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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2260/95
of 27 September 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 2218/95⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2218/95 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

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 2218/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 September 1995.

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

Done at Brussels, 27 September 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 224, 21. 9. 1995, p. 9.

ANNEX

to the Commission Regulation of 27 September 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	39,89 ⁽¹⁾
1701 11 90 910	39,20 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	39,89 ⁽¹⁾
1701 12 90 910	39,20 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,4336
	— ECU/100 kg —
1701 99 10 100	43,36
1701 99 10 910	43,74
1701 99 10 950	43,74
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,4336

⁽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 amended Regulation (EEC) No 990/93 are observed.

COMMISSION REGULATION (EC) No 2261/95

of 27 September 1995

fixing the maximum export refund for white sugar for the ninth partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1813/95

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 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1813/95 of 26 July 1995 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1813/95 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 ninth partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾, as amended by Regulation (EC) No 1380/95⁽⁵⁾, prohibits trade between the European Community and the Federal

Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; 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 ninth partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1813/95 the maximum amount of the export refund is fixed at ECU 46,792 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 amended Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 28 September 1995.

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

Done at Brussels, 27 September 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 175, 27. 7. 1995, p. 12.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

COMMISSION REGULATION (EC) No 2262/95

of 27 September 1995

fixing the representative prices and the additional import duties for molasses 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 market in sugar ⁽¹⁾, as last amended by Regulation (EC) No 1101/95 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68 ⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68 ⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or

if the price quoted in the offer relates only to a small quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 September 1995.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question in the event of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,72	—	0,00
1703 90 00 ⁽¹⁾	9,34	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the* Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 2263/95
of 27 September 1995
establishing the standard import values for determining the entry price of
certain fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1740/95⁽²⁾, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 28 September 1995.

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

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 167, 18. 7. 1995, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 9.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 27 September 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 35	052	54,3	0808 10 92, 0808 10 94, 0808 10 98	412	132,4
	060	80,2		512	186,0
	064	59,6		600	64,5
	066	41,7		624	123,2
	068	62,3		999	106,0
	204	50,9		039	79,3
	212	117,9		064	79,5
	624	75,0		388	49,4
	999	67,7		400	55,0
	052	70,1		404	61,5
ex 0707 00 25	053	166,9	0808 20 57	508	68,4
	060	61,0		512	51,0
	066	53,8		524	57,4
	068	60,4		528	48,0
	204	49,1		800	62,2
	624	207,3		804	40,2
	999	95,5		999	59,3
	052	55,6		052	77,6
	204	77,5		064	79,5
	624	196,3		388	79,6
0709 90 79	999	109,8	0809 30 41, 0809 30 49	512	89,7
	052	72,3		528	84,1
	388	62,3		800	55,8
	400	72,1		804	112,9
	512	76,0		999	82,7
0805 30 30	520	66,5	0809 40 30	052	63,1
	524	63,2		220	121,8
	528	62,6		624	106,8
	600	54,7		999	97,2
	624	78,0		052	73,2
	999	67,5		064	41,2
	052	100,0		066	77,7
	064	52,9		068	61,2
	066	49,4		624	96,3
	220	110,8		676	68,6
0806 10 40	400	134,6		999	69,7

⁽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 2264/95
of 27 September 1995
amending representative prices and additional duties for the import of certain
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⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses⁽³⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95⁽⁴⁾, as last amended by Regulation (EC) No 2257/95⁽⁵⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to

the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 September 1995.

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

Done at Brussels, 27 September 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 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁵⁾ OJ No L 230, 27. 9. 1995, p. 46.

ANNEX

to the Commission Regulation of 27 September 1995 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	22,05	5,28
1701 11 90 ⁽¹⁾	22,05	10,51
1701 12 10 ⁽¹⁾	22,05	5,09
1701 12 90 ⁽¹⁾	22,05	10,08
1701 91 00 ⁽²⁾	28,20	11,13
1701 99 10 ⁽²⁾	28,20	6,61
1701 99 90 ⁽²⁾	28,20	6,61
1702 90 99 ⁽³⁾	0,28	0,37

⁽¹⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 431/68 (OJ No L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 2265/95

of 27 September 1995

determining the extent to which applications lodged in September 1995 for import licences for certain poultrymeat products under the regime provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products can be accepted

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

Having regard to Commission Regulation (EC) No 1431/94 of 22 June 1994, laying down detailed rules for the application in the poultrymeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for poultrymeat and certain other agricultural products⁽¹⁾, as last amended by Regulation (EC) No 1244/95⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the period 1 October to 31 December 1995 are greater

than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION :

Article 1

Applications for import licences for the period 1 October to 31 December 1995 submitted under Regulation (EC) No 1431/94 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 1 October 1995.

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

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 156, 23. 6. 1994, p. 9.

⁽²⁾ OJ No L 121, 1. 6. 1995, p. 65.

ANNEX

	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1995
1	7,54
2	7,52
3	7,35
4	43,48
5	10,00

COMMISSION REGULATION (EC) No 2266/95

of 27 September 1995

determining the extent to which applications lodged in September 1995 for licences for certain eggs and poultrymeat products under the regime provided for by the Interim Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic and Slovakia can be accepted

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

Having regard to Commission Regulation (EEC) No 2699/93 ⁽¹⁾ laying down detailed rules for the application in the eggs and poultrymeat sector of the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic, as last amended by Regulation (EC) No 2252/95 ⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the fourth quarter of 1995 are, in the case of some products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Applications for import licences for the period 1 October to 31 December 1995 submitted under Regulation (EEC) No 2699/93 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 January to 31 March 1996 applications may be lodged pursuant to Regulation (EEC) No 2699/93 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 1 October 1995.

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

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 245, 1. 10. 1993, p. 88.

⁽²⁾ OJ No L 230, 27. 9. 1995, p. 12.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1995
1	2,37
2	8,53
4	100,00
7	1,66
8	17,99
9	11,14
10	100,00
11	—
12	4,53
14	—
15	100,00
16	100,00
17	—
18	—
19	9,52
21	100,00
22	100,00
23	—
24	100,00
25	100,00
26	—
27	100,00
28	—
30	—
31	—
32	—
33	100,00
34	—
35	—
36	100,00

ANNEX II

Group No	(tonnes)	
	Total quantity available for the period 1 January to 31 March 1996	
1	460,50	
2	272,50	
4	5 513,50	
7	1 750,00	
8	512,50	
9	512,50	
10	904,07	
11	217,50	
12	197,10	
14	2 625,00	
15	3 240,00	
16	875,00	
17	1 125,00	
18	165,00	
19	53,25	
21	526,56	
22	503,13	
23	1 657,50	
24	156,25	
25	3 512,50	
26	206,25	
27	1 372,50	
28	175,50	
30	937,50	
31	412,50	
32	517,50	
33	281,25	
34	1 822,50	
35	105,00	
36	675,00	

COMMISSION REGULATION (EC) No 2267/95

of 27 September 1995

determining the extent to which applications lodged in September 1995 licences for certain eggs and poultrymeat products under the regime provided for by the Interim Agreements concluded by the Community with Romania and Bulgaria can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1559/94 ⁽¹⁾ laying down detailed rules for the application in the eggs and poultrymeat sector of the regime provided for by the Agreements concluded by the Community, of the one part, and Bulgaria and Romania, of the other part, as last amended by Regulation (EC) No 2252/95 ⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the fourth quarter of 1995 are, in the case of some products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution ;

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

HAS ADOPTED THIS REGULATION :

Article 1

1. Applications for import licences for the period 1 October to 31 December 1995 submitted under Regulation (EC) No 1559/94 shall be met as referred to in Annex I.

2. During the first 10 days of the period 1 January to 31 March 1996 applications may be lodged pursuant to Regulation (EC) No 1559/94 for import licences for a total quantity as referred to in Annex II.

Article 2

This Regulation shall enter into force on 1 October 1995.

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

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 1. 7. 1994, p. 62.

