

Official Journal

of the European Communities

ISSN 0378-6978

L 116

Volume 38

23 May 1995

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1149/95

of 22 May 1995

amending Regulation (EC) No 1222/94 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds and amending Regulation (EC) No 3223/93 on statistical information relating to the payment of export refunds on certain agricultural products exported in the form of goods covered by Council Regulation (EEC) No 3035/80

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products ⁽¹⁾ and in particular Article 8 (3) thereof,

Whereas Council Regulation (EC) No 804/68 of 27 June 1968 on the common organization in the market of milk and milk products ⁽²⁾, as amended by the Act of Accession of Austria, Finland and Sweden and Regulation (EC) No 3290/94 ⁽³⁾, provides in Article 17 paragraphs 10, 11 and 12 the framework of the conditions which must be satisfied before a refund is granted in respect of certain milk products which have been imported and then re-exported in the form of certain goods not listed in Annex II to the Treaty;

Whereas it is necessary to extend the provisions of Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽⁴⁾, as last amended by Regulation (EC) No 482/95 ⁽⁵⁾, to take account of the increased quantities of certain milk products imported under special

arrangements from third countries at a reduced tariff and the consequent possibility of granting a refund higher than such a reduced tariff;

Whereas to enable the Commission to monitor the application of this Regulation it is necessary for information to be provided by Member States;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following Article 7a is inserted in Regulation (EC) No 1222/94:

Article 7a

1. Pursuant to Article 7, for goods falling within CN codes 1806 90 60 to 1806 90 90, CN code 1901 and CN code 2106 90 98 containing a high percentage of milk products falling within CN codes 0402 10 19, 0402 21 19, 0405 00 and CN code 0406, hereinafter referred to as milk products, the party concerned must also declare the following:

- (a) either that none of the quantities of the milk products have been imported from third countries under special arrangements providing for a reduced tariff; or
- (b) the quantities of the milk products imported from third countries under special arrangements providing for a reduced tariff.

⁽¹⁾ OJ No L 318, 20. 12. 1993, p. 18.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 13.

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

⁽⁴⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁵⁾ OJ No L 49, 4. 3. 1995, p. 32.

2. For the purposes of paragraph 1 the term "containing a high percentage" shall mean 67 kilograms or more of the milk products used per 100 kilograms of the goods exported.

3. Where a request is made for the quantities to be determined in accordance with Article 3 (2), third subparagraph, the competent authority may accept an attestation by the party concerned that the quantities of milk products to be used will not have benefited from special arrangements providing for a reduced tariff at the time of importation.

4. The declaration made in accordance with paragraph 1 or attestation made in pursuance of paragraph 3 may be accepted by the competent authority where it is satisfied that the price paid for the milk product incorporated in the exported goods is at or close to the price prevailing on the Community market for an equivalent product. In comparing the prices account shall be taken of the time the milk product was purchased.

5. Where quantities have been used which have benefited from special arrangements providing for a reduced tariff, the refund shall be calculated in

conformity with Article 17 of Council Regulation (EEC) No 804/68.

Article 2

The following indent is added to Commission Regulation (EC) No 3223/93 ⁽¹⁾ Article 3 :

— in relation to Article 7a (1) of Commission Regulation (EC) No 1222/94 ^(*) :

- (a) the volume of exports of goods having received export refunds the previous month, expressed in tonnes ; and
- (b) the amount of the refunds granted the previous month and the related quantities for the products of CN codes 0402 10 19, 0402 21 19, and 0405 which have been the subject of special arrangements at the time of importation.

^(*) OJ No L 136, 31. 5. 1994, p. 5.

Article 3

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

It shall apply from 1 July 1995.

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

Done at Brussels, 22 May 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 292, 26. 11. 1993, p. 10.

COMMISSION REGULATION (EC) No 1150/95

of 22 May 1995

amending Regulation (EC) No 738/94 laying down certain rules for the implementation of Council Regulation (EC) No 520/94 establishing a Community procedure for administering quantitative quotas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas⁽¹⁾, and in particular Article 24 thereof,

Whereas in Regulation (EC) No 738/94⁽²⁾, as amended by Regulation (EC) No 2597/94⁽³⁾, the Commission laid down certain general rules for applying Regulation (EC) No 520/94 to any Community quantitative quota, with the exception of those listed in Article 1 (2) of that Regulation;

Whereas certain provisions of Regulation (EC) No 738/94 must be adapted as a result of the accession to the European Union of Austria, Finland and Sweden, with particular regard to the list of national competent authorities and the incorporation of specific texts in Finnish and Swedish;

Whereas the forms for the import licence and export licence in respectively Annex II A and Annex II B to Regulation (EC) No 738/94 must be amended in order to be brought fully into line with the common form introduced for ECSC purposes by Commission Recommendation No 3118/94/ECSC of 19 December 1994⁽⁴⁾, as amended by Recommendation No 393/95/ECSC⁽⁵⁾, and for textiles by Commission Regulations (EC) No 3168/94⁽⁶⁾ and (EC) No 3169/94⁽⁷⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee set up by Article 22 of Regulation (EC) No 520/94 to administer the quotas,

HAS ADOPTED THIS REGULATION:

Article 1

The following texts shall be inserted at the end of Article 3 (2) (g) of Regulation (EC) No 738/94:

'Minä allekirjoittanut todistan, että tässä hakemuksessa ilmoitetut tiedot ovat oikeita ja vilpittömässä mielessä

annettu ja että olen sijoittautunut Euroopan yhteisöön ja että tämä hakemus on ainoa minun jättämäni tai minun nimissäni jätetty hakemus, joka koskee tässä hakemuksessa kuvattuihin tavaroihin sovellettavaa kiintiötä.

Jos lisenssi jätetään käyttämättä kokonaan tai osittain, sitoudun palauttamaan sen lisenssin myöntäneelle toimivaltaiselle viranomaiselle 10 työpäivän kuluessa sen voimassaolon päättymispäivästä.'

'Undertecknad bekräftar härmed att upplysningarna i denna ansökan är riktiga och lämnade i god tro, att jag är etablerad i Europeiska gemenskapen, och att denna ansökan är den enda som lämnats av mig eller på mina vägnar för kvoten avseende de varor som beskrivs i denna ansökan.

Jag åtar mig att återlämna licensen till den utfärdande myndigheten inom 10 dagar efter det att den har gått ut för den händelse hela eller delar av den inte använts.'

Article 2

The following text shall be inserted at the end of Article 10 (2) (2) of Regulation (EC) No 738/94:

— Korvaava lisenssi (ote), joka korvaa kadonneen lisenssin (otteen) — Alkuperäisen lisenssin numero ...

— Ersättningslicens (utdrag) för en förlorad licens (utdrag) — Ursprungslicensens licensnummer ...'

Article 3

Annex I to Regulation (EC) No 738/94 shall be replaced by Annex I to this Regulation.

Article 4

Annexes II A and II B to Regulation (EC) No 738/94 shall be replaced by respectively Annexes II A and II B to this Regulation.

Article 5

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

⁽¹⁾ OJ No L 66, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 87, 31. 3. 1994, p. 47.

⁽³⁾ OJ No L 276, 27. 10. 1994, p. 3.

⁽⁴⁾ OJ No L 330, 21. 12. 1994, p. 6.

⁽⁵⁾ OJ No L 43, 25. 2. 1995, p. 23.

⁽⁶⁾ OJ No L 335, 23. 12. 1994, p. 23.

⁽⁷⁾ OJ No L 335, 23. 12. 1994, p. 33.

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

Done at Brussels, 22 May 1995.

