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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2475/95
of 25 October 1995
altering the export refunds on white sugar and raw sugar exported in the natural state

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector ⁽¹⁾, as last amended by Regulation (EC) No 1101/95 ⁽²⁾, and in particular the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 2443/95 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 2443/95 to the informa-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 2443/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 26 October 1995.

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

Done at Brussels, 25 October 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 251, 19. 10. 1995, p. 9.

ANNEX

to the Commission Regulation of 25 October 1995 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	38,29 ⁽¹⁾
1701 11 90 910	39,80 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	38,29 ⁽¹⁾
1701 12 90 910	39,80 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,4162
	— ECU/100 kg —
1701 99 10 100	41,62
1701 99 10 910	43,27
1701 99 10 950	43,27
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,4162

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

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

COMMISSION REGULATION (EC) No 2476/95

of 25 October 1995

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in sugar ⁽¹⁾, as last amended by Regulation (EC) No 1101/95 ⁽²⁾,

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 October 1995.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question in the event of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,59	—	0,00
1703 90 00 ⁽¹⁾	9,33	—	0,00

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

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

COMMISSION REGULATION (EC) No 2477/95

of 25 October 1995

fixing the maximum export refund for white sugar for the 13th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1813/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

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

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1813/95 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 13th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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

Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 13th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1813/95 the maximum amount of the export refund is fixed at ECU 46,840 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 26 October 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 175, 27. 7. 1995, p. 12.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

COMMISSION REGULATION (EC) No 2478/95
of 25 October 1995

fixing the amount by which the import duties on rice from the Arab Republic of Egypt must be reduced

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1530/95 ⁽²⁾, and in particular Article 12 thereof,

Having regard to Council Regulation (EEC) No 1250/77 of 17 May 1977 on imports of rice from the Arab Republic of Egypt ⁽³⁾, and in particular Article 1 thereof,

Whereas Regulation (EEC) No 1250/77 provides that the import duties calculated in accordance with Article 12 of Regulation (EEC) No 1418/76 is to be reduced by an amount to be fixed by the Commission each quarter; whereas this amount must be equal to 25 % of the average of the import duties applied during a reference period;

Whereas, pursuant to Commission Regulation (EEC) No 2942/73 of 30 October 1973 laying down detailed rules for the application of Regulation (EEC) No 2412/73 ⁽⁴⁾, as last amended by Regulation (EC) No 2123/95 ⁽⁵⁾, the

reference period is to be the quarter preceding the month in which the amount is fixed;

Whereas the import duties to be taken into consideration are therefore those applicable during July, August and September 1995,

HAS ADOPTED THIS REGULATION:

Article 1

The amount referred to in Article 1 of Regulation (EEC) No 1250/77 by which the import duties on rice originating in and coming from the Arab Republic of Egypt is to be reduced shall be as set out in the Annex.

Article 2

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

It shall apply from 1 November 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽³⁾ OJ No L 146, 14. 6. 1977, p. 9.

⁽⁴⁾ OJ No L 302, 31. 10. 1973, p. 1.

⁽⁵⁾ OJ No L 212, 7. 9. 1995, p. 8.

ANNEX

to the Commission Regulation of 25 October 1995 fixing the amount by which the levy on imports of rice from the Arab Republic of Egypt must be reduced

(ECU/tonne)	
CN code	Amounts to be deducted
1006 10 21	77,55
1006 10 23	77,55
1006 10 25	77,55
1006 10 27	77,55
1006 10 92	77,55
1006 10 94	77,55
1006 10 96	77,55
1006 10 98	77,55
1006 20 11	95,24
1006 20 13	95,24
1006 20 15	95,24
1006 20 17	95,51
1006 20 92	95,24
1006 20 94	95,24
1006 20 96	95,24
1006 20 98	95,51
1006 30 21	152,18
1006 30 23	152,18
1006 30 25	152,18
1006 30 27	152,75
1006 30 42	152,18
1006 30 44	152,18
1006 30 46	152,18
1006 30 48	152,75
1006 30 61	152,18
1006 30 63	152,18
1006 30 65	152,18
1006 30 67	152,75
1006 30 92	152,18
1006 30 94	152,18
1006 30 96	152,18
1006 30 98	152,75
1006 40 00	47,00

COMMISSION REGULATION (EC) No 2479/95

of 25 October 1995

adapting to technical progress Council Regulation (EEC) No 3821/85 on
recording equipment in road transport

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 17 thereof,

Point 5 of Chapter V of Annex I to Regulation (EEC) No 3821/85 is replaced by the following :

- ‘5. The cables connecting the recording equipment to the transmitter must be protected by a continuous plastic-coated rust-protected steel sheath with crimped ends except where an equivalent protection against manipulation is guaranteed by other means (for example by electronic monitoring such as signal encryption) capable of detecting the presence of any device, which is unnecessary for the correct operation of the recording equipment and whose purpose is to prevent the accurate operation of the recording equipment by short circuiting or interruption or by modification of the electronic data from the speed and distance sensor. A joint, comprised of sealed connections, is deemed to be continuous within the meaning of this Regulation.

The aforementioned electronic monitoring may be replaced by an electronic control which ensures that the recording equipment is able to record any movement of the vehicle, independent from the signal of the speed and distance sensor.’

Whereas it is necessary to eliminate the possibilities of fraud in the use of the electronic recording equipment in road transport ;

Whereas in the light of experience and in view of the current state of the art it is possible to protect the connecting cables of the appliance to the impulse transmitter in order to make them inviolable by means other than a continuous plastic-coated rust-protected steel sheath with crimped ends, as presently provided for ;

Whereas, having regard to the lifetime of the existing recording equipment, there is a need to implement this new technology in the Community construction and installation standards for electronic recording equipment ;

Article 2

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee for Adaptation of Regulation (EC) No 3821/85 to Technical Progress,

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

It shall apply as from 1 January 1996.

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

Done at Brussels, 25 October 1995.

For the Commission

Neil KINNOCK

Member of the Commission

⁽¹⁾ OJ No L 370, 31. 12. 1985, p. 8.

**COMMISSION REGULATION (EC) No 2480/95
of 25 October 1995**

amending Regulation (EC) No 1501/95 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals

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 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 Articles 13 (11) and 16 (2) thereof,

Whereas Commission Regulation (EC) No 1501/95 lays down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾; whereas, in order to calculate the export refund on processed products, it is necessary to know the processing coefficients to be applied; whereas those coefficients are in fact the figures set out in Annex I to the said Regulation; whereas that fact should therefore be made clear,

Article 1

Regulation (EC) No 1501/95 is hereby amended as follows :

1. the final sentence of Article 11 (1) is replaced by the following :

‘The processing coefficients expressing the relationship between the quantity of the basic product and the quantity of that product contained in the processed product shall be as set out in Annex I.’;

2. in Annex I, the heading of the final column is replaced by the following :

‘Processing coefficients indicating the number of kg of cereals per 1 000 kg of products in question.’

Article 2

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, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

COMMISSION REGULATION (EC) No 2481/95

of 25 October 1995

amending Regulation (EC) No 1502/95 on rules of application (cereal sector import duties 1995/96 marketing year) for Council Regulation (EEC) No 1766/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

1. in Article 2:

Having regard to the Treaty establishing the European Community,

(a) paragraph 1 is replaced by the following:

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 10 (4) thereof,

'The import duties referred to in Article 10 (2) of Regulation (EEC) No 1766/92 on products of the following codes:

- CN 1001 10 00 to 1001 90 99 (except meslin),
- CN 1002 00,
- CN 1003 00 10 and 1003 00 90,
- CN 1005 10 90 and 1005 90 00,
- CN 1007 00 90,

Whereas the third subparagraph of Article 2 (1) of Commission Regulation (EC) No 1502/95⁽³⁾, as last amended by Regulation (EC) No 1817/95⁽⁴⁾, provides for the adjustment of the import duty between two regular fixing days by the difference between the intervention price valid for the month in which it was fixed plus 55 % and that for the month of importation plus 55 %; whereas, in practice, the application of this adjustment has caused problems for the Member States' customs services; whereas, for the sake of simplification, the adjustment may be carried out by the Commission by fixing import duties at the beginning of each month;

shall be calculated daily but fixed every second Wednesday and on the last working day of each month by the Commission for application from the following working day and the first day of the following month respectively. However if during the period of application of the duty thus fixed, the average import duty calculated differs by ECU 5 per tonne or more from that fixed, a corresponding adjustment shall be made. The duties fixed on the last working day of each month shall be based on the following month's intervention price.

Whereas, also for the sake of simplification, the securities provided for in Article 2 (5) (c) and Article 5 of Regulation (EC) No 1502/95 should be lodged with the customs services of the Member States and not with the authority issuing the licence; whereas the provisions of the last subparagraph of Article 6 (3) concerning the release of securities should be adjusted accordingly; whereas Regulation (EC) No 1502/95 should therefore be amended;

If the Wednesday on which import duties are due to be fixed is not a working day for the Commission they shall be set on the first working day following.'

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

(b) paragraph 5 (c) is replaced by the following:

HAS ADOPTED THIS REGULATION:

'(c) lodging with the competent authority concerned a security of ECU 8 per tonne. The security shall be released on condition that the importer produces evidence of the specific final use warranting a quality premium over the price of the product referred to in (a). That evidence must prove to the satisfaction of the competent authorities of the Member State of importation that all the cereals imported have been processed into the product specified in the declaration referred to in (a) within the time limit referred to in (b). If processing is carried out in a Member State other than that of importation, evidence of processing shall be provided by means of the T5 control copy.'

Article 1

Regulation (EC) No 1502/95 is hereby amended as follows:

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.

⁽⁴⁾ OJ No L 175, 27. 7. 1995, p. 23.

2. the second indent of Article 5 is replaced by the following :

— if the import duty on the quality indicated in box 20 is not the highest duty for the product category in question, provide a written undertaking to lodge with the competent authority concerned, on the day of acceptance of the declaration of release for free circulation, a specific security additional to those required pursuant to Commission Regulation (EC) No 1162/95⁽¹⁾. The amount of the security shall be equal to the difference on the day of acceptance of the declaration of release for free circulation between the highest duty and that applicable to the quality shown plus a supplement of ECU 5 per tonne.';

3. Article 6 (3) is replaced by the following :

'3. If the analysis results show the imported wheat to be of a lower standard quality than entered on the

import licence, the importer shall pay the difference between the import duty applicable to the product shown on the licence and that on the product actually imported. The security referred to in Article 5 shall then be released except for the ECU 5 per tonne supplement.

