lingua a utilizar na rotulagem Merkinnäissä käytettävä kieli Märkning på följande språk
A	1 736	A1 : 350 A2 : 900 A3 : 216 A4 : 216 A5 : 54	1827/94 1828/94 1829/94 569/95 574/95	Haïti Haïti Haïti Sénégal Madagascar	Français Français Français Français Français
B	4 340	B1 : 860 B2 : 140 B3 : 3 340	294/95 473/95 563/95	Perú Perú Bolivia	Español Español Español
E	3 029		556/95	Haïti	Français
F	8 000		619/95	Afghanistan	English
G	7 000		620/95	Afghanistan	English
H	5 000		621/95	Afghanistan	English

## COMMISSION REGULATION (EC) No 257/96

of 12 February 1996

amending Regulation (EEC) No 3381/81 and Council Regulation (EEC) No 1442/88 as regards certain amounts whose values in ecus have been adjusted as a result of the abolition of the correcting factor for the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates<sup>(1)</sup>, as last amended by Regulation (EC) No 2853/95<sup>(2)</sup>,

Whereas, with effect from 1 February 1995, Article 13 (2) of Council Regulation (EEC) No 3813/92 of 18 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, adjusts the value in ecus of certain prices and amounts in order to neutralize the effects of the abolition of the correcting factor 1,207509, which was applied to the agricultural conversion rates up to 31 January 1995;

Whereas the new values in ecus of the prices and amounts concerned are established, from 1 February 1995, in accordance with the rules laid down in Article 13 (2) of Regulation (EEC) No 3813/92 and Article 18 (1) of Regulation (EEC) No 1068/93;

Whereas, in order to transpose those rules, Commission Regulation (EEC) No 3388/81 of 27 November 1981 laying down special detailed rules in respect of import and export licences in the wine sector<sup>(5)</sup>, was last amended by Regulation (EC) No 2537/95<sup>(6)</sup>; whereas that amendment contains an error in that the amount of the security in respect of export licences had already been

adopted in Commission Regulation (EC) No 1685/95<sup>(7)</sup>, as last amended by Regulation (EC) No 2807/95<sup>(8)</sup>; whereas this situation should be rectified;

Whereas Regulation (EC) No 2537/95 also amended Council Regulation (EEC) No 1442/88 of 24 May 1988 on the granting, for the 1988/89 to 1995/96 wine years<sup>(9)</sup>, as last amended by Regulation (EC) No 2537/95, of permanent abandonment premiums in respect of wine-growing areas; whereas that amendment contains some omissions which should be corrected,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 3388/81 is hereby amended as follows:

In Article 4 (2) 'ECU 1,208' is replaced by 'ECU 2'.

*Article 2*

Regulation (EEC) No 1442/88 is hereby amended as follows:

— In Article 2 (5) (d) 'ECU 4 000' is replaced by 'ECU 4 830'.

— In Article 9a (1) 'ECU 1 500' is replaced by 'ECU 1 811'.

*Article 3*

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

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

Done at Brussels, 12 February 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(2)</sup> OJ No L 299, 12. 12. 1995, p. 1.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(5)</sup> OJ No L 341, 28. 11. 1981, p. 19.

<sup>(6)</sup> OJ No L 260, 31. 10. 1995, p. 10.

<sup>(7)</sup> OJ No L 161, 12. 7. 1995, p. 2.

<sup>(8)</sup> OJ No L 291, 6. 12. 1995, p. 18.

<sup>(9)</sup> OJ No L 132, 28. 5. 1988, p. 3.

**COMMISSION REGULATION (EC) No 258/96**

of 12 February 1996

**laying down detailed rules of application for the specific measures for the smaller Aegean islands with regard to the special arrangements for the supply of dried fodder**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning agricultural products<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2417/95<sup>(2)</sup>, and in particular Article 4 thereof,Whereas Commission Regulation (EEC) No 2958/93<sup>(3)</sup> as last amended by Regulation (EC) No 1802/95<sup>(4)</sup>, establishes the detailed rules of application for the arrangements for the supply of certain agricultural products to the smaller Aegean islands, and, pursuant to Article 3 of Regulation (EEC) No 2019/93, the level of aid granted for that supply; whereas, pursuant to Article 2 of Regulation (EEC) No 2019/93, the forecast supply balances for the supply of the smaller Aegean islands with dried fodder from the rest of the Community for the 1996 calendar year should be established; whereas this measure should enter into force forthwith;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

For the purposes of Article 2 of Regulation (EEC) No 2019/93, the forecast supply balances for dried fodder eligible for Community aid for the 1996 calendar year given in Annexes I and II hereto.

*Article 2*

The validity of the 'aid certificates' referred to in Article 1 (3) of Regulation (EEC) No 2958/93 shall expire on the final day of the second month following their issue.

*Article 3*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1996.

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

Done at Brussels, 12 February 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 184, 27. 7. 1993, p. 1.  
<sup>(2)</sup> OJ No L 248, 14. 10. 1995, p. 39.  
<sup>(3)</sup> OJ No L 267, 28. 10. 1993, p. 4.  
<sup>(4)</sup> OJ No L 174, 26. 7. 1995, p. 27.

## ANNEX I

## Forecast supply balance for the smaller islands belonging to group A

*(in tonnes)*

Description	CN code	Quantities 1996
Artificially dried, heat dried, and otherwise dried Luzerne and fodder	1214 10 00 1214 90 91 1214 90 99	1 000

## ANNEX II

## Forecast supply balance for the smaller islands belonging to group B

*(in tonnes)*

Description	CN code	Quantities 1996
Artificially dried, heat dried, and otherwise dried Luzerne and fodder	1214 10 00 1214 90 91 1214 90 99	2 000

## COMMISSION REGULATION (EC) No 259/96

of 12 February 1996

## amending Regulations (EEC) No 3478/92 and (EC) No 1066/95 on raw tobacco with regard to the assignment of rights and amending cultivation contracts

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2075/92 of 30 June 1992 on the common organization of the market in raw tobacco <sup>(1)</sup>, as last amended by Regulation (EC) No 711/95 <sup>(2)</sup>, and in particular Articles 7 and 11 thereof,

Whereas Member States should be authorized to introduce transfer arrangements for production quotas in order to facilitate the management of the guarantee thresholds assigned to them for individual variety groups, under which producers may assign all or part of their production quotas for a particular variety to other producers already holding production quotas for the variety group in question; whereas Commission Regulation (EC) No 1066/95 of 12 May 1995 laying down detailed rules for the application of Council Regulation (EEC) No 2075/92 as regards the raw tobacco quota system from the 1995, 1996 and 1997 harvests <sup>(3)</sup>, as last amended by Regulation (EC) No 163/96 <sup>(4)</sup>, should be amended accordingly;

Whereas it should be stipulated that, for the 1996 and subsequent harvests, assignments of quota may be made only before the final date for conclusion of cultivation contracts;

Whereas for the 1995 harvest, since deliveries have already begun, arrangements similar to those for the 1996 and subsequent harvests cannot be put in place; whereas, therefore, Member States should be authorized to re-allocate entitlements to supplementary quota which correspond to the difference between quantities actually delivered and the guarantee threshold for a given variety;

Whereas eligibility for premiums should be extended to deliveries of raw tobacco corresponding to production quotas acquired by re-assignment from another producer or by re-allocation of supplementary quota by a Member State; whereas therefore the parties to cultivation contracts should be able to augment the quantities initially specified therein within the limit of the production

quota acquired; whereas Commission Regulation (EEC) No 3478/92 <sup>(5)</sup>, as last amended by Regulation (EC) No 163/96, should be amended accordingly;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

Regulation (EC) No 1066/95 is hereby amended as follows :

The following Article is added at the end of Title III :

*Article 14a*

1. Within a given Member State, one producer may assign to another part or all of the quantity entered on production-quota certificates issued to him provided that the following requirements are met :
  - (a) the quota certified is not yet covered by a cultivation contract;
  - (b) the assignee already holds a production quota for the variety group;
  - (c) the assignment is the subject of a written agreement between the parties, including a reference to the production-quota certificate, where part or all of the quantities entered on it are being assigned;
  - (d) the agreement indicated at (c) is submitted to the competent authority for registration within 30 days of the date indicated in Article 3 of this Regulation;
  - (e) the original copy of the production quota certificate, part or all of the quantities entered on which are being assigned, is returned to the competent authority when the assignment agreement is submitted;
  - (f) where the producer assigning his certified quota is a member of a producer group, the assignment must have been approved by the group.

<sup>(1)</sup> OJ No L 215, 30. 7. 1992, p. 70.

<sup>(2)</sup> OJ No L 73, 1. 4. 1995, p. 13.

<sup>(3)</sup> OJ No L 108, 13. 5. 1995, p. 5.

<sup>(4)</sup> OJ No L 24, 31. 1. 1996, p. 19.

<sup>(5)</sup> OJ No L 351, 2. 12. 1992, p. 17.



