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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2370/95
of 10 October 1995
amending Regulation (EC) No 2280/95 on the supply of cereals as food aid**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

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 Commission Regulation (EC) No 2280/95 ⁽³⁾ issued an invitation to tender for the supply, as food aid, of 20 274 tonnes of cereals; whereas some of the conditions specified in Annex I to that Regulation should be altered,

Article 1

For lot B, point 10 of Annex I to Regulation (EC) No 2280/95 is replaced by the following:

‘10. Packaging and marking ^(*) ^(*) ⁽¹¹⁾: See OJ No C 114, 29. 4. 1991, p. 1 (II.A.(2) (c) and II.A. (3)) markings in English
Bagging must be carried out before shipment’.

Article 2

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

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

Done at Brussels, 10 October 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 232, 29. 9. 1995, p. 10.

COMMISSION REGULATION (EC) No 2371/95

of 9 October 1995

repealing Regulation (EC) No 2030/95 concerning the stopping of fishing for sprat by vessels flying the flag of Sweden

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21 (3) thereof,

Whereas Commission Regulation (EC) No 2030/95⁽²⁾ stopped fishing for sprat in the waters of ICES division IIIb, c, d (EC-zone) by vessels flying the flag of Sweden or registered in Sweden;

Whereas Finland transferred to Sweden 12 000 tonnes of sprat in the waters of ICES division IIIb, c, d (EC-zone); whereas fishing for sprat in the waters of ICES division IIIb, c, d (EC-zone) by vessels flying the flag of Sweden or

registered in Sweden should therefore be permitted; whereas consequently it is necessary to repeal Regulation (EC) No 2030/95,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2030/95 is hereby repealed.

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, 9 October 1995.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 199, 22. 8. 1995, p. 20.

COMMISSION REGULATION (EC) No 2372/95

of 10 October 1995

on the issuing of standing invitations to tender for the sale of common wheat of breadmaking quality held by the French and German intervention agencies for export to certain ACP countries in the 1995/96 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 5 thereof,

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

Whereas, with a view to supplying the markets of the ACP countries, favoured partners of the Community, significant quantities of common wheat are required; whereas these markets are usually supplied on the basis of regular contracts to ensure stable prices for the ACP countries over a certain period; whereas it is therefore necessary to issue a specific invitation to tender to ensure that users in these countries have access to common wheat of breadmaking quality under conditions appropriate to the highly competitive situation on the world market;

Whereas the French and German intervention agencies hold significant stocks of common wheat of high breadmaking quality; whereas part of the wheat coming from the intervention stocks held by the aforementioned agencies should therefore be resold to the ACP countries so as to meet their quantitative and qualitative needs; whereas to take account of the world market situation the common wheat successfully tendered for must be sent to the countries of destination by 31 January 1996 at the latest;

Whereas the specific nature of the operation and the accounting position of the common wheat in question require greater flexibility in the mechanisms and obligations governing the resale of intervention stocks and also require exclusion of any refund, or monthly increase; whereas special procedures must be laid down to ensure

that the operations and their monitoring are properly effected; whereas to that end provision should be made for a security lodgment scheme which ensures that the aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EEC) No 2131/93;

Whereas, in addition to the conditions laid down in Article 30 of Commission Regulation (EEC) No 3719/88⁽⁵⁾, as last amended by Regulation (EC) No 2137/95⁽⁶⁾, provision should be made for the release for consumption in the ACP State(s) laid down in the Regulation;

Whereas, where removal of the wheat is delayed by more than five days, or the release of one of the securities required is delayed, for reasons imputable to the intervention agency the Member State concerned will have to pay compensation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Two standing invitations to tender are hereby issued for the export of:

- 150 000 tonnes of common wheat of breadmaking quality, held by the French intervention agency,
- 350 000 tonnes of common wheat of breadmaking quality, held by the German intervention agency.

2. The common wheat must be exported to an ACP State or to several States within one of the groups of ACP States listed in Annex I.