If the above difference is not paid within one month, the security referred to in Article 5 shall be forfeit.'

Article 2

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, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2482/95

of 25 October 1995

laying down certain transitional measures for Austria for spirit drinks

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

Having regard to the Act of Accession of Austria, Sweden and Finland, and in particular Article 149 (1) thereof,

Having regard to Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 14 thereof,

Whereas the Act of Accession provides for a transitional period expiring on 31 December 1995 during which spirit drinks may be prepared in Austria in accordance with the national rules in force before accession;

Whereas, under those rules, the maximum methyl alcohol content of spirit drinks in Austria is 1 500 g/hl; whereas Regulation (EEC) No 1576/89 lays down a maximum content of 1 000 g/hl; whereas Austria has requested authorization to maintain its maximum content for traditional products prepared from certain berries; whereas a more detailed evaluation of the request should be carried out and a study made of ways of reducing the methyl alcohol content of those products; whereas the transitional measures for Austria should be extended by one year for the products concerned pending the results of that evaluation;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Implementation Committee for Spirit Drinks,

HAS ADOPTED THIS REGULATION:

Article 1

The transitional measures laid down in the first indent of Annex XV (VII) (B) (IV) (1) to the Act of Accession of Austria, Finland and Sweden are hereby extended until 31 December 1996 for the preparation, and until 31 December 1997 for the marketing in Austria of fruit spirits complying with Article 1 (4) (i) of Regulation (EEC) No 1576/89, prepared from the following fruits:

- redcurrants and blackcurrants (*Ribes specialis*),
- raspberries (*Rubus idaeus* L.),
- blackberries (*Rubus fruticosus* L.),
- service-berries (*Sorbus aucuparia* var. *edulis*),
- elderberries (*Sambucus nigra*).

Article 2

This Regulation shall enter into force on 1 January 1996.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 160, 12. 6. 1989, p. 1.

COMMISSION REGULATION (EC) No 2483/95

of 25 October 1995

opening and providing for the administration of a Community tariff quota for cows and heifers, other than those intended for slaughter, of certain Alpine and mountain breeds, originating in certain third countries for the period 1 July to 31 December 1995

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2179/95 of 8 August 1995 providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements and amending Regulation (EC) No 3379/94 opening and administering certain Community tariff quotas in 1995 for certain agricultural products and for beer, to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations⁽¹⁾, and in particular Article 8 thereof,

Whereas Regulation (EC) No 2179/95 provides, in the framework of the autonomous adjustment of the concessions, for a tariff quota for animals of certain mountain breeds originating in certain third countries; whereas the annual quota is 5 000 head; whereas this quota should therefore be opened for 2 500 head for the period 1 July to 31 December 1995, and detailed rules adopted for its application;

Whereas these arrangements are based on the allocation by the Commission of the quantities available to traditional traders (first part) and traders involved in the cattle trade (second part); whereas the first part should be allocated to traditional importers in proportion to the number of animals imported under similar quotas between 1 July 1992 and 30 June 1995 and to traditional importers in the new Member States; whereas, in order to

prevent speculation and given the end-use, only quantities of a certain size representative of trade with third countries should be taken into account as reference quantities for the allocation of the second part; whereas, for all traders from the new Member States, imported animals must be from countries which are third countries for them at the time of import;

Whereas, subject to the provisions of this Regulation, Commission Regulations (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products⁽²⁾, as last amended by Regulation (EC) No 2137/95⁽³⁾, and (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽⁴⁾ are applicable to import certificates issued under this Regulation;

Whereas Article 82 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽⁵⁾, as amended by the Act of Accession of Austria, Finland and Sweden, provides for customs supervision of goods put into free circulation at a reduced rate of duty on account of their end-use; whereas imported animals should be monitored for a certain period to ensure they are not slaughtered; whereas, in order to ensure that the animals concerned are not slaughtered, a security should be required;

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. The following tariff quota is hereby opened for the period 1 July to 31 December 1995 for animals originating in the third countries listed in Annex I:

⁽¹⁾ OJ No L 223, 20. 9. 1995, p. 29.

⁽²⁾ OJ No L 331, 2. 12. 1988, p. 1.
⁽³⁾ OJ No L 214, 8. 9. 1995, p. 21.
⁽⁴⁾ OJ No L 143, 27. 6. 1995, p. 35.
⁽⁵⁾ OJ No L 302, 19. 10. 1992, p. 1.

Serial Number	CN code ⁽¹⁾	Description	Quota volume	Customs duty
09.0001	ex 0102 90 05 ex 0102 90 29 ex 0102 90 49 ex 0102 90 59 ex 0102 90 69	Cows and heifers, other than those intended for slaughter, of the following mountain breeds : grey, brown, yellow and mottled Simmental breed and Pinzgau breed	2 500	6 % <i>ad valorem</i>

⁽¹⁾ Taric codes : see Annex II.

2. For the purposes of this Regulation, the animals referred to in paragraph 1 shall be considered not to be intended for slaughter if they are not slaughtered within four months of the date of acceptance of the declaration of release for free circulation.

Derogations may, however, be granted in the event of duly proven cases of *force majeure*.

Article 2

1. The quota referred to in Article 1 (1) shall be divided into two parts of 80 %, i.e. 2 000 head, and 20 %, i.e. 500 head :

(a) The first part, equal to 80 % of the quota volume, shall be allocated to :

— importers from the Community as constituted on 31 December 1994 who are able to furnish proof of having imported between 1 July 1992 and 30 June 1995, animals covered by the import quota for animals in the category referred to in Article 1 (1), and

— importers from the new Member States who are able to furnish proof of having, between 1 July 1992 and 30 June 1995, imported into the Member State in which they are established animals falling within the CN codes referred to in Annex II from countries which, at the time of import, were for them third countries.

(b) The second part, equal to 20 % of the quota volume, shall be reserved for applicants who can prove that they imported, between 1 July 1994 and 30 June 1995, at least 15 live bovine animals falling within CN code 0102 from countries which, at the time of import, were for them third countries.

Importers must be entered in a national VAT register.

2. Upon application for the right to import, the first part shall be importers as referred to in 1 (a) above in proportion to their imports of animals in the category referred to in Article 1 (1) between 1 July 1992 and 30

June 1995 or to the quantities applied for if they are less than imports during the period in question.

The second part shall be allocated to eligible importers as referred to in 1 (b) above in proportion to the quantities applied for. In the latter case :

(a) applications for the right to import more than 50 head shall automatically be reduced to that number ;

(b) if, because of the numbers applied for, the percentage reduction results in fewer than 15 head per application, the Member States shall, by drawing lots, allocate rights to import covering 15 head.

3. Proof of import shall be provided by means of the customs document of release for free circulation duly endorsed by the customs authorities.

Article 3

1. An application for the right to import may only be submitted in the Member State in which the applicant is entered in a national VAT register.

2. An applicant may submit only one application and that application shall refer to only one part of the quota.

Where an applicant submits more than one application, all applications from that person shall be considered invalid.

3. For the purposes of Article 2 (2), all applications, accompanied by the proof referred to in Article 2 (3), must reach the competent authorities by 27 October 1995.

After verifying the documents submitted, the Member States shall notify the Commission, by 8 November 1995, of :

— the number of applicants and the number of head applied for by each category of importer,

— the average figure for previous imports supplied by each applicant in respect of the quantities reserved for importers as referred to in Article 2 (1) (a).

4. All notifications, including 'zero' notifications, shall be made to the address given in Annex III.

Article 4

The Commission shall notify the Member States as soon as possible of the quantities to be allocated to each applicant, where necessary as a percentage of the quantity originally applied for or of the applicant's previous imports.

Article 5

1. Imports of quantities allocated shall be subject to presentation of an import licence.

2. Import licence applications may only be lodged with the competent authority of the Member State in which the applicant is entered in a national VAT register.

3. Pursuant to the notification of allocation from the Commission, import licences shall be issued as soon as possible on application by and in the names of the traders who have obtained rights to import. The issue of licences shall be subject to the lodging by the applicant of a security of ECU 25 per head.

The security shall be released immediately licences are returned to the issuing authority bearing an endorsement by the customs authorities acknowledging import of the animals.

4. The validity of the import licences shall expire on 31 December 1995.

5. Without prejudice to the provisions of this Regulation, Regulation (EEC) No 3719/88 and Regulation (EC) No 1445/95 shall apply.

Notwithstanding Article 9 (1) of Regulation (EEC) No 3719/88, however, import licences issued pursuant to this Regulation shall not be transferable and shall confer the right to use the tariff quota only if made out in the name entered on the declaration of release for free circulation accompanying them.

Article 8 (4) and the second subparagraph of Article 14 (3) of Regulation (EEC) No 3719/88 shall not apply.

Article 6

1. Checks to ensure that imported animals are not slaughtered within four months of release into free circulation shall be carried out in accordance with Article 82 of Regulation (EEC) No 2913/92.

2. Without prejudice to the provisions of Regulation (EEC) No 2913/92, importers shall lodge a security of ECU 1 367 per tonne with the competent customs authorities to ensure compliance with the obligation not to slaughter the animals.

The security shall be released immediately proof is supplied to the customs authorities concerned that the animals :

(a) were not slaughtered within four months of the date of release for free circulation,

or

(b) were slaughtered within that period for reasons constituting a case of *force majeure* or for health reasons or died as a result of sickness or an accident.

Article 7

On the licence application and the licence itself shall be entered :

(a) in section 8, the countries referred to in Annex I ; the licence shall carry with it an obligation to import from one or more of those countries ;

(b) in section 16, the CN codes given in Annex II ;

(c) in section 20, one of the following :

- Razas alpinas y de montaña [Reglamento (CE) n° 2483/95],
- Alpine racer og bjerggracer (forordning (EF) nr. 2483/95),
- Höhenrassen (Verordnung (EG) Nr. 2483/95),
- Αλπικές και ορεινές φυλές [κανονισμός (ΕΚ) αριθ. 2483/95],
- Alpine and mountain breeds (Regulation (EC) No 2483/95),
- Races alpines et de montagne [règlement (CE) n° 2483/95],
- Razze alpine e di montagna [regolamento (CE) n. 2483/95],
- Bergrassen [Verordening (EG) nr. 2483/95],
- Raças alpinas e de montanha [Regulamento (CE) n° 2483/95],
- Alppi- ja vuoristorotuja [asetus (EY) N:o 2483/95],
- Alp- och berggraser (förordning (EG) nr 2483/95).