The competent authority in the Member State shall register the agreement referred to at (c) in the first subparagraph within 15 working days of submission, after checking that the requirements indicated at (a), (b), (d), (e) and (f) in the first subparagraph are met. On the same date, the authority shall issue:

- (a) to the assignee, a supplementary production-quota certificate covering the production-quota quantities assigned;
- (b) to the assigning producer, if he has assigned only part of the quantities entered on his quota certificate, a replacement production certificate covering the quantities not assigned.

2. By way of derogation from paragraph 1, in respect of the 1995 harvest the competent authority in the Member State may, within the limits of the guarantee threshold set for a given variety group and after ascertaining that all deliveries of this variety group have been made in accordance with Article 9 of Regulation (EEC) No 3478/92, re-allocate supplementary quota certificates corresponding to the unused quota.

The competent authority shall allocate these supplementary quota certificates for each variety group to producers who

- have previously received quota certificates for the relevant variety in respect of the 1995 harvest,
- still have surplus production after delivery of all the quantities covered by their cultivation contract.

3. Production-quota assignments as referred to in paragraph 1 may not involve quantities less than 100 kilograms. They shall not count as transfers between the producers concerned of the reference quantities used for the purposes of establishing the production quota certificate to which the assignment relates.

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

Done at Brussels, 12 February 1996.

Quantities entered on supplementary and replacement production-quota certificates may not be re-assigned.'

#### Article 2

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

1. The following paragraph is added to Article 2:

'7. In respect of the 1995 harvest, the parties to a cultivation contract may increase by means of a written amendment the quantities initially specified in the contract, provided the following requirements are met:

- (a) the producer has been issued with a supplementary production-quota certificate under Article 14a (2) of Commission Regulation (EC) No 1066/95 (\*);
- (b) the amendment specifies the producer's surplus production at the locations and for the harvest covered by the contract;
- (c) the amendment is submitted for registration to the competent authority before the date referred to in Article 9 (1).

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

2. The following words are added at the beginning of the second subparagraph of Article 3 (1) and (2):

'Subject to Article 2 (7) of this Regulation ...'.

#### Article 3

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

Article 1 shall apply from the 1996 harvest, except for Article 14a (2) of Regulation (EC) No 1066/95, which, together with Article 2 of this Regulation, shall apply from the 1995 harvest.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## COMMISSION REGULATION (EC) No 260/96

of 12 February 1996

amending the Regulations in the sugar sector fixing, before 1 February 1995, certain amounts whose value in ecus was adapted as a consequence of abolishing the corrective factor for agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy<sup>(1)</sup>, as last amended by Regulation (EC) No 150/95<sup>(2)</sup>, and in particular Article 13 (1) thereof,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(3)</sup>, as last amended by Regulation (EC) No 1101/95<sup>(4)</sup>, and in particular the third subparagraph of Article 12 thereof,

Whereas the value in ecus of certain prices and amounts was modified, with effect from 1 February 1995, by virtue of Article 13 (2) of Regulation (EEC) No 3813/92, in order to cancel the effects of abolishing the correction factor of 1,207509, which applied until 31 January 1995 to conversion rates used in agriculture; whereas the new ecu values of the prices and amounts concerned were established from 1 February 1995 in accordance with the rules laid down in Article 13 (2) of Regulation (EEC) No 3813/92 and Article 18 (1) of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates<sup>(5)</sup> as last amended by Regulation (EC) No 2853/95<sup>(6)</sup>;

Whereas, in accordance with Article 18 (2) of Regulation (EEC) No 1068/93, in order to avoid confusion and facilitate the application of the common agricultural policy, it is necessary to replace the value in ecus of the prices and amounts concerned which appear in Regulations that came into force before 1 February 1995;

Whereas, in order to facilitate administration of the measures concerned, it is necessary in respect of certain amounts in the sugar sector to provide for a rounding-off reducing the number of decimal places referred to in Article 18 (1) of Regulation (EEC) No 1068/93;

Whereas the following Regulations should therefore be amended:

1. Council Regulation (EEC) No 2049/69<sup>(7)</sup>, as last amended by Regulation (EEC) No 1640/73<sup>(8)</sup>;
2. Council Regulation (EEC) No 1789/81<sup>(9)</sup>, as last amended by Commission Regulation (EC) No 2790/95<sup>(10)</sup>;
3. Council Regulation (EEC) No 1254/89<sup>(11)</sup>;
4. Commission Regulation (EEC) No 784/68<sup>(12)</sup>;
5. Commission Regulation (EEC) No 100/72<sup>(13)</sup>, as last amended by Regulation (EEC) No 3819/85<sup>(14)</sup>;
6. Commission Regulation (EEC) No 258/72<sup>(15)</sup>;
7. Commission Regulation (EEC) No 189/77<sup>(16)</sup>, as amended by Regulation (EEC) No 1920/81<sup>(17)</sup>;
8. Commission Regulation (EEC) No 2103/77<sup>(18)</sup>, as amended by Regulation (EEC) No 3497/88<sup>(19)</sup>;
9. Commission Regulation (EEC) No 1729/78<sup>(20)</sup>, as last amended by Regulation (EEC) No 464/91<sup>(21)</sup>;
10. Commission Regulation (EEC) No 65/82<sup>(22)</sup>, as last amended by Regulation (EEC) No 1708/84<sup>(23)</sup>;
11. Commission Regulation (EEC) No 1487/92<sup>(24)</sup>, as amended by Regulation (EEC) No 1713/93<sup>(25)</sup>;
12. Commission Regulation (EEC) No 1488/92<sup>(26)</sup>, as amended by Regulation (EEC) No 1713/93;

<sup>(7)</sup> OJ No L 263, 21. 10. 1969, p. 1.

<sup>(8)</sup> OJ No L 165, 22. 6. 1973, p. 6.

<sup>(9)</sup> OJ No L 177, 1. 7. 1981, p. 39.

<sup>(10)</sup> OJ No L 289, 2. 12. 1995, p. 34.

<sup>(11)</sup> OJ No L 126, 9. 5. 1989, p. 1.

<sup>(12)</sup> OJ No L 145, 27. 6. 1968, p. 10.

<sup>(13)</sup> OJ No L 12, 15. 1. 1972, p. 15.

<sup>(14)</sup> OJ No L 368, 31. 12. 1985, p. 25.

<sup>(15)</sup> OJ No L 31, 4. 2. 1972, p. 22.

<sup>(16)</sup> OJ No L 25, 29. 1. 1977, p. 27.

<sup>(17)</sup> OJ No L 189, 11. 7. 1981, p. 23.

<sup>(18)</sup> OJ No L 246, 27. 9. 1977, p. 12.

<sup>(19)</sup> OJ No L 306, 11. 11. 1988, p. 30.

<sup>(20)</sup> OJ No L 201, 25. 7. 1978, p. 26.

<sup>(21)</sup> OJ No L 54, 28. 2. 1991, p. 22.

<sup>(22)</sup> OJ No L 9, 14. 1. 1982, p. 14.

<sup>(23)</sup> OJ No L 162, 20. 6. 1984, p. 7.

<sup>(24)</sup> OJ No L 156, 10. 6. 1992, p. 7.

<sup>(25)</sup> OJ No L 159, 1. 7. 1993, p. 94.

<sup>(26)</sup> OJ No L 156, 10. 6. 1992, p. 10.

<sup>(1)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(2)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(3)</sup> OJ No L 177, 1. 7. 1981, p. 4.

<sup>(4)</sup> OJ No L 110, 17. 5. 1995, p. 1.

<sup>(5)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(6)</sup> OJ No L 299, 12. 12. 1995, p. 1.

13. Commission Regulation (EEC) No 2177/92<sup>(1)</sup>, as amended by Regulation (EC) No 1714/95<sup>(2)</sup>;

14. Commission Regulation (EEC) No 2627/93<sup>(3)</sup>;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

Consequent to the adjustment, pursuant to Article 13 (2) of Regulation (EEC) No 3813/92 and Article 18 (1) of

Regulation (EEC) No 1068/93, applicable from 1 February 1995, certain amounts expressed in ecus in the sugar sector are hereby amended as set out in the Annex hereto.

*Article 2*

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

It shall apply for the amounts indicated in column 4 of the Annex from the date of the first application of an agricultural conversion rate fixed on or after 1 February 1995 and for those indicated in column 5 from the date of entry into force of this Regulation.

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

Done at Brussels, 12 February 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 217, 31. 7. 1992, p. 71.

<sup>(2)</sup> OJ No L 163, 14. 7. 1995, p. 11.

<sup>(3)</sup> OJ No L 240, 25. 9. 1993, p. 19.

