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(!) Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1451/96
of 23 July 1996
amending Regulation (EC) No 2990/95 regulating compensation for appreciable
reductions in the agricultural conversion rates before 1 July 1996

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽¹⁾, and in particular Article 9 thereof,

Whereas Regulation (EC) No 2990/95⁽²⁾ lays down special rules applicable until 30 June 1996 to currencies which experience during that period an appreciable reduction in their agricultural conversion rates and in particular to the Finnish markka and the Swedish krona; whereas the risk of an appreciable reduction has again arisen in the case of the Swedish krona since monetary gaps of more than 5 % have occurred for that currency; whereas this situation could lead to an appreciable reduction in an agricultural conversion rate after the period referred to in the said Regulation;

Whereas Article 9 of Regulation (EEC) No 3813/92 provides for the Council to take all necessary measures in the event of an appreciable revaluation, which, primarily to comply with obligations under the GATT Agreement and budgetary discipline, may involve derogations from the provisions of the said Regulation concerning aid and the amount by which the monetary gaps are dismantled,

without, however, resulting in the threshold being extended; whereas the measures provided for in Articles 7 and 8 of the said Regulation cannot be applied as they stand; whereas it is necessary to take steps at Community level to prevent distortions of monetary origin affecting the implementation of the common agricultural policy;

Whereas on the basis of the information currently available, it is impossible to know what the situation will be after 31 December 1996; whereas application of the rules and amounts laid down in Regulation (EC) No 2990/95 would be justified in similar cases until that time,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2990/95 is hereby amended as follows:

- (a) in the title the date '1 July 1996' shall be replaced by '1 January 1997';
- (b) in Article 1, the date '30 June 1996' shall be replaced by '31 December 1996'.

Article 2

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

It shall apply from 1 July 1996.

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

Done at Brussels, 23 July 1996.

For the Council
The President
 I. YATES

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1. Regulation last amended by Regulation (EC) No 150/95 (OJ No L 22, 31. 1. 1995, p. 1).

⁽²⁾ OJ No L 312, 23. 12. 1995, p. 7.

**COUNCIL REGULATION (EC) No 1452/96
of 23 July 1996**

fixing a supplementary premium payable to sheepmeat producers in non-less favoured areas of Ireland and the United Kingdom in respect of Northern Ireland

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Whereas Article 5 of Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽²⁾ provides for the grant of a premium to the extent necessary to offset any income loss to sheepmeat producers in the Community; whereas the loss of income is calculated on the basis of the difference which exists between the Community average market price and the basic price;

Whereas in Ireland and Northern Ireland prices and production costs in late spring are normally relatively high; whereas in late spring 1995, due in particular to abnormal supply patterns, prices there were exceptionally low thus reducing sharply producers' returns from the market; whereas the producers concerned are located principally outside the less-favoured areas;

Whereas the level of the ewe premium is insufficient to compensate these producers for the loss they suffered;

Whereas Regulation (EEC) No 3013/89 does not provide any means to rectify this very difficult and exceptional situation; whereas it is therefore necessary to provide for a

supplementary premium limited to the producers affected in the regions indicated and to the 1995 marketing year,

HAS ADOPTED THIS REGULATION:

Article 1

In Ireland and the United Kingdom in respect of Northern Ireland in areas other than those defined in Article 3 (3), (4) and (5) of Directive 75/268/EEC⁽³⁾ a supplementary premium of ECU 6,5 per ewe shall be payable to producers in respect of the 1995 marketing year.

This supplementary premium shall be granted subject to the same conditions as those laid down for the granting of the 1995 premium to sheepmeat and goatmeat producers.

Article 2

Detailed rules for the application of this Regulation shall be adopted by the Commission, if necessary, in accordance with the procedure provided for in Article 30 of Regulation (EEC) No 3013/89.

Article 3

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

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

Done at Brussels, 23 July 1996.

For the Council

The President

I. YATES

⁽¹⁾ Opinion delivered on 19 July 1996 (not yet published in the Official Journal).

⁽²⁾ OJ No L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EC) No 1265/95 (OJ No L 123, 3. 6. 1995, p. 1).

⁽³⁾ Council Directive 75/268/EEC of 28 April 1975 on mountain and hill farming and farming in certain less-favoured areas (OJ No L 128, 19. 5. 1975, p. 1). Directive as last amended by Regulation (EEC) No 797/85 (OJ No L 93, 30. 3. 1985, p. 1).

COMMISSION REGULATION (EC) No 1453/96
of 25 July 1996

determining the extent to which applications lodged in July 1996 licences for certain eggs and poultrymeat products under the regime provided for by the Interim Agreements concluded by the Community with Romania and Bulgaria 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 1559/94 ⁽¹⁾ laying down detailed rules for the application in the eggs and poultrymeat sector of the regime provided for by the Agreements concluded by the Community, of the one part, and Bulgaria and Romania, of the other part, as last amended by Regulation (EC) No 1236/96 ⁽²⁾, and in particular Article 4 ⁽⁵⁾ thereof,

Whereas the applications for import licences lodged for the third quarter of 1996 are, in the case of some products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution;

Whereas the surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1996 submitted under Regulation (EC) No 1559/94 shall be met as referred to in the Annex.
2. During the first 10 days of the period 1 October to 31 December 1996 applications may be lodged pursuant to Regulation (EC) No 1559/94 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 1. 7. 1994, p. 62.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 106.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1996
37	11,80
38	100,00
39	—
40	100,00
43	100,00

ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 October to 31 December 1996
37	43,75
38	493,45
39	1 773,60
40	330,80
43	1 143,72

COMMISSION REGULATION (EC) No 1454/96
of 25 July 1996

determining the extent to which applications lodged in July 1996 for licences for certain eggs and poultrymeat products under the regime provided for by the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic can be accepted

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

Having regard to Commission Regulation (EEC) No 2699/93 ⁽¹⁾ laying down detailed rules for the application in the eggs and poultrymeat sector of the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic, as last amended by Regulation (EC) No 1236/96 ⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the third quarter of 1996 are, in the case of some products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution;

Whereas the surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1996 submitted under Regulation (EEC) No 2699/93 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1996 applications may be lodged pursuant to Regulation (EEC) No 2699/93 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 245, 1. 10. 1993, p. 88.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 106.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1996
1	4,58
2	13,47
4	97,92
7	3,09
8	18,80
9	4,42
10	100,00
11	100,00
12	7,29
14	—
15	74,17
16	100,00
17	—
18	—
19	31,25
21	100,00
22	—
23	100,00
24	26,31
25	100,00
26	—
27	—
28	—
30	—
31	—
32	—
33	—
34	—
35	—
36	—

ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 October to 31 December 1996
1	3 262,00
2	302,50
4	5 335,00
7	2 100,00
8	512,50
9	512,50
10	1 154,63
11	248,25
12	462,00
14	3 500,00
15	1 225,00
16	770,80
17	1 500,00
18	220,00
19	145,25
21	667,09
22	830,00
23	2 070,00
24	62,50
25	4 690,00
26	280,00
27	1 890,00
28	260,00
30	1 250,00
31	550,00
32	690,00
33	450,00
34	2 430,00
35	140,00
36	980,00

COMMISSION REGULATION (EC) No 1455/96
of 25 July 1996

establishing the quantity of certain pigmeat products available for the fourth quarter of 1996 under the arrangements provided for by the free trade agreements between the Community, of the one part, and Latvia, Lithuania and Estonia of the other part

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

Having regard to Commission Regulation (EC) No 2305/95 of 29 September 1995 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the free trade agreements between the Community, of the one part and Latvia, Lithuania and Estonia, of the other part⁽¹⁾, as amended by Regulation (EC) No 2750/95⁽²⁾, and in particular Article 4 (4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1 July to 30 September 1996 should be added to the quan-

ties available for the period 1 October to 31 December 1996,

HAS ADOPTED THIS REGULATION:

Article 1

The quantity available for the period 1 October to 31 December 1996 pursuant to Regulation (EC) No 2305/95 is set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission
Franz FISCHLER
Member of the Commission

⁽¹⁾ OJ No L 233, 30. 9. 1995, p. 45.

⁽²⁾ OJ No L 287, 30. 11. 1995, p. 19.

ANNEX

(tonnes)

Group No	Total quantity available for the period 1 October to 31 December 1996
18	1 000
19	900
20	175
21	900
22	450

COMMISSION REGULATION (EC) No 1456/96

of 25 July 1996

determining the extent to which applications lodged in July 1996 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products⁽¹⁾, as amended by Regulation (EC) No 1593/95⁽²⁾, and in particular Article 4 (4) thereof,

Whereas the applications for import licences lodged for the third quarter of 1996 are greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution;

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

Article 1

1. Applications for import licences for the period 1 July to 30 September 1996 submitted under Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1996 applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 156, 23. 6. 1994, p. 14.

⁽²⁾ OJ No L 150, 1. 7. 1995, p. 94.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1996
1	72

ANNEX II

(tonnes)

Group No	Total quantity available for the period 1 October to 31 December 1996
1	1 750

COMMISSION REGULATION (EC) No 1457/96
of 25 July 1996

determining the extent to which applications lodged in July 1996 for import licences under the regime provided for by tariff quotas for certain products in the pigmeat sector for the period 1 July 1996 to 30 June 1997

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

Having regard to Commission Regulation (EC) No 1486/95 of 28 June 1995 opening and providing for the administration of tariff quotas for certain products in the pigmeat sector⁽¹⁾, as amended by Regulation (EC) No 1176/96⁽²⁾, and in particular Article 5 (5) thereof,

Whereas the applications for import licences lodged for the third quarter of 1996 are, for certain products, for quantities less than the quantities available and can therefore be met in full and for other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution;

Whereas the surplus to be added to the quantity available for the following period should be determined,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1996 submitted under Regulation (EC) No 1486/95 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1996 applications may be lodged pursuant to Regulation (EC) No 1486/95 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 145, 29. 6. 1995, p. 58.

⁽²⁾ OJ No L 155, 28. 6. 1996, p. 26.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1996
G2	100
G3	13
G4	100
G5	100
G6	100
G7	100

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1996
G2	4 596,95
G3	416,5
G4	300
G5	549
G6	1 500
G7	413,5

COMMISSION REGULATION (EC) No 1458/96
of 25 July 1996

determining the extent to which applications lodged in July 1996 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 2698/93⁽¹⁾ laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by the Agreements between the European Economic Community and the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic, as last amended by Regulation (EC) No 1223/96⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the third quarter of 1996 are, in the case of some products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas, it is appropriate, for the first mentioned category of products, to draw the attention of operators to

the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1996 submitted pursuant to Regulation (EEC) No 2698/93 shall be met as referred to in the Annex I.
2. During the first 10 days of the period 1 October to 31 December 1996 applications may be lodged pursuant to Regulation (EEC) No 2698/93 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 245, 1. 10. 1993, p. 80.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 63.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1996
1	100,00
2	100,00
3	100,00
4	78,4
H1	100,00
H2	100,00
5	100,00
6	100,00
7	100,00
8	100,00
9	100,00
10	100,00
11	100,00
12	100,00
13	100,00

ANNEX II

Group No	<i>(tonnes)</i>	
	Total quantity available for the period 1 October to 31 December 1996	
1	2 384,5	
2	230,5	
3	1 430,8	
4	7 542,5	
H1	2 400	
H2	492,5	
5	3 000	
6	1 767,5	
7	8 613	
8	1 400	
9	9 800	
10	3 850	
11	710	
12	2 130	
13	210	

COMMISSION REGULATION (EC) No 1459/96

of 25 July 1996

establishing the quantity of certain pigmeat products available for the fourth quarter of 1996 under the regime provided for by the Intermediate Agreements concluded by the Community with Bulgaria and Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1590/94 of 30 June 1994 laying down detailed rules for the application in the pigmeat sector of the arrangements provided for in the Interim Agreement between the Community and Bulgaria and Romania⁽¹⁾, as last amended by Regulation (EC) No 1223/96⁽²⁾, and in particular Article 4 (4) thereof,

Whereas in order to ensure distribution of the quantities available, the quantities carried forward from the period 1 July to 30 September 1996 should be added to the quantities available for the period 1 October to 31 December 1996,

HAS ADOPTED THIS REGULATION:

Article 1

During the first 10 days of the period 1 October to 31 December 1996 applications may be lodged pursuant to Regulation (EC) No 1590/94 for import licences for a total quantity as referred to in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 167, 1. 7. 1994, p. 16.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 63.

ANNEX

Group No	Total quantity available for the period 1 October to 31 December 1996
14	229,2
15	1 020
16	1 904,75
17	14 430

COMMISSION REGULATION (EC) No 1460/96

of 25 July 1996

establishing the detailed rules for implementing the preferential trade arrangements applicable to certain goods resulting from the processing of agricultural products, as provided for in Article 7 of Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Articles 7, 13 and 16 thereof,

Whereas the Community has concluded several agreements with third countries providing for the application of reduced agricultural components in relation to the agricultural components fixed by the Common Customs Tariff;

Whereas eligibility for these reduced rates of duty is conditional on the goods originating from these preferential countries; whereas it is appropriate to specify in certain cases which rules of origin should be applied;

Whereas eligibility for these reduced rates of duty is generally granted within quota limits; whereas it is appropriate to open quotas and specify the detailed rules for implementing these quotas, particularly in order to guarantee equal and continuous access by all Community importers on the one hand and the immediate application, in all Member States, of the charges laid down for the quotas until the quotas are exhausted on the other hand; whereas, in order to ensure effective common administration of such quotas, there is no reason to prevent Member States from being authorized to draw the necessary quantities which correspond to actual imports from the quota volumes; whereas, however, such a method of administration requires close cooperation between Member States and the Commission which must, in particular, monitor the rate at which the quota volumes are used up and inform the Member States accordingly;

Whereas since the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg are represented by the Benelux Economic Union, any operation relating to the administration of these measures may be carried out by any one of its members;

Whereas the reductions granted are generally established by reducing the basic amounts used to calculate the agricultural components applicable to certain specific goods;

whereas, since tariffs were established during the Uruguay Round negotiations, the agricultural components of the Community Customs Tariff are fixed as they are and no longer according to the quantity of basic products established pursuant to Article 13 of Regulation (EC) No 3448/93;

Whereas in order to calculate the reduced agricultural components, these quantities must be maintained for preferential trade;

Whereas Commission Regulation (EC) No 3238/94⁽²⁾, as last amended by Regulation (EC) No 478/96⁽³⁾, provides for the determination and administration of the variable components for certain goods originating in central and eastern European countries resulting from the processing of agricultural products referred to in the Annexes to Regulation (EC) No 3448/93; whereas, since the entry into force of this Regulation, the variable components have been replaced by agricultural components fixed in the Community tariff; whereas this Regulation had to be temporarily supplemented by Commission Regulation (EC) No 1200/95⁽⁴⁾;

Whereas Commission Regulation (EC) No 1294/94 of 3 June 1994 on implementing measures of the trade arrangements applicable on imports of certain goods resulting from the processing of agricultural products⁽⁵⁾ is no longer applicable to goods imported outside preferential agreements;

Whereas reduced agricultural components have been introduced in trade with other third countries; whereas, for reasons of clarity, it is necessary to have a single regulation relating to the specific provisions applicable to trade referred to in Articles 6 and 7 of Regulation (EC) No 3448/93; whereas Regulations (EC) No 1294/94 and (EC) No 3238/94 must therefore be repealed;

Whereas Article 6 (3) of Regulation (EC) No 3448/93 provides that the *ad valorem* duties corresponding to the agricultural component may be replaced by a specific amount where provided for by a preferential agreement; whereas this amount should not, however, exceed the charge applicable in relation to non-preferential trade;

⁽²⁾ OJ No L 338, 28. 12. 1994, p. 30.

⁽³⁾ OJ No L 68, 19. 3. 1996, p. 10.

⁽⁴⁾ OJ No L 119, 30. 5. 1995, p. 8.

⁽⁵⁾ OJ No L 141, 4. 6. 1994, p. 12.

⁽¹⁾ OJ No L 318, 20. 12. 1993, p. 18.

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation establishes the rules for determining the reduced agricultural components referred to in Article 7 of Regulation (EC) No 3448/93 and for managing quotas opened pursuant to preferential agreements applicable to goods and products covered by Regulation (EC) No 3448/93.

Article 2

For the purposes of establishing the reduced agricultural components, the following basic products shall be considered:

- common wheat,
- durum wheat,
- rye,
- barley,
- maize, other than maize for sowing,
- long grain husked rice, hereinafter referred to as 'rice',
- white sugar,
- molasses,
- milk powder with a fat content by weight not exceeding 1,5 %, with no sugar or other sweetener added and in immediate packing with a net content greater than 2,5 kg, hereinafter referred to as 'PG 2',
- milk powder with a milk fat content by weight of 26 %, with no sugar or other sweetener added and in immediate packing with a net content greater than 2,5 kg, hereinafter referred to as 'PG 3',
- butter, with a fat content by weight of 82 %, hereinafter referred to as 'PG 6'.

Article 3

The reduced agricultural components covered by this Regulation shall be calculated on the basis of the quantities of basic products considered to have been used in the manufacture of the goods covered by this Regulation. These quantities shall be fixed in Annex I hereto in respect of the relevant specifications in the combined nomenclature.

For goods falling within combined nomenclature codes for which Annex I to this Regulation refers to Annex II, such quantities shall be as shown in Annex II. For these latter goods, an additional code shall apply, according to the composition of the goods, as shown in Annex III.

Article 4

The quantities of sugar and cereals to be taken into consideration in calculating the additional reduced duties on sugar (AD S/Z) and on flour (AD F/M) for goods covered by Annex II shall be as shown in points B and C of Annex II, for the given contents of sucrose, invert sugar and/or isoglucose, and of starch and/or glucose, respectively. For other goods, these additional duties shall be obtained by considering only the basic products falling within either the sugar or cereal sector.

Article 5

1. The reduced agricultural components and, where appropriate, the additional reduced duties, applicable to each good eligible for such a reduction in duty, shall be obtained by multiplying the quantities of the relevant basic products used by the basic amount referred to in paragraph 2 and by adding these amounts for all the relevant basic products used in this good.

2. The basic amount to be taken into account for calculating the reduced agricultural components and, where appropriate, the additional reduced duties, shall be the amount fixed in ecus provided for by the relevant agreement or determined pursuant to that agreement.

3. When a preferential agreement provides for a reduction in the rates of the agricultural components per good instead of a reduction in the basic amounts, the reduced agricultural components shall be calculated by taking into account the agricultural components fixed by the Community Customs Tariff and by applying the reduction provided for by the agreement relating to the country concerned.

4. In cases where the reduced agricultural component and, where necessary, the additional reduced duties, determined pursuant to paragraph 1, would be less than ECU 2,4/100 kg, such a component and/or duty shall be fixed at zero.

5. The amounts established pursuant to this Article shall be published by the Commission in the *Official Journal of the European Communities*. Save as otherwise provided in the agreement with the relevant country, the amounts shall be applicable from 1 July to 30 June of the following year. However, if both the duties and coefficients applicable to the basic products remain unchanged, the amounts established pursuant to this Article shall remain unaltered by the Commission which shall publish this information in the *Official Journal of the European Communities*.

Article 6

1. The goods eligible for a reduced agricultural component and, where necessary, for a reduced additional duty or a reduction in duties within the quota limits shall be laid down in the agreement or shall be determined pursuant to the agreement relating to the relevant country.

2. Where these reductions are applicable within the quota limits, this quota shall be fixed or established pursuant to the relevant agreement.

Article 7

Where an agreement provides for the application of a specific amount, whether or not subject to a reduction under a quota, and where the Common Customs Tariff of the Community provides for the application of an *ad valorem* duty, the amount payable may not exceed the maximum at the rate of the Community customs tariff.

Article 8

1. For the purposes of this Regulation, 'originating goods' shall mean goods that meet the conditions established by:

(a) Protocol 4 annexed to the Europe Agreements between the European Community and respectively:

- Poland,
- Hungary,
- Romania,
- Bulgaria,
- the Czech Republic,
- the Slovak Republic;

(b) Protocol 3 annexed to the Agreements with:

- Lithuania,
- Latvia,
- Estonia;

(c) Protocol 3 of the Free Trade Agreement with:

- Switzerland,
- Norway,
- Iceland;

(d) Protocol 4 annexed to the Interim Agreement between the European Community and the State of Israel.

2. In trade with Turkey, the provisions of Articles 17 to 23 of Council Decision 96/142/EC⁽¹⁾, Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the Customs Union shall apply.

Article 9

For quantities exceeding the quotas established, the agricultural components applicable to goods covered by

Annex B to Regulation (EC) No 3448/93 but not covered by the specific provisions relating to trade in such goods in the country concerned and agricultural components applicable to goods covered by these provisions shall be those of the Common Customs Tariff.

If the quota concerns a reduction in *ad valorem* duties, the duties applicable to such goods for quantities exceeding the quotas covered by the abovementioned provisions shall be those of the Common Customs Tariff or any provided for by the agreement.

Article 10

1. The tariff quotas covered by this Regulation shall be administered by the Commission, which may take such administrative measures as are appropriate to ensure efficient management.

2. Where an importer presents in a Member State a declaration of release for free circulation that includes an application for preferential treatment of goods covered by this Regulation, and where that declaration is accepted by the customs authorities, the Member State concerned shall draw, by notification of the Commission, a quantity corresponding to its needs from the quota volume concerned.

Applications to draw on a quota with an indication of the date of acceptance of the declarations must be sent to the Commission without delay.

Drawings shall be allowed by the Commission based on the date of acceptance of the declaration of release for free circulation by the customs authorities of the Member State concerned, where the available balance allows.

3. Where a Member State does not use the quantities drawn, it shall return them as soon as possible to the relevant quota volume.

4. If the quantities requested exceed the available balance of the quota volume, they shall be allocated in proportion to applications. The Commission shall notify Member States of the draws made.

Article 11

Regulations (EC) No 1294/94 and (EC) No 3238/94 are hereby repealed.

Article 12

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

It shall apply with effect from 1 July 1996.

⁽¹⁾ OJ No L 35, 13. 2. 1996, p. 1.

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

Done at Brussels, 25 July 1996.

