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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION DECISION No 2894/95/ECSC

of 15 December 1995

derogating from High Authority recommendation No 1/64 concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community (161st derogation)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the third paragraph of Article 71 thereof,

Having regard to High Authority recommendation No 1/64 of 15 January 1964 to the Governments of the Member States concerning an increase in the protective duty on iron and steel products at the external frontiers of the Community⁽¹⁾, as last amended by Commission recommendation 88/27/ECSC⁽²⁾, and in particular Article 3 thereof,

Whereas certain iron and steel products indispensable to the manufacture of certain goods and having very special physical and chemical characteristics are not produced in the Community, or produced in insufficient quantities; whereas for a number of years insufficiency has been overcome by duty-free tariff quotas; whereas Community producers are still not in a position to comply with the present quality requirements put forward by the users; whereas duty-free tariff quotas at a level securing the supply of users is consequently required;

Whereas import of these products on preferential terms is not injurious to iron and steel undertakings in the Community which produce directly competing products;

Whereas this tariff quota is unlikely to jeopardize the objectives of recommendation No 1/64, but will help to maintain existing trade flows between the Community and non-member countries;

Whereas these are special cases in the commercial policy field justifying the authorization of derogations pursuant to Article 3 of recommendation No 1/64;

Whereas it is necessary to make sure that the tariff quota granted will have no other function than meeting the specific needs of certain transforming industries;

Whereas the Governments of the Member States have been consulted on the tariff quota set out below,

⁽¹⁾ OJ No 8, 22. 1. 1964, p. 99/64.

⁽²⁾ OJ No L 15, 20. 1. 1988, p. 13.

HAS ADOPTED THIS DECISION :

Article 1

1. Member States are hereby authorized to derogate from the obligations arising pursuant to Article 1 of High Authority recommendation No 1/64 to the extent necessary to suspend at the levels indicated the customs duties on the products set out below, within the quantities of the tariff quota set out below :

Order number	CN code	Taric Code	Description of product	Amount quota (tonnes)	Quota duty (%)	End of quota period
09.2921	(a)		Flat-rolled products of iron or non alloy steel, of a width of 600 mm or more, cold-rolled (cold-reduced) not clad, plated or coated	50	0	31. 12. 1995
	ex 7209 12 90	* 10	Of a thickness exceeding 1 mm but less than 3 mm			
	ex 7209 13 90	* 10	Of a thickness of 0,5 mm or more but not exceeding 1 mm			
09.2922	(b)		Flat-rolled products of stainless steel, of a width of 600 mm or more	200	0	31. 12. 1995
	ex 7219 33 10	* 10	Of a thickness exceeding 1 mm but less than 3 mm containing by weight 2,5 % or more of nickel.			
	ex 7219 34 10	* 10	Of a thickness of 0,5 mm or more but not exceeding 1 mm, containing by weight 2,5 % or more of nickel.			

2. The abovementioned products must, in addition, comply with the following physical specifications :

(a) Products with the CN codes ex 7209 12 90 and ex 7209 13 90 :

High carbon steel with a carbon content of 0,64 % — 0,70 % for the production of process or transport belts with a permissible operating temperature of 400° C. Tensile strength 1 200 N/mm² (± 10 %). Other elements or properties following special technical specification (HM 1708).

(b) Products with the CN codes ex 7219 33 10 and ex 7219 34 10 :

stainless steel 'Nicro' for the production of process or transport belts with a permissible operating temperature of 350° C ;

type (i) Tensile strength 1050 N/mm² (± 10 %). Chemical composition : maximum carbon content 0,06 %. 13 % chromium content 4 % nickel content ;

type (ii) Tensile strength 1200 N/mm² (± 15 %). Chemical composition : maximum carbon content 0,09 %, 15 % chromium content, 7 % nickel content ;

other elements or properties following special technical specification (HM 1708).

Article 2

The tariff quotas referred to in Article 1 shall be managed by the Commission, which may take any appropriate administrative measures to ensure that they are managed efficiently.

Article 3

Where an importer presents a declaration covered by this Decision for release for free circulation in a Member State, applying to take advantage of the preferential arrangements, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its requirements from the appropriate quota volume.

Requests for drawings, indicating the date on which the entries were accepted, must be sent to the Commission without delay.

Drawings shall be granted by the Commission in chronological order of the dates on which the customs authorities of the Member States concerned accepted the entries for release for free circulation to the extent that the available balance so permits.

If a Member State does not use a drawing in full it shall return any unused portion to the corresponding quota volume as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, the balance shall be allocated among applicants *pro rata*. The Commission shall inform the Member States of the drawings made.

Article 4

Each Member State shall ensure that importers of the products in question have equal and continuous access to the quotas for as long as the balance of the relevant quota volume so permits.

Article 5

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

Article 6

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

It shall apply from 1 January until 31 December 1995.

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

Done at Brussels, 15 December 1995.

For the Commission

Leon BRITTAN

Vice-President

COMMISSION REGULATION (EC) No 2895/95

of 15 December 1995

amending Regulation (EEC) No 1318/93 on detailed rules for the application of
Council Regulation (EEC) No 2067/92 on measures to promote and market
quality beef and veal

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2067/92 of 30 July 1992 on measures to promote and market quality beef and veal⁽¹⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 1318/93⁽²⁾, as amended by Regulation (EC) No 3380/93⁽³⁾ lays down the detailed rules for the application of the above Regulation;

Whereas Article 4 (3) (b) of Regulation (EEC) No 1318/93 commits applicants to carrying out an assessment study of the measures undertaken, at the Commission's request; whereas Article 7 of that same Regulation provides for payment of an advance and successive payments on the basis of quarterly invoices;

Whereas, to ensure better monitoring of the measures carried out, provision should be made for systematic assessment of the measures by independent bodies;

Whereas there is a risk that the payments provided for will use up the Community contribution so that no balances remain to be paid; whereas, to avoid such a risk, and with the view to sound financial management, it

should be laid down that the advance and the various payments may not exceed 75 % of the Community contribution;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1318/93 is amended as follows:

1. Article 4 (3) (b) is replaced by the following:

'(b) that an assessment study will be carried out by an independent body within the time limit laid down in Article 7 (3), at the applicant's expense;'

2. The following subparagraph is added to Article 7 (2):

'However, the advance and payments referred to in paragraph 1 may not together exceed 75 % of the entire Community financial contribution.'

Article 2

This Regulation shall enter into force on 1 January 1996.

Article 1 (2) shall apply to contracts concluded from that date.

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 57.

⁽²⁾ OJ No L 132, 29. 5. 1993, p. 83.

⁽³⁾ OJ No L 303, 10. 12. 1993, p. 15.

COMMISSION DECISION No 2896/95/ECSC

of 24 October 1995

concerning the export of certain ECSC steel products from Romania to the
European Coal and Steel Community

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first paragraph of Article 95 thereof,

Whereas an Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community, of the one part, and Romania, of the other part⁽¹⁾ ('the Interim Agreement'), entered into force on 1 May 1993;

Whereas, following the entry into force of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, that Agreement has replaced the Interim Agreement⁽²⁾;

Whereas the situation relating to imports of certain steel products from Romania into the Community has been the subject of thorough examination; whereas, on the basis of relevant information supplied to them, the parties agreed that the solution acceptable to both parties is a double-checking system, without quantitative limits, for the import into the Community of certain steel products covered by the ECSC Treaty for an initial period between 1 March and 31 December 1995;

After consultation with the consultative committee and with the unanimous assent of the Council,

HAS ADOPTED THIS DECISION:

Article 1

1. The provisions of Commission recommendation No 3118/94/ECSC⁽³⁾ establishing a system of prior Community surveillance of imports of certain ECSC products during 1995 shall apply as regards the importation into

the Community of the products listed in Annex I and which originate in Romania.

2. For the period 1 March to 31 December 1995, import into the Community of the iron and steel products covered by the ECSC Treaty listed in Annex I and which originate in Romania shall, in addition, be subject to the issue of an export licence by the competent Romanian authorities.

3. The export licence shall conform to the model shown at Annex II. It shall be valid for exports throughout the customs territory of the Community.

Article 2

Member States shall provide the Commission with precise statistical information, for the purposes of forwarding to the Romanian authorities, on import authorizations issued by Member States in respect of the products listed in Annex I. Such information shall be supplied by Member States within three weeks of the end of the period following the month to which the statistics relate.

Article 3

Any notices to be given hereunder shall be given:

- in respect of the Community, to the Commission of the European Communities (DGI/D/2 and DG III/C/2),
- in respect of Romania, to the Romanian Mission to the European Communities; and the Ministry of Trade of Romania.

Article 4

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

It shall apply with effect from 1 March 1995.

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

Done at Brussels, 24 October 1995.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ No L 81, 2. 4. 1993, p. 2.

⁽²⁾ OJ No L 357, 31. 12. 1994, p. 1.

⁽³⁾ OJ No L 330, 21. 12. 1994, p. 6.