## ANNEX

## Amounts expressed in ecus in the sugar sector

Regulation	References	Previous amount with <i>switch-over</i>	New amount without <i>switch-over</i> . Applicable from 1 February 1995 in accordance with Article 13 (2) of Regulation (EEC) No 3813/92	New amount applicable from the date of entry into force of this Regulation
1	2	3	4	5
<b>I. Council Regulations</b>				
(EEC) No 2049/69	Article 8 (a)	0,2720	0,3284	0,3284
	Article 8 (b)	0,2720	0,3284	0,3284
(EEC) No 1789/81	Article 6 (b)	2	2,415	2,415
(EEC) No 1254/89	Article 4 (4)	6,04	7,293	7,293
<b>II. Commission Regulations</b>				
(EEC) No 784/68	Article 4 (3)	0,7254	0,8759	0,88
(EEC) No 100/72	Article 5 (1)	0,6045	0,7299	0,73
	Article 17 (1)	1,209	1,460	1,46
(EEC) No 258/72	Article 7 (1) (a)	0,6045	0,7299	0,73
	Article 7 (1) (b)	1,209	1,460	1,46
(EEC) No 189/77	Article 5 (3)	2	2,415	2,415
	Article 5 (4)	2	2,415	2,415
(EEC) No 2103/77	Article 8 (5)	0,040	0,04830	0,048
	Article 13 (1)	0,6045	0,7299	0,73
	Article 13 (2)	1,088	1,314	1,31
	Article 17 (3) (a)	1,408	1,700	1,70
	Article 17 (3) (b)	1,30	1,570	1,57
(EEC) No 1729/78	Article 2 (5)	3,13	3,780	3,78
(EEC) No 65/82	Article 5 (1)	20	24,15	24,15
(EEC) No 1487/92	Article 2 (1)	750	905,6	905,6
	Article 2 (2)	1 747	2 110	2 110
(EEC) No 1488/92	Article 1 (3)	53,18	64,22	64,22
(EEC) No 2177/92	Article 5 (1)	4,5	5,434	5,4
(EEC) No 2627/93	Article 2 (1) (a)	4 370	5 277	5 277
	Article 2 (2) (b)	4 579	5 529	5 529
	Article 2 (1) (c)	4 040	4 878	4 878
	Article 4 (2) (a)	7,5	9,056	9,056
	Article 4 (2) (b)	70	84,53	84,53

**COMMISSION REGULATION (EC) No 261/96**  
of 12 February 1996

**on the issuing of standing invitations to tender for the sale of common wheat of breadmaking quality held by the French and German intervention agencies for export to certain ACP countries in the 1995/96 marketing year**

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<sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95<sup>(2)</sup>, and in particular Article 5 thereof,

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

Whereas, with a view to supplying the markets of the ACP countries, favoured partners of the Community, significant quantities of common wheat are required; whereas these markets are usually supplied on the basis of regular contracts to ensure stable prices for the ACP countries over a certain period; whereas it is therefore necessary to issue a specific invitation to tender to ensure that users in these countries have access to common wheat of breadmaking quality under conditions appropriate to the highly competitive situation on the world market;

Whereas the French and German intervention agencies hold significant stocks of common wheat of high breadmaking quality; whereas part of the wheat coming from the intervention stocks held by the aforementioned agencies should therefore be resold to the ACP countries to meet their quantitative and qualitative needs; whereas the common wheat successfully tendered for must be exported to the countries of destination by 31 July 1996 at the latest;

Whereas the specific nature of the operation and the accounting position of the common wheat in question require greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and also require exclusion of any refund, tax or monthly increase; whereas special procedures must be laid down to ensure

that the operations and their monitoring are properly effected; whereas to that end provision should be made for a security lodgment scheme which ensures that the aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, in addition to the conditions laid down in Article 30 of Commission Regulation (EEC) No 3719/88<sup>(5)</sup>, as last amended by Regulation (EC) No 2137/95<sup>(6)</sup>, provision should be made for the release for consumption in the ACP State(s) laid down in the Regulation;

Whereas, where removal of the wheat is delayed by more than five days, or the release of one of the securities required is delayed, for reasons imputable to the intervention agency the Member State concerned will have to pay compensation;

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. Two standing invitations to tender are hereby issued for the export of:

- 30 000 tonnes of common wheat of breadmaking quality, held by the French intervention agency,
- 400 000 tonnes of common wheat of breadmaking quality, held by the German intervention agency.

2. The common wheat must be exported to an ACP State or to several States within one of the groups of ACP States listed in Annex I.

3. The regions in which the 30 000 tonnes of French and 400 000 tonnes of German common wheat of breadmaking quality are stored are listed in Annex II.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 21.

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 191, 31. 7. 1993, p. 76.

<sup>(4)</sup> OJ No L 21, 26. 1. 1994, p. 1.

<sup>(5)</sup> OJ No L 331, 2. 12. 1988, p. 1.

<sup>(6)</sup> OJ No L 214, 8. 9. 1995, p. 21.

4. The intervention agencies concerned shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

- the location,
- and at least the following features:
  - specific weight,
  - moisture content,
  - Hagberg falling number,
  - impurity contents and sprouted grains,
  - protein content.

5. They shall publish the notice of invitation to tender at least two days before the date set for the first partial invitation to tender.

#### *Article 2*

Subject to the provisions of this Regulation, the sales of common wheat of breadmaking quality referred to in Article 1 shall take place in accordance with the procedure and conditions laid down by Regulation (EEC) No 2131/93.

#### *Article 3*

1. The time limit for submitting tenders for the first partial invitations to tender shall be 9 a.m. (Brussels time) on Thursday 15 February 1996.

2. The time limit for submitting tenders for the second partial invitation to tender shall be 9 a.m. (Brussels time) on the following Thursday.

The time limit for the last partial invitation to tender shall be 28 March 1996.

3. Tenders must be submitted to the intervention agency in question.

#### *Article 4*

1. Tenders shall only be admissible if:

- the tenderer provides written proof from an official body in the country of destination or a company having its overseas subsidiary in the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat of breadmaking quality for export to an ACP State or to several States within one of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during the period February 1996 to September 1996 for quantities traditionally supplied, such proof shall be lodged with the inter-

vention agency at least two working days before the date of the first invitation to tender,

- they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.

2. Tenders may not exceed the quantity laid down in the commercial contract submitted. Where on the basis of the said contract the tenderer simultaneously participates in invitations to tender in the two Member States concerned, he shall be required to mention this in his bid.

When transmitting the tenders submitted, the Member States shall inform the Commission of the above, mentioning if necessary the names of the tenderers involved.

#### *Article 5*

1. No export refund or export tax or monthly increase shall be applied for exports carried out pursuant to this Regulation.

2. The validity of the export licences issued in accordance with this Regulation shall expire on 31 July 1996.

3. The licence obliges the operator to export to the ACP State or States for which the licence application was submitted. However, up to a limit of 20 % of the quantity for which the licence was issued, the operator may effect his contract at another destination on condition that it belongs to the same group of countries listed in Annex I.

4. The export licences shall be issued as soon as the successful tenderers have been selected.

5. Article 9 of Regulation (EEC) No 3719/88 notwithstanding, the rights deriving from the licence referred to in this Article shall not be transferable.

#### *Article 6*

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

The Commission must be informed of the findings of the analyses in the event of a dispute.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established ;
- (b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to :
- 2 kg/hl for the specific weight, which must not, however, be less than 72 kg/hl,
  - one percentage point for the moisture content,
  - 20 percentage points for the Hagberg falling index,
  - one percentage point for the protein content,
  - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Commission Regulation (EEC) No 689/92<sup>(1)</sup>
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,
- the successful tenderer must accept the lot as established ;
- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may :
- either accept the lot as established,
  - or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex V ; however, if he requests the intervention agency to supply him with another lot of intervention bread-making wheat of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex V ;
- (d) below the minimum characteristics required for intervention, the successful tenderer may not remove the

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

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

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

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

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

#### Article 7

The successful tenderer shall pay for the common wheat before removing it at the price indicated in the tender. The final date for removal is 24 July 1996. The payment due for each of the lots to be removed shall be indivisible.

#### Article 8

1. The security lodged pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

<sup>(1)</sup> OJ No L 74, 20. 3. 1992, p. 18.

2. The obligation to export and import into one of the countries of destination listed in Annex I shall be covered by a security amounting to ECU 60 per tonne of which ECU 20 per tonne shall be lodged upon issue of the export licence, with the balance of ECU 40 being lodged before removal of the cereals.

Article 15 (2) of Commission Regulation (EEC) No 3002/92<sup>(1)</sup> notwithstanding:

- the amount of ECU 20 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the wheat removed has left the customs territory of the Community,
- the amount of ECU 40 per tonne must be released within 15 working days of the date on which the successful tenderer supplies proof of entry for consumption into the ACP State or States referred to in Article 5 (3). This proof shall be supplied in accordance with Articles 18 and 47 of Commission Regulation (EEC) No 3665/87<sup>(2)</sup>.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to 0,015 ECU/10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

#### Article 9

Article 12 of Regulation (EEC) No 3002/92 notwithstanding, the documents relating to the sale of common wheat in accordance with this Regulation and in particular the export licence, the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration and, where appropriate, the T5 control copy must bear the words:

- Trigo blando panificable de intervención sin aplicación de restitución ni gravamen, destinado a (nombre del Estado o de los Estados ACP), Reglamento (CE) n° 261/96
- Bagegnet blød hvede fra intervention uden restitutionsydelse eller -afgift bestemt for (navnet på det eller de pågældende AVS-lande), forordning (EF) nr. 261/96

<sup>(1)</sup> OJ No L 301, 17. 10. 1992, p. 17.

<sup>(2)</sup> OJ No L 351, 14. 12. 1987, p. 1.