For the Commission
Martin BANGEMANN
Member of the Commission

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1902 30	— Other cooked pasta:											
1902 30 10	— — Dried		167									
1902 30 90	— — Other		66									
1902 40	— Couscous:											
1902 40 10	— — Unprepared		167									
1902 40 90	— — Other		66									
1903	Tapioca and substitutes therefore prepared from starch, in the form of flakes, grains, pearls, siftings or similar forms					161						
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals, other than maize (corn), in grain form Precooked or otherwise prepared, not elsewhere specified or included:											
1904 10	— prepared foods obtained by the swelling or roasting of cereal or cereal products:											
1904 10 10	— — Obtained from maize					213						
1904 10 30	— — Obtained from rice						174					
1904 10 90	— — — Other		53		53	53	53					
1904 20	— Prepared foods obtained from unroasted cereal flakes or by the swelling or roasting of cereals or cereal products:											
1904 20 10	— — Muesli-type preparations with a basis of unroasted cereal flakes											
	— — Other											
1904 20 91	— — — Obtained from maize					213						
1904 20 95	— — — Obtained from rice						174					
1904 20 99	— — — Other		53		53	53	53					
1904 90	— Other											
1904 90 10	— — Rice						174					
1904 90 90	— — — Other		174									
1905	Bread, pastry, cakes, biscuits and other baker's wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:											
1905 10	— Crispbread			140								
1905 20	— Gingerbread and the like:											
1905 20 10	— — Containing by weight of sucrose less than 30 % (including invert sugar expressed as sucrose)	44		40				25				
1905 20 30	— — Containing by weight of sucrose 30 % or more but less than 50 % (including invert sugar expressed as sucrose)	33		30				45				

See Annex II

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1905 20 90	— — Containing by weight of sucrose 50 % (including invert sugar expressed as sucrose)	22		20				65				
1905 30 11 to 1905 30 99	— Sweet biscuits; waffles and wafers:						See Annex II					
1905 40	— Rusks, toasted bread and similar toasted products						See Annex II					
1905 90	— Other:											
1905 90 10	— — Matzos	168										
1905 90 20	— — Communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products					644						
1905 90 30 to 1905 90 90	— — Other						See Annex II					
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:											
2001 90	— Other:											
2001 90 30	— — Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)					100 (a)						
2001 90 40	— — Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch					40 (a)						
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006:											
2004 10	— Potatoes:											
	— — Other:											
2004 10 91	— — — In the form of flour, meal of flakes						See Annex II					
2004 90	— Other vegetables and mixtures of vegetables:											
2004 90 10	— — Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)					100 (a)						
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No 2006:											
2005 20	— Potatoes:											
2005 20 10	— — In the form of flour, meal or flakes						See Annex II					
2005 80	— Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)					100 (a)						
2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:											
	— Other, including mixtures, but excluding those of subheading No 2008 19:											
2008 99	— Other:											
	— — — Without added alcohol:											
	— — — — Without added sugar:											
2008 99 85	— — — — Maize, (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)					100 (a)						
2008 99 91	— — — — — Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch					40 (a)						

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof: — Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:											
2101 12	— — Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:											
2101 12 98	— — — Other							See Annex II				
2101 20	— Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté: — — Preparations:											
2101 20 98	— — — Other							See Annex II				
2101 30	— Roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof: — — Roasted chicory and other roasted coffee substitutes:											
2101 30 19	— — — Other				137							
	— — Extracts, essences and concentrates of roasted chicory and other roasted coffee substitutes:											
2101 30 99	— — — Other				245							
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders:											
2102 10	— Active yeasts: — — Bakers' yeast:											
2102 10 31	— — — Dried								425			
2102 10 39	— — — Other								125			
2105 00	Ice cream and other edible ice, whether or not containing cacao:											
2105 00 10	— Containing no milk fats or containing less than 3 % by weight of such fats — Containing by weight of milk fats:								25	10		
2105 00 91	— — 3 % or more but less than 7 %								20		23	
2105 00 99	— — 7 % or more								23		35	
2106	Food preparations not elsewhere specified or included:											
2106 10 20* and 2106 10 80	— Protein concentrates and textured protein substances											
2106 90	— Other:											
2106 90 10	— — Cheese fondues										60	
2106 90 92* and 2106 90 98	— — Other											
								See Annex II				

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009:											
2202 90	— Other:											
	— — Other, containing by weight of fat obtained from the products of heading Nos 0401 to 0404:											
2202 90 91	— — — Less than 0,2 %							10		8		
2202 90 95	— — — 0,2 % or more but less than 2 %							10			6	
2202 90 99	— — — 2 % or more							10			13	
ex chapter 29	II. ALCOHOLS AND THEIR HALOGENATED, SULPHONATED, NITRATED OR NITROSATED DERIVATIVES:											
2905	Acrylic alcohols and their halogenated, sulphated, nitrated or nitrosated derivatives:											
	— Other polyhydric alcohols:											
2905 43	— — Mannitol							300				
2905 44	— — D-Glucitol (sorbitol)											
	— — — In aqueous solution:											
2905 44 11	— — — — Containing 2 % or less by weight of mannitol, calculated on the D-glucitol content					172						
2905 44 19	— — — — Other							90				
	— — — Other:											
2905 44 91	— — — — Containing 2 % or less by weight of mannitol, calculated on the D-glucitol content					245						
2905 44 99	— — — — Other							128				
3302	Mixtures of odoriferous substances and mixtures (including alcoholic solution) based on one or more of such substances, of the types used as basic materials for industry; other preparations based on odoriferous substances, of the types used in the manufacture of drinks:											
3302 10	— Of the types used in the food or drinks industries:											
	— — Of the types used in the drinks industries:											
	— — — Preparations containing all the flavouring agents that characterize a drink:											
	— — — — Other:											
3302 10 29	— — — — — Other											
3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:											
3505 10	— Dextrins and other modified starches:											
3505 10 10	— — Dextrins					189						
	— — Other modified starches:											
3505 10 90	— — — Other					189						

See Annex II

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
3505 20	— Glues:											
3505 20 10	— — Containing, by weight, less than 25 % of starches of dextrans or other modified starches					48						
3505 20 30	— — Containing, by weight, 25 % or more but less than 55 % of starches or dextrans or other modified starches					95						
3505 20 50	— — Containing, by weight, 55 % or more but less than 80 % of starches or dextrans or other modified starches					151						
3505 20 90	— — Containing, by weight, 80 % or more of starches or dextrans or other modified starches					189						
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordant), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:											
3809 10	— With a basis of amylaceous substances:											
3809 10 10	— — Containing by weight of such substances less than 55 %					95						
3809 10 30	— — Containing by weight of such substances 55 % or more but less than 70 %					132						
3809 10 50	— — Containing by weight of such substances 70 % or more but less than 83 %					161						
3809 10 90	— — Containing by weight of such substances 83 % or more					189						
3824	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere included:											
3824 60	— Sorbitol, other than of subheading 2905 44:											
	— — in aqueous solution:											
3824 60 11	— — — Containing 2 % or less by weight of mannitol, calculated on the D-glucitol content					172						
3824 60 19	— — — Other							90				
	— — Other:											
3824 60 91	— — — Containing 2 % or less by weight of mannitol, calculated on the D-glucitol content					245						
3824 60 99	— — — Other							128				

ANNEX II

(per 100 kg of goods)

Milk fat, milk proteins, sucrose, invert sugar and isoglucose; starch and glucose contents	Skimmed-milk powder (PG 2)	Whole-milk powder (PG 3)	Butter (PG 6)	White sugar	Common wheat	Maize
	kg	kg	kg	kg	kg	kg
A. Containing no milk fats or containing less than 1,5 % by weight of such fats, and containing by weight of milk proteins:						
— 2,5 % or more but less than 6 %	14					
— 6 % or more but less than 18 %	42					
— 18 % or more but less than 30 %	75					
— 30 % or more but less than 60 %	146					
— 60 % or more	208					
Containing 1,5 % or more but less than 3 % by weight of milk fats:						
— Containing no milk proteins or containing less than 2,5 % by weight of such proteins:			3			
— Containing by weight of milk proteins:						
— 2,5 % or more but less than 6 %	14		3			
— 6 % or more but less than 18 %	42		3			
— 18 % or more but less than 30 %	75		3			
— 30 % or more but less than 60 %	146		3			
— 60 % or more	208		3			
Containing 3 % or more but less than 6 % by weight of milk fats:						
— Containing no milk proteins or containing less than 2,5 % by weight of such proteins			6			
— Containing by weight of milk proteins:						
— 2,5 % or more but less than 12 %	12	20				
— 12 % or more	71		6			
Containing 6 % or more but less than 9 % by weight of milk fats:						
— Containing no milk proteins or containing less than 4 % by weight of such proteins			10			
— Containing by weight of milk proteins:						
— 4 % or more but less than 15 %	10	32				
— 15 % or more	71		10			
Containing 9 % or more but less than 12 % by weight of milk fats:						
— Containing no milk proteins or containing less than 6 % by weight of such proteins			14			
— Containing by weight of milk proteins:						
— 6 % or more but less than 18 %	9	43				
— 18 % or more	70		14			

(per 100 kg of goods)

Milk fat, milk proteins, sucrose, invert sugar and isoglucose; starch and glucose contents	Skimmed-milk powder (PG 2)	Whole-milk powder (PG 3)	Butter (PG 6)	White sugar	Common wheat	Maize
	kg	kg	kg	kg	kg	kg
Containing 12 % or more but less than 18 % by weight of milk fats:						
— Containing no milk proteins or containing less than 6 % by weight of such proteins			20			
— Containing by weight of milk proteins:						
— 6 % or more but less than 18 %		56	2			
— 18 % or more	65		20			
Containing 18 % or more but less than 26 % by weight of milk fats:						
— Containing no milk proteins or containing less than 6 % by weight of such proteins			29			
— Containing 6 % or more by weight of milk proteins	50		29			
Containing 26 % or more but less than 40 % by weight of milk fats:						
— Containing no milk proteins or containing less than 6 % by weight of such proteins			45			
— Containing 6 % or more by weight of milk proteins	38		45			
Containing by weight of milk fats:						
— 40 % or more but less than 55 %			63			
— 55 % or more but less than 70 %			81			
— 70 % or more but less than 85 %			99			
— 85 % or more			117			
B. Containing by weight of sucrose, invert sugar and/or isoglucose:						
— 5 % or more but less than 30 %				24		
— 30 % or more but less than 50 %				45		
— 50 % or more but less than 70 %				65		
— 70 % or more				93		
C. Containing by weight of starch and/or glucose:						
— 5 % or more but less than 25 %					22	22
— 25 % or more but less than 50 %					47	47
— 50 % or more but less than 75 %					74	74
— 75 % or more					101	101

ANNEX III

Additional code (by composition)

Milk fat (% by weight)	Milk proteins (% by weight) ⁽¹⁾	Starch/Glucose (% by weight) ⁽¹⁾																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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		≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 70	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50	≥ 0 < 5	≥ 5 < 30	≥ 30 < 50	≥ 50 < 75	≥ 75																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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057	8058	8059	8060	8061	8062	8063	8064	8065	8066	8067	8068	8069	8070	8071	8072	8073	8075	8076	8077	8078	8079	8080	8081	8082	8083	8084	8085	8086	8087	8088	8089	8090	8091	8092	8093	8095	8096	8097	8098	8099	8100	8101	8102	8103	8104	8105	8106	8107	8108	8109	8110	8111	8112	8113	8115	8116	8117	8118	8119	8120	8121	8122	8123	8124	8125	8126	8127	8128	8129	8130	8131	8132	8133	8135	8136	8137	8138	8139	8140	8141	8142	8143	8144	8145	8146	8147	8148	8149	8150	8151	8152	8153	8155	8156	8157	8158	8159	8160	8161	8162	8163	8164	8165	8166	8167	8168	8169	8170	8171	8172	8173	8175	8176	8177	8178	8179	8180	8181	8182	8183	8184	8185	8186	8187	8188	8189	8190	8191	8192	8193	8195	8196	8197	8198	8199	8200	8201	8202	8203	8204	8205	8206	8207	8208	8209	8210	8211	8212	8213	8215	8216	8217	8218	8219	8220	8221	8222	8223	8225	8226	8227	8228	8229	8230	8231	8232	8233	8235	8236	8237	8238	8239	8240	8241	8242	8243	8244	8245	8246	8247	8248	8249	8250	8251	8252	8253	8255	8256	8257	8258	8259	8260	8261	8262	8263	8264	8265	8266	8267	8268	8269	8270	8271	8272	8273	8275	8276	8277	8278	8279	8280	8281	8282	8283	8284	8285	8286	8287	8288	8289	8290	8291	8292	8293	8295	8296	8297	8298	8299	8300	8301	8302	8303	8304	8305	8306	8307	8308	8309	8310	8311	8312	8313	8315	8316	8317	8318	8319	8320	8321	8322	8323	8325	8326	8327	8328	8329	8330	8331	8332	8333	8335	8336	8337	8338	8339	8340	8341	8342	8343	8344	8345	8346	8347	8348	8349	8350	8351	8352	8353	8355	8356	8357	8358	8359	8360	8361	8362	8363	8364	8365	8366	836

COMMISSION REGULATION (EC) No 1461/96

of 25 July 1996

on the tariff quotas opened in respect of the import of certain goods originating in Poland, Romania, Bulgaria, the Czech Republic and the Slovak Republic resulting from the processing of agricultural products listed in the Annex to Council Regulation (EC) No 3448/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁾, and in particular Article 7 (2) thereof,

Whereas the tariff quotas applicable to the import of certain goods originating in Poland, Romania, Bulgaria, the Czech Republic and the Slovak Republic resulting from the processing of agricultural products covered by the Annex to Regulation (EC) No 3448/93 eligible for a reduction in the agricultural component have been opened by Commission Regulation (EC) No 478/96⁽²⁾ amending Regulation (EC) No 3238/94⁽³⁾;

Whereas Commission Regulation (EC) No 1460/96⁽⁴⁾ establishes the detailed rules for implementing the preferential trade arrangements applicable to certain goods resulting from the processing of agricultural products as provided for in Article 7 of Regulation (EC) No 3448/93; whereas that Regulation replaces and repeals Regulation (EC) No 3238/94 and Commission Regulation (EC) No 1294/94⁽⁵⁾, but does not open tariff quotas;

Whereas the quotas opened by Regulation (EC) No 478/96 should therefore be maintained by means of separate legislation;

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

Committee for horizontal questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 January to 31 December 1996, goods originating in Poland, Romania, Bulgaria, the Czech Republic and the Slovak Republic which are listed in Annexes I, II, III, IV and V to Regulation (EC) No 478/96 shall be subject to reduced agricultural components within the limits of the annual quotas and under the conditions set out in those Annexes.

Article 2

Imports of goods falling within CN Code 1901 90 91 and eligible for a reduction in the agricultural component shall be assigned the following numbers:

- 09.5467 for goods originating in Bulgaria,
- 09.5227 for goods originating in Hungary,
- 09.5417 for goods originating in the Czech Republic,
- 09.5417 for goods originating in the Slovak Republic.

Article 3

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

It shall apply from 1 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ No L 68, 19. 3. 1996, p. 10.

⁽³⁾ OJ No L 338, 28. 12. 1994, p. 30.

⁽⁴⁾ See page 18 of this Official Journal.

⁽⁵⁾ OJ No L 141, 4. 6. 1994, p. 12.

COMMISSION REGULATION (EC) No 1462/96

of 25 July 1996

introducing additional management measures for imports of certain bovine animals for the second half of 1996 and amending Regulation (EC) No 1110/96

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for the adjustment, as an autonomous and traditional measure, of certain agricultural concessions provided for in the Europe Agreements to take account of the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as amended by Regulation (EC) No 1194/96⁽²⁾, and in particular Article 8 thereof,

Whereas Regulation (EC) No 3066/95 provides for the second half of 1996 for the opening of a tariff quota for 89 000 live bovine animals weighing 80 kilograms or less originating in Hungary, Poland, the Czech Republic, Slovakia, Romania, Bulgaria, Estonia, Latvia and Lithuania and benefiting from an 80 % reduction in the rate of customs duties;

Whereas Commission Regulation (EC) No 1110/96 of 20 June 1996 introducing management measures for imports of certain bovine animals for the second half of 1996⁽³⁾ provides for the import of 35 500 head, weighing 80 kilograms or less at the full rate of customs duties provided for in the Common Customs Tariff; whereas, pursuant to Regulation (EC) No 3066/95, amendments should be made as regards the fixing of customs duties for imports of the 35 500 animals in question, with effect from 1 July 1996, and management measures should be established for the additional quantity of 53 500 head for the second half of 1996, following the import arrangements already provided for by Regulation (EC) No 1110/96; whereas, however, in order to take better account of traditional trade under specific import arrangements for calves weighing not more than 80 kilograms, slightly changed criteria should be adopted for the so-called 'traditional' reference quantities;

Whereas the arrangements should be managed using import licences; whereas, to this end, rules should be set on the submission of applications and the information to be given on applications and licences, where necessary by derogation from certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying

down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾, as last amended by Regulation (EC) No 2137/95⁽⁵⁾, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽⁶⁾, as last amended by Regulation (EC) No 2856/95⁽⁷⁾; whereas, moreover, it should be stipulated that licences are to be issued following a reflection period and where necessary with a fixed percentage reduction applied;

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

HAS ADOPTED THIS REGULATION:

Article 1

Imports into the Community during the second half of 1996 of live bovine animals weighing 80 kilograms or less falling within CN code 0102 90 05 originating in the countries listed in Annex I shall be subject to the management measures laid down in this Regulation in addition to those provided for in Regulation (EC) No 1110/96.

Article 2

1. Import licences under this Regulation may be issued only for 53 500 animals falling within CN code 0102 90 05.
2. For those animals, the *ad valorem* duty and the specific duties fixed in the Common Customs Tariff (CCT) shall be reduced by 80 %.
3. The quantity referred to in paragraph 1 shall be divided into two parts, as follows:
 - (a) the first part, equal to 70 %, i.e. 37 450 head, shall be allocated among:
 - importers from the Community as constituted on 31 December 1994 who can furnish proof of

⁽¹⁾ OJ No L 328, 30. 12. 1995, p. 31.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 2.

⁽³⁾ OJ No L 148, 21. 6. 1996, p. 15.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 214, 8. 9. 1995, p. 21.

⁽⁶⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁷⁾ OJ No L 299, 12. 12. 1995, p. 10.

having imported animals falling within CN code 0102 90 05 during 1993, 1994 or 1995 in the context of the Regulations referred to in Annex II,

- importers from the new Member States who can furnish proof of having imported, into the Member State where they are established:

animals falling within the abovementioned CN code during 1993 and 1994 from countries which were for them third countries on 31 December 1994;

and

such animals during 1995 in the context of Regulations referred to at (b) of Annex II;

- (b) the second part, equal to 30 %, i.e. 16 050 head, shall be allocated among importers who can furnish proof of having imported and/or exported during 1995 at least 100 live bovine animals falling within CN code 0102 90 apart from those under (a).

Importers must be registered for VAT purposes in a Member State.

4. The 37 450 head shall be allocated among the eligible importers in proportion to their imports of animals within the meaning of paragraph 3 (a) during 1993, 1994 and 1995 proven in accordance with paragraph 6.

5. The 16 050 head shall be allocated in proportion to the quantities applied for by the eligible importers.

6. Proof of import and export shall be provided exclusively by means of the customs document of release for free circulation or the export document duly stamped by the customs authorities.

Member States may accept copies of the abovementioned documents duly certified by the issuing authority where the applicant can prove to the satisfaction of the competent authority that he was not able to obtain the original documents.

Article 3

1. Importers who on 1 January 1996 were no longer engaged in any activity in the beef and veal sector shall not qualify for the allocation pursuant to Article 2 (3) (a).

2. Any company formed by the merger of companies each having rights under Article 2 (4) shall benefit from the same rights as the companies from which it was formed.

Article 4

1. Applications for the right to import may be presented only in the Member State in which the applicant is registered within the meaning of Article 2 (3).

2. For the purposes of Article 2 (3) (a), importers shall present the applications for the right to import to the competent authorities together with the proof referred to in Article 2 (6) by 16 August 1996 at the latest.

After verification of the documents presented, Member States shall forward to the Commission, by 28 August 1996 at the latest, the list of importers who meet the acceptance conditions, showing in particular their names and addresses and the number of eligible animals imported during each of the reference years.

3. For the purposes of Article 2 (3) (b), applications for the right to import must be lodged by importers by 16 August 1996 at the latest, together with the proof referred to in Article 2 (6).

Only one application may be lodged by each applicant. Where the same applicant lodges more than one application all applications from that person shall be inadmissible. Applications may not relate to a quantity larger than that available.

After verification of the documents presented, Member States shall forward to the Commission, by 28 August 1996 at the latest, the list of applicants and the quantities requested.

4. All notifications, including notifications of nil applications, shall be made by telex or fax, drawn up on the basis of the models in Annexes III and IV in the case where applications have been lodged.

Article 5

1. The Commission shall decide to what extent applications may be accepted.

2. As regards the applications referred to in Article 4 (3), if the quantities in respect of which applications are made exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

If the reduction referred to in the preceding subparagraph results in a quantity of less than 100 head per application, the allocation shall be by drawing lots, by batches of 100 head, by the Member States concerned. If the remaining quantity is less than 100 head, a single licence shall be issued for that quantity.

Article 6

1. Imports of the quantities allocated in accordance with Article 5 shall be subject to the presentation of an import licence.

2. Licence applications may be presented only in the Member State in which the application for the right to import was lodged.

3. Licences shall be issued, at the request of importers, as from the date on which the decision referred to in Article 5 (1) takes effect.

The number of animals for which a licence is issued shall be expressed in units. Where necessary, numbers shall be rounded up or down as the case may be.

4. Licence applications and licences shall contain the following entries:

(a) in Section 8, the indication of the countries referred to in Annex I; licences shall carry with them an obligation to import from one or more of the countries indicated;

(b) in section 16, subheading CN 0102 90 05;

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

Reglamento (CE) n° 1462/96

Forordning (EF) nr. 1462/96

Verordnung (EG) Nr. 1462/96

Κανονισμός (ΕΚ) αριθ. 1462/96

Regulation (EC) No 1462/96

Règlement (CE) n° 1462/96

Regolamento (CE) n. 1462/96

Verordening (EG) nr. 1462/96

Regulamento (CE) n° 1462/96

Asetus (EY) N:o 1462/96

Förordning (EG) nr 1462/96.

5. Import licences shall expire on 31 December 1996.

6. Licences issued shall be valid throughout the Community.

7. Article 8 (4) of Regulation (EEC) No 3719/88 shall not apply.

Article 7

The animals shall qualify for the duties referred to in Article 1 on presentation of an EUR 1 movement certificate issued by the exporting country in accordance with Protocol 4 annexed to the Europe Agreement and in accordance with Protocol 3 annexed to the free-trade Agreements.

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

Done at Brussels, 25 July 1996.

Article 8

No later than three weeks after the importation of the animals specified in this Regulation, the importer shall inform the competent authority which issued the import licence of the number and origin of the animals. That authority shall communicate the information in question to the Commission at the beginning of each month.

Article 9

The security provided for in Article 4 of Regulation (EC) No 1445/95 shall be lodged when the licence is issued.

Article 10

The provisions of Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply subject to the provisions of this Regulation.

Article 11

Regulation (EC) No 1110/96 is hereby amended as follows:

1. Article 1 is replaced by the following:

'Article 1

Imports into the Community of live bovine animals falling within CN codes 0102 90 05, 0102 90 21, 0102 90 29, 0102 90 41 and 0102 90 49, as referred to in Article 1 (1) (a) of Regulation (EEC) No 805/68, originating in the third countries listed in Annex I, other than imports carried out under Commission Regulations (EC) No 1119/96 (*), (EC) No 1250/96 (**) and (EC) No 1462/96 (***), shall be subject to the management measures laid down in this Regulation.

(*) OJ No L 119, 22. 6. 1996, p. 4.

(**) OJ No L 161, 29. 6. 1996, p. 131.

(***) OJ No L 187, 26. 7. 1996, p. 40.'

2. The following subparagraph is added to Article 2 (1):

'The *ad valorem* customs duty and the specific amounts of customs duty laid down in the Common Customs Tariff (CCT) shall be reduced by 80 % for those animals.'

Article 12

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

It shall apply with effect from 1 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***List of third countries**

- Hungary
- Poland
- Czech Republic
- Slovakia
- Romania
- Bulgaria
- Lithuania
- Latvia
- Estonia.

*ANNEX II***Regulations referred to in Article 2 (3)**

Commission Regulations:

- (a) (EEC) No 3619/92 (OJ No L 367, 16. 12. 1992, p. 17),
(EC) No 3409/93 (OJ No L 310, 14. 12. 1993, p. 22).
 - (b) (EC) No 3076/94 (OJ No L 325, 17. 12. 1994, p. 8),
(EC) No 1566/95 (OJ No L 150, 1. 7. 1995, p. 24),
(EC) No 2491/95 (OJ No L 256, 26. 10. 1995, p. 36).
-

ANNEX III

Fax: (32 2) 296 60 27/(32 2) 295 36 13

Application of Article 4 (2) of Regulation (EC) No 1462/96

EUROPEAN COMMISSION

DG VI D.2 — BEEF AND VEAL SECTOR

APPLICATIONS FOR IMPORT RIGHTS

Date: Period:

Member State:

Serial No	Applicant (name and address)	Quantity imported (head)			Total for the three years
		1993	1994	1995	
Total					

Member State: Fax:

Tel.:

ANNEX IV

EC Fax: (32 2) 296 60 27/(32 2) 295 36 13

Application of Article 4 (3) of Regulation (EC) No 1462/96

EUROPEAN COMMISSION

DG VI D.2 — BEEF AND VEAL SECTOR

APPLICATIONS FOR IMPORT RIGHTS

Date: Period:

Member State:

Serial No	Applicant (name and address)	Quantity (head)
Total		

Member State: Fax:

Tel.:

COMMISSION REGULATION (EC) No 1463/96

of 25 July 1996

fixing the actual production of olive oil and the unit amount of production aid for the 1994/95 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾,

Having regard to Council Regulation (EEC) No 2261/84 of 17 July 1984 laying down general rules on the granting of aid for the production of olive oil and of aid to olive oil producer organizations⁽³⁾, as last amended by Regulation (EC) No 636/95⁽⁴⁾, and in particular Article 17a (3) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purpose of the common agricultural policy⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, and in particular Article 13 (1) thereof,

Whereas Article 5 of Regulation No 136/66/EEC provides that the unit amount of the production aid must be reduced where the actual production for a given marketing year exceeds the maximum guaranteed quantity fixed for that marketing year; whereas, however, producers whose average production is less than 500 kilograms of olive oil per marketing year are not affected by that reduction;

Whereas Article 17a of Regulation (EEC) No 2261/84 provides that, in order to determine the unit amount of the production aid for olive oil which may be paid in advance, the estimated production for the marketing year concerned should be established; whereas, for the 1994/95 marketing year, the estimated production aid which may be paid in advance was fixed by Commission Regulation (EC) No 2570/95⁽⁷⁾;

Whereas, pursuant to Article 17a (2) of Regulation (EEC) No 2261/84, not more than eight months after the end of

the marketing year the quantity actually produced in respect of which entitlement to the aid has been recognized must be determined; whereas, to that end in accordance with Article 12a of Commission Regulation (EEC) No 3061/84⁽⁸⁾, as last amended by Regulation (EC) No 1137/96⁽⁹⁾, the Member States concerned must notify the Commission, not later than 31 May following each marketing year, of the quantity recognized as qualifying for the aid in each Member State; whereas as a result of those communications the quantity eligible for aid for the 1994/95 marketing year amounts to 458 664 tonnes for Italy, 2 440 tonnes for France, 389 904 tonnes for Greece, 583 000 tonnes for Spain and 29 220 tonnes for Portugal;

Whereas recognition by the Member States of those quantities as qualifying for the aid implies that the checks referred to in Regulations (EEC) No 2261/84 and (EEC) No 3061/84 have been carried out; whereas, however, fixing actual production in accordance with the information on the quantities recognized as qualifying for Community aid by the Member States does not prejudice the conclusions that may be drawn from verification of the accuracy of that information under the clearance of accounts procedure;

Whereas, in view of the quantity actually produced, the unit amount of the production aid provided for in point (b) of the fifth subparagraph of Article 5 (1) of Regulation No 136/66/EEC should also be fixed;

Whereas, the amount in question must be converted into national currencies in accordance with Article 1 of Commission Regulation (EC) No 3498/93⁽¹⁰⁾ determining the operative events applicable specifically to the olive oil sector; whereas, as a result, the unit amount of aid must be fixed taking into account that the operative event may be prior or posterior to 1 February 1995;

Whereas the amount of production aid in Spain and Portugal is different from that in the other Member States;

Whereas, in view of the exceptional circumstances which have led to a certain delay in fixing actual production for the 1994/95 marketing year and in order to ensure that payment of the balance of the production aid for that marketing year is made under the budget for the 1995/96 financial year, it is necessary to fix 15 October 1996 as the final date for that payment by derogating from Article 12b (3) of Regulation (EEC) No 3061/84;

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

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

⁽³⁾ OJ No L 208, 3. 8. 1984, p. 3.