⁽²⁾ OJ No L 230, 27. 9. 1995, p. 12.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 October to 31 December 1995
37	11,80
38	100,00
39	—
40	100,00
43	100,00

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 January to 31 March 1996
37	38,13
38	178,71
39	1 255,20
40	179,68
43	601,24

COMMISSION REGULATION (EC) No 2268/95**of 27 September 1995****concerning the second list of priority substances as foreseen under Council Regulation (EEC) No 793/93**

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

Having regard to Council Regulation (EEC) No 793/93 of 23 March 1993 on the evaluation and control of the risks of existing substances⁽¹⁾, and in particular Articles 8 and 10 thereof,

Whereas Regulation (EEC) No 793/93 envisages a system of evaluation and control of the risks of existing substances and whereas in order to undertake the risk evaluation of such substances, it is appropriate to identify priority substances requiring attention;

Whereas in consequence, Article 8 of Regulation (EEC) No 793/93 requires that the Commission shall draw up a list of priority substances and whereas Article 8 further indicates the factors which shall be taken into account in drawing up the said list;

Whereas Article 10 of Regulation (EEC) No 793/93 foresees that for each substance on the priority lists a Member State shall be given responsibility for its evaluation and whereas the allocation of substances shall ensure a fair sharing of the burden between Member States;

Whereas a first priority list has been adopted by Commission Regulation (EC) No 1179/94⁽²⁾;

Whereas, the provisions of this Regulation are in accordance with the opinion of the Committee established pursuant to Article 15 of Regulation (EEC) No 793/93,

HAS ADOPTED THIS REGULATION:

*Article 1***Priority list**

1. The second list of priority substances is hereby established and is set out in the Annex to this Regulation.
2. For each substance on the priority list, the Member State which shall be responsible for its evaluation is hereby designated and is indicated in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 September 1995.

For the Commission

Ritt BJERREGAARD

Member of the Commission

⁽¹⁾ OJ No L 84, 5. 4. 1993, p. 1.

⁽²⁾ OJ No L 131, 26. 5. 1994, p. 3.

ANNEX

Einecs No	CAS No	Substance name	Member State
201-963-1	90-04-0	<i>o</i> -anisidine	A
200-746-9	71-23-8	propan-1-ol	D
202-411-2	95-33-0	N-cyclohexylbenzothiazole-2-sulphenamide	D
202-905-8	100-97-0	methenamine	D
203-804-1	110-80-5	2-ethoxyethanol	D
203-839-2	111-15-9	2-ethoxyethyl acetate	D
204-118-5	115-96-8	tris(2-chloroethyl) phosphate	D
246-690-9	25167-70-8	2,4,4-trimethylpentene	D
263-125-1	61790-33-8	Amines, tallow alkyl	D
203-625-9	108-88-3	toluene	DK
204-428-0	120-82-1	1,2,4-trichlorobenzene	DK
200-663-8	67-66-3	chloroform	F
247-977-1	26761-40-0	di-'isodecyl' phthalate	F
249-079-5	28553-12-0	di-'isononyl' phthalate	F
271-090-9	68515-48-0	1,2-Benzenedicarboxylic acid, di-C ₈₋₁₀ -branched alkyl esters, C ₉ -rich	F
271-091-4	68515-49-1	1,2-Benzenedicarboxylic acid, di-C ₉₋₁₁ -branched alkyl esters, C ₁₀ -rich	F
231-765-0	7722-84-1	hydrogen peroxide	FIN
200-871-9	75-45-6	chlorodifluoromethane	I
231-668-3	7681-52-9	sodium hypochloric	I
203-692-4	109-66-0	pentane	NL
201-058-1	77-78-1	dimethyl sulphate	NL
202-627-7	98-01-1	2-furaldehyde	NL
204-661-8	123-91-1	1,4-dioxane	NL
209-151-9	557-05-1	zinc distcarate	NL
215-222-5	1314-13-2	zinc oxide	NL
231-175-3	7440-66-6	zinc	NL
231-592-0	7646-85-7	zinc chloride	NL
231-793-3	7733-02-0	zinc sulphate	NL
231-944-3	7779-90-0	trizine bis(orthophosphate)	NL
204-211-0	117-81-7	bis(2-ethylhexyl) phthalate	S
247-148-4	25637-99-4	hexabromocyclododecane	S
200-879-2	75-56-9	methyloxirane	UK
201-800-4	88-12-0	1-vinyl-2-pyrrolidone	UK
246-672-0	25154-52-3	nonylphenol	UK
251-084-2	32534-81-9	diphenyl ether, pentabromo derivative	UK
284-325-5	84852-15-3	Phenol, 4-nonyl-, branched	UK

COMMISSION REGULATION (EC) No 2269/95

of 27 September 1995

**amending Regulation (EC) No 781/95 as regards the date for the communication
of reference quantities for 1996**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,Whereas Commission Regulation (EC) No 781/95 ⁽³⁾, by derogation from Commission Regulation (EEC) No 1442/93 ⁽⁴⁾, as last amended by Regulation (EC) No 1164/95 ⁽⁵⁾, for administrative reasons, extends the deadlines for the determination and communication to operators of the quantities allocated to them for 1996; whereas information in addition to that sent by the Member States and additional checks are required; whereas, therefore, the date laid down for the communication to each category A and/or B operator of the quantity allocated to him for 1996 should be put back;

Whereas, in order to meet the deadlines, the measure should enter into force on the day of publication;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 781/95 '1 October 1995' is hereby replaced by '15 November 1995'.

*Article 2*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, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.⁽³⁾ OJ No L 77, 6. 4. 1995, p. 25.⁽⁴⁾ OJ No L 142, 12. 6. 1993, p. 6.⁽⁵⁾ OJ No L 117, 24. 5. 1995, p. 14.

COMMISSION REGULATION (EC) No 2270/95

of 27 September 1995

amending Regulations (EEC) No 388/92 and (EEC) No 1727/92 laying down detailed rules for implementation of the specific arrangements for the supply of cereal products to the French overseas departments (FOD) and the Azores and Madeira respectively and establishing the respective forecast supply balances

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 2 (6) thereof,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira⁽³⁾, as last amended by Regulation (EC) No 3290/94, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 388/92⁽⁴⁾, as last amended by Regulation (EC) No 1563/95⁽⁵⁾, lays down the detailed rules for implementation of the specific arrangements for the supply of cereal products to the French overseas departments (FOD); whereas, in order to prevent the amount of the aid becoming excessive in relation to the appropriate amount during the change-over from one marketing year to the next, Article 6 of that Regulation provides for automatic adjustments in the amount of the aid based on the date on which the products are charged against the certificate; whereas, as a result of an error, the adjustment resulting from the change in marketing year corresponding to the aid granted for the supply of maize and grain sorghum was laid down for supplies charged from 1 November onwards, whereas the change in intervention prices for those products occurs on 1 October; whereas, therefore, Regulation (EEC) No 388/92 should be amended;

Whereas Commission Regulation (EEC) No 1727/92⁽⁶⁾, as last amended by Regulation (EC) No 1590/95⁽⁷⁾, lays down the detailed rules for implementation of the specific arrangements for the supply of cereal products to the Azores and Madeira; whereas, in order to prevent the amount of the aid becoming excessive in relation to the appropriate amount during the change-over from one marketing year to the next, Article 6 of that Regulation provides for automatic adjustments in the amount of the aid based on the date on which the products are charged against the certificate; whereas, as a result of an error, the adjustment resulting from the change in marketing year

corresponding to the aid granted for the supply of maize and grain sorghum was laid down for supplies charged from 1 November onwards, whereas the change in intervention prices for those products occurs on 1 October; whereas, therefore, Regulation (EEC) No 1727/92 should be amended;

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

Article 6 (e) of Regulation (EEC) No 388/92 is hereby replaced by the following:

- (e) in the case of maize and grain sorghum, where the term of validity of the aid certificate extends beyond the end of September, for all supplies charged against the certificate from 1 October, as follows: the aid shall be reduced by an amount equal to the difference between the intervention price, not including monthly increases, for the former and the new marketing years and by an amount equal to the monthly increase for the former marketing year, multiplied by the number of months from November inclusive to the month in which the aid application is submitted.'

Article 2

Article 6 (e) of Regulation (EEC) No 1727/92 is hereby replaced by the following:

- (e) in the case of maize and grain sorghum, where the term of validity of the aid certificate extends beyond the end of September, for all supplies charged against the certificate from 1 October, as follows: the aid shall be reduced by an amount equal to the difference between the intervention price, not including monthly increases, for the former and the new marketing years and by an amount equal to the monthly increase for the former marketing year, multiplied by the number of months from November inclusive to the month in which the aid application is submitted.'