3. The regions in which the 150 000 tonnes of French and 350 000 tonnes of German common wheat of breadmaking quality are stored are listed in Annex II.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 214, 8. 9. 1995, p. 21.

4. The intervention agencies concerned shall prepare a notice of invitation to tender indicating for each lot or, where appropriate, each part lot:

- the location,
- and at least the following features:
 - specific weight,
 - moisture content,
 - Hagberg falling number,
 - impurity contents and sprouted grains,
 - protein content.

5. They shall publish the notice of invitation to tender at least two days before the date set for the first partial invitation to tender.

Article 2

Subject to the provisions of this Regulation, the sales of common wheat of breadmaking quality referred to in Article 1 shall take place in accordance with the procedure and conditions laid down by Regulation (EEC) No 2131/93.

Article 3

1. The time limit for submitting tenders for the first partial invitations to tender shall be 9 p.m. (Brussels time) on Thursday 19 October 1995.

2. The time limit for submitting tenders for the second partial invitation to tender shall be 9 p.m. (Brussels time) on the following Thursday.

The time limit for the last partial invitation to tender shall be 9 November 1995.

3. Tenders must be submitted to the intervention agency in question.

Article 4

1. Tenders shall only be admissible if:

- the tenderer provides written proof from an official body in the country of destination or a company having its overseas subsidiary in the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat of breadmaking quality for export to an ACP State or to several States within one of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during the period October 1995 to February 1996 for quantities traditionally supplied, such proof shall be lodged with the intervention agency at least two working days before the date of the first invitation to tender,

- they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.

2. Tenders may not exceed the quantity laid down in the commercial contract submitted. Where on the basis of the said contract the tenderer simultaneously participates in invitations to tender in the two Member States concerned, he shall be required to mention this in his bid.

When transmitting the tenders submitted, the Member States shall inform the Commission of the above, mentioning if necessary the names of the tenderers involved.

Article 5

1. No export refund or monthly increase shall be granted for exports carried out pursuant to this Regulation.

2. The validity of the export licences issued in accordance with this Regulation shall expire on 31 January 1996.

3. The licence obliges the operator to export to the ACP State or States for which the licence application was submitted. However, up to a limit of 20 % of the quantity for which the licence was issued, the operator may effect his contract at another destination on condition that it belongs to the same group of countries listed in Annex I.

4. The export licences shall be issued as soon as the successful tenderers have been selected.

5. Article 9 of Regulation (EEC) No 3719/88 notwithstanding, the rights deriving from the licence referred to in this Article shall not be transferable.

Article 6

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

The Commission must be informed of the findings of the analyses in the event of a dispute.

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

(a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;

(b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to:

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

and

- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established;

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

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

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

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

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

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

Article 7

The successful tenderer shall pay for the common wheat before removing it at the price indicated in the tender. The final date for removal is 26 January 1996. The payment due for each of the lots to be removed shall be indivisible.

Article 8

1. The security lodged pursuant to Article 13 (4) of Regulation (EEC) No 2131/93 must be released once the export licences have been issued to the successful tenderers.

⁽¹⁾ OJ No L 74, 20. 3. 1992, p. 18.

2. The obligation to export and import into one of the countries of destination listed in Annex I shall be covered by a security amounting to ECU 60 per tonne of which ECU 20 per tonne shall be lodged upon issue of the export licence, with the balance of ECU 40 being lodged before removal of the cereals.

Article 15 (2) of Commission Regulation (EEC) No 3002/92⁽¹⁾ notwithstanding:

- the amount of ECU 20 per tonne must be released within 20 working days of the date on which the successful tenderer supplies proof that the wheat removed has left the customs territory of the Community,
- the amount of ECU 40 per tonne must be released within 15 working days of the date on which the successful tenderer supplies proof of entry for consumption into the ACP State or States referred to in Article 5 (3). This proof shall be supplied in accordance with Articles 18 and 47 of Commission Regulation (EEC) No 3665/87⁽²⁾.