⁽⁴⁾ OJ No L 67, 25. 3. 1995, p. 1.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 262, 1. 11. 1995, p. 34.

⁽⁸⁾ OJ No L 288, 1. 11. 1984, p. 52.

⁽⁹⁾ OJ No L 151, 26. 6. 1996, p. 1.

⁽¹⁰⁾ OJ No L 319, 21. 12. 1993, p. 20.

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

HAS ADOPTED THIS REGULATION:

Article 1

For the 1994/95 marketing year for olive oil:

- the quantity actually produced in respect of which entitlement to the production aid has been recognized and which is eligible for reimbursement by the EAGGF Guarantee Section is 1 463 228 tonnes,
- the unit amount of the production aid shall be:
 - (a) for quantities affected by an agricultural conversion rate applicable before 1 February 1995:
 - ECU 98,57 per 100 kilograms for Spain and Portugal,

- ECU 108,65 per 100 kilograms for the other Member States.

- (b) for quantities affected by an agricultural conversion rate applicable from 1 February 1995 onwards:

- ECU 119,02 per 100 kilograms for Spain and Portugal,
- ECU 131,19 per 100 kilograms for the other Member States.

Article 2

Notwithstanding Article 12b (3) of Regulation (EEC) No 3061/84, Member States shall pay the balance of the production aid for the 1994/95 marketing year, payable to producers whose average output is not less than 500 kilograms, not later than 15 October 1996.

Article 3

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

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1464/96**of 25 July 1996****relating to a standing invitation to tender to determine levies and/or refunds on exports of white sugar**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1126/96⁽²⁾, and in particular Articles 13 (2), 17 (5) and (15), 20 (3) and the second paragraph of Article 39 thereof,

Whereas, in conformity with Article 20 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates⁽³⁾, as last amended by Regulation (EC) No 2853/95⁽⁴⁾, the amounts of tenders submitted within the framework of an invitation to tender organized by virtue of a measure relating to the common agricultural policy will be expressed in ecus; whereas Article 3 (3) of Commission Regulation (EC) No 1464/95 of 27 June 1995 on special detailed rules for the application of the system of import and export licences in the sugar sector⁽⁵⁾, as amended by Regulation (EC) No 2136/95⁽⁶⁾, provides that the amounts of the successful tenders shall be expressed in ecus on the licences and other documents certifying those amounts; whereas the value of the ecu shall be determined in accordance with Articles 2 and 3 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as last amended by Regulation (EC) No L 150/95⁽⁸⁾;

Whereas in view of the situation on the Community and world sugar markets, a standing invitation to tender should be issued as soon as possible for the export of white sugar in respect of the 1996/97 marketing year which, having regard to possible fluctuations in world prices for sugar, must provide for the determination of export levies and/or export refunds;

Whereas, the general rules governing invitations to tender for the purpose of determining export refunds for sugar were established by Article 17a of Regulation (EEC) No 1785/81;

Whereas, in view of the specific nature of the operation, appropriate provisions should be laid down with regard to export licences issued in connection with the standing

invitation to tender and there should be a derogation from Commission Regulation (EC) No 1464/95; whereas, however, the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽⁹⁾, as last amended by Regulation (EC) No 2137/95⁽¹⁰⁾, and those of Commission Regulation (EEC) No 120/89 of 19 January 1989 laying down common detailed rules for the application of the export levies and charges on agricultural products⁽¹¹⁾, as amended by Regulation (EEC) No 1431/93⁽¹²⁾, should remain applicable;

Whereas Article 13 (1) of Regulation (EEC) No 1068/93 provides that where agricultural conversion rates are fixed in advance, on application by the party concerned, on the terms referred to in the second subparagraph of Article 6 (1) of Regulation (EEC) No 3813/92, such application must be lodged at the same time as the submission of the tender as part of a tendering procedure; whereas, for reasons specific to the sugar market, when an operator intends to take up the option of an advance fixing of an agricultural conversion rate, his decision shall be made only when the application for the export certificate in question is lodged; whereas in practice he may only apply for advance fixing of the agricultural conversion rate in question after having been declared successful tenderer in respect of the levy or refund for the quantity of sugar indicated in his tender; whereas in the case of the present tendering procedure, a derogation must be made from the said provisions, leaving the tenderer the option of applying for advance fixing of the agricultural conversion rate at the time when the application for the export certificate in question is lodged;

Whereas the standing invitation to tender for the 1995/96 marketing year established by Commission Regulation (EC) No 1813/95⁽¹³⁾, as last amended by Regulation (EC) No 706/96⁽¹⁴⁾, remains open until a date to be determined subsequently; whereas that invitation should therefore be closed;

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 150, 25. 6. 1996, p. 3.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 299, 12. 12. 1995, p. 1.

⁽⁵⁾ OJ No L 144, 28. 6. 1995, p. 14.

⁽⁶⁾ OJ No L 214, 8. 9. 1995, p. 19.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁸⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁹⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽¹⁰⁾ OJ No L 214, 8. 9. 1995, p. 21.

⁽¹¹⁾ OJ No L 16, 20. 1. 1989, p. 19.

⁽¹²⁾ OJ No L 140, 11. 6. 1993, p. 27.

⁽¹³⁾ OJ No L 175, 27. 7. 1995, p. 12.

⁽¹⁴⁾ OJ No L 98, 19. 4. 1996, p. 11.

HAS ADOPTED THIS REGULATION:

Article 5

Article 1

1. A standing invitation to tender shall be issued in order to determine export levies and/or export refunds on white sugar covered by CN code 1701 99 10 and, during the period of validity of this standing invitation, partial invitations to tender shall be issued.

2. The standing invitation to tender shall remain open until a date to be determined later.

Article 2

The standing invitation to tender and the partial invitation shall be conducted in accordance with Article 17a of Regulation (EEC) No 1785/81 and with the following provisions.

Article 3

1. The Member States shall establish a notice of invitation to tender. The notice of invitation to tender shall be published in the *Official Journal of the European Communities*. Member States may also publish the notice, or have it published, elsewhere.

2. The notice shall indicate, in particular, the terms of the invitation to tender.

3. The notice may be amended during the period of validity of the standing invitation to tender. It shall be so amended if the terms of the invitation to tender are modified during that period.

Article 4

1. The period during which tenders may be submitted in response to the first partial invitation to tender:

(a) shall begin on 1 August 1996;

(b) shall end on 7 August 1996 at 10.30 a.m.

2. The periods during which tenders may be submitted in response to the second and subsequent partial invitations:

(a) shall begin on the first working day following the end of the preceding period;

(b) shall end at 10.30 a.m. on the Wednesday of the following week.

3. Notwithstanding paragraph 2, no partial invitations to tender will be issued on Wednesday 25 December 1996, Wednesday 1 January 1997 or Wednesday 26 March 1997.

4. The time limits laid down in this Regulation are expressed in Belgian time.

1. Offers in connection with this tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex, telegram or fax.

2. An offer must indicate:

(a) the reference number of the invitation to tender to which the offer relates;

(b) the name and address of the tenderer;

(c) the quantity of white sugar to be exported;

(d) the amount of the export levy or, where applicable, of the export refund, per 100 kilograms of white sugar, expressed in ecus to three decimal places;

(e) the minimum amount of the security to be lodged covering the quantity of sugar indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

3. An offer shall be valid only if:

(a) the quantity to be exported is not less than 250 tonnes of white sugar;

(b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender;

(c) it includes a declaration by the tenderer that if this tender is successful he will, within the period laid down in Article 12 (b), apply for an export licence or licences in respect of the quantities of white sugar to be exported;

(d) it includes a declaration by the tenderer that if his tender is successful he will:

— where the obligation to export resulting from the export licence referred to in Article 12 (b) is not fulfilled, supplement the security by payment of the amount referred to in Article 13 (4), and

— within 30 days following the expiry of the export licence in question, notify the agency which issued the licence of the quantity or quantities in respect of which the licence was not used;

(e) it contains all the information required under paragraph 2.

4. A tender may stipulate that it is to be regarded as having been submitted only if:

(a) the minimum export levy or, where applicable, the maximum export refund is fixed on the day of the expiry of the period for the submission of the tenders in question;

(b) the tender, if successful, related to all or a specified part of the tendered quantity.

5. A tender which is not submitted in accordance with the provisions of this Regulation, or which contains terms other than those indicated in the present invitation to tender, shall not be considered.

6. Once submitted, a tender may not be withdrawn.

Article 6

1. A security of ECU 11 per 100 kilograms of white sugar to be exported under this invitation to tender must be lodged by each tenderer. Without prejudice to Article 13 (4), this security shall in the case of successful tenderers and at the time of the application referred to in Article 12 (b), become the security for the export licence.

2. The security may be lodged at the tenderer's choice, either in cash or in the form of a guarantee given by an establishment complying with criteria laid down by the Member State in which the tender is submitted.

3. Export in cases of *force majeure* the security referred to in paragraph 1 will be released:

(a) to unsuccessful tenderers in respect of the quantity for which no award has been made;

(b) to successful tenderers who have not applied for the relevant export licence within the period referred to in Article 12 (b), to the extent of ECU 10 per 100 kilograms of white sugar. However, this part of the releasable security shall be reduced by the amount representing the difference existing, as applicable:

— between the maximum amount of the export refund fixed for the partial invitation concerned and the maximum amount of the export refund fixed for the following partial invitation when the latter amount is higher than the former, or

— between the minimum amount of the export levy fixed for the partial invitation concerned and the minimum amount of the export levy fixed for the following partial invitation when the latter amount is lower than the former;

(c) to successful tenderers for the quantity for which they have fulfilled, within the meaning of Articles 29 (b) and 30 (1) (b) (i) of Regulation (EEC) No 3719/88, the export obligation resulting from the licence referred to under Article 12 (b) in accordance with the terms of Article 33 of that Regulation. The part of the security or the security which is not released shall be forfeit in respect of the quantity of sugar for which the corresponding obligations have not been fulfilled.

4. In case of *force majeure*, the competent authority of the Member State concerned shall take such action as it considers necessary having regard to the circumstances invoked by the party concerned.

Article 7

1. Tenders shall be examined in private by the competent authority concerned. The persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated to the Commission forthwith and in such manner that the tenders remain anonymous.

Article 8

1. After the tenders received have been examined, a maximum quantity may be fixed for the partial invitation concerned.

2. A decision may be taken to make no award under a specific partial invitation to tender.

Article 9

1. In the light of the current state and foreseeable development of the Community and world sugar markets, there shall be fixed either:

— a minimum export levy, or

— a maximum export refund.

2. Subject to Article 10, where a minimum export levy is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of levy equal to or greater than such minimum levy.

3. Subject to Article 10, where a maximum export refund is fixed, a contract shall be awarded to every tenderer whose tender quotes a rate of refund equal to or less than such maximum refund and to every tenderer who has tendered for an export levy.

Article 10

1. Where a maximum quantity has been fixed for a partial invitation to tender:

— if a minimum levy is fixed, a contract shall be awarded to the tenderer whose tender quotes the highest levy; if the maximum quantity is not fully covered by that award, awards shall be made to other tenderers in descending order of levies quoted until the entire maximum quantity has been accounted for,

— if a maximum refund is fixed, contracts shall be awarded in accordance with the first indent; if after such awards a quantity is still outstanding, or if there are no tenders quoting an export levy, awards shall be made to tenderers quoting a refund in ascending order or refunds quoted until the entire maximum quantity has been accounted for.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenderers quote the same levy or the same refund and awards to all of them would result in the maximum quantity being exceeded, then the quantity available shall be awarded as follows:

- by being divided among the tenderers concerned in proportion to the total quantities in each of their tenders, or
- by being apportioned among the tenderers concerned by reference to a maximum tonnage to be fixed for each of them, or
- by the drawing of lots.

Article 11

1. The competent authority of the Member State concerned shall immediately notify applicants of the result of their participation in the invitation to tender. In addition, that authority shall send successful tenderers a statement of award.

2. The statement of award shall indicate at least:

- (a) the reference number of the invitation to which the tender relates;
- (b) the quantity of white sugar to be exported;
- (c) the amount expressed in ecus of the export levy to be charged, or where applicable of the export refund to be granted per 100 kilograms of white sugar of the quantity referred to in (b).

Article 12

Every successful tenderer shall have:

- (a) the right to receive in the circumstances referred to under (b), in respect of the quantity awarded, an export licence indicating, as appropriate, the export levy or the export refund quoted in his tender;
- (b) the obligation to lodge, in accordance with the relevant provisions of Regulation (EEC) No 3719/88, an application for an export licence in respect of that quantity, the application not being revocable and Article 12 of Regulation (EEC) No 120/89 not applying in such a case. The application shall be lodged in accordance with the relevant provisions of Regulation (EEC) No 3719/88, not later than:
 - the last working day preceding the date of the partial invitation to tender to be held the following week, or

— if no partial invitation to tender is due to be held that week, the last working day of the following week;

- (c) the obligation to export the tendered quantity and, if this obligation is not fulfilled, to pay, where necessary, the amount referred to in Article 13 (4).

This right and these obligations are not transferable.

Article 13

1. The first paragraph of Article 9 (1) of Regulation (EC) No 1464/95 shall not apply to the white sugar to be exported in accordance with this Regulation.

2. Export licences issued in connection with a partial invitation to tender shall be valid from the day of issue until the end of the fifth calendar month following that in which the partial invitation was issued.

However, export licences issued in respect of the partial invitations held from 1 May 1997 will be valid only until 30 September 1997.

The competent authorities in the Member State which issued the export licence may, at the written request of the holder of that licence, extend its validity to 15 October 1997 at the latest where technical difficulties arise which prevent export being carried out by the expiry date laid down in paragraph 2, provided that export is not subject to the rules laid down in Article 4 or 5 of Council Regulation (EEC) No 565/80⁽¹⁾.

3. The export licences issued in respect of the partial invitations held between 7 August and 30 September 1996 will be usable only from 1 October 1996.

4. Export in cases of *force majeure*, if the obligation to export resulting from the export licence referred to under Article 12 (b) has not been fulfilled and if the security referred to in Article 6 is less than:

- (a) the export levy indicated on the licence reduced by the levy referred to in the second subparagraph of Article 20 (1) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence; or
- (b) the sum of the export levy indicated on the licence and the refund referred to in Article 17a (2) of Regulation (EEC) No 1785/81 in force on the last day of validity of the said licence; or
- (c) the export refund referred to in Article 17a (2) of Regulation (EEC) No 1785/81 in force on the last day of validity of the licence reduced by the refund indicated on the said licence,

then, for the quantity in respect of which the said obligation was not fulfilled, the licence holder shall be charged an amount equal to the difference between the result of the valuation made under (a), (b) or (c), as the case may be, and the security referred to in Article 6 (1).

⁽¹⁾ OJ No L 62, 7. 3. 1980, p. 5.

Article 14

If the tenderer intends to apply for advance fixing of the agricultural conversion rate under this standing invitation to tender, the provisions of the second indent of Article 13 (1) of Regulation (EEC) No 1068/93 shall not apply.

Article 15

1. Notwithstanding Article 7 of Commission Regulation (EC) No 2135/95⁽¹⁾, if the intervention prices fixed in ecus pursuant to Regulation (EEC) No 1785/81 or the storage levies fixed in ecus pursuant to that Regulation are amended during the interval between the day of expiry of the period for submission of tenders and the day of export, the amounts of the export refunds and the export levies fixed under the terms of this invitation to tender before 1 July 1997, for the sugar exported from that date, shall be adjusted.

2. For the adjustment referred to in paragraph 1:

(a) in the event of the fixing of an intervention price for white sugar applicable with effect from 1 July 1997 which is greater than that in force on 30 June 1997 the export refund and the export levy shall be adjusted by an amount equal to the difference expressed in ecus per 100 kilograms existing between the intervention price for white sugar applicable with effect from 1 July 1997 and the intervention price for that sugar in force on 30 June 1997;

(b) in the event of the fixing of an intervention price for white sugar applicable with effect from 1 July 1997 which is lower than that in force on 30 June 1997, the export refund and the export levy shall be adjusted by an amount equal to the difference expressed in ecus per 100 kilograms existing between the intervention price for white sugar in force on 30 June 1997 and the intervention price for that sugar applicable with effect from 1 July 1997.

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

Done at Brussels, 25 July 1996.

3. For the calculation of the differences referred to in paragraph 2, the intervention prices in question shall be increased by the corresponding storage levy referred to in the second subparagraph of Article 8 (2) of Regulation (EEC) No 1785/81.

4. Where only the amount of the storage levy varies from one marketing year to the next, the refund shall be adjusted by applying the provisions of paragraph 2 (a) or 2 (b), as appropriate.

5. For the purposes of this Article, the Member State issuing the relevant export licence shall, at the time of issue, complete the 'special particulars' section by adding the following: 'to be adjusted in accordance with tender Regulation (EC) No 1813/95 for exports which take place after 30 June 1997.'

6. On presentation by the holder of the export licence concerned, or by the assignee when the licence has been transferred, to the Member State that issued it and before the customs formalities for the quantities concerned have been carried out, that Member State shall enter the refund rate after adjustment in the 'special particulars' section and shall stamp that section.

7. Member States shall inform the Commission as quickly as possible of the quantities of sugar for which an adjustment under this Article has been made.

Article 16

The standing invitation to tender referred to in Regulation (EC) No 1813/95 shall be closed on 1 August 1996.

Article 17

This Regulation shall enter into force on 26 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 214, 8. 9. 1995, p. 16.

COMMISSION REGULATION (EC) No 1465/96

of 25 July 1996

imposing a provisional anti-dumping duty on imports of certain ring binder mechanisms originating in Malaysia and the People's Republic of China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 384/96 of 22 December 1995 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 7 thereof,

After consulting the Advisory Committee,

Whereas:

A. PROCEDURE

1. Initiation

- (1) On 28 October 1995, the Commission announced, by a notice published in the *Official Journal of the European Communities*⁽²⁾, the initiation of an anti-dumping proceeding with regard to imports into the Community of certain ring binder mechanisms originating in Malaysia and the People's Republic of China and commenced an investigation. The proceeding was initiated as a result of a complaint lodged on 18 September 1995 by Krause GmbH and Koloman Handler GmbH, whose collective output was alleged to represent 90 % of Community production of ring binder mechanisms (hereinafter referred to as 'RBM'). The complaint contained sufficient evidence of dumping by the imports concerned and of material injury resulting therefrom to justify the initiation of an anti-dumping proceeding.

2. Investigation

- (2) The Commission officially advised the exporters and importers known to be concerned, the representatives of the exporting countries and the complainant Community producers about the initiation of the proceeding. Interested parties were given the opportunity to make their views known in writing and to request a hearing within a set time limit.

A number of producers in the countries concerned as well as of Community users made their views known in writing. All parties who so requested within the above time limit were granted a hearing.

- (3) The investigation period for the determination of dumping ran from 1 October 1994 to 30 September 1995.

- (4) The Commission sent questionnaires to all parties known to be concerned and received detailed replies from the complainant Community producers, from the sole producer in Malaysia, from five Hong Kong exporters and one exporter in the United States, those five being related to Chinese producers, as well as from three importers in the Community related to the producers in the exporting countries concerned and five independent importers in the Community.

- (5) The Commission sought and verified all the information it considered necessary for a preliminary determination of dumping and injury and carried out investigations at the premises of the following firms:

(a) complainant Community producers:

- Koloman Handler GmbH, Vienna (Austria),
- Krause GmbH & Co. KG, Espelkamp (Germany);

(b) exporters/producers:

1. Malaysia
 - Bensons Metal Products, Shah Alam;
2. People's Republic of China

Since all of the five Chinese producers/exporters were related to companies in Hong Kong and/or the United States and those companies replied to the questionnaires sent to the producers/exporters in the People's Republic of China, the following related companies were subjected to on-the-spot investigations:

- Champion Stationery Manufacturing Co. Ltd (Hong Kong),
- Hong Kong Stationery Mfg Co. Ltd (Hong Kong),
- Sun Kwong Metal Manufacturer Co. Ltd (Hong Kong),

⁽¹⁾ OJ No L 56, 6. 3. 1996, p. 1.

⁽²⁾ OJ No C 284, 28. 10. 1995, p. 16.

- US Ring Binder Corp., New Bedford (USA),
- Wah Hing Stationery Manufactory Co. Ltd (Hong Kong),
- World Wide Stationery Manufacturing Co. Ltd (Hong Kong).

Champion Stationery Manufacturing Co. Ltd and Sun Kwong Metal Manufacturer Co. Ltd are owned by the same group of companies and both sell their Chinese RBM to a related company located in the United States (US Ring Binder);

(c) *importers related to producers/exporters:*

- Bensons International Systems BV, Utrecht (The Netherlands),
- Bensons International Systems Ltd, Stroud (UK),
- Hong Kong Stationery Ltd, Eastleigh (UK);

(d) *independent importers:*

- KWH Plast (UK) Ltd, Milton Keynes (UK),
- KWH Plast Vertriebs GmbH, Speyer (Germany).

3. Market economy third country

- (6) As the People's Republic of China is considered a non-market economy country, the Commission announced at the initiation of the proceeding that Malaysia was envisaged as an appropriate market economy third country for the purpose of establishing normal value in respect of the People's Republic of China. This choice was based on the information submitted in the complaint, which alleged that, in terms of cost structure and production technology, the situation in Malaysia was reasonably close to that found in China. Furthermore, it was alleged that the producers in both countries incur few if any environmental costs in producing the product concerned.
- (7) All interested parties were given the opportunity to comment on the choice envisaged and one importer objected to it but failed to substantiate his claim sufficiently and did not propose any alternative market-economy country.
- (8) The investigation showed that Malaysia is the sole market-economy country outside the Community in which RBM are produced by a company which has no links to the complainant Community producers.
- (9) Based on the information submitted by a company related to a Chinese exporter, the Commission

could establish that the production process and technology and the level of automation in Malaysia and the People's Republic of China are comparable.

- (10) With respect to the competitive situation on the Malaysian market, it appears that there is competition between local production and imports. Indeed, the Commission found that RBM originating in Malaysia and in the People's Republic of China were sold on this market.
- (11) Therefore, in view of the facts described above, the Commission considered it appropriate and reasonable to use Malaysia as a market economy third country for the establishment of normal value for the Chinese exports of RBM to the Community.

B. PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

1. Product under consideration

- (12) The product concerned by the proceeding is certain RBM used for manufacturing ring binders, software and technical manuals, photo and stamp albums, catalogues and brochures, which consist of two rectangular steel sheets or wires with at least four half-rings made of steel wire fixed on it, which are kept together by a steel cover. They can be opened either by pulling the half rings or with a small steel trigger mechanism fixed to the RBM. RBM fall within CN code ex 8305 10 00. Lever-arch mechanisms, falling within the same CN code, are not included in the scope of this investigation.
- (13) Several hundred different types of RBM were sold during the investigation period in the Community. The types varied by size, shape and number of rings, the size of the base plate and the system to open the rings (pull open or opening trigger). However, in view of the fact that all RBM have the same basic physical characteristics and that the types of RBM can, within a certain range, replace each other, the Commission established that all RBM exported from Malaysia and the People's Republic of China constitute one single product for the purpose of the present proceeding.

2. Like product

- (14) The Commission was able to establish that the RBM produced and sold in Malaysia were identical to or have physical characteristics closely resembling those of the RBM exported from that country and from the People's Republic of China to the Community.

(15) The investigation has also shown that the RBM produced by the Community industry and the ones exported to the Community from Malaysia and the People's Republic of China are either identical or have characteristics closely resembling each other.

(16) An importer also claimed that mechanisms with 17 and 23 rings are not like products in relation to 'standard' two to four-ring mechanisms and should be excluded from the scope of the proceeding. In support of its claim, this importer argued that the products in question are much more sophisticated and their cost of production is three to six times higher than that of RBM with fewer rings. The importer concerned also argued that the 17 and 23-ring mechanisms were part of a niche market found in The Netherlands only.

Those arguments cannot be accepted, since the 17 and 23-ring mechanisms have the same basic physical characteristics, applications and use as other RBM; moreover Community production covers the full range of products, including 17 and 23-ring mechanisms.

(17) Accordingly, the Commission considers that RBM produced and sold in the Community, RBM produced and sold in Malaysia, and those exported to the Community from Malaysia and the People's Republic of China should be regarded as 'like products', within the meaning of Article 1 (4) of Regulation (EC) No 384/96 (hereinafter referred to as 'the Basic Regulation').

C. DUMPING

1. Malaysia

(18) Due to the large number of different models of RBM exported to the Community, only the best-selling models, covering more than 75 % of the total sales volume by the Malaysian exporter to the Community during the investigation period, were taken into account for the purpose of the dumping calculation.

(a) Normal value

(19) The sales of RBM by the sole Malaysian producer on its domestic market during the investigation period amounted to 5,8 % of its exports to independent customers in the Community over the same period. Consequently, those domestic sales were considered to have been made in sufficient quantities.

(20) Where models were sold on the Malaysian domestic market in sufficient quantities in the ordinary course of trade, normal value for the comparable models exported to the Community was established on the basis of the average domestic price paid by independent customers, since less than 20 % of those sales were made at a loss.

In other cases where domestic sales of a model were not made in sufficient quantities, normal value for the comparable model exported to the Community was constructed on the basis of the cost of production in Malaysia plus an amount for selling, general and administrative costs (SG&A) and for profits. SG&A and profits were established on the basis of the Malaysian producer's actual data pertaining to production and sales, in the ordinary course of trade, of the like product.