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

7201 10 11	7208 32 91	7210 70 39	7216 31 19	7222 10 81
7201 10 19	7208 32 99	7210 90 31	7216 31 91	7222 10 89
7201 10 30	7208 33 10	7210 90 33	7216 31 99	7222 30 10
7201 10 90	7208 33 91	7210 90 35	7216 32 11	7222 40 11
7201 20 00	7208 33 99	7210 90 39	7216 32 19	7222 40 19
7201 30 10	7208 34 10		7216 32 91	7222 40 30
7201 30 90	7208 34 90	7211 11 00	7216 32 99	
7201 40 00	7208 35 10	7211 12 10	7216 33 10	7224 10 00
	7208 35 90	7211 12 90	7216 33 90	7224 90 01
7202 11 20	7208 41 00	7211 19 10	7216 40 10	7224 90 05
7202 11 80	7208 42 10	7211 19 91	7216 40 90	7224 90 08
7202 99 11	7208 42 30	7211 19 99	7216 50 10	7224 90 15
	7208 42 51	7211 21 00	7216 50 91	7224 90 31
7203 90 00	7208 42 59	7211 22 10	7216 50 99	7224 90 39
	7208 42 91	7211 22 90	7216 90 10	
7204 50 10	7208 42 99	7211 29 10		7225 10 10
7204 50 90	7208 43 10	7211 29 91	7218 10 00	7225 10 91
	7208 43 91	7211 29 99	7218 90 11	7225 10 99
7206 10 00	7208 43 99	7211 30 10	7218 90 13	7225 20 20
7206 90 00	7208 44 10	7211 41 10	7218 90 15	7225 30 00
	7208 44 90	7211 41 91	7218 90 19	7225 40 10
7207 11 11	7208 45 10	7211 49 10	7218 90 50	7225 40 30
7207 11 14	7208 45 90	7211 90 11		7225 40 50
7207 11 16	7208 90 10		7219 11 10	7225 40 70
7207 12 10		7212 10 10	7219 11 90	7225 40 90
7207 19 11	7209 11 00	7212 10 91	7219 12 10	7225 50 10
7207 19 14	7209 12 10	7212 21 11	7219 12 90	7225 50 90
7207 19 16	7209 12 90	7212 29 11	7219 13 10	7225 90 10
7207 19 31	7209 13 10	7212 30 11	7219 13 90	
7207 20 11	7209 13 90	7212 40 10	7219 14 10	7226 10 10
7207 20 15	7209 14 10	7212 40 91	7219 14 90	7226 10 31
7207 20 17	7209 14 90	7212 50 31	7219 21 11	7226 10 39
7207 20 32	7209 21 00	7212 50 51	7219 21 19	7226 20 20
7207 20 51	7209 22 10	7212 60 11	7219 21 90	7226 91 10
7207 20 55	7209 22 90	7212 60 91	7219 22 10	7226 91 90
7207 20 57	7209 23 10		7219 22 90	7226 92 10
7207 20 71	7209 23 90	7213 10 00	7219 23 10	7226 99 20
	7209 24 10	7213 20 00	7219 23 90	
7208 11 00	7209 24 91	7213 31 20	7219 24 10	7227 10 00
7208 12 10	7209 24 99	7213 31 81	7219 24 90	7227 20 00
7208 12 91	7209 31 00	7213 31 89	7219 31 10	7227 90 10
7208 12 95	7209 32 10	7213 39 10	7219 31 90	7227 90 30
7208 12 98	7209 32 90	7213 39 90	7219 32 10	7227 90 50
7208 13 10	7209 33 10	7213 41 00	7219 32 90	7227 90 70
7208 13 91	7209 33 90	7213 49 00	7219 33 10	
7208 13 95	7209 34 10	7213 50 20	7219 33 90	7228 10 10
7208 13 98	7209 34 90	7213 50 81	7219 34 10	7228 10 30
7208 14 10	7209 41 00	7213 50 89	7219 34 90	7228 20 11
7208 14 91	7209 42 10		7219 35 10	7228 20 19
7208 14 99	7209 42 90	7214 20 00	7219 35 90	7228 20 30
7208 21 10	7209 43 10	7214 30 00	7219 90 11	7228 30 20
7208 21 90	7209 43 90	7214 40 10	7219 90 19	7228 30 41
7208 22 10	7209 44 10	7214 40 20		7228 30 49
7208 22 91	7209 44 90	7214 40 51	7220 11 00	7228 30 61
7208 22 95	7209 90 10	7214 40 59	7220 12 00	7228 30 69
7208 22 98		7214 40 80	7220 20 10	7228 30 70
7208 23 10	7210 11 10	7214 50 10	7220 90 11	7228 30 89
7208 23 91	7210 12 11	7214 50 31	7220 90 31	7228 60 10
7208 23 95	7210 12 19	7214 50 39		7228 70 10
7208 23 98	7210 20 10	7214 50 90	7221 00 10	7228 70 31
7208 24 10	7210 31 10	7214 60 00	7221 00 90	7228 80 10
7208 24 91	7210 39 10			7228 80 90
7208 24 99	7210 41 10	7215 90 10	7222 10 11	
7208 31 00	7210 49 10		7222 10 19	7301 10 00
7208 32 10	7210 50 10	7216 10 00	7222 10 21	
7208 32 30	7210 60 11	7216 21 00	7222 10 29	
7208 32 51	7210 60 19	7216 22 00	7222 10 31	
7208 32 59	7210 70 31	7216 31 11	7222 10 39	

ANNEX IIa

1 Exporter (Name, full address, country)	ORIGINAL		2 No	
	3 Year		4 Product group	
	EXPORT LICENCE (ECSC products)			
5 Consignee (Name, full address, country)	6 Country of origin		7 Country of destination	
	9 Supplementary details			
8 Place and date of shipment — Means of transport				
10 Description of goods — Manufacturer		11 CN code	12 Quantity ⁽¹⁾	13 FOB Value ⁽²⁾
14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community.				
15 Competent authority (name, full address, country)		At _____ on _____ (Signature) (Stamp)		

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight
⁽²⁾ In the currency of the sale contract

1 Exporter (Name, full address, country)	COPY		2 No	
	3 Year		4 Product group	
5 Consignee (Name, full address, country)	EXPORT LICENCE (ECSC products)			
	6 Country of origin		7 Country of destination	
8 Place and date of shipment — Means of transport	9 Supplementary details			
10 Description of goods — Manufacturer	11 CN code	12 Quantity ⁽¹⁾	13 FOB Value ⁽²⁾	
14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community.				
15 Competent authority (name, full adress, country)	At _____ on _____ (Signature) (Stamp)			

(¹) Show net weight (kg) and also quantity in the unit prescribed where other than net weight
(²) in the currency of the sale contract

ANNEX II b

FORM AND PRODUCTION OF EXPORT LICENCES

1. (i) The export licences shall measure 210 × 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². They shall be printed in English. If they are completed by hand, entries must be in ink and in printed script. These documents may comprise additional copies duly indicated as such. If the documents have several copies only the top copy is the original. This copy shall be clearly marked as original and other copies as copies. Only the original shall be accepted by the competent authorities of the Community as being valid for the control of export to the Community in accordance with the provisions of the double-checking system.
 - (ii) Each document shall bear a standardized serial number, whether or not printed, by which it can be identified. This number shall be composed of the following elements :
 - two letters identifying the exporting country as follows : RO,
 - two letters identifying the intended Member state of customs clearance as follows :
 - AT = Austria
 - BE = Belgium
 - DE = Germany
 - DK = Denmark
 - EL = Greece
 - ES = Spain
 - FI = Finland
 - FR = France
 - GB = United Kingdom
 - IE = Ireland
 - IT = Italy
 - LU = Luxembourg
 - NL = Netherlands
 - PT = Portugal
 - SE = Sweden,
 - a one-digit number identifying the year, corresponding to the last figure in the respective year, e.g. 5 for 1995,
 - a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
 - a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.
 2. The export licences may be issued after the shipment of the products to which they relate. In such cases they must bear an endorsement that they have been issued retrospectively.
 3. (i) In the event of a theft, loss or destruction of an export licence, the exporter may apply to the competent governmental authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such licence so issued shall bear an endorsement identifying it as a duplicate.
 - (ii) The duplicate shall bear the date of the original export licence.
-

COMMISSION REGULATION (EC) No 2897/95**of 15 December 1995****on the implementation of Article 1 of Council Decision 94/762/EC concerning the rules for the dissemination of the research results from the specific programmes of research, technological development and demonstration of the European Community**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 94/762/EC of 21 November 1994 concerning the rules for the dissemination of the research results from the specific programmes of research, technological development and demonstration of the European Community⁽¹⁾, and in particular Article 2 thereof,

Whereas, in Decision No 1110/94/EC⁽²⁾ the European Parliament and the Council adopted the fourth framework programme for Community research and technological development for the period 1994 to 1998, which states that the rules governing the dissemination of results are to be determined in a separate Council decision according to Article 130j of the Treaty;

Whereas such rules have been adopted in the form of Decision 94/762/EC; whereas Article 1 of that Decision sets out the rules applicable to the dissemination and exploitation of knowledge gained from specific research, technological development and demonstration (RTD) programmes adopted in accordance with Article 130i (4) of the Treaty and Article 2 (1) of the same Decision;

Whereas, under the terms of the introductory paragraph of Article 1 of Decision 94/762/EC, the rules set out therein are applicable while respecting pre-existing rights;