3. Except in duly substantiated exceptional cases, in particular the opening of an administrative enquiry, any release of the securities provided for in this Article after the limits specified in this same Article shall confer an entitlement to compensation from the Member State amounting to 0,015 ECU/10 tonnes for each day's delay.

This compensation shall not be charged to the EAGGF.

Article 9

Article 12 of Regulation (EEC) No 3002/92 notwithstanding, the documents relating to the sale of common wheat in accordance with this Regulation and in particular the export licence, the removal order referred to in Article 3 (1) (b) of Regulation (EEC) No 3002/92, the export declaration and, where appropriate, the T5 control copy must bear the words:

- Trigo blando panificable de intervención sin derecho a restitución, destinado a (nombre del Estado o de los Estados ACP), Reglamento (CE) n° 2372/95,

⁽¹⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽²⁾ OJ No L 351, 14. 12. 1987, p. 1.

- Bageegnet blød hvede fra intervention uden restitutionsydelse bestemt for (navnet på det eller de pågældende AVS-lande), forordning (EF) nr. 2372/95,
- Interventions-Brotweichweizen ohne Ausfuhrerstattung, Bestimmung (Name des AKP-Staates oder der AKP-Staaten), Verordnung (EG) Nr. 2372/95,
- Μαλακός αρτοποιήσιμος σίτος παρέμβασης, που δεν παρέχει δικαίωμα επιστροφής, προοριζόμενος για (όνομα της χώρας ΑΚΕ ή των χωρών ΑΚΕ), κανονισμός (ΕΚ) αριθ. 2372/95,
- Intervention common wheat of breadmaking quality not eligible for refund, bound for (name of the ACP State or States), Regulation (EC) No 2372/95,
- Blé tendre d'intervention panifiable ne donnant pas droit à restitution, destiné à (nom de l'État ACP ou des États ACP), règlement (CE) n° 2372/95,
- Frumento tenero d'intervento panificabile non dante diritto a restituzione, destinato al (nome del paese o dei paesi ACP), regolamento (CE) n. 2372/95,
- Zachte tarwe van bakkwaliteit uit interventie, zonder recht op restitutie, bestemd voor (naam van de ACS-Staat of de ACS-Staten), Verordening (EG) nr. 2372/95,
- Trigo mole panificável de intervenção que não dá direito a uma restituição, destinado a (nome do Estado ou dos Estados ACP), Regulamento (CE) n° 2372/95,
- Interventioleipävehnä, jolle ei makseta tukea ja jonka määräpaikka on (AKT-maan nimi tai AKT-maiden nimet), asetus (EY) N:o 2372/95,
- Interventionsvete av brödkvalitet, ej bidragsberättigande, avsett för (AVS-statens eller AVS-staternas namn), förordning (EG) nr 2372/95.

Article 10

1. The French and German intervention agencies shall inform the Commission of the tenders received within three hours of the expiry of the time limit for submitting tenders. The information must be sent in the form laid down in Annex III to one of the telex or fax numbers listed in Annex IV.

2. They shall inform the Commission on a monthly basis of the quantities of common wheat removed pursuant to this Regulation.

Article 11

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

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

Done at Brussels, 10 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III
Mauritania Mali Niger Senegal Burkina Faso Gambia Guinea-Bissau Guinea Cape Verde Sierra Leone Liberia Côte d'Ivoire Ghana Togo	Chad Central African Republic Benin Cameroon Equatorial Guinea São Tomé and Príncipe Gabon Congo Zaire Rwanda Burundi	Seychelles Comoros Madagascar Mauritius Angola Zambia Malawi Mozambique Namibia Botswana Zimbabwe Lesotho Swaziland

ANNEX II

(tonnes)	
Region of storage	Quantities
FRANCE :	
Orléans	50 000
Rouen	100 000
GERMANY :	
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	184 835
Hessen/Rheinland-Pfalz/ Baden-Württemberg/ Saarland/Bayern	8 781
Berlin/Brandenburg/ Mecklenburg-Vorpommern	47 354
Sachsen/Sachsen-Anhalt/ Thüringen	108 995

