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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 150/95

of 23 January 1995

amending Regulation (EEC) No 3813/92 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

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

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

Whereas Article 13 (2) of Regulation (EEC) No 3813/92 ⁽³⁾, provides for an examination to be conducted by the Council, before 1 January 1995, of the agrimonetary arrangements introduced at the beginning of 1993; whereas measures must be taken at Community level for uniform application in all Member States to prevent distortion of monetary origin in the implementation of the common agricultural policy;

Whereas, as a consequence of the Decision of 2 August 1993 raising the marginal intervention thresholds under the European Monetary System to 15 %, the currencies of the Member States are all treated as floating currencies from the agrimonetary viewpoint; whereas the correcting factor referred to in Article 1 (c) of Regulation (EEC) No 3813/92 has remained at 1,207509;

Whereas the correcting factor linked to the fixed currencies was abolished by Article 13 (2) of Regulation (EEC) No 3813/92; whereas it is consequently necessary to adjust the prices and amounts fixed in ecus in order to maintain their value in national currencies;

Whereas Council Regulation (EEC) No 3180/78 of 18 December 1978 changing the value of the unit of

account used by the European Monetary Cooperation Fund ⁽⁴⁾ was repealed and replaced by Council Regulation (EC) No 3320/94 of 22 December 1994 on the consolidation of the existing Community legislation on the definition of the ecu following the entry into force of the Treaty on European Union ⁽⁵⁾;

Whereas it is useful to determine the initial agricultural conversion rates for the currencies of the Member States which accede later on the European Union;

Whereas, in view of the elimination of the correcting factor, a specific agricultural conversion rate as provided for in Article 3 (2) of Regulation (EEC) No 3813/92 is not needed for the agricultural structure policy;

Whereas, until 31 December 1994, Regulation (EC) No 3528/93 ⁽⁶⁾ temporarily replaces the threshold for adjusting the agricultural conversion rates, which was initially symmetrical, narrow and fixed at between - 2 and + 2 points, by a threshold which is not symmetrical, is wider and movable between - 2 to + 3 and 0 to + 5 points; whereas Regulation (EC) No 3311/94 ⁽⁷⁾ extended those provisions for a month; whereas the application of the initial threshold as from 1 January 1995 is likely, on account of the possibility of monetary fluctuations persisting within the Exchange Rate Mechanism of the European Monetary System, to create instability adversely affecting the agricultural conversion rates;

Whereas, in view of the impact of falls in the agricultural conversion rates on farm incomes, the monetary trends which trigger them off must be confirmed;

⁽¹⁾ OJ No C 360, 17. 12. 1994, p. 17.

⁽²⁾ Opinion delivered on 20 January 1995 (not yet published in the Official Journal).

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 3528/93 (OJ No L 320, 22. 12. 1993, p. 32).

⁽⁴⁾ OJ No L 379, 30. 12. 1978, p. 1.

⁽⁵⁾ OJ No L 350, 31. 12. 1994, p. 27.

⁽⁶⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁷⁾ OJ No L 350, 31. 12. 1994, p. 1.

Whereas advance fixing of the agricultural conversion rates, provided for in certain cases in Article 6 of Regulation (EEC) No 3813/92, may be extended to the period of applicability of the amount in ecus concerned provided that the gap with the monetary trend remains within a certain limit;

Whereas the possibility of applying the compensatory measures provided for in Article 8 of Regulation (EEC) No 3813/92 should be limited to cases of appreciable reductions in the agricultural conversion rates; whereas such appreciable reductions must be defined in terms of the scale and the length of period for which prior increases in agricultural conversion rates have applied;

Whereas, in the event of a risk of an appreciable reduction in the agricultural conversion rates, the type and scale of the compensatory measures most suitable must be capable of being determined by the Council in the light of the actual circumstances surrounding the reduction;

Whereas this Regulation should apply from 1 January 1995, when the provisions on the correcting factor and the extension of the threshold expire,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3813/92 shall be amended as follows:

1. Article 1 shall be amended as follows:

(a) point (b) shall be replaced by the following:

‘(b) “representative market rate” shall mean:

the average exchange rate for the ecu with respect to that currency, recorded over a reference period of no more than one month, determined in accordance with the procedure laid down in Article 12;’

(b) points (c) and (d) shall be deleted and points (e) and (f) become points (c) and (d) respectively;

(c) the following point shall be added:

‘(e) “appreciable reduction in the agricultural conversion rate” shall mean:

a reduction in the last agricultural conversion rate applicable which is greater, in absolute value, than each of the differences between that rate and the lowest conversion rate applicable;

— in the last 12 months, and

— in the period between 24 months and over 12 months before, and

— in the period between 36 months and over 24 months before.

