

# Official Journal

## of the European Communities

ISSN 0378-6978

L 95

Volume 38

27 April 1995

English edition

## Legislation

### Contents

#### I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 915/95 of 21 April 1995 opening and providing for the administration of autonomous Community tariff quotas for certain fishery products (1995)** ..... 1
- Commission Regulation (EC) No 916/95 of 26 April 1995 on the transport for the free supply to Tajikistan of common wheat flour pursuant to Council Regulation (EC) No 1999/94 ..... 4
- Commission Regulation (EC) No 917/95 of 26 April 1995 on the supply of flour intended for the people of Tajikistan pursuant to Council Regulation (EC) No 1999/94 ..... 8
- ★ **Commission Regulation (EC) No 918/95 of 26 April 1995 deferring the final date for sowing certain arable crops in certain areas** ..... 12
- ★ **Commission Regulation (EC) No 919/95 of 26 April 1995 amending Regulation (EC) No 1055/94 deferring the final date for sowing oil seeds in certain areas** ..... 16
- Commission Regulation (EC) No 920/95 of 26 April 1995 altering the export refunds on white sugar and raw sugar exported in the natural state ..... 18
- Commission Regulation (EC) No 921/95 of 26 April 1995 fixing the maximum export refund for white sugar for the 46th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94 ..... 20
- Commission Regulation (EC) No 922/95 of 26 April 1995 determining the extent to which applications lodged until the month of April 1995 for the issue of import licences in respect of frozen beef intended for processing may be accepted ..... 21
- Commission Regulation (EC) No 923/95 of 26 April 1995 fixing the import levies on live cattle and on beef and veal other than frozen ..... 22

Commission Regulation (EC) No 924/95 of 26 April 1995 fixing the import levies on frozen beef and veal ..... 27

Commission Regulation (EC) No 925/95 of 26 April 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables ..... 31

Commission Regulation (EC) No 926/95 of 26 April 1995 repealing Regulation (EEC) No 767/92 applying the duty in the Common Customs Tariff to imports of fresh lemons originating in Israel ..... 33

Commission Regulation (EC) No 927/95 of 26 April 1995 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat ..... 34

Commission Regulation (EC) No 928/95 of 26 April 1995 fixing the import levies on frozen sheepmeat and goatmeat ..... 36

Commission Regulation (EC) No 929/95 of 26 April 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal ..... 38

Commission Regulation (EC) No 930/95 of 26 April 1995 fixing the maximum export refunds on olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94 ..... 40

Commission Regulation (EC) No 931/95 of 26 April 1995 fixing the export refunds on olive oil ..... 42

Commission Regulation (EC) No 932/95 of 26 April 1995 fixing the aid for cotton 44

---

II *Acts whose publication is not obligatory*

Council and Commission

95/145/EC, ECSC :

★ **Decision of the Council and the Commission of 10 April 1995 concerning the conclusion of the Agreement between the European Communities and the Government of the United States of America regarding the application of their competition laws** ..... 45

**Agreement between the Government of the United States of America and the Commission of the European Communities regarding the application of their competition laws** ..... 47

Commission

95/146/EC :

Commission Decision of 20 April 1995 on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia ..... 53

---

Corrigenda

★ **Corrigendum to Commission Decision 94/1042/ECSC of 13 December 1994 authorizing the grant by the United Kingdom of aid to the coal industry (OJ No L 384 of 31. 12. 1994)** ..... 55

## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 915/95****of 21 April 1995****opening and providing for the administration of autonomous Community tariff quotas for certain fishery products (1995)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 28 thereof,

Having regard to the proposal from the Commission,

Whereas Community supplies of certain species of fish or fish fillets currently depend on imports from third countries; whereas it is in the Community's interests to suspend in part or in whole the customs duties for the products in question, within Community tariff quotas of an appropriate volume; whereas, in order not to jeopardize the development prospects of this production in the Community and to ensure an adequate supply to satisfy user industries, it is advisable to open those quotas for the period from 1 April to 30 June 1995, applying customs duties varied accordingly to sensitivity of the different products on the Community market;

Whereas it is necessary, in particular, to ensure for all Community importers equal and uninterrupted access to the said quotas and to ensure the uninterrupted application of the rates laid down for the quotas to all imports of the products concerned into all Member States until the quotas have been used up;

Whereas the decision for the opening of autonomous tariff quotas should be taken by the Community; whereas, to ensure the efficiency of a common administration of these quotas, there is no reasonable obstacle to authorizing the Member States to draw from the quota-volumes the necessary quantities corresponding to actual imports; whereas, however, this method of administration requires close cooperation between the Member States and the Commission and the latter must in particular be able to monitor the rate at which the quotas are used up and inform the Member States accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

1. From 1 April to 30 June 1995, the customs duties applicable on importation to products listed in the Annex

shall be suspended at the levels and within the limits of the Community tariff quota indicated for each product.

2. Imports of the products in question shall not be covered by the quotas referred to in paragraph 1 unless the free-at-frontier price, which is determined by the Member States in accordance with Article 22 of Regulation (EEC) No 3759/92 of 17 December 1992 on the common organization of the market in fishery and aquaculture products<sup>(1)</sup>, is at least equal to the reference price fixed, or to be fixed, by the Community for the products under consideration of the categories of the products concerned.

*Article 2*

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take all appropriate administrative measures in order to ensure effective administration thereof.

*Article 3*

If an importer presents in a Member State an entry for release for free circulation, including a request for preferential benefit for a product covered by this Regulation and if this entry for release is accepted by the customs authorities, the Member States concerned shall inform the Commission and draw an amount corresponding to its requirements from the corresponding quota amount.

The drawing requests, with indication of the date of acceptance of the said entries, must be transmitted to the Commission without delay.

The drawings are granted by the Commission by reference to the date of acceptance of the entries for release for free circulation by the customs authorities of the Member States concerned to the extent that the available balance so permits.

<sup>(1)</sup> OJ No L 388, 31. 12. 1992, p. 1. Regulation as last amended by Council Regulation (EC) No 3318/94 (OJ No L 350, 31. 12. 1994, p. 15).

If a Member State does not use the quantities drawn it shall return them as soon as possible to the corresponding quota amount.

If the quantities requested are greater than the available balance of the quota amount, allocation shall be made on a pro rata basis with respect to the requests. Member States shall be informed by the Commission of the drawings made.

*Article 4*

Each Member State shall ensure that importers of the products concerned have equal and uninterrupted access

to the quotas for such time as the residual balance of the quota volumes so permits.

*Article 5*

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

*Article 6*

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

It shall apply from 1 April 1995.

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

Done at Brussels, 21 April 1995.

*For the Council*

*The President*

A. JUPPÉ

---

## ANNEX

| Series Number | CN code                                                    | Description of goods                                                                                                                                                                                             | Amount of quota (in tonnes) | Quota duty (%) |
|---------------|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------|
| 09.2753       | ex 0302 50<br>ex 0302 69 35<br>ex 0303 60<br>ex 0303 79 41 | Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), and fish of the genus <i>Boreogadus saida</i> , excluding livers, roes, presented fresh, chilled or frozen, for processing (a) (b) | 13 333                      | 6              |
| 09.2765       | 0305 62 00<br>0305 69 10                                   | Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked                                      | 2 500                       | 6              |
| 09.2773       | ex 0306 13 10<br>ex 0306 23 10                             | Shrimps and prawns of the species <i>Pandalus borealis</i> , in shell, fresh, chilled or frozen, for processing (a) (b)                                                                                          | 2 000                       | 6              |
| 09.2758       | ex 0302 70 00                                              | Cod livers ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), and fish liver of the genus <i>Boreogadus saida</i> , for processing (a) (b)                                                | 100                         | 0              |
| 09.2779       | ex 0304 90 05                                              | Surimi, frozen, for processing (a) (b)                                                                                                                                                                           | 1 000                       | 6              |
| 09.2780       | ex 0304 10 38<br>ex 0304 20 91<br>ex 0304 90 97            | Blue grenadier fillets ( <i>Macrouronus novaezelandiae</i> ), fresh, chilled or frozen and other frozen flesh of Blue grenadier for processing (a) (b)                                                           | 333                         | 6              |

(a) Control of the use for this special purpose shall be carried out pursuant to the relevant Community provisions.

(b) The quotas shall apply to products intended to undergo any operation unless they are intended to undergo exclusively one or more of the following operations :

- Cleaning, gutting tailing, heading,
- cutting (excluding filleting or cutting of frozen blocks),
- sampling, sorting,
- labelling,
- packing,
- chilling,
- freezing,
- deep freezing,
- thawing, separation.

The quota is not allowed for products intended, in addition to undergo treatment (for operations) qualifying for the quota where such treatment (for operations) is (are) carried out at retail or catering level. The reduction of customs duties shall apply only to fish intended for human consumption.

## Taric codes

| Series No | CN code       | Taric code |
|-----------|---------------|------------|
| 09.2753   | ex 0302 50 10 | *11        |
|           |               | *19        |
|           | ex 0302 50 90 | *11        |
|           | ex 0302 50 90 | *91        |
|           | ex 0302 69 35 | *10        |
|           | ex 0303 60 11 | *10        |
|           | ex 0303 60 19 | *10        |
|           | ex 0303 60 90 | *10        |
|           | ex 0303 79 41 | *10        |
| 09.2758   | ex 0302 70 00 | *20        |
| 09.2773   | ex 0306 13 10 | *10        |
|           | ex 0306 23 10 | *11        |
|           | ex 0306 23 10 | *91        |
| 09.2779   | ex 0304 90 05 | *10        |
| 09.2780   | ex 0304 20 91 | *10        |
|           | ex 0304 10 38 | *50        |
|           | ex 0304 90 97 | *60        |

## COMMISSION REGULATION (EC) No 916/95

of 26 April 1995

on the transport for the free supply to Tajikistan of common wheat flour  
pursuant to Council Regulation (EC) No 1999/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1999/94 of 27 July 1994 on actions for the free supply of agricultural products to the people of Georgia, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan and Moldova <sup>(1)</sup>, as amended by Regulation (EC) No 2621/94 <sup>(2)</sup>, and in particular Article 4 (2) thereof,

Whereas, Commission Regulation (EC) No 2065/94 <sup>(3)</sup>, as amended by Regulation (EC) No 3078/94 <sup>(4)</sup>, established the detailed rules applicable to the free supply of agricultural products provided for by Regulation (EC) No 1999/94; whereas, it is appropriate to open a tendering procedure for the supply of 10 000 tonnes of common wheat flour intended for Tajikistan;

Whereas, in view of the present difficulties in these Republics and the specific problems of forwarding aid to these regions, it is appropriate to organize the supply of the abovementioned products as a single action, by which the whole of the supply should be awarded to a single tenderer;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. A tendering procedure is hereby initiated for the supply costs of 10 000 tonnes (net) of common wheat flour as indicated in Annex I, in accordance with the provisions of Regulation (EC) No 2065/94, and in particular Article 2 thereof.

2. The supply costs shall relate to the take-over of the flour free on board, stowed on the ship in a Community port or on railway wagons in a Community railway station, and the transport to the places of destination and within the time limits indicated in Annex I.

3. The flour will be made available for loading in a Community port(s) or railway station(s) in the following manner:

— 4 000 tonnes with effect from 2 June 1995,

— 6 000 tonnes with effect from 9 June 1995.

With effect from 10 days after these dates, the costs associated with storage shall be borne by the successful tenderer.

4. The ports or railway stations will be definitively designated at the time of the award of the supply.

If the ports of loading are situated elsewhere other than in the Mediterranean Sea the consignment must be made via the Baltic Sea.

If the ports of loading are situated in the Mediterranean Sea the consignment must be made via the Black Sea.

5. The offers may also relate to transport by rail from beginning to end.

*Article 2*

1. In accordance with Article 4 of Regulation (EC) No 2065/94 the offers shall be presented to the following address:

Commission of the European Communities,  
EAGGF-Guarantee,  
Division VI/G.2 (Office 10/05),  
Rue de la Loi/Wetstraat 120,  
B-1049 Brussels.

The closing date for the lodgement of tenders shall be 10 May 1995 at 12 noon (Brussels time).

In the case of non-acceptance of offers on 10 May 1995, a second closing date for the lodgement of offers shall be 18 May 1995 at 12 noon (Brussels time).

In this case all of the dates referred to in Article 1 and Annex I shall be carried forward by 10 days.

2. The offer shall relate to the supply of the total of the quantities referred to in Article 1 (1) and shall specify the prices required for a consignment via the Baltic Sea and for a consignment via the Black Sea or for a transport by rail from beginning to end.

3. Point (c) of Article 12 (1) of Regulation (EC) No 2065/94 is not applicable.

4. The tendering security referred to in Article 6 (1) (f) of Regulation (EC) No 2065/94 for the flour is fixed at ECU 25 per tonne.

<sup>(1)</sup> OJ No L 201, 4. 8. 1994, p. 1.

<sup>(2)</sup> OJ No L 280, 29. 10. 1994, p. 2.

<sup>(3)</sup> OJ No L 213, 18. 8. 1994, p. 3.

<sup>(4)</sup> OJ No L 325, 17. 12. 1994, p. 15.

5. The security referred to in Article 12 (2) of Regulation (EC) No 2065/94 is fixed at ECU 340 per tonne.

6. The securities referred to in paragraphs 4 and 5 shall be lodged in favour of the Commission of the European Communities.