Whereas the 20th subparagraph of Annex III to Decision No 1110/94/EC states that the dissemination activities must be consistent and coordinated, which implies not only centralized management (as the third activity) but also dissemination arrangements within the specific programmes under the first activity; whereas such activities are to be developed within the legal framework set out by the Council through adoption of the rules governing dissemination of the know-how acquired under the specific programmes and the other arrangements for implementing the framework programme;

Whereas the Treaty states in its Article 130f that the Community shall have the objective of strengthening the

scientific and technological basis of Community industry and encouraging it to become more competitive at international level, while promoting all the research activities deemed necessary by virtue of other chapters of the Treaty;

Whereas shared-cost contracts have become the predominant means of implementing the Community's specific programmes of research and technological development, and account for the greatest portion of the total financing allocated for the entire framework programme;

Whereas under these contracts work is often carried out by several partners from both industry and the scientific world, working in cooperation to implement one or more research and technological development projects and having ownership of the results, since the Community does not generally involve itself directly in the work carried out under contracts of this kind;

Whereas the increasing number of these multi-partner projects and the industrial component in various programmes has necessitated the adoption of harmonized contractual clauses concerning the dissemination and exploitation of knowledge in connection with research and development contracts concluded by the Commission; whereas account must be taken of the results of this contractual practice, particularly in view of the large number of contracts and partners involved and the rights which they have established;

Whereas the arrangements created through this contractual practice were taken up in Council Decision 92/272/EEC⁽³⁾ and Commission Regulation (EC) No 1990/94⁽⁴⁾ adopting the dissemination and exploitation rules for the third framework programme; whereas the same are basically consistent with the rules set out in Article 1 of Decision 94/762/EC;

Whereas the Council and the Commission adopted on 26 June 1992 a joint declaration on the negotiating approach in respect of intellectual property aspects of scientific and

⁽¹⁾ OJ No L 306, 30. 11. 1994, p. 5.

⁽²⁾ OJ No L 126, 18. 5. 1994, p. 1.

⁽³⁾ OJ No L 141, 23. 5. 1992, p. 1.

⁽⁴⁾ OJ No L 200, 3. 8. 1994, p. 4.

technical agreements between the Community and third countries, which underlines the need to safeguard the interests of the parties to such agreements and to encourage the adoption of international standards;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee set up by Decision 94/762/EC,

HAS ADOPTED THIS REGULATION :

Article 1

1. This Regulation adopts the arrangements for implementing the rules laid down in Article 1 of Decision 94/762/EC. It shall apply to knowledge resulting from the implementation of these programmes through work undertaken direct by or financed wholly by, the Community, or work undertaken under a shared-cost contract. It shall also apply to the information concerning and relevant to such knowledge.

2. For the purposes of this Regulation :

- (1) 'knowledge' means results and inventions, whether patentable or not, obtained either directly by the Community through its own research means, or in the execution of a research and technological development contract concluded between the Community and third parties ;
- (2) 'background information' means information, excluding knowledge, and any rights related to such information, held by any contractor in the same, or related, fields of research under his or her shared-cost contract ;
- (3) 'contractor' means any party which has concluded a shared-cost contract with the Community, and any affiliate of any party as defined in that contract ; it shall also include, where applicable, the Community, where the latter not only funds but actually carries out part of the work under a shared-cost contract, alongside and in a similar manner to the relevant co-contractors ;
- (4) 'co-contractor' means the parties having concluded the same shared-cost contract with the Community ;
- (5) 'project' means one or several shared-cost contracts where the tasks covered are technically interdependent, and which the parties to those contracts agree to consider as such under contractually defined conditions ;
- (6) 'programme' means any of the programmes mentioned in paragraph 1 ;
- (7) 'commercial conditions' means open market payment and other conditions ;
- (8) 'preferential conditions' means conditions that have a value lower than commercial conditions ;
- (9) 'transfer conditions' means conditions that have a value lower than preferential conditions, normally the cost of making licences and user rights available.

Article 2

1. Knowledge resulting from work under a shared-cost contract shall be owned by the contractors who carry out the work.

2. When two or more contractors undertake work under a shared-cost contract, they shall come to an agreement between themselves on the allocation of ownership rights over the knowledge concerned.

3. If, under the applicable rules, the persons employed or engaged by the parties to a shared-cost contract may claim rights over the knowledge, the contractors shall take appropriate steps or reach agreement so as to ensure that such rights may be exercised in a manner compatible with the proper fulfilment of their obligations under such shared-cost contract pursuant to this Regulation.

Article 3

1. Contractors shall ensure that knowledge belonging to them which could be used in an industrial or commercial application and whose nature justifies such a measure is protected to the extent required in the interests of the Community and of the contractors themselves and in accordance with any applicable legal or contractual obligation.

2. At the request or with the consent of the contractors the Commission may, to the extent required in the interests of the Community and the said contractors, take adequate steps to protect the knowledge in a country of its choice, if the contractors are unable or unwilling to secure such protection on their own behalf of the knowledge belonging to them. In such an event the Commission shall take upon itself such obligations regarding the granting of licences for the use or exploitation of the knowledge in the country concerned as would have been assumed by the contractors had they protected the knowledge on their own behalf, and the contractors concerned shall be granted a non-exclusive licence in that country, under such conditions as may be set out in the shared-cost contract.

Article 4

1. Contractors participating in the same project shall, on a royalty-free basis, make available and grant licences and user rights to each other, in respect of knowledge, to the extent necessary for the proper implementation of the work carried out under their respective shared-cost contracts.

2. Subject to Article 16, the knowledge generated by any contractor shall be made available to other contractors participating in the same programme and necessary user rights and licences shall be granted on transfer conditions, to the extent required for the execution of such other contractor's own research and technological development work under their shared-cost contracts, provided that suitable arrangements required by the contractor are concluded to ensure that the knowledge will not be used for any other purpose than that for which it was supplied.

The same conditions shall apply to contractors who are taking part in other programmes in associated fields or with related objectives and who are established in the Community and engaged in research and technological development activities there, provided that their shared-cost contracts place the contractors under an obligation to grant equivalent access to their own knowledge.

3. Any person established in the Community engaged in research and technological development activities there shall be entitled to request, on preferential conditions, any licences or user rights concerning the knowledge which are necessary for the conduct of his or her research and technological development activities in fields identical or related to that covered by the shared-cost contract through which the knowledge is obtained.

There shall be no refusal to grant such licences and user rights other than for reasons stipulated in the shared-cost contracts, namely the major business interests of the contractors or the interests of the Community. The granting of such licences and user rights may, however, be refused if the owner of the knowledge or any of his licensees has taken or is taking adequate steps to exploit or commercialize the knowledge in the Community.

4. The Community shall, at its request and for research and technological development work in pursuance of Community policies conducted by its Joint Research Centre for direct action activities in accordance with Community framework programmes (namely its institutional non-competitive work) and conducted by joint

undertakings or any other structure set up on the basis of Article 130n of the Treaty, be granted a royalty-free non-exclusive licence for the use of the knowledge for research purposes, but shall keep such knowledge confidential and not be entitled to grant sub-licences.

Article 5

1. The contractors shall be required to develop, exploit or commercialize the knowledge which they own, or to have it developed, exploited or commercialized within a contractually agreed period, in accordance with the Community's interests and taking account of:

- the objective of strengthening the international competitiveness of Community industry,
- economic and social cohesion in the Community,
- the needs of other Community policies in support of which the RTD activities are carried out, and
- the existence of scientific and technical cooperation agreements between the Community and third countries, or international organizations.

The Commission may, with the consent of the contractors concerned, take steps to encourage the use or exploitation of this knowledge in accordance with the interests of the Community.

2. All contractors taking part in the same project shall be entitled to exploit or commercialize knowledge resulting from that project and to have granted to them any licences and user rights regarding such knowledge which are necessary for the purposes of exploitation or commercialization. Such licences and user rights shall not confer the right to grant sub-licences except with the formal consent of the owner of the knowledge, and no fee shall be payable for them, unless the shared-cost contracts stipulate other appropriate terms and exploitation arrangements based on the nature of the project and on the specific requirements of products generated by it, the commercial or non-commercial role of each contractor and its contribution to the project.

3. Subject to Article 16, each shared-cost contract shall specify the circumstances under which other contractors taking part in the same programme may have granted to them user rights and licences covering the knowledge resulting from that contract which are necessary for the exploitation or commercialization of the knowledge obtained under their project in the same programme on preferential conditions.

The same conditions shall apply to contractors who are taking part in other programmes in associated fields or with related aims and are established in the Community and engaged in research and development activities there, provided that their shared-cost contracts place the contractors under the obligation to provide equivalent access to their own knowledge on favourable conditions.

4. Any person established in the Community who has a legitimate interest in obtaining rights or licences to exploit or commercialize the knowledge shall be entitled to request that such rights or licences be granted to him or her on commercial conditions unless the owner of the knowledge or his or her licensees have taken adequate steps to exploit or commercialize the knowledge, or to have it exploited or commercialized, within the agreed period.

Subject to Article 16, there shall be no refusal to grant the licences or user rights mentioned in paragraph 3 and in this paragraph other than for reasons stipulated in the shared-cost contracts, namely the major business interests of the contractors or the interests of the Community, provided that such business interests do not improperly restrict the exploitation and commercialization of the knowledge in the Community. The granting of such licences and user rights may namely be refused when they relate to products, or the manufacture thereof, or to services, which are or are about to become commercially available.