Two-thirds and one-third respectively of the value of the differences in the second and third indents shall be taken into account.’;

2. In Article 2 (1) the reference to Regulation (EEC) No 3180/78 shall be replaced by a reference to Regulation (EC) No 3320/94;

3. Article 3 shall be amended as follows:

(a) paragraph 1 shall be replaced by the following:

‘1. Subject to the derogations referred to in paragraphs 2 and 3, the agricultural conversion rate shall be fixed by the Commission on the basis of the representative market rate and in accordance with Article 4.

The agricultural conversion rate applicable on 1 February 1995 shall be equal to that determined for that date in accordance with the rules in force on 31 January 1995, divided by 1,207509.

The agricultural conversion rate for the national currency of a new Member State shall initially be equal to the representative market rate established in accordance with Article 1 (b) for the last reference period ending before the date of first application of this Regulation to the currency in question.’;

(b) paragraph 2 shall be deleted;

(c) in paragraph 3, “Taking into account the correcting factor” shall be deleted;

(d) paragraphs 3 and 4 shall become paragraphs 2 and 3;

4. Articles 4 and 4a shall be replaced by the following Article:

Article 4

1. The agricultural conversion rate for a currency shall be adjusted where at the end of a reference period:

(a) in the case of a positive monetary gap, the difference is greater than the threshold referred to in paragraph 4;

(b) in the case of a negative monetary gap:

— the absolute value of the difference is greater than 2 points, or

— the absolute value of the difference between that gap and the gap for another currency is greater than that threshold.

However, without prejudice to paragraph 5, where the agricultural conversion rate for a particular currency should be reduced on the basis of a single reference period, the first subparagraph shall not apply to that currency or those currencies which, solely with respect to it, are in the situation referred to in point (b) thereof.

2. In the case referred to in paragraph 1, the new agricultural conversion rate shall be determined by reducing the absolute value of the monetary gap in question by half.
3. Paragraph 1 shall apply iteratively in respect of the same reference period, where appropriate starting with a reduction in the positive monetary gaps, on the basis of the agricultural conversion rates calculated in accordance with paragraph 2.
4. The threshold shall be 5 points. However, the threshold between two particular currencies may be reduced in accordance with the procedure laid down in Article 11 (1) in order to avoid the risk of trade distortion.
5. Where applying paragraph 1 would result in an appreciable fall in the agricultural conversion rate for a currency, such application shall be suspended for the currency in question, as necessary and for no more than four further consecutive reference periods.';
5. In Article 5 (2), 'Without account being taken of the correcting factor' shall be deleted;
6. Article 6 shall be amended as follows:
- (a) in paragraph 1 the second subparagraph shall be deleted;
- (b) the following paragraph 2a shall be inserted:
- '2a. For amounts fixed in advance in ecus and amounts established in ecus under an invitation to tender, the agricultural conversion rate may be fixed in advance.
- In that case, the agricultural conversion rate shall be that in force, respectively, on the date on which it was fixed in advance or the closing date for the submission of tenders. However, that rate shall be adjusted where it diverges by more than 4 % from the agricultural conversion rate which have applied had the rate not been fixed in advance.
- The term of validity of agricultural conversion rates fixed in advance shall be equal to that for the advance fixing of the amount concerned or that of the award.';
7. Article 8 shall be replaced by the following:
- Article 8*
1. Member States may grant farmers compensatory aid for three years where the average agricultural conversion rate over the last 12 months falls appreciably against the average agricultural conversion rate over the previous 12 months.
- Each successive annual instalment shall be reduced, in relation to the previous instalment, by at least one-third of the amount granted in the first year.
2. In the case referred to in paragraph 1:
- the periods taken into account for the granting of aid may not be taken into account for the granting of further aid,
 - the definition of an appreciable fall in the average agricultural conversion rate shall be established in accordance with the procedure laid down in Article 12, by analogy with Article 1 (e),
 - the compensatory aid may not be granted in the form of an amount linked to production other than production during a fixed, previous period; it may not be granted for any specific output or be dependant on there being any output,
 - the first annual instalment of the aid shall be determined on the basis of the reduction in the average farm income in the Member State concerned, due to the reduction in the agricultural conversion rate,
 - where the average rate which triggered the granting of aid is, for 12 consecutive months, below the average agricultural conversion rate applied subsequently the annual instalments of aid beginning after the 12 months in question shall be cancelled or reduced in accordance with the procedure laid down in Article 12,
 - the Council shall, acting by a qualified majority on a proposal from the Commission and subject to the attainment of minimum limits, establish the maximum amounts which can be granted for each instalment of aid.
3. The Community contribution to the financing of the compensatory aid shall amount to:
- 75 % of the aid actually granted to farmers in regions covered by Objective 1, as referred to in Article 1 of Regulation (EEC) No 2052/88, or by Objective 6 referred to in Protocol 6 of the Act of Accession of 1994,
 - 50 % of the amounts actually granted in other cases.
- For the purposes of the financing of the common agricultural policy, this contribution shall be deemed to be part of intervention intended to stabilize the agricultural markets';
8. Article 9 shall be replaced by the following:
- Article 9*
- In the event of an appreciable re-evaluation, the Council, acting by a qualified majority on a proposal from the Commission, shall decide, primarily to comply with obligations under the GATT Agreement and budgetary discipline, on all necessary measures, which may involve derogations from the provisions of this Regulation:

- concerning aid,
- concerning the amount by which the monetary gaps are dismantled; however, such derogations may not result in the threshold being extended';

of an agricultural conversion rate fixed from the latter date. Without prejudice to Article 6 (2a) the agricultural conversion rates fixed in advance before 1 February 1995, and the amounts in ecus to which they refer, shall remain unchanged.'

9. Article 13 (2) shall be replaced by the following :

'2. Prices and amounts in ecus whose value in national currency is subject on 31 January 1995 to the correcting factor 1,207509 shall be multiplied by that factor on the first application, from 1 February 1995,

Article 2

This Regulation shall enter into force on 1 February 1995.

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

Done at Brussels, 23 January 1995.

For the Council

The President

J. PUECH

COMMISSION REGULATION (EC) No 151/95**of 30 January 1995****on the issue of import licences on 30 January 1995 for sheepmeat and goatmeat products originating in certain non-member countries**

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1886/94⁽²⁾,

Having regard to Council Regulation (EEC) No 3643/85 of 19 December 1985 concerning the import system applicable to certain non-member countries in the sheepmeat and goatmeat sector, as from 1986⁽³⁾, as last amended by Regulation (EEC) No 3890/92⁽⁴⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EEC) No 3653/85⁽⁵⁾, as last amended by Regulation (EEC) No 2779/93⁽⁶⁾, laid down detailed rules for implementing the import system provided for in Regulation (EEC) No 3643/85; whereas provision should be made, pursuant to Article 2 (5) of Regulation (EEC) No 3653/85, for determining the extent to which import licences may be issued in connection with applications lodged in respect of the first quarter of 1995;

Whereas, in cases where the quantities in respect of which licence applications have been lodged exceed the quantities which may be imported pursuant to Article 1 of Regulation (EEC) No 3653/85, such quantities should be reduced by a single percentage figure in accordance with Article 2 (5) (b) of that Regulation;

Whereas all the licence applications may be granted in cases where the quantities in respect of which licence applications have been lodged do not exceed the quantities provided for in Regulation (EEC) No 3653/85;

Whereas applications relating to products originating in Chile have been lodged in Spain and the United Kingdom,

HAS ADOPTED THIS REGULATION:

Article 1

Spain and the United Kingdom shall, on 30 January 1995, issue the import licences provided for in Regulation (EEC) No 3653/85 and applied for from 1 to 10 January 1995. For products falling within CN codes 0204 30 00, 0204 41 00, 0204 42 10, 0204 42 30, 0204 42 50, 0204 42 90, 0204 43 10, 0204 43 90, 0204 50 51, 0204 50 53, 0204 50 55, 0204 50 59, 0204 50 71 and 0204 50 79, the quantities applied for originating in Chile, shall be granted in full.

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, 30 January 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 197, 30. 7. 1994, p. 30.

⁽³⁾ OJ No L 348, 24. 12. 1985, p. 2.

⁽⁴⁾ OJ No L 391, 31. 12. 1992, p. 51.

⁽⁵⁾ OJ No L 348, 24. 12. 1985, p. 21.

⁽⁶⁾ OJ No L 252, 9. 10. 1993, p. 10.

