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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1168/95
of 22 May 1995

amending Regulation (EEC) No 830/92 imposing a definitive anti-dumping duty on imports of certain polyester yarns (man-made staple fibres) with regard to those originating in Indonesia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee,

Whereas :

A. PREVIOUS PROCEDURE

- (1) By Regulation (EEC) No 830/92⁽²⁾, the Council imposed a definitive anti-dumping duty on imports of certain polyester yarns falling within CN codes 5509 21 10, 5509 21 90, 5509 22 10, 5509 22 90, 5509 51 00 and 5509 53 00, and originating in Indonesia and several other countries, with the exception of goods produced and sold for export to the Community by one Indonesian producer for which the anti-dumping duty does not apply.

B. REVIEW

- (2) Six Indonesian companies, PT Bitratex Industrial Corp., PT Elegant Textile Industry, PT Gokak Indonesia, PT Indorama Synthetics, PT Lotus Indah Textile Industries, PT Sunrise Bumi Textiles claimed that their export ex-works price was higher than their domestic ex-works price, that their

domestic selling prices were profitable, and that in consequence they were no longer dumping.

- (3) Two other Indonesian companies, PT Kanindo Success Textile Industries and PT Sulindafin Permai Spinning Mills (PT Sulindamills) claimed that they did not export the products concerned during the period covered by the previous investigation and only started doing so after that period and that they were not related to any company subject to the previous investigation. Therefore, they requested that a newcomer review be opened.
- (4) Those companies provided evidence of the facts they alleged, which was considered sufficient to justify the initiation of a review in accordance with the provisions of Article 14 of Regulation (EEC) No 2423/88. By a notice published in the *Official Journal of the European Communities*⁽³⁾, the Commission, after consultation within the Advisory Committee, initiated a review of Regulation (EEC) No 830/92 with regard to the eight companies cited above and commenced its investigation. The review was limited to an examination of changed circumstances in dumping.

It should be noted that the exports of these companies represent 35 % of total exports of mixed yarn to the European Community by Indonesian exporters.

- (5) The Commission sent questionnaires to the parties concerned and gave them the opportunity to make their views known. The Commission sought and verified all information it considered necessary and inspected the information submitted in the premises of all the companies abovementioned. The Commission also received information from the complainant in the original investigation.
- (6) The investigation covered the period 1 January 1993 to 31 December 1993 (investigation period).

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

⁽²⁾ OJ No L 88, 3. 4. 1992, p. 1.

⁽³⁾ OJ No C 74, 12. 3. 1994, p. 3.

C. RESULT OF INVESTIGATION

1. Normal value

- (7) Domestic sales of the producers under consideration were used where they exceeded 5 % of sales of the type concerned, therefore represented a volume sufficient to constitute a representative market and an adequate basis for calculating the normal value. Normal value was therefore calculated, by type, on the basis of the weighted average domestic prices in the domestic market at prices actually paid or payable in the ordinary course of trade, in accordance with Article 2 (3) of Regulation (EEC) No 2423/88.

The prices were net of all discounts and rebates directly linked to the sales under consideration.

- (8) Constructed value was used where domestic prices did not permit recovery of all costs in the normal course of trade, or where the sales in the Indonesian market of the similar type did not exist. In accordance with Article 2 (3) (b) (ii) of Regulation (EEC) No 2423/88, the normal value was determined, by type, by adding costs, both fixed and variable, of raw materials and manufacture, plus a reasonable amount for selling, administrative and other general expenses and a reasonable profit margin.

The profit margin used was based on the weighted average profit realized by the producer on all profitable sales of the same type of the like product or when there were no sales of the same type, it was based on the profitable sales of the like product of the Indonesian producer concerned.

2. Export price

- (9) Where sales were made to independent importers in the Community, export price was determined on the basis of the price actually paid or payable for the product sold for export to the Community, in accordance with Article 2 (8) (a) of Regulation (EEC) No 2423/88.

As far as the two newcomers are concerned, the investigation showed that they had exported the product concerned to the Community during the investigation period. Therefore the Commission was able to calculate the dumping.

3. Comparison

- (10) For the purpose of ensuring a fair comparison between normal value and export price, account was taken of differences directly affecting price comparability, such as commissions, credit terms, transport, insurance, handling, packing and tech-

nical assistance, in accordance with Article 2 (10) of Regulation (EEC) No 2423/88.

Export prices were compared, on a transaction by transaction basis, with normal value at ex-works level.

- (11) The Indonesian producers claimed an adjustment for the salaries paid to salesmen. However, the investigation showed that the so-called salesmen were all employed at management level as shown by their position in the organigram of the companies and the corresponding salaries. Therefore, it was considered that these companies failed to prove that this personnel was wholly engaged in direct selling activities. In these circumstances, the adjustment was not granted.
- (12) The Indonesian producers also claimed that normal value should be reduced by an allowance corresponding to import charges borne by materials physically incorporated in the like product when destined for domestic consumption and refunded when exported to the Community. After examining the evidence submitted by the claimants in this context, the adjustment was duly allowed pursuant to Article 2 (10) (b) of Regulation (EEC) No 2423/88.

4. Dumping margin

- (13) The examination of the facts showed the existence of dumping with respect to the product concerned. The margins of dumping, being equal to the amount by which normal value exceeded the price for export to the Community, expressed as a percentage of the net, free-at-Community-frontier price, customs duty unpaid, were as follows:

— PT Bitratex Industrial Corp.:	0,64 %,
— PT Elegant Textile Industry:	0,68 %,
— PT Indorama Synthetics:	0,10 %,
— PT Kanindo Success Textile Industries:	0,00 %,
— PT Lotus Indah Textile Industries:	0,00 %,
— PT Sulindamills:	1,89 %,
— PT Sunrise Bumi Textiles:	0,08 %.

Except for PT Kanindo Success Textile Industries and PT Lotus Indah Textile Industries for which no dumping was found, the dumping margins of the other companies are to be considered as *de minimis*.

- (14) As far as PT Gokak Indonesia is concerned, it was found that this company did not export the product under consideration to the Community during the investigation period. Therefore, as no new calculation concerning the dumping margin could be made, it was proposed by the company that either a variable duty be imposed on

the basis of the minimum export prices, or the weighted average dumping margin found for the other companies involved in the review be used.

The on-the-spot investigation showed that all its domestic sales were made at a loss and there was every indication that its exports to third countries were dumped.

In the light of the above the Commission services have considered that, for this company, the conditions under which the duty would be withdrawn were not fulfilled, contrary to the other companies involved in the review.

In these circumstances, taking into consideration the fact that the large variety of types of yarns concerned makes it impossible to impose a minimum price based on the constructed normal value, it is proposed to maintain the anti-dumping duty imposed in the original investigation, i.e. 11,9 %, bearing in mind that this company exported the product concerned to third countries at dumped prices and that there is nothing to suggest that it might behave differently regarding exports to the Community.

D. INJURY AND COMMUNITY INTEREST

- (15) No request for review of the findings on injury and Community interest was made and there is no reason to doubt the validity of the injury findings in the original investigation.

E. AMENDMENT OF THE REVIEWED MEASURES

- (16) In the present case, since, for seven Indonesian producers, there is either no dumping, or the dumping margins found are *de minimus*, the Commission considers that Regulation (EEC)

No 830/92 should be amended and that the anti-dumping duty be withdrawn for these companies.

- (17) The duty of 11,9 % imposed in the original investigation is to be maintained for PT Gokak Indonesia.
- (18) The companies concerned and the complainant in the original investigation have been informed of these findings.
- (19) In accordance with Article 15(1) of Regulation (EEC) No 2423/88, the duration of validity of the measures imposed by Regulation (EEC) No 830/92 is not affected by this Regulation which neither modifies nor confirms these measures,

HAS ADOPTED THIS REGULATION :

Article 1

Article 1(3) of Regulation (EEC) No 830/92 shall be replaced by the following :

'3. None of the duties shall apply to imports of the products specified in paragraph 1 produced by PT Kewalram Indonesia, Bandung, Indonesia, PT Bitratex Industrial Corp., Jakarta Selatan, PT Elegant Textile Industry, Jakarta, PT Kanindo Success Textile Industries, Jakarta, PT Indorama Synthetics, Jakarta, PT Lotus Indah Textile Industries, Surabaya, PT Sulindafin Permai Spinning Mills (PT Sulindamills), Jakarta, PT Sunrise Bumi Textiles, Jakarta (Taric additional code : 8595) and Guangying Spinning Co., Ltd, Guangzhou, People's Republic of China (Taric additional code : 8596).'

Article 2

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

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

Done at Brussels, 22 May 1995.

For the Council

The President

A. MADELIN

COUNCIL REGULATION (EC) No 1169/95

of 22 May 1995

amending Regulation (EC) No 2271/94 imposing a definitive countervailing duty on imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand but exported to the Community from another country

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3284/94 of 22 December 1994 on protection against subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Article 13 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee,

Whereas :

A. Background

- (1) In September 1994, following a review, the Council, by Regulation (EC) No 2271/94⁽²⁾, amended the definitive countervailing duty imposed on imports of ball bearings with a greatest external diameter not exceeding 30 mm, originating in Thailand but exported to the Community from another country, from 6,7 % to 5,3 %.
- (2) The 6,7 % countervailing duty had been imposed in July 1993 by Regulation (EEC) No 1781/93⁽³⁾, following a review of Commission Decision 90/266/EEC⁽⁴⁾, accepting an undertaking offered by the Royal Thai Government, in connection with the countervailing duty proceeding concerning imports of the abovementioned ball bearings. This involved the Royal Thai Government levying an export tax to offset the subsidies granted. No countervailing duty was imposed at the time of adoption of this Decision. The review investigation revealed, however, that a duty was necessary in order to prevent indirect imports into the Community avoiding the export tax levied by the Royal Thai Government on direct imports and to safeguard the effectiveness of the undertaking.
- (3) The amended definitive duty rate of 5,3 % on indirect imports, posed by Regulation (EC)

No 2271/94, was based on the revised rate of export tax of 0,72 baht per piece, as determined by Decision 94/639/EC⁽⁵⁾, following a further review.

B. Reopening of investigation

- (4) In December 1994, the Commission initiated a review of Decision 94/639/EC and of Regulation (EC) No 2271/94, by a notice published in the *Official Journal of the European Communities*⁽⁶⁾.
- (5) The purpose of this review was to recalculate the amount of subsidy granted by the Royal Thai Government, with a view to allowing a modification of the rate of export tax established by Decision 94/639/EC. Since the rate of countervailing duty on indirect imports directly reflects the export tax rate, the review also covers Regulation (EC) No 2271/94 imposing the definitive duty.
- (6) The Commission officially advised the Royal Thai Government, the exporters and importers known to be concerned, as well as the complainant in the original investigation (Febma) and gave the parties directly concerned the opportunity to make their views known in writing and request a hearing. The Royal Thai Government, the exporters located in Thailand and the Community producers, represented by Febma, made their views known in writing.
- (7) The Commission sought and verified all information it deemed to be necessary for the purposes of a determination and carried out an investigation at the premises of the following :
 - (a) *Royal Thai Government* :
Department of Foreign Trade, Bangkok,
Board of Investment, Bangkok ;
 - (b) *Thai exporters* :
NMB Thai Ltd, Ayutthaya, Thailand,
Pelmech Thai Ltd, Bang Pa-In, Thailand,
NMB Hi-Tech Ltd, Bang Pa-In, Thailand.

All these exporting companies are wholly-owned subsidiaries of Mineba Co., Ltd., Japan.

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 22.

⁽²⁾ OJ No L 247, 22. 9. 1994, p. 1.

⁽³⁾ OJ No L 163, 6. 7. 1993, p. 1.

⁽⁴⁾ OJ No L 152, 16. 6. 1990, p. 59.

⁽⁵⁾ OJ No L 247, 22. 9. 1994, p. 29.

⁽⁶⁾ OJ No C 348, 9. 12. 1994, p. 5.

- (8) Upon request, parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the amendment to the rate of definitive countervailing duty. They were also granted a period within which to make representations subsequent to the disclosure.

The written comments submitted by the parties were, where appropriate, taken into consideration.

C. Recalculation of subsidy amount

- (9) It has been determined that the countervailable subsidies granted to the exporters in Thailand in the period 1 October 1993 to 31 March 1994 ('the investigation period') amount to 0,66 baht per piece. The Royal Thai Government has accordingly amended the export tax rate on ball bearings exported directly to the Community to 0,66 baht per piece, and has offered a modified version of the undertaking to this effect. This has been accepted by Commission Decision 95/180/EC⁽¹⁾, which also explains in detail the reasoning with regard to the calculation of the amount of subsidy.

D. Injury and Community interest

- (10) No new evidence was supplied with regard to injury or Community interest. The Council therefore maintains its conclusions set out in Regulation (EC) No 2271/94 concerning these matters.

E. Amendments to definitive duty

- (11) In view of the change in the export tax rate from 0,72 to 0,66 baht per piece, the rate of definitive countervailing duty on indirect imports should be amended accordingly to an amount equivalent to the new export tax rate. When expressed as a percentage of the net, free-at-Community-frontier,

price of the product, the new rate of countervailing duty amounts to 4,8 %.

F. Collection of anti-dumping and countervailing duties

- (12) As explained in recital (12) of Regulation (EC) No 2271/94, the countervailing duty should continue to be collected in addition to the anti-dumping duty imposed by Regulation (EEC) No 2934/90⁽²⁾.

The combined amount of anti-dumping and countervailing duty to be collected in this case is, therefore, 11,5 % (6,7 % anti-dumping duty plus 4,8 % countervailing duty).

The basis for calculating the amount of both anti-dumping and countervailing duty should be the same net, free-at-Community-frontier, price of the product,

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 of Regulation (EC) No 2271/94 shall be replaced by the following :

'Article 1 (2) of Regulation (EEC) No 1781/93 shall be replaced by the following :

"2. The countervailing duty expressed as a percentage of the net, free-at-Community-frontier, price of product, shall be 4,8 %."

Article 2

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

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

Done at Brussels, 22 May 1995.

For the Council

The President

A. MADELIN

⁽¹⁾ See page 94 of this Official Journal.

⁽²⁾ OJ No L 281, 12. 10. 1990, p. 1.

COUNCIL REGULATION (EC) No 1170/95

of 22 May 1995

amending Regulation (EC) No 2819/94 imposing a definitive anti-dumping duty on imports of potassium permanganate originating in the People's Republic of China

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 12, 14 and 15 thereof,

Having regard to the proposal from the Commission submitted after consultation within the Advisory Committee,

Whereas :

- (1) The Council, by Regulation (EEC) No 1531/88⁽²⁾, imposed a definitive anti-dumping duty on imports of potassium permanganate originating in the People's Republic of China. The amount of the duty imposed was equal to either the amount by which the free-at-Community-frontier-price per kilogram net, before duty, was less than ECU 2,25 or 20 % of that price per kilogram net, free-at-Community-frontier, before duty, whichever was higher.
- (2) Following a review of the measures, the Council adopted Regulation (EC) No 2819/94⁽³⁾ imposing a definitive anti-dumping duty on imports of potassium permanganate originating in the People's Republic of China. The amount of duty imposed

was ECU 1,26 per kilogram. The Regulation entered into force on 20 November 1994.

- (3) However, Regulation (EC) No 2819/94 does not specifically provide for the repeal or amendment of Regulation (EEC) No 1531/88, and it is therefore appropriate to make it clear that Regulation (EEC) No 1531/88 is repealed and is replaced by Regulation (EC) No 2819/94. Regulation (EC) No 2819/94 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 of Regulation (EC) No 2819/94 shall be amended as follows :

1. a new paragraph 3 shall be inserted as follows :
'3. Regulation (EC) No 1531/88 shall be repealed.';
2. paragraph 3 shall be renumbered paragraph 4.

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 with effect from 20 November 1994.

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

Done at Brussels, 22 May 1995.

For the Council

The President

A. MADELIN

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

⁽²⁾ OJ No L 138, 3. 6. 1988, p. 1.

⁽³⁾ OJ No L 298, 19. 11. 1994, p. 32.

COUNCIL REGULATION (EC) No 1171/95

of 22 May 1995

amending Regulation (EC) No 3359/93 imposing amended anti-dumping measures on imports of ferro-silicon originating in Russia, Kazakhstan, Ukraine, Iceland, Norway, Sweden, Venezuela and Brazil

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Article 14 thereof,

Having regard to the proposal submitted by the Commission after consultations within the Advisory Committee,

Whereas :

A. PREVIOUS PROCEDURE

- (1) By Regulation (EC) No 3359/93⁽²⁾, the Council imposed an anti-dumping duty of 25 % on imports of ferro-silicon falling within CN codes 7202 21 10, 7202 21 90 and ex 7202 29 00 originating in Brazil, with the exception of imports from five exporters specifically mentioned which were subject to a lesser rate of duty.
- (2) In that Regulation, the Council noted that the Commission would be prepared, as always, to carry out a review in the case of those companies which did not export during the investigation period, are not related to companies which did export during that period and which now intend to start exporting to the Community (so-called newcomers).

B. REVIEW REQUEST

- (3) The Commission received an application for a review of the measures currently in force from a Brazilian company, Libra Ligas do Brazil claiming that it satisfied the criteria mentioned under recital (2).
- (4) This company provided, on request, evidence of the facts alleged which was considered sufficient to justify the initiation of a review in accordance with Articles 7 and 14 of Regulation (EEC) No 2423/88 (hereinafter referred to as the basic Regulation).

By a notice published on 17 June 1994⁽³⁾ the Commission, after consultation within the Advisory Committee, initiated a review of Regulation (EC) No 3359/93 with regard to the company concerned and commenced its investigation.

- (5) Subsequently, another Brazilian company, named Nova Era Silicon SA, made itself known to the Commission and requested to be included in the investigation in accordance with the provisions of the abovementioned notice of initiation. Since this company was able to submit evidence that it had not exported the products concerned to the Community during the period of investigation but that it had the firm intention of doing so and was not related to or associated with any of the companies subject to the anti-dumping duty, the Commission decided to include it in the investigation.
- (6) The product under investigation is the same as the one concerned in Regulation (EC) No 3359/93.
- (7) The investigation period set was from 1 July 1993 to 30 June 1994.

C. RESULTS OF THE INVESTIGATION

1. Newcomer qualification

- (8) The investigation confirmed that the two companies, Libra Ligas do Brazil and Nova Era Silicon SA, had never exported ferro-silicon to the Community. The Commission was satisfied that these companies intended to do so in the immediate future, as it was shown that potential customers had been contacted.

In addition it was found that these two companies had no link, either direct or indirect, with the exporters involved in the previous procedure and for which dumping was found.

Accordingly, it is confirmed that the two companies concerned should be considered as 'newcomers' and that a partial review of Regulation (EC) No 3359/93 was warranted insofar as these two companies are concerned.