Article 8

At the beginning of each month, the competent authorities shall forward details of the quantities and the origin of the animals imported during the previous month on the basis of the returned licences referred to in Article 5 (3).

The information shall be sent by fax to the address given in Annex III.

Article 9

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

It shall apply from 1 July to 31 December 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***List of third countries**

- Hungary,
- Poland,
- Czech Republic,
- Slovak Republic,
- Romania,
- Bulgaria,
- Lithuania,
- Latvia,
- Estonia.

*ANNEX II***Taric codes**

Order No	CN code	Taric code
09.0001	ex 0102 90 05	0102 90 05*20
		*40
	ex 0102 90 29	0102 90 29*20
		*40
	ex 0102 90 49	0102 90 49*20
		*40
	ex 0102 90 59	0102 90 59*11
		*19
		*31
		*39
	ex 0102 90 69	0102 90 69*10
		*30

ANNEX III

COMMISSION OF THE EUROPEAN COMMUNITIES

DG VI/D/2 — Beef/veal and sheepmeat

Fax : (32 2) 295 36 13.

COMMISSION REGULATION (EC) No 2484/95

of 25 October 1995

fixing the maximum export refunds on olive oil for the 21st partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾,

Having regard to Council Regulation (EEC) No 1650/86 of 26 May 1986 on the refunds and levies applicable to exports of olive oil⁽³⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EC) No 2517/94⁽⁴⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾, as amended by Regulation (EC) No 1380/95⁽⁶⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 21st partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94 are hereby fixed in the Annex, on the basis of the tenders submitted by 23 October 1995.

Article 2

This Regulation shall enter into force on 26 October 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

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

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

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 268, 19. 10. 1994, p. 3.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

ANNEX

to the Commission Regulation of 25 October 1995 fixing the maximum export refunds on olive oil for the 21st partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2517/94

(ECU/100 kg)	
Product code	Amount of refund (1)
1509 10 90 100	45,35
1509 10 90 900	—
1509 90 00 100	54,10
1509 90 00 900	—
1510 00 90 100	—
1510 00 90 900	—

(1) 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 2485/95
of 25 October 1995
fixing the export refunds on olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾,

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

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

Whereas the detailed rules for fixing and granting export refunds on olive oil are contained in Regulation (EEC) No 1650/86 and Commission Regulation (EEC) No 616/72⁽⁴⁾, as last amended by Regulation (EEC) No 2962/77⁽⁵⁾;

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

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

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

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

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

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽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 Council Regulation (EEC) No 990/93⁽¹⁰⁾, as amended by Regulation (EC) No 1380/95⁽¹¹⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

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

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

⁽³⁾ OJ No L 145, 30. 5. 1986, p. 8.

⁽⁴⁾ OJ No L 78, 31. 3. 1972, p. 1.

⁽⁵⁾ OJ No L 348, 30. 12. 1977, p. 53.

⁽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.

⁽¹⁰⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽¹¹⁾ OJ No L 138, 21. 6. 1995, p. 1.

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 1 November 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 25 October 1995 fixing the export refunds on olive oil

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

⁽¹⁾ For destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87 as well as for exports to 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 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 2486/95

of 25 October 1995

determining the extent to which the applications for import licences submitted in October 1995 for certain dairy products under certain tariff quotas opened by Regulation (EC) No 1600/95 can be accepted

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

Having regard to Commission Regulation (EC) No 1600/95 of 30 June 1995 laying down detailed rules for the application of the import arrangements and opening tariff quotas for milk and milk products ⁽¹⁾, as amended by Regulation (EC) No 1763/95 ⁽²⁾, and in particular Article 14 (4) thereof,

Whereas the quantities available under Annex II to Regulation (EC) No 1600/95 for the period 1 October to 31 December 1995 should be adjusted to take account of the adaptation of the allocation method from that used in the preceding period ;

Whereas applications lodged for the products referred to in Annex II of Regulation (EC) No 1600/95 concern quantities greater than those available ; whereas, therefore,

the allocation factors should be fixed for the quantities applied for the period 1 October to 31 December 1995,

HAS ADOPTED THIS REGULATION :

Article 1

Import licences applied for for products falling within the order numbers in Annex 7 to the CN listed in the Annex hereto, lodged under Regulation (EC) No 1600/95 for the period 1 October to 31 December 1995, shall be awarded in accordance with the allocation factors indicated.

Article 2

This Regulation shall enter into force on 26 October 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 151, 1. 7. 1995, p. 12.

⁽²⁾ OJ No L 171, 21. 7. 1995, p. 36.

ANNEX

Order number in Annex 7 to the combined nomenclature	Allocation factor
27	0,0215
29	1,0000
30	0,0724
31	0,1256
32	0,0480
34	0,0203
37	0,0441

COMMISSION REGULATION (EC) No 2487/95

of 25 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 26 October 1995.

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

Done at Brussels, 25 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 25 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	96,5
	060	80,2		064	75,6
	064	59,6		066	49,4
	066	41,7		220	110,8
	068	62,3		400	151,5
	204	53,0		412	132,4
	212	117,9		512	186,0
	624	130,3		600	64,5
	999	74,9		624	123,2
	999	74,9		999	110,0
ex 0707 00 30	052	70,1	0808 10 92, 0808 10 94, 0808 10 98	064	76,4
	053	166,9		388	39,0
	060	61,0		400	58,0
	066	53,8		404	47,8
	068	60,4		508	68,4
	204	49,1		512	31,3
	624	149,4		524	57,4
	999	87,2		528	48,0
	999	87,2		800	65,5
	999	109,8		804	27,5
0709 90 79	052	55,6	0808 20 57	999	51,9
	204	77,5		052	99,0
	624	196,3		064	78,2
	999	109,8		388	79,6
0805 30 30	052	66,8		512	89,7
	388	62,5		528	84,1
	400	151,4		800	55,8
	512	54,8		804	112,9
	520	66,5		999	85,6
	524	61,7			
	528	87,5			
	600	94,4			
	624	78,0			
	999	80,4			

⁽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 2488/95

of 25 October 1995

amending representative prices and additional duties for the import of certain products in the sugar sector

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

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

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2468/95 ⁽⁵⁾;

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

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 26 October 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁵⁾ OJ No L 254, 24. 10. 1995, p. 20.

ANNEX

to the Commission Regulation of 25 October 1995 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	23,10	4,75
1701 11 90 ⁽¹⁾	23,10	9,98
1701 12 10 ⁽¹⁾	23,10	4,56
1701 12 90 ⁽¹⁾	23,10	9,55
1701 91 00 ⁽²⁾	28,42	11,02
1701 99 10 ⁽²⁾	28,42	6,50
1701 99 90 ⁽²⁾	28,42	6,50
1702 90 99 ⁽³⁾	0,28	0,37

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 2489/95
of 25 October 1995
fixing the import duties in the rice sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1530/95 ⁽²⁾,

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 October 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽³⁾ OJ No L 150, 1. 7. 1995, p. 53.

⁽⁴⁾ OJ No L 175, 27. 7. 1995, p. 25.

ANNEX I

to the Commission Regulation of 25 October 1995 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ⁽⁶⁾				
	Third countries (except ACP and Bangladesh) ⁽¹⁾ ⁽²⁾	ACP Bangladesh ⁽¹⁾ ⁽³⁾ ⁽⁴⁾	Basmati India ⁽⁷⁾ Article 4, Regulation (EC) No 1573/95	Basmati Pakistan ⁽⁸⁾ Article 4, Regulation (EC) No 1573/95	Arrangement in Regulation (EEC) No 3877/86 ⁽⁵⁾
1006 10 21	⁽⁹⁾	150,76			
1006 10 23	⁽⁹⁾	150,76			
1006 10 25	⁽⁹⁾	150,76			
1006 10 27	⁽⁹⁾	150,76			—
1006 10 92	⁽⁹⁾	150,76			
1006 10 94	⁽⁹⁾	150,76			
1006 10 96	⁽⁹⁾	150,76			
1006 10 98	⁽⁹⁾	150,76			—
1006 20 11	251,80	121,56			
1006 20 13	251,80	121,56			
1006 20 15	251,80	121,56			
1006 20 17	329,91	160,61	79,91	279,91	—
1006 20 92	251,80	121,56			
1006 20 94	251,80	121,56			
1006 20 96	251,80	121,56			
1006 20 98	329,91	160,61	79,91	279,91	—
1006 30 21	518,36	244,27			
1006 30 23	518,36	244,27			
1006 30 25	518,36	244,27			
1006 30 27	595,13	282,65			—
1006 30 42	518,36	244,27			
1006 30 44	518,36	244,27			
1006 30 46	518,36	244,27			
1006 30 48	595,13	282,65			—
1006 30 61	518,36	244,27			
1006 30 63	518,36	244,27			
1006 30 65	518,36	244,27			
1006 30 67	595,13	282,65			—
1006 30 92	518,36	244,27			
1006 30 94	518,36	244,27			
1006 30 96	518,36	244,27			
1006 30 98	595,13	282,65			—
1006 40 00	⁽⁹⁾	90,38			

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

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

⁽³⁾ The import levy on rice entering the overseas department of Réunion is specified in Article 12 (3) of Regulation (EEC) No 1418/76.

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

- (²) Only for imports of rice of the long-grain aromatic Basmati variety under the arrangements laid down in amended Council Regulation (EEC) No 3877/86 (OJ No L 361, 20. 12. 1986, p. 1).
- (⁶) No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).
- (⁷) For husked rice of the Basmati variety originating in India and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 250 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁸) For husked rice of the Basmati variety originating in Pakistan and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 50 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁹) Duties fixed in the Common Customs Tariff.

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne) (¹)	(²)	329,91	595,13	251,80	518,36	(²)
2. Elements of calculation :						
(a) Arag cif price (\$/tonne)	—	405,36	440,78	509,99	508,92	—
(b) fob price (\$/tonne)	—	—	—	479,99	478,92	—
(c) Sea freight (\$/tonne)	—	—	—	30	30	—
(d) Source	—	USDA	USDA	Operators	Operators	—

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

(²) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 2490/95
of 25 October 1995
amending Regulation (EC) No 1489/95 setting 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 Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 26 (11) thereof,

Whereas Commission Regulation (EC) No 1489/95⁽³⁾ specifies the quantities for which applications may be submitted for export licences other than those applied for in connection with food aid;

Whereas Commission Regulation (EC) No 1488/95⁽⁴⁾ lays down the criteria for establishing the quantities for which export licences may be issued; whereas, in the interests of transparency, exporters should be informed of the updated position with regard to those quantities;

Whereas, moreover, as a result of a problem with the transmission of data, there has been an overrun of the

quantities fixed for licences with advance fixing of the refund for grapes; whereas the quantities concerned should be fixed anew to take account of that overrun;

Whereas the Management Committee for fresh Fruit and Vegetables has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1489/95 are hereby replaced by Annexes I and II hereto.