#### *Article 3*

The take-over certificate referred to in Article 10 (1) (a) of Regulation (EC) No 2065/94 shall be established at the places and by the authorities referred to in Annex II, on the basis of the model in Annex III.

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

Done at Brussels, 26 April 1995.

#### *Article 4*

For the payment provided for at Article 13 of Regulation (EC) No 2065/94, the intervention agency of the Member State in which the port or railway station of take-over is situated shall deliver a certificate certifying the total removal of the quantities for each destination, upon completion of that operation.

#### *Article 5*

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

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

*ANNEX I*

Packed on pallets of 1,05 tonnes, shrink wrapped and strapped.

**Tajikistan :**

— 10 000 tonnes of common wheat flour from a Community port or railway station.

*Delivery stage :*

Goods not unloaded at the frontier points.

*Final delivery date at the frontier points :*

Bekabad : 1 000 tonnes on 2 July 1995

Sari-Assia : 3 000 tonnes on 2 July 1995

Amuzang (via Termes) : 6 000 tonnes on 16 July 1995.

---

*ANNEX II*

**Place of take-over in Tajikistan**

1. Frontier points of Sari-Assia, Amuzang and Bekabad — goods not unloaded.

However, for the wagons of which the seals affixed by the representatives of the Commission are not intact at the designated frontier points, the take-over certificates may not be issued until after unloading and the quantitative and qualitative control of the goods to be effected at the first station inside the country at which unloading is possible.

2. Authority entitled to deliver the take-over certificate :

Ministry of Trade and Material Resources of the Republic of Tajikistan,  
Dunshanbe,  
Ul. Bochtar No 37.

---

ANNEX III

Regulation (EC) No 916/95

FLOUR

Take-over certificate on the arrival of the rail-wagons in Tajikistan

I, the undersigned .....  
(name/first name/position)

acting on behalf of .....

certify that the goods indicated below have been taken over :

Type of product : common wheat flour

Place and date of take-over : .....

| Wagon numbers |            |                        | Seal numbers |                                          |                |
|---------------|------------|------------------------|--------------|------------------------------------------|----------------|
| Departure     | Quantities | Arrival<br>(signature) | Departure    | Arrival<br>(signature or<br>remarks (')) | Quantities (') |
| 1. ....       | .....      | .....                  | .....        | .....                                    | .....          |
| 2. ....       | .....      | .....                  | .....        | .....                                    | .....          |
| 3. ....       | .....      | .....                  | .....        | .....                                    | .....          |
| 4. ....       | .....      | .....                  | .....        | .....                                    | .....          |
| 5. ....       | .....      | .....                  | .....        | .....                                    | .....          |
| 6. ....       | .....      | .....                  | .....        | .....                                    | .....          |
| 7. ....       | .....      | .....                  | .....        | .....                                    | .....          |
| 8. ....       | .....      | .....                  | .....        | .....                                    | .....          |
| 9. ....       | .....      | .....                  | .....        | .....                                    | .....          |
| 10. ....      | .....      | .....                  | .....        | .....                                    | .....          |

(') If on arrival, the seals are not in order, instead of the signature insert 'to be checked'.  
(') To be completed only for the wagons which have been the subject of a check, inserting the weight found.

Name and address of the transport company : .....

Name and address of the monitoring agency : .....

Observations and remarks :  
.....

|                                                                  |                                              |
|------------------------------------------------------------------|----------------------------------------------|
| Representative of monitoring agency<br>Name, signature and stamp | Name, signature and stamp of the beneficiary |
| .....                                                            | .....                                        |
| .....                                                            | .....                                        |

## COMMISSION REGULATION (EC) No 917/95

of 26 April 1995

on the supply of flour intended for the people of Tajikistan pursuant to Council Regulation (EC) No 1999/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1999/94 of 27 July 1994 on actions for the free supply of agricultural products to the people of Georgia, Armenia, Azerbaijan, Kyrgyzstan, Tajikistan and Moldova<sup>(1)</sup>, as amended by Regulation (EC) No 2621/94<sup>(2)</sup>, and in particular Article 4 (2) thereof,

Whereas Commission Regulation (EC) No 2065/94<sup>(3)</sup>, as amended by Regulation (EC) No 3078/94<sup>(4)</sup>, laying down the rules for the application of Council Regulation (EC) No 1999/94, and in particular Article 2 (3) thereof, provides that the tenders for the free supply of processed products may relate to the quantity of basic product to be taken from intervention stocks as payment for the supply, and where applicable, in accordance with Article 5 (2), as payment for the costs of processing, packaging and marking;

Whereas, it is appropriate to open without delay a tendering procedure for the supply of 10 000 tonnes of common wheat flour;

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*

A tendering procedure is hereby initiated for the supply costs of 10 000 tonnes (net) of common wheat flour as indicated in Annex I, in accordance with the provisions of Regulation (EC) No 2065/94, and in particular Article 2 (1) and (3) thereof.

*Article 2*

The supply shall include:

- (a) delivery of the product specified in Annex I, free on board, stowed on the ship or on railway wagons in the following manner:

<sup>(1)</sup> OJ No L 201, 4. 8. 1994, p. 1.

<sup>(2)</sup> OJ No L 280, 29. 10. 1994, p. 2.

<sup>(3)</sup> OJ No L 213, 18. 8. 1994, p. 3.

<sup>(4)</sup> OJ No L 325, 17. 12. 1994, p. 15.

*Lot No 1:*

4 000 tonnes in one sole Community port/railway station.

*Lot No 2:*

6 000 tonnes in one sole Community port/railway station;

the loading rate of the port(s)/station(s) proposed must be at least 1 000 tonnes per day;

- (b) the packaging and marking of the product in accordance with the instructions set out in Annex I.

The goods must be made available for loading for a maximum period of 10 days, at the following dates:

*Lot No 1:*

— 4 000 tonnes with effect from 2 June 1995.

*Lot No 2:*

— 6 000 tonnes with effect from 9 June 1995.

*Article 3*

1. In accordance with Article 4 of Regulation (EC) No 2065/94 the offers shall be presented to the following address:

Commission of the European Communities,  
EAGGF-Guarantee,  
Division VI/G.2 (Office 10/05),  
Rue de la Loi/Wetstraat 120,  
B-1049 Brussels.

The closing date for the lodgement of tenders shall be 10 May 1995 at 12 noon (Brussels time).

In the case of non-acceptance of offers on 10 May a second closing date for the lodging offers shall be 18 May 1995 at 12 noon (Brussels time).

In this case all of the dates referred to in Article 2 shall be carried forward by 10 days.

2. The offer of the tenderer shall indicate the quantity of common wheat, to be taken over from the intervention stocks referred to in Annex II as payment for the supply, necessary to cover all costs of the supply as specified in Article 2 to the delivery stage laid down.

The quantities awarded must leave the stocks within a period of one month from the date of notification of the award.

The offer shall be expressed in tonnes of common wheat (net weight) to be exchanged for a tonne of finished product (net weight).

3. The tendering security referred to at Article 6 (1) (f) of Regulation (EC) No 2065/94 is fixed at ECU 25 per tonne of flour.

4. The security referred to at Article 12 (2) of Regulation (EC) No 2065/94 is fixed at ECU 340 per tonne of flour.

5. The securities referred to in paragraphs 3 and 4 shall be lodged in favour of the Commission of the European Communities.

#### *Article 4*

The take-over certificate referred to in Article 10 (1) (b) of Regulation (EC) No 2065/94 shall be established on the basis of the model in Annex III.

#### *Article 5*

By derogation from Article 11 (1) of Regulation (EC) No 2065/94 all of the controls referred to in the said paragraph shall be carried out by the intervention agency of the Member State in which the port/station of loading is situated.

#### *Article 6*

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

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

---

*ANNEX I*

1. **Product to be supplied :** Common wheat flour
2. **Characteristics and quality of the goods<sup>(1)</sup> :** (OJ No C 114, 29. 4. 1991 (point II.B.1.a))
3. **Total quantity :** 10 000 tonnes (net weight)
4. **Number of lots :** one lot of 4 000 tonnes and one lot of 6 000 tonnes
5. **Packaging<sup>(2)</sup> :**

The two lots will be packaged in new composite jute/polypropylene sacks each containing 50 kilogrammes net

(OJ No C 114, 29. 4. 1991 (point II.B.2.c))

**Additional requirements :**

The sacks must be packed on euro-pallets at the rate of 21 sacks of 50 kilogrammes (net) per pallet. The pallets must be shrink wrapped and fastened by means of straps, four times vertically, twice in each direction. Each pallet will be covered with a polyethylene netting
6. **Marking :**

The marking of the sacks (information in the Russian language plus European flag) must conform to the requirements laid down in the *Official Journal of the European Communities* No C 114 of 29 April 1991 (point II.B.3)
7. **Stage of supply :** fob stowed or fow (free on wagon) to be specified in the offer

---

*ANNEX II***Places of storage***Lot No 1*

SMEG-Gand,  
Scheepzatestraat,  
Ghent,  
Belgium.

*Lot No 2*

SMEG-Gand,  
Scheepzatestraat,  
Ghent,  
Belgium.

The characteristics of the lots shall be supplied to the tenderers by the intervention agency.

Address of the intervention agency :

ONIC,  
21 avenue Bosquet,  
F-Paris 7<sup>e</sup>;  
tel. : (33-1) 44 18 20 00 ; telefax : (33-1) 47 05 61 32.

---

<sup>(1)</sup> The successful tenderer shall deliver to the transporter a certificate from an official entity, certifying that for the product to be delivered, the standards applicable, relative to nuclear radiation, in the Member State concerned have not been exceeded.

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

ANNEX III

Take-over certificate

I, the undersigned .....  
(name/first name/position)

acting on behalf of .....

certify the following goods have been taken over :

|                                               |                         |  |
|-----------------------------------------------|-------------------------|--|
| Product :                                     |                         |  |
| Packaging :                                   |                         |  |
| Number                                        | of sacks :              |  |
|                                               | of 'Big Bags'/Pallets : |  |
| Total quantity in tonnes (net) :<br>(gross) : |                         |  |
| Place and date of take-over :                 |                         |  |
| Name of boat :                                |                         |  |

Name/address of monitoring agency :

.....

.....

Name and signature of its on-the-spot representative :

.....

.....

Observations or remarks :

.....

.....

.....

.....

Signature and stamp  
of transporter

.....

\_\_\_\_\_

## COMMISSION REGULATION (EC) No 918/95

of 26 April 1995

deferring the final date for sowing certain arable crops in certain areas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Austria, Finland and Sweden,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops<sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 12 thereof,

Whereas Article 10 (2) of Regulation (EEC) No 1765/92 requires producers, in order to qualify for compensatory payments under the arable support system, to have sown the seed and lodged an application for aid by 15 May preceding the relevant harvest at the latest;

Whereas Article 2 (1) (c) and (d) of Commission Regulation (EEC) No 2295/92 of 31 July 1992 on detailed rules for the application of the support system for producers of the protein crops referred to in Article 6 of Council Regulation (EEC) No 1765/92<sup>(2)</sup>, as last amended by Regulation (EC) No 2203/94<sup>(3)</sup>, sets 15 May as the final date that may be fixed by Member States for the sowing and submission of applications in respect of protein crops;

Whereas, in certain cases, the aforementioned date does not allow sowings of maize and sorghum to be undertaken in suitable conditions; whereas, owing to the climatic conditions in Finland and Sweden, sowings of cereals, protein crops and linseed in certain areas of those Member States take place after 15 May; whereas provision should therefore be made to extend the time limit for the sowing of such crops; whereas the extended time limits should not, however, compromise the efficiency of the support system for producers of certain arable crops, nor prejudice the controls relating to this system;

Whereas the regions in Belgium, the Netherlands and Finland listed in the Annexes correspond to the regions shown in their regionalization plans;

Whereas deferring the sowing date for certain crops in certain areas is not sufficient reason for changing the date

laid down for the submission of area aid applications as referred to in Article 6 (2) of Council Regulation (EEC) No 3508/92 of 27 November 1992 establishing an integrated administration and control system for certain Community aid schemes<sup>(4)</sup>, as last amended by Regulation (EC) No 3235/94<sup>(5)</sup>; whereas, nevertheless, the procedure whereby producers confirm sowings to the competent authorities may be tacitly established with a view to simplifying matters;

Whereas, in order to ensure a regular supply throughout the year of sweetcorn from producers to the processing industry, it is therefore necessary that producers be enabled to spread their sowings over a longer period; whereas the final sowing date for sweetcorn should therefore be extended to 15 June;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. By way of derogation from Article 10 (2) of Regulation (EEC) No 1765/92, the final date for sowing maize and sorghum shall be postponed until 31 May prior to the marketing year in question in areas to be defined by the Member State but located within the regions listed in Annex I to this Regulation.

2. By way of derogation from Article 10 (2) of Regulation (EEC) No 1765/92 and Article 2 (1) (d) of Regulation (EEC) No 2295/92 the final date for sowing arable crops, other than oil seeds, in Finland and Sweden shall be postponed until 31 May prior to the marketing year in question in areas to be defined by the Member State but located within the regions listed in Annex II to this Regulation.

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 12.

<sup>(2)</sup> OJ No L 221, 6. 8. 1992, p. 28.

<sup>(3)</sup> OJ No L 236, 10. 9. 1994, p. 12.

<sup>(4)</sup> OJ No L 355, 5. 12. 1992, p. 1.