2. Dumping

- (9) Since the companies involved did not sell any ferro-silicon on the domestic market during the investigation period at prices which permitted recovery of all costs, normal value was determined for each company on the basis of the constructed value of the product concerned in accordance with Article 2(3)(b) of the basic Regulation. This constructed value was computed on the basis of all costs, both fixed and variable, in the country of origin, of raw materials and manufacture, plus a reasonable amount for selling, administrative, other general expenses and reasonable profit. Selling, general and administrative expenses were calculated

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

⁽²⁾ OJ No L 302, 9. 12. 1993, p. 1.

⁽³⁾ OJ No C 165, 17. 6. 1994, p. 13.

by reference to the expenses incurred for the sales of ferro-silicon on the Brazilian domestic market. An average profit of 6 % on the costs of production, necessary for long-term investment, was found reasonable to be applied. This rate was also used in the previous investigation with regard to the other Brazilian producers and can still be regarded as the profit that Brazilian companies can normally achieve on their domestic market.

- (10) Since it was established that the two companies concerned had not exported ferro-silicon to the Community during the investigation period, it was not possible to determine whether dumping existed in the absence of an export price.
- (11) However, the normal value established for each company gives decisive guidance on the export price level required in order to avoid dumping in the future.

D. AMENDMENT OF THE REVIEWED MEASURES

- (12) As the level of injury caused to the Community industry is higher than the dumping margin, the measures should be based on the dumping margin.
- (13) Under these circumstances, the appropriate measure for the two companies concerned should take the form of a variable duty equal to the difference between the export price of a tonne of ferro-silicon net, free at Community frontier, not cleared through customs and a minimum price cif Community frontier, where the export price is lower than this minimum price. This minimum price should be established on the basis of the normal value to which is added charges for inland freight, ocean freight, insurance and commission.
- (14) Libra Ligas do Brazil and Nova Era Silicon SA were informed of the essential facts and considerations on the basis of which it was intended to propose the amendment of Regulation (EC) No 3359/93 and were given an opportunity to comment. The Commission also officially advised the complainants mentioned in the initial investigation.

The Brazilian producers made their views known in writing which were taken into consideration where deemed appropriate.

- (15) Accordingly, Regulation (EC) No 3359/93 should be amended to allow for the imposition of a

company-specific anti-dumping duty on imports of ferro-silicon manufactured by Libra Ligas do Brazil and Nova Era Silicon SA replacing the general anti-dumping duty of 25 %.

The duty should be equal to the difference between ECU 849 per tonne for Libra Ligas do Brazil and ECU 885 for Nova Era Silicon SA and the net, free at Community frontier price, before duty, where the latter is lower.

- (16) Since this review is limited to including within the scope of the measures two Brazilian producers which have not previously exported to the Community, the measures contained in Regulation (EC) No 3359/93 are not being amended or confirmed within the meaning of Article 15 (1) of the basic Regulation and consequently the date on which they are due to expire pursuant to these provisions should remain unchanged,

HAS ADOPTED THIS REGULATION :

Article 1

The following subparagraph is hereby added to Article 1 (2) of Regulation (EC) No 3359/93, following the end of the indent concerning ferro-silicon originating in Brazil :

- for ferro-silicon produced by Libra Ligas do Brazil and Nova Era Silicon SA, the amount of the duty shall be the difference between the net, free-at-Community-frontier price, not cleared through customs, where lower and :

ECU 849 per tonne for Libra Ligas do Brazil (additional taric code 8827),

ECU 885 per tonne for Nova Era Silicon SA (additional taric code 8828).'

Article 2

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

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

Done at Brussels, 22 May 1995.

For the Council

The President

A. MADELIN

COUNCIL REGULATION (EC) No 1172/95**of 22 May 1995****on the statistics relating to the trading of goods by the Community and its Member States with non-member countries**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

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

Whereas Community statistics on external trade are an indispensable tool for the purposes of the common commercial policy and must be drawn up on the basis of a methodology common to all the Member States;

Whereas, however, in accordance with the principle of subsidiarity, the Member States are, for reasons of efficiency, to make the necessary arrangements for the collection and analysis of the data, while the Commission is to handle the integration and dissemination of Community results;

Whereas Council Regulation (EEC) No 1736/75 of 24 June 1975 on the external trade statistics of the Community and statistics of trade between Member States ⁽²⁾, laid down the methodological bases for all such statistics;

Whereas since the adoption of Council Regulation (EEC) No 2954/85 of 22 October 1985 laying down certain measures for the standardization and simplification of the statistics on trade between Member States ⁽³⁾ and of Council Regulation (EEC) No 3330/91 of 7 November 1991 on the statistics relating to the trading of goods between Member States ⁽⁴⁾, certain provisions of Regulation (EEC) No 1736/75 are no longer sufficiently clear;

Whereas statistics on the trading of goods by the Community and its Member States with non-member countries must continue to be compiled on the basis of customs procedures; whereas the provisions already in force should simply be adjusted in line with the amendments in customs legislation introduced with a view to the proper functioning of the internal market;

Whereas, amongst those statistics, those on transit, customs warehouses and free zones and free warehouses have not yet been the subject of harmonized regulations;

Whereas it is preferable that the technical provisions relating to the compiling of external trade statistics be incor-

porated in the implementing provisions of this Regulation;

Whereas it appears advisable to replace the relevant legislation in order to increase transparency via consolidation of the texts in force and the clarification of certain terms;

Whereas it is important to guarantee the uniform application of this Regulation and to provide, to that end, for a Community procedure which enables procedures for its implementation to be adopted within a suitable time; whereas a committee should be set up in order to ensure close and effective cooperation between the Member States and the Commission in this field,

HAS ADOPTED THIS REGULATION:

Article 1

The Community and its Member States shall compile statistics relating to the trading of goods by the Community and its Member States with non-member countries in accordance with the rules laid down in this Regulation.

CHAPTER I**General provisions***Article 2*

For the purposes of this Regulation and without prejudice to any individual provisions:

- (a) 'trading of goods with non-member countries' means any movement of goods between a non-member country and a Community country or vice versa;
- (b) 'goods' means all moveable property, including electric current;
- (c) 'Community goods' means goods as referred to in Article 4 (7) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽⁵⁾;
- (d) 'non-Community goods' means goods as referred to in Article 4 (8) of Regulation (EEC) No 2913/92;
- (e) 'non-member country' means any country or territory which does not form part of the statistical territory of the Community within the meaning of Article 3.

⁽¹⁾ OJ No C 5, 7. 1. 1994, p. 8.

⁽²⁾ OJ No L 183, 14. 7. 1975, p. 3. Regulation as last amended by Regulation (EEC) No 1629/88 (OJ No L 147, 14. 6. 1988, p. 1).

⁽³⁾ OJ No L 285, 25. 10. 1985, p. 1.

⁽⁴⁾ OJ No L 316, 16. 11. 1991, p. 1.

⁽⁵⁾ OJ No L 302, 19. 10. 1992, p. 1.

Article 3

1. The statistical territory of the Community and of its Member States shall correspond to the customs territory of the Community as defined in Article 3 of Regulation (EEC) No 2913/92.

2. By way of derogation from paragraph 1, the statistical territory of the Community shall include Heligoland, but it shall not include the French overseas departments or the Canary Islands.

Article 4

1. Statistics relating to the trading of goods by the Community and its Member States with non-member countries shall be compiled for all goods which, after entering or before leaving the statistical territory of the Community, are subject to customs-approved treatment or use within the meaning of Article 4 (15) of Regulation (EEC) No 2913/92.

The said statistics shall also include goods which, being unable to undergo customs-approved treatment or use, are the subject of trade between parts of the statistical territory of the Community and the French overseas departments or the Canary Islands.

The said statistics shall also include, in accordance with rules which the Commission shall determine in accordance with the procedure laid down in Article 21, certain goods which are not moved or which are not subject to customs-approved treatment or use.

However, the goods referred to in the second subparagraph of Article 3 (1) of Regulation (EEC) No 3330/91 shall be excluded from these statistics.

2. Paragraph 1 shall apply to both non-Community and Community goods, whether or not they are the subject of a commercial transaction.

Article 5

1. Statistics relating to the trading of goods by the Community and its Member States with non-member countries shall include the following specific statistics:

- statistics relating to external trade,
- statistics relating to transit,
- statistics relating to customs warehouses,
- statistics relating to free zones and free warehouses.

2. Among the goods referred to in Article 4, the same goods may be the subject of more than one set of special statistics.

In accordance with the procedure laid down in Article 21, the Commission shall adopt provisions making it possible to quantify the extent to which each statistic overlaps with the others.

CHAPTER II

External trade statistics*Article 6*

1. Among the goods referred to in Article 4, external trade statistics shall be compiled on:

- (a) those goods which, having entered the statistical territory of the Community:
 - are placed there under the customs procedure of release for free circulation, inward processing or processing under customs control,
 - are referred to the second subparagraph of Article 4 (1);
- (b) those goods which, being due to leave the statistical territory of the Community;
 - are placed there under customs export or outward processing arrangements,
 - have as their customs destination re-exportation following inward processing or, where appropriate, processing under customs control,
 - are referred to in the second subparagraph of Article 4 (1);
- (c) the goods referred to in the third subparagraph of Article 4 (1).

2. The Commission may adopt supplementary provisions, in accordance with the procedure laid down in Article 21, to maintain the scope of the provisions referred to in paragraph 1, taking account of changes in Community customs legislation and of provisions deriving from international conventions concluded by the Community and its Member States which affect statistics or which have an impact on statistical matters.

Article 7

Without prejudice to Article 23, the Single Administrative Document which, pursuant to Article 205 of Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽¹⁾, is used to make the declaration regarding one of the customs-approved treatments or uses referred to in Article 6, shall be used as the statistical data medium.

Article 8

1. On the statistical data medium, and without prejudice to Article 23, goods shall be designated by type in accordance with customs legislation.

2. For each type of goods, mention shall be made, on importation, of the Taric code number provided for in Article 3 of Council Regulation (EEC) No 2658/87 of 23 July 1987 on the Tariff and Statistical Nomenclature and the Common Customs Tariff⁽²⁾ and, on exportation, of the combined nomenclature code number.

⁽¹⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽²⁾ OJ No L 256, 7. 9. 1987, p. 1.

3. The goods shall be designated in accordance with paragraphs 1 and 2, even when other Community legislation requires that they be designated simultaneously in accordance with other classification.

Article 9

1. Without prejudice to customs legislation or to Article 23, countries shall be designated on the statistical data medium in such a way as to permit classification in the nomenclature of countries under the relevant heading which the Commission is introducing, in accordance with the procedure laid down in Article 21, for statistics on external trade and trade between Member States.

2. The code number provided for in the nomenclature of countries referred to in paragraph 1 must be mentioned for each country.

3. Member States may dispense with the application of paragraphs 1 and 2 only at the stage of data collection.

Article 10

1. Without prejudice to the provisions regarding the Single Administrative Document, for each type of goods classified pursuant to Article 8 (1), the following data shall be given on the statistical data medium :

- (a) either the customs-approved treatment or use, or the statistical procedure ;
- (b) for the imported goods referred to in Article 6 (1), the country of origin or, in the cases to be determined by the Commission by the procedure laid down in Article 21, the country of consignment ;
- (c) for the exported goods referred to in Article 6 (1) (b), the country of destination ;
- (d) the quantity of goods, in net mass and in supplementary units ;
- (e) the statistical value of the goods ;
- (f) the mode of transport at the frontier ;
- (g) as from 1 January 1996, the internal mode of transport ;
- (h) the preference, according to the classification laid down by customs legislation ;
- (i) the nationality of the means of transport crossing the frontier ;
- (j) the container.

2. Without prejudice to customs legislation, the Commission may, in accordance with the procedure laid down in Article 21, add the following data to the list in paragraph 1, deciding in each case the date from which it shall be entered on the statistical data medium :

- (a) the amount invoiced ;
- (b) the nature of the transaction ;
- (c) the delivery terms.

3. In order to meet national requirements the Member States may require that the following be entered on the statistical data medium :

- in the case of the goods referred to in Article 6 (1) (a), the Member State of destination, and in the case of the goods referred to in Article 6 (1) (b), the actual Member State of export,
 - data other than those referred to in paragraph 1, insofar as the supply of such data is compatible with the provisions regarding the Single Administrative Document.
4. With prejudice to customs legislation, the following shall be decided by the Commission in accordance with the procedure laid down in Article 21 :
- the definition of the data referred to in paragraphs 1 and 2 and the first indent of paragraph 3,
 - the rules for entering them on the statistical data medium.

Article 11

The Community and its Member States shall compile external trade statistics from the data referred to in Article 10 (1), pursuant to the provisions adopted by the Commission in accordance with the procedure laid down in Article 21.

Article 12

1. The statistical threshold shall be defined as the limit expressed in value or net mass below which results are not compiled.
2. The statistical threshold shall be fixed by the Commission in accordance with the procedure laid down in Article 21.

Article 13

1. Member States shall forward on a monthly basis the monthly statistics on their trade with non-member countries, compiled as provided for in Article 11, including data declared confidential pursuant to national legislation or practices governing statistical confidentiality, in accordance with the provisions of Council Regulation (Euratom, EEC) No 1588/90 of 11 June 1990 on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities⁽¹⁾. The said Regulation shall govern the confidential treatment of information.

2. Where necessary, the technical procedures for such transmission shall be fixed by the Commission in accordance with the procedure laid down in Article 21.

⁽¹⁾ OJ No L 151, 15. 6. 1990, p. 1.

Article 14

The Commission shall compile the results of the external trade statistics of the Community and of its Member States on the basis of the results transmitted to it by the Member States and shall make them available to users broken down by Combined Nomenclature subheadings.

Article 15

Without prejudice to customs legislation, provisions regarding the simplification of statistical information shall be adopted by the Commission in accordance with the procedure laid down in Article 21.

CHAPTER III

Statistics relating to transit, customs warehouses, free zones and free warehouses*Article 16*

1. The compilation by Member States of the statistics referred to in Articles 17 to 19 shall be optional.
2. In the absence of harmonization at Community level, Member States' provisions in this respect shall remain applicable.

Article 17

Among the goods referred to in Article 4, those which enter the statistical territory of a Member State, remain there for some time or are subject to transport-related stoppages before leaving it under a customs transit procedure shall be covered by transit statistics.

Article 18

Among the goods referred to in Article 4, those which are placed under customs warehouse procedure or for which the said procedure has been discharged pursuant to Regulation (EEC) No 2913/92 shall be covered by customs warehouse statistics.

Article 19

Among the goods referred to in Article 4, those which enter or leave the free zones and free warehouses pursuant to Regulation (EEC) No 2913/92 shall be covered by free zones and free warehouse statistics.

CHAPTER IV

Committee on statistics relating to the trading of goods with third countries*Article 20*

1. A Committee on statistics relating to the trading of goods with third countries (hereinafter called 'the

Committee') is hereby set up, composed of representatives of the Member States and chaired by a representative of the Commission.

2. The Committee shall draw up its rules of procedure.
3. The Committee may examine any matter relating to the implementation of this Regulation raised by its Chairman, either on his own initiative or at the request of the representative of a Member State.

Article 21

1. The measures necessary for the implementation of this Regulation shall be adopted in accordance with the procedure laid down in paragraphs 2 and 3.
2. The representative of the Commission shall submit to the Committee a draft of the measures to be taken. The Committee shall deliver its opinion on the draft within a time-limit which the Chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The Chairman shall not vote.
3. The Commission shall adopt measures which shall apply immediately. However, if these measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the Council forthwith.

In that event, the Commission may defer application of the measures which it has decided for a period of not more than one month from the date of such communication.

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

CHAPTER V

Final provisions*Article 22*

1. The statistical results compiled pursuant to this Regulation shall be disseminated. However, on a request by the exporter or importer to the competent national authorities, statistical results that enable him to be identified indirectly shall not be disseminated or shall be re-arranged so that their dissemination is not prejudicial to the maintenance of statistical confidentiality.
2. The measures necessary to ensure uniform standards for the application of paragraph 1 shall be adopted by the Commission in accordance with the procedure laid down in Article 21.

Article 23

1. In accordance with the procedure laid down in Article 21, the Commission may, without prejudice to customs legislation, establish simplified data collection procedures creating, in particular, the conditions for increased use of automatic data processing and electronic data transmission.

2. However, Member States' provisions in this field shall continue to apply until the introduction of the procedures referred to in paragraph 1 or in order to take account of their particular administrative organization.

Article 24

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

It shall apply from the date of entry into force of the implementing provisions referred to in Article 21. On that date Regulation (EEC) No 1736/75 and Council Regulation (EEC) No 200/83 of 24 January 1983 on the adaptation of the external trade statistics of the Community to the Directives concerning the harmonization of procedures for the export of goods and for the release of goods for free circulation ⁽¹⁾ shall be repealed. References to those Regulations in current Community legislation shall be understood as being made to this Regulation.

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

Done at Brussels, 22 May 1995.

For the Council

The President

A. MADELIN

⁽¹⁾ OJ No L 26, 28. 1. 1983, p. 1.

COUNCIL REGULATION (EC) No 1173/95

of 22 May 1995

amending, for the sixteenth time, Regulation (EEC) No 3094/86 laying down certain technical measures for the conservation of fishery resources

THE COUNCIL OF THE EUROPEAN UNION,

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

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

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

Whereas, under Articles 2 and 4 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽³⁾, the Council must adopt, in the light of available scientific opinion, the conservation measures needed to guarantee the rational and responsible exploitation of living marine aquatic resources on a sustainable basis; whereas, to this end, the Council may establish technical measures regarding fishing gear and methods of using it;

Whereas it is necessary to define principles and certain procedures for establishing these technical measures at Community level, so that each Member State can manage fishing activities in the maritime waters under its jurisdiction or sovereignty;

Whereas Regulation (EEC) No 3094/86 ⁽⁴⁾ lays down the general technical rules for catching and landing biological resources in the waters which it defines;

Whereas under Article 9 (3) and (4) of Regulation (EEC) No 3094/86, only Community beam trawlers meeting certain criteria may be entered on a list authorizing them to fish in the flatfish protected area;

Whereas one of these criteria is the restriction of engine power and it is now necessary, in order to enforce compliance with the criterion, to ban beam trawlers whose engine power exceeds the levels authorized in Article 9 (3) and (4) after they have been entered on the list for fishing in the fishing area referred to in that Article;

Whereas Regulation (EEC) No 3094/86 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The following paragraph shall be inserted in Article 9 of Regulation (EEC) No 3094/86:

'4 (a). Fishing vessels which do not satisfy the criteria permitting them to be entered on the lists established pursuant to paragraphs 3 and 4 shall be forbidden to engage in the fishing activities referred to in those paragraphs.'