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, 25 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 145, 29. 6. 1995, p. 75.

⁽⁴⁾ OJ No L 145, 29. 6. 1995, p. 68.

ANNEX I
'ANNEX I

RATES AND QUANTITIES LAID DOWN FOR THE ALLOCATION OF LICENCES WITH ADVANCE FIXING OF THE
REFUND

Product	Product code	Destination code (1)	Refund rate (2) (ECU/tonne net)	Quantities provided for per licence issuing period (in tonnes)											
				1995				1996							
				September	October	November	December	January	February	March	April	May	June		
Tomatoes	0702 00 15 100	F	50,8	3 758	3 879	1 664	7 886	15 407							
	0702 00 20 100														
	0702 00 25 100														
	0702 00 30 100														
	0702 00 35 100														
	0702 00 40 100														
	0702 00 45 100														
0702 00 50 100															
Shelled almonds	0802 12 90 000	F	109,3	304	336	161	371	494							
Hazelnuts in shell	0802 21 00 000	F	127,7	205	87	12	11	15							
Shelled hazelnuts	0802 22 00 000	F	246,3	908	1 766	860	694	779							
Walnuts in shell	0802 31 00 000	F	158,3	84	241	16	7	2							
Oranges	0805 10 01 200	A C	124,3	633	30 631	66 505	98 566	21 871							
	0805 10 05 200														
	0805 10 09 200														
	0805 10 11 200														
	0805 10 15 200														
	0805 10 19 200														
	0805 10 21 200														
	0805 10 25 200														
	0805 10 29 200														
	0805 10 32 200														
	0805 10 34 200														
	0805 10 36 200														
	0805 10 42 200														
	0805 10 44 200														
	0805 10 46 200														
	0805 10 51 200														
0805 10 55 200															
0805 10 59 200															
0805 10 61 200															
0805 10 65 200															
0805 10 69 200															
Lemons	0805 30 20 100	F	152,5	2 077	10 201	11 885	20 868	20 388							
	0805 30 30 100														
	0805 30 40 100														

Product	Product code	Destination code (*)	Refund rate (%) (ECU/tonne net)	Quantities provided for per licence issuing period (in tonnes)											
				1995					1996						
				September	October	November	December	January	February	March	April	May	June		
Table grapes	0806 10 21 200	F	54,7	20 823											
	0806 10 29 200														
	0806 10 30 200														
	0806 10 40 200														
	0806 10 50 200														
	0806 10 61 200														
Apples	0806 10 69 200														
	0808 10 51 910	A B D	90,4	7 260			8 616	8 860		10 191				7 882	
	0808 10 53 910														
	0808 10 59 910														
	0808 10 61 910														
	0808 10 63 910														
	0808 10 69 910														
	0808 10 71 910														
	0808 10 73 910														
	0808 10 79 910														
	0808 10 92 910														
	0808 10 94 910														
	0808 10 98 910														
Peaches and nectarines	0809 30 11 100	E	56,5	2 609										1 241	
	0809 30 19 100														
	0809 30 21 100														
	0809 30 29 100														
	0809 30 31 100														
	0809 30 39 100														
	0809 30 41 100														
	0809 30 49 100														
	0809 30 51 100														
	0809 30 59 100														

(*) The destination codes are defined as follows :

A : Norway, Iceland, Greenland, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Malta

B : Faeroes, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia

C : Switzerland, Czech Republic, Slovakia

D : Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica

E : All destinations except Switzerland

F : All destinations

(†) For refunds to be granted on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) the requirements of Council Regulation (EEC) No 990/93 must be met (OJ No L 102, 28. 4. 1993, p. 14).

ANNEX II

ANNEX II

RATES AND QUANTITIES LAID DOWN FOR THE ALLOCATION OF LICENCES WITHOUT ADVANCE FIXING OF THE REFUND

Product	Product code	Destination code (1)	Refund rate (2) (ECU/ tonne net)	Quantities provided for per licence issuing period (in tonnes)											
				1995						1996					
				September	October	November	December	January	February	March	April	May	June		
Tomatoes	0702 00 15 100 0702 00 20 100 0702 00 25 100 0702 00 30 100 0702 00 35 100 0702 00 40 100 0702 00 45 100 0702 00 50 100	F	50,8											4 737	15 407
Shelled almonds	0802 12 90 000	F	109,3		404		336		161					371	494
Hazelnuts in shell	0802 21 00 000	F	127,7		272		87		12					11	15
Shelled hazelnuts	0802 22 00 000	F	246,3		1 208		1 766		860					694	779
Walnuts in shell	0802 31 00 000	F	158,3		112		241		16					7	2
Oranges	0805 10 01 200 0805 10 05 200 0805 10 09 200 0805 10 11 200 0805 10 15 200 0805 10 19 200 0805 10 21 200 0805 10 25 200 0805 10 29 200 0805 10 32 200 0805 10 34 200 0805 10 36 200 0805 10 42 200 0805 10 44 200 0805 10 46 200 0805 10 51 200 0805 10 55 200 0805 10 59 200 0805 10 61 200 0805 10 65 200 0805 10 69 200	A C	124,3	723		30 594		66 505		98 566				21 871	

Product	Product code	Destination code (*)	Refund rate (%) (ECU/tonne net)	Quantities provided for per licence issuing period (in tonnes)											
				1995					1996						
				September	October	November	December	January	February	March	April	May	June		
Lemons	0805 30 20 100 0805 30 30 100 0805 30 40 100	F	152,5	2 764		10 100		11 885		20 868		20 388			
Table grapes	0806 10 21 200 0806 10 29 200 0806 10 30 200 0806 10 40 200 0806 10 50 200 0806 10 61 200 0806 10 69 200	F	54,7	13 590											
Apples	0808 10 51 910 0808 10 53 910 0808 10 59 910 0808 10 61 910 0808 10 63 910 0808 10 69 910 0808 10 71 910 0808 10 73 910 0808 10 79 910 0808 10 92 910 0808 10 94 910 0808 10 98 910	A B D	90,4	3 078		8 538		8 860		10 191		7 882			
Peaches and nectarines	0809 30 11 100 0809 30 19 100 0809 30 21 100 0809 30 29 100 0809 30 31 100 0809 30 39 100 0809 30 41 100 0809 30 49 100 0809 30 51 100 0809 30 59 100	E	56,5												

(*) The destination codes are defined as follows :

A : Norway, Iceland, Greenland, Poland, Hungary, Romania, Bulgaria, Albania, Estonia, Latvia, Lithuania, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Bosnia-Herzegovina, Croatia, Slovenia, Former Yugoslav Republic of Macedonia, Malta

B : Faroes, African countries and territories except South Africa, countries of the Arabian Peninsula (Saudi Arabia, Bahrain, Qatar, Oman, United Arab Emirates (Abu Dhabi, Sharjah, Ajman, Umm al Qaiwain, Ras al Khaimah, Fujairah), Kuwait, Yemen), Syria, Iran, Jordan, Bolivia, Brazil, Venezuela, Peru, Panama, Ecuador, Colombia

C : Switzerland, Czech Republic, Slovakian Republic

D : Hong Kong, Singapore, Malaysia, Indonesia, Thailand, Taiwan, Papua New Guinea, Laos, Cambodia, Vietnam, Uruguay, Paraguay, Argentina, Mexico, Costa Rica

E : All destinations except Switzerland

F : All destinations

(*) For refunds to be granted on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) the requirements of Regulation (EEC) No 990/93 must be met.

COMMISSION REGULATION (EC) No 2491/95

of 25 October 1995

introducing supplementary management measures for imports of certain bovine animals for the second half of 1995

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2179/95 of 8 August 1995 providing for the adjustment, as an autonomous and transitional measure, of certain agricultural concessions provided for in the Europe Agreements and amending Regulation (EC) No 3379/94 opening and administering certain Community tariff quotas in 1995 for certain agricultural products and for beer, to take account of the Agreement on Agriculture concluded during the Uruguay Round Multilateral Trade Negotiations⁽¹⁾, and in particular Article 8 thereof,

Whereas Regulation (EC) No 2179/95 provides for the adjustment of certain concessions concerning live bovine animals provided for in the Europe Agreements concluded with the Republic of Hungary, the Republic of Poland, the Slovak Republic, the Czech Republic, Romania and the Republic of Bulgaria; whereas, however, application of those concessions is provided for only after the countries in question have taken measures of comparable effect; whereas the aforementioned countries have now taken such measures or will take them as soon as possible;

Whereas Commission Regulation (EC) No 1566/95 of 30 June 1995 introducing management measures for imports of certain bovine animals for the second half of 1995⁽²⁾ includes provision for the importation of 72 150 head of a weight not exceeding 80 kilos; whereas pursuant to Regulation (EC) No 2179/95 this quantity was increased by 16 850 head for the second half of 1995; whereas consequently management measures for those animals should be established, closely modelled on the measures for imports laid down in Regulation (EC) No 1566/95;

Whereas the quota in question should be managed using import licences; whereas to this end rules should be set on submission of applications and the information to be given on applications and licences, by way of derogation, if necessary, from certain provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for application of the system of import and export licences and advance fixing certificates for agricultural products⁽³⁾, as last amended by Regulation (EC) No 2137/95⁽⁴⁾, and of Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of

application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽⁵⁾, as amended by Regulation (EC) No 2351/95⁽⁶⁾; whereas it should moreover be stipulated that licences are to be issued following a reflection period and where necessary with a flat-rate percentage reduction applied;

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

Apart from imports in the framework of Regulation (EC) No 1566/95, imports into the Community of live bovine animals falling within CN codes 0102 90 05, 0102 90 21, 0102 90 29, 0102 90 41 and 0102 90 49 originating in the third countries listed in Annex I, shall be subject to the management measures laid down in this Regulation.

Article 2

1. Import licences under this Regulation may be issued in respect of not more than 16 850 animals falling within CN code 0102 90 05.

2. For those animals, the *ad valorem* duty and the specific duties fixed in the common customs tariff (CCT) shall be reduced by 80 %.