- Interventions-Brotweichweizen ohne Anwendung von Ausfuhrerstattungen oder Ausfuhrabgaben, Bestimmung (Name des AKP-Staates oder der AKP-Staaten), Verordnung (EG) Nr. 261/96
- Μαλακός αρτοποιήσιμος σίτος παρέμβασης, χωρίς εφαρμογή επιστροφής ή φόρου προοριζόμενος για (όνομα της χώρας ΑΚΕ ή των χωρών ΑΚΕ), κανονισμός (ΕΚ) αριθ. 261/96
- Intervention common wheat of breadmaking quality without application of refund or tax, bound for (name of the ACP State or States), Regulation (EC) No 261/96
- Blé tendre d'intervention panifiable ne donnant pas lieu à restitution ni à taxe, destiné à (nom de l'État ACP ou des États ACP), règlement (CE) n° 261/96
- Frumento tenero d'intervento panificabile senza applicazione di restituzione di tassa, destinato al (nome del paese o dei paesi ACP), regolamento (CE) n. 261/96
- Zachte tarwe van bakkwaliteit uit interventie, zonder toepassing van restitutie of belasting, bestemd voor (naam van de ACS-Staat of de ACS-Staten), Verordening (EG) nr. 261/96
- Trigo mole panificável de intervenção sem aplicação de uma restituição, ou imposição destinado a (nome do Estado ou dos Estados ACP), Regulamento (CE) n° 261/96
- Interventioleipävehnä, jolle ei makseta vientitukea eikä vientimaksua ja jonka määräpaikka on (AKT-maan nimi tai AKT-maiden nimet), asetus (EY) N:o 261/96
- Interventionsvete av brödkvalitet, ej utan bidrag eller avgift avsett för (AVS-statens eller AVS-staternas namn), förordning (EG) nr 261/96.

#### Article 10

1. The French and German intervention agencies shall inform the Commission of the tenders received within three hours of the expiry of the time limit for submitting tenders. The information must be sent in the form laid down in Annex III to one of the telex or fax numbers listed in Annex IV.

2. They shall inform the Commission on a monthly basis of the quantities of common wheat removed pursuant to this Regulation.

#### Article 11

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



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

Done at Brussels, 12 February 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX I

## Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III
Mauritania Mali Niger Senegal Burkina Faso Gambia Guinea-Bissau Guinea Cape Verde Sierra Leone Liberia Côte d'Ivoire Ghana Togo	Chad Central African Republic Benin Cameroon Equatorial Guinea São Tomé and Príncipe Gabon Congo Zaire Rwanda Burundi	Seychelles Comoros Madagascar Mauritius Angola Zambia Malawi Mozambique Namibia Botswana Zimbabwe Lesotho Swaziland

## ANNEX II

(tonnes)

Region of storage	Quantities
FRANCE : Châlons-sur-Marne Rouen	4 000 26 000
GERMANY : Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	234 993
Hessen/Rheinland-Pfalz/ Baden-Württemberg/ Saarland/Bayern	37 413
Berlin/Brandenburg/ Mecklenburg-Vorpommern	12 824
Sachsen/Sachsen-Anhalt/ Thüringen	114 770

## ANNEX III

Standing invitation to tender for the export of 30 000 tonnes of common wheat of breadmaking quality held by the French intervention agency and 400 000 tonnes of common wheat of breadmaking quality held by the German intervention agency

(Regulation (EC) No 261/96)

1	2	3	4	5	6	7
Registration number of the tenderer	Lot number	Quantity in tonnes	Offer price (ECU/tonne) <sup>(1)</sup>	Increases (+) Reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1 2 3 etc.						

<sup>(1)</sup> This price includes the increases and reductions relating to the lot for which the tender is submitted.

## ANNEX IV

The only telex and fax numbers in Brussels to be used are :

DG VI/C/1 :

- telex : 22037 AGREC B,  
22070 AGREC B (Greek characters),
- fax : 296 49 56,  
295 25 15,  
or 296 10 97.

## ANNEX V

Communication of refusal of lots under the standing invitation to tender for the export of 430 000 tonnes of bread-making wheat held by the French and German intervention agency

(Article 6 of Regulation (EC) No 261/96)

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

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

**COMMISSION REGULATION (EC) No 262/96**  
**of 12 February 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<sup>(1)</sup>, as last amended by Regulation (EC) No 2933/95<sup>(2)</sup>, 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<sup>(3)</sup>, as last amended by Regulation (EC) No 150/95<sup>(4)</sup>, 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 13 February 1996.

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

Done at Brussels, 12 February 1996.

*For the Commission*  
Franz FISCHLER  
*Member of the Commission*

<sup>(1)</sup> OJ No L 337, 24. 12. 1994, p. 66.

<sup>(2)</sup> OJ No L 307, 20. 12. 1995, p. 21.

<sup>(3)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(4)</sup> OJ No L 22, 31. 1. 1995, p. 1.

## ANNEX

## to the Commission Regulation of 12 February 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 <sup>(1)</sup>	Standard import value	CN code	Third country code <sup>(1)</sup>	Standard import value	
0702 00 15	052	59,6	0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	56,7	
	060	80,2		204	68,8	
	064	59,6		400	45,7	
	066	41,7		464	142,0	
	068	62,3		600	89,1	
	204	70,6		624	69,5	
	208	44,0		662	46,8	
	212	97,0		999	74,1	
	624	140,3		0805 30 20	052	63,9
	999	72,8			204	45,8
0707 00 10	052	118,4		388	67,5	
	053	206,2		400	74,5	
	060	61,0		512	54,8	
	066	53,8		520	66,5	
	068	132,2		524	100,8	
	204	144,3		528	87,1	
	624	174,4		600	68,7	
	999	127,2		624	48,4	
0709 10 10	220	365,3	0808 10 51, 0808 10 53, 0808 10 59	999	67,8	
	999	365,3		052	64,0	
0709 90 73	052	139,0		064	78,6	
	204	77,5		388	39,2	
	412	54,2		400	76,3	
	624	241,6		404	65,7	
	999	128,1		508	68,4	
0805 10 01, 0805 10 05, 0805 10 09	052	40,7		512	51,2	
	204	35,9		524	57,4	
	208	68,2		528	48,0	
	212	45,7		624	86,5	
	220	47,4		728	107,3	
	388	40,5		800	78,0	
	400	56,0		804	21,0	
	436	41,6	0808 20 31	999	64,7	
	448	27,3		052	86,3	
	600	56,5		064	72,5	
	624	52,5		388	104,7	
	999	46,6		400	96,3	
	0805 20 11	052	75,7		512	89,7
204		76,5		528	84,1	
624		79,3		624	79,0	
999		77,2		728	115,4	
				800	55,8	
			804	112,9		
			999	89,7		

<sup>(1)</sup> 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 263/96

of 12 February 1996

## re-establishing the preferential customs duty on imports of large-flowered roses originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Council Regulation (EC) No 1981/94<sup>(3)</sup>, as last amended by Regulation (EC) No 3057/95<sup>(4)</sup>, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

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

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

Whereas Commission Regulation (EC) No 2524/95<sup>(5)</sup> fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

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

down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(8)</sup>, as last amended by Regulation (EC) No 150/95<sup>(9)</sup>, 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<sup>(10)</sup>, as last amended by Regulation (EC) No 2853/95<sup>(11)</sup>;

Whereas the preferential customs duty fixed for large-flowered roses originating in Morocco by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 49/96<sup>(12)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 13 February 1996.

<sup>(1)</sup> OJ No L 382, 31. 12. 1987, p. 22.

<sup>(2)</sup> OJ No L 311, 17. 11. 1988, p. 1.

<sup>(3)</sup> OJ No L 199, 2. 8. 1994, p. 1.

<sup>(4)</sup> OJ No L 326, 30. 12. 1995, p. 3.

<sup>(5)</sup> OJ No L 258, 28. 10. 1995, p. 42.

<sup>(6)</sup> OJ No L 72, 18. 3. 1988, p. 16.

<sup>(7)</sup> OJ No L 264, 23. 10. 1993, p. 33.

<sup>(8)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(9)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(10)</sup> OJ No L 108, 1. 5. 1993, p. 96.

<sup>(11)</sup> OJ No L 299, 12. 12. 1995, p. 1.

<sup>(12)</sup> OJ No L 10, 13. 1. 1996, p. 34.

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

Done at Brussels, 12 February 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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**COMMISSION REGULATION (EC) No 264/96****of 12 February 1996****determining the extent to which applications lodged in January 1996 for import certificates for certain cheeses covered by the arrangements provided for in the Europe Agreements concluded by the Community with Bulgaria and Romania can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1588/94 of 30 June 1994 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community on the one part, and Bulgaria and Romania on the other part <sup>(1)</sup>, as last amended by Regulation (EC) No 194/96 <sup>(2)</sup>, and in particular Article 4 <sup>(4)</sup> thereof,

Whereas the applications made for licences for products mentioned in Regulation (EC) No 1588/94 are for quantities lower than those available ; whereas these applications can therefore be met in full,

HAS ADOPTED THIS REGULATION :

*Article 1*

Applications for import licences for the period 1 January to 31 March 1996 submitted pursuant to Regulation (EC) No 1588/94 shall be met in full, for products mentioned in Regulation (EC) No 1588/94.