For the Commission

Leon BRITTAN

Vice-President

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

**Lista de las autoridades nacionales competentes
Liste des autorités nationales compétentes
List of the national competent authorities
Liste der zuständigen Behörden der Mitgliedstaaten
Elenco delle competenti autorità nazionali
Πίνακας των αρμόδιων εθνικών αρχών
Lista das autoridades nacionais competentes
Lijst van bevoegde nationale instanties
Liste over kompetente nationale myndigheter
Luettelo kansallisista toimivaltaisista viranomaisista
Lista av nationella kompetenta myndigheter**

1. Belgique/België

Ministère des Affaires économiques/Ministerie van Economische Zaken
Administration des Relations économiques, 4^{ème} division — Mise en œuvre des Politiques commercia-
les/Bestuur van de Economische Betrekkingen, 4^{de} afdeling — Toepassing van de Handelspolitiek
Service Licences/Dienst Vergunningen
rue Général Léman/Generaal Lemanstraat 60
B-1040 Bruxelles/Brussel
Tél.: (32-2) 230 90 43
Fax: (32-2) 230 83 22-231 14 84

2. Danmark

Erhvervsfremme Styrelsen
Søndergade 25
DK-8600 Silkeborg
Tlf.: (45) 87 20 40 60
Fax: (45) 87 20 40 77

3. Deutschland

Bundesamt für Wirtschaft
Frankfurterstraße 29-31
D-65760 Eschborn
Tel.: (49-61-96) 404-0
Fax: (49-61-96) 40 48 50

4. Ελλάδα

Υπουργείο Εθνικής Οικονομίας
Γενική Γραμματεία Διεθνών Οικονομικών Σχέσεων
Γενική Διεύθυνση Εξωτερικών Οικονομικών
και Εμπορικών Σχέσεων
Δ/νση Διαδικασιών Εξωτερικού Εμπορίου
Μητροπόλεως 1
GR-10557 Αθήνα
τηλ.: (301) 323 04 18, 322 84 93
τέλεφαξ: (301) 323 43 93

5. España

Ministerio de Comercio y Turismo
Dirección General de Comercio Exterior
Paseo de la Castellana No 162
E-28071 Madrid
Tel: (34-1) 349 38 94 — 349 38 78
Telefax: (34-1) 349 38 32 — 349 38 31

6. France

Services des Titres du Commerce extérieur
8, rue de la Tour des Dames
F-75436 Paris Cedex 09
Tél.: (33-1) 44 63 25 25
Télécopieur: (33-1) 44 63 26 59 — 44 63 26 67

7. Ireland

Department of Tourism and Trade
Licensing Unit (Room 315)
Kildare Street
IRL-Dublin 2
Tel: (353-1) 662 14 44
Fax: (353-1) 676 61 54

8. *Italia*

Ministero del Commercio con l'Estero
Direzione Generale delle Importazioni e delle Esportazioni
Viale America 341
I-00144 Roma
Tel : (39-6) 59 931
Fax : (39-6) 59 93 26 31 — 59 93 22 35
Telex : 610083 — 610471 — 614478

9. *Luxembourg*

Ministère des affaires étrangères
Office des licences
Boîte postale 113
L-2011 Luxembourg
Tél. : (352) 22 61 62
Télécopieur : (352) 46 61 38

10. *Nederland*

Centrale Dienst voor In- en Uitvoer
Engelse Kamp 2
Postbus 30003
NL-9700 RD Groningen
Tel : (3150) 23 91 11
Fax : (3150) 26 06 98

11. *Österreich*

Bundesministerium für wirtschaftliche Angelegenheiten
Landstraßer Hauptstraße 55-57
A-1031 Wien
Tel. : (43-1) 71 10 23 61
Fax : (43-1) 715 83 47

12. *Portugal*

Ministério do Comércio e Turismo
Direcção-Geral do Comércio
Avenida da República 79
P-1000 Lisboa
Tel : (351 1) 793 09 93 — 793 30 02
Telecópia : (351 1) 793 22 10 — 796 37 23
Telex : 13418

13. *Suomi*

Tullihallitus
Uudenmaankatu 1—5 C
FIN-00100 Helsinki
Puh.: (358-0) 6141
Telekopio: (358-0) 614 27 64

14. *Sverige*

Kommerskollegium
Box 1209
S-11182 Stockholm
Tél. : (46-8) 791 05 00
Fax : (46-8) 20 03 24

15. *United Kingdom*

Department of Trade and Industry
Import Licencing Branch
Queensway House
West Precinct
Billingham
UK-Cleveland TS23 2NF
Tel : (44 1642) 36 43 33 — 36 43 34
Fax : (44 1642) 53 35 57
Telex : 58608

EUROPEAN COMMUNITY

IMPORT LICENCE

1	Holder's copy	1. Consignee (name, full address, country, VAT number)	2. Issue number		
			3. Quota period		
			4. Authority responsible for issue (name, address and telephone No)		
	1	Holder's copy	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
				7. Country of consignment (and geonomenclature code)	
				8. Last day of validity	
9. Description of goods		10. CN code			
		11. Quantity expressed in quota unit			
		12. Security/guarantee (as applicable)			
13. Further particulars					
14. Competent authority's endorsement					
Date :					
Signature :		Stamp			

15. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
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2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Quota period	
		4. Authority responsible for issue (name, address and telephone No)	
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
		7. Country of consignment (and geonomenclature code)	
		8. Last day of validity	
2	9. Description of goods		10. CN code
11. Quantity expressed in quota unit			
12. Security/guarantee (as applicable)			
13. Further particulars			
14. Competent authority's endorsement			

Date :

Signature :

Stamp

15. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof			
16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
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EUROPEAN COMMUNITY

EXPORT LICENCE

1	Holder's copy	1. Consignee (name, full address, country, VAT number)	2. Issue number	
			3. Quota period	
			4. Authority responsible for issue (name, address and telephone No)	
		5. Declarant/representative as applicable (name and full address)	6. Last day of validity	
	7. Country of consignment (and geonomenclature number)			
8. Non-member transit country (and No)	9. Country of origin (and No)			
1		10. Description of goods		11. CN code
				12. Quantity expressed in quota unit
				13. Security/guarantee (as applicable)
14. Further particulars				
15. Competent authority's endorsement				
Date :				
Signature Stamp				

16. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 18 and the quantity attributed in part 2 thereof			
17. Net quantity (net mass or other unit of measure stating the unit)		20. Customs document (form and number) or extract No and date of attribution	21. Name, Member State, stamp and signature of the attributing authority
18. In figures	19. In words for the quantity attributed		
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2	Copy for the issuing authority	1. Consignee (name, full address, country, VAT number)	2. Issue number	
			3. Quota period	
			4. Authority responsible for issue (name, address and telephone No)	
		5. Declarant/representative as applicable (name and full address)	6. Last day of validity	
			7. Country of consignment (and geonomenclature number)	
8. Non-member transit country (and No)	9. Country of origin (and No)			
2		10. Description of goods		11. CN code
				12. Quantity expressed in quota unit
				13. Security/guarantee (as applicable)
14. Further particulars				
15. Competent authority's endorsement				
Date :				
Signature Stamp				

16. ATTRIBUTIONS			
Indicate the quantity available in part 1 of column 18 and the quantity attributed in part 2 thereof			
17. Net quantity (net mass or other unit of measure stating the unit)		20. Customs document (form and number) or extract No and date of attribution	21. Name, Member State, stamp and signature of the attributing authority
18. In figures	19. In words for the quantity attributed		
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COMMISSION REGULATION (EC) No 1151/95

of 22 May 1995

opening and providing for the administration of a tariff quota for frozen meat of bovine animals falling within CN code 0202 and products falling within CN code 0206 29 91 (1 July 1995 to 30 June 1996)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 424/95 ⁽²⁾, and in particular Article 12 (1) thereof,

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

Whereas under the WTO agreement the Community has undertaken to open an annual import tariff quota of 53 000 tonnes of frozen beef falling within CN code 0202 and products falling within CN code 0206 29 91; whereas the rules of application for the quota year 1995/96 starting 1 July 1995 must be established;

Whereas in accordance with Article 12 (3) of Regulation (EEC) No 805/68 a similar method of administration should be applied as the one used in the past to corresponding quotas; whereas those arrangements consist of the allocation by the Commission of the quantities available partly to traditional operators and partly to operators engaging in trade in beef and veal;

Whereas in order to ensure a smooth transition from the arrangements under the GATT quota of 53 000 tonnes the traditional importers should be allocated 80 % of the quota i. e. 42 400 tonnes on application and in proportion to the quantities imported by them under the same type of quota in the years 1992, 1993 and 1994; whereas steps should be taken to ensure that operators of the new Member States can participate on equal terms in the allocations of the quantities available; whereas for those operators, therefore a part of the quantities of the products covered by the quota imported between 1 July 1991 and 30 June 1994 into the new Member States from countries which were third countries for them on 31 December 1994 should be considered as reference quantities giving access to that part of the quota reserved for

'traditional' importers; whereas the choice of those years is dictated by the need to ensure their representativeness and to avoid consideration of any speculative imports; whereas the eligible reference quantities shall be determined by applying a coefficient corresponding to the Community level of traditional imports for GATT purposes compared to total imports of frozen beef;

Whereas, on the basis of the submission of applications from interested parties and subject to their acceptance by the Commission operators who can demonstrate the genuine nature of their business and who apply for quantities of some significance should be granted access to the second part of the quota i. e. 10 600 tonnes; whereas the genuine nature of their business should be demonstrated through the presentation of proofs of a certain size of trade in beef and veal with countries which were third countries on 31 December 1994;

Whereas verification of the abovementioned criteria requires that applications be submitted in the Member State in which the importer is entered into the value added tax register;

Whereas operators no longer engaged in trade in beef and veal at 1 January 1995 should be barred access to the quota in order to prevent speculation;

Whereas subject to the provisions of this Regulation Commission Regulation (EEC) No 3719/88 ⁽⁴⁾, laying down common detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products as last amended by Regulation (EC) No 340/95 ⁽⁵⁾ shall apply;

Whereas in the framework of the implementation of the WTO agreement the detailed rules for the application of the system of import licences in the beef sector, presently provided for by Commission Regulation (EEC) No 2377/80 ⁽⁶⁾, as last amended by Regulation (EC) No 1084/94 ⁽⁷⁾, should be modified before 1 July 1995; whereas in order to prevent practical problems of application linked to the present tariff quota Regulation (EEC) No 2377/80 should not apply; whereas special detailed rules on the import licences for that quota should be adopted instead;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 45, 1. 3. 1995, p. 2.