ANNEX III

Standing invitation to tender for the export of 150 000 tonnes of common wheat of breadmaking quality held by the French intervention agency and 350 000 tonnes of common wheat of breadmaking quality held by the German intervention agency

(Regulation (EC) No 2372/95)

1	2	3	4	5	6	7
Registration number of the tenderer	Lot number	Quantity in tonnes	Offer price (ECU/tonne) ⁽¹⁾	Increases (+) Reductions (−) (ECU/tonne) p.m.	Commercial costs (ECU/tonne)	Destination
1 2 3 etc.						

⁽¹⁾ This price includes the increases and reductions relating to the lot for which the tender is submitted.

ANNEX IV

The only telex and fax numbers in Brussels to be used are :

DG VI/C/1 :

- telex : 22037 AGREC B,
22070 AGREC B (Greek characters),
- fax : 296 49 56,
295 25 15,
or 296 10 97.

ANNEX V

Communication of refusal of lots under the standing invitation to tender for the export of 500 000 tonnes of bread-making wheat held by the French and German intervention agency

(Article 6 of Regulation (EC) No 2372/95)

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

Lot No	Quantity in tonnes	Address of silo	Reason for refusal to take over
			— Specific weight (kg/hl) — % sprouted grains — % miscellaneous impurities (Schwarzbesatz) — % of matter which is not wheat of unimpaired quality — Other

COMMISSION REGULATION (EC) No 2373/95**of 10 October 1995****fixing the actual production of unginned cotton for the 1994/95 marketing year**

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

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95 ⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton ⁽²⁾, as last amended by Regulation (EEC) No 1554/93 ⁽³⁾, and in particular Article 11 thereof,

Whereas Article 7 (1) of Regulation (EEC) No 2169/81 provides that the actual production in each marketing year is to be determined each year, taking account of the quantities for which the aid has been applied for ; whereas the application of that criterion gives the actual production for the 1994/95 marketing year indicated below ;

Whereas this Regulation is in accordance with the opinion of the Management Committee for Flax and Hemp,

HAS ADOPTED THIS REGULATION :

Article 1

For the 1994/95 marketing year, actual production of unginned cotton is hereby determined at 1 334 649 tonnes.

Article 2

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

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

Done at Brussels, 10 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

COMMISSION REGULATION (EC) No 2374/95

of 10 October 1995

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

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the rates of the refunds applicable from 20 September 1995 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 2208/95 ⁽³⁾, as last amended by Regulation (EC) No 2344/95 ⁽⁴⁾;

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

tion at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 11 October 1995.

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

Done at Brussels, 10 October 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

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

⁽³⁾ OJ No L 222, 20. 9. 1995, p. 1.

⁽⁴⁾ OJ No L 236, 5. 10. 1995, p. 17.

ANNEX

to the Commission Regulation of 10 October 1995 altering the rates of the refunds applicable to eggs and egg yolks exported in the form of goods not covered by Annex II to the Treaty

CN code	Description	Rate of refund (ECU/100 kg)
0407 00	Birds' eggs, in shell, fresh, preserved or cooked :	
	- Of poultry :	
0407 00 30	- - Other :	
	a) On exportation of ovalbumin of CN code 3502 10	10,00
	b) On exportation of other goods	6,00
0408	Birds' eggs, not in shell and egg yolks, fresh, dried, cooked by steaming or by boiling in water, moulded, frozen or otherwise preserved, whether or not containing added sugar or other sweetening matter :	
	- Egg yolks :	
0408 11	- - Dried :	
ex 0408 11 80	- - - Suitable for human consumption : not sweetened	45,00
0408 19	- - Other :	
	- - - Suitable for human consumption :	
ex 0408 19 81	- - - - Liquid : not sweetened	20,00
ex 0408 19 89	- - - - Frozen : not sweetened	20,00
	- Other :	
0408 91	- - Dried :	
ex 0408 91 80	- - - Suitable for human consumption : not sweetened	27,00
0408 99	- - Other :	
ex 0408 99 80	- - - Suitable for human consumption : not sweetened	7,00