(b) Export price

(21) As all exports to the Community during the investigation period were made by the Malaysian producer concerned to related importers, the export price had to be constructed, in accordance with Article 2 (9) of the Basic Regulation, on the basis of the price at which the imported products were first resold to an independent buyer in the Community. In order to establish a reliable export price at Community frontier level, all costs incurred by the related importers between importation and resale, as well as a margin of profit of 7,8 % were deducted from the reselling price. The margin of profit was established on the basis of the average profit normally realized by independent importers of RBM in the Community.

(c) Comparison

(22) For comparison purposes, the Commission looked at the main physical characteristics of an RBM. On the basis of technical information gathered during the investigation, the following six main physical characteristics were selected in order to identify comparable models:

- type of mechanism (blade or wire)/opening system (if blade type),
- number of rings,
- shape of rings,
- ring spacing,
- nominal paper-holding capacity,
- width of base.

No interested party contested the selection of the abovementioned characteristics.

(23) When comparing the normal value with the export price, the Commission found that the normal value was established at a different level of trade than the export price, since sales in Malaysia were made to end-users, whereas the export price corresponded to that payable by distributors. This difference in the level of trade was considered to have an impact on the prices of RBM, and, for the purpose of its provisional findings and in the absence of any evidence as to how far prices would be affected by such difference, the Commission estimated the impact to be 10 % of the average gross margin (the difference between selling price and manufacturing cost) achieved by the Malaysian producer on its domestic sales to end-users. On this basis, the Commission considered it reasonable to reduce the normal value accordingly.

(24) In accordance with Article 2 (10) of the Basic Regulation, other allowances were made for the purpose of a fair comparison. Thus, adjustments were made for rebates, transport, insurance, handling, loading and ancillary costs, as well as for credit terms and commissions, which were either claimed by the exporter or identified during the on-the-spot investigation, and which affected prices and price comparability.

(d) *Dumping margin*

(25) The weighted average normal value per model was compared to the weighted average export price of the comparable model on an ex-works basis, in accordance with Article 2 (11) of the Basic Regulation.

(26) This comparison revealed the existence of dumping, the dumping margins corresponding to the amount by which the normal value of a model exceeds the export price of the comparable model. The average dumping margin on all models considered, expressed as a percentage of the actual export price, free at Community frontier, amounted for Bensons Metal Products, the sole Malaysian exporter concerned, to 42,8 %.

2. People's Republic of China

(27) In view of the large number of different models of RBM exported by the Chinese producers to the Community, the Commission limited its dumping calculation to the best-selling models of each producer, covering at least 80 % of their total

volume exported to the Community during the investigation period.

(28) For the reasons explained under subheading 2 of heading (b) of recital (5), Champion Stationery Manufacturing Co. Ltd and Sun Kwong Metal Manufacturer Co. Ltd have been treated as one company for the determination of dumping.

(a) *Normal value*

(29) The People's Republic of China being considered as a non-market economy country and Malaysia having been selected an appropriate market economy third country, normal value for the Chinese exports had to be established on the basis of the prices and costs prevailing on the Malaysian market.

The Commission found that, for each of the Chinese producers except one (World Wide Stationery Manufacturing Co. Ltd), the sales of all models of RBM on the Malaysian market were made in sufficient quantities in relation with the comparable models sold for export to the Community by these producers during the investigation period.

(30) For these producers normal value was established on the basis of the average sales price for the comparable model sold in sufficient quantities and in the ordinary course of trade in Malaysia or, where there were no or insufficient sales of the comparable model in Malaysia, on the basis of the constructed value for that model. The normal value was constructed on the basis of the cost of production plus an amount for selling, general and administrative costs (SG&A) and for profits, which was established on the basis of the Malaysian producer's actual data pertaining to production and sales, in the ordinary course of trade, of the like product.

(31) With respect to World Wide Stationery Manufacturing Co. Ltd, since no individual model comparable to those sold for export to the Community by that company had been sold in sufficient quantities on the Malaysian market, normal value had to be constructed for all models, by applying the same methodology as was explained in recital (30) above.

(b) *Export price*

(32) Since all Chinese exports to the Community were made via related companies located in third countries, in establishing the export price on a fob China port basis, the direct selling costs incurred by those companies were deducted.

- (33) Where exports were made via a related company located outside the Community to related importers in the Community and in order to establish a reliable export price at Community frontier level, the export price was constructed, in accordance with Article 2 (9) of the Basic Regulation, by deducting all costs incurred by the related importer between importation and resale to the first independent buyer in the Community, as well as a margin of profit of 7,8 % from the reselling price to that independent buyer. The margin of profit was established on the basis of the average profit normally realized by independent importers of RBM in the Community.

(c) *Comparison*

- (34) In order to make a proper comparison between the Chinese models exported to the Community and the models used for the establishment of normal value, the Commission applied the same methodology as is described in recital (22).
- (35) In comparing the normal value with the export price, the Commission determined that normal value was established at a level of trade different to the export price, since sales in Malaysia were made to industrial end-users, whereas the export price corresponded to that payable by distributors. Therefore, for the same reason as that set out in recital (23), an allowance for level of trade calculated in the manner described therein was deducted from the normal value.
- (36) In accordance with Article 2 (10) of the Basic Regulation, other allowances were made for the purpose of a fair comparison. Thus, adjustments were made for rebates, transport, insurance, handling, loading and ancillary costs, as well as for credit terms and commissions, which were either claimed by the exporter or identified during the on-the-spot investigation, and which affected prices and price comparability.

(d) *Individual treatment*

- (37) Champion Stationery Manufacturing Co. Ltd, Sun Kwong Metal Manufacturer Co. Ltd and World Wide Stationery Manufacturing Co. Ltd requested, within the time limits prescribed, the establishment of individual dumping margins.
- (38) However, since Champion Stationery Manufacturing Co. Ltd was unable to provide, during the on-the-spot investigation, any relevant documents

for the investigation period which could justify its claim, the Commission had to reject the latter on the grounds of non-cooperation.

- (39) With respect to Sun Kwong Metal Manufacturer Co. Ltd and World Wide Stationery Manufacturing Co. Ltd, the information provided showed that their Chinese manufacturing operations had not been independent of the Chinese authorities with regard to their employment policy, their source of raw materials and other production materials and their method of conducting business in the People's Republic of China. In view of these findings, the Commission did not consider it appropriate to establish individual dumping margins for those two companies.

(e) *Dumping margin*

- (40) The weighted average normal value per model fob Malaysian port was compared to the weighted average export price of the comparable model fob China port, in accordance with Article 2 (11) of the Basic Regulation.
- (41) This comparison revealed the existence of dumping, the dumping margins corresponding to the amount by which the normal value of a model exceeds the export price of a comparable model. The weighted average dumping margin of all models considered, expressed as a percentage of the actual export price free at Community frontier, amounted for the People's Republic of China to 112,8 %.

D. COMMUNITY INDUSTRY

- (42) The investigation has confirmed that the two complainant Community producers account for a major proportion, namely more than 90 %, of total Community production of RBM.
- (43) In this respect, it was found that a limited portion of the sales of one of the complainant Community producers related to products which had undergone their last substantial processing in Hungary and had therefore to be excluded from its Community production. On the other hand, it was established that some products, which were reported in import statistics as being of Hungarian origin, were merely assembled in Hungary from Austrian parts and were therefore considered to be part of the Community production of the producer concerned, since the assembly operation which the products in question had undergone in Hungary did not, on the basis of non-preferential rules of origin, confer

Hungarian origin on the finished products. The fact that such products had been reported in import statistics as being of Hungarian origin was considered irrelevant, since their origin had been declared on the basis of the preferential rules of origin, which are not applicable to this investigation.

- (44) It was also established that, in addition to the two complainant Community producers' output, some production was also taking place in Italy and Spain. Although the companies involved did not supply complete data to the Commission, information obtained from various market sources confirmed that the producers in those two countries did not represent a significant share of the production of RBM in the Community.

One of the companies concerned, located in Spain, made itself known and requested to be considered as part of the Community industry. This company, however, was not a party to the complaint which was lodged by producers representing a major proportion of the total Community production. In addition, it was found that this company's sales were mostly of products imported from the People's Republic of China and therefore that its main core of business could not be considered to be the production of RBM in the Community. This company could therefore not be considered part of the Community industry.

- (45) On this basis, the Commission has determined that the two complainant Community producers, who fully cooperated with the investigation and whose total Community output represents a major proportion of the total Community production of RBM, constitute the Community industry in accordance with Article 4 (1) of the Basic Regulation.

E. INJURY

1. Preliminary remarks

- (46) For the purpose of establishing injury in the present proceeding, the Commission has analysed data relating to the period 1992 to September 1995. The geographical scope of the investigation over this period was the Community as composed at the time of initiation, therefore including all fifteen Member States. All necessary data for that purpose were collected from Community producers, exporters and importers.

One exporter argued that the complaint was inadmissible and that the evidence of injury contained therein was misleading in so far as it referred to a period prior to 1995. According to this exporter, one of the complaining Community producers,

located in Austria, could not be considered part of the Community industry before 1 January 1995 when Austria became a Member of the European Union.

Since Austria had been a Member of the Union at the time of the lodging of the complaint, the Commission considers that the Austrian producer is part of the Community industry as defined in accordance with Article 4 (1) of the Basic Regulation and was therefore entitled to act as complainant.

As to the second part of this argument, the Commission takes the view that taking into account data relating to production in Austria during a period when that country had not yet acceded to the European Union is not only possible, but indispensable. Since any measures would be applicable to imports into the Community as a whole (15 Member States) the investigation should also cover the Community as a whole. In this respect, the period used for analysing the injury data is irrelevant in respect of the inclusion or exclusion of any Member States. This is in conformity with Article VI of GATT 1994.

It should also be recalled that the Agreement on the European Economic Area came into force on 1 January 1994, from which date the markets of *inter alia* the three new Member States (Austria, Finland and Sweden) could not be regarded as separated from the Community market. Due to the relatively limited number of producers in the world, the European market, in its geographical meaning, has been relatively well integrated since at least the early 1990s, for which reason the market conditions were not influenced by the accession of the new Member States.

It was considered therefore that the claim was unfounded.

2. Total consumption on the Community market

- (47) In calculating total apparent consumption of RBM on the Community market, the Commission added the EC sales of Community producers to the total imports into the Community (based on replies from the cooperating exporters). For countries other than Malaysia, the People's Republic of China and Hungary, the estimate had to be based on Eurostat import statistics. In this connection, account was taken of the fact that CN code 8305 10 00 also covers products not included in the scope of this proceeding.

On this basis, the apparent EC consumption of RBM on the Community market increased from 240 million units in 1992 to 283 million units in the investigation period — an increase of 18 %.

3. Cumulative assessment of the effects of the dumped imports

- (48) Although the volume of imports from Malaysia decreased from 1992 to the investigation period, the market share of Malaysian imports remained significant. The dumping margin of both Chinese and Malaysian imports is far from being *de minimis*, nor is the volume of imports. In addition, on the Community market the conditions of competition between imported products and between the imported and Community products are similar. There are no significant differences in quality between the Malaysian and the Chinese products and they are aimed at the same customers. Furthermore, the fall in Malaysian sales on the Community market is merely the result of the decision of the sole related importer of Malaysian products to source part of its requirements from the People's Republic of China. It is therefore a company decision to shift sourcing, which has to be taken into account when assessing the changing pattern of imports from Malaysia.
- (49) On that basis, the Commission considers that the requirements laid down in Article 3 (4) of the Basic Regulation to assess the effects of Malaysian imports cumulatively with the imports from the People's Republic of China are met and, accordingly, the effect of the dumped imports from the two countries should be assessed jointly.

4. Volume and market share of the dumped imports

- (50) The aggregate volume of dumped imports from Malaysia and the People's Republic of China has increased from 115,7 million units in 1992 to 160,2 million units in the investigation period — an increase of 38 %.
- (51) The market share of RBM imported from Malaysia and the People's Republic of China went up from 48,1 % in 1992 to 56,5 % during the investigation period.

5. Prices of the dumped imports

- (52) In order to determine whether the exporting producers were undercutting the prices of the Community producers during the investigation period, a price comparison was made on the basis of sales by the Community industry and resales by related importers to unrelated customers, considered to be at the same level of trade (mainly producers of binders). In the case of Chinese exports to unrelated importers, an adjustment was granted to reflect the difference in level of trade between importers and EC producers' customers.

This adjustment, which was based on the costs and profits of the importers, included the customs duty to be paid. All prices were compared net of all discounts and rebates. In order to ensure a fair comparison, prices of models with similar physical characteristics were compared.

- (53) Some importers have argued, without substantiating further their allegation, that the product concerned was manufactured in the People's Republic of China from steel of a lower quality than that used for the production of RBM in the Community and that this difference affected the comparability of the products. It was, however, established during the investigation that Chinese products were sold to end-users who also bought Community-produced products for the same uses. Therefore, it was considered that such an alleged difference in quality, even if it had been substantiated, would not have been sufficient to justify a distinction being made between these products.
- (54) Owing to the large number of different models, the price comparison was made on the basis of a sample of models representing more than 60 % of both the volume of imported products and the EC producers' sales.

On that basis, the existence of price undercutting was established for imports from the countries concerned and it was found that the level of undercutting for imports originating in the People's Republic of China, expressed as a percentage of the Community industry's average selling price, was 11,5 %. Imports from Malaysia were found to undercut Community producers' prices by 3,1 %.

6. Situation of the Community industry

(a) Production

- (55) In a period of expanding consumption, production of RBM by the Community industry between 1992 and the investigation period was relatively stable and therefore did not reflect this expansion. Indeed, the slight increase in production over this period is due to increased sales outside the Community.

(b) Capacity and capacity utilization

- (56) Since the production capacity of the Community industry increased between 1992 and the investigation period, its utilization rate, which had stood at 55 % in 1992, declined to 49 % in the investigation period.

The increase of capacity was due to improvements in the efficiency of manufacturing machines which were bought before 1993 and reached their full production capacity in 1994.

(c) *Stocks*

- (57) The Community industry's end-of-year stocks increased by 14 % between 1992 and the investigation period.

(d) *Sales*

- (58) Between 1992 and the end of the investigation period, the quantity of RBM sold on the Community market by the Community industry remained stable, but in value terms the sales decreased by 10 %.

(e) *Market share*

- (59) The Community industry's share of the EC market, in volume, dropped from 41,4 % in 1992 to 35 % in the investigation period.

(f) *Price depression*

- (60) For all products, the weighted average net selling price of the Community industry fell by 10 % from 1992 to the investigation period. In order to verify that this decrease was not due to a change in the product mix, the Commission evaluated the trend in prices for a sample of models representing more than 50 % of Community sales. It was established that the decrease in prices based on this sample, with a fixed product mix, was even more marked (around 20 %). The existence of a significant price depression is therefore confirmed.

(g) *Profitability*

- (61) The industry incurred losses on its sales of the like product over the whole period and a loss of 5 % has been established for the investigation period. As a consequence of ongoing automation and restructuring, the Community industry has been able to reduce its losses between 1992 and the investigation period. This slight improvement was the result of a reduction in manufacturing and overhead costs, which was more marked than the general fall in prices.

(h) *Employment and investments*

- (62) The workforce of the Community industry has declined by 28 % between 1992 and the investiga-

tion period, and investment has decreased considerably over the same period.

7. Conclusion on injury

- (63) It is clear that the situation of the Community industry has worsened between 1992 and the end of the investigation period, in particular in respect of market share and selling prices.
- (64) In a growing market, the total growth rate being 18 % between 1992 and the end of the investigation period (that is, an annual growth rate of around 6 %), the Community producers have lost 6 % of the market overall. Given that, in terms of volume, their sales remained stable, this means the Community producers have been prevented from benefiting from the market expansion.
- (65) The Community industry's overall profitability on its sales of the like product although slightly improving over time, continued to be negative. This is due to the fact that its prices, significantly undercut, could not be increased, even slightly, between 1992 and the end of the investigation period. Its prices have in fact decreased on average by 10 % over this period of time. The Community producers' financial situation has become critical and, if allowed to continue, will not be sustainable. This creates a serious risk of the Community producers' ceasing and/or relocating their production in a relatively short time.
- (66) In view of the above, the Commission considers that the Community industry has suffered material injury.

F. CAUSATION

1. Introduction

- (67) The Commission examined whether the injury suffered by the Community industry was caused by the Malaysian and Chinese dumped imports and whether other factors had caused or contributed to that injury.

The RBM produced in the Community and the RBM imported from Malaysia and the People's Republic of China are in direct competition with each other, essentially on their price. This is due to the fact that there are no significant differences in quality between the imported products and Community produced ones. The products are aimed at the same customers, namely binder producers, in the same geographic area through similar sales channels.

2. Effect of the dumped imports

- (68) In examining the effects of the dumped imports, it was found that the increasing volume and market share of such imports, in combination with their undercutting and decreasing prices, coincided with the loss of market share and the depression of the sales prices of the Community industry.
- (69) For the major part of the Community market, which consists of standard RBM, the market is transparent and as such price-sensitive. Consequently, sales at low prices inevitably have substitution effects as customers choose to be supplied at the lowest price offered. It was therefore concluded that these low-priced imports can clearly be linked to the deteriorating situation of the Community industry.

3. Effect of other factors

- (70) Consideration was given to whether factors, other than the dumped imports from Malaysia and the People's Republic of China, might have led to or contributed to the weak situation of the Community industry and especially whether imports from countries other than the two subject to this proceeding may have contributed to this situation.

(a) Hungary

- (71) As was explained in recital (43), part of the production of one Community producer takes place in Hungary and has therefore been excluded from the production of this Community producer for the purpose of assessing injury. In order to determine whether the imports from Hungary, in isolation, caused injury to the Community industry, the Commission examined the level of imports and prices on the Community market.

As explained in recital (43), the Eurostat import statistics do not properly reflect actual trade flows of RBM originating in Hungary, and therefore the analysis of the Commission as regards Hungarian imports between 1992 and September 1995 had to be based on data restricted to those RBM actually originating in Hungary in accordance with non-preferential rules of origin. On this basis, it was established that the level of Hungarian-origin imports remained stable between 1992 and the investigation period and that, when comparing prices to first independent customers, the imports in question were undercut by the Chinese and Malaysian imports. Owing to the price pressure from the countries concerned, those Hungarian

products were sold at a slightly lower level than the Community production.

The Commission therefore considered that Hungarian imports did not materially contribute to the deteriorating situation of the Community industry.

(b) Other third countries

- (72) The Eurostat import statistics also show imports from Slovenia, but according to reliable market sources those imports relate to lever arch mechanisms, which are outside the scope of the current investigation.

The volume of imports into the Community from other third countries is therefore neither significant nor increasing. In these circumstances, it is concluded that the imports from other sources made no contribution to the injury suffered by the Community industry during the period used for the determination of injury.

(c) Other arguments

- (73) It has been alleged that anti-competitive practices took place in the past involving the two Community producers and a third party producing in the Community at that time, and that the complainants therefore contributed to their own injury.

However, it has been established that the issue has not been raised by any Community or national competition authority and thus remains merely an unsubstantiated assertion of which no account could be taken at this preliminary stage.

4. Conclusion on causation

- (74) The Commission considers that dumped imports from Malaysia and the People's Republic of China have caused material injury to the Community industry. This conclusion is based on the evidence set out above and especially the market share gained and the quantities concerned, which have resulted in a strong downward price pressure on the Community market for RBM and in particular on the prices of the Community industry.

G. COMMUNITY INTEREST

1. General

- (75) Pursuant to Article 21 (1) of the Basic Regulation, the Commission provisionally examined, on the basis of all evidence submitted, whether it could clearly conclude that it was not in the Community interest to apply measures.

For this purpose, the Commission considered the impact of possible measures and the consequences of not taking provisional measures for all parties involved in the proceeding.

2. Consequences for the Community industry

- (76) As regards the Community industry, it is thought highly probable that, without measures to correct the effects of dumped imports, the Community industry will have to lower its prices further or lose market share at an increased rate. In both situations, the financial situation of the Community industry will worsen. Should the recurrent losses since 1992 continue, production in the Community would, within a short period of time, no longer be viable and would cease or would be moved outside the Community, with the negative consequences for employment and investment, and the level of competition on the Community market. This situation would not be the result of normal competition conditions, as the information gathered appears to indicate that Community producers are cost-efficient, in particular when compared to the situation in Malaysia. In this context, it should be noted that the Community producers subcontract part of their production, and that their suppliers and subcontractors are mainly small and medium-sized companies, which would be negatively affected in a similar way.

3. Impact on users

- (77) Several interested parties have submitted that it would not be in the interest of the Community to impose anti-dumping measures. In particular, it has been alleged that the cost of RBM constitutes, depending on the model, a significant element in the cost of manufacture of binders, and that the imposition of measures would have an adverse impact on the downstream industry (manufacturers of ring-binder files and other stationery products).

However, the users making these allegations failed to submit sufficient evidence to substantiate their claims in time to permit verification prior to the imposition of provisional measures. The Commission intends to examine this issue in greater detail prior to any definitive findings.

- (78) It was also argued that imposition of measures would lead to a duopoly of supply to the EC market, with possible adverse effects on prices.

The Commission cannot accept this line of reasoning. It does so because the argument ignores the corrective, rather than prohibitive, nature of

anti-dumping measures, which neither prevent exporters in third countries from entering the Community market, provided that exports take place at fair price levels, or reduce effective competition or the quality and diversity of supply.

- (79) Finally, it has been submitted that anti-dumping measures would affect EC binder manufacturers' competitive position *vis-à-vis* binder producers located in third countries, which would continue to have access to RBM from the countries concerned at low prices. It has been alleged that this could result in the Community binder industry losing market share and thus being tempted to relocate its production in neighbouring countries.

As regards the competition from binder producers in third countries, it should be noted that a part of the binder market is business-to-business oriented, and that, for this part of the market, it is fundamental that producers are situated close to their customers, and have flexibility in production and a sound knowledge of the market. Moreover, the competition from such third countries is for the time being limited and the potential for increase is tempered by the fact that transportation costs per unit are up to five times higher in respect of the finished products than for the product concerned, owing to higher volume. Thus, it does not appear likely that imports of RBM would be replaced by imports of the final products (ring binders) in the foreseeable future.

In addition, the Commission received no evidence to suggest that the imposition of anti-dumping measures on RBM would be a decisive factor leading to the moving of the binder industry outside the Community.

- (80) The Commission therefore considers that the medium and longer-term interest of the users and consumers would be better served by the maintenance of the widest possible range of suppliers of RBM, which will result from anti-dumping measures, than a reduction or the disappearance of the Community's production of the product concerned. Finally, it should also be kept in mind that the price advantages which the buyers previously enjoyed originated from unfair pricing practices and that there is no justification for allowing these unfair low prices to persist.

4. Conclusion

- (81) In examining the various interests involved, the Commission considers, provisionally, that there are no compelling reasons not to take action against the imports in question.

Leaving the Community industry without adequate protection against the unfair competition as established would add to the difficulties of the industry and could lead to its disappearance or relocation outside the Community. The foreseeable price increase and the consequent extra cost to the consumer can by no means be considered to be of the same magnitude as the cost of the total disappearance of a Community industry.

Prior to definitive findings, the Commission intends, to the extent considered appropriate in accordance with the provisions of Article 21 of the Basic Regulation, further to examine matters deemed relevant in analysing the issue of Community interest.

H. DUTY

- (82) In accordance with Article 7 (2) of the Basic Regulation, the Commission examined what level of duty would be adequate to remove the injury to the Community industry caused by dumping. For that purpose, it was considered that a price level based on the Community producers' cost of production together with a reasonable profit margin should be calculated.

Here, it was found that a profit margin of 5 % of turnover could be regarded as a reasonable minimum, taking into account the need for long-term investment, and, more particularly, the amount which the Community industry could be expected to obtain in the absence of injurious dumping. This profit margin was established on the basis of the normal revenue a shareholder would expect under normal competitive circumstances namely a return on equity of 10 %.

- (83) Since there are different types of models, the Commission calculated for the Community industry's best selling models (60 % by volume), and for each category of these models with the same basic characteristics, a price level consisting of the weighted average cost of production of the Community producers, due consideration being given to the overall profitability of the Community industry, together with the above profit margin.
- (84) It was considered that the duty should, for matching categories, cover the difference between this calculated price and the actual selling prices of the exporters in the Community. In order to determine the level of the duty, the price increases thus established have been expressed as a percentage of

the weighted average, free-at-Community frontier, value of the imported goods.

- (85) As was mentioned in recital (52), the Chinese export prices to independent importers had to be adjusted upwards in order to ensure comparison at the same level of trade.

For the People's Republic of China, an injury elimination level of 35,4 % was found. Since this margin is lower than the dumping margin as provisionally established, the rate of the provisional anti-dumping duty should be at this level.

- (86) For Malaysia, an injury elimination level of 10,5 % was found. Since this margin is lower than the dumping margin as provisionally established, the rate of the provisional anti-dumping duty should be at this level.

I. FINAL PROVISIONS

- (87) In the interest of a sound administration, a period should be fixed in which the parties concerned may make their view known in writing and request a hearing. Furthermore, it should be stated that all findings made for the purpose of this Regulation are provisional and may have to be reconsidered for the purpose of any definitive duty which the Commission may propose,

HAS ADOPTED THIS REGULATION:

Article 1

1. A provisional anti-dumping duty is hereby imposed on imports of certain ring binder mechanisms falling within CN code ex 8305 10 00 (Taric code 8305 10 00 10) originating in Malaysia and the People's Republic of China. For the purpose of this Regulation, ring binder mechanisms consist of two rectangular steel sheets or wires with at least four half rings made of steel wire fixed on it and which are kept together by a steel cover. They can be opened either by pulling the half rings or by using a small steel trigger mechanism fixed to the ring binder mechanism.
2. The rate of duty applicable to the net free-at-Community price, before duty, shall be as follows:
 - (a) 10,5 % for imports originating in Malaysia;
 - (b) 35,4 % for imports originating in the People's Republic of China.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

4. The release for free circulation in the Community of the products referred to in paragraph 1 shall be subject to the provision of a security, equivalent to the amount of the provisional duty.

