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## Legislation

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## I

*(Acts whose publication is obligatory)*

**COUNCIL REGULATION (EC) No 2610/95**  
**of 30 October 1995**  
**amending Regulation (EC) No 2965/94 setting up a Translation Centre for bodies**  
**of the European Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas the main task of the Translation Centre set up by Regulation (EC) No 2965/94 <sup>(3)</sup> is still to satisfy the translation needs of the agencies and offices listed in that Regulation; whereas any risk of surplus work for the Centre should be avoided at all costs since it might have negative implications for the operation of those agencies and offices and for the staff actually needed for rational functioning of the Centre;

Whereas the essential objective of the Centre is the search for the most rational and economic use of the means available while maintaining the necessary standard and quality of the translations, without in any case ruling out the possibility of recourse to the market;

Whereas it is necessary to strengthen administrative collaboration between the institutions and bodies of the Union with a view to rationalizing working methods and making overall savings by avoiding superfluous work and the creation of expensive parallel structures;

Whereas translation constitutes one of the sectors of activity where such interinstitutional collaboration can be strengthened;

Whereas the aim of the interinstitutional collaboration should be to enable the Centre to carry out, in the medium term, any activities the amalgamation of which has been decided on in accordance with the rules in force;

Whereas it is therefore necessary to extend the scope of the services provided by the Centre to enable those insti-

tutions and bodies of the Union which already have a translation service to have access to the Centre's services, on a voluntary basis and with the aim of absorbing any surplus work which may arise;

Whereas, in order to avoid any confusion over the extent of the enlargement of the scope of Regulation (EC) No 2965/94, it is necessary to replace in it the word 'bodies' by the term 'agencies and offices' wherever necessary;

Whereas the treaty does not provide specific powers of action for the adoption of this Regulation, other than those contained in Article 235,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 2965/94 is hereby amended as follows:

1. Article 2 (1) shall be replaced by the following text:

*'Article 2*

1. The Centre shall provide the necessary translation services for the operation of the following agencies and offices:

- the European Environment Agency,
- the European Training Foundation,
- the European Monitoring Centre for Drugs and Drug Addiction,
- the European Agency for the Evaluation of Medical Products,
- the Agency for Health and Safety at Work,
- the Office for Harmonization in the Internal Market (trade marks, designs and models),
- the European Police Office (Europol) and the Europol Drugs Unit.

The Centre and each of the agencies and offices mentioned above shall conclude arrangements covering the ways in which they will cooperate.

<sup>(1)</sup> OJ No C 43, 9. 6. 1995, p. 25.

<sup>(2)</sup> OJ No C 269, 16. 10. 1995.

<sup>(3)</sup> OJ No L 314, 7. 12. 1994, p. 1.

2. Agencies and offices set up by the Council other than those referred to in paragraph 1 may have access to the services of the Centre on the basis of arrangements to be concluded with the Centre.
3. The institutions and bodies of the Union which already have their own translation service may, on a voluntary basis, have access to the Centre in accordance with arrangements to be agreed between the parties in order to have recourse to its services.
4. The Centre shall participate fully in the work of the Interinstitutional Committee for Translation.'
2. Article 4 (1) shall be replaced by the following text :
- '1. The Centre shall have a Management Board consisting of :
- (a) a representative from each of the agencies and offices listed in Article 2 (1); any arrangement referred to in Article 2 (2) may envisage a representation of the agency or office party to that arrangement ;
  - (b) a representative from each of the Member States of the European Union ;
  - (c) two representatives from the Commission ; and
  - (d) one representative each from the institutions and bodies which have their own translation services but have concluded agreements with the Centre for collaboration on a voluntary basis.'

3. Article 10 (2) shall be replaced by the following text :

'2. (a) The revenue and expenditure shown in the Centre's budget shall be in balance.

(b) Subject to the provisions set out in subparagraph (c) concerning the start-up period, the revenue shall come from the payments made by the agencies and offices serviced by the Centre and the institutions and bodies with which collaboration has been agreed in return for work performed by it.

(c) In the start-up period, which shall not exceed three financial years :

    - the offices and agencies, institutions and bodies serviced by the Centre shall at the start of a financial year make a lump-sum contribution from their budgets which is based on the best possible information and which will be adapted in the light of the actual work performed,
    - a contribution may be made from the general budget of the European Communities to the Centre to ensure its operation.'

4. Article 11 shall be replaced by the following text :

*'Article 11*

1. Before the review provided for in Article 19, any agency or office referred to in Article 2 (1) which is experiencing particular difficulties in connection with the provision of services by the Centre may approach the Centre in order to seek the most appropriate solutions to those difficulties.

2. If it proves impossible to arrive at such solutions within three months, the agency or office in question may send a duly substantiated communication to the Commission, so that the Commission can take the necessary measures and, if appropriate, organize, under the auspices of the centre and with its assistance, more systematic recourse to third parties for translation of the documents concerned.'

5. Article 13 (2) and (3) shall be replaced by the following :

'2. The Management Board shall adopt the statement of estimates accompanied by the establishment plan and shall transmit them immediately to the Commission, which on that basis shall establish the estimates corresponding to the subsidies granted to the agencies and offices listed in Article 2 in the preliminary draft budget which it places before the Council pursuant to Article 203 of the Treaty.

3. The Management Board shall adopt the Centre's budget before the beginning of the financial year, adjusting it where necessary to the payments made by the agencies and offices, institutions and bodies mentioned in Article 2.'

#### Article 2

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

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

Done at Luxembourg, 30 October 1995.

*For the Council*  
*The President*  
 J. SOLANA

## COUNCIL REGULATION (EC) No 2611/95

of 25 October 1995

establishing the possibility of national aid being granted in compensation for losses of agricultural income caused by monetary movements in other Member States

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission <sup>(1)</sup>,

Having regard to the opinion of the European Parliament <sup>(2)</sup>,

Whereas monetary movements have influenced the agricultural market particularly in the first half of 1995; whereas certain producers may have suffered from losses of income caused by significant monetary movements in Member States other than the one in which they produce;

Whereas, where such losses of income are objectively established, temporary national aid which does not favour a particular type of production may be granted to compensate for the loss actually established; whereas it is necessary for the Community to take measures to enable the common agricultural policy to be coherently implemented;

Whereas these exceptional measures are justified solely on the basis of the specific objectives, circumstances and features of the common agricultural policy,

HAS ADOPTED THIS REGULATION:

*Article 1*

Where it can be justified on the basis of facts that agricultural producers of given production sectors have suffered considerable losses of revenue in a Member State because of significant monetary movements which have occurred in other Member States since the beginning of the 1994/95 marketing year and no later than 31 December

1995, flat-rate compensatory aid, reducing over three years, may be granted to the producers in question on the basis of national financing.

The compensatory aid shall at the most be equal to the aforementioned loss of income and may not be granted in the form of an amount linked to production other than that of a fixed period corresponding to that in which the income was lost. It may not be so directed as to favour a particular type of production in the sector concerned nor be dependent on production subsequent to that fixed period.

Member States shall determine the amounts and detailed rules of this aid and notify them to the Commission for approval. The procedural provisions of Article 93 of the Treaty shall apply without taking account of the criteria in Article 92.