<sup>(5)</sup> OJ No L 338, 28. 12. 1994, p. 16.

3. By way of derogation from Article 10 (2) of Regulation (EEC) No 1765/92 and Article 2 (1) (d) of Regulation (EEC) No 2295/92 the final date for sowing arable crops, other than oil seeds, in Finland and Sweden shall be postponed until 15 June in areas to be defined by the Member States but located within the regions listed in Annex III to this Regulation.

4. By way of derogation from Article 10 (2) of Regulation (EEC) No 1765/92 the final date for sowing sweetcorn shall be postponed until 15 June prior to the marketing year in question. Member States shall adopt the necessary control measures required for the application of this paragraph.

#### *Article 2*

Without prejudice to Commission Regulation (EEC) No 3887/92<sup>(1)</sup>:

- (a) the final date for confirming sowings to the competent authority shall be fixed at:

- 31 May in the case of sowings in the regions listed in Annexes I and II,
- 15 June in the case of sowings in the regions listed in Annex III, and in the case of sweetcorn;

- (b) the Member States may introduce a tacit confirmation procedure whereby no notification on the part of the producer is deemed equivalent to a confirmation of sowing. By the same token, producers who have not carried out the sowings planned must point out that fact.

#### *Article 3*

Member States shall notify the Commission, no later than 31 May 1995, of the measures taken to apply this Regulation.

#### *Article 4*

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, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ No L 391, 31. 12. 1992, p. 36.

## ANNEX I

| Crop                        | Member State   | Areas                                                                                                                                                                                                                     |
|-----------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Maize (excluding sweetcorn) | France         | Departments of Alsace, Aquitaine, Auvergne, Basse-Normandie, Bretagne, Centre, Haute-Normandie, Languedoc-Roussillon, Limousin, Midi-Pyrénées, Pays de la Loire, Poitou-Charente, Provence-Alpes-Côte d'Azur, Rhône-Alpes |
|                             | Belgium        | Zones I and II                                                                                                                                                                                                            |
|                             | Greece         | Macedonia, Thrace, Thessalia                                                                                                                                                                                              |
|                             | Spain          | The whole territory with the exception of the provinces of Huelva, Sevilla, Cadiz, Málaga, Córdoba, Jaen and the Canary Islands                                                                                           |
|                             | Italy          | Centre, north-east and north-west (statistical regions)                                                                                                                                                                   |
|                             | Portugal       | Between Douro and Minho, Beira Litoral, Alentejo, Ribatejo and Oeste                                                                                                                                                      |
|                             | United Kingdom | The whole territory with the exception of areas at an altitude higher than 250 metres in Scotland, England, Wales and Northern Ireland                                                                                    |
|                             | Netherlands    | Region 1                                                                                                                                                                                                                  |
| Sorghum                     | Italy          | Centre (statistical region) Emilia-Romagna                                                                                                                                                                                |
|                             | France         | Departments of Alsace, Aquitaine, Auvergne, Basse-Normandie, Bretagne, Centre, Haute-Normandie, Languedoc-Roussillon, Limousin, Midi-Pyrénées, Pays de la Loire, Poitou-Charente, Provence-Alpes-Côte d'Azur, Rhône-Alpes |
|                             | Greece         | Thrace                                                                                                                                                                                                                    |
|                             | Portugal       | Between Douro and Minho, Beira Litoral, Alentejo, Ribatejo and Oeste                                                                                                                                                      |

ANNEX II

| Crop                               | Member State | Region                                                                                                                                                                                                                                                                |
|------------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cereals, protein crops and linseed | Finland      | A<br>B<br>BS                                                                                                                                                                                                                                                          |
|                                    | Sweden       | Stockholm<br>Uppsala<br>Södermanland<br>Östergötland<br>Jönköping<br>Kronoberg<br>Kalmar<br>Gotland<br>Blekinge<br>Kristianstad<br>Malmöhus<br>Halland<br>Göteborg och Bohus<br>Älvsborg<br>Skaraborg<br>Värmland<br>Örebro<br>Västmanland<br>Kopparberg<br>Gävleborg |

ANNEX III

| Crop                               | Member State | Region                                                   |
|------------------------------------|--------------|----------------------------------------------------------|
| Cereals, protein crops and linseed | Finland      | C1<br>C2<br>C2P<br>C3<br>C4                              |
|                                    | Sweden       | Västernorrland<br>Jämtland<br>Västerbotten<br>Norrbotten |

**COMMISSION REGULATION (EC) No 919/95**  
**of 26 April 1995**  
**amending Regulation (EC) No 1055/94 deferring the final date for sowing oil**  
**seeds in certain areas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Austria, Finland and Sweden,

Having regard to Council Regulation (EEC) No 1765/92 of 30 June 1992 establishing a support system for producers of certain arable crops <sup>(1)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 12 thereof,

Whereas Article 2 (1) (c) and (d) of Commission Regulation (EEC) No 2294/92 of 31 July 1992 on detailed rules for the application of the support system for producers of the oil seeds referred to in Council Regulation (EEC) No 1765/92 <sup>(2)</sup>, as last amended by Regulation (EC) No 2203/94 <sup>(3)</sup>, sets 15 May as the final date that may be fixed by Member States for the sowing and submission of applications in respect of oil seeds, pursuant to Article 11 (3) of Regulation (EEC) No 1765/92; whereas Commission Regulation (EC) No 1055/94 <sup>(4)</sup> defers the final date for sowing oil seeds in certain areas;

Whereas, owing to the climatic conditions in Finland and Sweden, sowings of rape seed and colza seed in certain regions of those Member States take place after 15 May; whereas provision should therefore be made to extend the time limit for the sowing of rape seed and colza seed; whereas the extended time limits should not, however, compromise the efficiency of support system for producers of certain arable crops, nor prejudice the controls relating to this system; whereas it is therefore necessary to amend Regulation (EC) No 1055/94;

Whereas the regions in Finland listed in the Annexes correspond to the regions in its regionalization plan;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1055/94 is hereby amended as follows:

1. Article 1 is replaced by the following:

*'Article 1*

1. The final date for sowing the specified oil seed crops, pursuant to Article 2 (1) (d) of Regulation (EEC) No 2294/92, shall be postponed until 31 May prior to the marketing year in question in areas to be defined by the Member States but located within the regions listed in Annex I to this Regulation.
2. In Finland the final date for sowing rape seed and colza seed shall be postponed until 15 June prior to the marketing year in question in areas to be defined by Finland but located within the regions listed in Annex II.'
2. The Annex is supplented by the information given in Annex I hereto and shall be re-titled 'Annex I'.
3. Annex II to this Regulation is added as Annex II.

*Article 2*

Finland and Sweden shall notify the Commission, by 12 May 1995 at the latest, of the areas defined by them pursuant to Article 1 and of the measures taken to apply this Regulation.

*Article 3*

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

<sup>(1)</sup> OJ No L 181, 1. 7. 1992, p. 12.

<sup>(2)</sup> OJ No L 221, 6. 8. 1992, p. 22.

<sup>(3)</sup> OJ No L 236, 10. 9. 1994, p. 12.

<sup>(4)</sup> OJ No L 115, 6. 5. 1994, p. 9.

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

Done at Brussels, 26 April 1995.

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

ANNEX I

| Crop                     | Member State | Region                                                                                                                                                                                                                                                                |
|--------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rape seed and colza seed | Finland      | A<br>B<br>BS                                                                                                                                                                                                                                                          |
|                          | Sweden       | Stockholm<br>Uppsala<br>Södermanland<br>Östergötland<br>Jönköping<br>Kronoberg<br>Kalmar<br>Gotland<br>Blekinge<br>Kristianstad<br>Malmöhus<br>Halland<br>Göteborg och Bohus<br>Älvsborg<br>Skaraborg<br>Värmland<br>Örebro<br>Västmanland<br>Kopparberg<br>Gävleborg |

ANNEX II

| Crop                     | Member State | Region                      |
|--------------------------|--------------|-----------------------------|
| Rape seed and colza seed | Finland      | C1<br>C2<br>C2P<br>C3<br>C4 |

## COMMISSION REGULATION (EC) No 920/95

of 26 April 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 283/95 <sup>(2)</sup>, 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 859/95 <sup>(3)</sup>, as amended by Regulation (EC) No 890/95 <sup>(4)</sup>;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 859/95 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 <sup>(5)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(6)</sup>, are used to

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 <sup>(7)</sup>, as last amended by Regulation (EC) No 157/95 <sup>(8)</sup>,

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 amended Regulation (EC) No 859/95 are hereby altered to the amounts shown in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 27 April 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 34, 14. 2. 1995, p. 3.

<sup>(3)</sup> OJ No L 86, 20. 4. 1995, p. 27.

<sup>(4)</sup> OJ No L 91, 22. 4. 1995, p. 33.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(7)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(8)</sup> OJ No L 24, 1. 2. 1995, p. 1.

## ANNEX

to the Commission Regulation of 26 April 1995 altering the export refunds on white sugar and raw sugar exported in its unaltered state

| Product code   | Amount of refund <sup>(3)</sup> |
|----------------|---------------------------------|
|                | — ECU/100 kg —                  |
| 1701 11 90 100 | 40,84 <sup>(1)</sup>            |
| 1701 11 90 910 | 37,28 <sup>(1)</sup>            |
| 1701 11 90 950 | <sup>(2)</sup>                  |
| 1701 12 90 100 | 40,84 <sup>(1)</sup>            |
| 1701 12 90 910 | 37,28 <sup>(1)</sup>            |
| 1701 12 90 950 | <sup>(2)</sup>                  |
|                | — ECU/1 % of sucrose × 100 kg — |
| 1701 91 00 000 | 0,4440                          |
|                | — ECU/100 kg —                  |
| 1701 99 10 100 | 44,40                           |
| 1701 99 10 910 | 43,99                           |
| 1701 99 10 950 | 43,99                           |
|                | — ECU/1 % of sucrose × 100 kg — |
| 1701 99 90 100 | 0,4440                          |

<sup>(1)</sup> 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.

<sup>(2)</sup> 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).

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

## COMMISSION REGULATION (EC) No 921/95

of 26 April 1995

fixing the maximum export refund for white sugar for the 46th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector<sup>(1)</sup>, as last amended by Regulation (EC) No 283/95<sup>(2)</sup>, and in particular the first subparagraph of Article 19 (4) (b) thereof,

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

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

Whereas, following an examination of the tenders submitted in response to the 46th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 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 46th partial invitation to tender for white sugar issued pursuant to amended Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 47,038 per 100 kilograms.
2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

*Article 2*

This Regulation shall enter into force on 27 April 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 34, 14. 2. 1995, p. 3.

<sup>(3)</sup> OJ No L 112, 3. 5. 1994, p. 13.

<sup>(4)</sup> OJ No L 83, 13. 4. 1995, p. 1.

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

## COMMISSION REGULATION (EC) No 922/95

of 26 April 1995

determining the extent to which applications lodged until the month of April 1995 for the issue of import licences in respect of frozen beef intended for processing may be accepted

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 424/95 <sup>(2)</sup>, and in particular Article 14 (4) (a) thereof,

Whereas Commission Regulation (EC) No 757/95 <sup>(3)</sup> fixed the quantity of frozen beef intended for processing which may be imported under special terms in the second quarter of 1995;

Whereas Article 15 (6) (a) of Commission Regulation (EEC) No 2377/80 <sup>(4)</sup>, as last amended by Regulation (EC) No 1084/94 <sup>(5)</sup>, lays down that the quantities applied for may be reduced; whereas the applications lodged in conformity with the conditions of Commission Regulation (EEC) No 1136/79 <sup>(6)</sup>, as last amended by Regulation (EEC) No 3661/92 <sup>(7)</sup>, relate to total quantities which exceed the quantities available; whereas, under these circumstances and taking care to ensure an equitable

distribution of the available quantities, it is appropriate, to reduce proportionally the quantities applied for,

HAS ADOPTED THIS REGULATION:

*Article 1*

Every application for an import licence lodged in accordance with Regulation (EEC) No 1136/79 for the second quarter of 1995 shall be granted to the following extent, expressed as bone-in beef:

- (a) 4,27 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (5) of Regulation (EEC) No 1136/79;
- (b) 100 % of the quantity requested for beef imports intended for the manufacture of 'preserves' as defined by Article 2 (6) of Regulation (EEC) No 1136/79.

*Article 2*

This Regulation shall enter into force on 30 April 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 45, 1. 3. 1995, p. 2.

<sup>(3)</sup> OJ No L 75, 4. 4. 1995, p. 10.

<sup>(4)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(5)</sup> OJ No L 120, 11. 5. 1994, p. 30.

<sup>(6)</sup> OJ No L 141, 9. 6. 1979, p. 10.

<sup>(7)</sup> OJ No L 370, 19. 12. 1992, p. 16.