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

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 39, 21. 2. 1995, p. 1.

⁽⁶⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁷⁾ OJ No L 120, 11. 5. 1994, p. 30.

Whereas the effective management of this quota and in particular the prevention of fraud require that the licences used are returned to the competent authorities in order that they may verify that the quantities shown therein are correct; whereas, to that end, an obligation should be imposed on the competent authorities to carry out such verification; whereas the amount of the security to be lodged on the issue of the licences should be fixed in such a way as to ensure that the licences are used and returned to the competent authorities;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota for frozen meat of bovine animals falling within CN code 0202 and for products falling within CN code 0206 29 91, of 53 000 tonnes, expressed in weight of boneless meat, is hereby opened for the period from 1 July 1995 to 30 June 1996.

For the purpose of counting against the said quota, 100 kilograms of bone-in meat shall be equivalent to 77 kilograms of boneless meat.

2. For the purposes of this Regulation, meat which is frozen with an internal temperature of -12°C or lower when it enters the customs territory of the Community shall be deemed frozen meat.

3. The common customs tariff duty applicable to the quota referred to in paragraph 1 shall be 20 % *ad valorem*.

Article 2

1. The quota referred to in Article 1 shall be divided into two parts as follows:

(a) the first, equal to 80 % or 42 400 tonnes, shall be apportioned between:

- importers from the Community as constituted on 31 December 1994 in proportion to the quantities imported by them under Council Regulations (EEC) No 3667/91⁽¹⁾, (EEC) No 3392/92⁽²⁾ and (EC) No 130/94⁽³⁾, and

- importers from the new Member States in proportion to the quantities of products falling within CN code 0202 and 0202 29 91 imported by them into their country of registration in the sense of Article 4(1) during the period 1 July 1991 to 30 June 1994 from countries which for them were third countries on 31 December 1994, multiplied by 0,54;

(b) the second, equal to 20 % or 10 600 tonnes, shall be apportioned between operators who can prove that they have conducted trade, involving a minimum quantity and for a certain period, with countries which were third countries for them on 31 December 1994, in beef and veal other than the quantities taken into consideration under (a) and excluding meat which is the subject of inward or outward processing arrangements.

2. For the purposes of applying paragraph 1(b) the quantity of 10 600 tonnes shall be allocated to:

(a) operators in the Community of the Twelve who can furnish proof of having:

- imported at least 160 tonnes of beef in the period 1 January 1993 to 31 December 1994 not subject to the quota referred to in Regulations (EEC) No 3392/92 and (EC) No 130/94, or
- exported at least 300 tonnes of beef in the same period to third countries; and

(b) operators in the new Member States who can furnish proof of having:

- imported at least 160 tonnes of beef in the period 1 July 1992 to 30 June 1994 other than the quantities taken into consideration under paragraph 1(a), or
- exported at least 300 tonnes of beef to third countries in the period 1 July 1992 to 30 June 1994.

For this purpose 'beef' means products falling within CN codes 0201, 0202 and 0206 29 91, and the minimum reference quantities shall be expressed in terms of product weight.

3. The 10 600 tonnes referred to in paragraph 2 shall be allocated in proportion to the quantities applied for by eligible operators.

4. Proof of import and export shall be solely by means of customs documents of release for free circulation or export documents. However, with the Commission's authorization, the new Member States may, if appropriate, accept alternative forms of proof.

Member States may accept duly certified copies of the abovementioned documents if the applicant can prove to the satisfaction of the competent authority the impossibility to obtain the original documents.

⁽¹⁾ OJ No L 349, 18. 12. 1991, p. 1.

⁽²⁾ OJ No L 346, 27. 11. 1992, p. 3.

⁽³⁾ OJ No L 22, 27. 1. 1994, p. 3.

Article 3

1. Operators who are no longer engaged in trade in beef and veal on 1 January 1995 shall not qualify under the arrangements provided for in this Regulation.

2. Companies arising from mergers where each part has rights pursuant to Article 2 (1) (a) shall enjoy the same rights as the companies from which they are formed.

Article 4

1. Before 7 June 1995 applications for import rights shall be submitted together with the proof referred to in Article 2 (4) to the competent authority in the Member State in which the applicant is entered into the value added tax register. Where an applicant under each of the arrangements referred to in Article 2 (1) (a) and Article 2 (1) (b) submits more than one application, all such applications shall be inadmissible.

Applications pursuant to Article 2 (1) (b) shall relate to a quantity of no more than 50 tonnes of frozen meat expressed in product weight.

2. After verification of the documents submitted, Member States shall forward to the Commission before 21 June 1995:

- in respect of the arrangements pursuant to Article 2 (1) (a) a list of eligible importers containing in particular their names and addresses and the quantities of eligible meat imported during each reference year,
- in respect of the arrangements pursuant to Article 2 (1) (b) a list of applicants containing in particular their names and addresses and the quantities applied for.

Article 5

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

2. Where the quantities subject of applications for import rights exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

Article 6

1. Import of the quantity allocated shall be subject to presentation of one or more import licences.

2. Licence applications may be lodged solely in the Member State in which the applicant has applied for import rights.

3. Following decisions on allocation by the Commission in accordance with Article 5, import licences shall be issued on or after 1 July 1995 on application and in the names of the operators who have obtained rights to import.

4. Licence applications and licences shall contain:

(a) one of the following indications, in Section 20:

- Carne de vacuno congelada [Reglamento (CE) n° 1151/95],
- Frosset oksekød (forordning (EF) nr. 1151/95),
- Gefrorenes Rindfleisch (Verordnung (EG) Nr. 1151/95),
- Κατεψυγμένο δόειο κρέας [Κανονισμός (ΕΚ) αριθ. 1151/95],
- Frozen meat of bovine animals (Regulation (EC) No 1151/95),
- Viande bovine congelée [Règlement (CE) n° 1151/95],
- Carni bovine congelate [Regolamento (CE) n. 1151/95],
- Bevroren rundvlees (Verordening (EG) nr. 1151/95),
- Carne de bovino congelada [Reglamento (CE) n° 1151/95],
- Frysst kött av nötkreatur (förordning (EG) nr 1151/95),
- Jäädýtetty naudanliha [Asetus (EY) N:o 1151/95];

(b) the country of origin, in Section 8;

(c) one of the following groups of subheadings of the combined nomenclature, in Section 16:

- 0202 10 00, 0202 20,
- 0202 30, 0206 29 91.

5. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the full common customs tariff duty applicable on the day of release for free circulation shall be charged on all quantities exceeding those indicated on the import licence.

Article 7

For the purpose of applying the arrangements provided for in this Regulation imports of frozen meat into the customs territory of the Community shall be subject to the conditions laid down in Article 17 (2) (f) of Council Directive 72/462/EEC⁽¹⁾.

Article 8

1. The provisions of Regulation (EEC) No 3719/88 shall apply, subject to the provisions of this Regulation. The provisions of Regulation (EEC) No 2377/80 shall not be applicable.

2. Import licences issued pursuant to this Regulation shall be valid for 90 days from their day of issue. However, no licences shall be valid after 30 June 1996.

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

3. The security relating to the import licences shall be ECU 35 per 100 kilogram net weight. It shall be lodged when the import licence is issued.

4. Where an import licence is returned with a view to the release of the security, the competent authorities shall verify that the quantities shown on the licence are the same as those shown on the licence at the time of issue. Where a licence is not returned Member States shall carry out an investigation in order to establish who has used it and to what extent. Member States shall inform the

Commission at the earliest opportunity of the results of such investigation.

Article 9

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

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1152/95
of 22 May 1995
on the supply of cereals as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage ;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 3 607 tonnes of cereals ;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾ ; whereas it is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs ;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of

destinations of the supplies, provision should be made for the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

HAS ADOPTED THIS REGULATION :

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annexes, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. Supplies shall be awarded by the tendering procedure.

Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

Article 2

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

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOT A

1. **Operation Nos⁽¹⁾**: see Annex II
2. **Programme**: 1994
3. **Recipient⁽²⁾**: Euronaid PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 330 57 57; fax 364 17 01; telex 30960 EURON NL)
4. **Representative of the recipient⁽³⁾**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900, 1006 30 94 900, 1006 30 96 900)
7. **Characteristics and quality of the goods⁽⁴⁾(7)**: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA. 1 (f))
8. **Total quantity**: 1 503 tonnes (3 607 tonnes of cereals)
9. **Number of lots**: 1; see Annex II
10. **Packaging and marking⁽⁵⁾(8)(9)(10)**: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA. 2 (c) and IIA.3)
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment⁽¹¹⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 26. 6 — 16. 7. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 6. 6. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 20. 6. 1995
 - (b) period for making the goods available at the port of shipment: 10 — 30. 7. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer⁽⁴⁾**: refund applicable on 31. 5. 1995, fixed by Commission Regulation (EC) No 956/95 (OJ No L 97, 29. 4. 1995, p. 22)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary 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. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.

- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 157/95 (OJ No L 24, 1. 2. 1995, p. 1), shall not apply to this amount.

- (⁵) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (⁶) Shipment to take place in 20-foot containers, condition FCL/FCL. The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.

The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.

- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :

- phytosanitary certificate,
- fumigation certificate (the cargo shall be fumigated with alumine phosphine).

- (⁸) Notwithstanding OJ No C 114, point IIA. (3) (c) is replaced by the following : 'the words "European Community"'.

- (⁹) 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'.

- (¹⁰) See second amendment to OJ No C 114 published in OJ No C 135, 26. 5. 1992, p. 20.

- (¹¹) Notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
-

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (i tons)	Delmængde (i tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού	Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination	Language to be used for the marking
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination	Langue à utiliser pour le marquage
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione	Lingua da utilizzare per la marcatura
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming	Taal te gebruiken voor de opschriften
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	País de destino	Língua a utilizar na rotulagem
Parti	Total kvantitet (ton)	Delkvantitet (ton)	Aktion nr	Beståmmelsesland	Mærkning på følgende språk
Erä	Kokonaismäärä (tonnia)	Osittaismäärä (tonnia)	Toimi N:o	Määrämaa	Merkinnässä käytettävä kieli
A	1 503	A1: 198 A2: 990 A3: 315	1263/94 1478/94 1542/94	Perú Uganda Haïti	Español English Français

COMMISSION REGULATION (EC) No 1153/95

of 22 May 1995

adopting a protective measure applying to imports of garlic originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 997/95⁽²⁾, and in particular Article 29 (2) thereof,

Whereas Council Regulation (EEC) No 2707/72⁽³⁾ lays down the conditions for applying protective measures for fruit and vegetables;

Whereas, pursuant to Commission Regulation (EEC) No 1859/93 of 12 July 1993 on the application of the system of import licences for garlic imported from third countries⁽⁴⁾, as amended by Regulation (EC) No 1662/94⁽⁵⁾, the release for free circulation in the Community of garlic imported from third countries is subject to the presentation of import licences;

Whereas on 19 May 1995 the Kingdom of Spain requested the Commission to take protective measures against imports of garlic;

Whereas in 1993 the Commission recorded a very sharp rise in imports of garlic originating in China as compared with preceding years; whereas, given their price, further imports could have brought about such serious disturbance of the Community market as to jeopardize the objectives of Article 39 of the EC Treaty and in particular to damage Community producers; whereas the Commission accordingly adopted a protective measure by Commission Regulation (EC) No 1213/94 of 27 May 1994⁽⁶⁾, as last amended by Regulation (EC) No 2815/94⁽⁷⁾, to limit the quantity covered by import licences issued for garlic originating in China for the 1994/95 marketing year to a given quantity per month;

Whereas each month import licence applications in respect of garlic originating in China have covered quantities far exceeding the monthly quantity fixed by Regulation (EEC) No 1213/94; whereas, moreover, the number of applications submitted on the first day of each monthly period led throughout the whole marketing year

concerned to import licences being issued for quantities generally equal to less than 1 % of the quantities applied for and to the rejection of applications submitted thereafter; whereas this systematic overrun shows that there is continuing pressure on the market for this product and that, unless protective measures are adopted, the Community market in garlic could be seriously disturbed by huge quantities imported from China; whereas it is therefore vital for the protective measure applying to garlic originating in China to be renewed;

Whereas import licences issued should be limited to a given quantity by period from 1 June 1995 to 31 May 1996 and the issuing thereof should be suspended once that quantity has been attained,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 June 1995 to 31 May 1996, import licences for garlic (CN code 0703 20 00) originating in China shall be issued for up to 12 000 tonnes only, subject to a maximum quantity for each sub-period as set out in the Annex.

2. The maximum quantity for each sub-period as referred to in paragraph 1 shall be equal to the sum of:

- (a) the quantity set out in the Annex;
 - (b) quantities not applied for from the preceding sub-period;
- and
- (c) unused quantities from licences issued previously of which the Commission has been informed.

3. Where the Commission establishes, on the basis of information forwarded to it by the Member States pursuant to Article 4 of Regulation (EEC) No 1859/93, that there is a risk that the maximum quantity for any sub-period may be exceeded, it shall lay down the conditions under which licences may be issued.

4. Operators may submit not more than two licence applications per sub-period, separated by a minimum of five days, in respect of the product referred to in paragraph 1. Each application may cover not more than 50 % of the quantity available for that sub-period as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 June 1995.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 101, 4. 5. 1995, p. 16.

⁽³⁾ OJ No L 291, 28. 12. 1972, p. 3.

⁽⁴⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ No L 176, 9. 7. 1994, p. 1.

⁽⁶⁾ OJ No L 133, 28. 5. 1994, p. 36.

⁽⁷⁾ OJ No L 298, 19. 11. 1994, p. 26.

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

(tonnes)		
Sub-period	Sub-period for submission of applications	Quantity
June	1 June to 4 July 1995	1 000
July	5 July to 6 August 1995	1 000
August	7 August to 4 September 1995	1 000
September	5 September to 4 October 1995	1 000
October	5 October to 5 November 1995	1 000
November	6 November to 3 December 1995	1 000
December	4 December 1995 to 4 January 1996	1 000
January	5 January to 4 February 1996	1 000
February	5 February to 4 March 1996	1 000
March	5 March to 3 April 1996	1 000
April	4 April to 3 May 1996	1 000
May	4 May to 31 May 1996	1 000

COMMISSION REGULATION (EC) No 1154/95

of 22 May 1995

adopting a protective measure applying to imports of garlic originating in Vietnam

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 997/95⁽²⁾, and in particular Article 29 (2) thereof,

Whereas Council Regulation (EEC) No 2707/72⁽³⁾ lays down the conditions for applying protective measures for fruit and vegetables;

Whereas, pursuant to Commission Regulation (EEC) No 1859/93 of 12 July 1993 on the application of the system of import licences for garlic imported from third countries⁽⁴⁾, as amended by Regulation (EC) No 1662/94⁽⁵⁾, the release for free circulation in the Community of garlic imported from third countries is subject to the presentation of import licences;

Whereas on 19 May 1995 the Kingdom of Spain requested the Commission to take protective measures against imports of garlic;

Whereas, in the wake of the protective measure applicable to imports of garlic originating in China adopted by Commission Regulation (EC) No 1213/94 of 27 May 1994⁽⁶⁾, as last amended by Regulation (EC) No 2815/94⁽⁷⁾, the Commission observed a sharp rise in

applications for import licences for garlic originating in Vietnam; whereas, in view of the fact that the continuation of such imports and the very low prices at which they were offered could have brought about serious disturbance on the Community market in garlic, the Commission suspended the issuing of import licences for garlic originating in Vietnam by Regulation (EC) No 2091/94⁽⁸⁾;

Whereas the factors that led the Commission to take this measure still apply and a further protective measure should be adopted; whereas the pressure of imports of garlic originating in China has by no means abated and there is therefore reason to fear that quantities covered by applications for import licences for garlic originating in Vietnam may continue to far exceed traditional imports from that country,

HAS ADOPTED THIS REGULATION:

Article 1

The issuing of import licences for garlic (CN code 0703 20 00) originating in Vietnam as referred to in Regulation (EEC) No 1859/93 is hereby suspended until 31 May 1996.

Article 2

This Regulation shall enter into force on 1 June 1995.

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 101, 4. 5. 1995, p. 16.

⁽³⁾ OJ No L 291, 28. 12. 1972, p. 3.

⁽⁴⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ No L 176, 9. 7. 1994, p. 1.

⁽⁶⁾ OJ No L 133, 28. 5. 1994, p. 36.

⁽⁷⁾ OJ No L 298, 19. 11. 1994, p. 26.

⁽⁸⁾ OJ No L 220, 25. 8. 1994, p. 8.