Article 3

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

(¹) OJ No L 356, 24. 12. 1991, p. 1.
(²) OJ No L 349, 31. 12. 1994, p. 105.
(³) OJ No L 173, 27. 6. 1992, p. 1.
(⁴) OJ No L 43, 19. 2. 1992, p. 16.
(⁵) OJ No L 150, 1. 7. 1995, p. 18.
(⁶) OJ No L 179, 1. 7. 1992, p. 101.
(⁷) OJ No L 150, 1. 7. 1995, p. 89.

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

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2271/95

of 27 September 1995

on the sale of certain products of the beef and veal sector held by intervention agencies to certain welfare institutions and bodies, and repealing Regulation (EEC) No 2848/89

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 Council Regulation (EEC) No 98/69⁽³⁾, as last amended by Regulation (EC) No 3290/94⁽⁴⁾, lays down the general rules for the disposal of frozen beef bought in by the intervention agencies; whereas Commission Regulation (EEC) No 2173/79⁽⁵⁾, as last amended by Regulation (EEC) No 1759/93⁽⁶⁾, lays down the detailed rules for that disposal;

Whereas the level of intervention stocks makes special sales possible to certain welfare institutions and bodies with a view of incorporating the meat in the provisioning of the persons for whom the institutions and bodies are responsible; whereas such sales are not likely to interfere with the normal disposal of meat on the market;

Whereas the beef should be sold at prices fixed in advance in accordance with Regulation (EEC) No 2173/79; whereas, however, special appropriate provisions should be adopted, in particular in respect of detailed rules of control and minimum quantities adopted to the requirements of the purchasers;

Whereas in order to ensure that the products reach the intended destination a supplementary security should be lodged where use is made of an agent or intermediary;

Whereas a direct distribution of the meat in the form of prepared meals is equally an appropriate way to ensure that the products reach the intended destination; whereas, however, under certain conditions the distribution of the beef may be made in an unprepared state at cost price;

Whereas products held by intervention agencies and sold for a specific end-use are subject to Commission Regula-

tion (EEC) No 3002/92⁽⁷⁾, as last amended by Regulation (EEC) No 1938/93⁽⁸⁾;

Whereas the provisions of this Regulation replace and supplement those laid down in Commission Regulation (EEC) No 2848/89⁽⁹⁾, as last amended by Regulation (EC) No 274/95⁽¹⁰⁾; whereas the Regulation (EEC) No 2848/89 should therefore 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. Intervention agencies may sell certain products of the beef and veal sector which they are holding to non-profit-making welfare institutions and bodies, hereinafter called 'institutions', situated in the Community which so request and which are mentioned in the list referred to in paragraph 3. The application from the institution shall be accompanied by its written undertaking to use the products only in accordance with Article 2.

2. Sales shall be carried out at prices fixed in advance in accordance with the provisions of Regulation (EEC) No 2173/79, (EEC) No 3002/92 and of this Regulation.

By way of derogation from Article 17 (2) of Regulation (EEC) No 2173/79, the minimum quantity sold shall be 500 kilograms for bone-in meat and 250 kilograms for other products.

3. Each Member State shall draw up the list of institutions referred to in paragraph 1 and situated on its territory. This list shall contain the name and address of each institution and the approximate number of persons for whom it is responsible. The list and all amendments to it shall be notified to the Commission.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 45, 1. 3. 1995, p. 2.

⁽³⁾ OJ No L 14, 21. 1. 1969, p. 2.

⁽⁴⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽⁵⁾ OJ No L 251, 5. 10. 1979, p. 12.

⁽⁶⁾ OJ No L 161, 2. 7. 1993, p. 59.

⁽⁷⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁸⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁹⁾ OJ No L 274, 23. 9. 1989, p. 9.

⁽¹⁰⁾ OJ No L 32, 11. 2. 1995, p. 3.

The institution is withdrawn from the list for a period of at least 12 months if a serious infringement of this Regulation is established.

No later than 31 January of each year the Member States shall notify the Commission of the quantities bought by each institution during the preceding calendar year.

4. Any institution wishing to purchase products from an intervention agency situated in another Member State shall present a certificate issued by the competent authority in its own Member State. The selling intervention agency shall inform the intervention agency in the Member State where the meat will be consumed of the quantities taken over by the buyer.

5. The products referred to in paragraph 1 and their selling price are specified in Annex I.

Information relating to the quantities and the location of the products in store may be obtained from the addresses given in Annex II.

Article 2

1. The products in question must be used within the six months following the conclusion of contract, in the form of prepared meals made available solely to the persons for whom the abovementioned institutions are responsible.

2. By way of derogation from paragraph 1 the Member States may authorize the meat to be resold in its unprepared state provided that:

- it is sold at cost price,
- sale is restricted to persons a large part of whose income comprises financial aid from the institution for the purpose of purchasing such meat,
- a maximum quantity purchased per person is laid down,
- a record of individual purchases is kept,
- the purchaser gives an undertaking that the meat shall not be resold but consumed by himself or his family.

Member States wishing to avail themselves of this facility will inform the Commission in advance, providing the following information:

- the list of institutions in question and the approximate number of persons who may benefit from the sales,
- a description of how the system operates and the control measures relating to it,

— the selling price applied and its components.

A maximum quantity may be fixed in accordance with the procedure laid down in Article 27 of Regulation (EEC) No 805/68.

The Member States availing themselves of this facility shall inform the Commission at the beginning of each month of the quantities sold in this way during the previous month.

Article 3

1. The institutions included in the list referred to in Article 1 (3) may make use of an agent or other intermediary who has lodged the supplementary security referred to in Article 6 (2), in particular in respect of purchase, transport, storage, boning and cutting operations.

2. The intermediaries, agents and institutions referred to in the preceding paragraphs shall keep up to date accounts whereby the destination and use of the products concerned may be verified; in particular it must be possible to verify that the quantity of products purchased corresponds to that consumed.

Article 4

The intervention agencies shall give priority to selling the products which have been stored the longest.

Article 5

With a view to control of the boning and cutting operations referred to in Article 3 (1), delivery and acceptance by the beneficiary institution, 100 kilograms of boneless meat shall correspond to 130 kilograms of bone-in meat. Boneless meat shall be presented in a way which permits easy identification of the cuts.

The intermediaries or agents referred to in Article 3 shall ensure that products delivered to the institution in question are accompanied by a certificate indicating:

- the presentation, weight and grade of the quarters,
- where the meat has been boned or cut, the number, type and weight of the different cuts.

The certificate, signed by the intermediary or agent and by the institution in question, shall be forwarded without delay to the intervention agency in the Member State in which the security referred to in Article 6 is lodged.

Article 6

1. The security referred to in Article 15 of Regulation (EEC) No 2173/79 shall be lodged with the intervention agency in the Member State where the meat is to be used.

2. A supplementary security of ECU 110 per 100 kilograms shall be lodged with the same agency by any intermediary or agent, on the terms laid down in Article 2 (3) of Regulation (EEC) No 2173/79. This security shall be reduced to ECU 60 per 100 kilograms if the agent or intermediary only does the transport operations.

3. Where Article 5 (2) of Regulation (EEC) No 3002/92 is applied, the contract may be concluded only after the intervention agency holding the products has received the communication in writing, referred to in the said paragraph.

4. With regard to the security referred to in paragraph 1, and in addition to the primary requirements provided for in Article 15 (3) of Regulation (EEC) No 2173/79, use of the products within six months of the conclusion of contract, for the benefit of the persons for whom the welfare institutions referred to in Article 1 (1) are responsible shall be a primary requirement within the meaning

of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾, as last amended by Regulation (EC) No 3403/93⁽²⁾.

In all cases where the security provided for in paragraph 2 has not been lodged the fact that the institution does not make use of agents or intermediaries pursuant to Article 3 (1) shall equally be a primary requirement.

5. With regard to the security referred to in paragraph 2 the primary requirement shall consist of the delivery of all the meat taken over, boned or cut where necessary.

Article 7

Regulation (EEC) No 2848/89 is hereby repealed.

Article 8

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

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

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽²⁾ OJ No L 310, 14. 12. 1993, p. 4.