3. The quantity referred to in paragraph 1 shall be split into two parts, as follows:

(a) the first part equal to 70 %, i.e. 11 795 head, shall be allocated among:

— importers from the Community as constituted on 31 December 1994 who can furnish proof of having imported animals falling within CN code 0102 90 10⁽⁷⁾ or CN code 0102 90 05 during 1992, 1993 or 1994 at the full levy and who are entered in a VAT register of a Member State, and

⁽¹⁾ OJ No L 223, 20. 9. 1995, p. 29.

⁽²⁾ OJ No L 150, 1. 7. 1995, p. 24.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 214, 8. 9. 1995, p. 21.

⁽⁵⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁶⁾ OJ No L 239, 7. 10. 1995, p. 3.

⁽⁷⁾ CN code valid until 1 January 1993.

— importers from the new Member States who can furnish proof of having imported animals falling within the above-mentioned CN codes during 1992, 1993 and 1994 at the full levy from countries which are for them third countries on 31 December 1994 and who are entered in a VAT register of a Member State;

(b) the second part, equal to 30 % i.e. 5 055 head shall be allocated among importers who can furnish proof of having imported and/or exported at least 100 live bovine animals falling within CN code 0102 90 apart from those under (a), during 1994 from/to countries which are third countries on 31 December 1994 and who are entered in a VAT register of a Member State.

4. The 11 795 head shall be allocated among the eligible importers in proportion to their imports of animals within the meaning of Article 1 at the full levy during 1992, 1993 and 1994 proven in accordance with paragraph 6.

5. The 5 055 head shall be allocated in proportion to the quantities applied for by the eligible importers.

6. Proof of import and export shall be provided exclusively by means of the customs document of release for free circulation or the export document duly stamped by the customs authorities.

Member States may accept duly certified copies of the aforementioned documents where the applicant can prove to the satisfaction of the competent authority that he was not able to obtain the original documents.

Article 3

1. Importers who on 1 January 1995 were no longer engaged in any activity in the beef and veal sector shall not qualify for allocation pursuant to Article 2 (3) (a).

2. Any company formed by the merger of companies each having rights under Article 2 (4) shall benefit from the same rights as the companies from which it was formed.

Article 4

1. Import applications may be presented only in the Member State in which the applicant is registered within the meaning of Article 2 (3).

2. For the purposes of Article 2 (3) (a), importers shall present the import applications to the competent authorities together with the proof referred to in Article 2 (6) by 31 October 1995 at the latest.

After verification of the documents presented, Member States shall forward to the Commission, by 10 November 1995 at the latest, the list of importers who meet the conditions for acceptance, showing in particular their names and addresses and the numbers of animals imported at the full levy during each of the reference years.

3. For the purposes of Article 2 (3) (b), importers may lodge applications until 31 October 1995 together with the proof referred to in Article 2 (6).

Only one application may be lodged by each applicant. Where the same applicant lodges more than one application, all applications from that person shall be inadmissible. Applications may not concern a quantity larger than the available quantity.

After verification of the documents presented, Member States shall forward to the Commission, by 10 November 1995 at the latest, the list of applicants and the quantities requested.

4. All notifications, including notifications of nil applications, shall be made by telex or fax, drawn up on the basis of the models in Annexes I and II in the case where applications have been lodged.

Article 5

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

2. As regards the applications referred to in Article 4 (3), if the quantities in respect of which applications are made exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

If the reduction referred to in the preceding subparagraph results in a quantity of less than 100 head per application, the allocation shall be by drawing lots, by batches of 100 head, by the Member States concerned. If the remaining quantity is less than 100 head, a single licence shall be issued for that quantity.

Article 6

1. Imports of the quantities allocated in accordance with Article 5 shall be subject to the presentation of an import licence.

2. Licence applications may be presented only in the Member State in which the import application was lodged.

3. Licences shall be issued at the request of operators after the entry into force of the decision referred to in Article 5 (1).

The number of animals for which a licence is issued shall be expressed in units. Where necessary, numbers shall be rounded up or down, as the case may be.

4. Licence applications and licences shall contain one of the following entries :

(a) in section 8, the indication of the countries referred to in Annex I ; licences shall carry with them an obligation to import from one or more of the countries indicated ;

(b) in section 16, subheading CN 0102 90 05 ;

(c) in section 20, one of the following :

Reglamento (CE) n° 2491/95

Forordning (EF) nr. 2491/95

Verordnung (EG) Nr. 2491/95

Κανονισμός (ΕΚ) αριθ. 2491/95

Regulation (EC) No 2491/95

Règlement (CE) n° 2491/95

Regolamento (CE) n. 2491/95

Verordening (EG) nr. 2491/95

Regulamento (CE) n° 2491/95

Asetus (EY) N:o 2491/95

Förordning (EG) nr 2491/95.

5. Import licences shall expire on 31 December 1995.

6. Licences issued shall be valid throughout the Community.

7. Article 8 (4) of Regulation (EEC) No 3719/88 shall not apply.

Article 7

Not later than three weeks after the importation of the animals specified in this Regulation, the importer shall inform the competent authority which issued the import licence of the number and origin of the imported animals. That authority shall communicate the information in question to the Commission at the beginning of each month.

Article 8

The provisions of Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply subject to the provisions of this Regulation.

Article 9

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

It shall apply from 1 July to 31 December 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***List of third countries**

- Hungary,
 - Poland,
 - Czech Republic,
 - Slovakian Republic,
 - Romania,
 - Bulgaria,
 - Lithuania,
 - Latvia,
 - Estonia.
-

ANNEX II

EC Fax No : (32-2) 296 60 27 / (32-2) 295 36 13

Application of Article 2 (3) (a) of Regulation (EC) No 2491/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI D.2 — BEEF AND VEAL SECTOR

APPLICATIONS FOR IMPORT

Date : period :

Member State :

Serial number	Applicant (name and address)	Quantity imported (head)			Total for the three years
		1992	1993	1994	
Total					

Member State : Fax No :

Tel.:

ANNEX III

EC Fax No : (32-2) 296 60 27 / (32-2) 295 36 13

Application of Article 2 (3) (b) of Regulation (EC) No 2491/95

COMMISSION OF THE EUROPEAN COMMUNITIES DG VI D.2 — BEEF AND VEAL SECTOR

APPLICATIONS FOR IMPORT

Date : period :

Member State :

Serial number	Applicant (name and address)	Quantity (head)
	Total	

Member State : Fax No :

Tel.:

COMMISSION REGULATION (EC) No 2492/95
of 25 October 1995
fixing the import duties in the cereals sector

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 26 October 1995.

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

Done at Brussels, 25 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.

⁽⁴⁾ OJ No L 175, 27. 7. 1995, p. 23.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne) ⁽¹⁾	Import duty by sea from other ports ⁽²⁾ (ECU/tonne) ⁽¹⁾
1001 10 00	Durum wheat ⁽²⁾	0,00	0,00
1001 90 91	Common wheat seed	8,35	0,00
1001 90 99	Common high quality wheat other than for sowing ^(*)	8,35	0,00
	medium quality	28,31	18,31
	low quality	35,71	25,71
1002 00 00	Rye	63,30	53,30
1003 00 10	Barley, seed	63,30	53,30
1003 00 90	Barley, other ^(*)	63,30	53,30
1005 10 90	Maize seed other than hybrid	75,28	65,28
1005 90 00	Maize other than seed ^(*)	75,28	65,28
1007 00 90	Grain sorghum other than hybrids for sowing	63,30	53,30

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

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

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

- ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽⁴⁾ The importer may benefit from a flat-rate reduction of ECU 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1502/95 are met.

ANNEX II

Factors for calculating duties (period from 11. 10. to 24. 10. 1995):

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Mid-America	Mid-America
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	139,06	142,19	137,46	97,40	186,13 (¹)	102,81 (¹)
Gulf premium (ECU/tonne)	—	13,61	10,95	11,43	—	—
Great lake premium (ECU/tonne)	18,70	—	—	—	—	—

(¹) Fob Duluth.

2. Freight/cost : Gulf of Mexico — Rotterdam : ECU 10,63 per tonne ; Great Lakes/St Lawrence — Rotterdam : ECU 28,63 per tonne.

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

DECISION No 2493/95/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 23 October 1995****establishing 1996 as the 'European year of lifelong learning'**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 126 and 127 thereof,

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

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 189b of the Treaty ⁽⁴⁾,

Whereas the European Council of Brussels (10 and 11 December 1993) took note of the proposals of the Commission in the White Paper on Growth, competitiveness and employment; whereas education and training can make a contribution in respect of economic and social change and the fight against unemployment; whereas the establishment of a 'European year of education and training' proposed in the White Paper could be a signal for clarification of the essential requirements and the long-term objectives in the fields of education and training in the Community;

Whereas 1996 will be the year in which the Leonardo Da Vinci action programme adopted by Decision 94/819/EC ⁽⁵⁾ and the Socrates action programme, adopted by Decision No 819/95/EC ⁽⁶⁾, which constitute the second generation of Community education and training programmes, come into their own;

Whereas the Structural Funds and in particular the European Social Fund, and the Community initiatives which

drive therefrom, particularly the Adapt ⁽⁷⁾ and Employment ⁽⁸⁾ initiative, will enhance quality education and training;

Whereas the continuing adaptation of education and training systems to these new requirements is a strategically important task for Europe, since the competitiveness of the European economy and the stability of society in Europe are built up through knowledge, know-how and common basic views; whereas the attractiveness and prestige of vocational training are heavily dependent on the attachment of equal value to the channels of general education and vocational training as well as the social recognition of qualified professions;

Whereas the role of lifelong learning is becoming fundamental in order to secure personal fulfilment, imparting to the individuals concerned such values as solidarity and tolerance and furthering participation in democratic decision-making processes; whereas it is equally important to enhance long-term employment prospects; whereas the White Paper on Growth, competitiveness and employment stresses that education and training will undoubtedly make a contribution to the renewal of growth, the recovery of competitiveness and the restoration of a high level of employment;

Whereas, according to the aforementioned White Paper, a large number of jobs likely to be created by the year 2000 will correspond to new careers linked with the technological revolutions in the audiovisual sector and the information society, requiring continuing training and adjustment in initial training concepts;

Whereas it should be borne in mind that certain types of education and training resulting for example from centres for open learning, adult education establishments and distance learning centres are gaining in importance; whereas it must be ensured in this connection that such types of education and training, which are necessary, are accessible to everyone;

Whereas the development of lifelong learning should aim in particular to make the best use of available talent, to combat social exclusion, to widen the choice of occupation for girls and women, and to contribute to the reduction of regional disparities;

Whereas, furthermore, continuing training which offers employment prospects can contribute to the solution of certain social conflicts;

⁽¹⁾ OJ No C 287, 15. 10. 1994, p. 18 and OJ No C 134, 1. 6. 1995, p. 6.