COMMISSION REGULATION (EC) No 1155/95
of 22 May 1995
fixing the export refunds on beef

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 424/95⁽²⁾, and in particular Article 18 thereof,

Whereas Article 18 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 885/68⁽³⁾, as last amended by Regulation (EEC) No 427/77⁽⁴⁾, lays down general rules for granting export refunds and criteria for fixing the amount of such refunds;

Whereas Regulation (EEC) No 32/82⁽⁵⁾, as last amended by Regulation (EEC) No 3169/87⁽⁶⁾, Regulation (EEC) No 1964/82⁽⁷⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84⁽⁸⁾, as last amended by Regulation (EEC) No 3661/92⁽⁹⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be

granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms; whereas experience gained in recent years has shown that live pure-bred breeding animals weighing at least 250 kilograms in the case of females and 300 kilograms in that of males should be treated in the same way as other bovine animals, subject to certain special administrative formalities;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 45, 1. 3. 1995, p. 2.

⁽³⁾ OJ No L 156, 4. 7. 1968, p. 2.

⁽⁴⁾ OJ No L 61, 5. 3. 1977, p. 16.

⁽⁵⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁶⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁷⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁸⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁹⁾ OJ No L 370, 19. 12. 1992, p. 16.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽¹⁾, as last amended by Regulation (EC) No 150/95⁽²⁾, 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⁽³⁾, as last amended by Regulation (EC) No 1053/95⁽⁴⁾;

Whereas Commission Regulation (EEC) No 3846/87⁽⁵⁾, as last amended by Regulation (EC) No 836/95⁽⁶⁾, establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought in line with those on fresh or chilled cuts other than those from adult male bovine animals;

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products⁽⁷⁾, as amended by Regulation (EEC) No 2026/83⁽⁸⁾;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

Whereas Council Regulation (EEC) No 990/93⁽⁹⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia und 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, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which export refunds as referred to in Article 18 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 23 May 1995.

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽⁵⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁶⁾ OJ No L 88, 21. 4. 1995, p. 1.

⁽⁷⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁸⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (?)	Refund (?) ⁽¹⁾	Product code	Destination (?)	Refund (?) ⁽¹⁾
		— Live weight —			— Net weight —
0102 10 10 120	01	95,00	0201 20 20 120	02	124,50
0102 10 10 130	02	69,50		03	86,50
	03	49,00		04	43,00
	04	24,50	0201 20 30 110 ⁽¹⁾	02	123,00
0102 10 30 120	01	95,00		03	84,00
0102 10 30 130	02	69,50		04	41,50
	03	49,00	0201 20 30 120	02	90,50
	04	24,50		03	63,50
0102 10 90 120	01	95,00		04	31,50
0102 90 41 100	02	90,00	0201 20 50 110 ⁽¹⁾	02	214,50
0102 90 51 000	02	66,00		03	143,00
	03	46,50		04	71,00
	04	23,50	0201 20 50 120	02	158,00
0102 90 59 000	02	66,00		03	109,50
	03	46,50		04	54,50
	04	23,50	0201 20 50 130 ⁽¹⁾	02	123,00
0102 90 61 000	02	66,00		03	84,00
	03	46,50		04	41,50
	04	23,50	0201 20 50 140	02	90,50
0102 90 69 000	02	66,00		03	63,50
	03	46,50		04	31,50
	04	23,50	0201 20 90 700	02	90,50
0102 90 71 000	02	90,00		03	63,50
	03	60,00		04	31,50
	04	30,00	0201 30 00 050 ⁽²⁾	05	110,00
0102 90 79 000	02	90,00	0201 30 00 100 ⁽²⁾	02	306,50
	03	60,00		03	204,50
	04	30,00		04	102,50
		— Net weight —		06	262,00
0201 10 00 110 ⁽¹⁾	02	123,00	0201 30 00 150 ⁽⁶⁾	09	162,50
	03	84,00		10	137,00
	04	41,50		03	123,00
0201 10 00 120	02	90,50		04	61,50
	03	63,50	0201 30 00 190 ⁽⁶⁾	06	142,50
	04	31,50		07	88,00
0201 10 00 130 ⁽¹⁾	02	169,00		02	125,50
	03	113,50		03	82,50
	04	57,00		04	41,00
0201 10 00 140	02	124,50		06	101,00
	03	86,50		07	88,00
	04	43,00			
0201 20 20 110 ⁽¹⁾	02	169,00			
	03	113,50			
	04	57,00			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (?)	Refund (?) (10)	Product code	Destination (?)	Refund (?) (10)
		— Net weight —			— Net weight —
0202 10 00 100	02	90,50	1602 50 10 120	02	139,50 (?)
	03	63,50		03	111,50 (?)
	04	31,50		04	111,50 (?)
0202 10 00 900	02	124,50	1602 50 10 140	02	123,00 (?)
	03	86,50		03	99,00 (?)
	04	43,00		04	99,00 (?)
0202 20 10 000	02	124,50	1602 50 10 160	02	99,00 (?)
	03	86,50		03	79,50 (?)
	04	43,00		04	79,50 (?)
0202 20 30 000	02	90,50	1602 50 10 170	02	66,00 (?)
	03	63,50		03	52,50 (?)
	04	31,50		04	52,50 (?)
0202 20 50 100	02	158,00	1602 50 10 190	02	66,00
	03	109,50		03	52,50
	04	54,50		04	52,50
0202 20 50 900	02	90,50	1602 50 10 240	02	20,50
	03	63,50		03	20,50
	04	31,50		04	20,50
0202 20 90 100	02	90,50	1602 50 10 260	02	15,50
	03	63,50		03	15,50
	04	31,50		04	15,50
0202 30 90 100 (*)	05	110,00	1602 50 10 280	02	8,50
0202 30 90 400 (*)	09	162,50		03	8,50
	10	137,00		04	8,50
	03	123,00	1602 50 31 125	01	126,00 (?)
	04	61,50	1602 50 31 135	01	79,50 (?)
	06	142,50	1602 50 31 195	01	39,00
	07	88,00	1602 50 31 325	01	112,50 (?)
0202 30 90 500 (*)	02	125,50	1602 50 31 335	01	71,00 (?)
	03	82,50	1602 50 31 395	01	39,00
	04	41,00	1602 50 39 125	01	126,00 (?)
	06	101,00	1602 50 39 135	01	79,50 (?)
	07	88,00	1602 50 39 195	01	39,00
0202 30 90 900	07	88,00	1602 50 39 325	01	112,50 (?)
0206 10 95 000	02	125,50	1602 50 39 335	01	71,00 (?)
	03	82,50	1602 50 39 395	01	39,00
	04	41,00	1602 50 39 425	01	84,00 (?)
	06	101,00	1602 50 39 435	01	52,50 (?)
0206 29 91 000	02	125,50	1602 50 39 495	01	39,00
	03	82,50	1602 50 39 505	01	39,00
	04	41,00	1602 50 39 525	01	84,00 (?)
	06	101,00	1602 50 39 535	01	52,50 (?)
0210 20 90 100	08	101,00	1602 50 39 595	01	39,00
	04	60,00			
0210 20 90 300	02	125,50			
0210 20 90 500 (*)	02	125,50			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (7)	Refund (8) (10)	Product code	Destination (7)	Refund (8) (10)
		— Net weight —			— Net weight —
1602 50 39 615	01	39,00	1602 50 80 495	01	39,00
1602 50 39 625	01	17,50	1602 50 80 505	01	39,00
1602 50 39 705	01	20,50	1602 50 80 515	01	17,50
1602 50 39 805	01	15,50	1602 50 80 535	01	52,50 (9)
1602 50 39 905	01	8,50	1602 50 80 595	01	39,00
1602 50 80 135	01	79,50 (9)	1602 50 80 615	01	39,00
1602 50 80 195	01	39,00	1602 50 80 625	01	17,50
1602 50 80 335	01	71,00 (9)	1602 50 80 705	01	20,50
1602 50 80 395	01	39,00	1602 50 80 805	01	15,50
1602 50 80 435	01	52,50 (9)	1602 50 80 905	01	8,50

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86.

(7) The destinations are as follows:

01 Third countries.

02 North African, Near and Middle East third countries, west, Central, Eastern and Southern African third countries, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kirghistan, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

03 Iceland, Norway, the island of Heligoland, Faeroe Islands, Andorra, Gibraltar, Vatican City, Malta, Turkey, Estonia, Latvia, Lithuania, Poland Czech Republic, Slovak Republic, Hungary, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia-Herzegovina, Serbia and Montenegro, Territory of the Former of Macedonia, Ceuta, Melilla, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Viet Nam, Indonesia, the Philippines, China, North Korea and Hong kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87.

04 Switzerland.

05 The United States of America, carried out in accordance with Commission Regulation (EEC) No 2973/79.

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and Southern African third countries, except Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

09 North African third countries, Near and Middle East, Central, Eastern and Southern African third countries, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kirghistan, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

10 West African third countries.

(8) Article 7 of Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(9) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of Council Regulation (EEC) No 565/80.

(10) 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 countries are as defined in Commission Regulation (EC) No 3478/93 (OJ No L 317 of 18. 12. 1993, p. 32).