*Article 2*

This Regulation shall enter into force on 13 February 1996.

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

Done at Brussels, 12 February 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*<sup>(1)</sup> OJ No L 167, 1. 7. 1994, p. 8.<sup>(2)</sup> OJ No L 26, 2. 2. 1996, p. 11.



**COMMISSION REGULATION (EC) No 265/96**  
**of 12 February 1996**  
**fixing the export refunds on pigmeat**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94<sup>(2)</sup>, and in particular the second paragraph of Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;

Whereas facilities exist at present for the export of certain products falling within CN code 0203; whereas a refund should be fixed for these products taking particular account of the conditions of competition for Community exporters on world markets;

Whereas, in the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

<sup>(1)</sup> OJ No L 282, 1. 11. 1975, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products;

Whereas Article 13 of Regulation (EEC) No 2759/75 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 (1) of Regulation (EEC) No 2759/75 according to destination;

Whereas the refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87<sup>(3)</sup>, as last amended by Regulation (EC) No 2996/95<sup>(4)</sup>;

Whereas Council Regulation (EEC) No 990/93<sup>(5)</sup>, as amended by Regulation (EC) No 1380/95<sup>(6)</sup>, 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 hereof and in Council Regulation (EC) No 2815/95<sup>(7)</sup>; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The list of products on which the export refund specified in Article 15 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 13 February 1996.

<sup>(3)</sup> OJ No L 366, 24. 12. 1987, p. 1.

<sup>(4)</sup> OJ No L 312, 23. 12. 1995, p. 31.

<sup>(5)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(6)</sup> OJ No L 138, 21. 6. 1995, p. 1.

<sup>(7)</sup> 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, 12 February 1996.

*For the Commission*  
 Franz FISCHLER  
*Member of the Commission*

ANNEX

to the Commission Regulation of 12 February 1996 fixing the export refunds on pigmeat

<i>(ECU/100 kg net weight)</i>			<i>(ECU/100 kg net weight)</i>		
Product code	Destination of refund <sup>(1)</sup>	Amount of refund	Product code	Destination of refund <sup>(1)</sup>	Amount of refund
0203 11 10 000	01	22,00	0203 29 15 100	01	14,00
0203 12 11 100	01	22,00	0210 11 31 110	01	75,00
0203 12 19 100	01	22,00	0210 11 31 910	01	75,00
0203 19 11 100	01	22,00	0210 12 19 100	01	18,00
0203 19 13 100	01	22,00	0210 19 81 100	01	85,00
0203 19 15 100	01	14,00	0210 19 81 300	01	66,00
0203 21 10 000	01	22,00	1601 00 91 100	01	30,00
0203 22 11 100	01	22,00	1601 00 99 100	01	15,00
0203 22 19 100	01	22,00	1602 41 10 210	01	54,00
0203 29 11 100	01	22,00	1602 42 10 210	01	42,00
0203 29 13 100	01	22,00	1602 49 19 190	01	21,00

<sup>(1)</sup> The destinations are as follows :

01 All third countries.

<sup>(2)</sup> 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 amended Commission Regulation (EEC) No 3846/87.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL

## COUNCIL DECISION

of 22 January 1996

on the conclusion of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union

(96/147/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof in conjunction with Article 228 (2) first sentence thereof,

Having regard to the proposal from the Commission,

Whereas the Commission has negotiated on behalf of the Community on Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland<sup>(1)</sup>; signed in Brussels on 22 July 1972, to take account of the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union;

Whereas the Additional Protocol should be approved,

HAS DECIDED AS FOLLOWS:

*Article 1*

The Additional Protocol to the Agreement between the European Economic Community and the Republic of

Iceland consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union is hereby approved on behalf of the Community.

The text of the Additional Protocol is attached to this Decision.

*Article 2*

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

Done at Brussels, 22 January 1996.

*For the Council*

*The President*

L. DINI

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<sup>(1)</sup> OJ No L 301, 31. 12. 1972, p. 3.

## ADDITIONAL PROTOCOL

to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union

THE EUROPEAN COMMUNITY, of the one part, and

THE REPUBLIC OF ICELAND of the other part,

HAVING REGARD to the Agreement between the European Economic Community and the Republic of Iceland signed in Brussels on 22 July 1972, hereinafter called the 'Agreement',

HAVING REGARD to the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union on 1 January 1995,

CONSIDERING that in order to maintain trade flows between Iceland on the one hand and the new Member States on the other hand, it is necessary to make adjustments to arrangements applicable to trade in fishery products between Iceland and the Community;

HAVE DECIDED to determine by common accord the adjustments to the Agreement consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union, AND TO CONCLUDE THIS PROTOCOL:

*Article 1*

The text of the Agreement, the Annexes and Protocols, which form an integral part thereof, the Final Act and the declarations annexed thereto shall be drawn up in the Finnish and Swedish languages and those texts shall be authentic in the same way as the original texts. The Joint Committee shall approve the Finnish and Swedish texts.

*Article 2*

The special provisions applicable to imports into the Community of certain fishery products originating in Iceland are laid down in the Annex to this Protocol.

*Article 3*

The Annex to this Protocol forms an integral part thereof. This Protocol forms an integral part of the Agreement.

*Article 4*

This Protocol shall be approved by the Contracting Parties in accordance with their own procedures. It shall enter into force on 1 December 1995 provided that the Contracting Parties have notified each other before that date that the procedures necessary to this end have been completed. After that date, the Protocol shall enter into force on the day following such notification. It shall apply as from 1 January 1995.

*Article 5*

This Protocol is drawn up in duplicate, in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish, Swedish and Icelandic languages, each of these texts being equally authentic.

Hecho en Bruselas, el veintiséis de enero de mil novecientos noventa y seis.

Udfærdiget i Bruxelles, den seksogtyvende januar nittenhundrede og seksoghalvfems.

Geschehen zu Brüssel am sechszwanzigsten Januar neunzehnhundertsechszwanzig.

Έγινε στις Βρυξέλλες, στις είκοσι έξι Ιανουαρίου χίλια εννιακόσια ενενήντα έξι.

Done at Brussels on the twenty-sixth day of January in the year one thousand nine hundred and ninety-six.

Fait à Bruxelles, le vingt-six janvier mil neuf cent quatre-vingt-seize.

Fatto a Bruxelles, addì ventisei gennaio millenovecentonovantasei.

Gedaan te Brussel, de zesentwintigste januari negentienhonderd zesennegentig.

Feito em Bruxelas, em vinte e seis de Janeiro de mil novecentos e noventa e seis.

Tehty Brysselissä kahdentenkymmenentenäkuudentena päivänä tammikuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäkuusi.

Utfärdat i Bryssel den tjugosjätte januari nittonhundraettiosex.

Gjört í Brussel hinn 26. janúar 1996.



## ANNEX

## LIST OF PRODUCTS REFERRED TO IN ARTICLE 2

(Products originating in Iceland for which the Community grants tariff quotas)

	CN code	Description	Quotas (tonnes)
1	0302 12 00	Salmon, fresh or chilled	50
	0304 10 13	Salmon fillets, fresh or chilled	
	0304 20 13	Salmon fillets, frozen	
2	0302 23 00	Sole, fresh or chilled	250
	0302 29 10	Megrim, fresh or chilled	
	0302 29 90	Other flat fish, fresh or chilled	
	0302 69 85	Blue whiting, fresh or chilled	
	0303 32 00	Plaice, frozen	
	0303 79 96	Other saltwater fish, frozen	
	0304 10 19	Fillets of other freshwater fish, fresh or chilled	
	0304 10 33	Fillets of coalfish, fresh or chilled	
	0304 10 35	Fillets of redfish, fresh or chilled	
	ex 0304 10 38	Fillets of other saltwater fish, excluding herring and mackerel, fresh or chilled	
	0304 10 98	Meat of other saltwater fish, fresh or chilled	
	0304 20 19	Fillets of other freshwater fish, frozen	
	0304 90 35	Frozen meat of cod of the species <i>Gadus macrocephalus</i>	
	0304 90 38	Frozen meat of cod of the species <i>Gadus morhua</i>	
	0304 90 39	Frozen meat of <i>Gadus ogac</i> and of fish of the species <i>Boreogadus saida</i>	
	0304 90 41	Frozen meat of coalfish	
	0304 90 47	Frozen meat of hake of the genus <i>Merluccius</i>	
0304 90 59	Frozen meat of blue whiting		
ex 0304 90 97	Frozen meat of other saltwater fish, excluding mackerel		
3	0305 61 00	Herrings, salted but not dried or skmoked and herrings in brine	1 750
4	0306 19 30	Norway lobsters, frozen	50
5	1604 12 91	Other prepared or preserved herrings, in airtight containers	2 400
	1604 12 99	Other prepared or preserved herrings; other	
6	1604 19 98	Prepared or preserved other fish, whole or in pieces	50
	ex 1604 20 90	Prepared or preserved meat of other fish, excluding herring and mackerel	

These tariff quotas apply from 1 January to 31 December each year. For the amount indicated for each product group, Community imports originating in Iceland can be released for free circulation at 0 % import duty.