COMMISSION REGULATION (EC) No 2375/95
of 10 October 1995
fixing the export refunds on eggs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 ⁽²⁾, and in particular the Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 2771/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the egg sector;

Whereas Council Regulation (EEC) No 990/93 ⁽³⁾, as amended by Regulation (EC) No 1380/95 ⁽⁴⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas it follows from applying these rules and criteria to the present situation on the market in eggs that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

Whereas the Management Committee for Poultrymeat and Eggs has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

The list of codes of products for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2771/75 is granted, and the amount of that refund shall be as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 October 1995.

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

Done at Brussels, 10 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

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

⁽³⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁴⁾ OJ No L 138, 21. 6. 1995, p. 1.

ANNEX

to the Commission Regulation of 10 October 1995 fixing the export refunds on eggs

Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾
		ECU/100 units
0407 00 11 000	02	4,00
0407 00 19 000	02	2,50
		ECU/100 kg
0407 00 30 000	03	10,00
	04	6,00
0408 11 80 100	01	45,00
0408 19 81 100	01	20,00
0408 19 89 100	01	20,00
0408 91 80 100	01	27,00
0408 99 80 100	01	7,00

⁽¹⁾ The destinations are as follows :

- 01 All destinations except Switzerland,
- 02 All destinations except the United States of America,
- 03 Kuwait, Bahrein, Oman, Qatar, the United Arab Emirates, Yemen, Hong Kong, Russia, South Korea, Japan, Malaysia, Thailand and Taiwan,
- 04 All destinations except Switzerland and those of 03.

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

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

COMMISSION REGULATION (EC) No 2376/95

of 10 October 1995

fixing representative prices and additional import duties in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

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

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁴⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 1484/95 ⁽⁵⁾, as last amended by Regulation (EC) No 2224/95 ⁽⁶⁾, fixes detailed rules for implementing the system of additional import duties and fixes additional import duties in the poultrymeat and egg sectors and for egg albumin;

Whereas it results from regular monitoring of the information providing the basis for the verification of the import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices and additional duties for imports of certain products should be amended taking into account variations of prices according to origin; whereas, therefore, representative prices and corresponding additional duties should be published;

Whereas it is necessary to apply this amendment as soon as possible, given the situation on the market;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to amended Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 11 October 1995.

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

Done at Brussels, 10 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

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

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽⁵⁾ OJ No L 145, 29. 6. 1995, p. 47.

⁽⁶⁾ OJ No L 224, 21. 9. 1995, p. 24.

ANNEX

ANNEX I

CN code	Description	Representative price ECU/100 kg	Additional duty ECU/100 kg	Origin (¹)
0207 41 10	Boneless cuts of fowls of the species <i>gallus domesticus</i>	162	49	01
		217,8	25	02
		225,5	22	03
1602 39 11	Preparations uncooked, other than turkeys	180	34	01
		230,4	17	02
		245,5	12	03
0408 11 80	Dried egg yolk	272,1	11	04

(¹) Origin of imports :

01 China

02 Brazil

03 Thailand

04 Canada, United States of America'

COMMISSION REGULATION (EC) No 2377/95
of 10 October 1995
on the issue of import licences for garlic originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1363/95⁽²⁾,

Having regard to Council Regulation (EC) No 1153/95 of 22 May 1995 concerning a protective measure applicable to imports of garlic from China⁽³⁾, and in particular Article 1 (3) thereof,

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽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 presentation of an import licence;

Whereas Article 1 (1) of Commission Regulation (EC) No 1153/95, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1995 to 31 May 1996;

Whereas, given the criteria laid down in Article 1 (2) of that Regulation and the import licences already issued, the quantity applied for at 5 October 1995 is in excess of

the maximum monthly quantity for October 1995; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to these applications; whereas the issue of licences in response to applications lodged after 5 October 1995 and before 6 November 1995 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for under Article 1 of Regulation (EEC) No 1859/93 at 5 October 1995 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,27733 % of the quantity applied for, having regard to the information available to the Commission on 9 October 1995.