## COMMISSION REGULATION (EC) No 923/95

of 26 April 1995

fixing the import levies on live cattle and on beef and veal other than frozen

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<sup>(1)</sup>, as last amended by Regulation (EC) No 424/95<sup>(2)</sup>, and in particular Article 12 (8) thereof,

Whereas, pursuant to Article 9 of Regulation (EEC) No 805/68, a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas in respect of bovine animals the basic levy is determined on the basis of the difference between the guide price and the Community free-at-frontier offer price plus the amount of the customs duty; whereas the Community free-at-frontier offer price is determined in the light of the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period for bovine animals and for the fresh or chilled meat specified in section (a) of the Annex to the said Regulation under CN codes 0201 10 00, 0201 10 90, 0201 20 20 to 0201 20 50, account being taken in particular of the position with respect to supply and demand, of world market prices for frozen meat of a category which is competitive with fresh or chilled meat and of past experience;

Whereas if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;
- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;
- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;
- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas if it is found that the price of adult bovine animals on representative Community markets is equal to

or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;
- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;
- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;
- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas pursuant to Article 10 (4) of Regulation (EEC) No 805/68 the basic levy on the meat specified in sections (a), (c) and (d) of the Annex hereto is equal to the basic levy determined for bovine animals, multiplied by a standard coefficient fixed for each of the products in question; whereas these coefficients are fixed by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff<sup>(3)</sup>, as last amended by Regulation (EEC) No 3661/92<sup>(4)</sup>;

Whereas the prices for adult bovine animals for the 1994/95 marketing year have been fixed by Council Regulation (EC) No 1885/94<sup>(5)</sup>, extended by Regulation (EC) No 683/95<sup>(6)</sup>;

Whereas Regulation (EEC) No 586/77 stipulates that the basic levy is to be calculated according to the method set out in its Article 3 and on the basis of all the representative free-at-frontier offer prices of the Community determined for the products of each of the categories and cuts specified in Article 2 and established principally by reference to the prices specified in the customs documents accompanying products imported from third countries or from other information concerning export prices obtaining in those third countries;

Whereas, however, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; offer prices should also be excluded when the movement of prices in general or the information available suggests that they are unrepresentative of the true trend of prices in the country of origin;

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 45, 1. 3. 1995, p. 2.

<sup>(3)</sup> OJ No L 75, 23. 3. 1977, p. 10.

<sup>(4)</sup> OJ No L 370, 19. 12. 1992, p. 16.

<sup>(5)</sup> OJ No L 197, 30. 7. 1994, p. 29.

<sup>(6)</sup> OJ No L 71, 31. 3. 1995, p. 2.

Whereas in cases where for one or more categories of bovine animals or cuts of meat a free-at-frontier offer price cannot be established, the most recent available price should be used for the calculation ;

Whereas if the free-at-frontier offer price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used for the calculation of the levy, the latter price should be retained ;

Whereas pursuant to Article 10 (3) of Regulation (EEC) No 805/68 a special basic levy is determined for certain third countries on the basis of the difference between the guide price and the average price recorded over a certain period plus the amount of the customs duty ;

Whereas Commission Regulation (EEC) No 611/77 <sup>(1)</sup>, as last amended by Regulation (EC) No 3246/94 <sup>(2)</sup>, provides that the special levy on products originating in Switzerland should be determined on the basis of the weighted average of the prices of adult bovine animals recorded on the representative markets of this third country ; whereas the weighting coefficients and representative markets are specified in the Annexes to Regulation (EEC) No 611/77 ;

Whereas the levy is not collected in respect of imports under the quotas opened by Council Regulations (EC) No 3071/94 <sup>(3)</sup> and (EC) No 774/94 <sup>(4)</sup> and Commission Regulations (EC) No 3241/94 <sup>(5)</sup> and (EC) No 3243/94 <sup>(6)</sup>, as amended by Regulation (EC) No 498/95 <sup>(7)</sup> ;

Whereas the average price is not to be used for calculating the special levy unless it is at least ECU 1,21 per 100 kilograms of live weight more than the free-at-frontier offer price determined in accordance with Article 10 (2) of Regulation (EEC) No 805/68 ;

Whereas if the average price differs by less than ECU 0,60 per 100 kilograms of live weight from that previously used to calculate the levy, the latter may be retained ;

Whereas in cases where one or more of the abovementioned third countries adopt, for reasons of health for example, measures affecting the prices recorded on their markets, the Commission may use the latest prices recorded before the entry into force of such measures ;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on represen-

tative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State in respect of the various categories of adult bovine animals or of meat from such animals, after taking into account the size of each of these categories and the relative size of the bovine herd of each Member State ;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community <sup>(8)</sup>, as last amended by Regulation (EC) No 3270/94 <sup>(9)</sup> ;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets ; whereas, for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day ; whereas in respect of Italy the price of each category and quantity is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones ; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone ; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II ;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax' are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex ;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures ;

<sup>(1)</sup> OJ No L 77, 25. 3. 1977, p. 14.

<sup>(2)</sup> OJ No L 338, 28. 12. 1994, p. 70.

<sup>(3)</sup> OJ No L 325, 17. 12. 1994, p. 1.

<sup>(4)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(5)</sup> OJ No L 338, 28. 12. 1994, p. 53.

<sup>(6)</sup> OJ No L 338, 28. 12. 1994, p. 62.

<sup>(7)</sup> OJ No L 50, 7. 3. 1995, p. 2.

<sup>(8)</sup> OJ No L 77, 25. 3. 1977, p. 1.

<sup>(9)</sup> OJ No L 339, 29. 12. 1994, p. 48.

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices ;

Whereas for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained ;

Whereas the levies must be so fixed that obligations arising from international agreements concluded by the Community continue to be fulfilled ; whereas account should also be taken of Council Regulation (EC) No 3355/94 of 22 December 1994 concerning the arrangements applicable to the import into the Community of products originating in the Republics of Bosnia-Herzegovina, Croatia and Slovenia and the former Yugoslav Republic of Macedonia <sup>(1)</sup>, which provides for reductions in the levies on certain products of the beef and veal sector imported into the Community ; whereas Commission Regulation (EC) No 207/95 <sup>(2)</sup> establishes detailed rules for the importation of these products ;

Whereas, in addition, account must be taken of Decision 94/1/ECSC, EC of the Council and Commission <sup>(3)</sup>, concerning the conclusion of the Agreements on the European Economic Area, between the European Community, the European Coal and Steel Community and their Member States, on the one hand, and Austria, Finland, Iceland, Norway, Sweden and Liechtenstein, on the other hand, hereafter referred to as the 'EEA Agreement' ;

Whereas Council Regulation (EEC) No 715/90 <sup>(4)</sup>, as last amended by Regulation (EC) No 2484/94 <sup>(5)</sup>, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States ;

Whereas Council Regulations (EC) No 3491/93 <sup>(6)</sup>, and (EC) No 3492/93 <sup>(7)</sup>, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part <sup>(8)</sup>, as amended by Regulation (EEC) No 2235/93 <sup>(9)</sup>, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain

products ; whereas Commission Regulation (EC) No 1390/94 <sup>(10)</sup>, amended by Regulation (EC) No 468/95 <sup>(11)</sup>, lays down detailed rules for applying the import arrangements provided for in these agreements as regards beef ;

Whereas Council Regulations (EC) No 3641/93 <sup>(12)</sup>, and (EC) No 3642/93 <sup>(13)</sup>, on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part ; whereas Commission Regulation (EC) No 1389/94 <sup>(14)</sup>, as amended by Regulation (EC) No 1850/94 <sup>(15)</sup>, lays down detailed rules for applying the arrangements provided for in these agreements as regards beef ;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community <sup>(16)</sup> no levies shall apply on imports of products originating in the overseas countries and territories ;

Whereas the various cuts of beef and veal are defined in Regulation (EEC) No 586/77 ;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature ;

Whereas the levies and special levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month ; whereas these levies may be altered in the period between two fixings where the basic levy or special basic levy is altered, or in the case of changes in the prices recorded on Community representative markets ;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 <sup>(17)</sup>, as last amended by Regulation (EC) No 150/95 <sup>(18)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies ; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 <sup>(19)</sup>, as last amended by Regulation (EC) No 157/95 <sup>(20)</sup>,

Whereas, having regard to the provisions of the aforementioned Regulation, and in particular to the information and quotations known to the Commission, the levies on live cattle and beef and veal other than frozen meat should be as set out in the Annex hereto,

<sup>(1)</sup> OJ No L 353, 31. 12. 1994, p. 1.

<sup>(2)</sup> OJ No L 25, 2. 2. 1995, p. 2.

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

<sup>(4)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(5)</sup> OJ No L 265, 15. 10. 1994, p. 3.

<sup>(6)</sup> OJ No L 319, 21. 12. 1993, p. 1.

<sup>(7)</sup> OJ No L 319, 21. 12. 1993, p. 4.

<sup>(8)</sup> OJ No L 56, 29. 2. 1992, p. 9.

<sup>(9)</sup> OJ No L 200, 10. 8. 1993, p. 5.

<sup>(10)</sup> OJ No L 152, 18. 6. 1994, p. 20.

<sup>(11)</sup> OJ No L 48, 3. 3. 1995, p. 4.

<sup>(12)</sup> OJ No L 333, 31. 12. 1993, p. 16.

<sup>(13)</sup> OJ No L 333, 31. 12. 1993, p. 17.

<sup>(14)</sup> OJ No L 152, 18. 6. 1994, p. 16.

<sup>(15)</sup> OJ No L 192, 28. 7. 1994, p. 24.

<sup>(16)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(17)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(18)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(19)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(20)</sup> OJ No L 24, 1. 2. 1995, p. 1.

HAS ADOPTED THIS REGULATION :

*Article 2*

*Article 1*

The import levies on live cattle and beef and veal other than frozen meat shall be as set out in the Annex to the present Regulation.

This Regulation shall enter into force on 1 May 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

## ANNEX

## to the Commission Regulation of 26 April 1995 fixing the import levies on live cattle and on beef and veal other than frozen

(ECU/100 kg)

| CN code         | Croatia / Slovenia /<br>Bosnia-Herzegovina /<br>Former Yugoslav<br>Republic of Macedonia <sup>(1)</sup> | Switzerland | Other third countries <sup>(2)</sup>                 |
|-----------------|---------------------------------------------------------------------------------------------------------|-------------|------------------------------------------------------|
| — Live weight — |                                                                                                         |             |                                                      |
| 0102 90 05      | —                                                                                                       | 0           | 158,710 <sup>(1)</sup>                               |
| 0102 90 21      | —                                                                                                       | 0           | 158,710 <sup>(1)</sup>                               |
| 0102 90 29      | —                                                                                                       | 0           | 158,710 <sup>(1)</sup>                               |
| 0102 90 41      | —                                                                                                       | 0           | 158,710 <sup>(1)</sup> <sup>(3)</sup>                |
| 0102 90 49      | —                                                                                                       | 0           | 158,710 <sup>(1)</sup> <sup>(3)</sup>                |
| 0102 90 51      | 27,844                                                                                                  | 0           | 158,710 <sup>(1)</sup>                               |
| 0102 90 59      | 27,844                                                                                                  | 0           | 158,710 <sup>(1)</sup>                               |
| 0102 90 61      | —                                                                                                       | 0           | 158,710 <sup>(1)</sup>                               |
| 0102 90 69      | —                                                                                                       | 0           | 158,710 <sup>(1)</sup>                               |
| 0102 90 71      | 27,844                                                                                                  | 0           | 158,710 <sup>(1)</sup>                               |
| 0102 90 79      | 27,844                                                                                                  | 0           | 158,710 <sup>(1)</sup>                               |
| — Net weight —  |                                                                                                         |             |                                                      |
| 0201 10 00      | 52,903                                                                                                  | 0           | 301,548 <sup>(1)</sup> <sup>(4)</sup>                |
| 0201 20 20      | 52,903                                                                                                  | 0           | 301,548 <sup>(1)</sup> <sup>(4)</sup>                |
| 0201 20 30      | 42,323                                                                                                  | 0           | 241,239 <sup>(1)</sup> <sup>(4)</sup>                |
| 0201 20 50      | 63,484                                                                                                  | 0           | 361,858 <sup>(1)</sup> <sup>(4)</sup>                |
| 0201 20 90      | —                                                                                                       | 0           | 452,322 <sup>(1)</sup> <sup>(4)</sup>                |
| 0201 30 00      | —                                                                                                       | 0           | 517,394 <sup>(1)</sup> <sup>(4)</sup> <sup>(5)</sup> |
| 0206 10 95      | —                                                                                                       | 0           | 517,394 <sup>(1)</sup> <sup>(4)</sup>                |
| 0210 20 10      | —                                                                                                       | 0           | 452,322                                              |
| 0210 20 90      | —                                                                                                       | 0           | 517,394                                              |
| 0210 90 41      | —                                                                                                       | 0           | 517,394                                              |
| 0210 90 90      | —                                                                                                       | 0           | 517,394                                              |
| 1602 50 10      | —                                                                                                       | 0           | 517,394                                              |
| 1602 90 61      | —                                                                                                       | 0           | 517,394                                              |

<sup>(1)</sup> In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

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

<sup>(3)</sup> This levy is applicable only to products complying with the provisions of Commission Regulation (EC) No 207/95.

<sup>(4)</sup> Products falling within this code, imported from Poland and Hungary under the Agreements concluded between those countries and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EC) No 1390/94 or Regulation (EC) No 1389/94 have been presented, are subject to the levies foreseen in those Regulations.

<sup>(5)</sup> Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EC) No 358/94 (OJ No L 46, 18. 2. 1994, p. 34) have been presented, are subject to the levies foreseen in that Regulation.

<sup>(6)</sup> For imported products falling within these codes, the levy applicable is restricted within the conditions provided for in Council Regulations (EC) No 3071/94 and (EC) No 774/94 and Commission Regulations (EC) No 3241/94 and (EC) No 3243/94.