Article 2

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

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

Done at Brussels, 22 May 1995.

For the Council

The President

A. MADELIN

⁽¹⁾ OJ No C 348, 9. 12. 1994, p. 7.

⁽²⁾ OJ No C 56, 6. 3. 1995.

⁽³⁾ OJ No L 389, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 288, 11. 10. 1986, p. 1. Regulation as last amended by Regulation (EC) No 1796/94 (OJ No L 187, 22. 7. 1994, p. 1).

COMMISSION REGULATION (EC) No 1174/95

of 24 May 1995

altering the export refunds on white sugar and raw sugar exported in the natural state

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1110/95 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1110/95 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁴⁾, as last amended by Regulation (EC) No 150/95 ⁽⁵⁾, 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 ⁽⁶⁾, as last amended by Regulation (EC) No 1053/95 ⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1110/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 111, 18. 5. 1995, p. 7.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 107, 12. 5. 1995, p. 4.

ANNEX

to the Commission Regulation of 24 May 1995 altering the export refunds on white sugar
and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	38,37 ⁽¹⁾
1701 11 90 910	38,41 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	38,37 ⁽¹⁾
1701 12 90 910	38,41 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,4171
	— ECU/100 kg —
1701 99 10 100	41,71
1701 99 10 910	42,38
1701 99 10 950	42,38
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,4171

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

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

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

COMMISSION REGULATION (EC) No 1175/95**of 24 May 1995****suspending advance fixing of the export refunds on certain products processed
from cereals and rice**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the first subparagraph of Article 13 (7) thereof,

Whereas Article 13 (7) of Regulation (EEC) No 1766/92 provides that the provisions concerning advance fixing of the refund may be suspended if the market situation shows that the application of these provisions is causing or is likely to cause difficulties;

Whereas there is a danger that the continuation of the present system could be fixed in advance in the short term for quantities considerably in excess of the quantities which might be expected under more normal conditions;

Whereas the above situation requires that application of the provisions concerning advance fixing of refunds for the products concerned be temporarily suspended;

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

Advance fixing of the export refunds on the products set out in the Annex is hereby suspended from 25 May to 30 June 1995.

Article 2

This Regulation shall enter into force on 25 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

ANNEX

to the Commission Regulation of 24 May 1995 suspending advance fixing of the export refunds for certain products processed from cereals and rice

CN code	Description
	The following products processed from cereals :
1702 30	} Glucose and glucose syrup
1702 40	
1702 90	
2106 90	Food preparations not elsewhere specified or included

COMMISSION REGULATION (EC) No 1176/95

of 24 May 1995

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽²⁾, as last amended by Regulation (EEC) No 1900/92⁽³⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁴⁾, as last amended by Regulation (EEC) No 1901/92⁽⁵⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁶⁾, as last amended by Regulation (EEC) No 413/86⁽⁷⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁸⁾, as last amended by Regulation (EEC) No 1902/92⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹⁰⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹¹⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹³⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 22 and 23 May 1995 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation;

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 26 May 1995.

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

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽³⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁵⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹³⁾ OJ No L 263, 19. 9. 1991, p. 1.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Minimum import levies on olive oil ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	59,00 ⁽²⁾
1509 10 90	59,00 ⁽²⁾
1509 90 00	70,00 ⁽³⁾
1510 00 10	72,00 ⁽²⁾
1510 00 90	116,00 ⁽⁴⁾

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,7245 per 100 kg ;

(b) Turkey : ECU 13,8645 ^(*) per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : ECU 15,3245 ^(*) per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

⁽³⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 4,661 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,731 per 100 kg.

⁽⁴⁾ For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 8,754 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 7,004 per 100 kg.

ANNEX II

Import levies on other olive oil sector products ⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	12,98
0711 20 90	12,98
1522 00 31	29,50
1522 00 39	47,20
2306 90 19	5,76

⁽¹⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 1177/95**of 24 May 1995****fixing the import levies on rice and broken rice**

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 (2) thereof,

Having regard to Commission Regulation (EEC) No 833/87 of 23 March 1987 laying down detailed rules for the application of Council Regulation (EEC) No 3877/86 on imports of rice of the long-grain aromatic Basmati variety falling within CN codes 1006 10, 1006 20 and 1006 30 ⁽²⁾, as last amended by Regulation (EEC) No 674/91 ⁽³⁾, and in particular Article 8 thereof,

Whereas the import levies on rice and broken rice were fixed by Commission Regulation (EC) No 178/95 ⁽⁴⁾, as last amended by Regulation (EC) No 1145/95 ⁽⁵⁾,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on the products listed in Article 1 (1) (a) and (b) of Regulation (EEC) No 1418/76 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 27 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 80, 24. 3. 1987, p. 20.

⁽³⁾ OJ No L 75, 21. 3. 1991, p. 29.

⁽⁴⁾ OJ No L 24, 1. 2. 1995, p. 52.

⁽⁵⁾ OJ No L 114, 20. 5. 1995, p. 20.

ANNEX

to the Commission Regulation of 24 May 1995 fixing the import levies on rice and broken rice

(ECU / tonne)

CN code	Levies ⁽⁶⁾		
	Arrangement in Regulation (EEC) No 3877/86 ⁽¹⁾	ACP Bangladesh (⁽¹⁾) (⁽²⁾) (⁽³⁾) (⁽⁴⁾)	Third countries (except ACP and Bangladesh) ⁽⁵⁾
1006 10 21	—	186,14	380,98
1006 10 23	—	180,14	368,98
1006 10 25	—	180,14	368,98
1006 10 27	276,74	180,14	368,98
1006 10 92	—	186,14	380,98
1006 10 94	—	180,14	368,98
1006 10 96	—	180,14	368,98
1006 10 98	276,74	180,14	368,98
1006 20 11	—	233,76	476,23
1006 20 13	—	226,26	461,22
1006 20 15	—	226,26	461,22
1006 20 17	345,92	226,26	461,22
1006 20 92	—	233,76	476,23
1006 20 94	—	226,26	461,22
1006 20 96	—	226,26	461,22
1006 20 98	345,92	226,26	461,22
1006 30 21	—	287,46	603,73
1006 30 23	—	332,13	692,97
1006 30 25	—	332,13	692,97
1006 30 27	519,73	332,13	692,97
1006 30 42	—	287,46	603,73
1006 30 44	—	332,13	692,97
1006 30 46	—	332,13	692,97
1006 30 48	519,73	332,13	692,97
1006 30 61	—	306,57	642,97
1006 30 63	—	356,51	742,86
1006 30 65	—	356,51	742,86
1006 30 67	557,15	356,51	742,86
1006 30 92	—	306,57	642,97
1006 30 94	—	356,51	742,86
1006 30 96	—	356,51	742,86
1006 30 98	557,15	356,51	742,86
1006 40 00	—	60,52	128,29

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of Regulation (EEC) No 715/90.

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the levies are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 11a of Regulation (EEC) No 1418/76.

⁽⁴⁾ The levy on imports of rice, not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Regulations (EEC) No 3491/90 and (EEC) No 862/91.

⁽⁵⁾ The levy on imports of rice of the long-grain aromatic Basmati variety is applicable under the arrangements laid down in amended Regulation (EEC) No 3877/86.

⁽⁶⁾ No import levy applies to products originating in the OCT pursuant to Article 101 (1) of amended Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 1178/95

of 24 May 1995

opening a standing invitation to tender for the export of 70 000 tonnes of bread-making wheat held by the Austrian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and Regulation (EC) No 3290/94⁽²⁾, and in particular Article 5 thereof,

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

Whereas, given the current market situation, a standing invitation to tender should be opened for the export at the beginning of the 1995/96 cereals marketing year of 70 000 tonnes of bread-making wheat held by the Austrian intervention agency;

Whereas the proposed invitation to tender for the export of intervention stocks is special in that it will be opened at the end of the marketing year, from May 1995, but for deliveries which will not be possible until 1 July 1995; whereas there should therefore be a derogation from the first paragraph of Article 16 of Regulation (EEC) No 2131/93, which provides for a maximum delay of one month between acceptance of the tender and payment and also a derogation from the third paragraph of Article 16 of the said Regulation, application of which would have led to the price accepted already being increased by monthly increments for the removal of the cereals from the intervention store in July, whereas export was not scheduled previously;

Whereas the operative event for the conversion of tenders submitted for intervention stocks is the date of payment for cereals as fixed by Commission Regulation (EEC) No 1068/93⁽⁵⁾, as last amended by Regulation (EC) No 1053/95⁽⁶⁾; whereas this rule should be applied to the sales provided for in this Regulation without prejudice to the possibility of fixing the agricultural conversion rate in advance in accordance with Articles 13 to 17 of Regulation (EEC) No 1068/93;

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 Austrian intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 70 000 tonnes of bread-making wheat held by it.

Article 2

1. The invitation to tender shall cover a maximum of 70 000 tonnes of bread-making wheat to be exported to all third countries. Customs export formalities may not be completed before 1 July 1995.
2. The regions in which the 70 000 tonnes of bread-making wheat are stored are stated in Annex I to this Regulation.

Article 3

1. The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until the end of the following fourth month.
2. Tenders submitted in response to this invitation to tender shall be admissible only if they are accompanied by a written undertaking to export beginning on 1 July 1995. They may not be accompanied by applications for export licences pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 1 June 1995 at 9 a.m. (Brussels time).
2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

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

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

3. The last partial invitation to tender shall expire on 30 May 1996 at 9 a.m. (Brussels time).

4. The tenders shall be lodged with the Austrian intervention agency.

Article 5

The following provisions shall apply to tenders submitted before 1 July 1995:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the payment must be made not later than 31 July 1995,
- notwithstanding the third subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be converted using the agricultural conversion rate applicable on the date of the payment of cereals of the batch concerned.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place from 1 July 1995.

Article 7

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics for intervention but below the quality described in the notice of

invitation to tender, with the difference remaining within a limit of up to:

- 2 kg/hl for the specific weight, which must not, however, be less than 72 kg/hl,
 - one percentage point for the moisture content,
 - 20 percentage points for the Hagberg falling index,
 - one percentage point for the protein content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Commission Regulation (EEC) No 689/92⁽¹⁾, the percentage admissible for noxious grains and ergot, however remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may:

- either accept the lot as established,
- or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention bread-making wheat of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II;

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

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

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

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

4. The costs of the taking of samples and the analyses referred to in paragraph 1, except those where the final result of the analyses produces a quality inferior to the minimum characteristics required for intervention, shall

be borne by the EAGGF up to a maximum of one analysis per 500 tonnes with the exception of the trans-silage costs. The cost of any additional analyses requested by the successful tenderer shall be borne by him.

Article 8

The Austrian intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex III to this Regulation, to the telex or telefax numbers in Annex IV.

Article 9

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

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Burgenland	3 097
Niederösterreich	28 919
Oberösterreich	19 434
Steiermark	2 519
Wien	15 351

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
70 000 tonnes of bread-making wheat held by the Austrian intervention agency**

(Article 7 (1) of Regulation (EC) No 1178/95)

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

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

ANNEX III

**Standing invitation to tender for the export of 70 000 tonnes of bread-making wheat held
by the Austrian intervention agency**

(Regulation (EC) No 1178/95)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) (¹)	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

(¹) This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG VI-C-1)

- telex : 22037 AGREC B
22070 AGREC B (Greek characters)
- telefax : 296 49 56
295 25 15.

COMMISSION REGULATION (EC) No 1179/95

of 24 May 1995

opening a standing invitation to tender for the export of 30 000 tonnes of rye
held by the Austrian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and Regulation (EC) No 3290/94⁽²⁾, and in particular Article 5 thereof,

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

Whereas, given the current market situation, a standing invitation to tender should be opened for the export at the beginning of the 1995/96 cereals marketing year of 30 000 tonnes of rye held by the Austrian intervention agency;

Whereas the proposed invitation to tender for the export of intervention stocks is special in that it will be opened at the end of the marketing year, from May 1995, but for deliveries which will not be possible until 1 July 1995; whereas there should therefore be a derogation from the first paragraph of Article 16 of Regulation (EEC) No 2131/93, which provides for a maximum delay of one month between acceptance of the tender and payment and also a derogation from the third paragraph of Article 16 of the said Regulation, application of which would have led to the price accepted already being increased by monthly increments for the removal of the cereals from the intervention store in July, whereas export was not scheduled previously;

Whereas the operative event for the conversion of tenders submitted for intervention stocks is the date of payment for cereals as fixed by Commission Regulation (EEC) No 1068/93⁽⁵⁾, as last amended by Regulation (EC) No 1053/95⁽⁶⁾; whereas this rule should be applied to the sales provided for in this Regulation without prejudice to the possibility of fixing the agricultural conversion rate in advance in accordance with Articles 13 to 17 of Regulation (EEC) No 1068/93;

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 Austrian intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 30 000 tonnes of rye held by it.

Article 2

1. The invitation to tender shall cover a maximum of 30 000 tonnes of rye to be exported to all third countries. Customs export formalities may not be completed before 1 July 1995.
2. The regions in which the 30 000 tonnes of rye are stored are stated in Annex I to this Regulation.

Article 3

1. The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until the end of the fourth month following.
2. Tenders submitted in response to this invitation to tender shall be admissible only if they are accompanied by a written undertaking to export only beginning 1 July 1995. They may not be accompanied by applications for export licences pursuant to Article 44 of Commission Regulation (EEC) No 3719/88⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 1 June 1995 at 9 a.m. (Brussels time).
2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

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

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

3. The last partial invitation to tender shall expire on 30 May 1996 at 9 a.m. (Brussels time).

4. The tenders shall be lodged with the Austrian intervention agency.

Article 5

The following provisions shall apply to tenders submitted before 1 July 1995:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the payment must be made not later than 31 July 1995,
- notwithstanding the third subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be converted using the agricultural conversion rate applicable on the date of the payment of cereals of the batch concerned.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place from 1 July 1995.

Article 7

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics for intervention but below the quality described in the notice of

invitation to tender, with the difference remaining within a limit of up to:

- 1 kg/hl for the specific weight, which must not, however, be less than 68 kg/hl,
 - one percentage point for the moisture content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92⁽¹⁾,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Commission Regulation (EEC) No 689/92, the percentage admissible for noxious grains and ergot, however remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may:

- either accept the lot as established,
- or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention rye of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II;

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

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

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

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

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

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

Article 8

The Austrian intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex III to this Regulation, to the telex or telefax numbers in Annex IV.

Article 9

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

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Niederösterreich	8 966
Oberösterreich	21 213

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
30 000 tonnes of rye held by the Austrian intervention agency**

(Article 7 (1) of Regulation (EC) No 1179/95)

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

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

*ANNEX III***Standing invitation to tender for the export of 30 000 tonnes of rye held by the Austrian intervention agency**

(Regulation (EC) No 1179/95)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.

ANNEX IV

The only numbers to use to call Brussels are (DG VI-C-1)

- telex : 22037 AGREC B,
22070 AGREC B (Greek characters);
- telefax : 296 49 56,
295 25 15.
-

COMMISSION REGULATION (EC) No 1180/95

of 24 May 1995

opening a standing invitation to tender for the export of 50 000 tonnes of barley held by the Austrian intervention agency

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 5 thereof,

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

Whereas, given the current market situation, a standing invitation to tender should be opened for the export at the beginning of the 1995/96 cereals marketing year of 50 000 tonnes of barley held by the Austrian intervention agency;

Whereas the proposed invitation to tender for the export of intervention stocks is special in that it will be opened at the end of the marketing year, from May 1995, but for deliveries which will not be possible until 1 July 1995; whereas there should therefore be a derogation from the first paragraph of Article 16 of Regulation (EEC) No 2131/93, which provides for a maximum delay of one month between acceptance of the tender and payment and also a derogation from the third paragraph of Article 16 of the said Regulation, application of which would have led to the price accepted already being increased by monthly increments for the removal of the cereals from the intervention store in July, whereas export was not scheduled previously;

Whereas the operative event for the conversion of tenders submitted for intervention stocks is the date of payment for cereals as fixed by Commission Regulation (EEC) No 1068/93 ⁽⁵⁾, as last amended by Regulation (EC) No 1053/95 ⁽⁶⁾; whereas this rule should be applied to the sales provided for in this Regulation without prejudice to the possibility of fixing the agricultural conversion rate in advance in accordance with Articles 13 to 17 of Regulation (EEC) No 1068/93;

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 Austrian intervention agency may, on the conditions laid down in Regulation (EEC) No 2131/93, open a standing invitation to tender for the export of 50 000 tonnes of barley held by it.

Article 2

1. The invitation to tender shall cover a maximum of 50 000 tonnes of barley to be exported to all third countries. Customs export formalities may not be completed before 1 July 1995.
2. The regions in which the 50 000 tonnes of barley are stored are stated in Annex I to this Regulation.

Article 3

1. The export licences shall be valid from their date of issue, within the meaning of Article 9 of Regulation (EEC) No 2131/93, until the end of the fourth month following.
2. Tenders submitted in response to this invitation to tender shall be admissible only if they are accompanied by a written undertaking to export only beginning 1 July 1995. They may not be accompanied by applications for export licences pursuant to Article 44 of Commission Regulation (EEC) No 3719/88 ⁽⁷⁾.

Article 4

1. Notwithstanding Article 7 (1) of Regulation (EEC) No 2131/93, the time limit for submission of tenders under the first partial invitation to tender shall expire on 1 June 1995 at 9 a.m. (Brussels time).
2. The time limit for submission of tenders under the subsequent partial invitations to tender shall expire each Thursday at 9 a.m. (Brussels time).

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

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

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽⁷⁾ OJ No L 331, 2. 12. 1988, p. 1.

3. The last partial invitation to tender shall expire on 30 May 1996 at 9 a.m. (Brussels time).

4. The tenders shall be lodged with the Austrian intervention agency.

Article 5

The following provisions shall apply to tenders submitted before 1 July 1995:

- notwithstanding the first subparagraph of Article 16 of Regulation (EEC) No 2131/93, the payment must be made not later than 31 July 1995,
- notwithstanding the third subparagraph of Article 16 of Regulation (EEC) No 2131/93, the price to be paid for products for export shall be that indicated in the tender,
- without prejudice to the possibility of fixing the agricultural conversion rate in advance, tenders shall be converted using the agricultural conversion rate applicable on the date of the payment of cereals of the batch concerned.

Article 6

Notwithstanding Article 17 (3) of Regulation (EEC) No 2131/93, the security referred to in the second indent of Article 17 (2) of the said Regulation shall not be released until proof is furnished that the customs export formalities have taken place from 1 July 1995.