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

Precios de venta expresados en ecus por tonelada — Salgspriser i ecu/ton — Verkaufspreise, ausgedrückt in ECU/Tonne — Τιμές πώλησεως εκφραζόμενες σε Ecu ανά τόνο — Selling prices expressed in ecus per tonne — Prix de vente exprimés en écus par tonne — Prezzi di vendita espressi in ecu per tonnellata — Verkoopprijzen uitgedrukt in ecu per ton — Preço de venda expresso em ecus por tonelada — Vähimmäishinnat ecuina tonnia kohden ilmaistuna — Minimipriser i ecu per ton

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

IRELAND		Category C
Striploins		2 500
Rumps		2 000
Insides		2 200
Shins and shanks		1 100
Cube rolls		2 000
Briskets		1 200
Forequarters		1 350
Plate and flank		1 000
Intervention shank		1 100
Intervention thick flank		1 800
Intervention forequarter		1 350
Intervention flank		1 000
Intervention shin		1 100
Intervention brisket		1 200
Intervention shoulder		1 200
Intervention forerib		1 800
Intervention rump		2 000
ITALIA		Categoria A
Filetto		3 100
Rostbeef		2 500

*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**

ITALIA : Ente per gli interventi nel mercato agricolo (EIMA)
Via Palestro 81
I-00185 Roma
Tel. 49 49 91
Telex 61 30 03

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) 661 62 63, (01) 678 52 14 and (01) 662 01 98

COMMISSION REGULATION (EC) No 2272/95

of 27 September 1995

altering the rates of the refunds applicable to eggs and egg yolks 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 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EEC) No 1574/93 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the rates of the refunds applicable from 20 September 1995 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 2208/95 ⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 2208/85 to the informa-

tion 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 refund fixed by Regulation (EC) No 2208/95 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 28 September 1995.

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

Done at Brussels, 27 September 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 152, 24. 6. 1993, p. 1.

⁽³⁾ OJ No L 222, 20. 9. 1995, p. 1.

ANNEX

to the Commission Regulation of 27 September 1995 altering the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	(ECU/100 kg) Rate of refund
0407 00	Birds' eggs, in shell, fresh, preserved or cooked :	
	— Of poultry :	
0407 00 30	— — Other :	
	a) On exportation of ovalbumin of CN code 3502 10	12,50
	b) On exportation of other goods	7,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter :	
	— Egg yolks :	
0408 11	— — Dried :	
ex 0408 11 80	— — — Suitable for human consumption : not sweetened	45,00
0408 19	— — Other :	
	— — — Suitable for human consumption :	
ex 0408 19 81	— — — Liquid : not sweetened	20,00
ex 0408 19 89	— — — — Frozen : not sweetened	20,00
	— Other :	
0408 91	— — Dried :	
ex 0408 91 80	— — — Suitable for human consumption : not sweetened	32,00
0408 99	— — Other :	
ex 0408 99 80	— — — Suitable for human consumption : not sweetened	8,00

COMMISSION REGULATION (EC) No 2273/95
of 27 September 1995
fixing the import duties in the cereals sector

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

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

Having regard to Commission Regulation (EC) No 1502/95 of 29 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 for the 1995/96 marketing year as regards import duties in the cereals sector ⁽³⁾, as amended by Regulation (EC) No 1817/95 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1502/95 lays down detailed rules for the application of Council Regulation (EEC) No

1766/92 for the 1995/96 marketing year as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1502/95 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1502/95 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 28 September 1995.

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

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.

⁽⁴⁾ OJ No L 175, 27. 7. 1995, p. 23.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne) ⁽¹⁾	Import duty by sea from other ports ⁽²⁾ (ECU/tonne) ⁽¹⁾
1001 10 00	Durum wheat ⁽²⁾	10,00	0
1001 90 91	Common wheat seed	12,05	2,05
1001 90 99	Common high quality wheat other than for sowing ^(*)	12,05	2,05
	medium quality	28,64	18,64
	low quality	34,99	24,99
1002 00 00	Rye	81,42	71,42
1003 00 10	Barley, seed	81,42	71,42
1003 00 90	Barley, other ^(*)	81,42	71,42
1005 10 90	Maize seed other than hybrid	106,82	96,82
1005 90 00	Maize other than seed ^(*)	106,82	96,82
1007 00 90	Grain sorghum other than hybrids for sowing	111,91	101,91

⁽¹⁾ Where import takes place in the month following the month of fixing, these import duty amounts are to be adjusted in accordance with the third subparagraph of Article 2 (1) of Regulation (EC) No 1502/95.

⁽²⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1502/95, the duty applicable is that fixed for low-quality common wheat.

⁽³⁾ For goods arriving in the Community via the Atlantic Ocean (Article 2 (4) of Regulation (EC) No 1502/95), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

^(*) The importer may benefit from a flat-rate reduction of ECU 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1502/95 are met.

ANNEX II

Factors for calculating duties (period from 13. 9. to 26. 9. 1995):

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Mid-America	Mid-America
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	137,49	138,90	137,62	94,01	180,35 ⁽¹⁾	85,53 ⁽¹⁾
Gulf premium (ECU/tonne)	—	13,63	8,57	10,83	—	—
Great lake premium (ECU/tonne)	17,41	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost : Gulf of Mexico — Rotterdam : ECU 13,57 per tonne ; Great Lakes/St Lawrence — Rotterdam : ECU 27,79 per tonne.

3. Subsidy (third paragraph of Article 4 (2) of Regulation (EC) No 1502/95 : ECU 0,00 per tonne).

COMMISSION REGULATION (EC) No 2274/95
of 27 September 1995
fixing the import duties in the rice sector

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 Regulation (EC) No 1530/95 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1573/95 of 30 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1418/76 as regards import duties in the rice sector ⁽³⁾, as amended by Regulation (EC) No 1818/95 ⁽⁴⁾, and in particular Article 4 (1) thereof,

Whereas Article 12 of Regulation (EEC) No 1418/76 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention buying price valid for such products on importation and increased by a certain percentage according to whether it is Indica or Japonica rice and also husked or milled rice, minus the cif import price applicable to the consignment in question provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (4) of Regulation (EEC) No 1418/76, the cif import prices are calculated on the basis of the prices for the product in question on the world market;

Whereas Regulation (EC) No 1573/95 lays down detailed rules for the application of Regulation (EEC) No 1418/76 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference referred to in Annex I to Regulation (EC) No 1573/95 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1573/95 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 12 (1) and (2) of Regulation (EEC) No 1418/76 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 28 September 1995.

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

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽³⁾ OJ No L 150, 1. 7. 1995, p. 53.

⁽⁴⁾ OJ No L 175, 27. 7. 1995, p. 25.

ANNEX I

to the Commission Regulation of 27 September 1995 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ^(*)				
	Third countries (except ACP and Bangladesh) ⁽¹⁾ ⁽²⁾	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Basmati India ⁽¹⁾ Article 4, Regulation (EC) No 1573/95	Basmati Pakistan ⁽¹⁾ Article 4, Regulation (EC) No 1573/95	Arrangement in Regulation (EEC) No 3877/86 ⁽¹⁾
1006 10 21	⁽²⁾	150,76			
1006 10 23	⁽²⁾	150,76			
1006 10 25	⁽²⁾	150,76			
1006 10 27	⁽²⁾	150,76			—
1006 10 92	⁽²⁾	150,76			
1006 10 94	⁽²⁾	150,76			
1006 10 96	⁽²⁾	150,76			
1006 10 98	⁽²⁾	150,76			—
1006 20 11	309,22	150,27			
1006 20 13	309,22	150,27			
1006 20 15	309,22	150,27			
1006 20 17	371,87	181,59	121,87	321,87	—
1006 20 92	309,22	150,27			
1006 20 94	309,22	150,27			
1006 20 96	309,22	150,27			
1006 20 98	371,87	181,59	121,87	321,87	—
1006 30 21	583,50	276,84			
1006 30 23	583,50	276,84			
1006 30 25	583,50	276,84			
1006 30 27	⁽²⁾	290,59			—
1006 30 42	583,50	276,84			
1006 30 44	583,50	276,84			
1006 30 46	583,50	276,84			
1006 30 48	⁽²⁾	290,59			—
1006 30 61	583,50	276,84			
1006 30 63	583,50	276,84			
1006 30 65	583,50	276,84			
1006 30 67	⁽²⁾	290,59			—
1006 30 92	583,50	276,84			
1006 30 94	583,50	276,84			
1006 30 96	583,50	276,84			
1006 30 98	⁽²⁾	290,59			—
1006 40 00	⁽²⁾	90,38			

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties 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 12 (3) of Regulation (EEC) No 1418/76.

⁽⁴⁾ The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ No L 337, 4. 12. 1990, p. 1) and Commission Regulation (EEC) No 862/91 (OJ No L 88, 9. 4. 1991, p. 7).