**COMMISSION REGULATION (EC) No 924/95**  
**of 26 April 1995**  
**fixing the import levies on frozen beef and veal**

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<sup>(1)</sup>, as last amended by Regulation (EC) No 424/95<sup>(2)</sup>, and in particular Article 12 (8) thereof,

Whereas, pursuant to Article 9 of Regulation (EEC) No 805/68, a levy is applicable to the products specified in Article 1 (1) (a) of that Regulation; whereas Article 12 fixes the amount of the levy applicable by reference to a percentage of the basic levy;

Whereas, in respect of the types of frozen meat listed in section (b) of the Annex to the said Regulation under CN codes 0202 10 00 and 0202 20 10, the basic levy is determined on the basis of the difference between:

- the guide price multiplied by a coefficient representing the ratio existing in the Community between the price of fresh meat of a category competitive with the frozen meat in question, presented in the same form, and the average price of adult bovine animals, and
- the Community free-at-frontier offer price for frozen meat, plus the amount of the customs duty and a standard amount representing the specific costs of the import operations;

Whereas, by Commission Regulation (EEC) No 586/77 of 18 March 1977 laying down rules for the application of the levies on beef and veal and amending Regulation (EEC) No 950/68 on the Common Customs Tariff<sup>(3)</sup>, as last amended by Regulation (EEC) No 3661/92<sup>(4)</sup>, the abovementioned coefficient, calculated in accordance with the rules laid down in Article 11 (2) (a) of Regulation (EEC) No 805/68, has been fixed at 1,69 units of account and the standard amount referred to in Article 11 (2) (b) of the said Regulation has been fixed at ECU 6,65;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is higher than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 75 % where the market price is less than or equal to 102 % of the guide price;

- (b) 50 % where the market price is more than 102 % and less than or equal to 104 % of the guide price;

- (c) 25 % where the market price is more than 104 % and less than or equal to 106 % of the guide price;

- (d) 0 % where the market price is more than 106 % of the guide price;

Whereas, if it is found that the price of adult bovine animals on representative Community markets is equal to or less than the guide price, the levy applicable equals the following percentage of the basic levy:

- (a) 100 % where the market price is more than or equal to 98 % of the guide price;

- (b) 105 % where the market price is less than 98 % and more than or equal to 96 % of the guide price;

- (c) 110 % where the market price is less than 96 % and more than or equal to 90 % of the guide price;

- (d) 114 % where the market price is less than 90 % of the guide price;

Whereas the guide prices for adult bovine animals for the 1994/95 marketing year were fixed by Council Regulation (EC) No 1885/94<sup>(5)</sup>, extended by Regulation (EC) No 683/95<sup>(6)</sup>;

Whereas the Community free-at-frontier offer price for frozen meat is determined by reference to the world market price based on the most representative purchasing possibilities, as regards quality and quantity, recorded over a certain period preceding the fixing of the basic levy, taking into account in particular:

- foreseeable developments on the market in frozen meat,
- the most representative prices on third country markets for fresh and chilled meat of a category which is competitive with frozen meat,
- past experience;

Whereas the basic levy on the types of frozen meat listed in section (b) of the Annex to Regulation (EEC) No 805/68 under CN codes 0202 20 50, 0202 20 90, 0202 30 10, 0202 30 50 and 0202 30 90 is equal to the basic levy fixed for the products falling within CN codes 0202 10 00 and 0202 20 10, multiplied by a standard

<sup>(1)</sup> OJ No L 148, 28. 6. 1968, p. 24.

<sup>(2)</sup> OJ No L 45, 1. 3. 1995, p. 2.

<sup>(3)</sup> OJ No L 75, 23. 3. 1977, p. 10.

<sup>(4)</sup> OJ No L 370, 19. 12. 1992, p. 16.

<sup>(5)</sup> OJ No L 197, 30. 7. 1994, p. 29.

<sup>(6)</sup> See page 2 of this Official Journal.

coefficient fixed for each of the products in question; whereas these coefficients were fixed in Annex II to Regulation (EEC) No 586/77;

Whereas, for the purpose of fixing the free-at-frontier offer prices, offer prices that do not correspond to real purchasing possibilities or that relate to unrepresentative quantities should not be taken into account; whereas offer prices should also be excluded when the movement of prices in general or the information available gives reason to believe that they are unrepresentative of the true trend of prices in the country of origin;

Whereas, where the free-at-frontier offer price for frozen meat differs by less than one unit of account per 100 kilograms from that previously used for the calculation of the levy, the latter price should be retained;

Whereas pursuant to Article 12 (6) of Regulation (EEC) No 805/68 the price of adult bovine animals on representative Community markets is the price established on the basis of prices recorded over a period to be determined on the representative market or markets of each Member State for the various categories of adult bovine animals or of meat from such animals, taking into account the size of each of these categories and the relative size of the bovine herd of each Member State;

Whereas the representative markets, categories and qualities of products and weighting coefficients are fixed in Annex II to Commission Regulation (EEC) No 610/77 of 18 March 1977 on the determination of prices of adult bovine animals on representative Community markets and the survey of prices of certain other cattle in the Community <sup>(1)</sup>, as last amended by Regulation (EC) No 3270/94 <sup>(2)</sup>;

Whereas, for Member States with several representative markets, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each of those markets; for representative markets held several times in one period of seven days, the price of each category and quality is equal to the arithmetic mean of the prices recorded on each market day; whereas in respect of Italy the price of each category and quality is equal to the average, weighted by the special weighting coefficients fixed in Annex II to Regulation (EEC) No 610/77, of the prices recorded in the surplus and deficit zones; whereas the price recorded in the surplus zone is equal to the arithmetic mean of the prices recorded on each of the markets within that zone; whereas in respect of the United Kingdom the weighted average prices of adult bovine animals recorded on the representative markets of Great Britain on the one hand and Northern Ireland on the other are adjusted by the coefficient fixed in the abovementioned Annex II;

Whereas prices for the different categories and qualities not obtained from prices which are 'live weight excluding tax', are multiplied by the live weight conversion coefficients fixed in Annex II to the said Regulation and, in the case of Italy, are first increased or reduced by the corrective amounts fixed in the said Annex;

Whereas if one or more Member States, for veterinary or health reasons for example, adopt measures affecting the normal trend of prices recorded on their markets, the Commission may disregard the prices recorded on the market or markets in question, or use the latest prices recorded on the market or markets in question before the entry into force of such measures;

Whereas, in the absence of information, prices recorded on representative Community markets are determined mainly by reference to the most recently recorded prices;

Whereas, for such period as the price of adult bovine animals recorded on representative Community markets differs by less than ECU 0,24 per 100 kilograms of live weight from the price previously used, the latter is retained;

Whereas Council Regulation (EEC) No 715/90 <sup>(3)</sup>, as last amended by Regulation (EC) No 2484/94 <sup>(4)</sup>, lays down the arrangements applicable on agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States;

Whereas Council Regulations (EC) No 3491/93 <sup>(5)</sup> and (EC) No 3492/93 <sup>(6)</sup>, on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republics of Hungary and Poland, of the other part, and Council Regulation (EEC) No 520/92 of 27 February 1992 on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Czech and Slovak Federal Republic, of the other part <sup>(7)</sup>, as amended by Regulation (EEC) No 2235/93 <sup>(8)</sup>, and in particular Article 1 thereof introduce arrangements for reducing import levies on certain products; whereas Commission Regulation (EC) No 1390/94 <sup>(9)</sup>, as amended by Regulation (EC) No 468/95 <sup>(10)</sup>, lays down detailed rules for applying the arrangements provided for in these agreements as regards beef;

<sup>(1)</sup> OJ No L 77, 25. 3. 1977, p. 1.

<sup>(2)</sup> OJ No L 339, 29. 12. 1994, p. 48.

<sup>(3)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(4)</sup> OJ No L 265, 15. 10. 1994, p. 3.

<sup>(5)</sup> OJ No L 319, 21. 12. 1993, p. 1.

<sup>(6)</sup> OJ No L 319, 21. 12. 1993, p. 4.

<sup>(7)</sup> OJ No L 56, 29. 2. 1992, p. 9.

<sup>(8)</sup> OJ No L 200, 10. 8. 1993, p. 5.

<sup>(9)</sup> OJ No L 152, 18. 6. 1994, p. 20.

<sup>(10)</sup> OJ No L 48, 3. 3. 1995, p. 4.

Whereas Council Regulations (EC) No 3641/93<sup>(1)</sup> and (EC) No 3642/93<sup>(2)</sup> on certain rules for applying the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and the Republic of Bulgaria and Romania, of the other part; whereas Commission Regulation (EC) No 1389/94<sup>(3)</sup>, as amended by Regulation (EC) No 1850/94<sup>(4)</sup>, lays down detailed rules for applying the arrangements provided for in these agreements as regards beef;

Whereas the levy is not collected in respect of imports under the quotas opened by Council Regulations (EC) No 3071/94<sup>(5)</sup> and (EC) No 774/94<sup>(6)</sup> and by Commission Regulations (EC) No 3241/94<sup>(7)</sup> and (EC) No 3243/94<sup>(8)</sup>, as amended by Regulation (EC) No 498/95<sup>(9)</sup>;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community<sup>(10)</sup>, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas the various cuts of frozen meat are defined in Regulation (EEC) No 586/77;

Whereas, pursuant to Article 33 (2) of Regulation (EEC) No 805/68, the nomenclature provided for in this Regulation is incorporated in the combined nomenclature;

Whereas the levies are fixed before the 27th day of each month and are applicable from the first Monday of the following month; whereas these levies may be altered in

the period between two fixings where the basic levy is altered, or in these case of changes in the prices recorded on Community representative markets;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(11)</sup>, as last amended by Regulation (EC) No 150/95<sup>(12)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(13)</sup>, as last amended by Regulation (EC) No 157/95<sup>(14)</sup>;

Whereas, having regard to the provisions of the aforementioned Regulations, and in particular to the information and quotations known to the Commission, the levies on frozen beef and veal should be as set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

The import levies on frozen beef and veal shall be as set out in the Annex.

#### *Article 2*

This Regulation shall enter into force on 1 May 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 333, 31. 12. 1993, p. 16.

<sup>(2)</sup> OJ No L 333, 31. 12. 1993, p. 17.

<sup>(3)</sup> OJ No L 152, 18. 6. 1994, p. 16.

<sup>(4)</sup> OJ No L 192, 28. 7. 1994, p. 24.

<sup>(5)</sup> OJ No L 325, 17. 12. 1994, p. 1.

<sup>(6)</sup> OJ No L 91, 8. 4. 1994, p. 1.

<sup>(7)</sup> OJ No L 338, 28. 12. 1994, p. 53.

<sup>(8)</sup> OJ No L 338, 28. 12. 1994, p. 62.

<sup>(9)</sup> OJ No L 50, 7. 3. 1995, p. 2.

<sup>(10)</sup> OJ No L 263, 19. 9. 1991, p. 1.

<sup>(11)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(12)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(13)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(14)</sup> OJ No L 24, 1. 2. 1995, p. 1.

## ANNEX

to the Commission Regulation of 26 April 1995 fixing the import levies on frozen beef and veal <sup>(1)</sup> <sup>(2)</sup>

| (ECU/100 kg) |                                       |
|--------------|---------------------------------------|
| CN code      | Levy                                  |
|              | — Net weight —                        |
| 0202 10 00   | 189,053 <sup>(3)</sup>                |
| 0202 20 10   | 189,053 <sup>(3)</sup>                |
| 0202 20 30   | 151,243 <sup>(3)</sup>                |
| 0202 20 50   | 236,316 <sup>(3)</sup>                |
| 0202 20 90   | 283,580 <sup>(3)</sup>                |
| 0202 30 10   | 236,316 <sup>(3)</sup>                |
| 0202 30 50   | 236,316 <sup>(3)</sup>                |
| 0202 30 90   | 325,171 <sup>(3)</sup> <sup>(4)</sup> |
| 0206 29 91   | 325,171 <sup>(4)</sup>                |

<sup>(1)</sup> In accordance with amended Regulation (EEC) No 715/90, levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

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

<sup>(3)</sup> Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and the Interim Agreements between the Czech Republic, the Slovak Republic, Bulgaria, Romania and the Community, and in respect of which EUR.1 certificates issued in accordance with Commission Regulation (EC) No 1390/94, amended, or Regulation (EC) No 1389/94 have been presented, are subject to the levies foreseen in those Regulations.

<sup>(4)</sup> The levy on the products falling within these codes, imported pursuant to Council Regulations (EC) No 3071/94 and (EC) No 774/94 and Commission Regulations (EC) No 3241/94, (EC) No 957/94 and (EC) No 3243/94, amended, is restricted pursuant to the conditions laid down in those Regulations.

**COMMISSION REGULATION (EC) No 925/95****of 26 April 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<sup>(1)</sup>, as amended by Regulation (EC) No 553/95<sup>(2)</sup>, and in particular Article 4 (1) thereof,

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

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

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 27 April 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 56, 14. 3. 1995, p. 1.