*Article 2*

If, during the three-year period in which aid may be granted, a trend in prices due to monetary movements is recorded before the second or third annual tranche is paid, which offsets the losses on which the aid was based, the Commission shall decide, after consulting the Member State concerned, to reduce appropriately or abolish the remaining tranches.

*Article 3*

A Member State may not notify an aid project under this Regulation after 30 June 1996.

*Article 4*

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

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

Done at Luxembourg, 25 October 1995.

*For the Council*

*The President*

L. ATIENZA SERNA

<sup>(1)</sup> OJ No C 252, 28. 9. 1995, p. 7.

<sup>(2)</sup> OJ No C 287, 30. 10. 1995.

## COMMISSION REGULATION (EC) No 2612/95

of 9 November 1995

**amending Council Regulation (EC) No 1981/94 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the occupied territories, Tunisia and Turkey and providing detailed rules for extending and adapting these tariff quotas**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1981/94 of 25 July 1994 opening and providing for the administration of Community tariff quotas for certain products originating in Algeria, Cyprus, Egypt, Israel, Jordan, Malta, Morocco, the occupied territories, Tunisia and Turkey and providing detailed rules for extending and adapting these tariff quotas<sup>(1)</sup>, as amended by Commission Regulation (EC) No 298/95<sup>(2)</sup>, and in particular Article 7 thereof,

Whereas, in the context of the Uruguay Round of multilateral trade negotiations the import regime for tomatoes and courgettes has been changed;

Whereas Article 25 of the Cooperation Agreement between the European Economic Community and the Kingdom of Morocco provides that, where the existing rules are changed, the Community may amend the

regime set out in the Agreement for the products concerned;

Whereas the Community has agreed with the Kingdom of Morocco that the said regime will be adjusted on the basis of an agreement in the form of an exchange of letters<sup>(3)</sup>;

Whereas by Regulation (EC) No 298/95 the Commission adapted the Community's import arrangements for tomatoes and courgettes from Morocco to what had been agreed in the agreement in the form of an exchange of letters between the European Community and the Kingdom of Morocco; whereas under the terms of this agreement the quantity of tomatoes eligible to benefit from a reduction of additional specific duty should be fixed for the period 1 November 1995 to 31 March 1996, at 130 000 tonnes;

Whereas the measures provided in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

## Article 1

In Annex IV of Regulation (EC) No 1981/94, the table for order numbers 09.1117 is replaced by the following table:

| Order No | CN code    | Description                              | Quota volume (tonnes)                 | Rate of duty (in %) |
|----------|------------|------------------------------------------|---------------------------------------|---------------------|
| '09.1117 | 0702 00 15 | Tomatoes, fresh or chilled:              |                                       |                     |
|          | 0702 00 20 | — from 15 November 1994 to 30 April 1995 | 95 365                                | 0                   |
|          | 0702 00 45 | — from 15 November 1995 to 30 April 1996 | 96 208                                | 0                   |
|          | 0702 00 50 | — from 1 January to 31 March 1995        | 81 006 <sup>(1)</sup> <sup>(2)</sup>  | —                   |
|          |            | — from 1 November 1995 to 31 March 1996  | 130 000 <sup>(1)</sup> <sup>(2)</sup> | —                   |

<sup>(1)</sup> The entry price beyond which the specific additional duty provided in the Community's list of concessions to GATT is reduced to zero is 560 ECU/T.

<sup>(2)</sup> If the entry price for consignment is 2 %, 4 %, 6 % or 8 % lower than the agreed entry price of ECU 560 per tonne the specific customs duty shall be equal to 2 %, 4 %, 6 % or 8 % of this entry price.  
If the entry price of a consignment is less than 92 % of the entry price of ECU 560 per tonne the specific rate of customs duty bound in GATT shall apply.

<sup>(1)</sup> OJ No L 199, 2. 8. 1994, p. 1.

<sup>(2)</sup> OJ No L 35, 15. 2. 1995, p. 6.

<sup>(3)</sup> OJ No L 48, 3. 3. 1995, p. 22.

*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, 9 November 1995.

*For the Commission*

Mario MONTI

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 2613/95

of 9 November 1995

**amending Regulations (EC) No 1305/95 and (EC) No 1739/95 adopting certain transitional measures relating to the entry price arrangements applicable to cucumbers for processing and sour cherries respectively**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations<sup>(1)</sup>, and in particular Article 3 (1) thereof,

Whereas the Annexes to Commission Regulation (EC) No 1305/95<sup>(2)</sup>, as amended by Regulation (EC) No 2124/95<sup>(3)</sup>, and (EC) No 1739/95<sup>(4)</sup> lay down entry prices for the tariff classification of cucumbers for processing and sour cherries respectively; whereas the same conversion rates should be used for converting those new entry prices into national currency as are used for other entry prices pursuant to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code<sup>(5)</sup>, as last amended by Commission Regulation (EEC) No 2454/93<sup>(6)</sup> and Commission Regulation (EC) No 1482/95 of 28 June 1995 determining as a transitional measure the conversion rates to be applied under the Common Customs Tariff to agricultural products and certain products obtained from the processing thereof<sup>(7)</sup>; whereas, in order to avoid any ambiguity, the two Regulations concerned must be clarified;

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

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

*Article 1*

The following paragraph is hereby added to Article 1 of Regulations (EC) No 1305/95 and (EC) No 1739/95:

'Entry prices and import duties shall be converted into national currency using the rate given in Article 18 of Regulation (EEC) No 2913/92 and, from 1 July 1995, the rate derogating therefrom pursuant to Article 1 (2) of Commission Regulation (EC) No 1482/95<sup>(8)</sup>.

<sup>(8)</sup> OJ No L 145, 29. 6. 1995, p. 43.'

*Article 2*

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

At a trader's request, however, the competent authorities shall apply Article 1 from 1 May 1995 with respect to Regulation (EC) No 1305/95 and from 15 June 1995 with respect to Regulation (EC) No 1739/95.

<sup>(1)</sup> OJ No L 349, 31. 12. 1994, p. 105.

<sup>(2)</sup> OJ No L 126, 9. 6. 1995, p. 11.

<sup>(3)</sup> OJ No L 212, 7. 9. 1995, p. 12.

<sup>(4)</sup> OJ No L 167, 18. 7. 1995, p. 7.

<sup>(5)</sup> OJ No L 302, 19. 10. 1992, p. 1.

<sup>(6)</sup> OJ No L 253, 11. 10. 1993, p. 1.

<sup>(7)</sup> OJ No L 145, 29. 6. 1995, p. 43.

## COMMISSION REGULATION (EC) No 2614/95

of 9 November 1995

## amending Regulation (EEC) No 2911/90 laying down detailed rules of application for aid for the production of certain varieties of grapes for drying

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 of 24 February 1986 on the common organization of the market in products processed from fruit and vegetables<sup>(1)</sup>, as last amended by Commission Regulation (EC) No 2314/95<sup>(2)</sup>, and in particular Article 6 (6) thereof,

Whereas Commission Regulation (EEC) No 2911/90<sup>(3)</sup>, as last amended by Article 2 (c) of Regulation (EC) No 2475/94<sup>(4)</sup>, lays down that Member States may grant aid to areas which, as a result of natural disasters, have a yield below the production threshold; whereas limiting that derogation to damaged areas with a yield equal to at least 50 % of the threshold could lead to unfair treatment for the producers most affected by such disasters; whereas that limitation should therefore be abolished;

Whereas experience has shown that certain measures to extend the scope and effectiveness of checks should be adopted;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EEC) No 2911/90 is hereby amended as follows:

1. The second subparagraph of Article 2 (c) is replaced by the following:

‘However, the Member States shall be authorized, with the agreement of the Commission, to allow areas

which, by virtue of officially recognized natural disasters, have a yield below that threshold to qualify for aid’.