- (⁵) Only for imports of rice of the long-grain aromatic Basmati variety under the arrangements laid down in amended Council Regulation (EEC) No 3877/86 (OJ No L 361, 20. 12. 1986, p. 1).
- (⁶) No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).
- (⁷) For husked rice of the Basmati variety originating in India and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 250 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁸) For husked rice of the Basmati variety originating in Pakistan and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 50 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁹) Duties fixed in the Common Customs Tariff.

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne) (¹)	(²)	371,87	(²)	309,22	583,50	(²)
2. Elements of calculation :						
(a) Arag cif price (\$/tonne)	—	340,63	400,47	422,49	411,42	—
(b) fob price (\$/tonne)	—	—	—	397,49	381,42	—
(c) Sea freight (\$/tonne)	—	—	—	25	30	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Where rice is imported during the month following fixing, these import duties must be adjusted in accordance with the fourth subparagraph of Article 4 (1) of Regulation (EC) No 1573/95.

(²) Duties fixed in the Common Customs Tariff.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 8 September 1995

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in the French overseas departments for 1995

(Only the French text is authentic)

(95/382/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3763/91 of 16 December 1991 introducing specific measures in respect of certain agricultural products for the benefit of the French overseas departments⁽¹⁾, as amended by Commission Regulation (EEC) No 3714/92⁽²⁾, and in particular the first subparagraph of Article 11 (3) thereof,

Whereas Commission Decision 93/522/EEC⁽³⁾ defines what measures are eligible for Community financing as regards programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira;

Whereas the specific agricultural production conditions in the French overseas departments call for particular attention; whereas action must be taken or reinforced as regards crop production, and in particular in its phytosanitary aspects;

Whereas the action to be taken or reinforced in phytosanitary matters is exceptionally costly;

Whereas the action programme has been presented to the Commission by the relevant French authorities; whereas

this programme specifies the objectives to be achieved, the measures to be carried out, their duration and their cost so that the Community may, in appropriate circumstances, contribute to their financing;

Whereas the Community's financial contribution may cover up to 60 % of eligible expenditure, protective measures for bananas being excluded;

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

HAS ADOPTED THIS DECISION:

Article 1

The Community's financial contribution to the official programme for the control of organisms harmful to plants and plant products in the French overseas departments presented by France for 1995 is hereby approved.

Article 2

The official programme is made up of four sub-programmes:

1. a sub-programme drawn up for the department of Guadeloupe in five parts:

— reinforcement of the work of the FDGDCEC (Departmental Federation of Crop Protection Groups),

⁽¹⁾ OJ No L 356, 24. 12. 1991, p. 1.

⁽²⁾ OJ No L 378, 23. 12. 1992, p. 23.

⁽³⁾ OJ No L 251, 8. 10. 1993, p. 35.

- control of yam anthracnose,
 - a fruit fly survey,
 - reinforcement of an agricultural information network,
 - pest risk assessment and establishment of flower quarantine facilities;
2. a sub-programme drawn up for the department of Guyana in four parts :
- reinforcement of the work of the FDGDCEC (Department Federation of Crop Protection Groups),
 - reinforcement of analysis and diagnosis structures,
 - put in place a strategy for the integrated control of fruit flies,
 - a study on harmful organisms on rice.
3. a sub-programme for the department of Reunion in three parts :
- the establishment of a phytosanitary analysis unit,
 - reinforcement of the resources of the FDGDCEC (Departmental Federation of Crop Protection Groups),
 - a survey on fruit fly control;
4. a sub-programme for the department of Martinique in three parts :
- development of detection methods for harmful organisms,
 - development of integrated control in market gardens,
 - reinforcement of the resources of the FDGDCEC (Department Federation of Crop Protection Groups).

Article 3

The Community contribution to financing the programme is limited for 1995 to ECU 950 000 for expenditure related to eligible measures as defined by Decision 93/522/EEC out of a total expenditure of ECU 1 674 855 (VAT excluded).

The schedule of programme costs and their financing is set out as Annex I to this Decision. Should the total eligible expenditure for 1995, as presented by France, be less than the anticipated amount of ECU 1 674 855, the

Community's contribution shall be reduced proportionately.

The Community reimbursement shall be effected up to the amount indicated in the first paragraph, at the rate of the ecu as at 1 June 1995, namely ECU 1 = FF 6,56833.

Article 4

An advance of ECU 190 000 shall be paid to France.

Article 5

The Community assistance shall relate to the eligible measures associated with the operations covered by the programme set up in France by provisions for which the necessary financial resources have been committed between 1 October and 31 December 1995. The final date for payments in connection with the operations shall be 30 September 1996, and any non-compliance without justification of delay shall entail loss of entitlement to Community financing.

Article 6

Provisions for the financial implementation of the programme, provisions on compliance with Community policies and the information to be supplied to the Commission by France are set out in Annex II.

Article 7

Any public contracts in connection with investments covered by the programme referred to in this Decision shall be governed by Community law and in particular by the Directives coordinating procedures for awarding public works and supply contracts, and by Articles 30, 52 and 59 of the Treaty.

Article 8

This Decision is addressed to the French Republic.

Done at Brussels, 8 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 1995

(in ECU) ⁽¹⁾

	Eligible expenses		
	EC	National	Total
Guadeloupe	230 287	191 986	421 873
Martinique	254 859	186 653	441 512
French Guiana	102 218	74 387	176 605
Réunion	362 636	272 229	634 865
Total	950 000	724 855	1 674 855

⁽¹⁾ ECU 1 = FF 6,56833 (1 June 1995).

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitments and payments

2. France guarantees that, for all action co-financed by the Community all public and private bodies involved in its management and implementation shall keep accounts in standard form of all transactions in order to facilitate monitoring of expenditure by the Community and the national authorities responsible for surveillance.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The commitment will be made when the decision approving assistance is adopted by the Commission according to Article 16a of Council Directive 77/93/EEC⁽¹⁾.
5. Following commitment a first advance of ECU 190 000 shall be paid.
6. The balance of the amount committed is paid as two equal payments, each of ECU 380 000. The first part of the balance is paid upon presentation to the Commission of the first interim report of activity and after it has been approved by the Commission. The second and final part of the balance is paid upon presentation to the Commission of the detailed total expenditure made, and after approval by the Commission of the final report of activity.

Authorities responsible for the implementation of the programme

— Central administration :

Ministère de l'agriculture, de la pêche et de l'alimentation
Direction générale de l'alimentation
Sous-direction de la protection des végétaux
175 rue du Chevaleret
F-75646 Paris Cedex 13

— Local administration :

— Guadeloupe :

Ministère de l'agriculture, de la pêche et de l'alimentation
Direction de l'agriculture et de la forêt
Jardin Botanique
F-97109 Basse-Terre Cedex

— Martinique :

Ministère de l'agriculture, de la pêche et de l'alimentation
Direction de l'agriculture et de la forêt
Jardin Desclieux
BP 642
F-97262 Fort-de-France Cedex

— French Guiana :

Ministère de l'agriculture, de la pêche et de l'alimentation
Direction de l'agriculture et de la forêt
Cité Rebard
Route de Baduel
BP 746
F-97305 Cayenne Cedex

— Réunion :

Ministère de l'agriculture, de la pêche et de l'alimentation
Direction de l'agriculture et de la forêt
Parc de la Providence
F-97489 Saint-Denis de la Réunion.

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

7. The actual expenditure incurred shall be notified to the Commission broken down by type of action or sub-programme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If France keeps suitable computerized accounts this will be acceptable.
8. All payments of aid granted by the Community pursuant to this Decision shall be made to the authority designated by France, which will also be responsible for repayment to the Community of any excess amount.
9. All commitments and payments shall be made in ecus.
Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in ecus at the rate fixed by this Decision. Payment shall be made to the following account:
Ministère du budget
Direction de la comptabilité publique
Agence comptable centrale du Trésor
139 rue de Bercy
F-75572 Paris Cedex 12
N° 47598

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. France and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment France shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. France shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case, asking France or the other authorities designated by France for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, France shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by France in order to ensure that any irregularity in the provision of assistance programme is detected. France shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment

I. Monitoring committee

1. Establishment

Independent of the financing of this action, a monitoring committee for the programme shall be set up, composed of representatives of France and the Commission. It shall review implementation of the programme and, where appropriate, propose any adjustments required.

2. The committee shall establish its own internal procedures within one month of the notification of this Decision to France.