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

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

## ANNEX

to the Commission Regulation of 26 April 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

| CN code    | Third country code <sup>(1)</sup> | Standard import value |
|------------|-----------------------------------|-----------------------|
| 0702 00 20 | 052                               | 86,6                  |
|            | 060                               | 80,2                  |
|            | 204                               | 58,4                  |
|            | 212                               | 117,9                 |
|            | 624                               | 110,9                 |
|            | 999                               | 90,8                  |
| 0707 00 15 | 052                               | 47,2                  |
|            | 053                               | 166,9                 |
|            | 060                               | 39,2                  |
|            | 066                               | 75,0                  |
|            | 068                               | 73,8                  |
|            | 204                               | 49,1                  |
|            | 624                               | 207,3                 |
|            | 999                               | 94,1                  |
| 0709 90 75 | 052                               | 129,7                 |
|            | 204                               | 77,5                  |
|            | 624                               | 196,3                 |
|            | 999                               | 134,5                 |

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

**COMMISSION REGULATION (EC) No 926/95**  
**of 26 April 1995**  
**repealing Regulation (EEC) No 767/92 applying the duty in the Common**  
**Customs Tariff to imports of fresh lemons originating in Israel**

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

Having regard to Council Regulation (EEC) No 1627/75 of 26 June 1975 on imports of fresh lemons originating in Israel <sup>(1)</sup>, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 767/92 <sup>(2)</sup> applied the duty in the Common Customs Tariff to imports of fresh lemons originating in Israel;

Whereas, pursuant to the second paragraph of Article 4 of Regulation (EEC) No 1627/75, this rule remains in force until the quotations referred to in Article 2 (1) of that Regulation, adjusted by the convention factors and following deduction of import charges other than customs duties, remain equal to or higher than the price laid down in Article 3 of that Regulation for three consecutive

market days on the representative markets of the Community with the lowest quotations;

Whereas the present trend of prices of Israeli products on the representative markets indicates that the conditions set out in the second paragraph of Article 4 of Regulation (EEC) No 1627/75 are fulfilled; whereas Regulation (EEC) No 767/92 should therefore be repealed,

HAS ADOPTED THIS REGULATION :

*Article 1*

Regulation (EEC) No 767/92 is hereby repealed.

*Article 2*

This Regulation shall enter into force on 27 April 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ No L 165, 28. 6. 1975, p. 9.

<sup>(2)</sup> OJ No L 83, 28. 3. 1992, p. 24.

## COMMISSION REGULATION (EC) No 927/95

of 26 April 1995

fixing the import levies on live sheep and goats and on sheepmeat and goatmeat  
other than frozen meat

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

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

Whereas the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat were fixed by Commission Regulation (EC) No 176/95<sup>(2)</sup>, as last amended by Regulation (EC) No 651/95<sup>(3)</sup>;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 May 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 24, 1. 2. 1995, p. 46.

<sup>(3)</sup> OJ No L 68, 28. 3. 1995, p. 19.

## ANNEX

to the Commission Regulation of 26 April 1995 fixing the import levies on live sheep and goats and on sheepmeat and goatmeat other than frozen meat<sup>(\*)</sup> Ma

(ECU/100 kg)

| CN code                   | Week No 18<br>from 1 to<br>7 May 1995 | Week No 19<br>from 8 to<br>14 May 1995 | Week No 20<br>from 15 to<br>21 May 1995 | Week No 21<br>from 22 to<br>28 May 1995 | Week No 22<br>from 29 May<br>to 4 June 1995 |
|---------------------------|---------------------------------------|----------------------------------------|-----------------------------------------|-----------------------------------------|---------------------------------------------|
| 0104 10 30 <sup>(1)</sup> | 95,440                                | 93,795                                 | 91,600                                  | 88,855                                  | 86,105                                      |
| 0104 10 80 <sup>(1)</sup> | 95,440                                | 93,795                                 | 91,600                                  | 88,855                                  | 86,105                                      |
| 0104 20 90 <sup>(1)</sup> | 95,440                                | 93,795                                 | 91,600                                  | 88,855                                  | 86,105                                      |
| 0204 10 00 <sup>(2)</sup> | 203,063                               | 199,563                                | 194,893                                 | 189,053                                 | 183,203                                     |
| 0204 21 00 <sup>(2)</sup> | 203,063                               | 199,563                                | 194,893                                 | 189,053                                 | 183,203                                     |
| 0204 22 10 <sup>(2)</sup> | 142,144                               | 139,694                                | 136,425                                 | 132,337                                 | 128,242                                     |
| 0204 22 30 <sup>(2)</sup> | 223,369                               | 219,519                                | 214,382                                 | 207,958                                 | 201,523                                     |
| 0204 22 50 <sup>(2)</sup> | 263,982                               | 259,432                                | 253,361                                 | 245,769                                 | 238,164                                     |
| 0204 22 90 <sup>(2)</sup> | 263,982                               | 259,432                                | 253,361                                 | 245,769                                 | 238,164                                     |
| 0204 23 00 <sup>(2)</sup> | 369,575                               | 363,205                                | 354,705                                 | 344,076                                 | 333,429                                     |
| 0204 50 11 <sup>(2)</sup> | 203,063                               | 199,563                                | 194,893                                 | 189,053                                 | 183,203                                     |
| 0204 50 13 <sup>(2)</sup> | 142,144                               | 139,694                                | 136,425                                 | 132,337                                 | 128,242                                     |
| 0204 50 15 <sup>(2)</sup> | 223,369                               | 219,519                                | 214,382                                 | 207,958                                 | 201,523                                     |
| 0204 50 19 <sup>(2)</sup> | 263,982                               | 259,432                                | 253,361                                 | 245,769                                 | 238,164                                     |
| 0204 50 31 <sup>(2)</sup> | 263,982                               | 259,432                                | 253,361                                 | 245,769                                 | 238,164                                     |
| 0204 50 39 <sup>(2)</sup> | 369,575                               | 363,205                                | 354,705                                 | 344,076                                 | 333,429                                     |
| 0210 90 11 <sup>(3)</sup> | 263,982                               | 259,432                                | 253,361                                 | 245,769                                 | 238,164                                     |
| 0210 90 19 <sup>(3)</sup> | 369,575                               | 363,205                                | 354,705                                 | 344,076                                 | 333,429                                     |

<sup>(1)</sup> The levy applicable is limited in the conditions laid down in Council Regulations (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3609/93 and Commission Regulations (EEC) No 19/82 and (EC) No 3581/93.

<sup>(2)</sup> The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3609/93 and Commission Regulations (EEC) No 19/82 and (EC) No 3581/93.

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

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

**COMMISSION REGULATION (EC) No 928/95**  
**of 26 April 1995**  
**fixing the import levies on frozen sheepmeat and goatmeat**

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

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

Whereas the import levies on frozen sheepmeat and goatmeat were fixed by Commission Regulation (EC) No 177/95<sup>(2)</sup>, as last amended by Regulation (EC) No 652/95<sup>(3)</sup>;

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

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 1 May 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 289, 7. 10. 1989, p. 1.

<sup>(2)</sup> OJ No L 24, 1. 2. 1995, p. 49.

<sup>(3)</sup> OJ No L 68, 28. 3. 1995, p. 21.

## ANNEX

to the Commission Regulation of 26 April 1995 fixing the import levies on frozen  
sheepmeat and goatmeat <sup>(1)</sup> <sup>(2)</sup>

(ECU/100 kg)

| CN code    | Week No 18<br>from 1 to<br>7 May 1995 | Week No 19<br>from 8 to<br>14 May 1995 | Week No 20<br>from 15 to<br>21 May 1995 | Week No 21<br>from 22 to<br>28 May 1995 | Week No 22<br>from 29 May<br>to 4 June 1995 |
|------------|---------------------------------------|----------------------------------------|-----------------------------------------|-----------------------------------------|---------------------------------------------|
| 0204 30 00 | 161,354                               | 158,729                                | 155,226                                 | 150,846                                 | 146,459                                     |
| 0204 41 00 | 161,354                               | 158,729                                | 155,226                                 | 150,846                                 | 146,459                                     |
| 0204 42 10 | 112,948                               | 111,110                                | 108,658                                 | 105,592                                 | 102,521                                     |
| 0204 42 30 | 177,489                               | 174,602                                | 170,749                                 | 165,931                                 | 161,105                                     |
| 0204 42 50 | 209,760                               | 206,348                                | 201,794                                 | 196,100                                 | 190,397                                     |
| 0204 42 90 | 209,760                               | 206,348                                | 201,794                                 | 196,100                                 | 190,397                                     |
| 0204 43 10 | 293,664                               | 288,887                                | 282,511                                 | 274,540                                 | 266,555                                     |
| 0204 43 90 | 293,664                               | 288,887                                | 282,511                                 | 274,540                                 | 266,555                                     |
| 0204 50 51 | 161,354                               | 158,729                                | 155,226                                 | 150,846                                 | 146,459                                     |
| 0204 50 53 | 112,948                               | 111,110                                | 108,658                                 | 105,592                                 | 102,521                                     |
| 0204 50 55 | 177,489                               | 174,602                                | 170,749                                 | 165,931                                 | 161,105                                     |
| 0204 50 59 | 209,760                               | 206,348                                | 201,794                                 | 196,100                                 | 190,397                                     |
| 0204 50 71 | 209,760                               | 206,348                                | 201,794                                 | 196,100                                 | 190,397                                     |
| 0204 50 79 | 293,664                               | 288,887                                | 282,511                                 | 274,540                                 | 266,555                                     |

<sup>(1)</sup> The levy applicable is limited to the amount bound under GATT or in the conditions laid down in Council Regulations (EEC) No 1985/82, (EEC) No 3643/85, (EEC) No 715/90 and (EC) No 3609/93 and Commission Regulations (EEC) No 19/82 and (EC) No 3581/93.

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

## COMMISSION REGULATION (EC) No 929/95

of 26 April 1995

fixing the import levies on cereals and on wheat or rye flour, groats and meal

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

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

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

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

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

rate established during the reference period from 25 April 1995, as regards floating currencies, should be used to calculate the levies ;

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

HAS ADOPTED THIS REGULATION :

*Article 1*

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

*Article 2*

This Regulation shall enter into force on 27 April 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(3)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(4)</sup> OJ No L 50, 7. 3. 1995, p. 15.

## ANNEX

to the Commission Regulation of 26 April 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal

| CN code    | Third countries <sup>(8)</sup>                      |
|------------|-----------------------------------------------------|
| 0709 90 60 | 115,17 <sup>(2)</sup> <sup>(9)</sup>                |
| 0712 90 19 | 115,17 <sup>(2)</sup> <sup>(9)</sup>                |
| 1001 10 00 | 61,94 <sup>(1)</sup> <sup>(2)</sup> <sup>(11)</sup> |
| 1001 90 91 | 112,95                                              |
| 1001 90 99 | 112,95 <sup>(9)</sup> <sup>(11)</sup>               |
| 1002 00 00 | 142,52 <sup>(9)</sup>                               |
| 1003 00 10 | 113,78                                              |
| 1003 00 90 | 113,78 <sup>(9)</sup>                               |
| 1004 00 00 | 112,57                                              |
| 1005 10 90 | 115,17 <sup>(2)</sup> <sup>(9)</sup>                |
| 1005 90 00 | 115,17 <sup>(2)</sup> <sup>(9)</sup>                |
| 1007 00 90 | 118,27 <sup>(9)</sup>                               |
| 1008 10 00 | 58,14 <sup>(9)</sup>                                |
| 1008 20 00 | 63,76 <sup>(9)</sup> <sup>(9)</sup>                 |
| 1008 30 00 | 0 <sup>(2)</sup>                                    |
| 1008 90 10 | (7)                                                 |
| 1008 90 90 | 0                                                   |
| 1101 00 11 | 203,49 <sup>(9)</sup>                               |
| 1101 00 15 | 203,49 <sup>(9)</sup>                               |
| 1101 00 90 | 203,49 <sup>(9)</sup>                               |
| 1102 10 00 | 245,15                                              |
| 1103 11 10 | 137,36                                              |
| 1103 11 90 | 230,89                                              |
| 1107 10 11 | 214,19                                              |
| 1107 10 19 | 163,36                                              |
| 1107 10 91 | 215,67 <sup>(10)</sup>                              |
| 1107 10 99 | 164,47 <sup>(9)</sup>                               |
| 1107 20 00 | 189,50 <sup>(10)</sup>                              |

<sup>(1)</sup> Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.

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

<sup>(3)</sup> Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 2,186/tonne.

<sup>(4)</sup> Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

<sup>(5)</sup> Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.

<sup>(6)</sup> The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

<sup>(7)</sup> The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

<sup>(8)</sup> No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

<sup>(9)</sup> Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with amended Regulation (EC) No 121/94 or amended Regulation (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

<sup>(10)</sup> In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 6,569 per tonne for products originating in Turkey.

<sup>(11)</sup> The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

## COMMISSION REGULATION (EC) No 930/95

of 26 April 1995

fixing the maximum export refunds on olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94

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

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

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil<sup>(2)</sup>, and in particular Article 7 thereof,

Whereas Commission Regulation (EC) No 2517/94<sup>(3)</sup> issued a standing invitation to tender with a view to determining the export refunds on olive oil;

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

Whereas Article 6 of Regulation (EC) No 2517/94 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current

situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the above-mentioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The maximum export refunds for olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 April 1995.

*Article 2*

This Regulation shall enter into force on 27 April 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(3)</sup> OJ No L 268, 19. 10. 1994, p. 3.