For the abovementioned products applications for import licences lodged after 5 October 1995 and before 6 November 1995 shall be refused.

Article 2

This Regulation shall enter into force on 11 October 1995.

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

Done at Brussels, 10 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 116, 23. 5. 1995, p. 23.

⁽⁴⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ No L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 2378/95

of 10 October 1995

establishing the standard import values for determining the entry price of
certain fruit and vegetables

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1740/95⁽²⁾, and in particular Article 4 (1) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 11 October 1995.

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

Done at Brussels, 10 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.⁽²⁾ OJ No L 167, 18. 7. 1995, p. 10.⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 10 October 1995 establishing the standard import values
for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 40	052	54,3	0806 10 40	052	122,9
	060	80,2		064	56,6
	064	59,6		066	49,4
	066	41,7		220	110,8
	068	62,3		400	144,3
	204	50,9		412	132,4
	212	117,9		512	186,0
	624	75,0		600	64,5
	999	67,7		624	123,2
				999	110,0
ex 0707 00 30	052	70,1	0808 10 92, 0808 10 94, 0808 10 98	039	79,3
	053	166,9		064	77,9
	060	61,0		388	36,4
	066	53,8		400	62,2
	068	60,4		404	60,6
	204	49,1		508	68,4
	624	207,3		512	50,7
	999	95,5		524	57,4
				528	48,0
				800	62,3
0709 90 79	052	55,6	0808 20 57	804	32,9
	204	77,5		999	57,8
	624	196,3		052	77,5
	999	109,8		064	81,2
0805 30 30	052	64,0		388	79,6
	388	73,6		512	89,7
	400	151,4		528	84,1
	512	54,8		800	55,8
	520	66,5		804	112,9
	524	67,9		999	83,0
	528	66,9			
	600	54,7			
	624	78,0			
	999	75,3			

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

COMMISSION REGULATION (EC) No 2379/95
of 10 October 1995
on the issue of import licences for high-quality fresh, chilled or frozen beef and veal

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

Having regard to Commission Regulation (EC) No 1203/95 of 29 May 1995 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat for the period 1 July 1995 to 30 June 1996⁽¹⁾, and in particular Article 5 (3) thereof,

Whereas Commission Regulation (EC) No 1203/95 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2 (e);

Whereas Article 2 (e) of Regulation (EC) No 1203/95 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 1995 to 30 June 1996 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of

validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 until 5 October 1995 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2 (e) of Regulation (EC) No 1203/95 shall be met in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 1203/95, during the first five days of November 1995 for 1 722 tonnes.

Article 2

This Regulation shall enter into force on 11 October 1995.

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

Done at Brussels, 10 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 119, 30. 5. 1995, p. 13.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 27 September 1995

amending for the second time Decision 95/32/EC approving the Austrian programme for the implementation of Article 138 of the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden

(Only the German text is authentic)

(95/416/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Act of Accession of Austria, Finland and Sweden, and in particular Articles 138 and 140 thereof,

Whereas on 8 November 1994 Austria notified the Commission, pursuant to Article 143 of the Act of Accession, the Austrian programme for the implementation of its Article 138 aid for a number of products for the period 1995 to 1999 inclusive;

Whereas this programme, as modified by letter dated 16 December 1994, was approved by Commission Decision 95/32/EC⁽¹⁾; whereas that Decision was amended by Commission Decision 95/209/EC⁽²⁾;

Whereas on 18 and 20 July 1995 Austria notified the Commission, pursuant to Article 143 of the Act of Accession, requests for Commission authorization to further amend that programme;