2. The second indent of the second subparagraph of Article 3 (1) is replaced by the following:

‘— authorize other producers to replace the cultivation declaration by a statement to the effect that there is no change as compared with the previous situation.’

3. The following paragraph 3 is added to Article 3a:

‘3. The aid application may relate to areas smaller than those shown in the cultivation declaration.’

4. Article 6 is amended as follows:

(a) Paragraph 1 is amended as follows:

(i) in the opening sentence ‘aid applications’ is replaced by ‘cultivation declarations and aid applications’;

(ii) the following indent is added after the first indent:

‘— the accuracy of the yields given in the aid applications,’

(b) Paragraph 2 is replaced by the following:

‘2. Member States shall organize on-the-spot checks in accordance with paragraph 3 covering a representative percentage of declarations submitted in each competent administrative unit. That percentage may not be less than 1 % and shall be increased to at least 15 % where a significant number of incorrect declarations is discovered.

On-the-spot checks shall cover:

- all declarations relating to an area of four hectares or more,
- all declarations in which discrepancies are revealed by the cross checks referred to in the final subparagraph of paragraph 1,
- a significant percentage of other declarations selected at random.’

(c) In the opening sentence of paragraph 3 ‘application’ is replaced by ‘cultivation declaration’.

<sup>(1)</sup> OJ No L 49, 27. 2. 1986, p. 1.

<sup>(2)</sup> OJ No L 233, 30. 9. 1995, p. 69.

<sup>(3)</sup> OJ No L 278, 10. 10. 1990, p. 35.

<sup>(4)</sup> OJ No L 264, 14. 10. 1994, p. 6.

5. Article 7 is amended as follows :

(a) Paragraph 1 (a) is replaced by the following :

'(a) smaller than that measured, the declared area shall be used for calculation of the aid.'

(b) Paragraph 2 is replaced by the following :

'2. No aid shall be paid in respect of the current marketing year and the following marketing year if the check establishes that the area declared is

greater by 15 % or more than that measured. For areas not exceeding one hectare, however, that percentage shall be 20 %.'

*Article 2*

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

Article 1 (2), (4) (b) and (5) shall apply from the 1996/97 harvest.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## COMMISSION REGULATION (EC) No 2615/95

of 9 November 1995

amending and derogating partly from Regulation (EC) No 3338/93 in order to provide for the payment of financial compensation to producers of certain citrus fruits

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3119/93 of 8 November 1993 laying down special measures to encourage the processing of certain citrus fruits<sup>(1)</sup>, and in particular Article 10 thereof,

Having regard to Council Regulation (EC) No 1543/95 of 29 June 1995 derogating, for the 1995/96 marketing year, from Council Regulation (EC) No 3119/93 laying down special measures to encourage the processing of certain citrus fruits<sup>(2)</sup>, and in particular Article 4 thereof,

Whereas Commission Regulation (EC) No 3338/93<sup>(3)</sup>, as last amended by Regulation (EC) No 2704/94<sup>(4)</sup>, lays down detailed rules for the application of Regulation (EC) No 3119/93 for the payment of financial compensation to processors; whereas Regulation (EC) No 1543/95 authorizes, for the 1995/96 financial year, the payment of financial compensation directly to producers; whereas the necessary consequences should be drawn from this as to the abovementioned detailed rules of application;

Whereas experience has shown that it is necessary also, in order to ensure that the arrangements are properly implemented, that the certificate issued when the products are delivered to the processing plant be countersigned by the producer or producers' organization;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 3338/93 is hereby amended as follows:

1. The following second paragraph is added to Article 1:

'For the 1995/96 marketing year, the first paragraph shall apply without prejudice to Council Regulation (EC) No 1543/95<sup>(5)</sup>.

(<sup>(5)</sup>) OJ No L 148, 30. 6. 1995, p. 30.'

2. The following paragraph 3 is added to Article 3:

'3. Processors shall be required to comply with paragraph 1, including in cases where Regulation (EC) No 1543/95 applies.'

3. The following paragraph 3 is added to Article 4:

'3. Processors shall be required to comply with paragraph 1, including in cases where Regulation (EC) No 1543/95 applies.'

4. The following point (f) is added to Article 5 (2):

'(f) an express reference to Council Regulation (EC) No 1543/95 in cases where that Regulation applies. The price to be paid referred to in point (e) shall be reduced then by the amount of the financial compensation which the producer is to receive in the Member State.'

5. The following second subparagraph is added to Article 8 (1):

'Where Regulation (EC) No 1543/95 applies and save in cases where there is a commitment to supply, processors shall at the same time provide the abovementioned competent authorities with a security for an amount equal to the price to be paid referred to in Article 5 (2) (f) plus 10 % intended to guarantee payment of that price. The guarantee amount shall be adjusted on the basis of the provisions contained in any supplementary agreements.'

6. The third subparagraph of Article 10 (1) is replaced by the following:

'Two copies of the certificate shall be given to the producer or producers' organization for signing, to be preceded, firstly, by the reference number of the contracts to which the certified quantities relate and, secondly, by the words "For agreement" in writing. one copy thus completed shall be returned forthwith to the competent authorities for control purposes.'

7. The following second and third subparagraphs are added to Article 11 (1):

'Where Regulation (EC) No 1543/95 applies, application for financial compensation shall be submitted by the producer to the competent body in the Member State where production took place from the thirtieth day following the dates referred to in points (a), (b) and (c) of the preceding subparagraph.'

<sup>(1)</sup> OJ No L 279, 12. 11. 1993, p. 17.

<sup>(2)</sup> OJ No L 148, 30. 6. 1995, p. 30.

<sup>(3)</sup> OJ No L 299, 4. 12. 1993, p. 26.

<sup>(4)</sup> OJ No L 287, 8. 11. 1994, p. 22.

For the purpose of applying the second subparagraph, the words "fruit processed, quantities processed and processing" contained in points (a), (b) and (c) of the first subparagraph are replaced by "quantities delivered and delivery".

8. The following paragraph 3 is added to Article 12:

'3. Where Regulation (EC) No 1543/95 applies:

(a) applications for financial compensation must include the name and address of the grower and the quantities of each product delivered under contracts or any supplementary agreements;

(b) notwithstanding paragraph 2, applications for financial compensation must be accompanied in particular:

— where growers have entered into a commitment to supply the fruit, by a statement by them that the processor has paid by transfer order or credited to them a price not less than the price referred to in Article 5 (2) (f),

— by the certificate referred to in Article 10,

— by a copy of the evidence of the bank or post office payment of the price provided for in Article 5 (2) (f).

Where a grower is unable to include the abovementioned evidence in his application, he shall provide a

statement that he has not been paid by the processor together with the references of the contracts concluded to which his application refers. In such case, the competent authority shall verify the contents of his statement and draw the necessary conclusions from it regarding the security and the payment of the grower, pursuant to Regulation (EEC) No 220/85.'