Article 7

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics for intervention but below the quality described in the notice of

invitation to tender, with the difference remaining within a limit of up to:

- 2 kg/hl for the specific weight, which must not, however, be less than 60 kg/hl,
 - one percentage point for the moisture content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92⁽¹⁾,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Commission Regulation (EEC) No 689/92, the percentage admissible for noxious grains and ergot, however remaining unchanged,

the successful tenderer must accept the lot as established;

- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may:

- either accept the lot as established,
- or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex II; however, if he requests the intervention agency to supply him with another lot of intervention barley of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex II;

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

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

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

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

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

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

Article 8

The Austrian intervention agency shall notify the Commission of the tenders received not later than two hours after expiry of the time limit for the submission thereof. Notification shall be given as specified in the table in Annex III to this Regulation, to the telex or telefax numbers in Annex IV.

Article 9

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

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Burgenland	15 563
Niederösterreich	19 390
Wien	15 846

ANNEX II

**Communication of refusal of lots under the standing invitation to tender for the export of
50 000 tonnes of barley held by the Austrian intervention agency**

(Article 7 (1) of Regulation (EC) No 1180/95)

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

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

*ANNEX III***Standing invitation to tender for the export of 50 000 tonnes of barley held by the Austrian intervention agency**

(Regulation (EC) No 1180/95)

1	2	3	4	5	6	7
Tender No	Consignment No	Quantity (tonnes)	Offer price (ECU/tonne) ⁽¹⁾	Price increases (+) or reductions (-) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1						
2						
3						
etc.						

⁽¹⁾ This price includes the increases or reductions relating to the lot to which the tender refers.*ANNEX IV*

The only numbers to use to call Brussels are (DG VI-C-1)

- telex : 22037 AGREC B
22070 AGREC B (Greek characters)
- telefax : 296 49 56,
295 25 15.
-

COMMISSION REGULATION (EC) No 1181/95

of 24 May 1995

on the sale by the procedure laid down in Regulation (EEC) No 2539/84 of beef held by certain intervention agencies and intended for processing within the Community and repealing Regulation (EC) No 561/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 424/95⁽²⁾, and in particular Article 7 (3) thereof,

Whereas Commission Regulation (EEC) No 2539/84 of 5 September 1984 laying down detailed rules for certain sales of frozen beef held by the intervention agencies⁽³⁾, as last amended by Regulation (EEC) No 1759/93⁽⁴⁾, has provided for the possibility of applying a two-stage procedure when selling beef from intervention stocks;

Whereas certain intervention agencies hold substantial stocks of intervention meat; whereas an extension of the period of storage should be avoided on account of the ensuing high costs; whereas, in the present market situation, there are outlets for such meat for processing in the Community;

Whereas with a view to securing a regular and uniform tendering procedure, measures should be taken in addition to those laid down in Regulation (EEC) No 2173/79⁽⁵⁾, as last amended by Regulation (EEC) No 1759/93;

Whereas, as specified in Article 5 of Regulation (EEC) No 2539/84, lodging of securities should be required;

Whereas such sales should be made in accordance with Commission Regulations (EEC) No 2539/84, (EEC) No 3002/92⁽⁶⁾, as last amended by Regulation (EEC) No 1938/93⁽⁷⁾, and (EEC) No 2182/77⁽⁸⁾, as last amended by Regulation (EEC) No 1759/93, subject to certain special exceptions on account of the particular use to which the products in question are to be put;

Whereas Commission Regulation (EC) No 561/95⁽⁹⁾ should be repealed;

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

1. The following approximate quantities of beef shall be put up for sale for processing within the Community:

(a) bone-in hindquarters:

— two tonnes of bone-in beef held by the Danish intervention agency;

(b) boneless beef:

— 5 705 tonnes of boneless beef held by the United Kingdom intervention agency,

— three tonnes of boneless beef held by the Danish intervention agency,

— 5 406 tonnes of boneless beef held by the Irish intervention agency.

2. The intervention agencies referred to in paragraph 1 shall sell first the meat which has been stored the longest.

3. The sales shall be conducted in accordance with the provisions of Regulations (EEC) No 2539/84, (EEC) No 3002/92, (EEC) No 2182/77 and this Regulation.

4. The qualities and the minimum prices referred to in Article 3 (1) of Regulation (EEC) No 2539/84 are given in Annex I hereto.

5. Only those tenders shall be taken into consideration which reach the intervention agencies concerned no later than 12 noon on 7 June 1995.

6. Particulars relating to the quantities and the places where the products are stored may be obtained by interested parties at the addresses given in Annex II.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 45, 1. 3. 1995, p. 2.

⁽³⁾ OJ No L 238, 6. 9. 1984, p. 13.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 59.

⁽⁵⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁶⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁷⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁸⁾ OJ No L 251, 1. 10. 1977, p. 60.

⁽⁹⁾ OJ No L 57, 15. 3. 1995, p. 55.

7. By way of derogation from Article 8 (1) of Regulation (EEC) No 2173/79 a tender must be submitted to the intervention agency concerned in a closed envelope, bearing the reference to the Regulation concerned. The closed envelope must not be opened by the intervention agency before the expiry of the tender deadline referred to in paragraph 5.

Article 2

1. Notwithstanding Article 3 (1) and (2) of Regulation (EEC) No 2182/77, the tender or application to purchase :

(a) shall be valid only if presented by a natural or legal person who, for at least 12 months, has been engaged in the processing of products containing beef and who is entered in a public register of a Member State ;

(b) must be accompanied by :

— a written undertaking by the applicant to process the meat purchased into products specified in Article 1 (1) of Regulation (EEC) No 2182/77 within the period referred to in Article 5 (1) of the abovementioned Regulation,

— a precise indication of the establishment or establishments where the meat which has been purchased will be processed.

2. The applicants referred to in paragraph 1 may instruct an agent to take delivery, on their behalf, of the products which they purchase. In this case the agent shall submit the tenders or applications to purchase of the purchasers whom he represents.

3. The purchasers and agents referred to in the foregoing paragraphs shall maintain and keep up to date an accounting system which permits the destination and use of the products to be ascertained with a view particularly to checking to ensure that the quantities of products purchased and manufactured tally.

Article 3

1. The security provided for in Article 5 (1) of Regulation (EEC) No 2539/84 shall be ECU 12 per 100 kilograms.

2. The security provided for in Article 5 (3) (a) of Regulation (EEC) No 2539/84 shall be :

— ECU 150 per 100 kilograms for bone-in hindquarters,
— ECU 170 per 100 kilograms for boneless meat.

The guarantee for fillets, however, shall be ECU 3 000 per tonne.

Article 4

For the purpose of this Regulation, 100 kilograms of bone-in hindquarters equals 64 kilograms of boneless meat after removal of the fillet and the striploin.

Article 5

Regulation (EC) No 561/95 is hereby repealed.

Article 6

This Regulation shall enter into force on 7 June 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

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

Estado miembro	Productos	Cantidad aproximada (toneladas)	Precio mínimo expresado en ecus por tonelada (1)
Medlemsstat	Produkter	Tilnærmet mængde (tons)	Mindstepriser i ECU/ton (1)
Mitgliedstaat	Erzeugnisse	Ungefähre Mengen (Tonnen)	Mindestpreise, ausgedrückt in ECU/Tonne (1)
Κράτος μέλος	Προϊόντα	Κατά προσέγγιση ποσότητα (τόνοι)	Ελάχιστες τιμές πώλησης εκφραζόμενες σε Ecu ανά τόνο (1)
Member State	Products	Approximate quantity (tonnes)	Minimum prices expressed in ecus per tonne (1)
État membre	Produits	Quantité approximative (tonnes)	Prix minimaux exprimés en écus par tonne (1)
Stato membro	Prodotti	Quantità approssimativa (tonnellate)	Prezzi minimi espressi in ecu per tonnellata (1)
Lid-Staat	Produkten	Hoeveelheid bij benadering (ton)	Minimumprijzen uitgedrukt in ecu per ton (1)
Estado-membro	Produtos	Quantidade aproximada (toneladas)	Preço mínimo expresso em ecus por tonelada (1)
Jäsenvaltio	Tuotteet	Arvioitu määrä (tonneina)	Vähimmäishinnat ecuina tonnina kohden ilmaistuna (1)
Medlemsstat	Produkter	Ungefärlig kvantitet (ton)	Minimipriser i ecu per ton (1)

- a) Cuartos traseros con hueso — Bagfjerdinger, ikke udbenet — Hinterviertel mit Knochen — Οπίσθια τέταρτα με κόκαλα — Bone-in hindquarters — Quartiers arrière avec os — Quarti posteriori non disossati — Achtervoeten met been — Quartos traseiros com osso — Luullinen takaneljännies — Bakkvartsparter med ben

Danmark	Bagfjerdinger af:		
	— kategori A/C, klasse R og O	2	1 000

- b) Carne deshuesada — Udbenet kød — Fleisch ohne Knochen — Κρέας χωρίς κόκαλα — Boneless beef — Viande désossée — Carni senza osso — Vlees zonder been — Carne desossada — Luuton naudanliha — Benfritt kött

Danmark	Kategori A/C:		
	— Skank og muskel	1	1 200
	— Yderlår med lårtunge	1	2 500
	— Øvrigt kød af forfjerdinger	1	2 000
Ireland	Category C:		
	— Insides	34	3 200
	— Outsides	815	3 200
	— Shin and Shanks	2	2 200
	— Briskets	4	1 800
	— Forequarters	9	2 300
	— Plate and Flank	9	1 700
	— Intervention silverside	148	3 200
	— Intervention shank	303	2 200
	— Intervention thick flank	259	2 900
	— Intervention forequarter	587	2 300
	— Intervention flank	1 158	1 700
	— Intervention shin	171	2 200
	— Intervention brisket	410	1 800
	— Intervention shoulder	905	2 300
	— Intervention forerib	341	2 300
	— Intervention topside	251	3 400

United Kingdom	<i>Category C:</i>		
	— Fillet	195	4 000
	— Striploin	372	2 400
	— Silverside	798	3 200
	— Shin and Shank	1 925	1 500
	— Thick flank	1 115	2 250
	— Brisket	102	1 800
	— Forerib	100	1 800
	— Rump	250	2 300
	— Thin flank	30	1 700
	— Topside	134	3 400
	— Intervention silverside	94	3 200
	— Intervention thick flank	70	2 250
	— Intervention brisket	67	1 800
	— Intervention rump	63	2 300
	— Intervention topside	100	3 400
	— Intervention flank	166	1 700
	— Intervention forerib	53	2 300
	— Intervention shank	47	1 800
	— Intervention shin	24	1 800

(¹) Estos precios se entenderán con arreglo a lo dispuesto en el apartado 1 del artículo 17 del Reglamento (CEE) nº 2173/79.

(¹) Disse priser gælder i overensstemmelse med bestemmelserne i artikel 17, stk. 1, i forordning (EØF) nr. 2173/79.

(¹) Diese Preise gelten gemäß Artikel 17 Absatz 1 der Verordnung (EWG) Nr. 2173/79.

(¹) Οι τιμές αυτές εφαρμόζονται σύμφωνα με τις διατάξεις του άρθρου 17 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 2173/79.

(¹) These prices shall apply in accordance with the provisions of Article 17 (1) of Regulation (EEC) No 2173/79.

(¹) Ces prix s'entendent conformément aux dispositions de l'article 17 paragraphe 1 du règlement (CEE) nº 2173/79.

(¹) Il prezzo si intende in conformità del disposto dell'articolo 17, paragrafo 1 del regolamento (CEE) n. 2173/79.

(¹) Deze prijzen gelden overeenkomstig de bepalingen van artikel 17, lid 1, van Verordening (EEG) nr. 2173/79.

(¹) Estes preços aplicam-se conforme o disposto no nº 1 do artigo 17º do Regulamento (CEE) nº 2173/79.

(¹) Näitä hintoja sovelletaan asetuksen (ETY) N:o 2173/79 17 artiklan 1 kohdan määräysten mukaisesti.

(¹) Dessa priser gäller i enlighet med bestämmelserna i artikel 17.1 i förordning (EEG) nr 2173/79.

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

**Direcciones de los organismos de intervención — Interventionsorganernes adresser —
Anschriften der Interventionsstellen — Διευθύνσεις των οργανισμών παρεμβάσεως — Addresses
of the intervention agencies — Adresses des organismes d'intervention — Indirizzi degli
organismi d'intervento — Adressen van de interventiebureaus — Endereços dos organismos de
intervenção — Interventioelinten osoitteet — Interventionsorganens adresser**

IRELAND : Department of Agriculture, Food and Forestry
Agriculture House
Kildare Street
Dublin 2
Tel. (01) 678 90 11, ext. 2278 and 3806
Telex 93292 and 93607, telefax (01) 6616263, (01) 6785214 and (01) 6620198

DANMARK : EU-Direktoratet
Nyropsgade 26
DK-1780 København K
Tlf. 33 92 70 00, telex 15137 EFDIR DK, telefax 33 92 69 48

UNITED KINGDOM : Intervention Board for Agricultural Produce
Fountain House
2 Queens Walk
Reading RG1 7QW
Berkshire
Tel. (0734) 58 36 26
Telex 848 302, telefax (0734) 56 67 50

COMMISSION REGULATION (EC) No 1182/95

of 24 May 1995

laying down certain transitional measures concerning the implementation of the Uruguay Round Agreement on Agriculture in the beef and veal sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽²⁾, as last amended by Regulation (EC) No 424/95⁽³⁾, and in particular Article 15 thereof,

Whereas, in order to ensure that a distinction is made between quantities exported before and quantities exported after the date of entry into force of the Uruguay Round Agreement on Agriculture, Article 1 of Commission Regulation (EC) No 1521/94⁽⁴⁾ lays down that the period of validity of licences issued under the current arrangements is limited to the day preceding the entry into force of the said Agreement for the product concerned; whereas that provision could lead to an interruption of export flows when the Uruguay Round Agreement on Agriculture enters into force; whereas, to avoid such a disruption of trade, transitional measures should be adopted to permit the use of export licences issued before the date of entry into force of the Uruguay Round Agreement on Agriculture after that date, except in special cases;

Whereas the Council has generally subjected the granting of any refund to the submission of an export licence with the refund fixed in advance on the basis of the destination; whereas, where the destination is changed, the refund applicable to the actual destination is paid up to the amount applicable to the destination specified in advance; whereas, in order to prevent the systematic and improper specification of those destinations with the highest refunds, a penalty should be introduced where a change is made to a destination with a lower rate of refund than that applicable to the destination originally specified;

Whereas, in order to ensure precise administration of the quantities to be exported, licences should be issued after a period of consideration and the information to be notified to the Commission and the method to be used for that notification should be specified; whereas derogation should be made from the rules regarding tolerance;

Whereas quantities exported as international food aid within the meaning of Article 10 (4) of the Uruguay Round Agreement on Agriculture should be identified;

Whereas deliveries in the Community for the purpose of victualling, for international organizations and for armed forces, and exports of small quantities are of a highly specific nature and of minor economic significance; whereas, for those reasons, provision has been made for a simplified arrangement for paying export refunds the aim of which is to facilitate the export operation and to avoid an unnecessary administrative burden on the economic operators and national authorities; whereas, for that reason, the simplified arrangement for the payment of export refunds for the abovementioned deliveries should be retained without making compulsory the submission of an export licence with advance fixing of the refund;

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

This Regulation lays down, for the products referred to in point (a) of Article 1 (1) of Regulation (EEC) No 805/68, as well as for products covered by CN codes 0102 10, 1602 50 31 to 1602 50 80 and 1602 90 69, the detailed transitional rules for the issue of export licences with advance fixing of the refund before the entry into force of the arrangements laid down in the Uruguay Round Agreement on Agriculture (hereinafter referred to as 'the Agreement').

The licences shall be entered in the accounts for the first year of the period of implementation of the Agreement.

Article 2

1. Applications may be made for export licences with advance fixing of the refund for export operations carried out from 1 July 1995.

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

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 45, 1. 3. 1995, p. 2.

⁽⁴⁾ OJ No L 162, 30. 6. 1994, p. 47.

2. The following shall be entered on the licence applications and the licences:

- the 11-figure product code of the agricultural products nomenclature for export refunds in box 16,
- the country of destination in box 7.

Article 3

Export licences shall be issued on the fifth working day following submission of the application provided that no special measures are adopted in the meantime.

Article 4

1. By way of derogation from Regulation (EC) No 1521/94, licences issued before 1 July 1995 may not be used before that date.

However:

licences issued before 1 July 1995 may be used prior to that date for the purpose of placing goods under one of the procedures provided for in Articles 4 and 5 of Council Regulation (EEC) No 565/80⁽¹⁾; in such cases the export declaration referred to in Article 30 of Commission Regulation (EEC) No 3665/87⁽²⁾ must not be lodged before 1 July 1995.

Box 22 of the licences shall contain one of the following indications, underlined:

- Certificado GATT
utilizable a partir del 1 de julio de 1995, excepto en caso de aplicación de alguno de los regímenes establecidos por el Reglamento (CEE) n° 565/80
- GATT-licens
Kan anvendes fra den 1. juli 1995, medmindre produktet undergives en af ordningerne i forordning (EØF) nr. 565/80
- GATT-Lizenz
gültig ab 1. Juli 1995 außer bei Anwendung einer der Regelungen gemäß Verordnung (EWG) Nr. 565/80
- Πιστοποιητικό της GATT
το οποίο μπορεί να χρησιμοποιηθεί μετά την 1η Ιουλίου 1995, εκτός της περιπτώσεως υπαγωγής σε ένα από τα καθεστώτα του κανονισμού (ΕΟΚ) αριθ. 565/80
- GATT licence
valid from 1 July 1995, except where the goods are placed under one of the procedures provided for in Regulation (EEC) No 565/80
- Certificat GATT
utilisable à partir du 1^{er} juillet 1995, sauf en cas de mise sous l'un des régimes du règlement (CEE) n° 565/80
- Titolo GATT
utilizzabile a partire dal 1° luglio 1995, salvo assoggettamento ad uno dei regimi di cui al regolamento (CEE) n. 565/80

— GATT-certificaat

op of na 1 juli 1995 te gebruiken, behalve bij toepassing van een van de regelingen van Verordening (EEG) nr. 565/80

— Certificado GATT

utilizável a partir de 1 de Julho de 1995, excepto em caso de colocação sob um dos regimes do Regulamento (CEE) n° 565/80

— GATT-licens

giltigt från och med den 1 juli 1995, utom i de fall då produkten omfattas av något av förfarandena i förordning (EEG) nr 565/80

— GATT-todistus

voimassa 1 päivästä heinäkuuta 1995, paitsi sovellettaessa jotain asetuksen (ETY) N:o 565/80 järjestelyistä

2. The period of validity of the licences referred to in Article 2 (1) shall run from the date of their effective issue within the meaning of Article 21 (1) of Commission Regulation (EEC) No 3719/88⁽³⁾.