Article 2

Without prejudice to Article 20 of Regulation (EC) No 384/96, the parties concerned may make their views known in writing and apply to be heard orally by the Commission within 15 days of the date of entry into force of this Regulation.

In accordance with the provisions of Article 21 (4) of Regulation (EC) No 384/96, the parties concerned may

provide comments on the application of this Regulation within one month of the date of its entry into force.

Article 3

Subject to Articles 7, 9, 10 and 14 of Regulation (EC) No 384/96, Article 1 of this Regulation shall apply for a period of six months, unless the Council adopts definitive measures before the expiry of that period.

Article 4

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, 25 July 1996.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 1466/96
of 25 July 1996
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products⁽³⁾, as last amended by Regulation (EC) No 1315/96⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 170, 9. 7. 1996, p. 20.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1126/96⁽²⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

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

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

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

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

trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁷⁾; whereas account should be taken of this fact when fixing the refunds;

Whereas, with a view to better management of cheese exports in the light of the new constraints affecting subsidized exports, the refunds applying to some cheeses on export to certain destinations should be reduced;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.

2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

3. There shall be no refunds for exports to destinations No 022, 028, 043, 044 and 045 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 150, 25. 6. 1996, p. 3.

⁽³⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 65, 15. 3. 1996, p. 1.

ANNEX

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

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

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000	+	4,748	0402 21 99 500	+	110,00
0401 10 90 000	+	4,748	0402 21 99 600	+	119,21
0401 20 11 100	+	4,748	0402 21 99 700	+	124,61
0401 20 11 500	+	7,340	0402 21 99 900	+	130,71
0401 20 19 100	+	4,748	0402 29 15 200	+	0,5500
0401 20 19 500	+	7,340	0402 29 15 300	+	0,8653
0401 20 91 100	+	9,775	0402 29 15 500	+	0,9116
0401 20 91 500	+	11,39	0402 29 15 900	+	0,9805
0401 20 99 100	+	9,775	0402 29 19 200	+	0,5500
0401 20 99 500	+	11,39	0402 29 19 300	+	0,8653
0401 30 11 100	+	14,62	0402 29 19 500	+	0,9116
0401 30 11 400	+	22,55	0402 29 19 900	+	0,9805
0401 30 11 700	+	33,87	0402 29 91 100	+	0,9877
0401 30 19 100	+	14,62	0402 29 91 500	+	1,0761
0401 30 19 400	+	22,55	0402 29 99 100	+	0,9877
0401 30 19 700	+	33,87	0402 29 99 500	+	1,0761
0401 30 31 100	+	40,34	0402 91 11 110	+	4,748
0401 30 31 400	+	63,00	0402 91 11 120	+	9,775
0401 30 31 700	+	69,47	0402 91 11 310	+	14,00
0401 30 39 100	+	40,34	0402 91 11 350	+	17,15
0401 30 39 400	+	63,00	0402 91 11 370	+	20,85
0401 30 39 700	+	69,47	0402 91 19 110	+	4,748
0401 30 91 100	+	79,18	0402 91 19 120	+	9,775
0401 30 91 400	+	116,37	0402 91 19 310	+	14,00
0401 30 91 700	+	135,80	0402 91 19 350	+	17,15
0401 30 99 100	+	79,18	0402 91 19 370	+	20,85
0401 30 99 400	+	116,37	0402 91 31 100	+	19,31
0401 30 99 700	+	135,80	0402 91 31 300	+	24,65
0402 10 11 000	+	55,00	0402 91 39 100	+	19,31
0402 10 19 000	+	55,00	0402 91 39 300	+	24,65
0402 10 91 000	+	0,5500	0402 91 51 000	+	22,55
0402 10 99 000	+	0,5500	0402 91 59 000	+	22,55
0402 21 11 200	+	55,00	0402 91 91 000	+	79,18
0402 21 11 300	+	86,53	0402 91 99 000	+	79,18
0402 21 11 500	+	91,16	0402 99 11 110	+	0,0475
0402 21 11 900	+	98,05	0402 99 11 130	+	0,0978
0402 21 17 000	+	55,00	0402 99 11 150	+	0,1336
0402 21 19 300	+	86,53	0402 99 11 310	+	16,14
0402 21 19 500	+	91,16	0402 99 11 330	+	19,37
0402 21 19 900	+	98,05	0402 99 11 350	+	25,75
0402 21 91 100	+	98,77	0402 99 19 110	+	0,0475
0402 21 91 200	+	99,45	0402 99 19 130	+	0,0978
0402 21 91 300	+	100,67	0402 99 19 150	+	0,1336
0402 21 91 400	+	107,61	0402 99 19 310	+	16,14
0402 21 91 500	+	110,00	0402 99 19 330	+	19,37
0402 21 91 600	+	119,21	0402 99 19 350	+	25,75
0402 21 91 700	+	124,61	0402 99 31 110	+	0,2094
0402 21 91 900	+	130,71	0402 99 31 150	+	26,81
0402 21 99 100	+	98,77	0402 99 31 300	+	0,4034
0402 21 99 200	+	99,45	0402 99 31 500	+	0,6947
0402 21 99 300	+	100,67	0402 99 39 110	+	0,2094
0402 21 99 400	+	107,61			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0402 99 39 150	+	26,81	0404 90 29 130	+	106,65
0402 99 39 300	+	0,4034	0404 90 29 135	+	109,00
0402 99 39 500	+	0,6947	0404 90 29 150	+	118,13
0402 99 91 000	+	0,7918	0404 90 29 160	+	123,50
0402 99 99 000	+	0,7918	0404 90 29 180	+	129,53
0403 10 11 400	+	4,748	0404 90 81 100	+	0,5410
0403 10 11 800	+	7,340	0404 90 81 910	+	0,0475
0403 10 13 800	+	9,775	0404 90 81 950	+	16,00
0403 10 19 800	+	14,62	0404 90 83 110	+	0,5410
0403 10 31 400	+	0,0475	0404 90 83 130	+	0,8576
0403 10 31 800	+	0,0734	0404 90 83 150	+	0,9035
0403 10 33 800	+	0,0978	0404 90 83 170	+	0,9718
0403 10 39 800	+	0,1462	0404 90 83 911	+	0,0475
0403 90 11 000	+	54,10	0404 90 83 913	+	0,0978
0403 90 13 200	+	54,10	0404 90 83 915	+	0,1462
0403 90 13 300	+	85,76	0404 90 83 917	+	0,2255
0403 90 13 500	+	90,35	0404 90 83 919	+	0,3387
0403 90 13 900	+	97,18	0404 90 83 931	+	16,00
0403 90 19 000	+	97,90	0404 90 83 933	+	19,20
0403 90 31 000	+	0,5410	0404 90 83 935	+	25,52
0403 90 33 200	+	0,5410	0404 90 83 937	+	26,55
0403 90 33 300	+	0,8576	0404 90 89 130	+	0,9790
0403 90 33 500	+	0,9035	0404 90 89 150	+	1,0665
0403 90 33 900	+	0,9718	0404 90 89 930	+	0,4843
0403 90 39 000	+	0,9790	0404 90 89 950	+	0,6947
0403 90 51 100	+	4,748	0404 90 89 990	+	0,7918
0403 90 51 300	+	7,340	0405 10 11 500	+	170,73
0403 90 53 000	+	9,775	0405 10 11 700	+	175,00
0403 90 59 110	+	14,62	0405 10 19 500	+	170,73
0403 90 59 140	+	22,55	0405 10 19 700	+	175,00
0403 90 59 170	+	33,87	0405 10 30 100	+	170,73
0403 90 59 310	+	40,34	0405 10 30 300	+	175,00
0403 90 59 340	+	63,00	0405 10 30 500	+	170,73
0403 90 59 370	+	69,47	0405 10 30 700	+	175,00
0403 90 59 510	+	79,18	0405 10 50 100	+	170,73
0403 90 59 540	+	116,37	0405 10 50 300	+	175,00
0403 90 59 570	+	135,80	0405 10 50 500	+	170,73
0403 90 61 100	+	0,0475	0405 10 50 700	+	175,00
0403 90 61 300	+	0,0734	0405 10 90 000	+	181,40
0403 90 63 000	+	0,0978	0405 20 90 500	+	160,06
0403 90 69 000	+	0,1462	0405 20 90 700	+	166,46
0404 90 21 100	+	54,10	0405 90 10 000	+	223,00
0404 90 21 910	+	4,748	0405 90 90 000	+	175,00
0404 90 21 950	+	13,87	0406 10 20 100	+	—
0404 90 23 120	+	54,10	0406 10 20 230	037	—
0404 90 23 130	+	85,76		039	—
0404 90 23 140	+	90,35		046	25,24
0404 90 23 150	+	97,18		052	25,24
0404 90 23 911	+	4,748		400	30,90
0404 90 23 913	+	9,775		404	—
0404 90 23 915	+	14,62		600	25,24
0404 90 23 917	+	22,55		***	36,05
0404 90 23 919	+	33,87			
0404 90 23 931	+	13,87	0406 10 20 290	037	—
0404 90 23 933	+	17,00		039	—
0404 90 23 935	+	20,66		046	23,47
0404 90 23 937	+	24,43		052	23,47
0404 90 23 939	+	25,54		400	28,74
0404 90 29 110	+	97,90		404	—
0404 90 29 115	+	98,55		600	23,47
0404 90 29 120	+	99,78		***	33,54

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 10 20 610	037	—	0406 10 20 850	037	—
	039	—		039	—
	046	43,79		046	21,34
	052	43,79		052	21,34
	400	62,55		400	30,49
	404	—		404	—
	600	43,79		600	21,34
	...	62,55		...	30,49
0406 10 20 620	037	—	0406 10 20 870	+	—
	039	—	0406 10 20 900	+	—
	046	48,01	0406 20 90 100	+	—
	052	48,01	0406 20 90 913	037	—
	400	68,59	039	—	
	404	—	046	41,57	
	600	48,01	052	41,57	
	...	68,59	400	59,38	
0406 10 20 630	037	—	404	—	
	039	—	600	41,57	
	046	54,22	...	59,38	
	052	54,22	0406 20 90 915	037	—
	400	77,44	039	—	
	404	—	046	55,42	
	600	54,22	052	55,42	
	...	77,44	400	79,17	
0406 10 20 640	037	—	404	—	
	039	—	600	55,42	
	046	63,61	...	79,17	
	052	63,61	0406 20 90 917	037	—
	400	90,88	039	—	
	404	—	046	58,87	
	600	63,61	052	58,87	
	...	90,88	400	84,11	
0406 10 20 650	037	—	404	—	
	039	—	600	58,87	
	046	66,22	...	84,11	
	052	66,22	0406 20 90 919	037	—
	400	47,83	039	—	
	404	—	046	65,81	
	600	66,22	052	65,81	
	...	94,61	400	94,01	
0406 10 20 660	+	—	404	—	
0406 10 20 810	037	—	600	65,81	
	039	—	...	94,01	
	046	10,31	0406 20 90 990	+	—
	052	10,31	0406 30 10 100	+	—
	400	14,73	0406 30 10 150	037	—
	404	—	039	—	
	600	10,31	046	9,282	
	...	14,73	052	9,282	
0406 10 20 830	037	—	400	12,25	
	039	—	404	—	
	046	17,60	600	9,282	
	052	17,60	...	13,25	
	400	25,15	0406 30 10 200	037	—
	404	—	039	—	
	600	17,60	046	19,79	
	...	25,15	052	19,79	
		400	26,60		
		404	—		
		600	19,79		
		...	28,26		

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 10 250	037	—	0406 30 10 650	037	—
	039	—		039	—
	046	19,79		046	42,24
	052	19,79		052	42,24
	400	26,60		400	56,85
	404	—		404	—
	600	19,79		600	42,24
	...	28,26		...	60,33
0406 30 10 300	037	—	0406 30 10 700	037	—
	039	—		039	—
	046	29,03		046	42,24
	052	29,03		052	42,24
	400	39,04		400	56,85
	404	—		404	—
	600	29,03		600	42,24
...	41,47	...	60,33		
0406 30 10 350	037	—	0406 30 10 750	037	—
	039	—		039	—
	046	19,79		046	50,09
	052	19,79		052	50,09
	400	26,60		400	67,42
	404	—		404	—
	600	19,79		600	50,09
...	28,26	...	71,56		
0406 30 10 400	037	—	0406 30 10 800	037	—
	039	—		039	—
	046	29,03		046	50,09
	052	29,03		052	50,09
	400	39,04		400	67,42
	404	—		404	—
	600	29,03		600	50,09
...	41,47	...	71,56		
0406 30 10 450	037	—	0406 30 31 100	+	—
	039	—	0406 30 31 300	037	—
	046	42,24	039	—	
	052	42,24	046	9,282	
	400	56,85	052	9,282	
	404	—	400	12,25	
	600	42,24	404	—	
...	60,33	600	9,282		
0406 30 10 500	+	—	...	13,25	
0406 30 10 550	037	—	0406 30 31 500	037	—
	039	—		039	—
	046	19,79		046	19,79
	052	19,79		052	19,79
	400	26,60		400	26,60
	404	11,62		404	—
	600	19,79		600	19,79
	...	28,26		...	28,26
0406 30 10 600	037	—	0406 30 31 710	037	—
	039	—		039	—
	046	29,03		046	19,79
	052	29,03		052	19,79
	400	39,04		400	26,60
	404	16,26		404	—
	600	29,03		600	19,79
	...	41,47		...	28,26

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 31 730	037	—	0406 30 39 930	037	—
	039	—		039	—
	046	29,03		046	42,24
	052	29,03		052	42,24
	400	39,04		400	56,85
	404	—		404	—
	600	29,03		600	42,24
	***	41,47		***	60,33
0406 30 31 910	037	—	0406 30 39 950	037	—
	039	—		039	—
	046	19,79		046	50,09
	052	19,79		052	50,09
	400	26,60		400	67,42
	404	—		404	—
	600	19,79		600	50,09
	***	28,26		***	71,56
0406 30 31 930	037	—	0406 30 90 000	037	—
	039	—		039	—
	046	29,03		046	50,09
	052	29,03		052	50,09
	400	39,04		400	67,42
	404	—		404	—
	600	29,03		600	50,09
	***	41,47		***	71,56
0406 30 31 950	037	—	0406 40 50 000	037	—
	039	—		039	—
	046	42,24		046	61,90
	052	42,24		052	61,90
	400	56,85		400	62,00
	404	—		404	—
	600	42,24		600	61,90
	***	60,33		***	88,44
0406 30 39 100	+	—	0406 40 90 000	037	—
0406 30 39 300	037	—		039	—
	039	—		046	61,90
	046	19,79		052	61,90
	052	19,79		400	62,00
	400	26,60		404	—
	404	11,62		600	61,90
	600	19,79		***	88,44
	***	28,26	0406 90 07 000	037	—
0406 30 39 500	037	—		039	—
	039	—		046	75,91
	046	29,03		052	75,91
	052	29,03		400	102,86
	400	39,04		404	—
	404	16,26		600	75,91
	600	29,03		***	108,45
	***	41,47	0406 90 08 100	037	—
0406 30 39 700	037	—		039	—
	039	—		046	75,91
	046	42,24		052	75,91
	052	42,24		400	102,86
	400	56,85		404	—
	404	—		600	75,91
	600	42,24		***	108,45
	***	60,33	0406 90 08 900	+	—

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)	
0406 90 09 100	037	—	0406 90 27 900	037	—	
	039	—		039	—	
	046	75,91		046	56,13	
	052	75,91		052	56,13	
	400	102,86		400	41,30	
	404	—		404	—	
	600	75,91		600	56,13	
	...	108,45		...	80,17	
0406 90 09 900	+	—	0406 90 31 119	037	—	
0406 90 12 000	037	—		039	—	
	039	—		046	47,33	
	046	75,91		052	47,33	
	052	75,91		400	49,43	
	400	102,86		404	12,03	
	404	—		600	47,33	
	600	75,91		...	67,61	
...	108,45	0406 90 31 151	037	—		
0406 90 14 100	037		—	039	—	
	039		—	046	44,12	
	046		75,91	052	44,12	
	052		75,91	400	46,20	
	400		102,86	404	11,25	
	404		—	600	44,12	
	600		75,91	...	63,02	
...	108,45	0406 90 31 159	+	—		
0406 90 14 900	+		—	0406 90 33 119	037	—
	037		—		039	—
	039		—		046	47,33
	046		75,91		052	47,33
	052		75,91		400	49,43
	400		102,86		404	12,03
404	—	600	47,33			
600	75,91	...	67,61			
...	108,45	0406 90 33 151	037	—		
0406 90 16 900	+		—	039	—	
	037		—	046	44,12	
	039		—	052	44,12	
	046		74,22	400	46,20	
	052		74,22	404	11,25	
	400		95,66	600	44,12	
404	—	...	66,02			
600	74,22	0406 90 33 919	037	—		
...	106,04		039	—		
0406 90 23 900	037		—	046	41,81	
	039		—	052	41,81	
	046		53,19	400	43,67	
	052		53,19	404	10,63	
	400		42,00	600	41,81	
	404	—	...	59,74		
600	53,19	0406 90 33 951	037	—		
...	75,85		039	—		
0406 90 25 900	037		—	046	41,03	
	039		—	052	41,03	
	046		64,48	400	42,97	
	052		64,48	404	10,46	
	400		47,83	600	41,03	
	404	—	...	58,62		
600	64,48					
...	92,12					

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 35 190	037	32,07	0406 90 73 900	037	—
	039	32,07		039	—
	046	83,42		046	73,90
	052	83,42		052	73,90
	400	119,17		400	105,56
	404	67,66		404	83,90
	600	83,42		600	73,90
	...	119,17		...	105,56
0406 90 35 990	037	—	0406 90 75 900	037	—
	039	—		039	—
	046	63,61		046	61,64
	052	63,61		052	61,64
	400	90,88		400	47,83
	404	—		404	—
	600	63,61		600	61,64
	...	90,88		...	88,06
0406 90 37 000	037	—	0406 90 76 100	037	—
	039	—		039	—
	046	77,97		046	54,22
	052	77,97		052	54,22
	400	102,86		400	43,24
	404	—		404	—
	600	77,97		600	54,22
	...	111,38		...	77,44
0406 90 61 000	037	42,75	0406 90 76 300	037	—
	039	42,75		039	—
	046	85,98		046	66,22
	052	85,98		052	66,22
	400	123,03		400	47,83
	404	93,10		404	—
	600	85,98		600	66,22
	...	123,03		...	94,61
0406 90 63 100	037	60,33	0406 90 76 500	037	—
	039	60,33		039	—
	046	109,25		046	66,22
	052	109,25		052	66,22
	400	155,80		400	55,19
	404	117,33		404	—
	600	109,25		600	66,22
	...	155,80		...	94,61
0406 90 63 900	037	47,98	0406 90 78 100	037	—
	039	47,98		039	—
	046	78,85		046	47,64
	052	78,85		052	47,64
	400	108,00		400	41,00
	404	54,63		404	—
	600	78,85		600	47,64
	...	112,58		...	67,99
0406 90 69 100	+	—	0406 90 78 300	037	—
0406 90 69 910	037	—		039	—
	039	—		046	58,28
	046	80,74		052	58,28
	052	80,74		400	45,50
	400	110,38		404	—
	404	55,93		600	58,28
	600	80,74		...	83,25
	...	115,34			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)	
0406 90 78 500	037	—	0406 90 86 300	037	—	
	039	—		039	—	
	046	58,28		046	45,60	
	052	58,28		052	45,60	
	400	52,50		400	65,08	
	404	—		404	—	
	600	58,28		600	45,60	
0406 90 79 900	...	83,25	...	65,08		
	037	—	0406 90 86 400	037	—	
	039	—		039	—	
	046	56,13		046	51,30	
	052	56,13		052	51,30	
	400	41,30		400	73,63	
	404	—		404	—	
600	56,13	600		51,30		
0406 90 81 900	...	80,17	...	73,63		
	037	—	0406 90 86 900	037	—	
	039	—		039	—	
	046	63,61		046	60,33	
	052	63,61		052	60,33	
	400	90,88		400	86,45	
	404	—		404	—	
600	63,61	600		60,33		
0406 90 85 910	...	90,88	...	86,45		
	037	32,07	0406 90 87 100	+	—	
	039	32,07		0406 90 87 200	037	—
	046	83,42			039	—
	052	83,42			046	40,70
	400	119,17			052	40,70
	404	67,66			400	57,81
600	83,42	404			—	
...	119,17	600	40,70			
0406 90 85 991	037	—	...	57,81		
	039	—	0406 90 87 300	037	—	
	046	63,61		039	—	
	052	63,61		046	44,40	
	400	90,88		052	44,40	
	404	—		400	63,36	
	600	63,61		404	—	
...	90,88	600		44,40		
0406 90 85 995	037	—	...	63,36		
	039	—	0406 90 87 400	037	—	
	046	66,22		039	—	
	052	66,22		046	49,95	
	400	47,83		052	49,95	
	404	—		400	71,69	
	600	66,22		404	—	
...	94,61	600		49,95		
0406 90 85 999	+	—	...	71,69		
0406 90 86 100	+	—	0406 90 87 951	037	—	
0406 90 86 200	037	—		039	—	
	039	—		046	73,54	
	046	41,80		052	73,54	
	052	41,80		400	104,99	
	400	59,38		404	62,44	
	404	—		600	73,54	
	600	41,80	...	104,99		
	...	59,38				

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)	
0406 90 87 971	037	—	2309 10 15 400	+	—	
	039	—	2309 10 15 500	+	—	
	046	61,05	2309 10 15 700	+	—	
	052	61,05	2309 10 19 010	+	—	
	400	54,46	2309 10 19 100	+	—	
	404	—	2309 10 19 200	+	—	
	600	61,05	2309 10 19 300	+	—	
	...	87,41	2309 10 19 400	+	—	
0406 90 87 972	046	23,13	2309 10 19 500	+	—	
	052	23,13	2309 10 19 600	+	—	
	400	30,90	2309 10 19 700	+	—	
	404	—	2309 10 19 800	+	—	
	600	23,13	2309 10 70 010	+	—	
	...	33,30	2309 10 70 100	+	14,58	
0406 90 87 979	037	—	2309 10 70 200	+	19,44	
	039	—	2309 10 70 300	+	24,30	
	046	61,05	2309 10 70 500	+	29,16	
	052	61,05	2309 10 70 600	+	34,02	
	400	54,46	2309 10 70 700	+	38,88	
	404	—	2309 10 70 800	+	42,77	
	600	61,05	2309 90 35 010	+	—	
	...	87,41	2309 90 35 100	+	—	
	0406 90 88 100	+	2309 90 35 200	+	—	
	0406 90 88 200	037	—	2309 90 35 300	+	—
	039	—	2309 90 35 400	+	—	
	046	41,80	2309 90 35 500	+	—	
	052	41,80	2309 90 35 700	+	—	
	400	59,38	2309 90 39 010	+	—	
	404	—	2309 90 39 100	+	—	
	600	41,80	2309 90 39 200	+	—	
	...	59,38	2309 90 39 300	+	—	
	0406 90 88 300	037	—	2309 90 39 400	+	—
	039	—	2309 90 39 500	+	—	
	046	45,60	2309 90 39 600	+	—	
	052	45,60	2309 90 39 700	+	—	
	400	65,08	2309 90 39 800	+	—	
	404	—	2309 90 70 010	+	—	
	600	45,60	2309 90 70 100	+	14,58	
	...	65,08	2309 90 70 200	+	19,44	
	2309 10 15 010	+	2309 90 70 300	+	24,30	
	2309 10 15 100	+	2309 90 70 500	+	29,16	
	2309 10 15 200	+	2309 90 70 600	+	34,02	
	2309 10 15 300	+	2309 90 70 700	+	38,88	
			2309 90 70 800	+	42,77	

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

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

Where no destination (+) is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (3).

(**) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

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

COMMISSION REGULATION (EC) No 1467/96

of 25 July 1996

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

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

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2537/95⁽²⁾, and in particular Article 3 (4) thereof,

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

Whereas Commission Regulation (EC) No 2993/94⁽⁵⁾, as last amended by Regulation (EC) No 1072/96⁽⁶⁾, fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 1466/96 of 25 July 1996 fixing the export refunds on milk and milk

products⁽⁷⁾ fixes the refunds on those products; whereas the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 316, 9. 12. 1994, p. 11.

⁽⁶⁾ OJ No L 141, 14. 6. 1996, p. 28.

⁽⁷⁾ See page 59 of this Official Journal.