9. The following paragraph 8 is added to Article 16:

'8. This Article, and in particular paragraph 5, shall apply *mutatis mutandis*, for the 1995/96 marketing year, where financial compensation is paid directly to a grower.'

*Article 2*

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

With the exception of Article 1, point 6, it shall apply only for the 1995/96 marketing year.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

**COMMISSION REGULATION (EC) No 2616/95**  
**of 9 November 1995**  
**on the issue of import licences for garlic originating in China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas pursuant to Commission Regulation (EEC) No 1859/93<sup>(4)</sup>, as amended by Regulation (EC) No 1662/94<sup>(5)</sup>, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

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

Whereas, given the criteria laid down in Article 1 (2) of that Regulation and the import licences already issued, the quantity applied for at 6 November 1995 is in excess

of the maximum monthly quantity for November 1995; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to these applications; whereas the issue of licences in response to applications lodged after 6 November 1995 and before 4 December 1995 should be refused,

HAS ADOPTED THIS REGULATION:

*Article 1*

Import licences applied for under Article 1 of Regulation (EEC) No 1859/93 at 6 November 1995 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,25848 % of the quantity applied for, having regard to the information available to the Commission on 8 November 1995.

For the abovementioned products applications for import licences lodged after 6 November 1995 and before 4 December 1995 shall be refused.

*Article 2*

This Regulation shall enter into force on 10 November 1995.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

<sup>(1)</sup> OJ No L 118, 20. 5. 1972, p. 1.

<sup>(2)</sup> OJ No L 132, 16. 6. 1995, p. 8.

<sup>(3)</sup> OJ No L 116, 23. 5. 1995, p. 23.

<sup>(4)</sup> OJ No L 170, 13. 7. 1993, p. 10.

<sup>(5)</sup> OJ No L 176, 9. 7. 1994, p. 1.

## COMMISSION REGULATION (EC) No 2617/95

of 9 November 1995

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

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

Having regard to Commission Regulation (EC) No  
3223/94 of 21 December 1994 on detailed rules for the  
application of the import arrangements for fruit and  
vegetables<sup>(1)</sup>, as last amended by Regulation (EC) No  
1740/95<sup>(2)</sup>, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down,  
pursuant to the outcome of the Uruguay Round 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 stan-  
dard 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 10 November  
1995.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 167, 18. 7. 1995, p. 10.

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

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

## ANNEX

to the Commission Regulation of 9 November 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 <sup>(1)</sup> | Standard import value | CN code                               | Third country code <sup>(1)</sup> | Standard import value |
| 0702 00 45                                        | 021                               | 103,4                 | 0806 10 50                            | 528                               | 94,7                  |
|                                                   | 052                               | 52,2                  |                                       | 600                               | 86,3                  |
|                                                   | 060                               | 80,2                  |                                       | 624                               | 78,0                  |
|                                                   | 064                               | 59,6                  |                                       | 999                               | 85,5                  |
|                                                   | 066                               | 41,7                  |                                       | 052                               | 105,8                 |
|                                                   | 068                               | 62,3                  |                                       | 064                               | 75,6                  |
|                                                   | 204                               | 46,7                  |                                       | 066                               | 49,4                  |
|                                                   | 212                               | 117,9                 |                                       | 220                               | 110,8                 |
|                                                   | 624                               | 107,1                 |                                       | 400                               | 201,5                 |
|                                                   | 999                               | 74,6                  |                                       | 412                               | 132,4                 |
| 0707 00 35                                        | 052                               | 56,5                  | 0808 10 92, 0808 10 94,<br>0808 10 98 | 508                               | 199,8                 |
|                                                   | 053                               | 166,9                 |                                       | 512                               | 186,0                 |
|                                                   | 060                               | 61,0                  |                                       | 600                               | 64,5                  |
|                                                   | 066                               | 53,8                  |                                       | 624                               | 123,2                 |
|                                                   | 068                               | 60,4                  |                                       | 999                               | 124,9                 |
|                                                   | 204                               | 49,1                  |                                       | 064                               | 77,3                  |
| 0709 90 79                                        | 624                               | 144,4                 |                                       | 388                               | 39,2                  |
|                                                   | 999                               | 84,6                  |                                       | 400                               | 65,4                  |
|                                                   | 052                               | 61,2                  |                                       | 404                               | 52,2                  |
|                                                   | 204                               | 77,5                  |                                       | 508                               | 68,4                  |
|                                                   | 624                               | 196,3                 |                                       | 512                               | 51,2                  |
| 0805 20 31                                        | 999                               | 111,7                 |                                       | 524                               | 57,4                  |
|                                                   | 204                               | 71,9                  |                                       | 528                               | 48,0                  |
|                                                   | 999                               | 71,9                  |                                       | 800                               | 78,0                  |
| 0805 20 33, 0805 20 35,<br>0805 20 37, 0805 20 39 | 052                               | 50,7                  |                                       | 804                               | 18,4                  |
|                                                   | 464                               | 116,5                 | 0808 20 67                            | 999                               | 55,6                  |
|                                                   | 624                               | 136,0                 |                                       | 052                               | 80,7                  |
|                                                   | 999                               | 101,1                 |                                       | 064                               | 77,1                  |
| 0805 30 40                                        | 052                               | 69,2                  |                                       | 388                               | 79,6                  |
|                                                   | 388                               | 67,5                  |                                       | 400                               | 76,8                  |
|                                                   | 400                               | 151,4                 |                                       | 512                               | 89,7                  |
|                                                   | 512                               | 54,8                  |                                       | 528                               | 84,1                  |
|                                                   | 520                               | 66,5                  |                                       | 800                               | 55,8                  |
|                                                   | 524                               | 100,8                 |                                       | 804                               | 112,9                 |
|                                                   |                                   |                       |                                       | 999                               | 82,1                  |

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

**COMMISSION REGULATION (EC) No 2618/95**  
**of 9 November 1995**  
**fixing the export refunds on rice and broken rice**

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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1530/95 <sup>(2)</sup>, and in particular the first sentence of the second subparagraph of Article 14 (3) thereof,

Whereas Article 14 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 14 (4) of Regulation (EEC) No 1418/76, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76 <sup>(3)</sup> lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 14 (5) of Regulation (EEC) No 1418/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

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

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

ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

*Article 2*

This Regulation shall enter into force on 10 November 1995.

<sup>(1)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(2)</sup> OJ No L 148, 30. 6. 1995, p. 5.

<sup>(3)</sup> OJ No L 154, 15. 6. 1976, p. 11.