The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EC) No 1156/95

of 22 May 1995

fixing the export refunds on fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Council Regulation (EC) No 997/95⁽²⁾, and in particular Article 30 (4) thereof,

Whereas Article 30 of Regulation (EEC) No 1035/72 provides that, to the extent necessary to allow economically significant quantities to be exported, the difference between prices in international trade for the products referred to in that Article and prices for the products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 2518/69 of 9 December 1969 laying down general rules for the granting of refunds on exports of fruit and vegetables and criteria for fixing their amounts⁽³⁾, as amended by Regulation (EEC) No 2455/72⁽⁴⁾, provides that when refunds are being fixed, account must be taken of the existing situation and future trends with regard to prices and availabilities of fruit and vegetables on the Community market on the one hand and prices in international trade on the other; whereas account must also be taken of the costs indicated in (b) of that Article and of the economic aspects of the proposed exports;

Whereas, pursuant to Article 3 of Regulation (EEC) No 2518/69, when prices on the Community market are being determined account must be taken of the prices which are most favourable from the exportation point of view; whereas, when prices in international trade are being determined, the quotations and prices referred to in paragraph 2 of that Article must be taken into account;

Whereas the situation with regard to international trade or the specific requirements of certain markets may make it necessary to vary the refund for a given product according to the destination of that product;

Whereas tomatoes, fresh lemons, fresh sweet oranges, apples, table grapes, peaches and nectarines of the common quality standards 'Extra' Class, Class I and Class

II, almonds and hazelnuts, and unshelled walnuts may at present be exported in economically significant quantities;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Economic Community and the Federal Republic of Yugoslavia (Serbia und 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 representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, 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⁽⁸⁾, as last amended by Regulation (EC) No 1053/95⁽⁹⁾;

Whereas it follows from applying these detailed rules to the present market situation and to its future trends, and in particular to quotations and prices for fruit and vegetables in the Community and in international trade that the refunds should be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

Export refunds in the fruit and vegetables sector shall be fixed at the amounts specified in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 June 1995.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 101, 4. 5. 1995, p. 16.

⁽³⁾ OJ No L 318, 18. 12. 1969, p. 17.

⁽⁴⁾ OJ No L 266, 25. 11. 1972, p. 7.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 107, 12. 5. 1995, p. 4.

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 22 May 1995 fixing the export refunds on fruit and vegetables

(ECU/100 kg net)

Product code	Destination of refund (1)	Amounts of refunds (2)
0702 00 15 100	04	5,43
0702 00 20 100	04	5,43
0702 00 25 100	04	5,43
0702 00 30 100	04	5,43
0702 00 35 100	04	5,43
0702 00 40 100	04	5,43
0702 00 45 100	04	5,43
0702 00 50 100	04	5,43
0802 12 90 000	04	11,68
0802 21 00 000	04	13,65
0802 22 00 000	04	26,32
0802 31 00 000	04	16,91
0805 10 01 200	01	13,28
0805 10 05 200	01	13,28
0805 10 09 200	01	13,28
0805 10 11 200	01	13,28
0805 10 15 200	01	13,28
0805 10 19 200	01	13,28
0805 10 21 200	01	13,28
0805 10 25 200	01	13,28
0805 10 29 200	01	13,28
0805 10 32 200	01	13,28
0805 10 34 200	01	13,28
0805 10 36 200	01	13,28
0805 10 42 200	01	13,28
0805 10 44 200	01	13,28
0805 10 46 200	01	13,28
0805 10 51 200	01	13,28
0805 10 55 200	01	13,28
0805 10 59 200	01	13,28
0805 10 61 200	01	13,28
0805 10 65 200	01	13,28

(ECU/100 kg net)

Product code	Destination of refund (1)	Amounts of refunds (2)
0805 10 69 200	01	13,28
0805 30 20 100	04	16,30
0805 30 30 100	04	16,30
0805 30 40 100	04	16,30
0806 10 21 200	04	5,84
0806 10 29 200	04	5,84
0806 10 30 200	04	5,84
0806 10 40 200	04	5,84
0806 10 50 200	04	5,84
0806 10 61 200	04	5,84
0806 10 69 200	04	5,84
0808 10 51 910	02	9,66
0808 10 53 910	02	9,66
0808 10 59 910	02	9,66
0808 10 61 910	02	9,66
0808 10 63 910	02	9,66
0808 10 69 910	02	9,66
0808 10 71 910	02	9,66
0808 10 73 910	02	9,66
0808 10 79 910	02	9,66
0808 10 92 910	02	9,66
0808 10 94 910	02	9,66
0808 10 98 910	02	9,66
0809 30 11 100	03	6,04
0809 30 19 100	03	6,04
0809 30 21 100	03	6,04
0809 30 29 100	03	6,04
0809 30 31 100	03	6,04
0809 30 39 100	03	6,04
0809 30 41 100	03	6,04
0809 30 49 100	03	6,04
0809 30 51 100	03	6,04
0809 30 59 100	03	6,04

(1) The destinations are as follows:

01 Switzerland, Greenland, Norway, Iceland, Malta, Poland, the Czech Republic, the Slovak Republic, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia,

02 Norway, Iceland, the Faroe Islands, Greenland, Malta, Syria, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, Uzbekistan, Bosnia-Herzegovina, Croatia, Slovenia, the former Yugoslav Republic of Macedonia, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia, the countries and territories of Africa other than South Africa, countries of the Arabian peninsula (Saudi Arabia, Bahrain, Qatar, Oman, the United Arab Emirates (Abu Dhabi, Dubai, Sharjah, Ajman, Umm, al Qaiwain, Fujairah and Ras al Khaimah), Kuwait, Yemen), Iran, Jordan,

03 all destinations excluding Switzerland,

04 all destinations.

(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.

COMMISSION REGULATION (EC) No 1157/95**of 22 May 1995****establishing the standard import values for determining the entry price of
certain fruit and vegetables**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 May 1995.

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 56, 14. 3. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 22 May 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 30	052	69,0
	060	80,2
	066	41,3
	068	51,5
	204	50,9
	212	117,9
	624	79,1
	999	70,0
0707 00 25	052	47,2
	053	166,9
	060	39,2
	066	68,6
	068	70,6
	204	49,1
	624	207,3
	999	92,7
0709 90 75	052	129,7
	204	77,5
	624	196,3
	999	134,5

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

COMMISSION REGULATION (EC) No 1158/95
of 22 May 1995

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

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular the fourth subparagraph of Article 13 (2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 1133/95 ⁽²⁾, as amended by Regulation (EC) No 1147/95 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1133/95 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 export possibilities exist for a quantity of 50 000 tonnes of rye flour to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89 ⁽⁴⁾, as last amended by Regulation (EC) No 1043/95 ⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁶⁾, as last amended by Regulation (EC) No 150/95 ⁽⁷⁾, 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 ⁽⁸⁾, as last amended by Regulation (EC) No 1053/95 ⁽⁹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 1133/95 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 23 May 1995.

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.
⁽²⁾ OJ No L 112, 19. 5. 1995, p. 25.
⁽³⁾ OJ No L 114, 20. 5. 1995, p. 24.
⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.
⁽⁵⁾ OJ No L 106, 11. 5. 1995, p. 8.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.
⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.
⁽⁹⁾ OJ No L 107, 12. 5. 1995, p. 4.

ANNEX

to the Commission Regulation of 22 May 1995 altering the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1101 00 11 000	—	—
0712 90 19 000	—	—	1101 00 15 100	01	0
1001 10 00 200	—	—	1101 00 15 130	01	0
1001 10 00 400	—	—	1101 00 15 150	01	0
1001 90 91 000	—	—	1101 00 15 170	01	0
1001 90 99 000	01	0	1101 00 15 180	01	0
1002 00 00 000	01	0	1101 00 15 190	—	—
1003 00 10 000	—	—	1101 00 90 000	—	—
1003 00 90 000	01	0	1102 10 00 500	01	89,00 (4)
1004 00 00 200	—	—	1102 10 00 700	—	—
1004 00 00 400	—	—	1102 10 00 900	—	—
1005 10 90 000	—	—	1103 11 10 200	01	0 (3)
1005 90 00 000	—	—	1103 11 10 400	01	0 (3)
1007 00 90 000	—	—	1103 11 10 900	—	—
1008 20 00 000	—	—	1103 11 90 200	01	0 (3)
			1103 11 90 800	—	—

(1) The destinations are identified as follows:

01 all third countries.

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

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

(4) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 50 000 tonnes of rye flour for export to third countries.