3. Competence of monitoring committee

The committee :

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch with respect to the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme in the light of the information furnished periodically by the interim monitoring and assessment indicators,
- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a sub-programme or measure for the entire period, and 20 % for any year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the programme,
- shall give its opinion on the final draft report,
- shall report regularly to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred, at least twice during the relevant period.

II. *Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)*

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. By continuous monitoring is meant an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realization.
3. Continuous assessment of the programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. France shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

The final report on the present programme will be presented by the competent authority to the Commission and to the Standing Committee on Plant Health on 31 December 1996 at the latest.

5. The Commission may jointly with France call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment defined at 3. He may submit proposals for adjustment of the sub-programmes and/or measures, modification of the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall issue an opinion on the administrative measures to be taken. To guarantee the assessor's impartiality the Commission will not pay the entire cost of employing him.

C. Information and publicity

In the framework of this action, the agency appointed as responsible for the programme shall ensure that it is adequately publicized.

It shall in particular take action to:

- make potential recipients and professional organizations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

France and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the monitoring committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the monitoring committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by France.

1. Award of public contracts

The 'public contracts'⁽¹⁾ questionnaire must be completed for:

- public contracts above the ceilings set by the 'supplies' and 'works' directives that are awarded by contract-awarding authorities as defined in these directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The thresholds will be those in force on the date of notification of this Decision.

2. Protection of the environment

(a) General information

- description of the main environmental features and problems of the region concerned, giving a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry for the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) Description of planned activities

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Commission notification to the Member States C(88) 2510 (OJ No C 22, 28. 1. 1989, p. 3) on monitoring of compliance with public procurement rules in the projects and programmes financed by the structural funds and financial tools.

COMMISSION DECISION

of 8 September 1995

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in Madeira for 1995

(Only the Portuguese text is authentic)

(95/383/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 33 (3) thereof,

The Community's financial contribution to the official programme for the control of organisms harmful to plants and plant products on the Island of Madeira presented for 1995 by the relevant Portuguese authorities is hereby approved.

Article 2

Whereas Commission Decision 93/522/EEC ⁽³⁾ defines what measures are eligible for Community financing as regards programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira ;

The official programme is made up of three sub-programmes :

Whereas specific agricultural production conditions in Madeira call for particular attention, and action must be taken or reinforced as regards crop production, in particular the phytosanitary aspects for this region ;

1. a sub-programme for the autocidal control of the fruit fly (*Ceratitis capitata* Wied) ;
2. a sub-programme for the control of the white citrus fly (*Aleurothrixus floccosus* Maskell) ;
3. a sub-programme for the control of *Trialeurodes vaporariorum* Westwood.

Whereas the action to be taken or reinforced on the phytosanitary side is particularly costly ;

Article 3

Whereas the programme of action is to be presented to the Commission by the relevant Portuguese authorities ; whereas this programme specifies the objectives to be achieved, the measures to be carried out, their duration and their cost so that the Community may contribute to financing them ;

The Community contribution to financing the programme is limited to 75 % maximum of expenditure on eligible measures as defined by Commission Decision 93/522/EEC, and is set for 1995 at ECU 900 000 out of total expenditure of ECU 1 200 000 (VAT excluded).

Whereas the Community's financial contribution may cover up to 75 % of eligible expenditure, protective measures for bananas excluded ;

The schedule of programme costs and their financing is set out as Annex I to this Decision. In the case when the total eligible expenditure for 1995 presented by Portugal would be less than the forecast amount of ECU 1 200 000, the Community's contribution would be reduced in proportion.

Whereas the technical information provided by Portugal has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively ;

The Community reimbursement will be made in accordance with the provisions of the first paragraph of this Article and the financial rate of the ecu on 1 June 1995, i.e. ECU 1 = Esc 196,159.

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

Article 4

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 251, 8. 10. 1993, p. 35.

An advance of ECU 180 000 shall be paid to Portugal.

Article 5

The Community assistance shall relate to the eligible measures associated with the operations covered by the programme set up in Portugal by provisions for which the necessary financial resources have been committed between 1 August and 31 December 1995. The final date for payments in connection with the operations shall be 31 December 1995, and non-compliance without justification of delay shall entail loss of entitlement to Community financing.

Article 6

Specific provisions relating to the financing of the programme, provisions on compliance with Community policies and the information to be provided to the Commission by Portugal are set out in Annex II.

Article 7

Public contracts in connection with investments covered by this Decision must be awarded in compliance with Community law, in particular the Directives coordinating procedures for awarding public works and supply contracts, and Articles 30, 52 and 59 of the EC Treaty.

Article 8

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 8 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 1995

(in ECU) ⁽¹⁾

	Eligible expenditure 1995		
	EC	Madeira	Total
<i>Ceratitis capitata</i>	858 382	286 127	1 144 509
<i>Aleurothrixus floccosus</i>	18 917	6 306	25 223
<i>Trialeurodes vaporariorum</i>	22 701	7 567	30 268
Total	900 000	300 000	1 200 000

⁽¹⁾ ECU 1 = Esc 196,159 (1 June 1995).

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on the financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme. In line with the programme these authorities are those indicated below.

Commitment and payments

2. Portugal guarantees that, for all action co-financed by the Community, all public and private bodies involved in its management and implementation shall keep accounts in standard form of all transactions in order to facilitate monitoring of expenditure by the Community and the national authorities responsible for surveillance.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for five months.
4. The commitment will be made when the decision approving assistance is adopted by the Standing Committee on Plant Health under procedure 16a of Council Directive 77/93/EEC⁽¹⁾.
5. Following commitment a first advance of not more than ECU 180 000 shall be paid.
6. The balance of the amount committed is paid as two equal payments, each of ECU 360 000. The first part of the balance is paid upon presentation to the Commission of an interim report of activity. The second and final part of the balance is paid upon presentation to the Commission of the detailed total expenditure made and after it has been approved by the Commission.

Authorities responsible for the implementation of the programme

— Central administration :

Instituto de Protecção da Produção
Agro-Alimentar (IPPAA)
Centro Nacional de Protecção da Produção Agrícola (CNPPA)
Quinta do Marquês
P-2580 Oeiras

— Local administration :

Região Autónoma da Madeira
Secretaria Regional da Agricultura, Florestas e Pescas
Direcção Regional da Agricultura
Av. Arriaga, 21 A
Edifício Golden Gate, 4º piso
P-9000 Funchal

7. The actual expenditure incurred shall be notified to the Community broken down by type of action or sub-programme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If Portugal keeps suitable computerized accounts this will be acceptable.
8. All payments of aid granted by the Community under this Decision shall be made to the authority designated by Portugal, which will also be responsible for repayment to the Community of any excess amount.
9. All commitments and payments shall be made in ecu.

Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in ecu at the rate fixed by this Decision. Payment shall be made to the following account :

Banco de Fomento Exterior
Nº de conta 70/30/005156/0
NIB 000900700000005156002
Titular : Governo da Região Autónoma da Madeira
Endereço : Av. de Zarco
P-9000 Funchal

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors should it so request. Portugal and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment Portugal shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. Portugal and the recipients of aid shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case within the partnership framework, asking Portugal or the other authorities designated by Portugal for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, Portugal shall pay the amount to the Commission.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by Portugal in order to ensure that any irregularity in the provision of the assistance programme is detected. Portugal shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment*I. Monitoring Committee***1. Establishment**

A monitoring committee for the programme shall be set up by Portugal and the Commission; it shall regularly review implementation of the programme and, in appropriate cases, propose any adjustments required.

2. The composition, operation and frequency of meetings of the Committee shall be decided within two weeks of the notification of this Decision to Portugal.**3. Competence of Monitoring Committee**

The Committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures within the limits of the Community aid granted. It shall keep watch on respect for the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme in the light of the information furnished periodically by the interim monitoring and assessment indicators,

- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a sub-programme or measure for the entire period, or 20 % for any year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby compromised,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the operational programme,
- shall give its opinion on draft annual implementation reports,
- shall report regularly to the Standing Committee on Plant Health on the progress of the programme and expenditure incurred, at least twice during the relevant period.

II. *Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)*

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. Continuous monitoring means an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realization.
3. Continuous assessment of the programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. Portugal shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final report on the present programme will be presented by the competent authority to the Commission and to the Standing Committee on Plant Health before 31 March 1996.