**Information concerning the date of entry into force of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union<sup>(1)</sup>**

The procedures necessary for the entry into force of the Additional Protocol to the Agreement between the European Economic Community and the Republic of Iceland consequent on the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union having been completed on 26 January 1996, the Protocol entered into force on 27 January 1996, in accordance with Article 4.

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<sup>(1)</sup> See page 34 of this Official Journal.

# COMMISSION

## COMMISSION DECISION

of 26 July 1995

on the measures decided by France as a result of the blockade of the French road network in 1992

(Only the French text is authentic)

(96/148/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No 2753/94<sup>(2)</sup>, and in particular Article 31 thereof,

Having given notice to the parties concerned to submit their comments, in accordance with the first subparagraph of Article 93 (2) of the Treaty, and in the light of those comments,

Whereas :

### I

1. By letter dated 12 January 1993 and in accordance with Article 93 (3) of the Treaty, the French Permanent Representative to the European Communities notified the Commission of the measures to benefit the fruit and vegetables sector. The French authorities sent the Commission additional information in letters dated 7 July, 20 October and 29 December 1993.

By letter dated 17 February 1994, the Commission informed France of its decision to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of those measures, which appeared to be operating aid ineligible for any of the derogations laid down in Article 92 of the Treaty and therefore deemed incompatible with the common market.

2. The measures in question consist of partial relief on the social security contributions payable by fruit and

vegetable growers who suffered as a result of the 1992 road blockade, and payment of compensation to them.

The first measure involves a sliding-scale reduction in, and the payment for one or two months of, employers' social security contributions, having regard to the percentage turnover lost on a range of seasonal agricultural products (peaches, apricots, nectarines, small fruits, strawberries, plums, cherries, Guyot pears, melons, courgettes, aubergines, carrots, onions, tomatoes, lettuce and cucumbers), for up to 15 salaried workers per holding (or 20 salaried workers per holding in the case of specialized producers in particular difficulties); it also takes the form of an extension without penalty for paying the social welfare contributions of the non-salaried operators. The total budget amounted to FF 48 million.

Based on the information available to the Commission when the procedure was initiated, the arrangements for applying the second measure were the same as for the first; the overall budget had been fixed at FF 150 million.

### II

1. As part of the above procedure, the Commission notified France to submit its comments. France did so by means of letters dated 29 April 1994 and 12 April 1995.

The Commission informed the other Member States and interested parties of its decision to initiate the procedure pursuant to Article 93 (2) of the Treaty by means of a notice published in the *Official Journal of the European Communities*<sup>(3)</sup>, and gave notice to them to submit their comments. The Commission received comments from interested third parties by letter dated 24 May 1994. These comments were forwarded to the French authorities by letter dated 1 December 1994.

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 292, 12. 11. 1994, p. 3.

<sup>(3)</sup> OJ No C 115, 26. 4. 1994, p. 6.



2. The French authorities have first of all pointed out that the measures in respect of which the Commission has initiated the procedure provided for in Article 93 (2) of the Treaty are part of a series undertaken by the public authorities to assist fruit and vegetable growers with a view to making good the damage caused by the road blockade in the summer of 1992 which, in the authorities' view, constituted an exceptional occurrence within the meaning of Article 92 (2) (b) of the Treaty.

They confirmed that production of all the products referred to took place in the period in question and that instructions had been given through circulars to the authorities responsible for granting the aid, so that compensation payments over and above the losses offset could be avoided.

They further stated that compensation was effected in accordance with a circular from the Minister for the Interior and Public Security of 22 September 1992 which specified the conditions attaching to its award, i.e. the engagement of State responsibility and the duty on applicants to establish clearly that the alleged damage occurred and resulted from the road blockades.

3. In their comments, the third parties concerned condemned the measures decided on by the French Government for the following reasons:

- the road blockade in France caused damage to producers in the other Member States (losses estimated at Pta 5 000 million for the Spanish fruit and vegetable sector alone), but the French Government had not proposed compensating them,
- the aid in question was granted by the French Government before the Commission's decision thereon.

### III

1. Article 31 of Regulation (EEC) No 1035/72 applies Articles 92, 93 and 94 of the Treaty to the production of and trade in the products listed in Article 1 of that Regulation except where it provides otherwise.

2. Pursuant to Article 92 (1) of the Treaty, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is incompatible with the common market.

The measures in question granted by France in respect of certain products in a sector subject to competition between producers from the various Member States satisfy all the conditions for classification as aid within the

meaning of Article 92 (1) of the Treaty. The French Government has not contested this point.

3. There are, however, exceptions to the principle of incompatibility in Article 92 (1).

Only the derogation laid down in Article 92 (2) (b) of the Treaty, which stipulates that aid to make good the damage caused by natural disasters or exceptional occurrences could apply in a case of this kind, given the nature of the occurrence that is supposed to have caused the aid to be granted in the first place. This is, moreover, the derogation cited by the French Government.

### IV

1. As the Commission indicated when it initiated the procedure pursuant to Article 93 (2) of the Treaty, exceptional occurrences such as strikes are covered by the above provision. It is Commission policy that such occurrences justify the payment of compensation for the damage caused to individuals, without account being taken of the scale of the damage. Thus, the effects of the road blockade in the summer of 1992 can be likened to a strike as described in the criteria decided on by the Commission in its working document of 10 November 1986, in so far as the blockade disrupted economic activity in the country to an appreciable extent between 29 June and 18 July 1992.

2. However, during its initial scrutiny the Commission was unable, on the basis of the information then available, to find a direct link between the aid and the road blockade since comparing the turnover figures and annual production delivered with seasonal products alone did not provide sufficient proof thereof.

### V

1. The comments submitted by France in its letters of 29 April 1994 and 12 April 1995 led the Commission to the following conclusions.

2. As regards compensation, and on the basis of new information available to it, the Commission noted that:

- the circular of 22 September 1992 laid down very strict conditions for the award of this aid, particularly as regards proof that the alleged damage actually occurred and evidence of a direct causal link between it and the road blockade,
- the French authorities confirmed that the compensation was granted without discrimination to all those satisfying the conditions for its award; citizens of other Member States who fulfil those conditions could thus qualify for it in the same way as French citizens.

This aid can accordingly benefit from the derogation laid down in Article 92 (2) (b) of the Treaty and may be regarded as compatible with the common market.

3. As regards the partial relief on social security contributions, the Commission can allow the French authorities' contention that all of the products in question were produced and marketed in France during the road blockade lasting from 29 June to 18 July 1992, even if production of certain products in that period such as plums, pears, aubergines and peppers was minimum compared to the annual average. Nevertheless, the fact that production occurred during the period in question is not sufficient to establish a direct link between the losses offset and the road blockade.

The Commission also took into consideration the instructions given by means of circulars to the authorities responsible for granting the aid, with a view in particular to preventing any overcompensation for the losses offset. However, the evidence to be provided by the grower in support of his aid application (annual declarations of rotation, turnover and production delivered to the marketing organizations and/or sold by other means, certificates of his deliveries or copies of the delivery dockets, copies of his VAT declarations for the year and copies of the salary slips of the workers for the month or months for which payment is sought) does not establish a link between the losses offset and the road blockade. As the information provided is annual and the workers for which payment is being sought are seasonal and not necessarily and exclusively engaged in harvesting the products in question, there is no quantitative or qualitative information linked exclusively and necessarily to the effects of the road blockade. The losses offset could thus have occurred as a result of events other than the blockade.

Furthermore, the general compensation measure (see Section V.2) could fully compensate for the losses due to the road blockade. The existence of a second measure limited to certain beneficiaries alone is therefore hard to justify and also raises the question of possible overcompensation of the latter for losses attributable to the road blockade.

This aid cannot, therefore, qualify for any of the derogations in Article 92 of the Treaty and is to be regarded as incompatible with the common market.

## VI

1. Since the aids were notified but implemented without awaiting the final decision of the Commission, it

should be pointed out that, given the obligatory nature of the procedural rules laid down in Article 93 (3) of the Treaty, the direct effect of which the Court of Justice has recognized in its judgments of 19 June 1973 (Case 77/72, *Carmine Capolongo v. Azienda Agricola Maya*)<sup>(1)</sup>, 11 December 1973 (Case 120/73, *Gebrüder Lorenz GmbH v. the Federal Republic of Germany*)<sup>(2)</sup>, 22 March 1977 (Case 78/76, *Steinike and Weinlig v. Federal Republic of Germany*)<sup>(3)</sup> and 21 November 1991 (Case C-354/90, *Fédération nationale du commerce extérieur des produits alimentaires and others v. France*)<sup>(4)</sup>, the aid in question cannot be made legal with retrospective effect.

Furthermore, where aid is incompatible with the common market, in accordance with the case law of the Court of Justice, in particular its judgment of 12 July 1973 (Case 70/72, *Commission v. Federal Republic of Germany*)<sup>(5)</sup>, as confirmed by the judgments of 24 February 1987 (Case 310/85, *Deufil v. Commission*)<sup>(6)</sup> and 20 September 1990 (Case C-5/89, *Commission v. Federal Republic of Germany*)<sup>(7)</sup>, the Commission can insist that Member States recover from the beneficiaries the full amount of any aid granted illegally.