Article 5

1. No refund shall be paid for the additional quantity exported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88.

One of the following indications shall be entered in box 22, 'Special conditions', of the licence:

- Restitución válida por (cantidad por la que se expida el certificado)
- Restitution gyldig for (den mængde, som licensen er udstedt for)
- Erstattung anwendbar für (Menge, für die die Lizenz erteilt wurde)
- Επιστροφή που ισχύει για (ποσότητα για την οποία εκδόθηκε το πιστοποιητικό)
- Refund valid for (quantity for which the licence is issued)
- Restitution valable pour (quantité pour laquelle le certificat est délivré)
- Restituzione valida per (quantitativo per cui è rilasciato il titolo)
- Restitutie geldig voor (hoeveelheid waarvoor het certificaat wordt afgegeven)
- Restituição válida para (quantidade em relação à qual é emitido o certificado)
- Bidrag giltigt för (den kvantitet som licensen är utfärdad för)
- Tuki on voimassa (määrä, jolle todistus myönnetään)

⁽¹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽²⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

2. Where the licence is returned to the issuing body during the first two-thirds of its period of validity, the security forfeit pursuant to Article 33 (2) of Regulation (EEC) No 3719/88 shall be reduced by 40 %.

For the purpose of applying the first subparagraph, a part of a day shall be counted as a whole day.

3. With regard to proof of use of the licence, the time limit of six months laid down in Article 33 (3) (a) and (b) of Regulation (EEC) No 3719/88 shall be replaced by a time limit of two months.

With regard to the proof referred to in point (b) (i) and (ii) of Article 30 (1) of that Regulation, the time limit of six months shall remain unaltered.

Article 6

1. Where the goods are exported to a destination other than that indicated in box 7 of the licence issued :

- (a) if the rate of refund applicable for the actual destination is equal to or higher than the rate of refund for the destination indicated in box 7, the rate of refund for the destination indicated in box 7 shall apply;
- (b) if the rate of refund applicable for the actual destination is lower than the rate of refund for the destination indicated in box 7, the refund to be paid shall be that applicable to the actual destination, reduced, except in the event of *force majeure*, by 20 % of the difference between the refund applicable for the destination indicated in box 7 and that applicable for the actual destination.

The rates of refund to be used shall be those applicable on the day of submission of the licence application.

2. Where paragraph 1 and Article 11 of Regulation (EEC) No 3665/87 both apply to a single operation, the amount resulting from paragraph 1 shall be reduced by the penalty referred to in Article 11 of Regulation (EEC) No 3665/87.

Article 7

Box 20 of licence applications and licences for food aid operations within the meaning of Article 10 (4) of the Agreement shall contain one of the following indications :

- Certificado GATT — Ayuda alimentaria
- GATT-licens — Fødevarehjælp
- GATT-Lizenz — Nahrungsmittelhilfe
- Πιστοποιητικό της GATT — Επισιτιστική βοήθεια

- GATT licence — food aid
- Certificat GATT — Aide alimentaire
- Titolo GATT — Aiuto alimentare
- GATT-certificaat — Voedselhulp
- Certificado GATT — Ajuda alimentar
- GATT-licens — Livsmedelsbistånd
- GATT-todistus — Elintarvikeapu

These licences may or may not include advance fixing of the refund. The provisions of Articles 1 to 6 shall not apply to such licences.

Article 8

1. Member States shall notify the Commission :

(a) on Monday and Thursday of every week, not later than 12.00 noon :

- (i) — of licence applications with advance fixing of the refund or of the absence of licence applications,

— of licence applications provided for in Article 44 of Regulation (EEC) No 3719/88,

submitted up to the last working day preceding notification ;

- (ii) of the quantities for which licences have been issued against the applications provided for in Article 44 of Regulation (EEC) No 3719/88 ;

(b) on the 15th day of every month for the preceding month :

- (i) of the licences issued referred to in Article 7 ;
- (ii) of the quantities for which licences have been issued and not used up entirely ;
- (iii) of the quantities for each 11-figure product code and the refunds granted without a licence with advance fixing of the refund during the previous month for the destinations referred to in Articles 3a, 34, 38, 42, 43 and 44 (1) of Regulation (EEC) No 3665/87, broken down for each of the Articles.

2. The notification of the applications referred to in point (a) (i) of paragraph 1 and the licences issued referred to in point (a) (ii) of paragraph 1 must ;

— specify the quantity for each 11-figure product code of the agricultural products nomenclature for export refunds,

— give a breakdown by destination of the quantity for each code.

The notification referred to in point (b) (i) of paragraph 1 must specify the quantities referred to in the first indent.

The notification referred to in point (b) (ii) of paragraph 1 must specify the quantities referred to in the first indent and the total amount of the refund for each code.

Article 9

This Regulation shall be without prejudice to the provisions of Commission Regulation (EEC) No 2377/80 ⁽¹⁾.

Article 10

This Regulation shall not apply to :

- export licences with advance fixing of the refund for export operations to be carried out before the date of application of the Agreement,

- the deliveries referred to in Articles 3a, 34, 38, 42, 43 and 44 (1) of Regulation (EEC) No 3665/87 for which the refund has not been fixed in advance ; however, point (b) (iii) of Article 8 (1) of this Regulation shall remain applicable.

Article 11

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, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 241, 13. 9. 1980, p. 5.

COMMISSION REGULATION (EC) No 1183/95

of 24 May 1995

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

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

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 2807/94 ⁽²⁾, and in particular Article 17 (5) thereof,

Whereas Commission Regulation (EC) No 1055/95 ⁽³⁾, as amended by Regulation (EC) No 245/95 ⁽⁴⁾, has fixed the rates of the refunds applicable from 12 May 1995 to certain dairy products exported in the form of goods not covered by Annex II to the Treaty;

Whereas it follows from applying the rules and criteria contained in Commission Regulation (EC) No 1222/94 of 30 May 1994, laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the

criteria for fixing the amount of such refunds ⁽⁵⁾, as last amended by Regulation (EC) No 1149/95 ⁽⁶⁾, in particular Article 4 (2) (b) thereof, to the information at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The rates of the refunds applicable to certain milk products exported in the form of the products which appear in the Annex to Regulation (EC) No 1055/95 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 298, 19. 11. 1994, p. 1.

⁽³⁾ OJ No L 107, 12. 5. 1995, p. 15.

⁽⁴⁾ OJ No L 29, 8. 2. 1995, p. 13.

⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ No L 116, 23. 5. 1995, p. 1.

ANNEX

to the Commission Regulation of 24 May 1995 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(ECU/100 kg)		
CN code	Description	Rate of refund
ex 0402 10 19	Powdered milk, obtained by the spray process, with a fat content of less than 1,5 % by weight and with a water content of less than 5 % by weight (PG 2):	
	a) On exportation of goods of CN code 3501	—
	b) On exportation of other goods	68,00
ex 0402 21 19	Powdered milk, obtained by the spray process, with a fat content of 26 % by weight and a water content of less than 5 % by weight (PG 3):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	56,66
	b) On exportation of other goods	108,64
ex 0405 00	Butter, with a fat content by weight of 82 % (PG 6):	
	a) Where goods containing reduced-price butter or cream which have been manufactured in accordance with the conditions provided for in Regulation (EEC) No 570/88 are exported	20,00
	b) On exportation of goods of CN code 2106 90 98 containing 40 % or more by weight of milk fat	167,25
	c) On exportation of other goods	160,00

COMMISSION REGULATION (EC) No 1184/95
of 24 May 1995

laying down the extent to which applications lodged on 22 and 23 May 1995 for certificates for the advance-fixing of the export refund for certain poultrymeat products may be accepted

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

Having regard to Commission Regulation (EC) No 437/95 of 28 February 1995 laying down detailed rules for granting a special refund for exports of poultrymeat sector products to certain third countries⁽¹⁾, as amended by Regulation (EC) No 973/95⁽²⁾, and in particular Article 3 thereof,

Whereas the export refunds for poultrymeat are laid down by Commission Regulation (EC) No 909/95⁽³⁾;

Whereas Regulation (EC) No 437/95 lays down that refunds must be fixed in advance for control purposes;

Whereas pursuant to Article 3 of Regulation (EC) No 437/95, it may be decided to terminate the lodging of applications for advance-fixing certificates and to reduce the quantities applied for when the total quantity exceeds 40 000 tonnes; whereas, in view of the quantities for

which advance-fixing certificates have been applied for, applications may be granted in full,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for certificates for the advance-fixing of the refund for products falling within CN codes 0207 21 10 900, 0207 21 90 190, 0207 41 11 900, 0207 41 71 190, 0207 42 51 000, 0207 42 59 000 and 0207 42 10 990 referred to in the Annex to Regulation (EC) No 909/95 and which must be exported under the conditions laid down in Regulation (EC) No 437/95, submitted on 22 and 23 May 1995, shall be granted in full.

Article 2

This Regulation shall enter into force on 29 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 45, 1. 3. 1995, p. 30.

⁽²⁾ OJ No L 97, 29. 4. 1995, p. 65.

⁽³⁾ OJ No L 93, 26. 4. 1995, p. 16.

COMMISSION REGULATION (EC) No 1185/95**of 24 May 1995****fixing the import levies on live sheep and goats and on sheepmeat and goatmeat
other than frozen meat**

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

Having regard to Council Regulation (EEC) No 3013/89
of 25 September 1989 on the common organization of
the market in sheepmeat and goatmeat⁽¹⁾, as last
amended by the Act of Accession of Austria, Finland and
Sweden, and in particular the Article 10 thereof,

Whereas the import levies on live sheep and goats and on
sheepmeat and goatmeat other than frozen meat were
fixed by Commission Regulation (EC) No 176/95⁽²⁾, as
last amended by Regulation (EC) No 927/95⁽³⁾;

Whereas it follows from applying the detailed rules
contained in Regulation (EC) No 176/95 to the quota-

tions and other information known to the Commission
that the levies at present in force should be altered to the
amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on live sheep and goats and on sheep-
meat and goatmeat other than frozen meat shall be as set
out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 June 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 24, 1. 2. 1995, p. 46.

⁽³⁾ OJ No L 95, 27. 4. 1995, p. 34.

ANNEX

to the Commission Regulation of 24 May 1995 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat⁽¹⁾

(ECU/100 kg)

CN code	Week No 23 from 5 to 11 June 1995	Week No 24 from 12 to 18 June 1995	Week No 25 from 19 to 25 June 1995	Week No 26 from 26 June to 2 July 1995
0104 10 30 ⁽¹⁾	90,353	87,603	85,408	83,214
0104 10 80 ⁽¹⁾	90,353	87,603	85,408	83,214
0104 20 90 ⁽¹⁾	90,353	87,603	85,408	83,214
0204 10 00 ⁽²⁾	192,240	186,390	181,720	177,050
0204 21 00 ⁽²⁾	192,240	186,390	181,720	177,050
0204 22 10 ⁽²⁾	134,568	130,473	127,204	123,935
0204 22 30 ⁽²⁾	211,464	205,029	199,892	194,755
0204 22 50 ⁽²⁾	249,912	242,307	236,236	230,165
0204 22 90 ⁽²⁾	249,912	242,307	236,236	230,165
0204 23 00 ⁽²⁾	349,877	339,230	330,730	322,231
0204 50 11 ⁽²⁾	192,240	186,390	181,720	177,050
0204 50 13 ⁽²⁾	134,568	130,473	127,204	123,935
0204 50 15 ⁽²⁾	211,464	205,029	199,892	194,755
0204 50 19 ⁽²⁾	249,912	242,307	236,236	230,165
0204 50 31 ⁽²⁾	249,912	242,307	236,236	230,165
0204 50 39 ⁽²⁾	349,877	339,230	330,730	322,231
0210 90 11 ⁽³⁾	249,912	242,307	236,236	230,165
0210 90 19 ⁽³⁾	349,877	339,230	330,730	322,231

⁽¹⁾ The levy applicable is limited in the conditions laid down by Council Regulations (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3234/94 and Commission Regulations (EEC) No 19/82 and (EC) No 3242/94.

⁽²⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3234/94 and Commission Regulations (EEC) No 19/82 and (EC) No 3242/94.

⁽³⁾ The levy applicable is limited in the conditions laid down in Council Regulation (EEC) No 715/90 and Commission Regulation (EEC) No 19/82.

⁽⁴⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 1186/95

of 24 May 1995

fixing the import levies on frozen sheepmeat and goatmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the Article 10 thereof,

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EC) No 177/95⁽²⁾, as last amended by Regulation (EC) No 928/95⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 177/95 to the quota-

tions and other information known to the Commission that the levies should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies on frozen sheepmeat and goatmeat shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 5 June 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 24, 1. 2. 1995, p. 49.

⁽³⁾ OJ No L 95, 27. 4. 1995, p. 36.

ANNEX

to the Commission Regulation of 24 May 1995 fixing the import levies on frozen
sheepmeat and goatmeat⁽¹⁾(²)

(ECU/100 kg)

CN code	Week No 23 from 5 to 11 June 1995	Week No 24 from 12 to 18 June 1995	Week No 25 from 19 to 25 June 1995	Week No 26 from 26 June to 2 July 1995
0204 30 00	156,680	152,293	148,790	145,288
0204 41 00	156,680	152,293	148,790	145,288
0204 42 10	109,676	106,605	104,153	101,702
0204 42 30	172,348	167,522	163,669	159,817
0204 42 50	203,684	197,981	193,427	188,874
0204 42 90	203,684	197,981	193,427	188,874
0204 43 10	285,158	277,173	270,798	264,424
0204 43 90	285,158	277,173	270,798	264,424
0204 50 51	156,680	152,293	148,790	145,288
0204 50 53	109,676	106,605	104,153	101,702
0204 50 55	172,348	167,522	163,669	159,817
0204 50 59	203,684	197,981	193,427	188,874
0204 50 71	203,684	197,981	193,427	188,874
0204 50 79	285,158	277,173	270,798	264,424

⁽¹⁾ The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3234/94 and Commission Regulations (EEC) No 19/82 and (EC) No 3242/94.

⁽²⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 1187/95**of 24 May 1995****establishing the standard import values for determining the entry price of
certain fruit and vegetables**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994, on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as amended by Regulation (EC) No 553/95⁽²⁾, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 25 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 56, 14. 3. 1995, p. 1.

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

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 30	052	69,0
	060	80,2
	066	41,3
	068	32,4
	204	50,9
	212	117,9
	624	70,6
	999	66,0
0707 00 25	052	47,2
	053	166,9
	060	39,2
	066	68,6
	068	57,3
	204	49,1
	624	207,3
	999	90,8
0709 90 75	052	129,7
	204	77,5
	624	196,3
	999	134,5
0809 20 31, 0809 20 39	400	424,3
	999	424,3

⁽¹⁾ Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin.'

COMMISSION REGULATION (EC) No 1188/95**of 24 May 1995****fixing the import levies on cereals and on wheat or rye flour, groats and meal**

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 10 (5) and 11 (3) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽²⁾, as last amended by Regulation (EC) No 150/95 ⁽³⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 502/95 ⁽⁴⁾ and subsequent amending Regulations ;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 23 May 1995, as regards floating currencies, should be used to calculate the levies ;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 502/95 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁴⁾ OJ No L 50, 7. 3. 1995, p. 15.

ANNEX

to the Commission Regulation of 24 May 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries (*)
0709 90 60	105,71 ⁽²⁾ ⁽³⁾
0712 90 19	105,71 ⁽²⁾ ⁽³⁾
1001 10 00	56,95 ⁽¹⁾ ⁽⁵⁾ ⁽¹¹⁾
1001 90 91	87,56
1001 90 99	87,56 ⁽⁹⁾ ⁽¹¹⁾
1002 00 00	141,77 ⁽⁹⁾
1003 00 10	105,26
1003 00 90	105,26 ⁽⁹⁾
1004 00 00	104,41
1005 10 90	105,71 ⁽²⁾ ⁽³⁾
1005 90 00	105,71 ⁽²⁾ ⁽³⁾
1007 00 90	112,47 ⁽⁴⁾
1008 10 00	55,38 ⁽⁹⁾
1008 20 00	59,65 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽⁷⁾
1008 90 10	(7)
1008 90 90	0
1101 00 11	168,17 ⁽⁹⁾
1101 00 15	168,17 ⁽⁹⁾
1101 00 90	168,17 ⁽⁹⁾
1102 10 00	244,06
1103 11 10	129,77
1103 11 90	195,76
1107 10 11	169,00
1107 10 19	129,59
1107 10 91	200,50 ⁽¹⁰⁾
1107 10 99	153,14 ⁽⁹⁾
1107 20 00	176,29 ⁽¹⁰⁾

- (1) Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.
- (2) In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.
- (3) Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 2,186/tonne.
- (4) Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.
- (5) Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.
- (6) The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).
- (7) The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).
- (8) No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.
- (9) Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with amended Regulation (EC) No 121/94 or amended Regulation (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.
- (10) In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 6,569 per tonne for products originating in Turkey.
- (11) The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

COMMISSION REGULATION (EC) No 1189/95**of 24 May 1995****altering 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 the Act of Accession of Austria, Finland and Sweden to the European Union ⁽²⁾ and Regulation (EC) No 3290/94 ⁽³⁾, and in particular Article 17 (5) thereof,

Whereas the export refunds on milk and milk products were fixed by Commission Regulation (EC) No 1056/95 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1056/95 to the information known to the Commission that the export refunds

for the products listed in the Annex hereto should be altered to the amounts set out therein,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state, as fixed in the Annex to Regulation (EC) No 1056/95 are hereby altered, in respect of the products set out in the Annex hereto, to the amounts set out therein.

Article 2

This Regulation shall enter into force on 30 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No C 241, 29. 8. 1994, p. 21.

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

⁽⁴⁾ OJ No L 107, 12. 5. 1995, p. 17.