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

## ANNEX

to the Commission Regulation of 26 April 1995 fixing the maximum export refunds on olive oil for the 10th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94

*(ECU/100 kg)*

| Product code   | Amount of refund (') |
|----------------|----------------------|
| 1509 10 90 100 | 45,35                |
| 1509 10 90 900 | —                    |
| 1509 90 00 100 | 54,10                |
| 1509 90 00 900 | —                    |
| 1510 00 90 100 | 12,00                |
| 1510 00 90 900 | —                    |

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

*NB:* The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

---

**COMMISSION REGULATION (EC) No 931/95**  
**of 26 April 1995**  
**fixing the export refunds on olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on export refunds and levies on olive oil<sup>(2)</sup>, and in particular the first sentence of Article 3 (1) thereof,

Whereas Article 20 of Regulation No 136/66/EEC provides that, where prices within the Community are higher than world market prices, the difference between these prices may be covered by a refund when olive oil is exported to third countries;

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72<sup>(3)</sup>, as last amended by Regulation (EEC) No 2962/77<sup>(4)</sup>;

Whereas the first indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund must be the same for the whole Community;

Whereas, in accordance with Article 4 of Regulation (EEC) No 1650/86, the refund for olive oil must be fixed in the light of the existing situation and outlook in relation to olive oil prices and availability on the Community market and olive oil prices on the world market; whereas, however, where the world market situation is such that the most favourable olive oil prices cannot be determined, account may be taken of the price of the main competing vegetable oils on the world market and the difference recorded between that price and the price of olive oil during a representative period; whereas the amount of the refund may not exceed the difference between the price of olive oil in the Community and that on the world market, adjusted, where appropriate, to take account of export costs for the products on the world market;

Whereas, in accordance with Article 5 of Regulation (EEC) No 1650/86, it may be decided that the refund shall be fixed by tender;

Whereas the tendering procedure should cover the amount of the refund and may be limited to certain countries of destination, quantities, qualities and presentations;

Whereas the second indent of Article 2 of Regulation (EEC) No 1650/86 provides that the refund on olive oil may be varied according to destination where the world market situation or the specific requirements of certain markets make this necessary;

Whereas Article 3 (1) of Regulation (EEC) No 1650/86 provides that the refund must be fixed at least once every month; whereas it may, if necessary, be altered in the intervening period;

Whereas it follows from applying these detailed rules to the present situation on the market in olive oil and in particular to olive oil prices within the Community and on the markets of third countries that the refund should be as set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92<sup>(5)</sup>, as last amended by Regulation (EC) No 150/95<sup>(6)</sup>, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93<sup>(7)</sup>, as last amended by Regulation (EC) No 157/95<sup>(8)</sup>;

Whereas Council Regulation (EEC) No 990/93<sup>(9)</sup> prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 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 Oils and Fats,

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

<sup>(2)</sup> OJ No L 145, 30. 5. 1986, p. 8.

<sup>(3)</sup> OJ No L 78, 31. 3. 1972, p. 1.

<sup>(4)</sup> OJ No L 348, 30. 12. 1977, p. 53.

<sup>(5)</sup> OJ No L 387, 31. 12. 1992, p. 1.

<sup>(6)</sup> OJ No L 22, 31. 1. 1995, p. 1.

<sup>(7)</sup> OJ No L 108, 1. 5. 1993, p. 106.

<sup>(8)</sup> OJ No L 24, 1. 2. 1995, p. 1.

<sup>(9)</sup> OJ No L 102, 28. 4. 1993, p. 14.

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 (2) (c) of Regulation No 136/66/EEC shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 1 May 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*ANNEX*

to the Commission Regulation of 26 April 1995 fixing the export refunds on olive oil

| <i>(ECU/100 kg)</i> |                                                |
|---------------------|------------------------------------------------|
| Product code        | Amount of refund <sup>(1)</sup> <sup>(2)</sup> |
| 1509 10 90 100      | 42,00                                          |
| 1509 10 90 900      | 0,00                                           |
| 1509 90 00 100      | 50,50                                          |
| 1509 90 00 900      | 0,00                                           |
| 1510 00 90 100      | 9,50                                           |
| 1510 00 90 900      | 0,00                                           |

<sup>(1)</sup> For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 as well as for exports to third countries.

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

*NB:* The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

**COMMISSION REGULATION (EC) No 932/95**  
**of 26 April 1995**  
**fixing the aid for cotton**

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

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

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

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EC) No 195/95<sup>(4)</sup>, as last amended by Regulation (EC) No 876/95<sup>(5)</sup>;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 44,374 per 100 kilograms.

*Article 2*

This Regulation shall enter into force on 27 April 1995.

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

Done at Brussels, 26 April 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

---

<sup>(1)</sup> OJ No L 377, 31. 12. 1987, p. 49.

<sup>(2)</sup> OJ No L 211, 31. 7. 1981, p. 2.

<sup>(3)</sup> OJ No L 154, 25. 6. 1993, p. 23.

<sup>(4)</sup> OJ No L 24, 1. 2. 1995, p. 109.

<sup>(5)</sup> OJ No L 89, 21. 4. 1995, p. 24.

## II

*(Acts whose publication is not obligatory)*

## COUNCIL AND COMMISSION

## DECISION OF THE COUNCIL AND THE COMMISSION

of 10 April 1995

concerning the conclusion of the Agreement between the European Communities and the Government of the United States of America regarding the application of their competition laws

(95/145/EC, ECSC)

THE COUNCIL OF THE EUROPEAN UNION,

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Articles 87 and 235, in conjunction with the first subparagraph of Article 228 (3) thereof,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Articles 65 and 66 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Whereas Article 235 of the Treaty establishing the European Community must be invoked owing to the inclusion in the text of the Agreement of mergers and acquisitions which are covered by Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings <sup>(2)</sup>, which is essentially based on Article 235;

Whereas, given the increasingly pronounced international dimension to competition problems, international cooperation in this field should be strengthened;

Whereas, to this end, the Commission has negotiated an Agreement with the Government of the United States of

America on the application of the competition rules of the European Communities and of the United States of America;

Whereas the Agreement, including the exchange of interpretative letters, should be approved,

HAVE DECIDED AS FOLLOWS:

*Article 1*

The Agreement between the European Communities and the Government of the United States of America regarding the application of their competition laws, including the exchange of interpretative letters, is hereby approved on behalf of the European Community and the European Coal and Steel Community.

The texts of the Agreement and of the exchange of interpretative letters, drawn up in the English language, are attached to this Decision.

*Article 2*

The Agreement shall apply with effect from 23 September 1991.

*Article 3*

The President of the Council is hereby authorized to designate the person(s) empowered to notify the Government of the United States of America of approval of the Agreement, on behalf of the European Community, and to sign the exchange of interpretative letters.

<sup>(1)</sup> Opinion delivered on 20 January 1995 (OJ No C 43, 20. 2. 1995) and 17 March 1995 (OJ No C 89, 10. 4. 1995).

<sup>(2)</sup> OJ No L 395, 30. 12. 1989, p. 1 (corrected version: OJ No L 257, 21. 9. 1990, p. 13).

The Commission shall designate the person(s) empowered to notify the Government of the United States of America of approval of the Agreement, on behalf of the European Coal and Steel Community, and to sign the exchange of interpretative letters.

Done at Luxembourg, 10 April 1995.

*For the Council*

*The President*

J. PUECH

*For the Commission*

*The President*

J. SANTER

---

## AGREEMENT

### between the Government of the United States of America and the Commission of the European Communities regarding the application of their competition laws

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Recognizing that the world's economies are becoming increasingly interrelated, and in particular that this is true of the economies of the United States of America and the European Communities ;

Noting that the Government of the United States of America and the Commission of the European Communities share the view that the sound and effective enforcement of competition law is a matter of importance to the efficient operation of their respective markets and to trade between them ;

Noting that the sound and effective enforcement of the Parties' competition laws would be enhanced by cooperation and, in appropriate cases, coordination between them in the application of those laws ;

Noting further that from time to time differences may arise between the Parties concerning the application of their competition laws to conduct or transactions that implicate significant interests of both Parties ;

Having regard to the Recommendation of the Council of the Organization for Economic Cooperation and Development Concerning Cooperation Between Member Countries on Restrictive Business Practices Affecting International Trade, adopted on June 5, 1986 ;

and

Having regard to the Declaration on US-EC Relations adopted on November 23, 1990,

HAVE AGREED AS FOLLOWS :

#### *Article I*

##### Purpose and definitions

1. The purpose of this Agreement is to promote cooperation and coordination and lessen the possibility or impact of differences between the Parties in the application of their competition laws.

2. For the purpose of this Agreement, the following terms shall have the following definitions :

A. 'competition law(s)' shall mean

- (i) for the European Communities, Articles 85, 86, 89 and 90 of the Treaty establishing the European Economic Community, Regulation (EEC) No 4064/89 on the control of concentrations between undertakings, Articles 65 and 66 of the Treaty establishing the European Coal and Steel Community (ECSC), and their implementing Regulations including High Authority Decision No 24-54, and
- (ii) for the United States of America, the Sherman Act (15 USC §§ 1-7), the Clayton Act (15 USC §§ 12-27), the Wilson Tariff Act (15 USC §§ 8-11), and the Federal Trade Commission Act (15 USC §§ 41-68, except as these sections relate to consumer protection functions),

as well as such other laws or regulations as the Parties shall jointly agree in writing to be a 'competition law' for purposes of this Agreement ;

B. 'competition authorities' shall mean (i) for the European Communities, the Commission of the European Communities, as to its responsibilities pursuant to the competition laws of the European Communities, and

(ii) for the United States, the Antitrust Division of the United States Department of Justice and the Federal Trade Commission ;

C. 'enforcement activities' shall mean any application of competition law by way of investigation or proceeding conducted by the competition authorities of a Part ; and

D. 'anticompetitive activities' shall mean any conduct or transaction that is impermissible under the competition laws of a Party.

#### *Article II*

##### Notification

1. Each Party shall notify the other whenever its competition authorities become aware that their enforcement activities may affect important interests of the other Party.

2. Enforcement activities as to which notification ordinarily will be appropriate include those that :

- (a) are relevant to enforcement activities of the other Party ;
- (b) involve anticompetitive activities (other than a merger or acquisition) carried out in significant part in the other Party's territory ;
- (c) involve a merger or acquisition in which one or more of the parties to the transaction, or a company controlling one or more of the parties to the transaction, is a company incorporated or organized under the laws of the other Party or one of its States or Member States ;

- (d) involve conduct believed to have been required, encouraged or approved by the other Party; or
- (e) involve remedies that would, in significant respects, require or prohibit conduct in the other Party's territory.

3. With respect to mergers or acquisitions required by law to be reported to the competition authorities, notification under this Article shall be made:

- (a) in the case of the Government of the United States of America,
  - (i) not later than the time its competition authorities request, pursuant to 15 USC § 18 a (e), additional information or documentary material concerning the proposed transaction,
  - (ii) when its competition authorities decide to file a complaint challenging the transaction, and
  - (iii) where this is possible, far enough in advance of the entry of a consent decree to enable the other Party's views to be taken into account; and
- (b) in the case of the Commission of the European Communities,
  - (i) when notice of the transaction is published in the Official Journal, pursuant to Article 4 (3) of Council Regulation No 4064/89, or when notice of the transaction is received under Article 66 of the ECSC Treaty and a prior authorization from the Commission is required under that provision,
  - (ii) when its competition authorities decide to initiate proceedings with respect to the proposed transaction, pursuant to Article 6 (1) (c) of Council Regulation (EEC) No 4064/89, and
  - (iii) far enough in advance of the adoption of a decision in the case to enable the other Party's views to be taken into account.

4. With respect to other matters, notification shall ordinarily be provided at the stage in an investigation when it becomes evident that notifiable circumstances are present, and in any event far enough in advance of:

- (a) the issuance of a statement of objections in the case of the Commission of the European Communities, or a complaint or indictment in the case of the Government of the United States of America; and
- (b) the adoption of a decision or settlement in the case of the Commission of the European Communities, or the entry of a consent decree in the case of the Government of the United States of America;

to enable the other Party's views to be taken into account.

5. Each Party shall also notify the other whenever its competition authorities intervene or otherwise participate in a regulatory or judicial proceeding that does not arise from its enforcement activities, if the issues addressed in the intervention or participation may affect the other

Party's important interests. Notification under this paragraph shall apply only to:

- (a) regulatory or judicial proceedings that are public;
- (b) intervention or participation that is public and pursuant to formal procedures; and
- (c) in the case of regulatory proceedings in the United States, only proceedings before federal agencies.

Notification shall be made at the time of the intervention or participation or as soon thereafter as possible.

6. Notifications under this Article shall include sufficient information to permit an initial evaluation by the recipient Party of any effects on its interests.

### *Article III*

#### **Exchange of information**

1. The Parties agree that it is in their common interest to share information that will (a) facilitate effective application of their respective competition laws, or (b) promote better understanding by them of economic conditions and theories relevant to their competition authorities' enforcement activities and interventions or participation of the kind described in Article II (5).

2. In furtherance of this common interest, appropriate officials from the competition authorities of each Party shall meet at least twice each year, unless otherwise agreed, to (a) exchange information on their current enforcement activities and priorities, (b) exchange information on economic sectors of common interest, (c) discuss policy changes which they are considering, and (d) discuss other matters of mutual interest relating to the application of competition laws.

3. Each Party will provide the other Party with any significant information that comes to the attention of its competition authorities about anticompetitive activities that its competition authorities believe is relevant to, or may warrant, enforcement activity by the other Party's competition authorities.