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

COMMISSION REGULATION (EC) No 1159/95**of 22 May 1995****concerning applications for export licences for products falling within CN code
1001 90 99 with advance fixing of the refund**

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

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

Whereas Article 9 (4) of Commission Regulation (EEC) No 891/89⁽²⁾, as last amended by Regulation (EC) No 1043/95⁽³⁾, provides where this paragraph is specifically referred to when an export refund is fixed, for an interval of three working days between the day of submission of applications and the granting of export licences with advance fixing of the refund and provides that the Commission is to fix a uniform percentage reduction in the quantities if applications for export licences exceed the quantities which may be exported; whereas applications for licences submitted on 19 May 1995 relate to 1 000 000 tonnes of common wheat and the maximum

quantity which may be exported is 750 000 tonnes; whereas the percentage for the reduction in the export licence applications submitted on 19 May 1995 should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences with advanced fixing of the refund conveyed to the Commission before 20 May 1995 for common wheat falling within CN code 1101 90 99 submitted on 19 May 1995, shall be accepted for the tonnages indicated therein multiplied by a coefficient of 0,75. Requests that are not conveyed to the Commission before 20 May 1995 shall be refused.

Article 2

This Regulation shall enter into force on 23 May 1995.

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽³⁾ OJ No L 106, 11. 5. 1995, p. 8.

COMMISSION REGULATION (EC) No 1160/95

of 22 May 1995

fixing the import levies on white sugar and raw sugar

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94 ⁽⁵⁾, as last amended by Regulation (EC) No 1132/95 ⁽⁶⁾;

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

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

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 19 May 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 23 May 1995.

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

Done at Brussels, 22 May 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 112, 19. 5. 1995, p. 23.

ANNEX

to the Commission Regulation of 22 May 1995 fixing the import levies on white sugar and raw sugar*(ECU/100 kg)*

CN code	Levy ⁽¹⁾
1701 11 10	38,53 ⁽¹⁾
1701 11 90	38,53 ⁽¹⁾
1701 12 10	38,53 ⁽¹⁾
1701 12 90	38,53 ⁽¹⁾
1701 91 00	46,79
1701 99 10	46,79
1701 99 90	46,79 ⁽²⁾

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

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

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

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 7 March 1995

laying down special conditions governing imports of fishery and aquaculture products originating in Peru

(Text with EEA relevance)

(95/173/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 thereof,

Whereas a group of Commission experts has conducted an inspection visit to Peru to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of Peruvian legislation on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in Peru the *Ministerio de Salud, Dirección General de Salud Ambiental* ('Digesa') is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11 (4) (a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11 (4) (b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval number of the establishment of origin;

Whereas, pursuant to Article 11 (4) (c) of Directive 91/493/EEC, a list of approved establishments must be drawn up; whereas that list must be drawn up on the basis of a communication from the Digesa to the Commission; whereas it is therefore for the Digesa to ensure compliance with the provisions laid down to that end in Article 11 (4) of Directive 91/493/EEC;

Whereas the Digesa has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments;

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

HAS ADOPTED THIS DECISION:

Article 1

The *Ministerio de Salud, Dirección General de Salud Ambiental* (Digesa) shall be the competent authority in Peru for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

Article 2

Fishery and aquaculture products originating in Peru, must meet the following conditions:

1. Each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto.
2. The products must come from approved establishments listed in Annex B hereto.
3. Except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the word 'PERU' and the approval number of the establishment of origin in indelible letters.

Article 3

1. Certificates as referred to in Article 2 (1) must be drawn up in at least one official language of the Member State where the checks are carried out.
2. Certificates must bear the name, capacity and signature of the representative of the Digesa and the latter's

official stamp in a colour different from that of other endorsements.

Article 4

This Decision shall apply from 1 February 1995.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 7 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in Peru and intended for export to the European Community

Reference No :

Country of dispatch : PERU

Competent authority : *Ministerio de Salud*
Direccion General de Salud Ambiental (Digesa)

I. Details identifying the fishery products

Description of fishery — aquaculture products ⁽¹⁾ :

— species (scientific name) :

— presentation of product and type of treatment ⁽²⁾ :

Code No (where available) :

Type of packaging :

Number of packages :

Net weight :

Requisite storage and transport temperature :

II. Origin of products

Name(s) and official approval number(s) of establishments(s) approved by the Digesa for export to the EC :

.....
.....
.....
.....
.....

III. Destination of products

The products are dispatched

from :
(place of dispatch)

to :
(country and place of destination)

by the following means of transport :

Name and address of dispatcher :

.....
.....

Name of consignee and address at place of destination :

.....
.....

⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

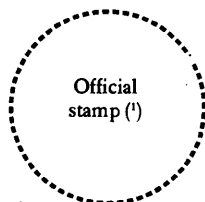
IV. Health attestation

The official inspector hereby certifies that the fishery of aquaculture products specified above :

1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC ;
2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC ;
3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC ;
4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC ;
5. do not come from toxic species or species containing biotoxins :
6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.
7. in addition, where the fishery products are frozen or processed bivalve molluscs : the molluscs were obtained from approved production areas laid down by Annex B to Decision 95/174/EC of 7 March 1995 laying down special conditions for the import of live bivalve molluscs echinoderms, tunicates, and marine gastropods originating in Peru.

The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Annex of Decision 95/174/EC.

Done at , on
(Place) (Date)



.....
Signature of official inspector (1)

.....
(Name in capital letters, capacity and qualifications of person signing) (1)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

LIST OF APPROVED ESTABLISHMENTS AND FACTORY VESSELS

I. Establishments

Approval No	Establishment	Address	Approved until
PR-0449-001-3	PRODUCTOS MARINOS REFRIGERADOS SA	TUMBES	30. 6. 1996
PC-1816-002-3	PERUANA DE CONGELADOS SA	CALLAO	30. 6. 1996
RI-4018-003-3	REFRIGERADOS YNY SA	TUMBES	30. 6. 1996
CX-3531-004-3	COMERCIAL EXPORTADORA SA COEX	TUMBES	30. 6. 1996
FR-2560-005-3	FRIGORÍFICO RANSA SA FRIORANSA	CALLAO	30. 6. 1996
RT-3340-006-3	REFRIGERADOS TUMBES SA	TUMBES	30. 6. 1996
PO-3609-007-3	PRISCO SA	PISCO	30. 6. 1996
PA-1795-008-3	PISCIFACTORIA DE LOS ANDES SA	JUNIN	30. 6. 1996
PM-3012-009-3	PESQUERA MALLA SA	PISCO	30. 6. 1996
AP-1951-001-1	AGROPESCA SA	PAITA	30. 6. 1996
DM-1522-002-1	DEL MAR SA	PAITA	30. 6. 1996
UI-3910-003-1	UNICSA	PAITA	30. 6. 1996
IS-0759-004-1	INDUSTRIAS SAN MIGUEL SA	PAITA	30. 6. 1996
IB-3599-005-1	IBC CORP. DE NEGOCIOS SA	PAITA	30. 6. 1996
MX-0938-006-1	MAREX SA	PAITA	30. 6. 1996
AE-1162-007-1	ARIES EXPORT SRL	PAITA	30. 6. 1996
DX-0134-008-1	DEXIM SRL	PAITA	30. 6. 1996
AG-1236-009-1	ARCOPA SA	PAITA	30. 6. 1996
MP-0889-010-1	MAR & PESCA EIRL	PAITA	30. 6. 1996
PC-0048-011-1	PESCONSA SA	PAITA	30. 6. 1996
TL-38-2220-012-1	TUNA LATÍN SA	PAITA	30. 6. 1996
DH-3087-013-1	DELPHOS SA	PAITA	30. 6. 1996
CP-4028-014-1	CONSORCIO PACÍFICO SUR SRL	PAITA	30. 6. 1996
PP-3614-015-1	PROPEL EIRL	PAITA	30. 6. 1996
CV-0716-016-1	CONSORCIO VICTORIA SA	PAITA	30. 6. 1996
TF-1493-017-1	TAYTA FISHING SRL	PAITA	30. 6. 1996
PM-3496-003-2	PRODUCTOS MARINOS DEL PACÍFICO SUR SA	CHIMBOTE	30. 6. 1996
PA-2447-001-2	PESQUERA ANDREA SA	CHIMBOTE	30. 6. 1996
IC-0307-001-2	CONSORCIO PESQUERO CAROLINA SA	CHIMBOTE	30. 6. 1996
FG-1888-005-2	FRIGOMAR SA	CHIMBOTE	30. 6. 1996
AL-2135-006-2	ALIMENTOS AMERICANOS SA	CHIMBOTE	30. 6. 1996
PP-1928-004-2	PRODUCTOS PESQUEROS PERUANOS SA (PRODUPESA)	CHIMBOTE	30. 6. 1996
UF-0506-007-2	UNION FISHING SA	CHIMBOTE	30. 6. 1996
CE-3160-008-2	ENVASADORA CHIMBOTE EXPORT	CHIMBOTE	30. 6. 1996
CP-1002-010-2	CÍA PESQUERA ESTRELLA DEL PERÚ SA	CHIMBOTE	30. 6. 1996
CP-1767-009-2	CORPORACIÓN DE PESCA SA	CHICLAYO	30. 6. 1996
IA-0619-010-3	ITALIA ABRUZZO SRL	CHINCHA	30. 6. 1996
PS-1718-019-1	PACIFIC SEAFOODS SA	PAITA	30. 6. 1996
OR-1676-018-1	OCEAN REEF SEAFOOD SA	PIURA	30. 6. 1996
PR-0781-011-2	EMPRESA PESQUERA EL ROCÍO SA	TRUJILLO	30. 6. 1996
MS-0922-020-1	MAI SHI SRL	PAITA	30. 6. 1996
SN-3324-021-1	EMPRESA DE SERVICIOS Y REPRESENTACIONES PESQUERAS 'NAUTILUS' SRL (SERPESNA)	PAITA	30. 6. 1996
MN-1592-011-3	PROCESADORA DE PRODUCTOS MARINOS DEL NORTE SA (PROMANORSA)	ZORRITOS	30. 6. 1996
ME-0392-012-3	MARIEXPORT SA	PUCUSANA	30. 6. 1996