COMMISSION REGULATION (EC) No 152/95

of 30 January 1995

on the issue of import licences for garlic originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾,

Having regard to Council Regulation (EC) No 1213/94 of 27 May 1994 concerning a protective measure applicable to imports of garlic from China⁽³⁾, as last amended by Regulation (EC) No 2815/94⁽⁴⁾, and in particular Article 1 (4) thereof,

Whereas Council Regulation (EEC) No 2707/72⁽⁵⁾ lays down the conditions for applying protective measures for fruit and vegetables;

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽⁶⁾, as amended by Regulation (EC) No 1662/94⁽⁷⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1 (2) of Commission Regulation (EC) No 1213/94, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 25 August 1994 to 24 May 1995;

Whereas, given the criteria laid down in Article 1 (3) of that Regulation and the import licences already issued, the quantity applied for at 25 January 1995 is in excess of the maximum monthly quantity for February 1995; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to these applications; whereas the issue of licences in response to applications lodged after 25 January 1995 and before 22 February 1995 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for under Article 1 of Regulation (EEC) No 1859/93 at 25 January 1995 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,75143 % of the quantity applied for, having regard to the information available to the Commission on 27 January 1995.

For the abovementioned products applications for import licences lodged after 25 January 1995 and before 22 February 1995 shall be refused.

Article 2

This Regulation shall enter into force on 31 January 1995.

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

Done at Brussels, 30 January 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 349, 31. 12. 1994.

⁽³⁾ OJ No L 133, 28. 5. 1994, p. 36.

⁽⁴⁾ OJ No L 298, 19. 11. 1994, p. 26.

⁽⁵⁾ OJ No L 291, 28. 12. 1972, p. 3.

⁽⁶⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁷⁾ OJ No L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 153/95

of 30 January 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⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the units of account on the conversion rates to be applied with the purposes of the common agricultural policy ⁽²⁾, as amended by Regulation (EC) No 3528/93 ⁽³⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

Whereas the derogation laid down in the second subparagraph of Article 1 of Council Regulation (EC) No 3311/94 of 20 December 1994 extending by one month the application of the agrimonetary arrangements in force on 31 December 1994 and fixing the agricultural conversion rates for the new Member States ⁽⁴⁾ should be applied,

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 31 January 1995.

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

Done at Brussels, 30 January 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽⁴⁾ OJ No L 350, 31. 12. 1994, p. 1.

ANNEX

**to the Commission Regulation of 30 January 1995 establishing the standard import values
for determining the entry price of certain fruit and vegetables**

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 15	204	63,0
	624	158,0
	999	110,5
0707 00 10	053	166,9
	068	148,0
	204	110,5
	624	207,3
	999	158,2
0709 90 71	204	224,6
	624	196,3
	999	210,5

⁽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 154/95

of 30 January 1995

repealing Regulation (EC) No 2865/94 adopting exceptional support measures for the market in pigmeat in Belgium

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak of classical swine fever in certain production regions in Belgium, animal health measures were adopted by the Belgian authorities pursuant to Council Directive 80/217/EEC of 22 January 1980 introducing Community measures for the control of classical swine fever⁽³⁾, as last amended by Decision 93/384/EEC⁽⁴⁾, and exceptional support measures for the market in pigmeat were adopted for this Member State by Regulation (EC) No 2865/94⁽⁵⁾, as amended by Regulation (EC) No 3145/94⁽⁶⁾;

Whereas, in view of the progress achieved on the animal health side, the exceptional market support measures can

now be closed down; whereas Regulation (EC) No 2865/94 needs to be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2865/94 is hereby repealed.

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, 30 January 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 47, 21. 2. 1980, p. 11.

⁽⁴⁾ OJ No L 166, 8. 7. 1993, p. 34.

⁽⁵⁾ OJ No L 303, 26. 11. 1994, p. 25.

⁽⁶⁾ OJ No L 332, 22. 12. 1994, p. 21.

COMMISSION REGULATION (EC) No 155/95**of 30 January 1995****amending Regulation (EC) No 2561/94 adopting exceptional support measures
for the market in pigmeat in Spain**

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas, because of the outbreak and the persistence of African swine fever in certain production regions in Spain, which are characterized by the production of Iberian pigs, exceptional support measures for the market in pigmeat were adopted for that Member State in Commission Regulation (EC) No 2561/94⁽³⁾;

Whereas Council Decision 89/21/EEC⁽⁴⁾ laying down veterinary and commercial restrictions is replaced from 28 December 1994 by Commission Decision 94/887/EC⁽⁵⁾; whereas it is appropriate to provide this modification in Regulation (EC) No 2561/94;

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

HAS ADOPTED THIS REGULATION:

Article 1

In Article 2 of Regulation (EC) No 2561/94, the reference to Decision 89/21/EEC is replaced by the reference to Decision 94/887/EC.