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

<sup>(5)</sup> OJ No L 138, 21. 6. 1995, p. 1.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

# ANNEX

to the Commission Regulation of 9 November 1995 fixing the export refunds on rice and broken rice

| (ECU/tonne)    |                 |                       | (ECU/tonne)    |                 |                       |
|----------------|-----------------|-----------------------|----------------|-----------------|-----------------------|
| Product code   | Destination (1) | Amount of refunds (2) | Product code   | Destination (1) | Amount of refunds (2) |
| 1006 20 11 000 | 01              | 179,00                | 1006 30 65 100 | 01              | 224,00                |
| 1006 20 13 000 | 01              | 179,00                |                | 02              | 230,00                |
| 1006 20 15 000 | 01              | 179,00                |                | 03              | 235,00                |
| 1006 20 17 000 | —               | —                     |                | 04              | 224,00                |
| 1006 20 92 000 | 01              | 179,00                | 1006 30 65 900 | 01              | 224,00                |
| 1006 20 94 000 | 01              | 179,00                |                | 04              | 224,00                |
| 1006 20 96 000 | 01              | 179,00                | 1006 30 67 100 | —               | —                     |
| 1006 20 98 000 | —               | —                     | 1006 30 67 900 | —               | —                     |
| 1006 30 21 000 | 01              | 179,00                | 1006 30 92 100 | 01              | 224,00                |
| 1006 30 23 000 | 01              | 179,00                |                | 02              | 230,00                |
| 1006 30 25 000 | 01              | 179,00                |                | 03              | 235,00                |
| 1006 30 27 000 | —               | —                     |                | 04              | 224,00                |
| 1006 30 42 000 | 01              | 179,00                | 1006 30 92 900 | 01              | 224,00                |
| 1006 30 44 000 | 01              | 179,00                |                | 04              | 224,00                |
| 1006 30 46 000 | 01              | 179,00                | 1006 30 94 100 | 01              | 224,00                |
| 1006 30 48 000 | —               | —                     |                | 02              | 230,00                |
| 1006 30 61 100 | 01              | 224,00                |                | 03              | 235,00                |
|                | 02              | 230,00                |                | 04              | 224,00                |
|                | 03              | 235,00                | 1006 30 94 900 | 01              | 224,00                |
|                | 04              | 224,00                |                | 04              | 224,00                |
| 1006 30 61 900 | 01              | 224,00                | 1006 30 96 100 | 01              | 224,00                |
|                | 04              | 224,00                |                | 02              | 230,00                |
| 1006 30 63 100 | 01              | 224,00                |                | 03              | 235,00                |
|                | 02              | 230,00                |                | 04              | 224,00                |
|                | 03              | 235,00                | 1006 30 96 900 | 01              | 224,00                |
|                | 04              | 224,00                |                | 04              | 224,00                |
| 1006 30 63 900 | 01              | 224,00                | 1006 30 98 100 | —               | —                     |
|                | 04              | 224,00                | 1006 30 98 900 | —               | —                     |
|                |                 |                       | 1006 40 00 000 | —               | —                     |

(1) The destinations are identified as follows:

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87

(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 zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

## COMMISSION REGULATION (EC) No 2619/95

of 9 November 1995

## fixing the export refunds on products processed from cereals and rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

criteria to be taken into account when the refund on these products is being calculated ;

Having regard to the Treaty establishing the European Community,

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product ;

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals <sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95 <sup>(2)</sup>, and in particular Article 13 (3) thereof,

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products ; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time ;

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice <sup>(3)</sup>, as last amended by Regulation (EC) No 1530/95 <sup>(4)</sup>, and in particular Article 14 (3) thereof,

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination ;

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 14 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund ;

Whereas the refund must be fixed once a month ; whereas it may be altered in the intervening period ;

Whereas Article 14 of Regulation (EEC) No 1418/76 provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other ; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market ;

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

Whereas Article 4 of Council Regulation (EC) No 1518/95 <sup>(7)</sup>, on the import and export system for products processed from cereals and from rice defines the specific

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product ; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted ;

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

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 148, 30. 6. 1995, p. 5.

<sup>(5)</sup> OJ No L 147, 30. 6. 1995, p. 55.

<sup>(6)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(7)</sup> OJ No L 138, 21. 6. 1995, p. 1.

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

(c) of Regulation (EEC) No 1418/76 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

HAS ADOPTED THIS REGULATION :

*Article 1*

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1)

*Article 2*

This Regulation shall enter into force on 10 November 1995.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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## ANNEX

## to the Commission Regulation of 9 November 1995 fixing the export refunds on products processed from cereals and rice

| (ECU/tonne)        |            | (ECU/tonne)        |            |
|--------------------|------------|--------------------|------------|
| Product code       | Refund (1) | Product code       | Refund (1) |
| 1102 20 10 200 (2) | 65,59      | 1104 23 10 100     | 70,28      |
| 1102 20 10 400 (2) | 56,22      | 1104 23 10 300     | 53,88      |
| 1102 20 90 200 (2) | 56,22      | 1104 29 11 000     | 0,00       |
| 1102 90 10 100     | 6,80       | 1104 29 51 000     | 0,00       |
| 1102 90 10 900     | 4,62       | 1104 29 55 000     | 0,00       |
| 1102 90 30 100     | 37,64      | 1104 30 10 000     | 0,00       |
| 1103 12 00 100     | 37,64      | 1104 30 90 000     | 11,71      |
| 1103 13 10 100 (2) | 84,33      | 1107 10 11 000     | 0,00       |
| 1103 13 10 300 (2) | 65,59      | 1107 10 91 000     | 8,06       |
| 1103 13 10 500 (2) | 56,22      | 1108 11 00 200     | 0,00       |
| 1103 13 90 100 (2) | 56,22      | 1108 11 00 300     | 0,00       |
| 1103 19 10 000     | 36,04      | 1108 12 00 200     | 74,96      |
| 1103 19 30 100     | 7,02       | 1108 12 00 300     | 74,96      |
| 1103 21 00 000     | 0,00       | 1108 13 00 200     | 52,46      |
| 1103 29 20 000     | 4,62       | 1108 13 00 300     | 52,46      |
| 1104 11 90 100     | 6,80       | 1108 19 10 200     | 69,92      |
| 1104 12 90 100     | 41,82      | 1108 19 10 300     | 69,92      |
| 1104 12 90 300     | 33,46      | 1109 00 00 100     | 0,00       |
| 1104 19 10 000     | 0,00       | 1702 30 51 000 (3) | 73,44      |
| 1104 19 50 110     | 74,96      | 1702 30 59 000 (3) | 56,22      |
| 1104 19 50 130     | 60,91      | 1702 30 91 000     | 73,44      |
| 1104 21 10 100     | 6,80       | 1702 30 99 000     | 56,22      |
| 1104 21 30 100     | 6,80       | 1702 40 90 000     | 56,22      |
| 1104 21 50 100     | 9,06       | 1702 90 50 100     | 73,44      |
| 1104 21 50 300     | 7,25       | 1702 90 50 900     | 56,22      |
| 1104 22 10 100     | 33,46      | 1702 90 75 000     | 76,95      |
| 1104 22 30 100     | 35,55      | 1702 90 79 000     | 53,41      |
| 1104 22 99 100     | 0,00       | 2106 90 55 000     | 56,22      |

(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.

(2) No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

(3) Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

**NB:** The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), amended.

**COMMISSION REGULATION (EC) No 2620/95**  
**of 9 November 1995**  
**fixing the export refunds on cereal-based compound feedingstuffs**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95<sup>(2)</sup>, and in particular the third subparagraph of Article 13 (4) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice<sup>(3)</sup> in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to

avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markers, allowing more accurate accounts to be taken of the commercial conditions under which such products are exported;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 930/93<sup>(4)</sup>, as amended by Regulation (EC) No 1380/95<sup>(5)</sup>, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situation 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 Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

*Article 1*

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on 10 November 1995.

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

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 147, 30. 6. 1995, p. 51.