2. The French Government did not comply with the suspensory effect of Article 93 (3) of the Treaty in that it did not wait for the Commission to give its opinion before granting the aid in question. The aid thus becomes illegal under Community law from the moment it is paid.

As illegally granted aid is involved, i.e. aid granted before the final decision pursuant to the procedure under Article 93 (2) of the Treaty, and although neither the exact amount nor the number of beneficiaries for the aid in question is known to the Commission, the incompatible aid must be recovered, since the beneficiaries in receipt of the illegal aid are known to the French authorities.

Recovery is to be effected in accordance with the procedures and provisions of French law, with interest payable from the date the aid in question was granted. This interest shall be calculated using the commercial rate relating to the rate used for calculating the subsidy-equivalent for regional aid.

<sup>(1)</sup> [1973] ECR, p. 611.

<sup>(2)</sup> [1973] ECR, p. 1471.

<sup>(3)</sup> [1977] ECR, p. 595.

<sup>(4)</sup> [1991] ECR I, p. 5505.

<sup>(5)</sup> [1973] ECR, p. 813.

<sup>(6)</sup> [1987] ECR, p. 901.

<sup>(7)</sup> [1990] ECR I, p. 3437.

Recovery is necessary to revert to the position prior to payment by doing away with all of the financial advantages that the aid beneficiaries unduly enjoyed from the date the aid was illegally awarded. This is all the more necessary given the fragile state of the market concerned.

This Decision does not pre-empt the conclusions that the Commission will draw, where appropriate, on the funding of the common agricultural policy by the European Agriculture Guarantee and Guidance Fund (EAGGF),

HAS ADOPTED THIS DECISION :

*Article 1*

The aid granted by France as a result of the blockade of the French road network in 1992 is illegal, since it has been granted in breach of the procedural rules laid down in Article 93 (3) of the Treaty.

*Article 2*

The aid granted by France in the form of compensatory payments is compatible with the common market pursuant to Article 92 (2) (b) of the Treaty.

*Article 3*

The aid granted by France in the form of partial relief on social insurance contributions is incompatible with the common market pursuant to Article 92 of the Treaty, since the French authorities have not provided proof that the aid is necessarily and exclusively linked to the losses

caused by the road blocks in France (29 June to 18 July 1992), considered as an exceptional occurrence within the meaning of Article 92 (2) (b) of the Treaty.

*Article 4*

France must abolish the aid referred to in Article 3 and recover it within two months of notification of this Decision.

Recovery shall be effected in accordance with the procedures and provisions of French law, with interest payable from the date the aid in question was granted. This interest shall be calculated using the commercial rate relating to the rate used for calculating the subsidy-equivalent for regional aid.

*Article 5*

France shall notify the Commission of the measures it has taken to comply with this Decision within two months of its notification.

*Article 6*

This Decision is addressed to the French Republic.

Done at Brussels, 26 July 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

## COMMISSION DECISION

of 2 February 1996

on the recognition of the Irish standard IS310 : First Edition, establishing specifications for environmental management systems, in accordance with Article 12 of Council Regulation (EEC) No 1836/93

(Text with EEA relevance)

(96/149/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme<sup>(1)</sup>, and in particular Article 12 thereof,

Whereas Article 12 of Regulation (EEC) No 1836/93 establishes that companies implementing national, European and international standards for environmental management systems and audits and certified, according to appropriate certification procedures, as complying with those standards shall be considered as meeting the corresponding requirements of Regulation (EEC) No 1836/93, provided that, in particular, the standards and procedures are recognized by the Commission acting in accordance with the procedures laid down in Article 19 of the same Regulation ;

Whereas Article 12 of Regulation (EEC) No 1836/93 states that the references of the recognized standards and criteria shall be published in the *Official Journal of the European Communities* ;

Whereas the Commission has been requested to recognize the Irish standard IS310 : First Edition establishing specification for environmental management systems ;

Whereas the Irish standard IS310 : First Edition includes specification for environmental management systems and audit corresponding to certain requirements of Regulation (EEC) No 1836/93 ;

Whereas the Committee established under Article 19 of Regulation (EEC) No 1836/93 did not give a favourable opinion on the draft of the measure which was submitted

to it by the Commission ; whereas the Council could not reach agreement to either adopt the measure proposed by the Commission or to reject it ; whereas under such circumstances the proposed measure shall be adopted by the Commission,

HAS ADOPTED THIS DECISION :

*Article 1*

For the purpose of Article 12 of Regulation (EEC) No 1836/93, the Commission hereby recognizes that the Irish standard IS310 : First Edition establishing specification for environmental management systems contains requirements corresponding to those of the abovementioned Regulation specified in the Annex to this Decision.

*Article 2*

This Decision is without prejudice to the elaboration of requirements for environmental management and audit systems in any future European standard and does not constitute a dispensation from the obligation to transpose European standards as national standards without change, and to withdraw conflicting national standards in due time.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 2 February 1996.

*For the Commission*

Ritt BJERREGAARD

*Member of the Commission*

<sup>(1)</sup> OJ No L 168, 10. 7. 1993, p. 1.

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*ANNEX***REQUIREMENTS OF COUNCIL REGULATION (EEC) No 1836/93 FOR WHICH THERE ARE  
CORRESPONDING STANDARDS IN THE IS310 : FIRST EDITION****Article 3***Paragraphs in the scheme*

Paragraphs (b) and (c) to (e).

**Annex I**

Part A : Points 1 to 5

Part B : Points 1 to 6

Part C : Points 1 to 12

Part D : Points 1 to 7 and 9 to 11.

**Annex II**Points B to D and G.  

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## COMMISSION DECISION

of 2 February 1996

on the recognition of the British standard BS7750:1994, establishing specifications for environmental management systems, in accordance with Article 12 of Council Regulation (EEC) No 1836/93

(Text with EEA relevance)

(96/150/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme<sup>(1)</sup>, and in particular Article 12 thereof,

Whereas Article 12 of Regulation (EEC) No 1836/93 establishes that companies implementing national, European and international standards for environmental management systems and audits and certified, according to appropriate certification procedures, as complying with those standards shall be considered as meeting the corresponding requirements of Regulation (EEC) No 1836/93, provided that, in particular, the standards and procedures are recognized by the Commission acting in accordance with the procedures laid down in Article 19 of the same Regulation;

Whereas Article 12 of Regulation (EEC) No 1836/93 states that the references of the recognized standards and criteria shall be published in the *Official Journal of the European Communities*;

Whereas the Commission has been requested to recognize the British standard BS7750:1994 establishing specification for environmental management systems;

Whereas the British standard BS7750:1994 includes specification for environmental management systems and audit corresponding to certain requirements of Regulation (EEC) No 1836/93;

Whereas the Committee established under Article 19 of Regulation (EEC) No 1836/93 did not give a favourable opinion on the draft of the measure which was submitted

to it by the Commission; whereas the Council could not reach agreement to either adopt the measure proposed by the Commission or to reject it; whereas under such circumstances the proposed measure shall be adopted by the Commission,

HAS ADOPTED THIS DECISION:

*Article 1*

For the purpose of Article 12 of Regulation (EEC) No 1836/93, the Commission hereby recognizes that the British standard BS7750:1994 establishing specification for environmental management systems contains requirements corresponding to those of the abovementioned Regulation specified in the Annex to this Decision.

*Article 2*

This Decision is without prejudice to the elaboration of requirements for environmental management and audit systems in any future European standard and does not constitute a dispensation from the obligation to transpose European standards as national standards without change, and to withdraw conflicting national standards in due time.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 2 February 1996.

*For the Commission*

Ritt BJERREGAARD

*Member of the Commission*

<sup>(1)</sup> OJ No L 168, 10. 7. 1993, p. 1.

## ANNEX

**REQUIREMENTS OF COUNCIL REGULATION (EEC) No 1836/93 FOR WHICH THERE ARE  
CORRESPONDING STANDARDS IN THE BS7750 : 1994****Article 3***Paragraphs in the scheme*

Paragraphs (a) and (c) to (e).

**Article 4***Auditing and Validation*

Paragraph 2.

**Annex I**

Part A : Points 1 to 5

Part B : Points 1 to 6

Part C : Points 1 to 12

Part D : Points 1 to 7 and 9 to 11.

**Annex II**

Points A to G.