⁽²⁾ Opinion delivered on 23 November 1994 (OJ No C 397, 31. 12. 1994, p. 15).

⁽³⁾ Opinion delivered on 16 November 1994 (not yet published in the Official Journal).

⁽⁴⁾ Opinion of the European Parliament of 16 March 1995 (OJ No C 89, 10. 4. 1995, p. 123), common position of the Council of 20 April 1995 (OJ No C 130, 29. 5. 1995, p. 13) and decision of the European Parliament of 15 June 1995 (OJ No C 166, 3. 7. 1995).

⁽⁵⁾ OJ No L 340, 29. 12. 1994, p. 8.

⁽⁶⁾ OJ No L 87, 20. 4. 1995, p. 10.

⁽⁷⁾ OJ No C 180, 1. 7. 1994, p. 30.

⁽⁸⁾ OJ No C 180, 1. 7. 1994, p. 36.

Whereas there should be exchanges of experience and information on what the Member States have achieved in their own countries, on the many regional and local initiatives undertaken, on the programmes and initiatives of the European Union and on the work of the Council of Europe and other international organizations involved in education and training;

Whereas distance and self-instruction systems, global networks (especially computer networks), interactive communication between teachers and learners during the learning process and information infrastructure may have an important role to play in lifelong learning; whereas international networks are particularly suitable for language training; whereas sound basic training facilitates their integration into the lifelong learning process;

Whereas the organisation of a European year of lifelong learning is a contribution to the action plan decided on by the European Council to fight against unemployment; whereas, in view of the link with this initiative, the aims of the European year will best be attained at Community level; whereas the European year will support, in accordance with the principle of subsidiarity, the policy and practice of the Member States in this field;

Whereas an agreement on a *modus vivendi* between the European Parliament, the Council and the Commission concerning the implementing measures for acts adopted in accordance with the procedure laid down in Article 189b of the Treaty was adopted on 20 December 1994;

Whereas this Decision lays down, for the entire duration of the programme, a financial framework constituting the principal point of reference, within the meaning of point 1 of the declaration by the European Parliament, the Council and the Commission of 6 March 1995⁽¹⁾, for the budgetary authority during the annual budgetary procedure,

HAVE DECIDED AS FOLLOWS:

Article 1

1. 1996 shall be proclaimed 'European year of lifelong learning.'

2. During the European year, information, awareness-raising and promotional actions will be undertaken concerning opportunities for lifelong learning. The aim is the promotion of personal development and sense of initiative of individuals, their integration into working life

and society, their participation in the democratic decision-making process and their ability to adjust to economic, technological and social change. Preparation of the actions will take place in 1995.

Article 2

The following shall be the themes for the European Year:

1. the importance of a high quality general education, open to all without discrimination of any kind, including the ability to learn by oneself, as a preparation for lifelong learning;
2. the promotion of vocational training leading to qualifications for all young people, as a precondition for a smooth transition to working life and as a basis for further personal development, for re-adaptation in the job market and for achieving equality of opportunities between men and women;
3. the promotion of continuing education and training, in harmony with school education and initial vocational training and in relation to new requirements in the world of work and society, whilst ensuring the quality and transparency of such education and training;
4. motivation of individuals for lifelong learning and developing such learning for the benefit of groups of people who have hitherto hardly or not at all benefited from it but who particularly need it, such as girls and women;
5. further cooperation on education and training between institutions in these areas and the economic world, in particular small and medium enterprises;
6. the raising of awareness of the social partners of the importance of the creation of, and participation in, new opportunities for lifelong learning in the context of European competitiveness and a highly employment-intensive economic growth;
7. the raising of awareness of parents of the importance of education and training of children and young people in the perspective of lifelong learning and the role that they can play in this respect;
8. the development of the European dimension of initial and continuing education and training, the promotion of mutual understanding and mobility in Europe, as well as a European area for cooperation in education; the raising of awareness among European citizens of the activities of the European Union, particularly with regard to the academic and vocational recognition of diplomas and qualifications in accordance with the systems of the Member States and the promotion of linguistic abilities.

⁽¹⁾ OJ No C ... (not yet published in the Official Journal).

Article 3

1. The actions referred to in Article 1 (2) shall include general or theme-based events, the preparation and dissemination of communication products, and studies and surveys. They are set out in the Annex. Priority in the selection of the actions mentioned in Section B of the Annex will go to those which offer a practical demonstration of the advantages of education and training, those highlighting education and training actions as part of a lifelong learning approach, those promoting amongst the social partners, with due respect for national laws and, where appropriate, by means of collective training, those which show the contribution made by international cooperation, and those which disseminate the results of Community interventions.

2. Optimal use could be made of other existing initiatives in the field of education and training which could contribute to fulfilling the objectives of the European year.

Article 4

The Commission shall be responsible for the implementation of this Decision.

The Commission shall be assisted by an ad hoc committee of an advisory nature composed of two representatives from each Member State and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken in accordance with Sections A, B and C of the Annex. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 5

1. Each Member State shall designate an appropriate body or bodies, to be responsible for the selection, coordi-

nation and implementation nationally of the actions provided for in this Decision.

2. Applications for financial support for the actions provided for in accordance with Section B of the Annex shall be submitted to the Commission by the Member States concerned.

3. Decisions on actions in Sections A and B of the Annex shall be taken by the Commission in accordance with the procedure set out in Article 4. The Commission shall ensure a balanced distribution among Member States and among the different sectors of education and training.

Article 6

1. The financial framework for the implementation of this programme for the period referred to in Article 1 is hereby set at ECU 8 million.

2. The annual appropriations shall be authorized by the budgetary authority within the limits of the financial perspective.

Article 7

The Commission, in partnership with the Member States, shall ensure consistency and complementarity between the actions provided for in this Decision and other Community actions, in particular the Leonardo da Vinci and Socrates programmes.

Article 8

The Commission shall submit, by 31 December 1997 at the latest, a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions on the implementation, results and overall assessment of the actions provided for in this Decision.

Article 9

This Decision shall be published in the *Official Journal of the European Communities*. It shall take effect on the day of its publication.

Done at Strasbourg, 23 October 1995.

*For the European
Parliament*

The President
K. HÄNSCH

For the Council

The President
J. SAAVEDRA ACEVEDO

ANNEX

Nature of the actions referred to in Article 1 (2)

A. Actions concerning the themes of the European year wholly financed out of the Community budget

1. (a) Organization of meetings on a European level.
(b) Organization of meetings in each of the Member States in order to stress the contribution made by European cooperation.
2. Community-wide information and promotional campaigns involving :
 - (a) the designing of a logo and a slogan for the European year⁽¹⁾;
 - (b) the preparation of communication products on projects relating to themes of the European year and having Community interest, with a view to stimulating public interest and actions at national and regional level ;
 - (c) cooperation with the media ;
 - (d) the organization of European competitions highlighting achievements and experiences on the themes of the European year.
3. Other actions
Surveys and studies, having especially the aim of better defining the expectations of the different publics with regard to the themes of the European year and the way in which the Union could fulfil them ; evaluation studies concerning the impact of the European year.

B. Actions concerning the themes of the European year co-financed out of the Community budget

The actions proposed for the European year by the national authorities could qualify for co-financing out of the Community budget, of up to a maximum of 50 % of the cost depending on the circumstances. These actions could relate, *inter alia*, to :

- (a) national or regional events around the themes of the European year ;
- (b) information actions and actions disseminating examples of good practice ;
- (c) the organization of prizes or competitions at national or regional level.

C. Actions receiving no financial aid from the Community budget

Voluntary actions to be conducted by public or private operators, including authorization to use the logo and priority themes of the European year in publicity campaigns and other events.

⁽¹⁾ It is understood that preference will be given to proposals submitted by persons associated with educational training institutions.

COMMISSION DIRECTIVE 95/51/EC

of 18 October 1995

**amending Directive 90/388/EEC with regard to the abolition of the restrictions
on the use of cable television networks for the provision of already liberalized
telecommunications services**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular Article 90 (3) thereof,

Whereas :

- (1) Under Commission Directive 90/388/EEC of 28 June 1990 on competition in the markets for telecommunications services⁽¹⁾, as amended by Directive 94/46/EC⁽²⁾, certain telecommunications services were opened to competition, and the Member States were requested to take the measures necessary to ensure that any operator was entitled to supply such services; as far as voice telephony services to the general public are concerned, the Council Resolution of 22 July 1993⁽³⁾ acknowledges that this exception can be terminated by 1 January 1998, with a transitional period for some Member States; the telex service, mobile communications and radio and television broadcasting to the public were specifically excluded from the scope of the Directive; satellite communications were included in the scope of the Directive through Directive 94/46/EC.

During the public consultation organized by the Commission in 1992 on the situation in the telecommunications sector, following the Communication of the Commission of 21 October 1992, the effectiveness of the measures liberalizing the telecommunications sector and in particular the liberalization of data communications, value added services and the provision of data and voice services to corporate users and closed user groups, was questioned by many service providers and users of such services.

- (2) The regulatory restrictions preventing the use of alternative infrastructure for the provision of liberalized services, and in particular the restrictions on the use of cable TV networks, are the main cause of this continuing bottleneck situation. Potential service providers must now rely on transmission capacity — 'leased lines' — provided by the telecommunications organizations, which are often also

competitors in the area of liberalized services. To remedy this problem, the European Parliament, in its Resolution of 20 April 1993⁽⁴⁾, called upon the Commission to adopt as soon as possible the necessary measures to take full advantage of the potential of the existing infrastructure of cable networks for telecommunications services and to abolish without delay the existing restrictions in the Member States on the use of cable networks for non-reserved services.

- (3) Following that resolution the Commission completed two studies on the use of cable TV networks and alternative infrastructures for the delivery of those telecommunications services which have already been opened to competition under Community law: 'The effects of liberalization of satellite infrastructure on the corporate and closed user group market', Analysis, 1994 and 'L'impact de l'autorisation de la fourniture de services de télécommunications libéralisés par les câblo-opérateurs' by Idate, 1994. The basic findings of those studies emphasize the potential role for, amongst other things, cable TV networks, in meeting the concerns raised about the relatively slow pace of innovation and delayed development of liberalized services in the European Community. Opening such networks would help to overcome the problems of high pricing levels and lack of suitable capacity, which are largely due to current exclusive provision of infrastructure in most Member States. The networks operated by authorized cable TV providers indeed offer opportunities for the supply of an increasing number of services, apart from TV broadcasts, if additional investment is forthcoming. The example of the US market shows that new services combining image and telecommunications emerge when certain regulatory barriers are removed.