ANNEX

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

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

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	-- -- Other:			
	-- Of a fat content, by weight:			
	-- Not exceeding 35 %	0401 30 39 100	(1)	40,34
	-- Exceeding 35 % but not exceeding 39 %	0401 30 39 400	(1)	63,00
	-- Exceeding 39 %	0401 30 39 700	(1)	69,47
	-- Exceeding 45 %:			
0401 30 91	-- -- In immediate packings of a net content not exceeding 2 litres:			
	-- Of a fat content, by weight:			
	-- Not exceeding 68 %	0401 30 91 100	(1)	79,18
	-- Exceeding 68 % but not exceeding 80 %	0401 30 91 400	(1)	116,37
	-- Exceeding 80 %	0401 30 91 700	(1)	135,80
0401 30 99	-- -- Other:			
	-- Of a fat content, by weight:			
	-- Not exceeding 68 %	0401 30 99 100	(1)	79,18
	-- Exceeding 68 % but not exceeding 80 %	0401 30 99 400	(1)	116,37
	-- Exceeding 80 %	0401 30 99 700	(1)	135,80
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			
0402 10	-- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (?):			
	-- Not containing added sugar or other sweetening matter (?):			
0402 10 11	-- -- In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(2)	55,00
0402 10 19	-- -- Other	0402 10 19 000	(2)	55,00
	-- Other (?):			
0402 10 91	-- -- In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(2)	0,5500
0402 10 99	-- -- Other	0402 10 99 000	(2)	0,5500
	-- In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (?):			
0402 21	-- -- Not containing added sugar or other sweetening matter (?):			
	-- -- Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	-- -- -- In immediate packings of a net content not exceeding 2,5 kg:			
	-- Of a fat content, by weight:			
	-- Not exceeding 11 %	0402 21 11 200	(2)	55,00
	-- Exceeding 11 % but not exceeding 17 %	0402 21 11 300	(2)	86,53
	-- Exceeding 17 % but not exceeding 25 %	0402 21 11 500	(2)	91,16
	-- Exceeding 25 %	0402 21 11 900	(2)	98,05
	-- -- -- Other:			
0402 21 17	-- -- -- -- Of a fat content, by weight, not exceeding 11 %	0402 21 17 000	(2)	55,00
0402 21 19	-- -- -- -- Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	-- Not exceeding 17 %	0402 21 19 300	(2)	86,53
	-- Exceeding 17 % but not exceeding 25 %	0402 21 19 500	(2)	91,16
	-- Exceeding 25 %	0402 21 19 900	(2)	98,05
	-- -- -- Of a fat content, by weight, exceeding 27 %:			

<i>(in ECU/100 kg weight, if no other indication)</i>				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	<ul style="list-style-type: none"> — — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: <ul style="list-style-type: none"> — Not 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 7 % 			
		0402 21 91 100	(²)	98,77
		0402 21 91 200	(²)	99,45
		0402 21 91 300	(²)	100,67
		0402 21 91 400	(²)	107,61
		0402 21 91 500	(²)	110,00
		0402 21 91 600	(²)	119,21
		0402 21 91 700	(²)	124,61
		0402 21 91 900	(²)	130,71
0402 21 99	<ul style="list-style-type: none"> — — — — Other: — Of a fat content, by weight: <ul style="list-style-type: none"> — Not exceeding 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 % 			
		0402 21 99 100	(²)	98,77
		0402 21 99 200	(²)	99,45
		0402 21 99 300	(²)	100,67
		0402 21 99 400	(²)	107,61
		0402 21 99 500	(²)	110,00
		0402 21 99 600	(²)	119,21
		0402 21 99 700	(²)	124,61
		0402 21 99 900	(²)	130,71
ex 0402 29	<ul style="list-style-type: none"> — — Other (³): — — — Of a fat content, by weight, not exceeding 27 %: — — — — Other: 			
0402 29 15	<ul style="list-style-type: none"> — — — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: <ul style="list-style-type: none"> — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % 			
		0402 29 15 200	(³)	0,5500
		0402 29 15 300	(³)	0,8653
		0402 29 15 500	(³)	0,9116
		0402 29 15 900	(³)	0,9805
0402 29 19	<ul style="list-style-type: none"> — — — — — Other: — Of a fat content, by weight: <ul style="list-style-type: none"> — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 %: 			
		0402 29 19 200	(³)	0,5500
		0402 29 19 300	(³)	0,8653
		0402 29 19 500	(³)	0,9116
		0402 29 19 900	(³)	0,9805

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 29 91	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a fat content, by weight:			
	— Not exceeding 41 %	0402 29 91 100	(³)	0,9877
	— Exceeding 41 %	0402 29 91 500	(³)	1,0761
0402 29 99	— — — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 41 %	0402 29 99 100	(³)	0,9877
	— Exceeding 41 %	0402 29 99 500	(³)	1,0761
	— Other:			
0402 91	— — Not containing added sugar or other sweetening matter (²):			
	— — — Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a non-fat lactic dry matter content:			
	— Of less than 15 % and of a fat content, by weight:			
	— Not exceeding 3 %	0402 91 11 110	(²)	4,748
	— Exceeding 3 %	0402 91 11 120	(²)	9,775
	— Of 15 % or more and of a fat content, by weight:			
	— Not exceeding 3 %	0402 91 11 310	(²)	13,98
	— Exceeding 3 % but not exceeding 7,4 %	0402 91 11 350	(²)	17,15
	— Exceeding 7,4 %	0402 91 11 370	(²)	20,85
0402 91 19	— — — — Other:			
	— Of a non-fat lactic dry matter content:			
	— Of less than 15 % and of a fat content, by weight:			
	— Not exceeding 3 %	0402 91 19 110	(²)	4,748
	— Exceeding 3 %	0402 91 19 120	(²)	9,775
	— Of 15 % or more and of a fat content, by weight:			
	— Not exceeding 3 %	0402 91 19 310	(²)	13,98
	— Exceeding 3 % but not exceeding 7,4 %	0402 91 19 350	(²)	17,15
	— Exceeding 7,4 %	0402 91 19 370	(²)	20,85
	— — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:			
0402 91 31	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a non-fat lactic dry matter content:			
	— Of less than 15 %	0402 91 31 100	(²)	19,31
	— Of 15 % or more	0402 91 31 300	(²)	24,65
0402 91 39	— — — — Other:			
	— Of a non-fat lactic dry matter content:			
	— Of less than 15 %	0402 91 39 100	(²)	19,31
	— Of 15 % or more	0402 91 39 300	(²)	24,65
	— — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:			
0402 91 51	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 000	(²)	22,55
0402 91 59	— — — — Other	0402 91 59 000	(²)	22,55

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
	— — — Of a fat content, by weight, exceeding 45 %:			
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 000	(²)	79,18
0402 91 99	— — — — Other	0402 91 99 000	(²)	79,18
0402 99	— — Other:			
	— — — Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³):			
	— Not exceeding 3 %	0402 99 11 110	(³)	0,0475
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	(³)	0,0978
	— Exceeding 6,9 %	0402 99 11 150	(³)	0,1336
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴):			
	— Not exceeding 3 %	0402 99 11 310	(⁴)	16,14
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	(⁴)	19,37
	— Exceeding 6,9 %	0402 99 11 350	(⁴)	25,75
0402 99 19	— — — — Other:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³):			
	— Not exceeding 3 %	0402 99 19 110	(³)	0,0475
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	(³)	0,0978
	— Exceeding 6,9 %	0402 99 19 150	(³)	0,1336
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴):			
	— Not exceeding 3 %	0402 99 19 310	(⁴)	16,14
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	(⁴)	19,37
	— Exceeding 6,9 %	0402 99 19 350	(⁴)	25,75
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg:			
	— Of a fat content, by weight, not exceeding 21 %:			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % (³)	0402 99 31 110	(³)	0,2094
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more (⁴)	0402 99 31 150	(⁴)	26,81
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % (³)	0402 99 31 300	(³)	0,4034
	— Of a fat content, by weight, exceeding 39 % (³)	0402 99 31 500	(³)	0,6947

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 99 39	-- -- -- Other:			
	-- Of a fat content, by weight, not exceeding 21 %:			
	-- Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 39 110	⁽³⁾	0,2094
	-- Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 39 150	⁽⁴⁾	26,81
	-- Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 39 300	⁽³⁾	0,4034
	-- Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 39 500	⁽³⁾	0,6947
	-- -- -- Of a fat content, by weight, exceeding 45 %:			
0402 99 91	-- -- -- In immediate packings not exceeding 2,5 kg ⁽³⁾	0402 99 91 000	⁽³⁾	0,7918
0402 99 99	-- -- -- Other ⁽³⁾	0402 99 99 000	⁽³⁾	0,7918
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	-- Butter:			
	-- Of a fat content, by weight, not exceeding 85 %:			
	-- Natural butter:			
0405 10 11	-- -- -- In immediate packings of a net content not exceeding 1 kg:			
	-- Of a fat content by weight:			
	-- Of 80 % or more but less than 82 %	0405 10 11 500		170,73
	-- Of 82 % or more	0405 10 11 700		175,00
0405 10 19	-- -- -- Other:			
	-- Of a fat content by weight:			
	-- Of 80 % or more but less than 82 %	0405 10 19 500		170,73
	-- Of 82 % or more	0405 10 19 700		175,00
0405 10 30	-- -- -- Recombined butter:			
	-- In immediate packings of a net content not exceeding 1 kg:			
	-- Of a fat content by weight:			
	-- Of 80 % or more but less than 82 %	0405 10 30 100		170,73
	-- Of 82 % or more	0405 10 30 300		175,00
	-- Other:			
	-- Of a fat content by weight:			
	-- Of 80 % or more but less than 82 %	0405 10 30 500		170,73
	-- Of 82 % or more	0405 10 30 700		175,00
0405 10 50	-- -- -- Whey butter:			
	-- In immediate packings of a net content not exceeding 1 kg:			
	-- Of a fat content by weight:			
	-- Of 80 % or more but less than 82 %	0405 10 50 100		170,73
	-- Of 82 % or more	0405 10 50 300		175,00
	-- Other:			
	-- Of a fat content by weight:			
	-- Of 80 % or more but less than 82 %	0405 10 50 500		170,73
	-- Of 82 % or more	0405 10 50 700		175,00
0405 10 90	-- Other	0405 10 90 000		181,40

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
ex 0405 20	– Dairy spreads:			
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 %:			
	– – – Of a fat content by weight:			
	– – – – Of more than 75 % but less than 78 %	0405 20 90 500		160,06
	– – – – Of 78 % or more	0405 20 90 700		166,46
0405 90	– Other:			
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 000		223,00
0405 90 90	– – Other	0405 90 90 000		175,00
0406	– Cheese:			
0406 30	– Processed, cheese, not grated or powdered (*):			
0406 30 10	– – In the blending of which only Emmentaler, Gruyere and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 %:			
	– – – In the blending of which only Emmentaler and Gruyere have been used of a fat content by weight in the dry matter, not exceeding 56 %:			
	– – – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:			
	– – – – – Not exceeding 48 %:			
	– – – – – Of a dry matter content, by weight:			
	– – – – – – Of less than 27 %	0406 30 10 100		—
	– – – – – – Of 27 % or more but less than 33 %	0406 30 10 150		13,25
	– – – – – – Of 33 % or more but less than 38 %	0406 30 10 200		28,26
	– – – – – – Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter:			
	– – – – – – – Of less than 20 %	0406 30 10 250		28,26
	– – – – – – – Of 20 % or more	0406 30 10 300		41,47
	– – – – – – – Of 43 % or more and of a fat content, by weight, in the dry matter:			
	– – – – – – – – Of less than 20 %	0406 30 10 350		28,26
	– – – – – – – – Of 20 % or more but less than 40 %	0406 30 10 400		41,47
	– – – – – – – – Of 40 % or more	0406 30 10 450		60,33
	– – – – – Exceeding 48 %:			
	– – – – – – Of a dry matter content, by weight:			
	– – – – – – – Of less than 33 %	0406 30 10 500		—
	– – – – – – – Of 33 % or more but less than 38 %	0406 30 10 550		28,26
	– – – – – – – Of 38 % or more but less than 43 %	0406 30 10 600		41,47

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 30 10 (cont'd)	— Of 43 % or more but less than 46 %	0406 30 10 650		60,33
	— Of 46 % or more and of a fat content, by weight, in the dry matter:			
	— Of less than 55 %	0406 30 10 700		60,33
	— Of 55 % or more	0406 30 10 750		71,56
	— — — — Of a fat content, by weight, exceeding 36 %	0406 30 10 800		71,56
	— — — Other	0406 30 10 900		—
	— — Other:			
	— — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:			
0406 30 31	— — — — Not exceeding 48 %:			
	— Of a dry matter content, by weight:			
	— Of less than 27 %	0406 30 31 100		—
	— Of 27 % or more but less than 33 %	0406 30 31 300	(⁵)	13,25
	— Of 33 % or more but less than 38 %	0406 30 31 500	(⁵)	28,26
	— Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter:			
	— Of less than 20 %	0406 30 31 710	(⁵)	28,26
	— Of 20 % or more	0406 30 31 730	(⁵)	41,47
	— Of 43 % or more and of a fat content, by weight, in the dry matter:			
	— Of less than 20 %	0406 30 31 910	(⁵)	28,26
	— Of 20 % or more but less than 40 %	0406 30 31 930	(⁵)	41,47
	— Of 40 % or more	0406 30 31 950	(⁵)	60,33
0406 30 39	— — — — Exceeding 48 %:			
	— Of a dry matter content, by weight:			
	— Of less than 33 %	0406 30 39 100		—
	— Of 33 % or more but less than 38 %	0406 30 39 300	(⁵)	28,26
	— Of 38 % or more but less than 43 %	0406 30 39 500	(⁵)	41,47
	— Of 43 % or more but less than 46 %	0406 30 39 700	(⁵)	60,33
	— Of 46 % or more and of a fat content, by weight, in the dry matter:			
	— Of less than 55 %	0406 30 39 930	(⁵)	60,33
	— Of 55 % or more	0406 30 39 950	(⁵)	71,56
0406 30 90	— — — Of a fat content, by weight, exceeding 36 %	0406 30 90 000	(⁵)	71,56
0406 90 23	— — — Edam:			
	— Of a fat content, by weight, in the dry matter:			
	— Of less than 39 %	0406 90 23 100		—
	— Of 39 % or more	0406 90 23 900	(⁵)	75,85
0406 90 25	— — — Tilsit:			
	— Of a fat content, by weight, in the dry matter:			
	— Of less than 39 %	0406 90 25 100		—
	— Of 39 % or more	0406 90 25 900	(⁵)	92,12

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 27	— — — Butterkäse:			
	— Of a fat content, by weight, in the dry matter:			
	— Of less than 39 %	0406 90 27 100		—
	— Of 39 % or more	0406 90 27 900	(¹)	80,17
0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø:			
	— Of a fat content, by weight, in the dry matter of less than 39 %	0406 90 76 100	(¹)	77,44
	— Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 %	0406 90 76 300	(¹)	94,61
	— Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 76 500	(¹)	94,61
0406 90 78	— — — — — Gouda:			
	— Of a fat content, by weight, in the dry matter of less than 39 %	0406 90 78 100	(¹)	67,99
	— Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 %	0406 90 78 300	(¹)	83,25
	— Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 78 500	(¹)	83,25
	— — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter			
0406 90 79	— — — — — Estrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin and Taleggio:			
	— Of a fat content, by weight, in the dry matter of less than 39 %	0406 90 79 100		—
	— Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 900	(¹)	80,17
0406 90 81	— — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby and Monterey:			
	— Of a fat content, by weight, in the dry matter of less than 39 %	0406 90 81 100		—
	— Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 900	(¹)	90,88
0406 90 86	— — — — — Exceeding 47 % but not exceeding 52 %:			
	— Cheeses produced from whey	0406 90 86 100		—
	— Other:			
	— Of a fat content, by weight, in the dry matter:			
	— Of less than 5 %	0406 90 86 200	(¹)	59,38
	— Of 5 % or more but less than 19 %	0406 90 86 300	(¹)	65,08
	— Of 19 % or more but less than 39 %	0406 90 86 400	(¹)	73,63
	— Of more than 39 %	0406 90 86 900	(¹)	86,45

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 87	----- Exceeding 52 % but not exceeding 62 %:			
	- Cheeses produced from whey	0406 90 87 100		—
	- Other:			
	- Of a fat content, by weight, in the dry matter:			
	- Of less than 5 %	0406 90 87 200	(¹)	57,81
	- Of 5 % or more but less than 19 %	0406 90 87 300	(²)	63,36
	- Of 19 % or more but less than 39 %	0406 90 87 400	(²)	71,69
	- Of more than 39 %:			
	- Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk	0406 90 87 951	(²)	104,99
	- Maasdam	0406 90 87 971	(²)	87,41
	- Manouri, of a fat content, by weight, of 30 % or more	0406 90 87 972	(²)	33,30
	- Other	0406 90 87 979	(²)	87,41
0406 90 88	----- Exceeding 62 % but not exceeding 72 %:			
	- Cheeses produced from whey	0406 90 88 100		—
	- Other:			
	- Of a fat content, by weight, in the dry matter:			
	- Of less than 5 % and of a dry matter content, by weight, of 32 % or more	0406 90 88 200	(²)	59,38
	- Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more	0406 90 88 300	(²)	65,08
	- Other	0406 90 88 900		—

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

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

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

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

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

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

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

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

- (b) a component calculated in accordance with the provisions of Article 12 (3) of amended Regulation (EC) No 1466/95 (OJ No L 144, 28. 6. 1995, p. 22).
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
 - the lactose content of the added whey.
- (*) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements:
- (a) the amount per 100 kilograms shown; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be:
- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
 - divided by the weight of the lactic part contained in 100 kilograms of product;
- (b) a component calculated in accordance with the provisions of Article 12 (3) of Regulation (EC) No 1466/95.
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
 - the lactose content of the added whey.
- (³) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
- (⁶) Where the product contains casein and/or caseinates, the part corresponding to the casein and/or the added caseinates will not be taken into account for the purpose of calculating the aid.
When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.
- (⁷) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.
-

COMMISSION REGULATION (EC) No 1468/96

of 25 July 1996

amending Regulation (EEC) No 2219/92 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products regarding the amounts of aid

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 2537/95⁽²⁾, and in particular Article 10 thereof,

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

Whereas Annex II to Regulation (EEC) No 2219/92 of 30 July 1992 laying down detailed rules for the application of the specific supply arrangements for Madeira relating to milk products and establishing the forecast supply balance⁽⁵⁾, as last amended by Regulation (EC) No 1227/96⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EC) No 1466/96 of 25 July 1996 fixing the export refunds on milk and milk products⁽⁷⁾ fixes the refunds on those products; whereas Annex II to Regulation (EEC) No 2219/92 should be adapted to take account of those adjustments;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.

⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.

⁽⁵⁾ OJ No L 218, 1. 8. 1992, p. 75.

⁽⁶⁾ OJ No L 161, 29. 6. 1996, p. 75.

⁽⁷⁾ See page 59 of this Official Journal.

ANNEX

ANNEX II

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

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

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 91 100	(¹)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 91 400	(¹)	116,37
	— Exceeding 80 %	0401 30 91 700	(¹)	135,80
0401 30 99	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 99 100	(¹)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 99 400	(¹)	116,37
	— Exceeding 80 %	0401 30 99 700	(¹)	135,80
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 000	(²)	55,00
		0402 10 19 000	(²)	
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 900	(²)	98,05
		0402 21 19 900	(²)	
0402 21 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a fat content, by weight:			
	— Not exceeding 11 %	0402 21 11 200	(²)	55,00
	— Exceeding 11 % but not exceeding 17 %	0402 21 11 300	(²)	86,53
	— Exceeding 17 % but not exceeding 25 %	0402 21 11 500	(²)	91,16
	— Exceeding 25 %	0402 21 11 900	(²)	98,05
	— — — — Other:			
0402 21 19	— — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	— Not exceeding 17 %	0402 21 19 300	(²)	86,53
	— Exceeding 17 % but not exceeding 25 %	0402 21 19 500	(²)	91,16
	— Exceeding 25 %	0402 21 19 900	(²)	98,05
	— — — Of a fat content, by weight, exceeding 27 %:			
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	— Butter:			
	— — Of a fat content, by weight, not exceeding 85 %:			
	— — — Natural butter:			
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 11 500		170,73
	— — — — — Of 82 % or more	0405 10 11 700		175,00
0405 10 19	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 19 500		170,73
	— — — — — Of 82 % or more	0405 10 19 700		175,00
0405 10 30	— — — Recombined butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 30 100		170,73
	— — — — — Of 82 % or more	0405 10 30 300		175,00
	— — — — Other:			
	— — — — — Of a fat content by weight:			
	— — — — — Of 80 % or more but less than 82 %	0405 10 30 500		170,73
	— — — — — Of 82 % or more	0405 10 30 700		175,00

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0405 10 50	— — — Whey butter:			
	— — — — In immediate packings of a net content not exceeding 1 kg:			
	— — — — — Of a fat content by weight:			
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 100		170,73
	— — — — — — Of 82 % or more	0405 10 50 300		175,00
	— — — — — Other:			
	— — — — — — Of a fat content by weight:			
	— — — — — — — Of 80 % or more but less than 82 %	0405 10 50 500		170,73
	— — — — — — — Of 82 % or more	0405 10 50 700		175,00
0405 10 90	— — Other	0405 10 90 000		181,40
ex 0405 20	— Dairy spreads:			
0405 20 90	— — Of a fat content by weight of more than 75 % but less than 80 %:			
	— — — Of a fat content by weight:			
	— — — — Of more than 75 % but less than 78 %	0405 20 90 500		160,06
	— — — — Of 78 % or more	0405 20 90 700		166,46
0405 90	— Other:			
0405 90 10	— — Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 000		223,00
0405 90 90	— — Other	0405 90 90 000		175,00
ex 0406	Cheeses:			
0406 90 23	Edam	0406 90 23 900		75,85
0406 90 25	Tilsit	0406 90 25 900		92,12
0406 90 76	— — — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø	0406 90 76 100		77,44
0406 90 78	— — — — — — Gouda:			
	— — — — — — — Of a fat content, by weight, in the dry matter of less than 39 %	0406 90 78 100	(³)	67,99
	— — — — — — — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 %	0406 90 78 300	(³)	83,25
	— — — — — — — Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 78 500	(³)	83,25
	— — — — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter			
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	0406 90 79 900		80,17
0406 90 81	Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	0406 90 81 900		90,88
0406 90 86	— — — — — — — Exceeding 47 % but not exceeding 52 %:			
	— — — — — — — — Cheeses produced from whey	0406 90 86 100		—
	— — — — — — — — Other:			
	— — — — — — — — — Of a fat content, by weight, in the dry matter:			
	— — — — — — — — — — Of less than 5 %	0406 90 86 200	(³)	59,38
	— — — — — — — — — — Of 5 % or more but less 19 %	0406 90 86 300	(³)	65,08
	— — — — — — — — — — Of 19 % or more but less than 39 %	0406 90 86 400	(³)	73,63
	— — — — — — — — — — Of more than 39 %	0406 90 86 900	(³)	86,45

COMMISSION REGULATION (EC) No 1469/96
of 25 July 1996

determining the percentages of quantities which may be allowed in respect of import licence applications lodged in July 1996 under tariff quotas for meat provided for in Regulation (EC) No 1221/96 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1221/96 of 28 June 1996 setting for the period 1 July to 31 December 1996 rules of application for the tariff quotas for beef and veal provided for by Council Regulation (EC) No 3066/95 for the Republic of Poland, the Republic of Hungary, the Czech Republic, Slovakia, Bulgaria and Romania⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas Article 1 (1) of Regulation (EC) No 1221/96 fixes the quantities of fresh, chilled or frozen beef and veal originating in Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria, and of processed products originating in Poland which may be imported on special terms in respect of the period 1 July to 31 December 1996; whereas the quantities of fresh, chilled or frozen beef and veal covered by import licence applications submitted are such that applications may be accepted in full; whereas, however, quantities covered by applications in respect of processed products must be reduced proportionately in accordance with Article 3 (4) of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The following percentages of quantities covered by import licence applications submitted in respect of the period 1 July to 31 December 1996 under the quotas referred to in Regulation (EC) No 1221/96 may be allowed:

- (a) 100 % of quantities covered by applications in respect of products falling within CN codes 0201 and 0202 originating in Poland, Hungary, the Czech Republic, Slovakia, Romania and Bulgaria;
- (b) 16,418 % of quantities covered by applications in respect of products falling within CN codes 1602 50 31 and 1602 50 39 originating in Poland.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 161, 29. 6. 1996, p. 59.

COMMISSION REGULATION (EC) No 1470/96
of 25 July 1996

determining to what extent licence applications submitted during July 1996 for live bovine animals weighing between 160 and 300 kg as part of a tariff quota provided for pursuant to Regulation (EC) No 1250/96

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

Having regard to Commission Regulation (EC) No 1250/96 of 28 June 1996 laying down for the second half of 1996 certain detailed rules for the application of a tariff quota for live bovine animals weighing between 160 and 300 kilograms originating in certain third countries⁽¹⁾, and in particular Article 3 (4) thereof,

Whereas Article 1 (1) of Regulation (EC) No 1250/96 lays down the number of head of live bovine animals weighing between 160 and 300 kg for fattening or slaughter originating in certain third countries which may be imported under special conditions during the second half of 1996;

Whereas the quantities for which import licence applications have been submitted exceed the quantities available;

whereas, pursuant to Article 3 (4) of Regulation (EC) No 1250/96, a single percentage reduction in the quantities applied for should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications submitted for the second half of 1996 under the import arrangements referred to in Regulation (EC) No 1250/96 shall be reduced by 98,7991 %.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 161, 29. 6. 1996, p. 131.

COMMISSION REGULATION (EC) No 1471/96

of 25 July 1996

fixing the export refunds on cereals and on wheat or rye flour, groats and meal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾, and in particular Article 13 (2) thereof,

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

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

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

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

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

Done at Brussels, 25 July 1996.

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

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

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾, as amended by Regulation (EC) No 1380/95⁽⁶⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁷⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 65, 15. 3. 1996, p. 1.