5. The Commission may jointly with Portugal call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment defined at 3. He may submit proposals for adjustment of the sub-programmes and/or measures, modification of the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall issue an opinion on the administrative measures to be taken. To guarantee the assessor's impartiality the Commission will not pay the entire cost of employing him.

III. *Retrospective assessment of economic and phytosanitary impact*

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished) and an assessment of the immediate phytosanitary and economic impact.

C. **Information and publicity**

In the framework of this programme, the agency appointed as responsible for the programme shall ensure that it is adequately publicized.

It shall in particular take action to :

- make potential recipients and professional organizations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

Portugal and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the Monitoring Committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the Monitoring Committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by Portugal.

1. Award of public contracts

The 'public contracts' ⁽¹⁾ questionnaire must be completed for :

- public contracts above the ceilings set by the 'supplies' and 'works' Directives that are awarded by contract-awarding authorities as defined in these Directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a product of building or civil engineering works intended in itself to fulfil an economic or technical function.

The ceilings in force are the ones at the date of the notification of this Decision.

2. Protection of the environment

(a) *General information :*

- description of the main environmental features and problems of the region concerned, giving a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry of the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) *Description of planned activities*

For programme measures liable to have a significantly harmful effect on the environment :

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Notice C(88) 2510 to the Member States, on monitoring of compliance with procurement rules in the case of projects and programme financed by the Structural Funds and financial instruments (OJ No C 22, 28. 1. 1989, p. 3).

COMMISSION DECISION

of 8 September 1995

on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in the Azores for 1995

(Only the Portuguese text is authentic)

(95/384/EC)

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 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by the Commission Regulation (EEC) No 1974/93 ⁽²⁾, and in particular Article 33 (3) thereof,

Whereas Commission Decision 93/522/EEC ⁽³⁾ defines what measures are eligible for Community financing as regards programmes for the control of organisms harmful to plants and plant products in the French overseas departments, the Azores and Madeira;

Whereas agricultural production conditions in the Azores call for particular attention, and action must be taken or reinforced as regards crop production, in particular the phytosanitary aspects for this region;

Whereas action to be taken or reinforced on the phytosanitary side is particularly costly;

Whereas the programme of action has been presented to the Commission by the relevant Portuguese authorities; whereas this programme specifies the objectives to be achieved, the measures to be carried out, their duration and their cost so that the Community may contribute to financing them;

Whereas the Community's financial contribution may cover up to 75 % of eligible expenditure, protective measures for bananas excluded;

Whereas the technical information provided by Portugal has enabled the Standing Committee on Plant Health to analyse the situation accurately and comprehensively;

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

HAS ADOPTED THIS DECISION:

Article 1

The Community's financial contribution to the official programme for the control of organisms harmful to plants and plant products on the Azores presented for 1995 by the relevant Portuguese authorities is hereby approved.

Article 2

The official programme shall relate to the control of *Popillia Japonica* New on the island of Terceira in order to avoid its spread to other parts of the Community and to progressively tend to its total eradication on this island.

Article 3

The Community contribution to financing the programme is limited to 75 % maximum expenditure on eligible measures as defined by Decision 93/522/EEC, and is set for 1995 at ECU 650 000 out of total expenditure of ECU 866 667 (VAT excluded).

The schedule of programme costs and their financing is set out as Annex I to this Decision. If the total eligible expenditure for 1995 presented by Portugal was less than the forecast amount of ECU 866 667, the Community's contribution would be reduced in proportion.

The Community will reimburse up to the amount specified in the first paragraph, at the financial rate of the ecu on 1 June 1995, i.e. ECU 1 = Esc 196,159.

Article 4

An advance of ECU 120 000 shall be paid to Portugal.

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 180, 23. 7. 1993, p. 26.

⁽³⁾ OJ No L 251, 8. 10. 1993, p. 35.

Article 5

The Community assistance shall relate to the eligible measures associated with the operations covered by the programme set up in Portugal by provisions for which the necessary financial resources have been committed between 1 August and 31 December 1995. The final date for payments in connection with the operations shall be 31 July 1996, and non-compliance without justification of delay shall entail loss of entitlement to Community financing.

Article 6

Specific provisions relating to the financing of the programme, provisions on compliance with Community policies and the information to be provided by Portugal shall be set out in Annex II.

Article 7

Public contracts in connection with investments covered by this Decision must be awarded in compliance with Community law, in particular the Directives coordinating procedures for awarding public works and supply contracts, and Articles 30, 52 and 59 of the EC Treaty.

Article 8

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 8 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

FINANCIAL TABLE FOR 1995

(in ECU) ⁽¹⁾

	Eligible expenditure for 1995		
	EC	National	Total
Allocation by action :			
— biological control	573 491	191 164	764 655
— quarantine	8 909	2 969	11 878
— chemical control	6 500	2 167	8 667
— technical training	45 500	15 167	60 667
— operating expenses (collective control)	15 600	5 200	20 800
Total	650 000	216 667	866 667

⁽¹⁾ ECU 1 = Esc 196,159 (1 June 1995).

ANNEX II

I. PROVISIONS ON THE IMPLEMENTATION OF THE PROGRAMME

A. Provisions on the financial implementation

1. The Commission's intention is to establish real cooperation with the authorities responsible for the implementation of the programme for the control of organisms harmful to plants and plant products receiving a Community financial contribution and referred to herein as 'the programme'. In line with the programme those authorities are indicated below.

Commitment and payments

2. Portugal guarantees that, for all action co-financed by the Community, all public and private bodies involved in the management and implementation of the programme will keep suitable accounts in standard form of all transactions in order to facilitate monitoring of expenditure by the Community and the national authorities responsible for surveillance.
3. The initial budgetary commitment shall be based on an indicative financial plan; this commitment shall be made for one year.
4. The commitment will be made when the decision approving assistance is adopted by the Standing Committee on Plant Health under the procedure provided for in Article 16a of Council Directive 77/93/EEC⁽¹⁾.
5. Following commitment a first advance of ECU 120 000 of the amount shall be paid.
6. The balance of the amount committed is paid in two instalments of ECU 265 000. The first instalment of the balance is paid upon presentation to the Commission of an interim report. The second and final instalment of the balance will be paid after presentation of the details of total expenditure incurred to the Commission and subject to its approval.

Authorities responsible for the implementation of the programme

— Central administration :

Instituto de Protecção da Produção
Agro-Alimentar (IPPAA)
Centro Nacional de Protecção da Produção Agrícola (CNPPA)
Quinta do Marquês
P-2780 Oeiras

— Local administration :

Região Autónoma dos Açores
Secretaria Regional da Agricultura e Pescas
Direcção Regional do Desenvolvimento Agrário
Vinha Brava
P-9700 Angra do Heroísmo, Ilha Terceira

7. The actual expenditure incurred shall be notified to the Commission broken down by type of action or sub-programme in a way demonstrating the link between the indicative financial plan and expenditure actually incurred. If Portugal keeps suitable computerized accounts this will be acceptable.
8. All payments of aid granted by the Community under this Decision shall be made to the authority designated by Portugal, which will also be responsible for repayment to the Community of any excess amount.
9. All commitments and payments shall be made in ecus.

Financial schedules for Community support frameworks and amounts of Community aid shall be expressed in ecus at the rate fixed by this Decision. Payment shall be made to the following account :

Banco Comercial dos Açores
Rua de Sé — 9700 Angra do Heroísmo
No conta — 6/312/3637875
NIB — 001200060312363787541
Titular — Direcção Regional do Desenvolvimento Agrário

⁽¹⁾ OJ No L 26, 31. 1. 1977, p. 20.

Financial control

10. Inspections may be carried out by the Commission or the Court of Auditors of the European Communities should it so request. Portugal and the Commission shall immediately exchange all relevant information in regard to the outcome of an inspection.
11. For three years following the last payment relating to the assistance the authority responsible for implementation shall keep available to the Commission all documentary evidence of expenditure incurred.
12. When it submits applications for payment Portugal shall make available to the Commission all official reports relating to supervision of the measures in question.

Reduction, suspension and withdrawal of aid

13. Portugal and the recipients of aid shall declare that Community funds are used for the intended purposes. If implementation of a measure appears to require only part of the financial assistance allotted the Commission shall immediately recover the amount due. In cases of dispute the Commission shall examine the case within the partnership framework, asking Portugal or the other authorities designated by Portugal for implementation of the measure to submit their comments within two months.
14. The Commission may reduce or suspend aid for a measure if the examination confirms the existence of an irregularity, in particular of a substantial modification affecting the nature or conditions of implementation of the measure for which approval by the Commission has not been sought.