ANNEX

to the Commission Regulation of 24 May 1995 altering 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	+	5,880	0402 21 91 500	+	121,88
0401 10 90 000	+	5,880	0402 21 91 600	+	132,08
0401 20 11 100	+	5,880	0402 21 91 700	+	138,07
0401 20 11 500	+	9,089	0402 21 91 900	+	144,83
0401 20 19 100	+	5,880	0402 21 99 100	+	109,44
0401 20 19 500	+	9,089	0402 21 99 200	+	110,19
0401 20 91 100	+	12,10	0402 21 99 300	+	111,55
0401 20 91 500	+	14,10	0402 21 99 400	+	119,23
0401 20 99 100	+	12,10	0402 21 99 500	+	121,88
0401 20 99 500	+	14,10	0402 21 99 600	+	132,08
0401 30 11 100	+	18,11	0402 21 99 700	+	138,07
0401 30 11 400	+	27,93	0402 21 99 900	+	144,83
0401 30 11 700	+	41,95	0402 29 15 200	+	0,6800
0401 30 19 100	+	18,11	0402 29 15 300	+	0,9587
0401 30 19 400	+	27,93	0402 29 15 500	+	1,0101
0401 30 19 700	+	41,95	0402 29 15 900	+	1,0864
0401 30 31 100	+	49,96	0402 29 19 200	+	0,6800
0401 30 31 400	+	78,02	0402 29 19 300	+	0,9587
0401 30 31 700	+	86,03	0402 29 19 500	+	1,0101
0401 30 39 100	+	49,96	0402 29 19 900	+	1,0864
0401 30 39 400	+	78,02	0402 29 91 100	+	1,0944
0401 30 39 700	+	86,03	0402 29 91 500	+	1,1923
0401 30 91 100	+	98,05	0402 29 99 100	+	1,0944
0401 30 91 400	+	144,11	0402 29 99 500	+	1,1923
0401 30 91 700	+	168,17	0402 91 11 110	+	5,880
0401 30 99 100	+	98,05	0402 91 11 120	+	12,10
0401 30 99 400	+	144,11	0402 91 11 310	+	20,71
0401 30 99 700	+	168,17	0402 91 11 350	+	25,38
0402 10 11 000	+	68,00	0402 91 11 370	+	30,87
0402 10 19 000	+	68,00	0402 91 19 110	+	5,880
0402 10 91 000	+	0,6800	0402 91 19 120	+	12,10
0402 10 99 000	+	0,6800	0402 91 19 310	+	20,71
0402 21 11 200	+	68,00	0402 91 19 350	+	25,38
0402 21 11 300	+	95,87	0402 91 19 370	+	30,87
0402 21 11 500	+	101,01	0402 91 31 100	+	23,92
0402 21 11 900	+	108,64	0402 91 31 300	+	36,48
0402 21 17 000	+	68,00	0402 91 39 100	+	23,92
0402 21 19 300	+	95,87	0402 91 39 300	+	36,48
0402 21 19 500	+	101,01	0402 91 51 000	+	27,93
0402 21 19 900	+	108,64	0402 91 59 000	+	27,93
0402 21 91 100	+	109,44	0402 91 91 000	+	98,05
0402 21 91 200	+	110,19	0402 91 99 000	+	98,05
0402 21 91 300	+	111,55	0402 99 11 110	+	0,0588
0402 21 91 400	+	119,23	0402 99 11 130	+	0,1210

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0402 99 11 150	+	0,1976	0403 90 61 100	+	0,0588
0402 99 11 310	+	23,89	0403 90 61 300	+	0,0909
0402 99 11 330	+	28,66	0403 90 63 000	+	0,1210
0402 99 11 350	+	38,11	0403 90 69 000	+	0,1811
0402 99 19 110	+	0,0588	0404 90 11 100	+	67,00
0402 99 19 130	+	0,1210	0404 90 11 910	+	5,880
0402 99 19 150	+	0,1976	0404 90 11 950	+	20,53
0402 99 19 310	+	23,89	0404 90 13 120	+	67,00
0402 99 19 330	+	28,66	0404 90 13 130	+	95,02
0402 99 19 350	+	38,11	0404 90 13 140	+	100,10
0402 99 31 110	+	0,2593	0404 90 13 150	+	107,67
0402 99 31 150	+	39,66	0404 90 13 911	+	5,880
0402 99 31 300	+	0,4996	0404 90 13 913	+	12,10
0402 99 31 500	+	0,8603	0404 90 13 915	+	18,11
0402 99 39 110	+	0,2593	0404 90 13 917	+	27,93
0402 99 39 150	+	39,66	0404 90 13 919	+	41,95
0402 99 39 300	+	0,4996	0404 90 13 931	+	20,53
0402 99 39 500	+	0,8603	0404 90 13 933	+	25,18
0402 99 91 000	+	0,9805	0404 90 13 935	+	30,61
0402 99 99 000	+	0,9805	0404 90 13 937	+	36,18
0403 10 22 100	+	5,880	0404 90 13 939	+	37,83
0403 10 22 300	+	9,089	0404 90 19 110	+	108,47
0403 10 24 000	+	12,10	0404 90 19 115	+	109,20
0403 10 26 000	+	18,11	0404 90 19 120	+	110,56
0403 10 32 100	+	0,0588	0404 90 19 130	+	118,17
0403 10 32 300	+	0,0909	0404 90 19 135	+	120,78
0403 10 34 000	+	0,1210	0404 90 19 150	+	130,89
0403 10 36 000	+	0,1811	0404 90 19 160	+	136,84
0403 90 11 000	+	67,00	0404 90 19 180	+	143,53
0403 90 13 200	+	67,00	0404 90 31 100	+	67,00
0403 90 13 300	+	95,02	0404 90 31 910	+	5,880
0403 90 13 500	+	100,10	0404 90 31 950	+	20,53
0403 90 13 900	+	107,67	0404 90 33 120	+	67,00
0403 90 19 000	+	108,47	0404 90 33 130	+	95,02
0403 90 31 000	+	0,6700	0404 90 33 140	+	100,10
0403 90 33 200	+	0,6700	0404 90 33 150	+	107,67
0403 90 33 300	+	0,9502	0404 90 33 911	+	5,880
0403 90 33 500	+	1,0010	0404 90 33 913	+	12,10
0403 90 33 900	+	1,0767	0404 90 33 915	+	18,11
0403 90 39 000	+	1,0847	0404 90 33 917	+	27,93
0403 90 51 100	+	5,880	0404 90 33 919	+	41,95
0403 90 51 300	+	9,089	0404 90 33 931	+	20,53
0403 90 53 000	+	12,10	0404 90 33 933	+	25,18
0403 90 59 110	+	18,11	0404 90 33 935	+	30,61
0403 90 59 140	+	27,93	0404 90 33 937	+	36,18
0403 90 59 170	+	41,95	0404 90 33 939	+	37,83
0403 90 59 310	+	49,96	0404 90 39 110	+	108,47
0403 90 59 340	+	78,02	0404 90 39 115	+	109,20
0403 90 59 370	+	86,03	0404 90 39 120	+	110,56
0403 90 59 510	+	98,05	0404 90 39 130	+	118,17
0403 90 59 540	+	144,11			
0403 90 59 570	+	168,17			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0404 90 39 150	+	120,78	0405 00 19 500	+	156,10
0404 90 51 100	+	0,6700	0405 00 19 700	+	160,00
0404 90 51 910	+	0,0588	0405 00 90 100	+	181,13
0404 90 51 950	+	23,70	0405 00 90 900	+	233,21
0404 90 53 110	+	0,6700	0406 10 20 100	+	—
0404 90 53 130	+	0,9502	0406 10 20 230	028	—
0404 90 53 150	+	1,0010		400	35,39
0404 90 53 170	+	1,0767		404	—
0404 90 53 911	+	0,0588		...	43,47
0404 90 53 913	+	0,1210	0406 10 20 290	028	—
0404 90 53 915	+	0,1811		400	35,39
0404 90 53 917	+	0,2793		404	—
0404 90 53 919	+	0,4195		...	43,47
0404 90 53 931	+	23,70	0406 10 20 610	028	12,24
0404 90 53 933	+	28,43		037	—
0404 90 53 935	+	37,79		039	—
0404 90 53 937	+	39,33		400	79,06
0404 90 59 130	+	1,0847		404	—
0404 90 59 150	+	1,1817		...	81,10
0404 90 59 930	+	0,5998	0406 10 20 620	028	18,13
0404 90 59 950	+	0,8603		037	—
0404 90 59 990	+	0,9805		039	—
0404 90 91 100	+	0,6700		400	87,17
0404 90 91 910	+	0,0588		404	—
0404 90 91 950	+	23,70		...	88,93
0404 90 93 110	+	0,6700	0406 10 20 630	028	21,75
0404 90 93 130	+	0,9502		037	—
0404 90 93 150	+	1,0010		039	—
0404 90 93 170	+	1,0767		400	99,07
0404 90 93 911	+	0,0588		404	—
0404 90 93 913	+	0,1210		...	100,41
0404 90 93 915	+	0,1811	0406 10 20 640	028	—
0404 90 93 917	+	0,2793		037	—
0404 90 93 919	+	0,4195		039	—
0404 90 93 931	+	23,70		400	117,82
0404 90 93 933	+	28,43		404	—
0404 90 93 935	+	37,79		...	117,82
0404 90 93 937	+	39,33	0406 10 20 650	028	24,93
0404 90 99 130	+	1,0847		037	—
0404 90 99 150	+	1,1817		039	—
0404 90 99 930	+	0,5998		400	58,91
0404 90 99 950	+	0,8603		404	—
0404 90 99 990	+	0,9805		...	122,66
0405 00 11 200	+	120,98	0406 10 20 660	+	—
0405 00 11 300	+	152,20	0406 10 20 810	028	—
0405 00 11 500	+	156,10		037	—
0405 00 11 700	+	160,00		039	—
0405 00 19 200	+	120,98		400	19,10
0405 00 19 300	+	152,20		404	—
				...	19,10

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 10 20 830	028	—	0406 30 10 200	028	—
	037	—		037	—
	039	—		039	—
	400	32,60		400	39,43
	404	—		404	—
	...	32,60		...	44,12
0406 10 20 850	028	—	0406 30 10 250	028	—
	037	—		037	—
	039	—		039	—
	400	39,53		400	39,43
	404	—		404	—
	...	39,53		...	44,12
0406 10 20 870	+	—	0406 30 10 300	028	—
0406 10 20 900	+	—		037	—
0406 20 90 100	+	—		039	—
0406 20 90 913	028	—		400	57,91
	400	76,99		404	—
	404	—		...	64,73
	...	76,99	0406 30 10 350	028	—
	028	—		037	—
0406 20 90 915	400	102,65		039	—
	404	—		400	39,43
	...	102,65		404	—
	028	—		...	44,12
	400	109,05	0406 30 10 400	028	—
0406 20 90 917	404	—		037	—
	...	109,05		039	—
	028	—		400	84,31
	400	121,89		404	—
0406 20 90 919	404	—		...	94,20
	...	121,89	0406 30 10 500	+	—
	028	—		028	—
	400	121,89		037	—
	404	—		039	—
0406 20 90 990	+	—		400	39,43
0406 30 10 100	+	—	0406 30 10 550	404	18,13
0406 30 10 150	028	—		...	44,12
	037	—		028	—
	039	—		037	—
	400	18,15		039	—
	404	—		400	57,91
	...	20,69		404	25,38
			0406 30 10 600	...	64,73

Product code	Destination (")	Amount of refund (")	Product code	Destination (")	Amount of refund (")
0406 30 10 650	028	—	0406 30 31 730	028	—
	037	—		037	—
	039	—		039	—
	400	84,31		400	57,91
	404	—		404	—
	***	94,20		***	64,73
0406 30 10 700	028	—	0406 30 31 910	028	—
	037	—		037	—
	039	—		039	—
	400	84,31		400	39,43
	404	—		404	—
	***	94,20		***	44,12
0406 30 10 750	028	—	0406 30 31 930	028	—
	037	—		037	—
	039	—		039	—
	400	102,91		400	57,91
	404	—		404	—
	***	114,99		***	64,73
0406 30 10 800	028	—	0406 30 31 950	028	—
	037	—		037	—
	039	—		039	—
	400	102,91		400	84,31
	404	—		404	—
	***	114,99		***	94,20
0406 30 31 100	+	—	0406 30 39 100	+	—
0406 30 31 300	028	—	0406 30 39 300	028	—
	037	—		037	—
	039	—		039	—
	400	18,15		400	57,91
	404	—		404	25,38
	***	20,69		***	64,73
0406 30 31 500	028	—	0406 30 39 500	028	—
	037	—		037	—
	039	—		039	—
	400	39,43		400	57,91
	404	—		404	25,38
	***	44,12		***	64,73
0406 30 31 710	028	—	0406 30 39 700	028	—
	037	—		037	—
	039	—		039	—
	400	39,43		400	84,31
	404	—		404	—
	***	44,12		***	94,20
	028	—	0406 30 39 930	028	—
	037	—		037	—
	039	—		039	—
	400	39,43		400	84,31
	404	—		404	—
	***	44,12		***	94,20

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 39 950	028	—	0406 90 06 900	+	—
	037	—	0406 90 07 000	028	—
	039	—		037	—
	400	102,91		039	—
	404	—		400	117,82
0406 30 90 000	...	114,99		404	—
	028	—		...	144,41
	037	—	0406 90 08 100	028	—
	039	—		037	—
	400	102,91		039	—
0406 40 50 000	404	—		400	117,82
	...	114,99		404	—
	028	—		...	144,41
	400	108,78	0406 90 08 900	+	—
	404	—	0406 90 09 100	028	—
0406 40 90 000	...	114,66		037	—
	028	—		039	—
	400	108,78		400	117,82
	404	—		404	—
	...	114,66		...	144,41
0406 90 02 100	028	—	0406 90 09 900	+	—
	037	—	0406 90 12 000	028	—
	039	—		037	—
	400	117,82		039	—
	404	—		400	117,82
0406 90 02 900	...	144,41		404	—
	+	—		...	144,41
	028	—	0406 90 14 100	028	—
	037	—		037	—
	039	—		039	—
0406 90 03 100	400	117,82		400	117,82
	404	—		404	—
	...	144,41		...	144,41
	+	—	0406 90 14 900	+	—
	028	—	0406 90 16 100	028	—
0406 90 03 900	037	—		037	—
	039	—		039	—
	400	117,82		400	117,82
	404	—		404	—
	...	144,41		...	144,41
0406 90 04 100	+	—	0406 90 16 900	+	—
	028	—	0406 90 21 900	028	—
	037	—		037	—
	039	—		039	—
	400	117,82		400	117,82
0406 90 04 900	404	—		404	—
	...	144,41		...	144,41
	+	—		+	—
	028	—		028	—
	037	—		037	—
0406 90 05 100	039	—		039	—
	400	117,82		400	117,82
	404	—		404	—
	...	144,41		...	137,48
	+	—	0406 90 23 900	028	—
0406 90 05 900	028	—		037	—
	037	—		039	—
	039	—		400	58,91
	400	117,82		404	—
	404	—		...	122,66
0406 90 06 100	...	144,41			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 25 900	028	—	0406 90 35 990	028	—
	037	—		037	—
	039	—		039	—
	400	58,91		400	117,82
	404	—		404	—
	***	122,66		***	117,82
0406 90 27 900	028	—	0406 90 37 000	028	—
	037	—		037	—
	039	—		039	—
	400	50,87		400	117,82
	404	—		404	—
	***	103,95		***	144,41
0406 90 31 119	028	—	0406 90 61 000	028	—
	037	—		037	81,58
	039	—		039	81,58
	400	56,62		400	167,67
	404	14,50		404	126,88
	***	81,53		***	167,67
0406 90 31 151	028	—	0406 90 63 100	028	—
	037	—		037	95,19
	039	—		039	95,19
	400	52,92		400	192,25
	404	13,56		404	145,01
	***	75,99		***	192,25
0406 90 31 159	+	—	0406 90 63 900	028	—
0406 90 33 119	028	—		037	63,45
	037	—		039	63,45
	039	—		400	135,95
	400	56,62		404	72,51
	404	14,50		***	149,54
	***	81,53	0406 90 69 100	+	—
0406 90 33 151	028	—		028	—
	037	—		037	63,45
	039	—		039	63,45
	400	52,92		400	135,95
	404	13,56		404	72,51
	***	75,99		***	149,54
0406 90 33 919	028	—	0406 90 73 900	028	—
	037	—		037	38,67
	039	—		039	38,67
	400	56,62		400	136,87
	404	14,50		404	108,78
	***	81,53		***	136,87
0406 90 33 951	028	—	0406 90 75 900	028	—
	037	—		037	—
	039	—		039	—
	400	52,92		400	58,91
	404	13,56		404	—
	***	75,99		***	114,16
0406 90 35 190	028	—	0406 90 76 100	028	21,75
	037	38,67		037	—
	039	38,67		039	—
	400	143,69		400	53,26
	404	81,58		404	—
	***	143,69		***	100,41

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 76 300	028	—	0406 90 85 995	028	24,93
	037	—		037	—
	039	—		039	—
	400	58,91		400	58,91
	404	—		404	—
0406 90 76 500	...	122,66	0406 90 85 999	...	122,66
	028	—		+	—
	037	—		+	—
	039	—		028	12,24
	400	67,98		037	—
0406 90 78 100	404	—	0406 90 86 200	039	—
	...	122,66		400	81,10
	028	21,75		404	—
	037	—		...	81,10
	039	—	0406 90 86 300	028	18,13
0406 90 78 300	400	53,26		037	—
	404	—		039	—
	...	100,41		400	87,17
	028	—		404	—
0406 90 78 500	037	—	0406 90 86 400	...	88,93
	039	—		028	21,75
	400	58,91		037	—
	404	—		039	—
	...	122,66		400	99,07
0406 90 79 900	028	—	0406 90 86 900	404	—
	037	—		...	100,41
	039	—		028	—
	400	67,98		037	—
	404	—	0406 90 87 100	039	—
0406 90 81 900	...	122,66		400	117,82
	028	—		404	—
	037	—		...	117,82
	039	—	0406 90 87 200	+	—
	400	50,87		028	12,24
0406 90 85 910	404	—		037	—
	...	103,95		039	—
	028	—		400	81,10
	037	—	0406 90 87 300	404	—
	039	—		...	81,10
0406 90 85 991	400	117,82		028	18,13
	404	—		037	—
	...	117,82		039	—
	028	—	0406 90 87 400	400	87,17
	037	38,67		404	—
0406 90 85 991	039	38,67		...	88,93
	400	143,69		028	21,75
	404	81,58		037	—
	...	143,69		039	—
	028	—		400	99,07
0406 90 85 991	037	—		404	—
	039	—		...	100,41
	400	117,82			
	404	—			
	...	117,82			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 87 951	028	—	2309 10 15 500	+	—
	037	38,67	2309 10 15 700	+	—
	039	38,67	2309 10 19 010	+	—
	400	136,87	2309 10 19 100	+	—
	404	81,58	2309 10 19 200	+	—
	...	136,87	2309 10 19 300	+	—
0406 90 87 971	028	24,93	2309 10 19 400	+	—
	037	—	2309 10 19 500	+	—
	039	—	2309 10 19 600	+	—
	400	67,07	2309 10 19 700	+	—
	404	—	2309 10 19 800	+	—
	...	122,66	2309 10 70 010	+	—
0406 90 87 972	028	—	2309 10 70 100	+	20,03
	400	35,39	2309 10 70 200	+	26,71
	404	—	2309 10 70 300	+	33,39
	...	43,47	2309 10 70 500	+	40,05
0406 90 87 979	028	24,93	2309 10 70 600	+	46,73
	037	—	2309 10 70 700	+	53,41
	039	—	2309 10 70 800	+	58,76
	400	67,07	2309 90 35 010	+	—
	404	—	2309 90 35 100	+	—
	...	122,66	2309 90 35 200	+	—
0406 90 88 100	+	—	2309 90 35 300	+	—
0406 90 88 200	028	12,24	2309 90 35 400	+	—
	037	—	2309 90 35 500	+	—
	039	—	2309 90 35 700	+	—
	400	81,10	2309 90 39 010	+	—
	404	—	2309 90 39 100	+	—
	...	81,10	2309 90 39 200	+	—
0406 90 88 300	028	18,13	2309 90 39 300	+	—
	037	—	2309 90 39 400	+	—
	039	—	2309 90 39 500	+	—
	400	87,17	2309 90 39 600	+	—
	404	—	2309 90 39 700	+	—
	...	88,93	2309 90 39 800	+	—
2309 10 15 010	+	—	2309 90 70 010	+	—
2309 10 15 100	+	—	2309 90 70 100	+	20,03
2309 10 15 200	+	—	2309 90 70 200	+	26,71
2309 10 15 300	+	—	2309 90 70 300	+	33,39
2309 10 15 400	+	—	2309 90 70 500	+	40,05
			2309 90 70 600	+	46,73
			2309 90 70 700	+	53,41
			2309 90 70 800	+	58,76

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17).