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

<sup>(5)</sup> OJ No L 138, 21. 6. 1995, p. 1.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

# ANNEX

## to the Commission Regulation of 9 November 1995 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund <sup>(1)</sup>:

2309 10 11 000, 2309 10 13 000, 2309 10 31 000,  
2309 10 33 000, 2309 10 51 000, 2309 10 53 000,  
2309 90 31 000, 2309 90 33 000, 2309 90 41 000,  
2309 90 43 000, 2309 90 51 000, 2309 90 53 000.

(ECU/tonne)

| Cereal products <sup>(2)</sup>                                                                                                           | Amount of refund <sup>(3)</sup> |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Maize and maize products :<br>CN codes 0709 90 60, 0712 90 19, 1005, 1102 20,<br>1103 13, 1103 29 40, 1104 19 50, 1104 23,<br>1904 10 10 | 46,85                           |
| Cereal products <sup>(2)</sup> excluding maize and maize products                                                                        | 2,27                            |

<sup>(1)</sup> The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p 1), amended.

<sup>(2)</sup> For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

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

**COMMISSION REGULATION (EC) No 2621/95**  
**of 9 November 1995**  
**on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION :

*Article 1*

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

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 1203/95, during the first five days of December 1995 for 1 903 tonnes.

*Article 2*

This Regulation shall enter into force on 10 November 1995.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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<sup>(1)</sup> OJ No L 119, 30. 5. 1995, p. 13.

## COMMISSION REGULATION (EC) No 2622/95

of 9 November 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 <sup>(1)</sup>, as last amended by Regulation (EC) No 1101/95 <sup>(2)</sup>,

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 <sup>(3)</sup>, as amended by Regulation (EC) No 2528/95 <sup>(4)</sup>, 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 <sup>(5)</sup>, as last amended by Regulation (EC) No 2592/95 <sup>(6)</sup>;

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 10 November 1995.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Franz FISCHLER

*Member of the Commission*

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

<sup>(2)</sup> OJ No L 110, 17. 5. 1995, p. 1.

<sup>(3)</sup> OJ No L 141, 24. 6. 1995, p. 16.

<sup>(4)</sup> OJ No L 258, 28. 10. 1995, p. 50.

<sup>(5)</sup> OJ No L 150, 1. 7. 1995, p. 36.

<sup>(6)</sup> OJ No L 264, 7. 11. 1995, p. 23.

## ANNEX

to the Commission Regulation of 9 November 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 <sup>(1)</sup> | 23,09                                                               | 4,75                                                          |
| 1701 11 90 <sup>(1)</sup> | 23,09                                                               | 9,99                                                          |
| 1701 12 10 <sup>(1)</sup> | 23,09                                                               | 4,56                                                          |
| 1701 12 90 <sup>(1)</sup> | 23,09                                                               | 9,56                                                          |
| 1701 91 00 <sup>(2)</sup> | 29,69                                                               | 10,39                                                         |
| 1701 99 10 <sup>(2)</sup> | 29,69                                                               | 5,87                                                          |
| 1701 99 90 <sup>(2)</sup> | 29,69                                                               | 5,87                                                          |
| 1702 90 99 <sup>(3)</sup> | 0,30                                                                | 0,35                                                          |

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

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

<sup>(3)</sup> By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 2623/95**  
**of 9 November 1995**

**fixing the rates of the refunds applicable to certain cereal and rice-products  
exported in the form of goods not covered by Annex II to the Treaty**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals<sup>(1)</sup>, as last amended by Regulation (EC) No 1863/95<sup>(2)</sup>, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice<sup>(3)</sup>, as last amended by Regulation (EC) No 1530/95<sup>(4)</sup>, and in particular Article 14 (3) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 17 (1) of Regulation (EEC) No 1418/76 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds<sup>(5)</sup>, as last amended by Regulation (EC) No 1149/95<sup>(6)</sup>, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of America on Community exports of pasta products to the

United States and has been approved by Council Decision 87/482/EEC<sup>(7)</sup>, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Council Regulation (EEC) No 990/93<sup>(8)</sup>, as amended by Regulation (EC) No 1380/95<sup>(9)</sup>, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

*Article 1*

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

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

*Article 2*

This Regulation shall enter into force on 10 November 1995.

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

<sup>(2)</sup> OJ No L 179, 29. 7. 1995, p. 1.

<sup>(3)</sup> OJ No L 166, 25. 6. 1976, p. 1.

<sup>(4)</sup> OJ No L 148, 30. 6. 1995, p. 5.

<sup>(5)</sup> OJ No L 136, 31. 5. 1994, p. 5.

<sup>(6)</sup> OJ No L 116, 23. 5. 1995, p. 1.

<sup>(7)</sup> OJ No L 275, 29. 9. 1987, p. 36.

<sup>(8)</sup> OJ No L 102, 28. 4. 1993, p. 14.

<sup>(9)</sup> OJ No L 138, 21. 6. 1995, p. 1.

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

Done at Brussels, 9 November 1995.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

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## ANNEX

to the Commission Regulation of 9 November 1995 fixing the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

| CN code    | Description of products (1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Rate of refund per 100 kg of basic product (2) |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| 1001 10 00 | <b>Durum wheat :</b><br>— used unprocessed :<br>— — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America —<br>— — in all other cases —<br>— used in the form of :<br>— — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 —<br>— — hulled grains of CN code 1104 and starch of CN code 1108 —<br>— — germ of CN code 1104 —<br>— — gluten of CN code 1109 —<br>— — other (except flours of CN code 1101 and groats and meal of CN code 1103) —             |                                                |
| 1001 90 99 | <b>Common wheat and meslin :</b><br>— used unprocessed :<br>— — on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America —<br>— — in all other cases —<br>— used in the form of :<br>— — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 —<br>— — hulled grains of CN code 1104 and starch of CN code 1108 —<br>— — germ of CN code 1104 —<br>— — gluten of CN code 1109 —<br>— — other (except flours of CN code 1101, and groats and meal of CN code 1103) — |                                                |
| 1002 00 00 | <b>Rye :</b><br>— used unprocessed —<br>— used in the form of :<br>— — groats, meal and pellets of CN code 1103, or pearled grains of CN code 1104 2,162<br>— — rolled or flaked grains and hulled grains of CN code 1104 3,244<br>— — germ of CN code 1104 1,640<br>— — starch of CN code 1108 19 90 4,685<br>— — gluten of CN code 2303 10 90 —<br>— — other (except flours of CN code 1102) 3,604                                                                                                                                                           |                                                |