- (4) Some Member States have therefore abolished previous restrictions on the provision of some data services and/or non-reserved telephone services on cable TV networks. One Member State permits voice telephony. Other Member States have, however, maintained severe restrictions on the provision of services other than the distribution of TV broadcasts on those networks.

⁽¹⁾ OJ No L 192, 24. 7. 1990, p. 10.

⁽²⁾ OJ No L 268, 19. 10. 1994, p. 15.

⁽³⁾ OJ No C 213, 6. 8. 1993, p. 1.

⁽⁴⁾ OJ No C 150, 31. 5. 1993, p. 39.

- (5) The current restrictions imposed by Member States on the use of cable TV networks for the provision of services other than the distribution of TV broadcasts aim to prevent the provision of public voice telephony by means of networks other than the public switched telephone network, to protect the main source of revenue of the telecommunications organizations.

Exclusive rights to provide public voice telephony were granted to most of the telecommunications organizations of the Community, to guarantee them the financial resources necessary for the provision and exploitation of a universal network, that is to say, one having general geographical coverage and provided to any service provider or user upon request within a reasonable period of time.

- (6) Since those restrictions on the use of cable TV networks are brought about by State measures and seek, in each of the national markets where they exist, to favour telecommunications organizations, which the Member States own or to which they have granted special or exclusive rights, the restrictions must be assessed under Article 90 (1) of the EC Treaty. This Article requires Member States not to enact or maintain in force any measures regarding such undertakings which defeat the object of Treaty provisions, and in particular of the competition rules. It includes a prohibition on maintaining measures regarding telecommunications organizations which result in limiting the free provision of services within the Community or lead to abuses of a dominant position to the detriment of the users of a given service.

- (7) The granting of exclusive rights to the telecommunications organizations to provide transmission capacity for the provision of telecommunications services to the public and the consequent regulatory restrictions on the use of cable TV networks for purposes other than the distribution of radio and television broadcasting programmes, in particular, for new services such as interactive television and video on demand as well as multimedia-services in the Community, which otherwise cannot be provided, necessarily limits the freedom to provide such services to or from other Member States. Such regulatory restrictions cannot be justified for public policy reasons or in terms of essen-

tial requirements, since the latter, and in particular the essential requirement of interworking networks wherever cable TV networks and telecommunications networks are interconnected, can be guaranteed by less restrictive measures, such as objective, non-discriminatory and transparent declaration or licensing conditions.

- (8) The measures granting exclusive rights to the telecommunications organizations for the provision of transmission capacity and the consequent regulatory restrictions on the use of cable TV infrastructure for the provision of other telecommunications services already open to competition are therefore a breach of Article 90, read in conjunction with Article 59 of the Treaty. The fact that the restrictions apply without distinction to all companies other than the relevant telecommunications organizations is not sufficient to remove the preferential treatment of the latter from the scope of Article 59 of the Treaty. Indeed it is not necessary for all the companies of a Member State to be favoured in relation to the foreign companies. It is sufficient that the preferential treatment should benefit certain national operators.

- (9) Article 86 of the Treaty prohibits as incompatible with the common market any conduct by one or more undertakings holding dominant positions that constitutes an abuse of a dominant position within the common market or a substantial part of it.

- (10) In each relevant national market the telecommunications organizations hold a dominant position for the provision of transmission capacity for telecommunications services because they are the only ones with a public telecommunications network covering the whole territory of those States. Another factor in this dominant position concerns the peculiar characteristics of the market and in particular its highly capital-intensive nature. Taking account of the amount of investment needed to duplicate a network, there is a high reliance on use of existing networks. This enhances the structural dominance of the relevant telecommunications organizations and constitutes a potential barrier to entry. Thirdly, as a result of their market share, the telecommunications organizations further benefit from detailed information on telecommunications flows which is not available to new entrants. It includes information on subscribers' usage patterns,

necessary to target specific groups of users, and on price elasticities of demand in each market segment and region of the country. Finally, the fact that the relevant telecommunications organizations enjoy exclusive rights for the provision of voice telephony also contributes to their dominance in the neighbouring, but distinct, market for telecommunications capacity.

- (11) The mere creation of a dominant position within a given market through the grant of an exclusive right is not, as such, incompatible with Article 86. A Member State is, however, not allowed to maintain a legal monopoly where the relevant undertaking is compelled or induced to abuse its dominant position in a way that is liable to affect trade between Member States.

- (12) The prohibition of the use of other infrastructure, and in particular CATV networks, for the provision of telecommunications services has encouraged the telecommunications organizations to charge high prices in comparison with prices in other countries, whereas innovation in European corporate networking and competitive service provision as well as the implementation of applications proposed in the 'Report on Europe and the global information society', are critically dependent on the availability of infrastructure, in particular of leased circuits at decreasing costs. Tariffs for such high-capacity infrastructure are on average 10 times higher in the Community than equivalent capacity over equivalent distances in North America. In the absence of a justification, in the form of (for example) higher costs, these tariffs must be considered abusive within the meaning of point (a) of the second paragraph of Article 86.

Those high prices in the Community are a direct consequence of the restrictions imposed by Member States on the use of infrastructures other than those of the telecommunications organizations, and in particular of those of the cable TV operators, for the provision of telecommunications services. Such high prices cannot only be explained by the underlying costs, given the substantial differences in tariffs between Member States where similar cost structures could be expected.

- (13) Moreover, the State measures preventing the CATV operators from offering transmission capacity in competition with the telecommunications organizations for the provision of liberalized services restrict the overall supply of capacity in the market and eliminate incentives for telecommunications organizations to quickly increase the capacity of

their networks, to reduce average costs and to lower tariffs. The resulting high tariffs charged by the telecommunications organizations for, and the shortage of, the basic infrastructure provided by these organizations over which liberalized services might be offered by third parties have delayed widespread development of high-speed corporate networks, remote accessing of databases by both business and residential users and the deployment of innovative services such as telebanking, distance learning, computer-aided marketing, etc. (See communication to the European Parliament and the Council of 25 October 1994 'Green Paper on the liberalization of telecommunications infrastructure and cable television networks: Part One'). The networks of the telecommunications organizations currently fail to meet all potential market demand for transmission capacity for the provision of these telecommunications services, as emphasized by users and suppliers of such services ('Communication to the Council and the European Parliament on the consultation on the review of the situation in the telecommunications sector' of 28 April 1993, page 5, point 2; the findings made during the review thus showed that the mere obligation to provide leased lines on demand was not sufficient to avoid restrictions on access to the markets in telecommunications services and limits on user's freedom of choice).

The current restrictions on the use of CATV networks for the provision of such services therefore create a situation in which the mere exercise by the telecommunications organization of their exclusive right to provide transmission capacity for public telecommunications services limits, within the meaning of point (b) of the second paragraph of Article 86 of the Treaty, the emergence of, *inter alia*, new applications such as pay per view, interactive television and video on demand as well as multimedia-services in the Community, combining both audio-visual and telecommunications, which often cannot adequately be provided on the networks of the telecommunications organizations.

On the other hand, given the restrictions on the number of services which they may offer, cable TV operators often postpone investments in their networks and in particular the introduction of optical-fibre which could be profitable if they were to be spread over a larger number of services provided. Consequently, restrictions on the use of cable TV networks to provide services other than broadcasting also have the effect of delaying the development of new telecommunications and multimedia services, and thus holding back technical progress in this area.

- (14) Lastly, as was recalled by the Court of Justice of the European Communities in its Judgment of 19 March 1991 in Case C-202/88, *France v. Commission*⁽¹⁾, a system of undistorted competition, as laid down in the Treaty, can be guaranteed only if equality of opportunity is secured between the various economic operators. Reserving to one undertaking which markets telecommunications services the task of supplying the indispensable raw material — transmission capacity — to all companies offering telecommunications services proved, however, tantamount to conferring upon it the power to determine at will which service could be offered by its competitors, at which costs and in which time periods, and to monitor their clients and the traffic generated by its competitors, thereby putting that undertaking at an obvious advantage over its competitors.

- (15) The exclusive rights granted to the telecommunications organization to provide transmission capacity for telecommunications services to the public and the resulting restrictions on the use of cable TV networks for the provision of liberalized services are therefore incompatible with Article 90 (1) in conjunction with Article 86 of the Treaty. Article 90 (2) of the Treaty provides for an exception to Article 86 in cases where the application of the latter would obstruct the performance, in law or in fact, of the particular tasks assigned to the telecommunications organizations. Pursuant to that provision, the Commission investigated the impact of liberalizing the use of the cable networks for the provision of telecommunications and multimedia services.

Pursuant to Directive 90/388/EEC, Member States may until a certain date continue to reserve the provision of voice telephony to their national telecommunications organization so as to guarantee sufficient revenues for the establishment of a universal telephone network. Voice telephony is defined in Article 1 of Directive 90/388/EEC as the commercial provision for the public of the direct transport and switching of speech in real time between public switched network termination points, enabling any user to use equipment connected to such a network termination point in order to communicate with another termination point. Where cable TV networks are transformed into switched networks providing voice telephony to any subscriber, such networks should likewise be considered to be public switched networks and their termination points as termination points of such networks. The relevant voice service would

then become voice telephony, which according to Article 2 of Directive 90/388/EEC could further be prohibited on cable TV networks by the Member States.

It appears that such temporary prohibition of the provision of voice telephony on the cable TV network can be justified on the same grounds as for telecommunications networks. Conversely where switched voice services for closed user groups, and/or transparent transmission capacity in the form of leased lines, are provided on cable TV networks, those networks do not represent public switched networks and Member States should not restrict the relevant services, even when they involve the use of one connection point with the public switched telephone network.

Besides the case of voice telephony, no other restrictions for the provision of liberalized services is justified under Article 90 (2), particularly if regard is had to the small contribution made to the turnover of the telecommunications organizations by those services, currently provided on their own networks, which could be diverted towards the cable TV networks. It is recalled that the measures liberalizing the provision of voice telephony should take into account the need to finance a universal service including any development in the concept, see point V.2 in the Communication from the Commission to the Council and the European Parliament of 3 May 1995.