Article 6

1. The specific arrangements for giving effect to the rights and obligations pursuant to Articles 4 and 5, particularly regarding its duration, shall be laid down in the shared-cost contracts.

2. When concluding subcontracts or associated contracts as defined in their shared-cost contract, contractors shall ensure, through the inclusion of appropriate clauses, that both the provisions of this Regulation and their contractual obligations towards the Community are respected.

3. Where the rate of Community funding significantly deviates from the general rule (50 %) or where such deviation is required by the particular nature of the project, the shared-cost contracts may provide terms and conditions for making the knowledge available, other than those set out in Articles 4 and 5.

Article 7

All contractors shall use reasonable care and diligence to determine the extent to which the knowledge is or may

be subject to contractual, regulatory or legal limitations, obligations or restrictions that might limit or affect the dissemination of the knowledge and background information and thus substantially impede the smooth running of the project or the exploitation and commercialization of the knowledge obtained through the project.

They shall inform their co-contractors and other parties to the project, either before signing the shared-cost contract or without delay after work on the project has commenced, to enable the latter to assess the impact of the limitations, obligations and restrictions in question, according to a procedure to be set out in the shared-cost contracts.

Article 8

1. Knowledge resulting from work undertaken direct by, or financed wholly by, the Community shall be owned by the Community unless if otherwise provided in the relevant programme decision or contractual agreement.

2. The Commission shall ensure that knowledge belonging to the Community which could be used for an industrial or commercial application and whose nature justifies such a measure is protected to the extent required by the interests of the Community and in accordance with any applicable legal or contractual obligation.

3. Knowledge belonging to the Community shall be made available to the contractors and to interested third parties established in the Community who need the knowledge for their research and technological development work or who undertake to exploit it in conformity with the Community's interests. Such provision of knowledge may be subject to appropriate conditions, particularly concerning the payment of fees.

Article 9

1. Every shared-cost contract shall specify conditions under which, at the request of the parties concerned and on payment of an appropriate fee, the background information held by a contractor may be made available to other contractors participating in the same project.

Within the same project, background information shall be made available and related user rights granted where and to the extent that such are necessary for the performance of the requesting party's research and technological development work under that project and the contractor holding the background information is free to disclose it and to grant the related user rights.

2. The shared-cost contracts shall also specify the conditions for making available, on payment and at the request of other contractors participating in the same programme or in programmes in associated fields or with related aims, background information which is necessary for the use of the knowledge made available in accordance with Article 4 (2) and (3). Such conditions shall in particular take into account any restrictions on the diffusion or the availability of background information, as well as the legitimate interests of its holder.

Article 10

1. The Commission shall publish general information on the aims, total estimated cost and financial contribution from the Community, duration of research and technological development work undertaken, together with general information on the progress to date and the results achieved by projects carried out under the programmes. The official designation of the bodies carrying out the work defined in the shared-cost contract shall also be published, together with the names of the laboratories involved, unless the contractors forbid this on justified industrial or commercial grounds when that contract is signed.

When providing for such publication, the Commission shall respect the confidentiality of commercially sensitive information.

2. The contractors shall agree with the Commission on the specific procedures for the publication of knowledge or any information of a quality and interest which warrant wide dissemination, provided that there are no objections to publication on the grounds of legitimate commercial interests, protection of intellectual property rights or the confidential nature of the knowledge and information. They are required to provide the Commission with the information for publication as specified in paragraph 1.

Subject to Article 3, a contractor may, for academic purposes, publish knowledge which it solely owns, provided the Commission and the co-contractors have been provided with a copy of the intended publication and have raised no written objections on justified industrial or commercial grounds within one month of its receipt.

Article 11

1. The contractors shall inform the Commission of the results of research and technological development work, shall state whether and to what extent they intend to have their intellectual property rights protected, and shall subsequently report on the action taken in this respect.

2. On completion of the research and technological development work undertaken under the shared-cost

contracts, the contractors shall, within a contractually agreed period, provide the Commission with a dissemination plan setting out their intentions regarding dissemination and exploitation of the results, and subsequently report on the action taken in this respect.

3. The Commission and the contractors concerned shall define to the full extent required a policy for the restricted and confidential dissemination of the reports concerning knowledge gained through the execution of the shared-cost contracts to the governments of the Member States, taking account of the major commercial interests of both the said contractors and the interests of the Community.

4. With the explicit agreement of the contractors concerned, the Commission may communicate the reports referred to in paragraphs 1, 2 and 3 confidentially to a non-member country or international organization under a convention or agreement concerning the exchange of information concluded between the Community and the country or organization in question.

Article 12

1. At the request of persons or bodies established in the Community and having a legitimate interest in accordance with the principles of this Regulation, the contractors shall provide them with all appropriate information on the existence of knowledge and the intellectual property rights relating to such knowledge.

The Commission may inform these persons and bodies of the existence of this knowledge and those rights, to the extent that such knowledge and rights are explicitly mentioned provided pursuant to Article 10 (2).

2. The Commission may communicate confidentially to other Community institutions the reports mentioned in Article 11 (3), to the extent properly required by them.

Article 13

1. Without prejudice to Article 10 and subject to conditions to be specified in the shared-cost contracts, the Commission and the contractors shall respect the confidential nature of the facts, information, knowledge, documents and other elements communicated to them confidentially, where disclosure could be prejudicial to one or the other of the parties.

2. When disclosing confidential information, pursuant to this Regulation, the Commission and the contractors shall require the recipient to keep the information confidential and to use it only for the purpose for which it was disclosed.

Article 14

For the entire duration of their shared-cost contract, and for a further two years following its expiry or termination, contractors shall, subject to Article 13, give reasonable and appropriate notification to standardization bodies of knowledge obtained under that shared-cost contract which may contribute to the development of European or international standards. The Commission shall inform the contractors as far as possible of any standardization work under way or planned.

Article 15

All communications or publications concerning progress to date or the results of work carried out under a shared-cost contract, including such communications or publications as are made in connection with seminars or conferences, must make appropriate mention of the programme under which the work was done or the results were obtained, and of the aid provided by the Community.

Article 16

1. If persons established in a third country are entitled to take part in work under a programme, the shared-cost contracts will specify the terms of access to knowledge for such persons, on the basis of mutual advantage, taking account of the relevant provisions of any applicable agreements, the nature of project and the scale of their participation in the programme in question.

2. Specific contractual arrangements shall give effect to the principles applicable to the participation of States having concluded with the Community an agreement associating them with a programme or part of a programme, so as to ensure in particular compliance with the provisions of such agreement concerning dissemination, evaluation and exploitation of knowledge in the framework of the relevant programme or part of a programme.

3. In specific cases involving certain programmes centred on geographically-restricted areas of cooperation or economic development aid, provisions may be included in the programmes and contracts concerned, authorizing the dissemination of appropriate information or the communication of certain knowledge to recipients not covered by agreements with the Community on scientific and technological cooperation. The specific arrangements for such dissemination shall be laid down in agreement with those possessing the knowledge concerned.

Article 17

This Regulation shall not affect any provision contained in decisions adopting specific programmes which is intended to set out in more detail, to supplement or to subject to conditions or limitations the rules laid down in Article 1 of Decision 94/762/EC.

Article 18

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 15 December 1995.

For the Commission

Édith CRESSON

Member of the Commission

COMMISSION REGULATION (EC) No 2898/95

of 15 December 1995

concerning verification of compliance with quality standards for bananas

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 of 13 February 1993 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 4 thereof,

Whereas, pursuant to Articles 2 to 4 of Regulation (EEC) No 404/93, Commission Regulation (EC) No 2257/94 ⁽³⁾ lays down quality standards for bananas to be delivered fresh to the consumer; whereas those quality standards apply to bananas imported from third countries at the stage of release for free circulation, to bananas originating in the Community at the stage of first landing at a Community port and to bananas delivered fresh to the consumer in the producing region at the stage of leaving the packing shed;

Whereas measures should be adopted to ensure uniform application of the rules, in particular as regards conformity checks;

Whereas, while taking due account of the nature of a highly perishable product and of the marketing practices and inspection procedures used in the trade, it should be laid down that checks on conformity are to be carried out in principle at the stage to which the standards apply as laid down in the second paragraph of Article 1 of Regulation (EC) No 2257/94;

Whereas a product which has satisfied checks at that stage is deemed to comply with the standards; whereas that assessment should be without prejudice to any unannounced checks carried out subsequently up to the ripening depot stage;

Whereas the check on conformity must not be systematic but random, by assessment of an overall sample taken at random from the lot selected for checking by the competent body and assumed to be representative of that lot; whereas, for that purpose, the appropriate provisions of Commission Regulation (EEC) No 2251/92 of 29 July

1992 on quality inspection of fresh fruit and vegetables ⁽⁴⁾, as last amended by Regulation (EC) No 3148/94 ⁽⁵⁾, should be made applicable, in the light of the practice and experience acquired in this sector;

Whereas the banana trade is subject to strong competition; whereas the traders concerned have themselves introduced strict checks; whereas checks should not, therefore, be carried out at the stage laid down on traders who offer suitable guarantees as regards staff and handling facilities and who can guarantee that the bananas they market in the Community conform with Community standards; whereas such exemptions must be granted by the Member State on the territory of which the check must in principle be carried out; whereas such exemptions must be withdrawn where the standards and conditions relating thereto are not met;

Whereas, in order for checks to be carried out, information must be supplied to the competent agencies by the traders concerned;

Whereas the certificate of conformity issued upon completion of the checks should not constitute an accompanying document for the bananas up to the final stage of marketing, but a document of proof of the conformity of the bananas with Community standards up to the ripening depot stage, in accordance with the scope of the standard, to be presented at the request of the competent authorities; whereas it should be stressed that bananas not conforming with the standards laid down in Regulation (EC) No 2257/94 may not be marketed for fresh consumption in the Community;

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

HAS ADOPTED THIS REGULATION:

Article 1

Member States shall carry out checks in accordance with this Regulation to verify that bananas falling within CN code ex 0803 intended for delivery fresh to the consumer conform with the quality standards laid down in Regulation (EC) No 2257/94.