| CN code    | Description of products <sup>(1)</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Rate of refund<br>per 100 kg of basic<br>product <sup>(2)</sup>                                          |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| 1003 00 90 | Barley :<br>— used unprocessed<br>— used in the form of :<br>— — flours of CN code 1102, groats and meal of CN code 1103,<br>or rolled, flaked or pearled grains of CN code 1104<br>— — pellets of CN code 1103<br>— — germs of CN code 1104<br>— — starch of CN code 1108 19 90<br>— — gluten of CN code 2303 10 90<br>— — other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 0,453<br><br><br>0,317<br>0,272<br>1,640<br>4,685<br>—<br>0,453                                          |
| 1004 00 00 | Oats :<br>— used unprocessed<br>— used in the form of :<br>— — pellets of CN code 1103, and pearled grains of CN code<br>1104<br>— — rolled or flaked grains and hulled grains of CN code 1104<br>— — germs of CN code 1104<br>— — starch of CN code 1108 19 90<br>— — gluten of CN code 2303 10 90<br>— — other                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | —<br><br><br>1,255<br>1,882<br>1,640<br>4,685<br>—<br>2,091                                              |
| 1005 90 00 | Maize (Corn) :<br>— used unprocessed<br>— used in the form of :<br>— — flours of CN codes 1102 20 10 and 1102 20 90<br>— — groats and meal of CN code 1103 and rolled or flaked grains<br>of CN code 1104<br>— — pellets of CN code 1103<br>— — hulled or perled grains of CN code 1104<br>— — germs of CN code 1104<br>— — starch of CN code 1108 12 00<br>— — starch pursuant to Article 4(5) point (b) of Regulation (EC)<br>No 1222/94 when goods listed in Annex I to amended<br>Commission Regulation (EEC) No 1722/93 are exported (*)<br>— — starch pursuant to Article 7(2) of Regulation (EC) No<br>1222/94 when goods listed in Annex I to amended<br>Regulation (EEC) No 1722/93 are exported<br>— — gluten of CN code 2303 10 11<br>— — glucose, glucose syrup, maltodextrine, maltodextrine syrup of<br>CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99,<br>1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79,<br>2106 90 55 <sup>(3)</sup><br>— — other <sup>(3)</sup> | 4,685<br><br>3,280<br>3,748<br>2,811<br>4,217<br>1,640<br>3,279<br>3,279<br>—<br>1,874<br>3,514<br>4,685 |
| 1006 20    | Round grain husked rice<br>Medium grains husked rice<br>Long grain husked rice                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 15,578<br>13,869<br>13,869                                                                               |
| ex 1006 30 | Round grain wholly-milled rice<br>Medium grain wholly-milled rice<br>Long grain wholly-milled rice                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 20,100<br>20,100<br>20,100                                                                               |

| CN code    | Description of products <sup>(1)</sup>                                                                                                                                                                                            | Rate of refund per 100 kg of basic product <sup>(2)</sup> |
|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 1006 40 00 | Broken rice :<br>– used unprocessed<br>– used in the form of :<br>– – flour of CN code 1102 30, groats and meal or pellets of CN code 1103<br>– – flaked grains of CN 1104 19 91<br>– – starch of CN code 1108 19 10<br>– – other | 4,600<br><br>4,600<br>2,760<br>4,600<br>—                 |
| 1007 00 90 | Sorghum                                                                                                                                                                                                                           | 0,453                                                     |
| 1101 00    | Wheat or meslin flour :<br>– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America<br>– in all other cases                                                                              | —<br>—                                                    |
| 1102 10 00 | Rye flour                                                                                                                                                                                                                         | 2,500                                                     |
| 1103 11 10 | Groats and durum wheat meal :<br>– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America<br>– in all other cases                                                                        | —<br>—                                                    |
| 1103 11 90 | Common wheat groats and spelt :<br>– on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America<br>– in all other cases                                                                      | —<br>—                                                    |

<sup>(1)</sup> The quantities of semi-processed products used must be multiplied, as the case may be, by the coefficients shown in Annex I to amended Commission Regulation (EEC) No 1620/93 (OJ No L 155, 26. 6. 1993, p. 29).

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

<sup>(3)</sup> For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

<sup>(4)</sup> (OJ No L 159, 1. 7. 1993, p. 112), as amended.

## II

*(Acts whose publication is not obligatory)*

## COMMISSION

## COMMISSION DECISION

of 24 October 1995

implementing Article 20 (2) of Council Directive 89/106/EEC on construction products

(Text with EEA relevance)

(95/467/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Council Directive 89/106/EEC of 21 December 1988 on the approximation of the laws, regulations and administrative provisions of the Member States relating to construction products <sup>(1)</sup>, as amended by Directive 93/68/EEC <sup>(2)</sup>, and in particular Article 13 thereof,

Whereas Article 13 (3) of Directive 89/106/EEC provides two different procedures for attestation of conformity for a product ; whereas Article 13 (4) requires the choice of the procedure within the meaning of Article 13 (3) for a given product or family of products to be specified by the Commission, after consulting the Standing Committee on Construction ;

Whereas this choice between the two procedures has to be specified according to the criteria laid down in Article 13 (4) ;

Whereas Article 13 (4) states that, in the case of each procedure, there is a requirement for the Commission to select the 'least onerous possible procedure consistent with safety' ; this means that it is necessary to decide whether, for a given product or family of products, the existence of a factory production control system under the

responsibility of the manufacturer is necessary and sufficient condition for an attestation of conformity, or whether, for reasons related to the satisfaction of the criteria laid down in Article 13 (4), the intervention of an approved certification body is required ;

Whereas Article 13 (4) requires that the procedure thus determined must be indicated in the mandates and in the technical specifications ; whereas, therefore, it is desirable to define the concept of products or family of products as used in the mandates and in the technical specifications ;

Whereas the two procedures in Article 13 (3) are described in detail in Annex III to Directive 89/106/EEC ; whereas it is necessary to specify clearly the methods by which the two procedures must be implemented, by reference to Annex III, for each product or family of products, since Annex III gives preference to certain systems ;

Whereas the procedure referred to in point (a) of Article 13 (3) corresponds to the systems set out in the first possibility without continuous surveillance, second and third possibilities of point (ii) of Section 2 of Annex III, and the procedure referred to in point (b) of Article 13 (3) corresponds to the systems set out in point (i) of Section 2 of Annex III, and in the first possibility with continuous surveillance of point (ii) of Section 2 Annex III ;

Whereas the Standing Committee for Construction was consulted, as required by Article 13 and according to the provisions of Article 20, and provided a favourable opinion on 27 September 1995,

<sup>(1)</sup> OJ No L 40, 11. 2. 1989, p. 12.

<sup>(2)</sup> OJ No L 220, 31. 8. 1993, p. 1.

HAS ADOPTED THIS DECISION :

assessment and surveillance of the production control or of the product itself.

*Article 1*

The products and families of products set out in Annex 1 shall have their conformity attested by a procedure whereby the manufacturer has under its sole responsibility a factory production control system ensuring that the product is in conformity with the relevant technical specifications.

*Article 3*

The procedure for attesting conformity as per Annex 3 shall be given in mandates for harmonized standards.

*Article 4*

This Decision is addressed to the Member States.

*Article 2*

The products set out in Annex 2 shall have their conformity attested by a procedure whereby, in addition to a factory production control system operated by the manufacturer, an approved certification body is involved in the

Done at Brussels, 24 October 1995.

*For the Commission*

Martin BANGEMANN

*Member of the Commission*

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*ANNEX 1*

- Chimneys, flues and specific products : chimney terminals.
- Gypsum products : plasterboards, blocks, ceiling elements and plasters, including the relevant ancillary products, different from those mentioned in Annex 2.
- Structural bearings : all types of structural bearings intended to be used in buildings and civil engineering works where requirements on individual bearings are not critical <sup>(1)</sup>.