4. Upon receiving a request from the other Party, and within the limits of Articles VIII and IX, a Party will provide to the requesting Party such information within its possession as the requesting Party may describe that is relevant to an enforcement activity being considered or conducted by the requesting Party's competition authorities.

### *Article IV*

#### **Cooperation and coordination in enforcement activities**

1. The competition authorities of each Party will render assistance to the competition authorities of the other Party in their enforcement activities, to the extent compatible with the assisting Party's laws and important interests, and within its reasonably available resources.

2. In cases where both Parties have an interest in pursuing enforcement activities with regard to related situations, they may agree that it is in their mutual interest to coordinate their enforcement activities. In considering whether particular enforcement activities should be coordinated, the Parties shall take account of the following factors, among others :

- (a) the opportunity to make more efficient use of their resources devoted to the enforcement activities ;
- (b) the relative abilities of the Parties' competition authorities to obtain information necessary to conduct the enforcement activities ;
- (c) the effect of such coordination on the ability of both Parties to achieve the objectives of their enforcement activities ; and
- (d) the possibility of reducing costs incurred by persons subject to the enforcement activities.

3. In any coordination arrangement, each Party shall conduct its enforcement activities expeditiously and, insofar as possible, consistently with the enforcement objectives of the other Party.

4. Subject to appropriate notice to the other Party, the competition authorities of either Party may limit or terminate their participation in a coordination arrangement and pursue their enforcement activities independently.

#### *Article V*

#### **Cooperation regarding anticompetitive activities in the territory of one Party that adversely affect the interests of the other Party**

1. The Parties note that anticompetitive activities may occur within the territory of one Party that, in addition to violating that Party's competition laws, adversely affect important interests of the other Party. The Parties agree that it is in both their interests to address anticompetitive activities of this nature.

2. If a Party believes that anticompetitive activities carried out on the territory of the other Party are adversely affecting its important interests, the first Party may notify the other Party and may request that the other Party's competition authorities initiate appropriate enforcement activities. The notification shall be as specific as possible about the nature of the anticompetitive activities and their effects on the interests of the notifying Party, and shall include an offer of such further information and other cooperation as the notifying Party is able to provide.

3. Upon receipt of a notification under paragraph 2, and after such other discussion between the Parties as may be appropriate and useful in the circumstances, the competition authorities of the notified Party will consider whether or not to initiate enforcement activities, or to expand ongoing enforcement activities, with respect to the anticompetitive activities identified in the notification. The notified Party will advise the notifying Party of its decision. If enforcement activities are initiated, the notified Party will advise the notifying Party of their outcome

and, to the extent possible, of significant interim developments.

4. Nothing in this Article limits the discretion of the notified Party under its competition laws and enforcement policies as to whether or not to undertake enforcement activities with respect to the notified anticompetitive activities, or precludes the notifying Party from undertaking enforcement activities with respect to such anticompetitive activities.

#### *Article VI*

#### **Avoidance of conflicts over enforcement activities**

Within the framework of its own laws and to the extent compatible with its important interests, each Party will seek, at all stages in its enforcement activities, to take into account the important interests of the other Party. Each Party shall consider important interests of the other Party in decisions as to whether or not to initiate an investigation or proceeding, the scope of an investigation or proceeding, the nature of the remedies or penalties sought, and in other ways, as appropriate. In considering one another's important interests in the course of their enforcement activities, the Parties will take account of, but will not be limited to, the following principles :

- 1. While an important interest of a Party may exist in the absence of official involvement by the Party with the activity in question, it is recognized that such interests would normally be reflected in antecedent laws, decisions or statements of policy by its competent authorities.
- 2. A Party's important interests may be affected at any stage of enforcement activity by the other Party. The Parties recognize, however, that as a general matter the potential for adverse impact on one Party's important interests arising from enforcement activity by the other Party is less at the investigative stage and greater at the stage at which conduct is prohibited or penalized, or at which other forms of remedial orders are imposed.
- 3. Where it appears that one Party's enforcement activities may adversely affect important interests of the other Party, the Parties will consider the following factors, in addition to any other factors that appear relevant in the circumstances, in seeking an appropriate accommodation of the competing interests :
  - (a) the relative significance to the anticompetitive activities involved of conduct within the enforcing Party's territory as compared to conduct within the other Party's territory ;
  - (b) the presence or absence of a purpose on the part of those engaged in the anticompetitive activities to affect consumers, suppliers, or competitors within the enforcing Party's territory ;
  - (c) the relative significance of the effects of the anticompetitive activities on the enforcing Party's interests as compared to the effects on the other Party's interests ;
  - (d) the existence or absence of reasonable expectations that would be furthered or defeated by the enforcement activities ;

- (e) the degree of conflict or consistency between the enforcement activities and the other Party's laws or articulated economic policies; and
- (f) the extent to which enforcement activities of the other Party with respect to the same persons, including judgments or undertakings resulting from such activities, may be affected.

#### *Article VII*

##### **Consultation**

1. Each Party agrees to consult promptly with the other Party in response to a request by the other Party for consultations regarding any matter related to this Agreement and to attempt to conclude consultations expeditiously with a view to reaching mutually satisfactory conclusions. Any request for consultations shall include the reasons therefor and shall state whether procedural time limits or other considerations require the consultations to be expedited.

These consultations shall take place at the appropriate level, which may include consultations between the heads of the competition authorities concerned.

2. In each consultation under paragraph 1, each Party shall take into account the principles of cooperation set forth in this Agreement and shall be prepared to explain to the other Party the specific results of its application of those principles to the issue that is the subject of consultation.

#### *Article VIII*

##### **Confidentiality of information**

1. Notwithstanding any other provision of this Agreement, neither Party is required to provide information to the other Party if disclosure of that information to the requesting Party (a) is prohibited by the law of the Party possessing the information, or (b) would be incompatible with important interests of the Party possessing the information.

2. Each Party agrees to maintain, to the fullest extent possible, the confidentiality of any information provided to it in confidence by the other Party under this Agreement

and to oppose, to the fullest extent possible, any application for disclosure of such information by a third party that is not authorized by the Party that supplied the information.

#### *Article IX*

##### **Existing law**

Nothing in this Agreement shall be interpreted in a manner inconsistent with the existing laws, or as requiring any change in the laws, of the United States of America or the European Communities or of their respective States or Member States.

#### *Article X*

##### **Communications under this Agreement**

Communications under this Agreement, including notifications under Articles II and V, may be carried out by direct oral, telephonic, written or facsimile communication from one Party's competition authority to the other Party's authority. Notifications under Articles II, V and XI, and requests under Article VII, shall be confirmed promptly in writing through diplomatic channels.

#### *Article XI*

##### **Entry into force, termination and review**

1. This Agreement shall enter into force upon signature.

2. This Agreement shall remain in force until 60 days after the date on which either Party notifies the other Party in writing that it wishes to terminate the Agreement.

3. The Parties shall review the operation of this Agreement not more than 24 months from the date of its entry into force, with a view to assessing their cooperative activities, identifying additional areas in which they could usefully cooperate and identifying any other ways in which the Agreement could be improved.

The Parties agree that this review will include, among other things, an analysis of actual or potential cases to determine whether their interests could be better served through closer cooperation.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Agreement.

DONE at Washington, in duplicate, this twenty-third day of September, 1991, in the English language.

*For the Commission of the  
European Communities*

*For the Government of the  
United States of America*

## Exchange of interpretative letters with the Government of the United States of America

Dear [name],

As you are aware, on 9 August 1994, the Court of Justice of the European Communities held that the European Commission was not competent to conclude the 'Agreement between the Commission of the European Communities and the Government of the United States of America regarding the application of their competition rules'.

In order to remedy this situation, the Council has decided on [date] to conclude the Agreement itself. However, as the Agreement will now be concluded by the Council on behalf of the European Community and by the Commission on behalf of the European Coal and Steel Community only, certain corrections of errors in the text of the Agreement are necessary. These are set out in detail in the Annex to this letter, which forms an integral part of this letter.

As these corrections do not affect the substance of the Agreement, we consider that they can be made through an exchange of letters. We should therefore be grateful if you would confirm your acceptance of the corrections contained in this letter.

Moreover, in order to ensure a clear understanding of the European Communities' interpretation of the Agreement, we set out below two interpretative statements :

1. In the light of Article IX of the Agreement, Article VIII (1) should be understood to mean that the information covered by the provisions of Article 20 of Council Regulation 17/62 may not under any circumstances be communicated by the Commission to the US antitrust authorities, save with the express agreement of the source concerned.

Similarly, the information referred to in Articles II (6) and III of the Agreement may not include information covered by Article 20 of Regulation 17/62 nor by similar provisions of regulations of equivalent application save with the express agreement of the source concerned.

2. In the light of Article VIII (2) of the Agreement, all non-public information provided by either of the Parties in accordance with the Agreement will be considered as confidential by the receiving Party which should oppose any request for disclosure to a third party unless such disclosure is :

- (a) authorized by the undertaking concerned, or
- (b) required under the law of the receiving Party.

This is understood to mean that

- each Party assures the confidentiality of all information furnished by the other Party in accordance with the applicable rules, including those rules intended to assure the confidentiality of information gathered during a Party's own enforcement activities,
- each Party shall use all the legal means at its disposal to oppose the disclosure of this information. The European Communities recall the principles which govern the relationship between the Commission and the Member States in the application of the competition rules as enshrined, for example, in Council Regulation 17/62. The Commission after notice to the US competition authorities, will inform the Member State or Member States whose interests are affected of the notifications sent to it by the US antitrust authorities. The Commission, after consultation with the US competition authorities, will also inform such Member State or Member States of any cooperation and coordination of enforcement activities. However, as regards such activities, either competition authority will respect the other's request not to disclose the information which it provides when necessary to ensure confidentiality, subject to any contrary requirement of the applicable law.

We should be grateful if you would also confirm that these interpretative statements do not present any difficulties for the US Government.

Yours sincerely,

## ANNEX

**CHANGES TO THE TEXT OF THE AGREEMENT NECESSITATED BY THE CONCLUSION  
OF THE AGREEMENT BY THE COMMISSION ON BEHALF OF THE EUROPEAN COAL  
AND STEEL COMMUNITY AND BY THE COUNCIL ON BEHALF OF THE EUROPEAN  
COMMUNITY<sup>(1)</sup>**

**Title**

Agreement between *the European Communities* and the Government of the United States of America regarding the application of their competition laws

**Parties**

*The European Community and the European Coal and Steel Community on the one hand (hereinafter referred to as 'the European Communities')*

**Recital No 2**

Noting that *the European Communities* and the Government of the United States of America share the view that the sound and effective enforcement of competition law is a matter of importance to the efficient operation of their respective markets and to trade between them;

**Execution**

*For the European Community*

*For the European Coal and Steel Community*

For the Government of the United States of America.

---

<sup>(1)</sup> All changes have been underlined (italic in this Official Journal).

# COMMISSION

## COMMISSION DECISION

of 20 April 1995

**on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia**

(95/146/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and (OCT) territories<sup>(1)</sup>, as last amended by Regulation (EC) No 235/94<sup>(2)</sup>, in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector<sup>(3)</sup>, as last amended by Regulation (EC) No 1084/94<sup>(4)</sup>, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 April 1995, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating from Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 May 1995, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries<sup>(5)</sup>, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

### *Article 1*

The following Member States shall issue on 21 April 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating from certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

#### *Germany:*

- 820 000 tonnes originating in Botswana,
- 360,000 tonnes originating in Madagascar,
- 625,000 tonnes originating in Zimbabwe,
- 620,000 tonnes originating in Namibia;

#### *Italy:*

- 30,700 tonnes originating in Madagascar;

#### *Netherlands:*

- 120,000 tonnes originating in Botswana,
- 5,500 tonnes originating in Madagascar,
- 95,000 tonnes originating in Namibia;

<sup>(1)</sup> OJ No L 84, 30. 3. 1990, p. 85.

<sup>(2)</sup> OJ No L 30, 3. 2. 1994, p. 12.

<sup>(3)</sup> OJ No L 241, 13. 9. 1980, p. 5.

<sup>(4)</sup> OJ No L 120, 11. 5. 1994, p. 30.

<sup>(5)</sup> OJ No L 302, 31. 12. 1972, p. 28.

*United Kingdom :*

- 690,000 tonnes originating in Botswana,
- 75,000 tonnes originating in Swaziland,
- 1 260,000 tonnes originating in Zimbabwe,
- 915,000 tonnes originating in Namibia.

- Botswana : 16 586,968 tonnes,
- Kenya : 142,000 tonnes,
- Madagascar : 6 183,040 tonnes,
- Swaziland : 3 224,000 tonnes,
- Zimbabwe : 6 233,000 tonnes,
- Namibia : 10 328,000 tonnes.

*Article 3*

This Decision is addressed to the Member States.

*Article 2*

Done at Brussels, 20 April 1995.

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of May 1995 in respect of the following quantities of boned beef and veal :

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**CORRIGENDA****Corrigendum to Commission Decision 94/1042/ECSC of 13 December 1994 authorizing the grant by the United Kingdom of aid to the coal industry**

*(Official Journal of the European Communities No L 384 of 31 December 1994)*

On page 24 in the first paragraph of Article 1 :

*for:* '... aid totalling 390 000 pounds sterling...',

*read:* '... aid totalling 1 390 000 pounds sterling...'.  
  

---