- (16) Notwithstanding the abolition of the current restrictions on the use of cable TV networks, where the provision of services is concerned, the same licensing or declaration procedures could be laid down as for the provision of the same services on the public telecommunications networks.
- (17) In addition, the distribution of audiovisual programmes intended for the general public via those networks, and the content of such programmes, will continue to be subject to specific rules adopted by Member States in accordance with Community law and is not, therefore, subject to the provisions of this Directive.
- (18) Where Member States grant to the same undertaking the right to establish both cable TV and telecommunications networks, they put the undertaking in a situation whereby it has no incentive to attract users to the network best suited to the provision of the relevant service, as long as it has spare capacity on the other network. In that case, the undertaking has, on the contrary, an interest for

⁽¹⁾ [1991] ECR I-1271, paragraph 51.

overcharging for use of the cable infrastructure for the provision of non-reserved services, in order to increase the traffic on their telecommunications networks. The introduction of fair competition will often require specific measures that take into account the specific circumstances of the relevant markets. Given the disparities between Member States, the national authorities are best able to assess which measures are the most appropriate, and in particular to judge whether a separation of the activities is indispensable. In early stages of liberalization, detailed control of cross-subsidies and accounting transparency are essential. To allow the monitoring of any improper behaviour, Member States should therefore at least impose a clear separation of financial records between the two activities, though full structural separation is preferable.

- (19) In order to allow the monitoring of any improper cross-subsidies between the broadcasting tasks of cable TV operators which are provided under exclusive rights in a given franchise area and their business as providers of capacity for telecommunications services, Member States should guarantee transparency as regards the use of resources from one activity which could be used to extend the dominant position to the other market. Given the complexity of the financial records of network providers, it is extremely difficult to detect cross-subsidies within it between the reserved activities and the services provided under competitive conditions. It is thus necessary to require those cable TV operators to keep separate financial records, and in particular to identify separately costs and revenues associated with the provision of the services supplied under their exclusive rights and those provided under competitive conditions once they achieve a significant turnover in telecommunications activities in the licensed area. For the time being, a turnover of more than ECU 50 million should be considered a significant turnover. Where such a requirement would constitute an excessive burden on the relevant undertaking, Member States may grant deferments for limited periods, subject to prior notification to the Commission of the underlying justifications.

The operators concerned should use an appropriate cost accounting system which can be verified by accounting experts and which ensures the production of recorded figures.

The above separation of accounts should, for this purpose at least, apply the principles set out in

Article 10 (2) of Council Directive 92/44/EEC of 5 June 1992 on the application of open network provision to leased lines⁽¹⁾, as amended by Commission Decision 94/439/EC⁽²⁾. Hybrid services, made up of elements falling variously within the reserved and the competitive services, should distinguish between the costs of each element.

- (20) In the event that, in the meantime, no competing home-delivery system is authorized by the relevant Member State, the Commission will reconsider whether separation of accounts is sufficient to avoid improper practices and will assess whether such joint provision does not result in a limitation of the potential supply of transmission capacity at the expense of the services providers in the relevant area, or whether further measures are warranted.
- (21) Member States should refrain from introducing new measures with the purpose or effect of jeopardizing the aim of this Directive,

HAS ADOPTED THIS DIRECTIVE :

Article 1

Directive 90/388/EEC is hereby amended as follows :

1. Article 1 (1) is amended as follows :

- (a) the fifth indent is replaced by the following :

— "telecommunications services" means services whose provision consists wholly or partly in the transmission and/or routing of signals on a telecommunications network.

- (b) the following is added after the last indent :

— "cable TV network" means any wire-based infrastructure approved by a Member State for the delivery or distribution of radio or television signals to the public.

This Directive shall be without prejudice to the specific rules adopted by the Member States in accordance with Community law, governing the distribution of audiovisual programmes intended for the general public, and the content of such programmes.

⁽¹⁾ OJ No L 165, 19. 6. 1992, p. 27.

⁽²⁾ OJ No L 181, 15. 7. 1994, p. 40.

2. In Article 4, the following is inserted after the second paragraph :

'Member States shall :

- abolish all restrictions on the supply of transmission capacity by cable TV networks and allow the use of cable networks for the provision of telecommunications services, other than voice telephony ;
- ensure that interconnection of cable TV networks with the public telecommunications network is authorized for such purpose, in particular interconnection with leased lines, and that the restrictions on the direct interconnection of cable TV networks by cable TV operators are abolished.'

Article 2

When abolishing restrictions on the use of cable TV networks, Member States shall take the necessary measures to ensure accounting transparency and to prevent discriminatory behaviour, where an operator having an exclusive right to provide public telecommunications network infrastructure also provides cable TV network infrastructure ; and in particular to ensure the separation of financial accounts as concerns the provision of each network and its activity as provider of telecommunication services.

Where an operator has an exclusive right to provide cable television network infrastructure in a given area Member States shall also ensure that the operator concerned keeps separate financial accounts regarding its activity as network capacity provider for telecommunications purposes as soon as it achieves a turnover of more than ECU 50 million in the market for telecommunications services other than the distribution of radio and broadcas-

ting services in the relevant geographic area. Where such requirement would constitute an excessive burden on the relevant undertaking, Member States may grant deferments for limited periods, subject to prior notification to the Commission of the underlying justification.

Where a single operator provides both networks or both services as referred to in the first paragraph, the Commission shall, before 1 January 1998, carry out an overall assessment of the impact of such joint provision in relation to the aims of this Directive.

Article 3

Member States shall supply to the Commission, not later than nine months after this Directive has entered into force, such information as will allow the Commission to confirm that Articles 1 and 2 have been complied with.

Article 4

This Directive shall enter into force on 1 January 1996.

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 18 October 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

DECISION No 1/95 OF THE EC-SAN MARINO COOPERATION
COMMITTEE

of 6 October 1995

amending the list of customs offices referred to in Article 7 (1) (a) of the Interim Agreement on trade and customs union between the European Economic Community and the Republic of San Marino

(95/433/EC)

THE COOPERATION COMMITTEE,

Having regard to the Interim Agreement on trade and customs union between the European Economic Community and the Republic of San Marino ⁽¹⁾, signed on 27 November 1992, and in particular Article 7 thereof,

Whereas under paragraph 1 (a) of the said Article, customs clearance formalities, and in particular release for free circulation of products sent from third countries to San Marino, should be carried out by the Community customs offices listed in the Annex to the Agreement;

Whereas under paragraph 3 (a) of the said Article, the Cooperation Committee is entitled to amend the list of customs offices;

Whereas, in order to facilitate customs clearance of goods from third countries, the Republic of San Marino has asked for further customs offices to be added to those appearing in the said Annex;

Whereas this increase corresponds to the objective requirements of economic development by facilitating trade between the Republic of San Marino and third countries,

HAS DECIDED AS FOLLOWS:

Article 1

The list annexed to the Interim Agreement on trade and customs union between the European Economic Community and the Republic of San Marino shall be replaced by the following:

- | | |
|-------------|--|
| — FORLÌ : | Centrale, sezione aeroporto Ridolfi e sezione di Cesena, |
| — GENOVA : | Centrale, sezione arrivi mare e arrivi terra, sezione molo vecchio porto di Voltri, sezione porto Passo Nuovo, sezione magazzini generali Rivarolo e Genova aeroporto, |
| — LIVORNO : | Centrale e sezione porto industriale, |
| — RAVENNA : | Centrale, sezione San Vitale e sezione Setramar, |

⁽¹⁾ OJ No L 359, 9. 12. 1992, p. 14.

- RIMINI : Centrale e sezione aeroporto Miramare,
- ROMA II : Centrale, sezione pacchi postali, sezione aerostazione merci Alitalia e sezione aeroporti di Roma,
- SEGRATE
(aeroporto di Linate) : Centrale,
- TRIESTE : Centrale, sezioni di Punto Franco Nuovo, sezione Punto Franco Vecchio, sezione porto industriale e sezione pacchi postali.'

Article 2

Customs clearance operations concerning export may be carried out at all Italian customs offices, with the exception of formalities :

- carried out under economic customs arrangements,
- concerning the export of arms, works of art, precursor products and so-called dual-use products,

which must be carried out at the offices and sections listed in Article 1.

Article 3

This Decision shall enter into force on the first day of the month following its adoption by the Cooperation Committee.

Done at San Marino, 6 October 1995.

For the Cooperation Committee

The Chairman

Pietro GIACOMINI

COMMISSION DECISION

of 13 October 1995

on the list of programmes for the eradication and monitoring of animal diseases
qualifying for a financial contribution from the Community in 1996

(Text with EEA relevance)

(95/434/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 94/370/EEC ⁽²⁾, and in particular Article 24 (5) thereof,

Whereas in drawing up the list of programmes for the eradication and monitoring of animal diseases qualifying for a financial contribution from the Community for 1996, and the proposed rate and amount of the contribution for each programme, both the interest of each programme for the Community and the volume of available appropriations must be taken into account;

Whereas the Commission has examined each of the programmes submitted by the Member States from both the veterinary and the financial point of view;

Whereas the programmes on the list set out in this Decision will have to be approved individually at a later date;

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

1. The programmes listed in the Annex hereto shall qualify for a financial contribution from the Community in 1996.

2. For each programme as referred to in paragraph 1, the proposed rate and amount of the Community financial contribution shall be set out in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 13 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.

ANNEX

List of programmes — Proposed rate and amount of the Community financial contribution

Disease	Member State	Rate (%)	Proposed amount (in ecus)
African swine fever	Italy	50	800 000
	Portugal	50	220 000
	Spain	50	1 210 000
Classical swine fever	Germany	50	2 200 000
Contagious bovine pleuro-pneumonia	Portugal	50	1 720 000
	Spain	50	1 050 000
Rabies	Luxembourg	50	80 000
	Finland	50	70 000
	Italy	50	330 000
	Belgium	50	270 000
	France	50	1 160 000
	Germany	50	5 700 000
	Austria	50	720 000
Swine vesicular disease	Italy	50	1 880 000
Bovine brucellosis	France	50	2 000 000
	Ireland	50	1 900 000
	Portugal	50	2 500 000
	Spain	50	4 300 000
Ovine and caprine brucellosis	France	50	1 000 000
	Italy	50	6 300 000
	Greece	50	2 780 000
	Portugal	50	3 500 000
	Spain	50	9 100 000
Anaplasmosis, babesiosis, cowdriosis	France	50	980 000
Infectious haematopoietic necrosis	Finland	50	145 000
	Spain	50	22 000
	Portugal	50	12 000
Enzootic bovine leucosis	Spain	50	1 300 000
	Sweden	50	4 230 000
Aujeszky's disease	Portugal	50	250 000
	United Kingdom	50	250 000
	The Netherlands	50	250 000
Bovine tuberculosis	Spain	50	11 400 000
Total			69 629 000