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 245, 20. 9. 1994, p. 6.

⁽⁴⁾ OJ No L 219, 4. 8. 1992, p. 9.

⁽⁵⁾ OJ No L 332, 22. 12. 1994, p. 28.

Article 2

Bananas produced in the Community shall be subject to a check on their conformity with Community quality standards before loading onto a means of transport with a view to marketing fresh. Such checks may be carried out at the packing plant.

Bananas which are marketed outside their region of production shall be subject to unannounced checks when they are first unloaded elsewhere in the Community.

The checks referred to in the preceding subparagraphs shall be carried out subject to application of Article 7.

Article 3

Before release for free circulation, bananas imported from third countries shall be subject to checks on their conformity with Community quality standards in the Member State of first unloading in the Community, subject to the application of Article 7.

Article 4

1. Verification of conformity shall be carried out in accordance with Article 2 and Article 3, with the exception of paragraph 7 thereof, of Regulation (EEC) No 2251/92.

2. For products which, for technical reasons, cannot be checked for conformity upon first unloading in the Community, checks shall be carried out subsequently, at the latest on arrival at the ripening depot and in any case, as regards products imported from third countries, before release for free circulation.

3. On completion of the conformity check, a certificate drawn up in accordance with Annex I shall be issued for merchandise whose compliance with the standard has been ascertained.

The inspection certificate issued for bananas originating in third countries shall be presented to the customs authorities for release of those products for free circulation in the Community.

4. In the event of non-compliance, Article 3 (9) *et seq.* of Regulation (EEC) No 2251/92 shall apply.

5. Where the competent authority has not inspected certain merchandise, it shall place its official stamp on the notification provided for in Article 5 or, failing that, in the case of imported products it shall duly inform the customs authorities by any other appropriate means.

6. Traders shall provide all the facilities required by the competent agency for carrying out verifications pursuant to this Regulation.

Article 5

The trader concerned or his representative, who does not qualify for the exemption provided for in Article 7, shall provide the competent agency in good time with all the information necessary for identification of the lots and detailed information on the place and date of packing and shipping for bananas harvested in the Community, the planned place and date of unloading in the Community for bananas from third countries or from Community regions of production and deliveries to ripening depots for bananas which cannot be checked when they are first unloaded in the Community.

Article 6

1. Conformity checks shall be carried out by the departments or agencies designated by the competent national authorities. Such agencies must present suitable guarantees for carrying out such checks, in particular as regards equipment, training and experience.

2. The competent national authorities may delegate responsibility for carrying out checks to private bodies approved for that purpose which :

- (a) have inspectors who have followed a training course recognized by the competent authority ;
- (b) have the equipment and facilities necessary for carrying out the verifications and analyses required for the checks ; and
- (c) have adequate facilities for communicating information.

3. The competent authorities shall periodically check the execution and efficiency of checks. They shall withdraw approval where they find anomalies or irregularities which could affect the correct execution of checks or where the requirements are no longer met.

Article 7

1. Traders marketing bananas harvested in the Community or bananas imported from third countries shall not be subject to the checks on conformity with quality standards at the stages referred to in Articles 2 and 3 where they :

- (a) have staff experienced in quality standards and handling and inspection facilities ;
- (b) keep records of the operations they carry out ; and
- (c) present guarantees that the quality of bananas they market conforms with Community standards.

Traders exempted from checks shall obtain a certificate of exemption in accordance with the specimen shown in Annex II.

2. Exemption from checks shall be granted, at the request of the trader concerned, by the inspection departments or agencies appointed by the competent national authorities of either the Member State of production, for bananas marketed in the Community production region, or the Member State of unloading, for Community bananas marketed elsewhere in the Community and bananas imported from third countries. Exemption from checks shall be granted for a maximum period of three years and shall be renewable. Such exemption shall apply to the whole of the Community market for products unloaded in the Member State which granted the exemption.

Those departments or agencies shall withdraw the exemption where they detect anomalies or irregularities which could affect the conformity of bananas with the standards or where the conditions set out in paragraph 1 are no longer met. Withdrawal shall be either temporary or permanent, according to the gravity of the deficiencies detected.

Member States shall establish a register of banana traders exempted from checks, allocate them a registration number and take appropriate steps to disseminate such information.

3. The competent departments or agencies of the Member States shall periodically verify the quality of bananas marketed by the traders referred to in paragraph 1 and compliance with the conditions set out therein. Exempted traders shall also provide all the facilities required for carrying out such verifications.

They shall notify the Commission of the list of traders granted the exemption provided for in this Article and of any withdrawals of exemption.

Article 8

This Regulation shall apply without prejudice to any unannounced spot checks carried out subsequently up to the ripening depot stage.

Article 9

This Regulation shall enter into force on 1 April 1996.

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

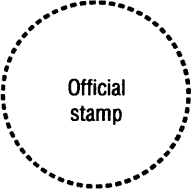
Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

1. Trader/importer ⁽¹⁾		Inspection certificate EC No (This certificate is for the exclusive use of inspection agencies)	
2. Packer identified on packaging (if other than the trader/importer)		3. Inspection authority	
		4. Place of inspection/ country of origin ⁽²⁾	5. Region or country of destination
6. Identification of means of transport		7. Check at destination (where appropriate)	7. A. ☐ Internal ☐ Import ☐ Export
8. Packaging (number and type)	9. Type of product (variety if the standard so provides)	10. Quality class	11. Total weight in kg gross/net ⁽¹⁾
12. The abovementioned inspection authority hereby certifies, following inspection by sampling, that the abovementioned goods corresponded at the time of inspection to the quality standards in force. Customs office: entry/exit ⁽¹⁾ Period of validity: days Inspector: (name in block capitals) Place and date of issue Signature 			
13. Remarks:			

⁽¹⁾ Delete as appropriate.

⁽²⁾ Where the product is re-exported, indicate its origin in Box 9.

*ANNEX II***Certificate of exemption from verification of compliance with quality standards for bananas**

Trader exempted :
(name, company name, address)

Registration number issued by the competent inspection department or agency :

Competent department or agency :
(name, address)

Date of issue of certificate :

Period of validity of certificate :

Signature and/or official stamp of the competent Department or agency :

COMMISSION REGULATION (EC) No 2899/95

of 15 December 1995

amending Regulation (EEC) No 3846/87 establishing an agricultural product nomenclature for export refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1538/95 ⁽²⁾, and in particular Article 17 (14) thereof,Whereas Commission Regulation (EC) No 2448/95 of 10 October 1995 amending Annex I to Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽³⁾ provides for amendments for certain products falling within CN codes 0403, 0404 and 0405 from 1 January 1996; whereas the classification of certain cheeses falling within CN code 0406 is reserved for imports;Whereas Commission Regulation (EEC) No 3846/87 ⁽⁴⁾, as last amended by Regulation (EC) No 2806/95 ⁽⁵⁾ establishes, on the basis of the combined nomenclature, an agricultural product nomenclature for refunds; whereas that nomenclature should be amended accordingly;

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

HAS ADOPTED THIS REGULATION:

Article 1

Sector 10 of the Annex to Regulation (EEC) No 3846/87 is hereby amended as follows:

- the information relating to headings CN 0403 10 to 0403 10 36 is replaced by the information given in Annex I hereto,
- the information relating to heading CN 0404 90 is replaced by the information given in Annex II hereto,
- the information relating to heading CN 0405 is replaced by the information in Annex III hereto,
- the information relating to subheadings 0406 90 02 to 0406 90 06 is deleted,
- in notes 4 and 5, the references to Article 2 (3) of Regulation (EEC) No 1098/68 are replaced by references to Article 12 (3) of Regulation (EC) No 1466/95,
- in note 6, heading CN 0406 90 93 is deleted.

*Article 2*This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 January 1996.

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 148, 30. 6. 1995, p. 17.⁽³⁾ OJ No L 259, 30. 10. 1995, p. 1.⁽⁴⁾ OJ No L 366, 24. 12. 1987, p. 1.⁽⁵⁾ OJ No L 291, 6. 12. 1995, p. 14.