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*ANNEX 2*

- Chimneys, flues and specific products : prefabricated chimneys (storey height elements), flue liners (elements or block), multi-shell chimney (elements or block), single walled chimneys blocks, kits of free standing chimneys and attached chimneys.
- Plasterboards and ceiling elements with thin laminations, fibrous gypsum boards, and composite panels (laminates) incorporating materials as Euroclass A, B, or C whose reaction to fire performance is susceptible to change during the production process and in which the incorporated material is placed on a face susceptible to be exposed to fire, including relevant ancillary products, intended to be used in walls, partitions or ceilings (or lining thereof) subject to reaction to fire requirements.
- Structural bearings : all types of structural bearings intended to be used in buildings and civil engineering works where requirements on individual bearings are critical <sup>(2)</sup>.

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<sup>(1)</sup> Not critical in the sense that those requirements may not, in case of failure of the bearing and under normal circumstances, put the works or parts thereof in states beyond those regarded as serviceability and ultimate limit states.

<sup>(2)</sup> Critical in the sense that those requirements may, in case of failure of the bearing, put the works or parts thereof in states beyond those regarded as serviceability and ultimate limit states.

## ANNEX 3

PRODUCT FAMILY :  
CHIMNEYS, FLUES AND SPECIFIC PRODUCTS (1/1)

**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, European Committee for Standardization, European Committee for Electrotechnical Standardization (CEN/Cenelec) are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

| Product(s)                                                                                                                                                                                                       | Intended use(s) | Level(s)<br>or<br>class(es)<br>(Reaction to fire) <sup>(1)</sup> | Attestation<br>of conformity<br>system(s) |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------------------------------------------|-------------------------------------------|
| Prefabricated chimneys (storey height elements), flue liners (elements or blocks), multi-shell chimney (elements or blocks), single walled chimneys blocks, kits of free standing chimneys and attached chimneys | Chimneys        | A                                                                | 2 + <sup>(2)</sup>                        |
| Chimney terminals                                                                                                                                                                                                | Chimneys        | A – B                                                            | 4 <sup>(3)</sup>                          |

<sup>(1)</sup> For reaction to fire, see Commission Decision 94/611/EC (OJ No L 241, 16. 9. 1994, p. 25).

<sup>(2)</sup> System 2 + : See Directive on construction products (CPD) Annex III.2(ii), first possibility, including certification of the factory production control by an approved body on the basis of its continuous surveillance, assessment and approval.

<sup>(3)</sup> System 4 : CPD Annex III.2(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

PRODUCT FAMILY :  
GYPSUM PRODUCTS (1/4)

**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s):

| Product(s)                                                                                                                                                                                                                                        | Intended use(s)                                                                               | Level(s)<br>or<br>class(es)<br>(Reaction to fire<br>of incorporated<br>materials) <sup>(1)</sup> | Attestation<br>of conformity<br>system(s)                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| Plasterboards and ceiling elements with thin laminations, fibrous gypsum boards, and composite panels (laminates) in which the incorporated material is placed on a face susceptible to be exposed to fire, including relevant ancillary products | In walls, partitions or ceilings (or lining thereof) subject to reaction to fire requirements | A – B – C <sup>(2)</sup><br>A – B – C <sup>(3)</sup><br>D – E – F                                | 1 <sup>(4)</sup><br>3 <sup>(5)</sup><br>4 <sup>(6)</sup> |

<sup>(1)</sup> For reaction to fire, see Commission Decision 94/611/EC.

<sup>(2)</sup> Materials under classes A, B or C for which the reaction to fire performance is susceptible to change during the production process (in general, those made with combustible raw materials) or has been altered by means of incorporating certain agents, like fire retarders.

<sup>(3)</sup> Materials under classes A, B or C for which the reaction to fire performance is not susceptible to change during the production process (in general those made with non-combustible raw materials).

<sup>(4)</sup> System 1 : See CPD Annex III.2(i), without audit-testing of samples.

<sup>(5)</sup> System 3 : See CPD Annex III.2(ii), Second possibility.

<sup>(6)</sup> System 4 : See CPD Annex III.2(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

**PRODUCT FAMILY :**  
**GYPSUM PRODUCTS (2/4)**

**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s) :

| Product(s)                                                                                         | Intended use(s)                                                                                                                              | Level(s)<br>or<br>class(es)<br>(Resistance to fire) | Attestation<br>of conformity<br>system(s) |
|----------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|-------------------------------------------|
| Plasterboards, blocks, ceiling elements and gypsum plasters, including relevant ancillary products | In walls, partitions or ceilings, as relevant, intended for fire protection of structural elements and/or fire compartmentation in buildings | Any                                                 | 3 <sup>(1)</sup>                          |

<sup>(1)</sup> System 3 : See CPD, Annex III.2.(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

**PRODUCT FAMILY :**  
**GYPSUM PRODUCTS (3/4)**

**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s) :

| Product(s)                                           | Intended use(s)                                                                     | Level(s)<br>or<br>class(es) | Attestation<br>of conformity<br>system(s) |
|------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------|
| Plasterboards, including relevant ancillary products | For stiffening timber-framed windloadbearing walls or timber roof struss structures | —                           | 3 <sup>(1)</sup>                          |

<sup>(1)</sup> System 3 : See CPD Annex III.2.(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

**PRODUCT FAMILY :  
GYPSUM PRODUCTS (4/4)**

**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s) :

| Product(s)                                                                                  | Intended use(s)                                                                                               | Level(s) or class(es) | Attestation of conformity system(s) |
|---------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------|
| Plasterboards, blocks, ceiling elements and plasters, including relevant ancillary products | In walls, partitions or ceilings, as relevant, for situations and uses not mentioned in (1/4), (2/4) or (3/4) | —                     | 4 <sup>(1)</sup>                    |

<sup>(1)</sup> System 4 : See CPD Annex III.2(ii), third possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2.1 of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.

**PRODUCT FAMILY :  
STRUCTURAL BEARINGS (1/1)**

**Systems of attestation of conformity**

For the product(s) and intended use(s) listed below, CEN/Cenelec are requested to specify the following system(s) of attestation of conformity in the relevant harmonized standard(s) :

| Product(s)          | Intended use(s)                                                                                                    | Level(s) or class(es) | Attestation of conformity system(s) |
|---------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------|
| Structural bearings | In buildings and civil engineering works where requirements on individual bearings are critical <sup>(1)</sup>     |                       | 1 <sup>(3)</sup>                    |
|                     | In buildings and civil engineering works where requirements on individual bearings are not critical <sup>(2)</sup> |                       | 3 <sup>(4)</sup>                    |

<sup>(1)</sup> 'Critical' in the sense that those requirements may, in case of failure of the bearing, put the works or parts thereof in states beyond those regarded as serviceability and ultimate limit states.

<sup>(2)</sup> 'Not critical' in the sense that those requirements may not, in case of failure of the bearing and under normal circumstances, put the works or parts thereof in states beyond those regarded as serviceability and ultimate limit states.

<sup>(3)</sup> System 1 : See CPD Annex III.2(i), without audit-testing of samples.

<sup>(4)</sup> System 3 : See CPD Annex III.2(ii), second possibility.

The specification for the system should be such that it can be implemented even where performance does not need to be determined for a certain characteristic, because at least one Member State has no legal requirement at all for such characteristic (see Article 2 (1) of the CPD and, where applicable, clause 1.2.3 of the Interpretative Documents). In those cases the verification of such a characteristic must not be imposed on the manufacturer if he does not wish to declare the performance of the product in that respect.