Article 2

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

It shall apply from 28 December 1994.

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

Done at Brussels, 30 January 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 272, 22. 10. 1994, p. 10.

⁽⁴⁾ OJ No L 9, 12. 1. 1989, p. 24.

⁽⁵⁾ OJ No L 352, 31. 12. 1994, p. 112.

COMMISSION REGULATION (EC) No 156/95

of 30 January 1995

amending Regulation (EC) No 3146/94 adopting exceptional support measures for the market in pigmeat in Germany

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by Commission Regulation (EEC) No 1249/89⁽²⁾, and in particular Article 20 thereof,

Whereas because of the outbreak of classical swine fever in certain production regions in Germany, exceptional support measures for the market in pigmeat were adopted for that Member State in Commission Regulation (EC) No 3146/94⁽³⁾;

Whereas, due to several new outbreaks of classical swine fever in Lower Saxony, the veterinary and trade restrictions imposed by the German authorities have been enlarged to that area; whereas, therefore, it is necessary to include that area in the exceptional support measures introduced by Regulation (EC) No 3146/94;

Whereas it is appropriate to fix the number of fattened pigs, piglets and young piglets which can be delivered to the competent authorities in Lower Saxony and to establish the aid granted for the delivery of piglets and young piglets;

Whereas the restrictions on the free movement of live pigs have been operative for several weeks now in the zones in question, provoking a substantial increase in the weight of the animals and consequently leading to an intolerable situation where the welfare of the animals is concerned; whereas retroactive application of this Regulation from 16 January 1995 is therefore justified;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3146/94 is hereby amended as follows:

1. Article 1 is replaced by the following:

Article 1

1. From 13 December 1994 producers may benefit, on request, from an aid granted by the competent German authorities for the delivery to them of fattened pigs falling under CN code 0103 92 19 weighing 120 kilograms or more on average per batch.

2. From 16 January 1995 producers may benefit, on request, from an aid granted by the competent German authorities for the delivery to them, of:

- piglets falling under CN code 0103 91 10 weighing 25 kilograms or more on average per batch,
- young piglets falling under CN code 0103 91 10 weighing 8 kilograms or more on average per batch.

3. The aid granted to the first 14 000 fattened pigs delivered in Bavaria, the first 10 500 fattened pigs delivered in Lower Saxony and the first 1 050 piglets and young piglets delivered in Lower Saxony is financed by the Community budget.

4. Germany is authorized to grant, in addition, at its own expense and on the terms laid down in this Regulation an aid for the following 6 000 fattened pigs delivered in Bavaria, the following 4 500 fattened pigs delivered in Lower Saxony and the following 450 piglets and young piglets delivered in Lower Saxony.

2. In Article 2 'fattened pigs' is replaced by 'fattened pigs, piglets and young piglets'.

3. In Article 5, the following paragraph is added:

'3. The aid provided for in Article 1 (2), at farm gate, shall be:

- ECU 35 per head for piglets weighing 25 kilograms or more on average per batch,
- ECU 30 per head for piglets weighing more than 24 kilograms on average per batch, but less than 25 kilograms,
- ECU 28 per head for young piglets weighing 8 kilograms or more on average per batch,
- ECU 24 per head for young piglets weighing more than 7,6 kilograms on average per batch, but less than 8 kilograms.'

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

⁽²⁾ OJ No L 129, 11. 5. 1989, p. 12.

⁽³⁾ OJ No L 332, 22. 12. 1994, p. 23.

4. Article 7 is replaced by the following:

Article 2

'Article 7

The competent authorities of Germany shall send the Commission each Wednesday the following information concerning the previous week:

- number and total weight of fattened pigs delivered,
- number and total weight of piglets delivered,
- number and total weight of young piglets delivered.'

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

5. The Annex is replaced by the Annex to this Regulation.

It shall apply from 16 January 1995.

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

Done at Brussels, 30 January 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

'ANNEX

1. In *Bundesland* Bavaria, the Kreise:

- Erding,
- Freising,
- Landshut (the city of Landshut included),
- Mühldorf am Inn.

2. In *Bundesland* Lower Saxony, the protection zone 94/117 Drantum and surroundings in the Kreise Vechta and Cloppenburg.'