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

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

(**) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 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 1190/95**of 24 May 1995****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 the Act of Accession of Austria, Finland and Sweden to the European Union ⁽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 1058/95 ⁽⁶⁾, fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 1056/95 of 11 May 1995 fixing the export refunds on milk and milk products ⁽⁷⁾, as amended by Regulation (EC) No 1189/95 ⁽⁸⁾, adjusts the refunds on certain milk products; whereas the aid for certain products listed in the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.
⁽²⁾ OJ No C 241, 29. 8. 1994, p. 21.
⁽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 107, 12. 5. 1995, p. 30.

⁽⁷⁾ OJ No L 107, 12. 5. 1995, p. 17.
⁽⁸⁾ See page 60 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)	5,880
0401 10 90	— — Other	0401 10 90 000	(¹)	5,880
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)	5,880
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	9,089
0401 20 19	— — — Other :			
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	5,880
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	9,089
	— — 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)	12,10
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	14,10
0401 20 99	— — — Other :			
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	12,10
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	14,10
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)	18,11
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	27,93
	— — — — — Exceeding 17 %	0401 30 11 700	(¹)	41,95
0401 30 19	— — — Other :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 10 %	0401 30 19 100	(¹)	18,11
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	27,93
	— — — — — Exceeding 17 %	0401 30 19 700	(¹)	41,95
	— — 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)	49,96
	— — — — — Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	78,02
	— — — — — Exceeding 39 %	0401 30 31 700	(¹)	86,03

(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 % — Exceeding 35 % but not exceeding 39 % — Exceeding 39 % — — Exceeding 45 % :			
		0401 30 39 100	(¹)	49,96
		0401 30 39 400	(¹)	78,02
		0401 30 39 700	(¹)	86,03
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres : — Of a fat content, by weight : — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %			
		0401 30 91 100	(¹)	98,05
		0401 30 91 400	(¹)	144,11
		0401 30 91 700	(¹)	168,17
0401 30 99	— — — Other : — Of a fat content, by weight : — Not exceeding 68 % — Exceeding 68 % but not exceeding 80 % — Exceeding 80 %			
		0401 30 99 100	(¹)	98,05
		0401 30 99 400	(¹)	144,11
		0401 30 99 700	(¹)	168,17
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 % (⁷) : — — Not containing added sugar or other sweetening matter (²) :			
0402 10 11	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(²)	68,00
0402 10 19	— — — Other — — Other (³) :	0402 10 19 000	(²)	68,00
0402 10 91	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(²)	0,6800
0402 10 99	— — — Other — In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (⁷) :	0402 10 99 000	(²)	0,6800
0402 21	— — Not containing added sugar or other sweetening matter (²) : — — — 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 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — — Other :			
		0402 21 11 200	(²)	68,00
		0402 21 11 300	(²)	95,87
		0402 21 11 500	(²)	101,01
		0402 21 11 900	(²)	108,64
0402 21 17	— — — — — Of a fat content, by weight, not exceeding 11 %	0402 21 17 000	(²)	68,00
0402 21 19	— — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 % : — Not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — — Of a fat content, by weight, exceeding 27 % :			
		0402 21 19 300	(³)	95,87
		0402 21 19 500	(²)	101,01
		0402 21 19 900	(²)	108,64

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — 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 0402 21 91 200 0402 21 91 300 0402 21 91 400 0402 21 91 500 0402 21 91 600 0402 21 91 700 0402 21 91 900	(2) (2) (2) (2) (2) (2) (2) (2)	109,44 110,19 111,55 119,23 121,88 132,08 138,07 144,83
0402 21 99	— — — — Other : — Of a fat content, by weight : — 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 0402 21 99 200 0402 21 99 300 0402 21 99 400 0402 21 99 500 0402 21 99 600 0402 21 99 700 0402 21 99 900	(2) (2) (2) (2) (2) (2) (2) (2)	109,44 110,19 111,55 119,23 121,88 132,08 138,07 144,83
ex 0402 29	— — Other ⁽³⁾ : — — — Of a fat content, by weight, not exceeding 27 % : — — — — Other :			
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 29 15 200 0402 29 15 300 0402 29 15 500 0402 29 15 900	(3) (3) (3) (3)	0,6800 0,9587 1,0101 1,0864
0402 29 19	— — — — — Other : — Of a fat content, by weight : — 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 0402 29 19 300 0402 29 19 500 0402 29 19 900	(3) (3) (3) (3)	0,6800 0,9587 1,0101 1,0864

(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	<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 41 % — Exceeding 41 % 	0402 29 91 100 0402 29 91 500	(3) (3)	1,0944 1,1923
0402 29 99	<ul style="list-style-type: none"> — — — — Other : — Of a fat content, by weight : <ul style="list-style-type: none"> — Not exceeding 41 % — Exceeding 41 % — Other : 	0402 29 99 100 0402 29 99 500	(3) (3)	1,0944 1,1923
0402 91	<ul style="list-style-type: none"> — — Not containing added sugar or other sweetening matter⁽²⁾ : — — — Of a fat content, by weight, not exceeding 8 % : 			
0402 91 11	<ul style="list-style-type: none"> — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a non-fat lactic dry matter content : <ul style="list-style-type: none"> — Of less than 15 % and of a fat content, by weight : <ul style="list-style-type: none"> — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight : <ul style="list-style-type: none"> — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 % 	0402 91 11 110 0402 91 11 120 0402 91 11 310 0402 91 11 350 0402 91 11 370	(2) (2) (2) (2) (2)	5,880 12,10 20,71 25,38 30,87
0402 91 19	<ul style="list-style-type: none"> — — — — Other : — Of a non-fat lactic dry matter content : <ul style="list-style-type: none"> — Of less than 15 % and of a fat content, by weight : <ul style="list-style-type: none"> — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight : <ul style="list-style-type: none"> — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 % — — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 % : 	0402 91 19 110 0402 91 19 120 0402 91 19 310 0402 91 19 350 0402 91 19 370	(2) (2) (2) (2) (2)	5,880 12,10 20,71 25,38 30,87
0402 91 31	<ul style="list-style-type: none"> — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a non-fat lactic dry matter content : <ul style="list-style-type: none"> — Of less than 15 % — Of 15 % or more 	0402 91 31 100 0402 91 31 300	(2) (2)	23,92 36,48
0402 91 39	<ul style="list-style-type: none"> — — — — Other : — Of a non-fat lactic dry matter content : <ul style="list-style-type: none"> — Of less than 15 % — Of 15 % or more — — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 % : 	0402 91 39 100 0402 91 39 300	(2) (2)	23,92 36,48
0402 91 51	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 000	(2)	27,93
0402 91 59	<ul style="list-style-type: none"> — — — — Other — — — Of a fat content, by weight, exceeding 45 % : 	0402 91 59 000	(2)	27,93
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 000	(2)	98,05
0402 91 99	— — — — Other	0402 91 99 000	(2)	98,05

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

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 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⁾	0,0588
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	⁽³⁾	0,1210
	— Exceeding 6,9 %	0402 99 11 150	⁽³⁾	0,1976
	— 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⁾	23,89
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	⁽⁴⁾	28,66
	— Exceeding 6,9 %	0402 99 11 350	⁽⁴⁾	38,11
0402 99 19	— — — — Other :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 19 110	⁽³⁾	0,0588
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	⁽³⁾	0,1210
	— Exceeding 6,9 %	0402 99 19 150	⁽³⁾	0,1976
	— 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⁾	23,89
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	⁽⁴⁾	28,66
	— Exceeding 6,9 %	0402 99 19 350	⁽⁴⁾	38,11
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 % :			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 31 110	⁽³⁾	0,2593
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 31 150	⁽⁴⁾	39,66
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 31 300	⁽³⁾	0,4996
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 31 500	⁽³⁾	0,8603
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⁾	0,2593
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 39 150	⁽⁴⁾	39,66
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 39 300	⁽³⁾	0,4996
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 39 500	⁽³⁾	0,8603
	— — — Of a fat content, by weight, exceeding 45 % :			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg ⁽³⁾	0402 99 91 000	⁽²⁾	0,9805
0402 99 99	— — — — Other ⁽³⁾	0402 99 99 000	⁽²⁾	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)
0405 00	Butter and other fats and oils derived from milk :			
0405 00 11	– Of a fat content, by weight, not exceeding 85 % :			
	– – In immediate packings of a net content not exceeding 1 kg			
	– Of a fat content, by weight, not exceeding 85 % :			
	– Of less than 62 %	0405 00 11 000		—
	– Of 62 % or more but less than 78 %	0405 00 11 200		120,98
	– Of 78 % or more but less than 80 %	0405 00 11 300		152,20
	– Of 80 % or more but less than 82 %	0405 00 11 500		156,10
	– Of 82 % or more	0405 00 11 700		160,00
0405 00 19	– – Other :			
	– Of a fat content, by weight, not exceeding 85 % :			
	– Of less than 62 %	0405 00 19 100		—
	– Of 62 % or more but less than 78 %	0405 00 19 200		120,98
	– Of 78 % or more but less than 80 %	0405 00 19 300		152,20
	– Of 80 % or more but less than 82 %	0405 00 19 500		156,10
	– Of 82 % or more	0405 00 19 700		160,00
0405 00 90	– Other :			
	– Of a fat content, by weight :			
	– Not exceeding 99,5 %	0405 00 90 100		181,13
	– Exceeding 99,5 %	0405 00 90 900		233,21
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		20,69
	– Of 33 % or more but less than 38 %	0406 30 10 200		44,12
	– 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		44,12
	– Of 20 % or more	0406 30 10 300		64,73
	– Of 43 % or more and of a fat content, by weight, in the dry matter :			
	– Of less than 20 %	0406 30 10 350		44,12
	– Of 20 % or more but less than 40 %	0406 30 10 400		64,73
	– Of 40 % or more	0406 30 10 450		94,20
	– – – – 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		44,12
	– Of 38 % or more but less than 43 %	0406 30 10 600		64,73

(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)	<ul style="list-style-type: none"> — Of 43 % or more but less than 46 % — Of 46 % or more and of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> — Of less than 55 % — Of 55 % or more — — — Of a fat content, by weight, exceeding 36 % — — — Other — — Other : — — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter : 	0406 30 10 650 0406 30 10 700 0406 30 10 750 0406 30 10 800 0406 30 10 900		94,20 94,20 114,99 114,99 —
0406 30 31	<ul style="list-style-type: none"> — — — — Not exceeding 48 % : <ul style="list-style-type: none"> — Of a dry matter content, by weight : <ul style="list-style-type: none"> — Of less than 27 % — Of 27 % or more but less than 33 % — Of 33 % or more but less than 38 % — Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> — Of less than 20 % — Of 20 % or more — Of 43 % or more and of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> — Of less than 20 % — Of 20 % or more but less than 40 % — Of 40 % or more 	0406 30 31 100 0406 30 31 300 0406 30 31 500 0406 30 31 710 0406 30 31 730 0406 30 31 910 0406 30 31 930 0406 30 31 950	 (°) (°) (°) (°) (°) (°) (°)	 20,69 44,12 44,12 64,73 44,12 64,73 94,20
0406 30 39	<ul style="list-style-type: none"> — — — — Exceeding 48 % : <ul style="list-style-type: none"> — Of a dry matter content, by weight : <ul style="list-style-type: none"> — Of less than 33 % — Of 33 % or more but less than 38 % — Of 38 % or more but less than 43 % — Of 43 % or more but less than 46 % — Of 46 % or more and of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> — Of less than 55 % — Of 55 % or more 	0406 30 39 100 0406 30 39 300 0406 30 39 500 0406 30 39 700 0406 30 39 930 0406 30 39 950	 (°) (°) (°) (°) (°)	 44,12 64,73 94,20 94,20 114,99
0406 30 90	<ul style="list-style-type: none"> — — — Of a fat content, by weight, exceeding 36 % 	0406 30 90 000	(°)	114,99
0406 90 23	<ul style="list-style-type: none"> — — — Edam : <ul style="list-style-type: none"> — Of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> — Of less than 39 % — Of 39 % or more 	0406 90 23 100 0406 90 23 900	 (°)	 122,66
0406 90 25	<ul style="list-style-type: none"> — — — Tilsit : <ul style="list-style-type: none"> — Of a fat content, by weight, in the dry matter : <ul style="list-style-type: none"> — Of less than 39 % — Of 39 % or more 	0406 90 25 100 0406 90 25 900	 (°)	 122,66

(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 % — Of 39 % or more	0406 90 27 100 0406 90 27 900	 (⁹)	— 103,95
0406 90 76	— — — — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 76 100 0406 90 76 300 0406 90 76 500	 (⁹) (⁹) (⁹)	100,41 122,66 122,66
0406 90 78	— — — — — — — Gouda : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more — — — — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter	0406 90 78 100 0406 90 78 300 0406 90 78 500	 (⁹) (⁹) (⁹)	100,41 122,66 122,66
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 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 100 0406 90 79 900	 (⁹)	— 103,95
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 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 100 0406 90 81 900	 (⁹)	— 117,82
0406 90 86	— — — — — — — Exceeding 47 % but not exceeding 52 % : — Cheeses produced from whey — Other : — Of a fat content, by weight, in the dry matter : — Of less than 5 % — Of 5 % or more but less than 19 % — Of 19 % or more but less than 39 % — Of more than 39 %	0406 90 86 100 0406 90 86 200 0406 90 86 300 0406 90 86 400 0406 90 86 900	 (⁹) (⁹) (⁹) (⁹)	— 81,10 88,93 100,41 117,82

(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	<p>— — — — — Exceeding 52 % but not exceeding 62 % :</p> <p>— Cheeses produced from whey</p> <p>— Other :</p> <p>— Of a fat content, by weight, in the dry matter :</p> <p>— Of less than 5 %</p> <p>— Of 5 % or more but less than 19 %</p> <p>— Of 19 % or more but less than 39 %</p> <p>— Of more than 39 % :</p> <p>— Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk</p> <p>— Maasdam</p> <p>— Manouri, of a fat content, by weight, of 30 % or more</p> <p>— Other</p>	<p>0406 90 87 100</p> <p>0406 90 87 200</p> <p>0406 90 87 300</p> <p>0406 90 87 400</p> <p>0406 90 87 951</p> <p>0406 90 87 971</p> <p>0406 90 87 972</p> <p>0406 90 87 979</p>	<p>(⁵)</p> <p>(⁵)</p> <p>(⁵)</p> <p>(⁵)</p> <p>(⁵)</p> <p>(⁵)</p> <p>(⁵)</p> <p>(⁵)</p>	<p>—</p> <p>81,10</p> <p>88,93</p> <p>100,41</p> <p>136,87</p> <p>122,66</p> <p>43,47</p> <p>122,66</p>
0406 90 88	<p>— — — — — Exceeding 62 % but not exceeding 72 % :</p> <p>— Cheeses produced from whey</p> <p>— Other :</p> <p>— Of a fat content, by weight, in the dry matter :</p> <p>— Of less than 5 % and of a dry matter content, by weight, of 32 % or more</p> <p>— Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more</p> <p>— Other</p>	<p>0406 90 88 100</p> <p>0406 90 88 200</p> <p>0406 90 88 300</p> <p>0406 90 88 900</p>	<p>(⁵)</p> <p>(⁵)</p> <p>(⁵)</p>	<p>—</p> <p>81,10</p> <p>88,93</p> <p>—</p>

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

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

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

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

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

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

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

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

- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68 (OJ No L 184, 29. 7. 1968, p. 10).
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
— the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
— the lactose content of the added whey.
- (⁴) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements :
- (a) the amount per 100 kilograms shown ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be :
— multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
— divided by the weight of the lactic part contained in 100 kilograms of product ;
- (b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.
When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
— the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
— the lactose content of the added whey.
- (⁵) 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 1191/95

of 24 May 1995

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 (EEC) No 1974/93 ⁽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 1059/95 ⁽⁶⁾, fixes the aid for milk products;

Whereas Commission Regulation (EC) No 1056/95 of 11 May 1995 fixing the export refunds on milk and milk products ⁽⁷⁾, as amended by Regulation (EC) No 1189/95 ⁽⁸⁾, adjusts the refunds on certain milk products; whereas the aid for certain products listed in Annex II to Regulation (EEC) No 2219/92 should be adapted in order to take account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 30 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽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 107, 12. 5. 1995, p. 41.

⁽⁷⁾ OJ No L 107, 12. 5. 1995, p. 17.