ANNEX I

CN code	Description of goods	Product code
'ex 0403 10	— Yogurt :	
	— — Not flavoured nor containing added fruit or cocoa :	
	— — — Not containing added sugar or other sweetening matter, of a fat content, by weight :	
0403 10 11	— — — — Not exceeding 3 % :	
	— — — — — Not exceeding 1,5 % :	
	— — — — — Other than in powder, granules or other solid forms (1)	0403 10 11 400
	— — — — — Exceeding 1,5 % :	
	— — — — — Other than in powder, granules or other solid forms (1)	0403 10 11 800
0403 10 13	— — — — Exceeding 3 % but not exceeding 6 % :	
	— — — — — Other than in powder, granules or other solid forms (1)	0403 10 13 800
0403 10 19	— — — — Exceeding 6 % :	
	— — — — — Other than in powder, granules or other solid forms (1)	0403 10 19 800
	— — — Other, of a fat content, by weight (2) :	
0403 10 31	— — — — Not exceeding 3 % :	
	— — — — — Not exceeding 1,5 % :	
	— — — — — Other than in powder, granules or other solid forms (1)	0403 10 31 400
	— — — — — Exceeding 1,5 % :	
	— — — — — Other than in powder, granules or other solid forms (1)	0403 10 31 800
0403 10 33	— — — — Exceeding 3 % but not exceeding 6 % :	
	— — — — — Other than in powder, granules or other solid forms (1)	0403 10 33 800
0403 10 39	— — — — Exceeding 6 % :	
	— — — — — Other than in powder, granules or other solid forms (1)	0403 10 39 800

ANNEX II

Code NC	Désignation des marchandises	Code des produits
0404 90	— Other :	
	— — Not containing added sugar or other sweetening matter, of a fat content by weight :	
0404 90 21	— — — Not exceeding 1,5 % :	
	— — — — In powder or granules ⁽²⁾	0404 90 21 100
	— — — — Other ⁽¹⁾ , of a non-fat lactic dry matter content :	
	— — — — — Of less than 15 % by weight	0404 90 21 910
	— — — — — Of 15 % or more by weight	0404 90 21 950
0404 90 23	— — — Exceeding 1,5 % but not exceeding 27 % :	
	— — — — In powder or granules ⁽²⁾ :	
	— — — — — Of a fat content by weight :	
	— — — — — — Not exceeding 11 %	0404 90 23 120
	— — — — — — Exceeding 11 % but not exceeding 17 %	0404 90 23 130
	— — — — — — Exceeding 17 % but not exceeding 25 %	0404 90 23 140
	— — — — — — Exceeding 25 %	0404 90 23 150
	— — — — Other than in powder or granules ⁽¹⁾ :	
	— — — — — Of a non-fat lactic dry matter content of less than 15 % by weight and a fat content by weight :	
	— — — — — — Not exceeding 3 %	0404 90 23 911
	— — — — — — Exceeding 3 % but not exceeding 6 %	0404 90 23 913
	— — — — — — Exceeding 6 % but not exceeding 10 %	0404 90 23 915
	— — — — — — Exceeding 10 % but not exceeding 17 %	0404 90 23 917
	— — — — — — Exceeding 17 %	0404 90 23 919
	— — — — — Of a non-fat lactic dry matter content of not less than 15 % by weight and a fat content by weight :	
	— — — — — — Not exceeding 3 %	0404 90 23 931
	— — — — — — Exceeding 3 % but not exceeding 7,4 %	0404 90 23 933
	— — — — — — Exceeding 7,4 % but not exceeding 8 %	0404 90 23 935
	— — — — — — Exceeding 8 % but not exceeding 10 %	0404 90 23 937
	— — — — — — Exceeding 10 %	0404 90 23 939
ex 0404 90 29	— — — Exceeding 27 % :	
	— — — — In powder or granules ⁽²⁾ , of a fat content by weight :	
	— — — — — Not exceeding 28 %	0404 90 29 110
	— — — — — Exceeding 28 % but not exceeding 29 %	0404 90 29 115
	— — — — — Exceeding 29 % but not exceeding 41 %	0404 90 29 120
	— — — — — Exceeding 41 % but not exceeding 45 %	0404 90 29 130
	— — — — — Exceeding 45 % but not exceeding 59 %	0404 90 29 135
	— — — — — Exceeding 59 % but not exceeding 69 %	0404 90 29 150
	— — — — — Exceeding 69 % but not exceeding 79 %	0404 90 29 160
	— — — — — Exceeding 79 %	0404 90 29 180

Code NC	Désignation des marchandises	Code des produits
	— — Other, of a fat content by weight :	
0404 90 81	— — — Not exceeding 1,5 % :	
	— — — — In powder or granules (*)	0404 90 81 100
	— — — — Other, of a non-fat lactic dry matter content :	
	— — — — — Of less than 15 % by weight (*)	0404 90 81 910
	— — — — — Of 15 % or more by weight (°)	0404 90 81 950
ex 0404 90 83	— — — Exceeding 1,5 % but not exceeding 27 % :	
	— — — — In powder or granules (*) :	
	— — — — — Of a fat content by weight :	
	— — — — — — Not exceeding 11 %	0404 90 83 110
	— — — — — — Exceeding 11 % but not exceeding 17 %	0404 90 83 130
	— — — — — — Exceeding 17 % but not exceeding 25 %	0404 90 83 150
	— — — — — — Exceeding 25 %	0404 90 83 170
	— — — — Other than in powder or granules :	
	— — — — — Of a non-fat lactic dry matter content of less than 15 % by weight and a fat content by weight (*) :	
	— — — — — — Not exceeding 3 %	0404 90 83 911
	— — — — — — Exceeding 3 % but not exceeding 6 %	0404 90 83 913
	— — — — — — Exceeding 6 % but not exceeding 10 %	0404 90 83 915
	— — — — — — Exceeding 10 % but not exceeding 17 %	0404 90 83 917
	— — — — — — Exceeding 17 %	0404 90 83 919
	— — — — — Of a non-fat lactic dry matter content of not less than 15 % by weight and a fat content by weight (*) :	
	— — — — — — Not exceeding 3 %	0404 90 83 931
	— — — — — — Exceeding 3 % but not exceeding 6,9 %	0404 90 83 933
	— — — — — — Exceeding 6,9 % but not exceeding 9,5 %	0404 90 83 935
	— — — — — — Exceeding 9,5 % but not exceeding 21 %	0404 90 83 937
0404 90 89	— — — Exceeding 27 % :	
	— — — — In powder or granules, of a fat content by weight (*) :	
	— — — — — Not exceeding 41 %	0404 90 89 130
	— — — — — Exceeding 41 %	0404 90 89 150
	— — — — Other than in powder or granules, of a fat content by weight (*) :	
	— — — — — Not exceeding 39 %	0404 90 89 930
	— — — — — Exceeding 39 % but not exceeding 45 %	0404 90 89 950
	— — — — — Exceeding 45 %	0404 90 89 990'

ANNEX III

CN code	Description of goods	Product code
'ex 0405	Butter and other fats and oils derived from milk; dairy spreads:	
0405 10	— Butter:	
	— — Of a fat content, by weight, not exceeding 85 %:	
	— — — Natural butter:	
0405 10 11	— — — — In immediate packings of a net content not exceeding 1 kg:	
	— — — — — Of a fat content by weight:	
	— — — — — — Of 80 % or more but less than 82 %	0405 10 11 500
	— — — — — — Of 82 % or more	0405 10 11 700
0405 10 19	— — — — Other:	
	— — — — — Of a fat content by weight:	
	— — — — — — Of 80 % or more but less than 82 %	0405 10 19 500
	— — — — — — Of 82 % or more	0405 10 19 700
0405 10 30	— — — Recombined butter:	
	— — — — In immediate packings of a net content not exceeding 1 kg:	
	— — — — — Of a fat content by weight:	
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 100
	— — — — — — Of 82 % or more	0405 10 30 300
	— — — — Other:	
	— — — — — Of a fat content by weight:	
	— — — — — — Of 80 % or more but less than 82 %	0405 10 30 500
	— — — — — — Of 82 % or more	0405 10 30 700
0405 10 50	— — — Whey butter:	
	— — — — In immediate packings of a net content not exceeding 1 kg:	
	— — — — — Of a fat content by weight:	
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 100
	— — — — — — Of 82 % or more	0405 10 50 300
	— — — — Other:	
	— — — — — Of a fat content by weight:	
	— — — — — — Of 80 % or more but less than 82 %	0405 10 50 500
	— — — — — — Of 82 % or more	0405 10 50 700
0405 10 90	— — Other	0405 10 90 000
ex 0405 20	— Dairy spreads:	
0405 20 90	— — Of a fat content by weight of more than 75 % but less than 80 %:	
	— — — Of a fat content by weight:	
	— — — — Of more than 75 % but less than 78 %	0405 20 90 500
	— — — — Of 78 % or more	0405 20 90 700
0405 90	— Other:	
0405 90 10	— — Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 000
0405 90 90	— — Other	0405 90 90 000'

COMMISSION REGULATION (EC) No 2900/95

of 15 December 1995

fixing an export tax in relation to the product falling within CN code 1001 90 99

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 16 thereof,

Whereas Article 16 of Council Regulation (EEC) No 1766/92 provides that where quotations or prices on the world market for certain products reach the level of Community prices and such situation is likely to continue and deteriorate thereby disturbing or threatening to disturb the Community market, appropriate measures may be taken; whereas Article 15 of Commission Regulation (EC) No 1501/95⁽³⁾ provides that where such conditions are met, an export tax may be fixed and may vary according to the destination;

Whereas prices on the world market for common wheat have reached the level of those in the Community and the trend in those prices is that they will increase; whereas this situation is likely to lead to an excessive export of common wheat from the Community; whereas it has therefore been decided to apply an export tax to this product at a level which will avoid disturbance to the Community market;

Whereas export licences issued for common wheat in November 1995 are still valid; whereas their validity was already limited as a precautionary measure to 30 days in

order to restrict quantities; whereas it is not necessary to penalize those licences or licences under Commission Regulation (EC) No 2372/95⁽⁴⁾ for the supply of the ACP countries; whereas it is necessary to ensure that prices remain stable over a certain period; whereas, as a result, this measure should apply only to licences issued from the date of entry into force of this Regulation;

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 export tax referred to in Article 15 of Regulation (EC) No 1501/95, for the product falling within CN code 1001 90 99 is fixed at the level set out in the Annex to this Regulation.