ANNEX

to the Commission Regulation of 25 July 1996 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

<i>(ECU/tonne)</i>			<i>(ECU/tonne)</i>		
Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾
0709 90 60 000	—	—	1101 00 11 000	—	—
0712 90 19 000	—	—	1101 00 15 100	01	0
1001 10 00 200	—	—	1101 00 15 130	01	0
1001 10 00 400	—	—	1101 00 15 150	—	—
1001 90 91 000	—	—	1101 00 15 170	—	—
1001 90 99 000	—	—	1101 00 15 180	—	—
1002 00 00 000	01	0	1101 00 15 190	—	—
1003 00 10 000	—	—	1101 00 90 000	—	—
1003 00 90 000	—	—	1102 10 00 500	01	30,00
1004 00 00 200	—	—	1102 10 00 700	—	—
1004 00 00 400	—	—	1102 10 00 900	—	—
1005 10 90 000	—	—	1103 11 10 200	01	0 ⁽³⁾
1005 90 00 000	—	—	1103 11 10 400	—	— ⁽³⁾
1007 00 90 000	—	—	1103 11 10 900	—	—
1008 20 00 000	—	—	1103 11 90 200	—	— ⁽³⁾
			1103 11 90 800	—	—

⁽¹⁾ The destinations are identified as follows:

01 All third countries.

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

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

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

COMMISSION REGULATION (EC) No 1472/96
of 25 July 1996
fixing the corrective amount applicable to the refund on cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96 ⁽²⁾, and in particular Article 13 (8) thereof,

Whereas Article 13 (8) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

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

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁵⁾, as last amended by Regulation (EC) No 150/95 ⁽⁶⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁷⁾, as last amended by Regulation (EC) No 2853/95 ⁽⁸⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 299, 12. 12. 1995, p. 1.

ANNEX

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

(ECU/tonne)

Product code	Destination (*)	Current 7	1st period 8	2nd period 9	3rd period 10	4th period 11	5th period 12	6th period 1
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	—	—	—	—	—	—	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	—	—	—	—	—	—	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	01	0	0	0	0	0	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	—	—	—	—	—	—	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 11 000	—	—	—	—	—	—	—	—
1101 00 15 100	01	0	- 1,51	- 3,02	- 4,53	- 6,04	—	—
1101 00 15 130	01	0	- 1,41	- 2,82	- 4,23	- 5,64	—	—
1101 00 15 150	—	—	—	—	—	—	—	—
1101 00 15 170	—	—	—	—	—	—	—	—
1101 00 15 180	—	—	—	—	—	—	—	—
1101 00 15 190	—	—	—	—	—	—	—	—
1101 00 90 000	—	—	—	—	—	—	—	—
1102 10 00 500	—	—	—	—	—	—	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	01	0	- 1,65	- 3,30	- 4,95	- 6,60	—	—
1103 11 10 400	—	—	—	—	—	—	—	—
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	—	—	—	—	—	—	—	—
1103 11 90 800	—	—	—	—	—	—	—	—

(*) The destinations are identified as follows:

01 all third countries.

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

COMMISSION REGULATION (EC) No 1473/96
of 25 July 1996
establishing the standard import values for determining the entry price of
certain fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 2933/95⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 July 1996.

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

Done at Brussels, 25 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 25 July 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables

<i>(ECU/100 kg)</i>			<i>(ECU/100 kg)</i>			
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value	
0702 00 35	052	73,4		388	94,6	
	060	80,2		400	81,2	
	064	70,8		404	63,6	
	066	60,3		416	72,7	
	068	80,3		508	113,5	
	204	86,8		512	91,2	
	208	44,0		524	100,3	
	212	97,5		528	93,5	
	624	95,8		624	86,5	
	999	76,6		728	107,3	
	ex 0707 00 25	052		62,4	800	212,5
		053		156,2	804	107,1
		060		61,0	999	97,0
066		53,8	0808 20 51	039	104,1	
068		69,1		052	138,2	
204		144,3		064	72,5	
624		87,1		388	87,2	
999	90,6	400		70,4		
0709 90 77	052	54,3		512	81,8	
	204	77,5		528	132,9	
	412	54,2	624	79,0		
	624	151,9	728	115,4		
	999	84,5	800	84,0		
0805 30 30	052	131,8	804	73,0		
	204	88,8	999	94,4		
	220	74,0	0809 10 40	052	144,4	
	388	73,3		061	51,3	
	400	68,2		064	100,9	
	512	54,8		091	57,0	
	520	66,5		400	338,0	
	524	60,9		999	138,3	
	528	66,7		0809 20 59	052	202,7
	600	96,5			061	182,0
	624	48,9			064	137,1
999	75,5	066			73,7	
0806 10 40	052	148,6			068	91,0
	064	75,6	400	175,6		
	066	49,4	600	94,9		
	220	110,8	616	171,8		
	400	157,5	624	63,7		
	412	128,9	676	166,2		
	508	307,2	999	135,9		
	512	186,0	0809 30 31, 0809 30 39	052	63,1	
	600	175,5		220	121,8	
	624	121,7		624	106,8	
	999	146,1		999	97,2	
	0808 10 71, 0808 10 73, 0808 10 79	039		119,6	0809 40 30	052
		052	64,0	064		74,1
064		78,6	066	84,9		
070		90,2	068	61,2		
284		72,1	400	143,5		
			624	209,4		
			676	68,6		
			999	102,9		

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 16). Code '999' stands for 'of other origin'.

COMMISSION DIRECTIVE 96/38/EC

of 17 June 1996

adapting to technical progress Council Directive 76/115/EEC relating to anchorages for motor vehicle safety belts

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 70/156/EEC of 6 February 1970 relating to the approximation of the laws of the Member States on type-approval of motor vehicles and their trailers⁽¹⁾, as last amended by Commission Directive 95/54/EC⁽²⁾, and in particular Article 13 (2) thereof,

Having regard to Council Directive 76/115/EEC of 18 December 1975 on the approximation of the laws of the Member States relating to anchorages for motor vehicle safety belts⁽³⁾, as last amended by Commission Directive 90/629/EEC⁽⁴⁾, and in particular Article 3 thereof,

Whereas Directive 76/115/EEC is one of the separate directives of the EEC type-approval procedure which has been established by Directive 70/156/EEC; whereas, consequently, the provisions laid down in Directive 70/156/EEC relating to vehicle systems, components and separate technical units apply to this Directive;

Whereas, in particular, Articles 3 (4) and 4 (3) of Directive 70/156/EEC necessitate that each separate directive has attached to it an information document incorporating the relevant items of Annex I to that Directive and also a type-approval certificate based on Annex VI thereto in order that type-approval may be computerized;

Whereas it is possible to improve the protection provided for passengers against ejection in case of an accident by requiring a minimum of lap belts of type 1 with retractors for all forward and rear-facing seating positions in motor vehicles of categories M₂ and M₃ (except those vehicles which are designed for both urban use and standing passengers), as foreseen in Commission Directive 90/628/EEC⁽⁵⁾;

Whereas the entry into force of an amendment to Council Directive 77/541/EEC⁽⁶⁾, as last amended by

Directive 90/628/EEC to require such seat belts in M₂ and M₃ vehicles is dependent upon the adaptation to technical progress of Council Directive 74/408/EEC⁽⁷⁾, as last amended by Directive 81/577/EEC⁽⁸⁾, on the strength of seats and this Directive on seat belt anchorages;

Whereas reference is made to Council Directive 74/60/EEC⁽⁹⁾, as last amended by Commission Directive 78/632/EEC⁽¹⁰⁾, relating to the interior fittings of motor vehicles;

Whereas the provisions of this Directive are in accordance with the opinion of the Committee for Adaptation to Technical progress established by Directive 70/156/EEC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 76/115/EEC is amended as follows.

1. Article 1 shall read as follows:

'This Directive applies to anchorages for motor vehicle safety belts intended for adult occupants of forward or rear-facing seats.'

2. in Article 2 'Annex I' is replaced by 'Annex II A';

3. in Articles 3 and 4 of Directive 76/115/EEC 'Annexes I, III and IV' are replaced by 'the Annexes';

4. the Annexes are amended in accordance with the Annex to this Directive.

Article 2

1. With effect from 1 January 1997 no Member State may, on grounds relating to anchorages for safety belts:

⁽¹⁾ OJ No L 42, 23. 2. 1970, p. 1.

⁽²⁾ OJ No L 266, 8. 11. 1995, p. 1.

⁽³⁾ OJ No L 24, 30. 1. 1976, p. 6.

⁽⁴⁾ OJ No L 341, 6. 12. 1990, p. 14.

⁽⁵⁾ OJ No L 341, 6. 12. 1990, p. 1.

⁽⁶⁾ OJ No L 220, 29. 8. 1977, p. 95.

⁽⁷⁾ OJ No L 221, 12. 8. 1974, p. 1.

⁽⁸⁾ OJ No L 209, 29. 7. 1981, p. 34.

⁽⁹⁾ OJ No L 38, 11. 2. 1974, p. 2.

⁽¹⁰⁾ OJ No L 206, 29. 7. 1978, p. 26.

- refuse, in respect of a type of motor vehicle, to grant EEC type-approval, or national type-approval, or
- prohibit the registration, sale or entry into service of vehicles,

if the anchorages in this type of vehicle or in these vehicles comply with the requirements of Directive 76/115/EEC as amended by this Directive.

2. With effect from 1 October 1999 for vehicles of category M₂ with a maximum mass not exceeding 3 500 kg and all other vehicles from 1 October 1997, Member States:

- shall no longer grant EC type-approval, and
- may refuse to grant national type-approval,

for a type of vehicle on grounds relating to safety belt anchorages if the requirements of Directive 76/115/EEC, as amended by this Directive, are not fulfilled.

3. With effect from 1 October 2001 for vehicles of category M₂ with a maximum mass not exceeding 3 500 kg and all other vehicles in category M from 1 October 1999, Member States:

- shall consider certificates of conformity which accompany new vehicles in accordance with the provisions of Directive 70/156/EEC to be no longer valid for the purposes of Article 7 (1) of that Directive, and
- may refuse the registration, sale or entry into service of new vehicles which are not accompanied by a certificate of conformity in accordance with Directive 70/156/EEC,

on grounds relating to safety belt anchorages if the requirements of Directive 76/115/EEC, as amended by this Directive, are not fulfilled.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 1996 and shall forthwith inform the Commission thereof.

When the Member States adopt these provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

2. Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field governed by this Directive.

Article 4

The Directive shall enter into force the twentieth day following its publication in the *Official Journal of the European Communities*.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 17 June 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

A list of annexes is added as follows:

'LIST OF ANNEXES

- ANNEX I: Definitions, application for EEC type-approval, granting of EEC type-approval, specifications, tests, conformity of production, instructions:
- Appendix 1:* Minimum number of anchorage points,
- Appendix 2:* Location of lower anchorages, angle requirements,
- Appendix 3:* Information document,
- Appendix 4:* Type-approval certificate.
- ANNEX II: Location of effective belt anchorages.
- ANNEX III: Traction device.'

Annex I is amended as follows

— A new item is added after Item 1.14 to read:

- '1.15. "Reference zone" means the space between two vertical longitudinal planes, 400 mm apart and symmetrical with respect to the H-point, and defined by rotation of the head-form apparatus, described in Annex II of Directive 74/60/EEC, from vertical to horizontal. The apparatus shall be positioned as described in that annex and set to the maximum length of 840 mm.'

— Item 2.1 is amended to read:

- '2.1. The application for type-approval pursuant to Article 3 (4) of Directive 70/156/EEC of a vehicle type with regard to safety belt anchorages shall be submitted by the vehicle manufacturer.'

— Item 2.2 is amended to read:

- '2.2. A model for the Information Document is given in Appendix 3.'

— Items 2.2.1 to 2.2.5 inclusive are deleted.

— Item 3 is amended to read:

3. Granting of EC type-approval

- 3.1. If the relevant requirements are satisfied, EC type-approval pursuant to Article 4 (3) and, if applicable, 4 (4) of Directive 70/156/EEC shall be granted.
- 3.2. A model for the EEC type-approval certificate is given in Appendix 4.
- 3.3. An approval number of accordance with Annex VII of Directive 70/156/EEC shall be assigned to each type of vehicle approved. The same Member State shall not assign the same number to another type of vehicle.'

— In Item 4.1, 'Annex I' is replaced by 'Annex II'.

— Item 4.3.1 is amended to read:

- '4.3.1. Any vehicle in categories M and N (except those vehicles in categories M₂ and M₃ which are designed for both urban use and standing passengers) must be equipped with safety belt anchorages which satisfy the requirements of this Directive.'

- Item 4.3.2 is amended to read:
 - '4.3.2. The minimum number of safety belt anchorages for each forward and rearward directed seating position shall be as specified in Appendix 1.'
- In Item 4.3.5, the symbol '*' is replaced by the symbol '#' (German version only).
- A new Item 4.3.7 is added to read:
 - '4.3.7. Every seating position in Appendix I marked with the symbol ⌘, three anchorages shall be provided unless one of the following conditions is fulfilled:
 - there is a seat or other parts of the vehicle conforming to Paragraph 3.5 of Appendix 1 of Annex III of Directive 74/408/EEC directly in front; or
 - no part of the vehicle is in or, when the vehicle is in motion, capable of being in the reference zone; or
 - parts of the vehicle within the said reference zone comply with the energy absorbing requirements set out in Appendix 6 of Annex III of Directive 74/408/EECin which case two anchorages may be provided.'
- The old Item 4.3.7 is renumbered 4.3.8.
- The first sentence of Item 4.3.8 is amended to read:
 - 'For the folding seats or seating intended solely for use when the vehicle is stationary, as well as all the seats ... no belt anchorages are required.'
- Two new items are added after Item 4.3.8
 - '4.3.9. In the case of the upper deck of a double-deck vehicle the requirements for the centre front seating position shall apply also in the outboard front seating positions.
 - 4.3.10. In the case of seats capable of being turned to or placed in other orientations, for use when the vehicle is stationary, the requirements of Item 4.3.1 shall only apply to those orientations designated for normal use when the vehicle is travelling on a road, in accordance with this Directive. A note to this effect shall be included in the information document.'
- The following is added at the end of Item 4.4.3.4:
 - 'In the case of seats, other than front seats, of vehicles in categories M₂ and M₃, the angles α_1 and α_2 shall be between 45 and 90 degrees for all normal positions of use.'
- A new Item 5.1.1.2 is added as follows:
 - '5.1.1.2. The tests may be restricted to the anchorages relating to only one seat or one group of seats on the conditions that:
 - the anchorages concerned have the same structural characteristics as the anchorages relating to the other seats or groups of seats; and
 - where such anchorages are fitted totally or partially on the seat or group of seats, the structural characteristics of the seat or group of seats are the same as those for the other seats or groups of seats.'
- The old Items 5.1.1.2 and 5.1.1.3 are renumbered 5.1.1.3 and 5.1.1.4 respectively.
- Item 5.3.1 is amended to read as follows:
 - '5.3.1. All the belt anchorages of the same group of seats shall be tested simultaneously. However, if there is a risk that non-symmetrical loading of the seats and/or anchorages may lead to failures, an additional test may be carried out with non-symmetrical loading.'
- Item 5.3.2 is amended to read as follows:
 - '5.3.2. The tractive force shall be applied in a direction corresponding to the seating position at an angle of $10^\circ \pm 5^\circ$ above the horizontal in a plane parallel to the median longitudinal plane of the vehicle.'

- In Items 5.3.4, 5.4.1.2, 5.4.1.3, 5.4.2.1, 5.4.2.2, 5.4.3 and 5.4.5.2 replace 'Annex IV' by 'Annex III'.
- Item 5.4.4.2 is amended to read:
- '5.4.4.2. The loads indicated in Items 5.4.1, 5.4.2 and 5.4.3 shall be supplemented by a force equal to 20 times the weight of the complete seat.
- In the case of vehicles in categories M_2 and N_2 this force must be equal to 10 times the weight of the complete seat; for vehicles in category M_3 and N_3 it must be equal to 6,6 times the weight of the complete seat.'
- A new item is added after Item 5.4.5.2 to read:
- '5.4.6. Test in the case of rearward-facing seats:
- 5.4.6.1. The anchorage points shall be tested according to the forces prescribed in Paragraphs 5.4.1, 5.4.2 or 5.4.3 as appropriate. In each case the test load shall correspond to the load prescribed for M_3 or N_3 vehicles.
- 5.4.6.2. The test load shall be directed forward in relation to the seating position in question, corresponding to the procedure prescribed in paragraph 5.3.'
- A new item is added after Item 5.5.3 to read:
- '5.5.4. By way of derogation, the upper anchorages fitted to one or more seats of vehicles of category M_2 above 3,5 tonnes and M_3 , which meet the requirements of Annex III of Directive 74/408/EEC, need not comply with the requirements in paragraph 5.5.1 concerning compliance with Paragraph 4.4.4.6. Details of the seat(s) concerned shall be mentioned in the addendum to the Type-Approval certificate referred to in Appendix 4.'
- Item 6.1 is amended to read:
- '6.1. As a general rule, measures to ensure the conformity of production shall be taken in accordance with the provisions laid down in Article 10 of Directive 70/156/EEC.'
- Item 7 is renumbered 8 and a new Item 7 is inserted to read:
- 7. Modifications of the type and amendments to approvals**
- 7.1. In the case of modifications of the type pursuant to this Directive, the provisions of Article 5 of Directive 70/156/EEC shall apply.'

— New Appendices 1 and 2 to Annex I are added as follows:

Appendix 1

Minimum number of anchorage points

Vehicle category	Forward facing seating positions				Rear facing
	Outboard		Centre		
	Front	Other	Front	Other	
M ₁	3	3 or 2 ∅	3 or 2 *	2	2
M ₂ ≤ 3,5 T	3	3	3	3	2
M ₃ & M ₂ > 3,5 T	3 ✱	3 or 2 ‡	3 or 2 ‡	3 or 2 ‡	2
N ₁ , N ₂ & N ₃	3	2 or 0 #	3 or 2 *	2 or 0 #	—

Key to symbols:

- 2: two lower anchorages which allow the installation of a safety belt type B or, where required by Annex XV of Directive 77/541/EEC, type Br, Br3, Br4m or Br4Nm.
- 3: two lower anchorages and one upper anchorage which allow the installation of a three point safety belt type A or, where required by Annex XV of Directive 77/541/EEC, type Ar, Ar4m or Ar4Nm.
- ∅: refers to Item 4.3.3 (two anchorages permitted if a seat is inboard of a passageway).
- *: refers to Item 4.3.4 (two anchorages permitted if the windscreen is outside reference zone).
- #: refers to Items 4.3.5 and 4.3.6 (two anchorages required in exposed seating positions).
- ‡: refers to Item 4.3.7 (two anchorages permitted if nothing is in reference zone).
- ✱: refers to Item 4.3.10 (special provision for the upper deck of a vehicle).

Appendix 2

Location of lower anchorages — Angle requirements only

Seat		M ₁	Other than M ₁
Front #	buckle side (α ₂)	45° — 80°	30° — 80°
	other than buckle side (α ₁)	30° — 80°	30° — 80°
	angle constant	50° — 70°	50° — 70°
	bench — buckle side (α ₂)	45° — 80°	20° — 80°
	bench — other than buckle side (α ₁)	30° — 80°	20° — 80°
	adjustable seat with seat back angle < 20°	45° — 80° (α ₂) * 20° — 80° (α ₁) *	20° — 80°
Rear #		30° — 80°	20° — 80° Ψ
Folding	No belt anchorage required. If anchorage fitted: see angle requirements Front and Rear.		

Notes:

- #: outboard and centre.
- *: if angle is constant see Item 4.4.3.1.
- Ψ: 45° — 90° in the case of seats on M₂ and M₃ vehicles.

Two new appendices are added as follows:

Appendix 3

Information document No ...

pursuant to Annex I of Council Directive 70/156/CEE⁽¹⁾ relating to EC type-approval of a vehicle with respect to safety belts anchorages (76/115/EEC) as last amended by Directive .../.../EEC

The following information, if applicable, must be supplied in triplicate and include a list of contents. Any drawings must be supplied in appropriate scale and in sufficient detail on size A4 or on a folder of A4 format. Photographs, if any, must show sufficient detail.

If the systems, components, or separate technical units have electronic controls, information concerning their performance must be supplied.

0. **General**

- 0.1. Make (trade name of manufacturer):.....
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type, if marked on the vehicle^(b):
- 0.3.1. Location of that marking:.....
- 0.4. Category of vehicle^(c):
- 0.5. Name and address of manufacturer:
- 0.8. Address(es) of assembly plant(s):.....

1. **General construction characteristics of the vehicle**

- 1.1. Photographs and/or drawings of a representative vehicle:.....

9. **Bodywork**

9.10.3. **Seats**

- 9.10.3.1. Number:
- 9.10.3.2. Position and arrangement:
- 9.10.3.2.1. Seating positions designated for use only when the vehicle is stationary:.....
- 9.10.3.3. Mass:
- 9.10.3.4. Characteristics: Descriptions and drawings of:
 - 9.10.3.4.1. the seats and their anchorages:.....
 - 9.10.3.4.2. the adjustment system
 - 9.10.3.4.3. the displacement and locking systems
 - 9.10.3.4.4. the seat belt anchorages if incorporated in the seat structure
- 9.10.3.6. Design torso angle of:
 - 9.10.3.6.1. driver's seat
 - 9.10.3.6.2. all other seating positions
- 9.10.3.7. Range of seat adjustment of:
 - 9.10.3.7.1. driver's seat
 - 9.10.3.7.2. all other seating positions

⁽¹⁾ The item numbers and footnotes used in this Information Document correspond to those set out in Annex I to Directive 70/156/EEC. Items not relevant for the purpose of this Directive are omitted.

- 9.13. Safety belt anchorages
- 9.13.1. Photographs and/or drawings of the bodywork showing the position and dimensions of the actual and the effective anchorages including the R-points:
- 9.13.2. Drawings of the belt anchorages and parts of the vehicle structure where they are attached (with the material indication):
- 9.13.3. Designation of the types ⁽¹⁾ of safety belts authorized for fitting to the anchorages with which the vehicle is equipped:

Row	Seat	Anchorage position	Anchorage location	
			Vehicle structure	Seat structure
First row of seats	Right-hand seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		
	Centre seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		
	Left-hand seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		
Second row of seats #	Right-hand seat	Lower outboard anchorage		
		Lower outboard anchorage		
		Upper anchorage(s)		
	Centre seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		
	Left-hand seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		

The table may be extended as necessary where vehicles have more than two rows of seats or if there are more than 3 seats across the width of a vehicle.

- 9.13.4. Description of a particular type of safety belt where an anchorage is located in the seat backrest or incorporates an energy-dissipating device:

Date, file

⁽¹⁾ For the symbols and marks to be used, see Annex III, Items 1.1.3 and 1.1.4 of Directive 77/541/EEC. In the case of "S" type belts, specify the nature of the type(s).

*Appendix 4***MODEL**

(maximum format: A4 (210 × 297 mm))

EEC TYPE-APPROVAL CERTIFICATE

Stamp of administration

Communication concerning the:

- type-approval ⁽¹⁾,
- extension of type-approval ⁽¹⁾,
- refusal of type-approval ⁽¹⁾,
- withdrawal of type-approval ⁽¹⁾,

of a type of vehicle/component/separate technical unit ⁽¹⁾ with regard to Directive 76/115/EEC, as last amended by Directive .../EC.

Type-approval number:

Reason for extension:

SECTION I

- 0.1. Make (trade name of manufacturer):
- 0.2. Type and general commercial description(s):
- 0.3. Means of identification of type, if marked on the vehicle/component/separate technical unit ⁽¹⁾ ⁽²⁾:
- 0.3.1. Location of that marking:
- 0.4. Category of vehicle ⁽³⁾:
- 0.5. Name and address of manufacturer:
- 0.7. In the case of components and separate technical units, location and method of affixing of the EEC type-approval mark:
- 0.8. Address(es) of assembly plant(s):

SECTION II

1. Additional information (where applicable) (see addendum):
2. Technical service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any) (see addendum):
6. Place:
7. Date:
8. Signature:
9. The index to the information package lodged with the approval authority, which may be obtained on request, is attached.

⁽¹⁾ Delete where not applicable.⁽²⁾ If the means of identification of type contains characters not relevant to a description of the vehicle, component or separate technical unit types covered by this type-approval certificate, such characters shall be represented in the documentation by the symbol "?" (e.g. ABC?123??).⁽³⁾ As defined in Annex II A to Directive 70/156/EEC.

Addendum to EEC type-approval certificate No

concerning the type-approval of a vehicle with regard to Directive 76/115/EEC as last amended by Directive .../.../EEC

1. Additional Information
 - 1.1. Category of vehicle:
 - 1.2. Location of anchorages and safety belts provided⁽¹⁾:

Row	Seat	Anchorage position	Anchorage location	
			Vehicle structure	Seat structure
First row of seats	Righthand seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		
	Centre seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		
	Left-hand seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		
Second row of seats #	Right-hand seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		
	Centre seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		
	Left-hand seat	Lower outboard anchorage		
		Lower inboard anchorage		
		Upper anchorage(s)		

The table may be extended as necessary where vehicles have more than two rows of seats or if there are more than 3 seats across the width of a vehicle.

5. Remarks:

⁽¹⁾ For the symbols and marks to be used, see Annex III, Items 1.1.3 and 1.1.4 of Directive 77/541/EEC. In the case of "S" type belts, specify the nature of the type(s).

3. ANNEX II is deleted
 4. ANNEX III is renumbered 'ANNEX II' and is headed: 'Location of effective belt anchorages'.
 5. ANNEX IV is renumbered 'ANNEX III'.
-

II

(Acts whose publication is not obligatory)

COUNCIL

Information concerning the entry into force of Memoranda of Understanding between the European Community and the Islamic Republic of Pakistan and between the European Community and the Republic of India on arrangements in the area of market access for textile products (1)

1. The requisite procedures for the entry into force of the Memorandum of Understanding between the European Community and the Islamic Republic of Pakistan on arrangements in the area of market access for textile products having been completed on 27 March 1996, that Memorandum of Understanding entered into force on the same date.
2. The requisite procedures for the entry into force of the Memorandum of Understanding between the European Community and the Republic of India on arrangements in the area of market access for textile products having been completed on 8 March 1996, that Memorandum of Understanding entered into force on the same date.