⁽⁸⁾ See page 60 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)	5,880
0401 10 90	– – Other	0401 10 90 000	(¹)	5,880
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)	5,880
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	9,089
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	5,880
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	9,089
	– – 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)	12,10
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	14,10
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	12,10
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	14,10
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)	18,11
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	27,93
	– Exceeding 17 %	0401 30 11 700	(¹)	41,95
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 100	(¹)	18,11
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	27,93
	– Exceeding 17 %	0401 30 19 700	(¹)	41,95
	– – 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)	49,96
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	78,02
	– Exceeding 39 %	0401 30 31 700	(¹)	86,03

(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)	49,96
	— Exceeding 35 % but not exceeding 39 %	0401 30 39 400	(1)	78,02
	— Exceeding 39 %	0401 30 39 700	(1)	86,03
	— — 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)	98,05
	— Exceeding 68 % but not exceeding 80 %	0401 30 91 400	(1)	144,11
	— Exceeding 80 %	0401 30 91 700	(1)	168,17
0401 30 99	— — — Other :			
	— Of a fat content, by weight :			
	— Not exceeding 68 %	0401 30 99 100	(1)	98,05
	— Exceeding 68 % but not exceeding 80 %	0401 30 99 400	(1)	144,11
	— Exceeding 80 %	0401 30 99 700	(1)	168,17
ex 0402	Skimmed-milk powder of a fat content, by weight, not exceeding 1,5 %	0402 10 11 000	(2)	68,00
		0402 10 19 000	(2)	
ex 0402	Whole milk powder of a fat content, by weight, not exceeding 27 %	0402 21 11 900	(2)	108,64
		0402 21 19 900	(2)	
0405 00	Butter and other fats and oils derived from milk :			
0405 00 11	— Of a fat content, by weight, not exceeding 85 % :			
	— — In immediate packings of a net content not exceeding 1 kg			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 11 100		—
	— Of 62 % or more but less than 78 %	0405 00 11 200		120,98
	— Of 78 % or more but less than 80 %	0405 00 11 300		152,20
	— Of 80 % or more but less than 82 %	0405 00 11 500		156,10
	— Of 82 % or more	0405 00 11 700		160,00
0405 00 19	— — Other :			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 19 100		—
	— Of 62 % or more but less than 78 %	0405 00 19 200		120,98
	— Of 78 % or more but less than 80 %	0405 00 19 300		152,20
	— Of 80 % or more but less than 82 %	0405 00 19 500		156,10
	— Of 82 % or more	0405 00 19 700		160,00
0405 00 90	— Other :			
	— Of a fat content, by weight :			
	— Not exceeding 99,5 %	0405 00 90 100		181,13
	— Exceeding 99,5 %	0405 00 90 900		233,21
ex 0406	Cheeses :			
0406 90 23	Edam	0406 90 23 900		122,66
0406 90 25	Tilsit	0406 90 25 900		122,66
0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø	0406 90 76 100		100,41

(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 78	<ul style="list-style-type: none"> - - - - - Gouda - - - - - Other cheeses, of a water content, calculated by weight, of the non-fatty matter 	0406 90 78 100		100,41
0406 90 79	Esrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin, Taleggio	0406 90 79 900		103,95
0406 90 81	Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby, Monterey	0406 90 81 900		117,82
0406 90 86	<ul style="list-style-type: none"> - - - - - Exceeding 47 % but not exceeding 52 % : <li style="padding-left: 20px;">- Cheeses produced from whey <li style="padding-left: 20px;">- Other : <li style="padding-left: 40px;">- Of a fat content, by weight, in the dry matter : <li style="padding-left: 60px;">- Of less than 5 % <li style="padding-left: 60px;">- Of 5 % or more but less than 19 % <li style="padding-left: 60px;">- Of 19 % or more but less than 39 % <li style="padding-left: 60px;">- Of more than 39 % 	0406 90 86 100 0406 90 86 200 0406 90 86 300 0406 90 86 400 0406 90 86 900	 (³) (³) (³) (³)	— 81,10 88,93 100,41 117,82
0406 90 87	<ul style="list-style-type: none"> - - - - - Exceeding 52 % but not exceeding 62 % : <li style="padding-left: 20px;">- Cheeses produced from whey <li style="padding-left: 20px;">- Other : <li style="padding-left: 40px;">- Of a fat content, by weight, in the dry matter : <li style="padding-left: 60px;">- Of less than 5 % <li style="padding-left: 60px;">- Of 5 % or more but less than 19 % <li style="padding-left: 60px;">- Of 19 % or more but less than 39 % <li style="padding-left: 60px;">- Of more than 39 % : <li style="padding-left: 80px;">- Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk <li style="padding-left: 80px;">- Maasdam <li style="padding-left: 80px;">- Manouri, of a fat content, by weight, of 30 % or more <li style="padding-left: 80px;">- Other 	0406 90 87 100 0406 90 87 200 0406 90 87 300 0406 90 87 400 0406 90 87 951 0406 90 87 971 0406 90 87 972 0406 90 87 979	 (³) (³) (³) (³) (³) (³) (³)	— 81,10 88,93 100,41 136,87 122,66 43,47 122,66
0406 90 88	<ul style="list-style-type: none"> - - - - - Exceeding 62 % but not exceeding 72 % : <li style="padding-left: 20px;">- Cheeses produced from whey <li style="padding-left: 20px;">- Other : <li style="padding-left: 40px;">- Of a fat content, by weight in the dry matter : <li style="padding-left: 60px;">- Of less than 5 % and of a dry matter content, by weight, of 32 % or more <li style="padding-left: 60px;">- Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more <li style="padding-left: 60px;">- Other 	0406 90 88 100 0406 90 88 200 0406 90 88 300 0406 90 88 900	 (³) (³) 	— 81,10 88,93 —

- (1) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted. When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.
- (2) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.
- When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :
- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
 - the lactose content of the added whey.
- (3) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.
-

COMMISSION REGULATION (EC) No 1192/95**of 24 May 1995****fixing the maximum export refund for white sugar for the 50th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EC) No 1021/94 of 29 April 1994 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EC) No 820/95⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

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

Whereas, following an examination of the tenders submitted in response to the 50th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Community and the

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

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

HAS ADOPTED THIS REGULATION :

Article 1

1. For the 50th partial invitation to tender for white sugar issued pursuant to amended Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 45,419 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 25 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 112, 3. 5. 1994, p. 13.

⁽⁴⁾ OJ No L 83, 13. 4. 1995, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 1193/95

of 24 May 1995

altering the basic amount of the import levies on syrups and certain other products in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 960/95⁽⁵⁾, as last amended by Regulation (EC) No 1100/95⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 960/95 to the information known to the Commission that the basic amount of

the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 23 May 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EC) No 960/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 97, 29. 4. 1995, p. 30.

⁽⁶⁾ OJ No L 109, 16. 5. 1995, p. 42.

ANNEX

to the Commission Regulation of 24 May 1995 altering the basic amount of the import levy
on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	50,55	—
1702 20 90	50,55	—
1702 30 10	—	59,06
1702 40 10	—	59,06
1702 60 10	—	59,06
1702 60 90 10 ⁽²⁾	—	112,21
1702 60 90 90 ⁽³⁾	50,55	—
1702 90 30	—	59,06
1702 90 60	50,55	—
1702 90 71	50,55	—
1702 90 80	—	112,21
1702 90 99	50,55	—
2106 90 30	—	59,06
2106 90 59	50,55	—

⁽¹⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽²⁾ Taric code : Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product obtained by hydrolysis of inulin or oligofructoses.

⁽³⁾ Taric code : CN code 1702 60 90, other than inulin syrup.

COMMISSION REGULATION (EC) No 1194/95

of 24 May 1995

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1101/95 ⁽²⁾, and in particular Article 16 (8) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94 ⁽⁵⁾, as last amended by Regulation (EC) No 1160/95 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 to

the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 23 May 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 116, 23. 5. 1995, p. 39.

ANNEX

to the Commission Regulation of 24 May 1995 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽³⁾
1701 11 10	38,53 ⁽¹⁾
1701 11 90	38,53 ⁽¹⁾
1701 12 10	38,53 ⁽¹⁾
1701 12 90	38,53 ⁽¹⁾
1701 91 00	50,55
1701 99 10	50,55
1701 99 90	50,55 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 1195/95**of 24 May 1995****fixing the aid for cotton**

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 1554/93⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EC) No 195/95⁽⁴⁾, as last amended by Regulation (EC) No 1078/95⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 195/95 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 45,049 per 100 kilograms.

Article 2

This Regulation shall enter into force on 25 May 1995.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 24, 1. 2. 1995, p. 109.

⁽⁵⁾ OJ No L 108, 13. 5. 1995, p. 62.

COMMISSION REGULATION (EC) No 1196/95

of 24 May 1995

temporarily suspending the advance fixing of export refunds on certain milk products and determining the proportion of quantities requested for which export licences as provided for in Regulation (EC) No 974/95 on certain transitional measures required to implement the Uruguay Round Agricultural Agreement may be granted for 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 the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾,

Having regard to Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds⁽³⁾, as last amended by Regulation (EC) No 776/94⁽⁴⁾, and in particular the second subparagraph of Article 5 (4) thereof,

Having regard to Commission Regulation (EEC) No 2729/81 of 14 September 1981 laying down special rules implementing the system of import and export licences and the advance fixing of refunds in respect of milk and milk products⁽⁵⁾, as last amended by Regulation (EC) No 1094/95⁽⁶⁾, and in particular Article 10 a (5) thereof,

Whereas uncertainty is a feature of the market in certain milk products; whereas the refunds currently applicable to such products could result in the advance fixing of refunds for purposes of speculation; whereas the issuing of licences for the quantities applied for is likely to result in an overrun in the quantities of the products normally disposed of in accordance with the definition laid down

in Commission Regulation (EC) No 974/95⁽⁷⁾; whereas the advance fixing of refunds on the products concerned should be suspended temporarily and the reduction coefficient applying to the quantities requested should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

1. The advance fixing of export refunds on milk products falling within CN codes 0401, 0402, 0403 10 22, 0403 10 24, 0403 10 26, 0403 10 32, 0403 10 34, 0403 10 36, 0403 90, 0404 90 and 0406 shall be suspended for the period 25 to 29 May 1995 with regard to licence applications as referred to in Article 1 (1) of Regulation (EC) No 974/95.

2. No further action shall be taken in respect of applications pending for licences with advance fixing of the refund as referred to in paragraph 1 which should have been issued from 25 May 1995, with the exception of those referred to in paragraph 3, for which a reduction coefficient is hereby fixed.

3. The reduction coefficient referred to in Article 10 a (5) of Regulation (EEC) No 2729/81 and applicable to export licence applications submitted on 19 May 1995, with the exception of those referred to in Article 44 (1) of Regulation (EEC) No 3719/88, for milk products covered by the CN codes set out in column 1 of the Annex shall be as set out in column 2 thereof.

Article 2

This Regulation shall enter into force on 25 May 1995.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.
⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.
⁽³⁾ OJ No L 155, 3. 7. 1968, p. 1.
⁽⁴⁾ OJ No L 91, 8. 4. 1994, p. 6.
⁽⁵⁾ OJ No L 272, 26. 9. 1981, p. 19.
⁽⁶⁾ OJ No L 109, 16. 5. 1995, p. 31.

⁽⁷⁾ OJ No L 97, 29. 4. 1995, p. 66.

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

Done at Brussels, 24 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Reduction coefficient as referred to in Article 10 a (5) of Regulation (EEC) No 2729/81 for quantities covered by export licence applications submitted on 19 May 1995

Products covered by the following CN codes	Reduction coefficient
(1)	(2)
0402 10 11 } 0402 10 19 }	0,785

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 2 May 1995

accepting a modified undertaking offered by the Royal Thai Government in connection with the countervailing duty proceeding concerning imports of ball bearings with a greatest external diameter not exceeding 30 mm originating in Thailand

(95/180/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3284/94 of 22 December 1994 on protection against subsidized imports from countries not members of the European Community⁽¹⁾, and in particular Articles 10 and 13 thereof,

After consultations within the Advisory Committee,

Whereas :

A. PREVIOUS PROCEDURE

- (1) In June 1988 the Commission initiated an anti-subsidy proceeding concerning imports of certain ball bearings originating in Thailand⁽²⁾, following a complaint lodged by the Federation of European Bearing Manufacturers' Associations (Febma). The product has been defined as ball bearings with a greatest external diameter not exceeding 30 mm (hereinafter referred to as 'ball bearings'), originating in Thailand.
- (2) The Commission found that the above imports were being subsidized and were causing material

injury to the Community industry. In the light of those findings, the Royal Thai Government offered an undertaking to eliminate the effect of the subsidy. This undertaking involved the levying of an export tax of 1,76 baht, equivalent to the amount of subsidy recorded, which was liable to countervailing measures ('countervailable subsidy') for each ball bearing exported to the Community.

- (3) In June 1990, by Decision 90/266/EEC⁽³⁾, the Commission accepted the undertaking offered and terminated the investigation.
- (4) In July 1993, the Commission, following a review, established that the amount of subsidy had fallen to 0,91 baht per price. Having been informed of these findings, the Royal Thai Government changed the export tax rate to 0,91 baht per ball bearing exported to the Community, and offered a modified version of the undertaking to this effect. This was accepted by Commission Decision 93/381/EEC⁽⁴⁾.
- (5) In addition, in order to prevent the export tax being circumvented by indirect imports, the Council, by Regulation (EEC) No 1781/93⁽⁵⁾, imposed a definitive countervailing duty of imports of ball bearings originating in Thailand but exported to the Community from another country.

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 22.

⁽²⁾ OJ No C 147, 4. 6. 1988, p. 4.

⁽³⁾ OJ No L 152, 16. 6. 1990, p. 59.

⁽⁴⁾ OJ No L 163, 6. 7. 1993, p. 35.

⁽⁵⁾ OJ No L 163, 6. 7. 1993, p. 1.

- (6) In September 1994, following a further review, the Commission, by Decision 94/639/EC⁽¹⁾, accepted a new version of the undertaking whereby, in view of a decline in the amount of subsidy, the export tax was reduced to 0,72 baht per ball bearing. Council Regulation (EC) No 2271/94⁽²⁾, amended the countervailing duty on indirect imports to 5,3 %, reflecting the fall in the amount of export tax.

B. REOPENING OF INVESTIGATION

- (7) Following the above, the Commission became aware of certain evidence indicating a change in the amount of subsidy. In those circumstances, the Commission initiated a review of Decision 94/639/EC and of Regulation (EC) No 2271/94 in December 1994, by a notice published in the *Official Journal of the European Communities*⁽³⁾.
- (8) The Commission officially advised the Royal Thai Government, the exporters and importers known to be concerned, as well as the complainant in the original investigation (Febma) and gave the parties directly concerned the opportunity to make their views known in writing and to request a hearing. The Royal Thai Government, the exporters located in Thailand and the Community producers, represented by Febma, made their views known in writing.
- (9) The Commission sought and verified all information it deemed to be necessary for the purposes of a determination and carried out an investigation at the premises of the following:

(a) *Royal Thai Government:*

- Department of Foreign Trade, Bangkok,
- Board of Investment, Bangkok;

(b) *Thai Exporters*

- NMB Thai Ltd, Ayutthaya, Thailand,
- Pelmec Thai Ltd, Bang Pa-in, Thailand,
- NMB Hi-Tech Ltd, Bank Pa-in, Thailand.

All these exporting companies are wholly-owned subsidiaries of Mineba Co Ltd, Japan.

C. RECALCULATION OF SUBSIDY AMOUNT

- (10) No new evidence was presented as to the liability of the subsidies in question to the imposition of

countervailing measures; the Commission therefore maintains its conclusion in Decision 94/639/EC that all the subsidies granted by the Royal Thai Government to the exporters (NMB Thai Ltd, Pelmec Thai Ltd and NMB Hi-Tech Ltd) continue to be so liable.

- (11) The Commission calculated the amount of subsidy granted during the period 1 October 1993 to 31 March 1994 ('the investigation period'). This represents the most recent period for which audited accounts were prepared for the exporters, being an interim reporting period resulting from a change in the exporters' financial year, which now begins on 1 April instead of 1 October, as in previous years.

(a) **Exemption from corporate income tax**

(i) *Section 31 exemption*

- (12) It was established that NMB Thai no longer enjoys the tax exemption granted in accordance with Section 31 of Thailand's Investment Promotion Act, since the period for such exemptions specified in its certificates of promotion has now expired.

Pelmec Thai made a loss during the investigation period and therefore derived no benefit from this exemption.

NMB Hi-Tech was profitable during the investigation period and still eligible for the exemption; it was thus the only exporter to benefit. The amount of subsidy, calculated as the taxable income multiplied by the tax rate of 30 %, amounted to 43,9 million baht.

(ii) *Section 36 (4)*

- (13) It was established that both NMB Thai and NMB Hi-Tech continue to benefit from the subsidy granted under Section 36 (4) of the Investment Promotion Act, which entitles them to deduct from taxable income an amount equal to 5 % of the increment in export earnings over the previous year.

The calculation method is the same as for the Section 31 exemption, and the subsidy amounts are as follows:

(in million baht)

NMB Thai	16,2
NMB Hi-Tech	0,1

⁽¹⁾ OJ No L 247, 22. 9. 1994, p. 29.

⁽²⁾ OJ No L 247, 22. 9. 1994, p. 1.

⁽³⁾ OJ No C 348, 9. 12. 1994, p. 5.

(b) Customs duty exemption on imports of machinery and essential materials

- (14) All the exporters continue to benefit from a 100 % exemption from customs duty on imports of machinery and essential materials. As in the original investigation, the subsidy amount with regard to machinery was calculated on a depreciation basis, with the value of the exemption being allocated over a period of 10 years, and the amount for essential materials (including machine parts and tools) during the investigation period was established on an expense basis. The amount of subsidy was as follows :

	<i>(in million baht)</i>
NMB Thai	66,0
Pelmec Thai	61,1
NMB Hi-Tech	38,1

- (15) The total amount of countervailable subsidy granted during the investigation period, was therefore as follows :

	<i>(in million baht)</i>
NMB Thai	82,2
Pelmec Thai	61,1
NMB Hi-Tech	82,1

- (16) When expressed as an amount per ball bearing exported from Thailand, and then weighted according to the volume of exports of each Thai exporter to the Community, the subsidy is equivalent to 0,66 baht per piece.
- (17) The Royal Thai Government, the exporters, importers, and the complainant in the original investigation were informed of the facts on which these findings had been based, and were granted an opportunity to comment. The written comments submitted by the parties were, where appropriate, taken into consideration.

D. MODIFICATION OF UNDERTAKING

- (18) The Royal Thai Government has offered the Commission a modified undertaking in which the

rate of the export tax levied on ball bearings exported to the Community has been adjusted to 0,66 baht per piece. The Commission is satisfied in view of its findings that this rate is sufficient to eliminate the effect of the subsidy, and should therefore accept this modified version of the undertaking offered by the Royal Thai Government.

- (19) This modified version of the undertaking would apply only to ball bearings of Thai origin exported directly from Thailand to the Community. Ball bearings of Thai origin imported into the Community via other non-member countries will continue to be subject to the definitive countervailing duty in order to safeguard the effectiveness of the undertaking and to prevent the evasion of the export tax. This duty is set by Council Regulation (EC) No 1169/95⁽¹⁾, amending Regulation (EEC) No 1781/93, at the rate of 4,8 % of the net, free-at-Community frontier price of the product.
- (20) The proposed acceptance of the modified undertaking met with no objection from the Advisory Committee,

HAS DECIDED AS FOLLOWS :

Sole Article

A modified undertaking given by the Royal Thai Government in connection with the countervailing duty proceeding concerning imports of ball bearings with a greatest external diameter not exceeding 30 mm originating in Thailand is hereby accepted.

Done at Brussels, 2 May 1995.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ See page 4 of this Official Journal.