2. However, that tax shall not apply to export licences issued before the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 242, 11. 10. 1995, p. 3.

ANNEX

CN code	Level of export tax in ECU/tonne
1001 90 99	25,00

COMMISSION REGULATION (EC) No 2901/95

of 15 December 1995

on the issuing of export licences for fruit and vegetables with advance fixing of the refund

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

Having regard to Commission Regulation (EC) No 1488/95 of 28 June 1995 on implementing rules for export refunds on fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2702/95 ⁽²⁾, and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EC) No 1489/95 ⁽³⁾, as last amended by Regulation (EC) No 2703/95 ⁽⁴⁾, specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

Whereas Article 4 of Regulation (EC) No 1488/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted;

Whereas, in view of the information available to the Commission as of today, the quantities of 76 539 tonnes of oranges and 14 616 tonnes of apples in Annex I to Regulation (EC) No 1489/95, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1488/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 12 December 1995;

Whereas a reducing factor should, accordingly, be applied to the quantities of apples and oranges applied for on 12 December 1995, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for apples and oranges for which applications are submitted on 12 December 1995 pursuant to Article 1 of Regulation (EC) No 1489/95 shall be issued for 1,55 % and 0,92 % respectively of the quantities applied for apples and oranges.

Applications for export licences with advance fixing of the refund for the above products submitted after 12 December 1995 and before 3 January 1996 shall be rejected.

Article 2

This Regulation shall enter into force on 16 December 1995.

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 145, 29. 6. 1995, p. 68.

⁽²⁾ OJ No L 280, 23. 11. 1995, p. 30.

⁽³⁾ OJ No L 145, 29. 6. 1995, p. 75.

⁽⁴⁾ OJ No L 280, 23. 11. 1995, p. 31.

COMMISSION REGULATION (EC) No 2902/95
of 15 December 1995
amending the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the export refunds on poultrymeat were fixed by Commission Regulation (EC) No 2864/95⁽³⁾;

Whereas it follows from foreseen criteria contained in Article 8 of Regulation (EEC) No 2777/75 to the informa-

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to Regulation (EC) No 2864/95 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 18 December 1995.

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

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

⁽³⁾ OJ No L 300, 13. 12. 1995, p. 9.

ANNEX

to the Commission Regulation of 15 December 1995 altering the export refunds on poultrymeat

Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾
		ECU/100 units			ECU/100 kg
0105 11 11 000	01	2,00	0207 22 10 000	04	8,00
0105 11 19 000	01	2,00	0207 22 90 000	04	8,00
0105 11 91 000	01	2,00	0207 41 11 900	04	8,00
0105 11 99 000	01	2,00	0207 41 51 900	04	8,00
0105 19 10 000	01	3,50	0207 41 71 190	04	8,00
		ECU/100 kg	0207 41 71 290	04	8,00
0207 21 10 900	02	30,00	0207 42 10 990	04	15,00
	03	8,00	0207 42 51 000	04	6,50
0207 21 90 190	02	33,00	0207 42 59 000	04	6,50
	03	8,00			

⁽¹⁾ The destinations are as follows :

01 All destinations except the United States of America,

02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon, Iran, Armenia, Azerbaijan, Georgia, Russia, Uzbekistan and Tajikistan,

03 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic and those of 02 above,

04 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia and the Czech Republic.

⁽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 and Regulation (EC) No 2815/95 are observed.

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

COMMISSION REGULATION (EC) No 2903/95

of 15 December 1995

determining the percentage of quantities covered by applications for export
licences for poultrymeat which may be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1372/95 of 16 June 1995 laying down detailed rules for implementing the system of export licences in the poultrymeat sector⁽¹⁾, as last amended by Regulation (EC) No 2841/95⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Regulation (EC) No 1371/95 provides for specific measures where applications for export licences concern quantities and/or expenditure which exceed the normal trade patterns or where there is a risk that they will be exceeded, taking account of the limit referred to in Article 8 (12) of Council Regulation (EEC) No 2777/75⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and by Regulation (EC) No 3290/94⁽⁴⁾, and/or the corresponding expenditure during the period in question;

Whereas the market for certain poultrymeat products is affected by uncertainties; whereas the refunds currently applicable for these products could lead to applications being made for export licences for speculative purposes; whereas there is a risk that the issue of certificates for the quantities applied for from 11 to 13 December 1995 may lead to the quantities corresponding to the normal trade

patterns for the products concerned being exceeded; whereas applications for which export licences have not yet been granted should be rejected for the products concerned and acceptance coefficients applying to the quantities requested should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences for poultrymeat submitted pursuant to Regulation (EC) No 1372/95 shall be dealt with as follows:

1. for applications from 11 to 13 December 1995, 100 % of the quantities applied for in the case of categories 3, 4, 5, 7 and 8 referred to in Annex I to the abovementioned Regulation shall be accepted;
2. for applications from 11 to 13 December 1995, 42,5 % of the quantities applied for in the case of category 6 referred to in Annex I to the abovementioned Regulation shall be accepted.

Article 2

This Regulation shall enter into force on 18 December 1995.

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽²⁾ OJ No L 296, 9. 12. 1995, p. 8.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 349, 31. 12. 1994, p. 105.

COMMISSION REGULATION (EC) No 2904/95**of 15 December 1995****establishing the standard import values for determining the entry price of
certain fruit and vegetables**

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 December 1995.

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 167, 18. 7. 1995, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 15 December 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 45	052	47,2	0805 30 40	052	77,4
	060	80,2		388	67,5
	064	59,6		400	73,2
	066	41,7		512	54,8
	068	62,3		520	66,5
	204	106,4		524	100,8
	208	44,0		528	94,7
	212	117,9		600	73,2
	624	138,1		624	78,0
	999	77,5		999	76,2
0707 00 40	052	77,6	0808 10 92, 0808 10 94, 0808 10 98	052	80,2
	053	166,9		064	78,6
	060	61,0		388	39,2
	066	53,8		400	81,4
	068	60,4		404	57,9
	204	49,1		508	68,4
	624	115,9		512	51,2
	999	83,5		524	57,4
0709 10 40	220	244,5	0808 20 67	528	48,0
	999	244,5		728	95,7
0709 90 79	052	175,9		800	78,0
	204	77,5		804	21,0
	624	172,6		999	63,1
	999	142,0		052	143,7
0805 10 61, 0805 10 65, 0805 10 69	052	44,3		064	76,3
	204	52,5		388	79,6
	388	40,5		400	83,7
	600	58,4		512	89,7
	624	48,0		528	84,1
	999	48,7		624	79,0
0805 20 31	204	80,7		728	115,4
	624	79,7		800	55,8
	999	80,2		804	112,9
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	59,0		999	92,0
	464	52,9			
	624	77,2			
	999	63,0			

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

COMMISSION REGULATION (EC) No 2905/95
of 15 December 1995
amending representative prices and additional duties for the import of certain
products in the sugar sector

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as amended by Regulation (EC) No 2528/95 ⁽⁴⁾, 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 ⁽⁵⁾, as last amended by Regulation (EC) No 2825/95 ⁽⁶⁾;

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 16 December 1995.

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 258, 28. 10. 1995, p. 50.

⁽⁵⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁶⁾ OJ No L 292, 7. 12. 1995, p. 19.

ANNEX

to the Commission Regulation of 15 December 1995 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	23,75	4,42
1701 11 90 ⁽¹⁾	23,75	9,66
1701 12 10 ⁽¹⁾	23,75	4,23
1701 12 90 ⁽¹⁾	23,75	9,23
1701 91 00 ⁽²⁾	29,09	10,69
1701 99 10 ⁽²⁾	29,09	6,17
1701 99 90 ⁽²⁾	29,09	6,17
1702 90 99 ⁽³⁾	0,29	0,36

⁽¹⁾ 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).

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

⁽³⁾ By 1 % sucrose content.