Whereas the first request involves increases in the rate of aid for milk; whereas price developments in Austria in the first half of this year justify that increase in order to fulfil adequately the objective of attenuating the reduction of support referred to in Article 138 (2) first indent of the Act of Accession; whereas the increases, which result in a common maximum rate of aid for all regions, are in accordance with the provisions of the Act of Accession

and in particular those of Article 138 (1) second subparagraph thereof;

Whereas the second request involves aid for young bovine animals; whereas aid for breeding such animals is provided for in Annex XIV of the Act of Accession; whereas Article 140 of the Act of Accession lays down that the Commission shall authorize Austria to grant transitional national aids provided in that Annex up to the limits and conditions provided therein, and that the Commission shall lay down the initial level of aid and its rate of decrease; whereas for young bovine animals no limits or conditions are laid down in that Annex,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 95/32/EC is replaced by the Annex to the present Decision.

Article 2

This Decision is addressed to the Republic of Austria.

Done at Brussels, 27 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 43, 25. 2. 1995, p. 53.

⁽²⁾ OJ No L 131, 15. 6. 1995, p. 34.

ANNEX

(in $\delta\text{\$}$)

Product	Maximum rate of aid for products produced in each of the years shown					
	1995	1996	1997	1998	1999	2000
Arable crops ⁽¹⁾	3 700/ha	65 % of rate in 1995	40 % of rate in 1995	15 % of rate in 1995	0 % of rate in 1995	0 % of rate in 1995
Fodder grain	2 400/ha					
Durum wheat	6 000/ha					
Protein plants	2 400/ha					
Linseed for crushing	6 000/ha					
Set-aside :						
— normal	1 000/ha					
— renewable resources	2 000/ha					
Cow's milk	1 070/tonne					
Potatoes for starch ⁽²⁾ :						
— price category A1	362/tonne	90 % of rate in 1995	80 % of rate in 1995	70 % of rate in 1995	60 % of rate in 1995	0 % of rate in 1995
— price category A2	362/tonne					
— price category B	200/tonne					
Hops	8 500/ha					
Fattening pigs	80/animal					
Sows	1 400/animal					
Sows undergoing performance testing	2 500/animal					
Young bovine animals	3 000/animal					
Broiler chickens	1,10/bird	100 % of rate in 1995	61,5 % of rate in 1995	23,1 % of rate in 1995	0 % of rate in 1995	0 % of rate in 1995
Turkeys	5,00/bird					
Chicks	0,08/bird					
Parent birds for fattening	2,30/bird					
Young laying hens	7,50/bird					
Adult laying birds	63,40/bird					
Layer chicks	2,40/bird	80 % of rate in 1995	50 % of rate in 1995	0 % of rate in 1995	0 % of rate in 1995	0 % of rate in 1995
Fodder seeds ⁽³⁾ :						
— purple clover, red clover	4 951					
— lucerne, purple medick	6 144					
— French rye-grass	5 481					
— golden/yellow oat grass	8 500					
— meadow foxtail	8 500					
— cocksfoot	5 195					
— Timothy, common cat's-tail	4 715					
— meadow fescue	4 924					
— Italian rye-grass	3 480					
— bastard rye-grass	3 192					
— California bluebell	7 500					
— <i>poa alpina</i>	8 500					

(in öS)

Product	Maximum rate of aid for products produced in each of the years shown					
	1995	1996	1997	1998	1999	2000
Other seeds :						
— large-grained leguminosae seed (*)	6 000	} 65 % of rate in 1995	40 %	15 %	0 %	0 %
— fodder rape	6 500		of rate in 1995	of rate in 1995	of rate in 1995	of rate in 1995
— flower seeds	6 000					

(¹) Excluding fodder grain, durum wheat, protein plants, linseed for crushing, potatoes for starch, and all seed crops.

(²) Starch content 18 % basis.

(³) Austria shall take all steps necessary to ensure that on an annual average basis the quantities of seed subject to aid for each species do not exceed that recorded in normal years prior to accession.

(⁴) Excluding leguminosae already promoted under Regulations (EEC) No 1765/92 and (EEC) No 762/85.