II. Factory vessels

Approval No	Name	Name and adress of owner	Approval granted until
AI-1236-023-1	BAF ISABEL PAITA	ARCOPA SA	30. 6. 1996
AM-1236-022-1	BAF ANA MARÍA PAITA	ARCOPA SA	30. 6. 1996
TL-38-2220-012-1	ZENKO MARU PAITA	TUNA LATÍN SA	30. 6. 1996

COMMISSION DECISION

of 7 March 1995

laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in Peru

(Text with EEA relevance)

(95/174/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and placing on the market of live bivalve molluscs⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 (3) (b) thereof,

Whereas Peruvian legislation makes the *Ministerio de Salud, Dirección General de Salud Ambiental* ('Digesa') responsible for inspecting the health of live bivalve molluscs, echinoderms, tunicates and marine gastropods and for monitoring the hygiene and sanitary conditions of production; whereas the same legislation empowers Digesa to authorize or prohibit the harvesting of bivalve molluscs, echinoderms, tunicates and marine gastropods from certain zones;

Whereas the Digesa and its laboratories are capable of effectively verifying the application of the laws in force in Peru;

Whereas the competent Peruvian authorities have undertaken to communicate regularly and quickly to the Commission data on the presence of plankton containing toxins in the harvest zones;

Whereas the competent Peruvian authorities have provided official assurances regarding compliance with the requirements specified in Chapter V of the Annex to Directive 91/492/EEC and with requirements equivalent to those prescribed in that Directive for the classification of production and relaying zones, approval of dispatch and purification centres and public health control and production monitoring; whereas in particular any possible change in harvesting zones is to be communicated to the Community;

Whereas Peru is eligible for inclusion in the list of third countries fulfilling the conditions of equivalence referred to in Article 9 (3) (a) of Directive 91/492/EEC;

Whereas the procedure for obtaining a health certificate referred to in Article 9 (3) (b) (i) of Directive 91/492/EEC

must include the definition of a model certificate, the language(s) in which it must be drawn up, the qualifications of the signatory and the health mark to be affixed to packaging;

Whereas, in accordance with Article 9 (3) (b) (ii) of Directive 91/492/EEC, the production areas from which bivalve molluscs, echinoderms, tunicates and marine gastropods may be harvested and exported to the Community must be designated;

Whereas, in accordance with Article 9 (3) (c) of Directive 91/492/EEC, a list of the establishments from which the import of bivalve molluscs, echinoderms, tunicates and marine gastropods is authorized should be established; whereas such establishments may appear on the list only if they are officially approved by the competent Peruvian authorities; whereas it is the duty of the competent Peruvian authorities to ensure that the provisions laid down to this end in Article 9 (3) (c) of Directive 91/492/EEC are complied with;

Whereas the special import conditions apply without prejudice to decisions taken pursuant to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

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

HAS ADOPTED THIS DECISION:

Article 1

The *Ministerio de Salud, Dirección General de Salud Ambiental* ('Digesa') shall be the competent authority in Peru for verifying and certifying that live bivalve molluscs, echinoderms, tunicates and marine gastropods fulfil the requirements of Directive 91/492/EEC.

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 1.

⁽²⁾ OJ No L 46, 19. 2. 1991, p. 1.

Article 2

Live bilvalve molluscs, echinoderms, tunicates and marine gastropods originating in Peru and intended for human consumption must meet the following conditions:

1. Each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto.
2. Consignments must originate in the authorized production areas listed in Annex B hereto.
3. They must be packed in sealed packages by an approved dispatch or purification centre included in the list in Annex C hereto.
4. Each package must bear an indelible health mark containing at least the following information:
 - country of dispatch: Peru,
 - the species (common and scientific names),
 - the identification of the production area and the dispatch centre by their approval number,
 - the date of packing, including at least the day and month.

Article 3

1. Certificates as referred to in Article 2 (1) must be drawn up in at least one official language of the Member State in which the check is carried out.

2. Certificates must bear the name, capacity and signature of the official/representative of the Digesa and its official seal, in a colour different from that of other endorsements.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 7 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

covering live

- bivalve molluscs ⁽¹⁾,
- echinoderms ⁽¹⁾,
- tunicates ⁽¹⁾,
- marine gastropods ⁽¹⁾,

originating in Peru and intended for human consumption in the European Community

Reference No :

Country of dispatch : PERU

Competent authority : *Ministerio de Salud*
Dirección General de Salud Ambiental (Digesa)

I. Details identifying the products

- Species (scientific name) :
- Code No (where available) :
- Type of packaging :
- Number of packages :
- Net weight :
- Analysis report number (where available) :

II. Origin of products

- Authorized production area :
- Name and official approval No of dispatch centre :
-

III. Destination of products

The products are dispatched

from :
(place of dispatch)

to :
(country and place of destination)

by the following means of transport :

Name and address of consignor :

.....
.....

Name of consignee and address at place of destination :

.....
.....

⁽¹⁾ Delete where inapplicable.

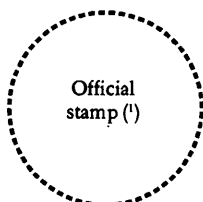
IV. Health attestation

The official inspector hereby certifies that the live products specified above :

1. were harvested, where necessary relayed, and transported in accordance with the health rules laid down in Chapters I, II and III of the Annex to Directive 91/492/EEC ;
2. were handled, where necessary purified, and packaged in accordance with the health rules laid down in Chapter IV of the Annex to Directive 91/492/EEC ;
3. have undergone controls in accordance with Chapter VI of the Annex to Directive 91/492/EEC ;
4. are in compliance with Chapter V, VII, VIII, IX and X of the Annex to Directive 91/492/EEC and therefore fit for immediate human consumption.

The undersigned official inspector hereby declares that he is aware of the provisions of the Annex to Directive 91/492/EEC.

Done at , on
(place) (date)



.....
(Signature of official inspector)(1)

.....
(Name in capital letters, capacity and qualifications of person signing)(1)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

*ANNEX B***PRODUCTION ZONES IN COMPLIANCE WITH THE PROVISIONS LAID DOWN IN THE
ANNEX, CHAPTER I 1 (a) TO DIRECTIVE 91/492/EEC**

Geographical boundaries	Code No
Pucasana Bay (Province of Lima)	001

*ANNEX C***LIST OF ESTABLISHMENTS APPROVED FOR EXPORT TO THE EUROPEAN COMMUNITY**

Name and address	Approval No
Mariexport SA, Pucasana	ME-0392-012-3

COMMISSION DECISION

of 7 March 1995

repealing Decision 91/146/EEC concerning protective measures against cholera
in Peru

(Text with EEA relevance)

(95/175/EC)

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

Having regard to Council Directive 90/675/EEC of 10
December 1990 laying down the principles governing the
organization of veterinary checks on products entering
the Community from third countries ⁽¹⁾, as last amended
by the Act of Accession of Austria, Finland and Sweden,
and in particular Article 19 thereof,

Whereas Commission Decision 91/146/EEC of 19 March
1991 concerning protective measures against cholera in
Peru ⁽²⁾, as last amended by Decision 92/472/EEC ⁽³⁾, was
adopted because of the development of a cholera
epidemic in that country;

Whereas according to the World Health Organization the
cholera situation in Peru no longer presents a serious risk
to public health; whereas, therefore, Decision
91/146/EEC should be repealed and the importation of
fishery products from Peru subject to the provisions of
Council Directive 91/493/EEC of 22 July 1991 laying
down the health conditions for the production and the
placing on the market of fishery products ⁽⁴⁾, as last
amended by the Act of Accession of Austria, Finland and
Sweden;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 91/146/EEC is hereby repealed with effect from
1 February 1995.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 7 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 73, 20. 3. 1991, p. 34.

⁽³⁾ OJ No L 276, 19. 9. 1992, p. 26.

⁽⁴⁾ OJ No L 268, 24. 9. 1991, p. 15.