(1) OJ No L 153, 27. 6. 1996, p. 47.

COMMISSION

COMMISSION DECISION

of 24 June 1996

concerning the withdrawal of the reference to harmonization document HD 271 S 1 'Safety of household and similar electrical appliances — Particular requirements of electric toys supplied at safety extra low voltage not exceeding 24 V'

(Text with EEA relevance)

(96/450/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 88/378/EEC of 3 May 1988 on the approximation of the laws of the Member States concerning the safety of toys⁽¹⁾, as amended by Directive 93/68/EEC⁽²⁾, and in particular Article 6 thereof,

Having consulted the Standing Committee created by Directive 83/189/EEC,

Whereas Article 2 of Directive 88/378/EEC provides that toys may be placed on the market only if they do not jeopardize the safety and/or health of users or third parties when they are used as intended or in a foreseeable way, bearing in mind the normal behaviour of children;

Whereas toys are presumed to comply with the essential safety requirements referred to in Article 3 of Directive 88/378/EEC if they are in compliance with the harmonized standards whose references have been published in the *Official Journal of the European Communities*;

Whereas Member States are obliged to publish the references to the national standards transposing the harmonized standards;

Whereas the references to harmonization document HD 271 S 1 'Safety of household and similar electric appliances — Particular requirements of electric toys supplied at safety extra-low voltage not exceeding 24 V'

and its amendments Nos 1, 2 and 3 were published in the *Official Journal of the European Communities* Nos C 155 of 23 June 1989 and C 34 of 9 February 1991;

Whereas, pursuant to Article 7 of Directive 88/3278/EEC, France has taken measures to restrict the placing on the market of battery-powered electric toys; whereas France has notified these measures under a safeguard clause justified on the grounds of a shortcoming in harmonization document HD 271 S 1;

Whereas the shortcoming indicated by France concerns the conditions under which short-circuit tests are applied to the battery compartments of electric toys;

Whereas, for this reason, the Commission is obliged to consult Committee 83/189;

Whereas this point was discussed on several occasions by Committee 83/189; whereas France considers that it is not enough to conduct short-circuit tests only on electric toys whose battery compartments have failed the mechanical resistance tests; whereas it supports its argument by citing an accident in which a child was burned after having caused a short circuit by inserting the antenna of its remote-control car into the battery compartment which the child had opened in order to change the batteries;

Whereas the Commission, having examined the information submitted by France and having received the opinion of Committee 83/189, recognizes the existence of a shortcoming in harmonization document HD 271 S 1 in regard to battery-powered electric toys;

Whereas, therefore, the references to harmonization document HD 271 S 1 and its amendments must be withdrawn from the publications,

⁽¹⁾ OJ No L 187, 16. 6. 1988, p. 1.

⁽²⁾ OJ No L 220, 30. 8. 1993, p. 1.

HAS ADOPTED THIS DECISION:

Article 2

Article 1

1. The references to harmonization document HD 271 S 1 'Safety of household and similar electrical appliances — Particular requirements of electric toys supplied at safety extra-low voltage not exceeding 24 V' and its amendments Nos 1, 2 and 3 shall be withdrawn from publication in the *Official Journal of the European Communities* in regard to their application to the battery compartments of electric toys.

2. Member States shall withdraw the references to the national standards transposing harmonization document HD 271 S 1 and its amendments from the publications referred to in Article 5 (1) of Directive 88/378/EEC.

This Decision is addressed to the Member States.

Done at Brussels, 24 June 1996.

For the Commission

Emma BONINO

Member of the Commission

COMMISSION DECISION
of 26 June 1996
authorizing Finland to pay certain aids in the pig- and poultry-breeding sectors

(96/451/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Article 140 thereof,

Whereas, under the above Article, the Commission is to authorize the payment by Austria and Finland of certain special aids listed in Annex XIV to the Act of Accession, laying down their initial levels and the rate at which they are to be reduced; whereas amongst the aids provided for in the said Annex are aids to investment granted by Finland in the pig, egg and poultry sectors excluded pursuant to Article 6 (4), first subparagraph, and Article 6 (6) of Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures⁽¹⁾, as last amended by Regulation (EC) No 2387/95⁽²⁾, but complying with the other provisions of that Regulation; whereas such aid must not, however, give rise to any increase in overall production capacities and must be granted within individual production limits determined in accordance with the procedure laid down in Article 29 of Regulation (EEC) No 2328/91;

Whereas, on 23 February 1996, Finland notified the Commission of the aids it intends to grant in the pig- and poultry-breeding sectors in accordance with the above-mentioned provisions; whereas, on 27 March 1996, Finland stated that it would respect the maximum total amount of investment laid down in Article 12 (2) of Regulation (EEC) No 2328/91 and certain other conditions laid down by that Regulation;

Whereas the aids in question, with an estimated annual budgetary cost of FM 15 million and paid in the form of interest-rate subsidies (5 % for a maximum of 30 years on 70 % of the total cost of the investment with a ceiling of 30 % of the total cost of the investment) or capital subsidies (maximum of 30 % of the total cost of the investment) to main-occupation farmers to cover the costs of

extending buildings and the costs of equipment necessary to extend production capacity, fulfil the conditions laid down by Regulation (EEC) No 2328/91 with the exception of those laid down in Article 6 (4), first subparagraph, and Article 6 (6);

Whereas the aids in question will respect the individual limits laid down by the Commission Decision C (96) 733 of 19 April 1996 on improving the efficiency of agricultural structures in Finland within the meaning of Regulation (EEC) No 2328/91; whereas, given that there is a suitable system for monitoring the development of production capacities, the aids should not increase the total production capacity available in 1994 and therefore comply with the abovementioned provisions of the Act of Accession; whereas the Commission should, however, be informed of the development of production capacities in the sectors concerned which, not being directly linked to the usable agricultural area, could change rapidly;

Whereas, whilst the initial level of the planned aid in Finland is acceptable, the rate at which they are to be reduced during 1997, 1998 and 1999 and their total abolition by 31 December 1999 should be laid down to permit compliance with the provisions of the Act of Accession while at the same time ensuring that the necessary adjustments to Finnish production structures are made,

HAS ADOPTED THIS DECISION:

Article 1

The aid measures for the pig- and poultry-breeding sectors notified by Finland on 23 February 1996 are hereby approved.

The maximum level of aid, granted in the form of interest-rate subsidies or capital subsidies, shall be as follows:

- 30 % of the total cost of the investment for aid granted under decisions taken by 31 December 1996,
- 27 % of the total cost of the investment for aid granted under decisions taken between 1 January and 31 December 1997,

⁽¹⁾ OJ No L 218, 6. 8. 1991, p. 1.

⁽²⁾ OJ No L 244, 12. 10. 1995, p. 50.

- 24 % of the total cost of the investment for aid granted under decisions taken between 1 January and 31 December 1998,
- 20 % of the total cost of the investment for aid granted under decisions taken between 1 January and 31 December 1999.

The aid shall be abolished by 31 December 1999.

Article 2

During the period of application of the aid provided for in Article 1, Finland shall notify the Commission:

- twice a year of the pig- and egg-production capacity,
- once a year of the poultry-production capacity,
- once a month of the number of pigs and poultry slaughtered and the number of eggs packed.

Article 3

This Decision is addressed to the Republic of Finland.

Done at Brussels, 26 June 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 27 June 1996

amending the information contained in the list in the Annex to Commission Regulation (EEC) No 55/87 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain coastal areas of the Community

(96/452/EC)

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

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EC) No 3071/95⁽²⁾,

Having regard to Commission Regulation (EEC) No 55/87 of 30 December 1986 establishing the list of vessels exceeding eight metres length overall permitted to use beam trawls within certain coastal areas of the Community⁽³⁾, as last amended by Regulation (EC) No 3410/93⁽⁴⁾, and in particular Article 3 thereof,

Whereas authorities of the Member States concerned have applied for the information in the list provided for in Article 9 (3) (b) of Regulation (EEC) No 3094/86 to be amended; whereas the said authorities have provided all the information supporting their applications pursuant to Article 3 of Regulation (EEC) No 55/87; whereas it has been found that the information complies with the re-

quirements and whereas, therefore, the information in the list annexed to the Regulation should be amended,

HAS ADOPTED THIS DECISION:

Article 1

The information in the list annexed to Regulation (EEC) No 55/87 is amended as shown in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 June 1996.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 329, 30. 12. 1995, p. 14.

⁽³⁾ OJ No L 8, 10. 1. 1987, p. 1.

⁽⁴⁾ OJ No L 310, 14. 12. 1993, p. 27.

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

A. Datos que se retiran de la lista — Oplysninger, der skal slettes i listen — Aus der Liste herauszunehmende Angaben — Στοιχεία που διαγράφονται από τον κατάλογο — Information to be deleted from the list — Renseignements à retirer de la liste — Dati da togliere dall'elenco — Inlichtingen te schrappen uit de lijst — Informações a retirar da lista — Luettelosta poistettavat tiedot — Uppgifter som skall tas bort från förteckningen

1	2	3	4	5
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ALEMANIA / TYSKLAND / DEUTSCHLAND / ΓΕΡΜΑΝΙΑ / GERMANY / ALLEMAGNE / GERMANIA / DUITSLAND / ALEMANHA / SAKSA / TYSKLAND

ACC	1	Delphin	DCDK	Accumersiel	176
ACC	3	Harmonie	DCRK	Accumersiel	183
ACC	8	Orion	DCFM	Accumersiel	184
ACC	9	Ozean	DCHI	Accumersiel	219
ACC	10	Komet	DCWK	Accumersiel	218
ACC	14	Gerda Katharina	DIUO	Accumersiel	181
CUX	1	Cuxi	DFNB	Cuxhaven	104
DOR	8	Delphin	DEUP	Dorum	137
GRE	8	Sperber	DCVF	Harlesiel	146
HUS	6	Oland	DJFU	Husum	174
NEU	245	Seestern	DCMK	Neuharlingersiel	180
NG	6	Hoop op zegen	DMFP	Emden	220
NG	9	Haaije	DLNZ	Emden	180
POG	2	Jan	DCRD	Pogum	146
SC	19	Bonafide	DMAM	Büsum	221
SC	33	Melanie B	DJGS	Büsum	184
SC	43	Horns Riff	DIZA	Büsum	221
SC	45	Marijtje Keuter	DIVU	Büsum	221
ST	12	Anja II	DJIV	Tönning	165

PAÍSES BAJOS / NEDERLANDENE / NIEDERLANDE / ΚΑΤΩ ΧΩΡΕΣ / NETHERLANDS / PAYS-BAS / PAESI BASSI / NEDERLAND / PAÍSES BAIXOS / ALANKOMAAT / NEDERLÄNDERNA

GO	131	Rigeja	PHAU	Goedereede-Ouddorp	221
HA	6	Johanna Aaltje		Harlingen	116
HA	29	Esperanza		Harlingen	124
LO	7	Zwerver	PIZO	Ulrum-Lauwersoog	221
LO	9	Deurzetter		Ulrum-Lauwersoog	202
OD	7	Adrianus	PDPL	Goedereede-Ouddorp	220
SCH	16	Cornelia		Scheveningen	59
TH	61	Johanna Cornelia	PEDD	Tholen	221
TX	7	De Poolster		Texel	221
UK	25	Fora		Urk	184
UK	144	Jurie Sjoerd	PFFY	Urk	165
UQ	3	Grietje		Usquert	146
VLI	8	Roulette	PHEQ	Vlissingen	221
WON	29	Albertje		Wonseradeel	136
WR	21	Jente	PFCW	Wieringen	221
WR	25	Bertina	PFCP	Wieringen	128
WR	128	Concordia	PDJQ	Wieringen	221
WR	158	Antonia		Wieringen	221
WR	244	Margretha	PHXZ	Wieringen	221
YE	76	Tobber		Yerseke	151
ZK	15	Lambert		Ulrum-Zoutkamp	221
ZK	23	Wilhelmina	PIOU	Ulrum-Zoutkamp	188
ZK	44	Vier Gebroeders	PIGY	Ulrum-Zoutkamp	174

1	2	3	4	5	
REINO UNIDO / DET FORENEDE KONGERIGE / VEREINIGTES KÖNIGREICH / ΗΝΩΜΕΝΟ ΒΑΣΙΛΕΙΟ / UNITED KINGDOM / ROYAUME-UNI / REGNO UNITO / VERENIGD KONINKRIJK / REINO UNIDO / YHDISTYNYT KUNINGASKUNTA / FÖRENADE KUNGARIKET					
LT	187	Fortissimo	2GHB	Lowestoft	210

B. Datos que se añaden a la lista — Oplysninger, der skal anføres i listen — In die Liste hinzuzufügende Angaben — Στοιχεία που προστίθενται στον κατάλογο — Information to be added to the list — Renseignements à ajouter à la liste — Dati da aggiungere all'elenco — Inlichtingen toe te voegen aan de lijst — Informações a aditar à lista — Luetteloon lisättävät tiedot — Uppgifter som skall läggas till i förteckningen

1	2	3	4	5	
DINAMARCA / DANMARK / DÄNEMARK / ΔΑΝΙΑ / DENMARK / DANEMARK / DANIMARCA / DENEMARKEN / DINAMARCA / TANSKA / DANMARK					
RI	48	Laisiry	OYCI	Hvide Sande	126

ALEMANIA / TYSKLAND / DEUTSCHLAND / ΓΕΡΜΑΝΙΑ / GERMANY / ALLEMAGNE / GERMANIA / DUITSLAND / ALEMANHA / SAKSA / TYSKLAND

ACC	3	Harmonie	DCRK	Accumersiel	221
ACC	8	Orion	DCFM	Accumersiel	221
ACC	9	Ozean	DCHI	Accumersiel	221
ACC	10	Komet	DCWK	Accumersiel	221
ACC	14	Gerda Katharina	DIUO	Accumersiel	221
CUX	1	Cuxi	DFNB	Cuxhaven	169
CUX	16	Crangon	DJIV	Cuxhaven	165
DIT	6	Amisia	DQNW	Ditzum	221
DOR	8	Delphin	DEUP	Dorum	151
GRE	26	Avalon	DCDK	Greetsiel	176
HAR	3	Sperber	DCVF	Harlesiel	146
NEU	245	Seestern	DCMK	Neuharlingersiel	221
NG	9	Nordsee	DLNZ	Emden	180
NOR	213	Nordsee	DCPV	Norddeich	161
POG	1	Jan	DQQH	Pogum	221
SC	19	Bonafide	DIYT	Büsum	221
SC	33	Joke Sabine	DJGS	Büsum	184
SC	43	Horns Riff	DIZA	Büsum	220
SC	45	Marijtje Keuter	DIYU	Büsum	221

PAÍSES BAJOS / NEDERLANDENE / NIEDERLANDE / ΚΑΤΩ ΧΩΡΕΣ / NETHERLANDS / PAYS-BAS / PAESI BASSI / NEDERLAND / PAÍSES BAIXOS / ALANKOMAAAT / NEDERLÄNDERNA

IJM	42	Avontuur	PFFC	IJmuiden	113
OD	7	Adrianus	PHEQ	Goedereede-Ouddorp	221
OL	12	De Drie Gebroeders	PDJQ	Oostdongeradeel	221
SCH	65	Quo vadis		Scheveningen	221
TH	61	Johanna Cornelia	PFDD	Tholen	221
TX	7	De Poolster	PFCW	Texel	221
UK	228	Aaltje		Urk	208
VLI	8	Esperanto	PHEQ	Vlissingen	221

1		2	3	4	5
WR	21	Jente		Wieringen	221
WR	25	Bertina	PDAG	Wieringen	128
WR	189	Grietje		Wieringen	221
WR	244	Margretha Hendrika	PHXZ	Wieringen	221
YE	76	Tobber		Yerseke	221
ZK	15	Lambert		Zoutkamp	220
ZK	23	Wilhelmina		Ulrum-Zoutkamp	188
ZK	35	Noordzee	PFFC	Ulrum-Zoutkamp	221
ZK	39	Zeepaard		Ulrum-Zoutkamp	81
ZK	44	Vier Gebroeders	PIGY	Ulrum-Zoutkamp	221

REINO UNIDO / DET FORENEDE KONGERIGE / VEREINIGTES KÖNIGREICH / ΗΝΩΜΕΝΟ
 ΒΑΣΙΛΕΙΟ / UNITED KINGDOM / ROYAUME-UNI / REGNO UNITO / VERENIGD KONINKRIJK /
 REINO UNIDO / YHDISTYNYT KUNINGASKUNTA / FÖRENADE KUNGARIKET

PH	412	Aleyna	MSAF	Plymouth	220
FR	460	Brothers	MCWX7	Fraserburgh	216

COMMISSION DECISION

of 5 July 1996

amending the information contained in the list in the Annex to Commission Regulation (EC) No 160/96 establishing, for 1996, the list of vessels exceeding eight metres length overall and permitted to fish for sole within certain areas of the Community using beam trawls whose aggregate length exceeds nine metres

(96/453/EC)

COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3094/86 of 7 October 1986 laying down certain technical measures for the conservation of fishery resources⁽¹⁾, as last amended by Regulation (EC) No 3071/95⁽²⁾,

Having regard to Commission Regulation (EEC) No 3554/90 of 10 December 1990 adopting provisions for the establishment of the list of vessels exceeding eight metres overall which are permitted to fish for sole within certain areas of the Community using beam trawls of an aggregate length exceeding nine metres⁽³⁾, as amended by Regulation (EC) No 3407/93⁽⁴⁾, and in particular Article 2 thereof,

Whereas Commission Regulation (EC) No 160/96⁽⁵⁾ establishes, for 1996, the list of vessels exceeding eight metres overall which are permitted to fish for sole within certain areas of the Community using beam trawls of an aggregate length exceeding nine metres as provided in Article 9 (3) (c) of Regulation (EEC) No 3094/86;

Whereas the authorities of the Member States concerned have applied for the information in the list provided for in Article 9 (3) (c) of Regulation (EEC) No 3094/86 to be

amended; whereas the said authorities have provided all the information supporting their applications pursuant to Article 2 of Regulation (EEC) No 3554/90; whereas it has been found that the information complies with the requirements and whereas, therefore, the information in the list annexed to the Regulation should be amended,

HAS ADOPTED THIS DECISION:

Article 1

The information in the list annexed to Regulation (EC) No 160/96 is amended as shown in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 5 July 1996.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 288, 11. 10. 1986, p. 1.

⁽²⁾ OJ No L 329, 30. 12. 1995, p. 14.

⁽³⁾ OJ No L 346, 11. 12. 1990, p. 11.

⁽⁴⁾ OJ No L 310, 14. 12. 1993, p. 19.

⁽⁵⁾ OJ No L 24, 31. 1. 1996, p. 7.

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

A. Datos que se retiran de la lista — Oplysninger, der skal slettes i listen — Aus der Liste herauszunehmende Angaben — Στοιχεία που διαγράφονται από τον κατάλογο — Information to be deleted from the list — Renseignements à retirer de la liste — Dati da togliere dall'elenco — Inlichtingen te schrappen uit de lijst — Informações a retirar da lista — Luettelosta poistettavat tiedot — Uppgifter som skall tas bort från förteckningen

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ALEMANIA / TYSKLAND / DEUTSCHLAND / ΓΕΡΜΑΝΙΑ / GERMANY / ALLEMAGNE / GERMANIA / DUITSLAND / ALEMANHA / SAKSA / TYSKLAND

ACC	3	Harmonie	DCRK	Accumersiel	183
ACC	9	Ozean	DCHI	Accumersiel	219
ACC	14	Gerda Katharina	DIUO	Accumersiel	181
CUX	1	Cuxi	DFNB	Cuxhaven	104
DOIR	12	Sirius	DESC	Dorum	162
DOR	5	Stor	DFAT	Dorum	165
DOR	5	Delphin	DEUP	Dorum	137
DOR	8	Delphin	DEUP	Dorum	137
GRE	8	Sperber	DCVF	Greetsiel	146
HAR	6	Gudrun Albrecht	DCCD	Harlesiel	214
HOO	54	Fabian	DJMP	Hooksiel	214
HUS	6	Oland	DJFU	Husum	174
POG	2	Jan	DCRD	Pogum	146
SC	19	Bonafide	DMAM	Büsum	221
SC	33	Melanie B	DJGS	Büsum	184
SC	43	Horns Riff	DIZA	Büsum	221
SC	45	Marijtje Keuter	DIVU	Büsum	221
SPI	10	Jan Janshen Bruhns	DCSR	Spieka	147
ST	12	Anja II	DJIV	Tönning	165

PAÍSES BAJOS / NEDERLANDENE / NIEDERLANDE / ΚΑΤΩ ΧΩΡΕΣ / NETHERLANDS / PAYS-BAS / PAESI BASSI / NEDERLAND / PAÍSES BAIXOS / ALANKOMAAT / NEDERLÄNDERNA

BR	7	Res Nova	PHAI	Oostburg-Breskens	221
GO	131	Rigeja	PHAU	Goedereede-Ouddorp	221
LO	7	Zwerver	PIZO	Ulrum-Lauwersoog	221
OD	27	Vertrouwen	PIFW	Ouddorp	221
TH	61	Johanna Cornelia	PEDD	Tholen	221
WON	29	Albertje		Wonseradeel	136
WR	12	Dirk	PDQD	Wieringen	158
WR	21	Jente	PFCW	Wieringen	221
WR	89	Geja Anjo		Wieringen	175
WR	106	Alida Catharina	PCLM	Wieringen	202
WR	128	Concordia	PDJQ	Wieringen	221
WR	158	Antonia		Wieringen	221
WR	177	Neeltje Alida	PGEU	Wieringen	221
WR	244	Margretha	PHXZ	Wieringen	221
ZK	18	Liberty		Ulrum-Zoutkamp	138
ZK	24	Soltcamp		Ulrum-Zoutkamp	198
ZK	30	Dollard		Ulrum-Zoutkamp	74
ZK	33	Reitdiep		Ulrum-Zoutkamp	159
ZK	34	Eems	PDVR	Ulrum-Zoutkamp	134
ZK	36	Lauwers		Ulrum-Zoutkamp	110

1	2	3	4	5	
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LT	187	Fortissimo	2GHB	Lowestoft	210

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1	2	3	4	5
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ALEMANIA / TYSKLAND / DEUTSCHLAND / ΓΕΡΜΑΝΙΑ / GERMANY / ALLEMAGNE / GERMANIA / DUITSLAND / ALEMANHA / SAKSA / TYSKLAND

ACC	3	Harmonie	DCRK	Accumersiel	221
ACC	9	Ozean	DCHI	Accumersiel	221
ACC	14	Gerda Katharina	DIUO	Accumersiel	221
CUX	1	Cuxi	DFNB	Cuxhaven	169
CUX	16	Crangon	DJIV	Cuxhaven	165
DIT	6	Amisia	DQNW	Ditzum	221
DOR	5	Stör	DFAT	Dorum	165
DOR	8	Delphin	DEUP	Dorum	137
DOR	8	Delphin	DEUP	Dorum	151
DOR	12	Sirius	DESC	Dorum	162
HAR	3	Sperber	DCVF	Harlesiel	146
NOR	213	Nordsee	DCPV	Norddeich	161
POG	2	Jan	DQQH	Pogum	146
SC	19	Bonafide	DIYT	Büsum	221
SC	33	Joke Sabine	DJGS	Büsum	184
SC	43	Horns Riff	DIZA	Büsum	220
SC	45	Marijtje Keuter	DIVU	Büsum	221
SPI	10	Jan Janshen Bruhns	DCSR	Spieka	151
ST	12	Anja II	DJIV	Tönning	165

ΠΑΪΣΕΣ ΒΑΪΟΣ / NEDERLANDENE / NIEDERLANDE / ΚΑΤΩ ΧΩΡΕΣ / NETHERLANDS / PAYS-BAS / PAESI BASSI / NEDERLAND / PAÍSES BAIXOS / ALANKOMAAT / NEDERLÄNDERNA

ARM	25	Deo Volente		Armemuiden	221
OD	9	Geertruida	PEGK	Goedereede-Ouddorp	221
OD	15	De Zwerver	PDPX	Goedereede-Ouddorp	221
SCH	20	Deo Volente	PDOQ	Scheveningen	221
SCH	65	Quo vadis		Scheveningen	221
SL	9	Boy Robin	PDER	Stellendam	221
TH	61	Johanna Cornelia	PFDD	Tholen	221
VLI	7	Eben Haezer	PDWW	Vlissingen	221
VLI	8	Esperanto	PHEQ	Vlissingen	221
WR	20	Elisabeth	PDXH	Wieringen	221

1	2	3	4	5	
WR	21	Jente		Wieringen	221
WR	51	Nova Cura	PGKG	Wieringen	221
WR	129	Grietje Hendrika	PEKX	Wieringen	221
WR	189	Grietje		Wieringen	221
WR	244	Margretha	PHXZ	Wieringen	221
WR	244	Margretha Hendrika	PHXZ	Wieringen	221
ZK	87	Klazina	PFKD	Ulrum-Zoutkamp	221

REINO UNIDO / DET FORENEDE KONGERIGE / VEREINIGTES KÖNIGREICH / ΗΝΩΜΕΝΟ
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 REINO UNIDO / YHDISTYNYT KUNINGASKUNTA / FÖRENADE KUNGARIKET

FR	460	Brothers	MCWX7	Fraserburgh	216
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