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## COMMISSION DECISION

of 2 February 1996

on the recognition of the Spanish standard UNE 77-801(2)-94, establishing specifications for environmental management systems, in accordance with Article 12 of Council Regulation (EEC) No 1836/93

(Text with EEA relevance)

(96/151/EC)

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

Having regard to Council Regulation (EEC) No 1836/93 of 29 June 1993, allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme<sup>(1)</sup>, and in particular Article 12 thereof,

Whereas Article 12 of Regulation (EEC) No 1836/93 establishes that companies implementing national, European and international standards for environmental management systems and audits and certified, according to appropriate certification procedures, as complying with those standards shall be considered as meeting the corresponding requirements of Regulation (EEC) No 1836/93, provided that, in particular, the standards and procedures are recognized by the Commission acting in accordance with the procedures laid down in Article 19 of the same Regulation ;

Whereas Article 12 of Regulation (EEC) No 1836/93 states that the references of the recognized standards and criteria shall be published in the *Official Journal of the European Communities* ;

Whereas the Commission has been requested to recognize the Spanish standard UNE 77-801(2)-94 establishing specification for environmental management systems ;

Whereas the Spanish standard UNE 77-801(2)-94 includes specification for environmental management systems and audit corresponding to certain requirements of Regulation (EEC) No 1836/93 ;

Whereas the Committee established under Article 19 of Regulation (EEC) No 1836/93 did not give a favourable opinion on the draft of the measure which was submitted to it by the Commission ; whereas the Council could not reach agreement to either adopt the measure proposed by

the Commission or to reject it; whereas under such circumstances the proposed measure shall be adopted by the Commission,

HAS ADOPTED THIS DECISION :

*Article 1*

For the purpose of Article 12 of Regulation (EEC) No 1836/93, the Commission hereby recognizes that the Spanish standard UNE 77-801(2)-94 establishing specification for environmental management systems contains requirements corresponding to those of the abovementioned Regulation specified in the Annex to this Decision.

*Article 2*

This Decision is without prejudice to the elaboration of requirements for environmental management and audit systems in any future European standard and does not constitute a dispensation from the obligation to transpose European standards as national standards without change, and to withdraw conflicting national standards in due time.

*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 2 February 1996.

*For the Commission*

Ritt BJRREGAARD

*Member of the Commission*

<sup>(1)</sup> OJ No L 168, 10. 7. 1993, p. 1.



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*ANNEX***REQUIREMENTS OF COUNCIL REGULATION (EEC) No 1836/93 FOR WHICH THERE ARE  
CORRESPONDING STANDARDS IN THE UNE 77-801(2)-94**

<b>Article 3</b>	<i>Paragraphs in the scheme</i> Paragraphs (b) to (e).
<b>Article 4</b>	<i>Auditing and Validation</i> Paragraph 2.
<b>Annex I</b>	Part A: Points 1 to 5 Part B: Points 1 to 6 Part C: Points 1 to 12 Part D: Points 1 to 7, 9 and 11.
<b>Annex II</b>	Points A to G.

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**COMMISSION DECISION**  
**of 2 February 1996**  
**on Finnish aid in the cereal seed sector**  
**(Only the Finnish text is authentic)**

(96/152/EC)

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

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94<sup>(2)</sup>, and in particular the second paragraph of Article 8 thereof,

Whereas, in accordance with the abovementioned provision, Finland may, subject to authorization by the Commission, grant aid for certain quantities of seeds produced only in that country as a result of its special climatic conditions; whereas, without prejudice to clarifications with the Council may make under the procedure laid down in Article 43 of the EC Treaty, the provision in question, the usefulness of which is not called into question, relates to varieties of cereal seeds not covered by the common organization of the market established by Regulation (EEC) No 2358/71;

Whereas, for those varieties of seed, the Finnish Government, by letter dated 13 October 1995 supplemented by additional information on 9 November 1995, requested the Commission for authorization to grant farmers the aid provided for in the abovementioned Article 8 in order to ensure that appropriate quantities of the products in question continue to be available in that country following accession;

Whereas the proposed aid meets the requirements laid down in that provision; whereas it concerns varieties included in the list of Finnish varieties which, with the exception of limited quantities cultivated in adjacent regions, are cultivated only in Finland; whereas the level

of this aid and the quantities for which it is to be granted (corresponding to half the annual requirements of Finland) are justified in the light of the objective pursued by the proposed measure,

HAS ADOPTED THIS DECISION:

*Article 1*

Finland is hereby authorized to grant to farmers producing on its territory cereal seeds of varieties certified by its legislation, aid not exceeding 15 Finnish Marks per 100 kilogrammes for a maximum quantity of 100 000 tonnes per year.

Finland shall ensure, by an appropriate inspection system, that the aid is granted only in respect of the varieties referred to in the first paragraph. It shall notify the Commission the list of certified varieties and any amendment to that list.

*Article 2*

This authorization shall be reviewed during the course of 1999 at the latest.

*Article 3*

This Decision is addressed to Finland.

Done at Brussels, 2 February 1996.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 246, 5. 11. 1971, p. 1.

<sup>(2)</sup> OJ No L 349, 31. 12. 1994, p. 105.

## COMMISSION DECISION

of 9 February 1996

authorizing Member States temporarily to take additional measures against the dissemination of *Thrips palmi* Karny as regards the Netherlands

(96/153/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community<sup>(1)</sup>, as last amended by Commission Directive 95/66/EC<sup>(2)</sup>, and in particular Article 15 (3) thereof,

Whereas, where a Member State considers that there is an imminent danger of the introduction into its territory of *Thrips palmi* Karny, from another Member State, it may temporarily take any additional measures necessary to protect itself from that danger;

Whereas the Netherlands informed the other Member States and the Commission on 19 June 1995 that in some nurseries producing ornamental *Ficus* plants, infestation with *Thrips palmi* was identified; whereas complementary reports supplied by the Netherlands indicated that more nurseries showed infestation by *Thrips palmi*; whereas however the Netherlands informed the other Member States and the Commission that these infestations have been eradicated;

Whereas Sweden and Denmark, on the basis of the above-mentioned information from the Netherlands, had adopted on 27 October 1995 and 13 November 1995, respectively, certain additional measures applicable to *Ficus* plants coming from the Netherlands, with a view to strengthening protection against the introduction of *Thrips palmi* from the Netherlands;

Whereas these additional measures include special inspection or treatment requirements;

Whereas it has not yet been possible to identify the source of contamination in the Netherlands;

Whereas it is therefore justified for the Member States to adopt additional measures to protect themselves against that danger;

Whereas the additional measures adopted by the above-mentioned Member States should be brought into line with Community safeguard measures;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

## Article 1

1. The Netherlands shall ensure for plants of *Ficus* L. until 30 September 1996, that the conditions laid down in paragraph 2 are met, if plants of *Ficus* L. intended for planting, other than seeds, coming from the Netherlands are to be moved into other Member States or within the Netherlands.
2. For the purpose of paragraph 1, the following conditions shall be met:
  - (a) Plants of *Ficus* L., intended for planting, other than seeds, shall:
    - (aa) — have been grown on nurseries officially registered in accordance with the provisions of Commission Directive 92/90/EEC<sup>(3)</sup>, and
      - either have been held, grown or produced during a period of at least two months in a single place of production and this place of production shall have been found free from *Thrips palmi* in both official inspections carried out at least twice a month during the two months prior to movement from the place of production and in monitoring procedures throughout the said period, or
      - have been held, grown or produced during a period of at least one month in a single place of production and have undergone an appropriate treatment to ensure freedom from *Thrips palmi* and subsequently this place of production shall have been found free from *Thrips palmi* in both official inspections carried out at least twice a month during the month prior to movement from the place of production and in monitoring procedures throughout the said period;

<sup>(1)</sup> OJ No L 26, 31. 1. 1977, p. 20.

<sup>(2)</sup> OJ No L 308, 21. 12. 1995, p. 77.

<sup>(3)</sup> OJ No L 344, 26. 11. 1992, p. 38.

- (ab) be accompanied, when moved from the place of production, by a plant passport prepared and issued in accordance with the provisions of Commission Directive 92/105/EEC<sup>(1)</sup>;
- (b) Without prejudice to the reporting requirements under Article 15 of Directive 77/93/EEC, the Netherlands shall notify to the Commission and to the other Member States, full details of the places of production confirmed to be infested as soon as infestation is confirmed.

#### Article 2

1. The Member States other than the Netherlands shall ensure that plants of *Ficus* L. intended for planting, other than seeds, grown in their country are accompanied by a document stating the country of origin when they are moved from the place of production.
2. The Member States of destination :
  - may subject consignments of plants of *Ficus* L. intended for planting, other than seeds, coming from the Netherlands to inspection,
  - may take further appropriate steps to carry out official monitoring in respect of plants of *Ficus* L. intended for planting, other than seeds, coming from the Netherlands and moved into their territory.

#### Article 3

Member States shall conduct official survey for *Thrips palmi*.

The survey conducted by the Netherlands in accordance with subparagraph 1 shall be monitored by the experts

referred to in Article 19 (a) of Directive 77/93/EEC under the procedure laid down therein. By 1 May 1996 a first report of the results of the survey conducted in the Netherlands and of the said monitoring shall be submitted to the other Member States and to the Commission.

The details and results of the surveys provided for in subparagraph 1 shall be notified to the other Member States and to the Commission by 1 July 1996.

#### Article 4

The Member States shall adjust the measures which they have adopted with a view to protecting themselves against the introduction and the spread of *Thrips palmi*, in such a manner that the measures comply with Articles 1 and 2.

#### Article 5

This Decision is addressed to the Member States.

Done at Brussels, 9 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

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<sup>(1)</sup> OJ No L 4, 8. 1. 1993, p. 22.