Recovery of undue payments

15. All sums unduly paid must be reimbursed to the Community by the designated authority indicated in point 8. Interest may be levied on sums not reimbursed. If for any reason the designated authority indicated in point 8 does not reimburse the Community, Portugal shall pay the amount to the Community.

Prevention and detection of irregularities

16. The partners shall observe a code of conduct drawn up by Portugal in order to ensure that any irregularity in the provision of the assistance programme is detected. Portugal shall ensure that:
 - suitable action is taken in this area,
 - any amount unduly paid as a result of an irregularity is recovered,
 - action is taken to prevent irregularities.

B. Monitoring and assessment*1. Monitoring Committee**1. Establishment*

A Monitoring Committee for the programme shall be set up by Portugal and the Commission. It shall review implementation of the programme at regular intervals and, in appropriate cases, propose any adjustments required.

2. The composition, operation and frequency of meetings of the Committee shall be decided by the Commission within one month of the notification of this Decision to Portugal.

3. Competence of Monitoring Committee

The Committee:

- shall have as its general responsibility the satisfactory progress of the programme towards attainment of the objectives set. Its competence shall embrace the programme measures and the Community aid granted. It shall keep watch on respect for the regulatory provisions, including those on eligibility of operations and projects,
- shall, on the basis of information on the selection of projects already approved and implemented, reach an opinion on application of the selection criteria set out in the programme,
- shall propose any action required to accelerate implementation of the programme in the event of time lost as shown by the information furnished periodically by the interim monitoring and assessment indicators,

- may, in agreement with the Commission representative(s), adjust the financing plans within a limit of 15 % of the Community contribution to a sub-programme or measure for the entire period, or 20 % for any year, provided that the total amount scheduled in the programme is not exceeded. Care must be taken to see that the main objectives of the programme are not thereby jeopardized,
- shall give its opinion on the adjustments proposed to the Commission,
- shall issue an opinion on technical assistance projects scheduled in the programme,
- shall give its opinion on draft final implementation report,
- shall report regularly and at least twice during the relevant period to the Standing Committee on Plant Health on progress of the programme and expenditure incurred.

II. *Monitoring and assessment of the programme during the implementation period (continuous monitoring and assessment)*

1. The national agency responsible for implementation shall also be responsible for continuous monitoring and assessment of the programme.
2. Continuous monitoring means an information system on the state of progress of the programme. Continuous monitoring will cover the measures contained in the programme. It involves reference to the financial and physical indicators structured so as to permit assessment of the correspondence between expenditure on each measure and predefined physical indicators showing the degree of realization.
3. Continuous assessment of an operational programme will involve analysis of the quantitative results of implementation on the basis of operational, legal and procedural considerations. The purpose is to guarantee correspondence between measures and programme objectives.

Implementation report and scrutiny of the programme

4. Portugal shall notify to the Commission, within one month of adoption of the programme, the name of the authority responsible for compilation and presentation of the final implementation report.

The final report on the present programme will be presented by the competent authority to the Commission and to the Standing Committee on Plant Health before 31 October 1996.

5. The Commission may jointly with Portugal call in an independent assessor who shall, on the basis of the continuous monitoring, carry out the continuous assessment defined at 3. He may submit proposals for adjustment of the sub-programmes and/or measures, modification of the selection criteria for projects, etc., in the light of difficulties encountered in the course of implementation. On the basis of monitoring of management he shall issue an opinion on the administrative measures to be taken.

III. *Retrospective assessment of economic impact*

The final report shall contain a concise evaluation of the entire programme (degree of achievement of physical and qualitative objectives and of progress accomplished). A first assessment of the immediate phytosanitary and economic impact should be made on the basis of the indicators agreed.

C. **Information and publicity**

In the framework of this programme, the agency appointed as responsible for the programme shall ensure that it is adequately publicized.

It shall in particular take action to:

- make potential recipients and professional organizations aware of the possibilities offered under the programme measures,
- make the general public aware of the Community's role in the programme.

Portugal and the agency responsible for implementation shall consult the Commission on initiatives envisaged in this area, possibly through the Monitoring Committee. They shall regularly notify the Commission of information and publicity measures adopted, either by a final report or through the Monitoring Committee.

The national legal provisions on confidentiality of information shall be complied with.

II. COMPLIANCE WITH COMMUNITY POLICIES

Community policies applying in this field must be complied with.

The programme shall be implemented in accordance with the provisions on coordination of and compliance with Community policies. The following information must be supplied by Portugal.

1. Award of public contracts

The 'public contracts' ⁽¹⁾ questionnaire must be completed for:

- public contracts above the ceilings set by the 'supplies' and 'works' Directives that are awarded by contract-awarding authorities as defined in these Directives and are not covered by the exemptions specified therein,
- public contracts below these ceilings where they constitute components of a single piece of work or of uniform supplies of a value above the ceiling. By 'a single piece of work' is meant a complex of building or civil engineering works intended in itself to fulfil an economic or technical function.

The ceilings in force are the ones at the date of the notification of this Decision.

2. Protection of the environment

(a) *General information:*

- description of the main environmental features and problems of the region concerned, giving a description of the important conservation areas (sensitive zones),
- a comprehensive description of the major beneficial and harmful effects that the programme, given the investments planned, is likely to have on the environment,
- a description of the action planned to prevent, reduce or offset any serious harmful effects on the environment,
- a report on consultations with the responsible environmental authorities (opinion of the Ministry of the Environment or its equivalent) and, if there were any such consultations, with the public concerned.

(b) *Description of planned activities*

For programme measures liable to have a significantly harmful effect on the environment:

- the procedures which will be applied for assessing individual projects during implementation of the programme,
- the mechanisms planned for monitoring environmental impact during implementation, assessing results and eliminating, reducing or offsetting harmful effects.

⁽¹⁾ Notice C(88) 2510 to the Member States, on monitoring of compliance with procurement rules in the case of projects and programme financed by the Structural Funds and financial instruments (OJ No C 22, 28. 1. 1989, p. 3).

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 27/95

of 19 May 1995

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 21/94 of 28 October 1995⁽¹⁾;

Whereas Commission Regulation (EC) No 2812/94 of 18 November 1994 amending Council Regulation (EEC) No 1101/89 as regards the conditions which apply to the putting into service of new capacity in inland waterway transport⁽²⁾ is to be incorporated into the Agreement;

Whereas Council Regulation (EC) No 3314/94 of 22 December 1994 amending Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport⁽³⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indents shall be added in point 44 (Council Regulation (EEC) No 1101/89) in Annex XIII to the Agreement before the adaptation:

- 394 R 2812 : Commission Regulation (EC) No 2812/94 of 18 November 1994 (OJ No L 298, 19. 11. 1994, p. 22),
- 394 R 3314 : Council Regulation (EC) No 3314/94 of 22 December 1994 (OJ No L 350, 31. 12. 1994, p. 8).

Article 2

The texts of Regulations (EC) No 2812/94 and (EC) No 3314/94 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

⁽¹⁾ OJ No L 325, 17. 12. 1994, p. 73.

⁽²⁾ OJ No L 298, 19. 11. 1994, p. 22.

⁽³⁾ OJ No L 350, 31. 12. 1994, p. 8.

Article 3

This Decision shall enter into force on 1 June 1995, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 19 May 1995.

For the EEA Joint Committee

The President

P. BENAVIDES

DECISION OF THE EEA JOINT COMMITTEE

No 28/95

of 19 May 1995

amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 7/94 of 21 March 1994 amending Protocol 47 and certain Annexes to the EEA Agreement ⁽¹⁾;

Whereas Commission Regulation (EC) No 3039/94 of 14 December 1994 amending Regulation (EEC) No 1102/89 laying down certain measures for implementing Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 45 (Commission Regulation (EEC) No 1102/89) of Annex XIII to the Agreement before the adaptation:

— 394 R 3039: Commission Regulation (EC) No 3039/94 of 14 December 1994 (OJ No L 322, 15. 12. 1994, p. 11).

Article 2

The texts of Regulation (EC) No 3039/94 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision are authentic.

Article 3

This Decision shall enter into force on 1 June 1995, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 19 May 1995.

For the EEA Joint Committee

The President

P. BENAVIDES

⁽¹⁾ OJ No L 160, 23. 6. 1994, p. 1.

⁽²⁾ OJ No L 322, 15. 12. 1994, p. 11.