**COMMISSION REGULATION (EC) No 2906/95
of 15 December 1995**

**providing for the rejection of applications for export licences in relation to
products falling within CN code 1001 90 99**

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

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

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 2147/95 ⁽⁴⁾, and in particular Article 7 (3) thereof,

Whereas the quantity covered by applications for advance fixing of refunds on common wheat is of great importance and could give rise to speculation ;

Whereas it has therefore been decided to reject all applications for export licences of such products made on 14 and 15 December 1995,

HAS ADOPTED THIS REGULATION :

Article 1

In accordance with Article 7 (3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN code 1001 90 99 made on 14 and 15 December 1995 shall be rejected.

Article 2

This Regulation shall enter into force on 16 December 1995.

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ No L 215, 9. 9. 1995, p. 4.

COMMISSION REGULATION (EC) No 2907/95

of 15 December 1995

making the release for free circulation of salmon of EEA origin conditional upon observance of a floor price

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Agreement on the European Economic Area, and in particular Articles 112 (1) and 113 (3) thereof,

Whereas with continually reducing unit costs of production of farmed salmon, the price of this product has fallen steadily since 1987; whereas, however, since late October 1995 a fall in the import price of farmed Norwegian salmon has arisen that is too sharp and too sudden to be accounted for by a fall in the cost of production; whereas Norway is the world's leading producer and exporter of farmed salmon; whereas this recent fall in price has been triggered by the very high level of production in Norway in 1995;

Whereas the great majority of Community salmon and salmon trout farms are in peripheral areas where there is no alternative industry or employment; whereas, therefore, damage to the salmon and salmon trout farming industry causes serious economic and societal difficulties in the regions concerned;

Whereas the three major markets for farmed salmon are Japan, the United States of America and the European Community; whereas Norwegian sales to Japan of farmed salmon fell in 1995; whereas Norwegian sales for farmed salmon to the United States of America are at present affected by a 26 % anti-dumping duty; whereas, therefore, if measures are not taken the difficulties on the EU market for farmed salmon will persist or deteriorate further;

Whereas the markets for salmon and for salmon trout can be considered as economically one market; whereas, however, the safeguard measure being proposed in this Regulation is the minimum protective measure strictly necessary to remedy the situation;

Whereas the duration proposed for the measure is six months; whereas, in accordance with Article 113 (5) of the EEA Agreement, it will, however, be the subject of consultations in the EEA Joint Committee after three months with a view to abolition or limitation of its scope before that date;

Whereas in accordance with Article 113 (1) of the EEA Treaty at the EEA Joint Committee meeting of 22 November 1995 the issue was raised; whereas at the subsequent meeting of 15 December 1995, the Contracting Parties were notified that taking safeguard measures was being considered;

Whereas the exceptional circumstances now prevailing require immediate action to prevent prices falling still further thus causing even greater disturbance on the Community market; whereas this urgency precludes waiting until the prior examination of the EEA Joint Committee has been concluded; whereas, therefore, the Community must apply the protective measure immediately;

Whereas in accordance with Article 112 (3) of the EEA Agreement the measures shall apply to all Contracting Parties,

HAS ADOPTED THIS REGULATION:

Article 1

From the day this Regulation is published until 30 June 1996, the release for free circulation of salmon originating in the European Economic Area and falling within CN code 0302 12 00 shall be subject to the condition that the customs value as determined in accordance with the provisions in force be no less than the amount listed in the Annex.

Article 2

Products already on their way to the Community on the date of publication of this Regulation in the *Official Journal of the European Communities* shall not be subject to the condition laid down in Article 1.

Article 3

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

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

Done at Brussels, 15 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

AMOUNT REFERRED TO IN ARTICLE 1

Presentation	Amount
Whole	3 400 ecus/tonne

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 2/95 OF THE ASSOCIATION COUNCIL,

association between the European Communities and their Member States, of the one part, and Romania, of the other part

of 28 November 1995

concerning the export of certain ECSC steel products from Romania to the Community

(95/534/ECSC)

THE ASSOCIATION COUNCIL,

Whereas the Contract Group referred to in Article 11 of Protocol 2 of the Interim Agreement on trade and trade-related matters between the European Economic Community and the European Coal and Steel Community ('the Community') of the one part and Romania of the other part⁽¹⁾ (hereinafter referred to as 'the Interim Agreement'), which entered into force on 1 May 1993, and on 18 and 19 October 1994 to discuss trends in imports of ECSC products from Romania into the Community and recognized the need to find appropriate solutions within the framework of Article 28 (1) of the Interim Agreement in order to ensure that the attainment of the objectives of the Interim Agreement would not be jeopardized;

Whereas, in view of the possible difficulties which might arise from such imports, the Contact Group decided to refer the matter to the Joint Committee referred to in Article 39 of the Interim Agreement;

Whereas, following the entry into force of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part, that Agreement has replaced the Interim Agreement; whereas the Association Council established under the Europe Agreement has now assumed responsibility for decision-making and has therefore been seized of this measure;

Whereas the Parties are desirous to promote the orderly and equitable development of trade in steel between the Community and Romania;

Whereas the Association Council, having been supplied with all relevant information, has determined that the solution acceptable to the two parties is a double-checking system, without quantitative limits, for the import into the Community of certain steel products covered by the ECSC Treaty for an initial period between 1 March and 31 December 1995,

HAS DECIDED AS FOLLOWS:

Article 1

1. The Community shall continue to apply the system of prior Community surveillance of imports of certain ECSC products during 1995 established by Commission Recommendation No 3118/94/ECSC⁽²⁾ as regards the importation into the Community of the products listed in Annex I which originate in Romania.

2. For the period 1 March to 31 December 1995, import into the Community of the iron and steel products covered by the ECSC Treaty listed in Annex I and which originate in Romania shall, in addition, be subject to the issue of an export licence by the competent Romanian authorities.

⁽¹⁾ OJ No L 81, 2. 4. 1993, p. 2. Agreement as last amended by the Exchange of Letters (OJ No L 178, 12. 7. 1994, p. 76).

⁽²⁾ OJ No L 330, 21. 12. 1994, p. 6.

3. The export licence shall conform to the model shown at Annex II. It shall be valid for exports throughout the customs territory of the Community.

4. Romania shall notify the Commission of the European Communities of the names and addresses of the appropriate Romanian governmental authorities which are authorized to issue and to verify export licences together with specimens of the stamps and signatures they use. Romania shall also notify the Commission of any change in these particulars.

Article 2

1. Romania undertakes to supply the Community with precise statistical information on the export licences issued by the Romanian authorities pursuant to Article 1. Such information shall be transmitted to the Community by the end of the period following the month to which the statistics relate.

2. The Community undertakes to supply the Romanian authorities with precise statistical information on import authorizations issued by Member States in respect of the products listed in Annex I. Such information shall be transmitted to the Romanian authorities by the end of the period following the month to which the statistics relate.

Article 3

If necessary, at the request of either of the Parties, consultations shall be held on any problems arising from the operation of this Decision. Such consultations shall be held promptly. Any consultations held under this Article shall be approached by both Parties in a spirit of coopera-

tion and with a desire to reconcile the difference between them.

Article 4

Any notices to be given hereunder shall be given :

- in respect of the Community, to the Commission of the European Communities (DG I/D/2 and DG III/C/2),
- in respect of Romania, to the Romanian Mission to the European Communities; and the Ministry of Trade of Romania.

Article 5

This Decision shall be binding on both the Community and Romania which shall take the measures necessary to implement it.

Article 6

This Decision shall enter into force on the date of signature.

It shall apply with effect from 1 March 1995.

Done at Brussels, 28 November 1995.

For the Association Council

The President

J. SOLANA

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

7201 10 11	7208 32 91	7210 70 39	7216 31 19	7222 10 81
7201 10 19	7208 32 99	7210 90 31	7216 31 91	7222 10 89
7201 10 30	7208 33 10	7210 90 33	7216 31 99	7222 30 10
7201 10 90	7208 33 91	7210 90 35	7216 32 11	7222 40 11
7201 20 00	7208 33 99	7210 90 39	7216 32 19	7222 40 19
7201 30 10	7208 34 10		7216 32 91	7222 40 30
7201 30 90	7208 34 90	7211 11 00	7216 32 99	
7201 40 00	7208 35 10	7211 12 10	7216 33 10	7224 10 00
	7208 35 90	7211 12 90	7216 33 90	7224 90 01
7202 11 20	7208 41 00	7211 19 10	7216 40 10	7224 90 05
7202 11 80	7208 42 10	7211 19 91	7216 40 90	7224 90 08
7202 99 11	7208 42 30	7211 19 99	7216 50 10	7224 90 15
	7208 42 51	7211 21 00	7216 50 91	7224 90 31
7203 90 00	7208 42 59	7211 22 10	7216 50 99	7224 90 39
	7208 42 91	7211 22 90	7216 90 10	
7204 50 10	7208 42 99	7211 29 10		7225 10 10
7204 50 90	7208 43 10	7211 29 91	7218 10 00	7225 10 91
	7208 43 91	7211 29 99	7218 90 11	7225 10 99
7206 10 00	7208 43 99	7211 30 10	7218 90 13	7225 20 20
7206 90 00	7208 44 10	7211 41 10	7218 90 15	7225 30 00
	7208 44 90	7211 41 91	7218 90 19	7225 40 10
7207 11 11	7208 45 10	7211 49 10	7218 90 50	7225 40 30
7207 11 14	7208 45 90	7211 90 11		7225 40 50
7207 11 16	7208 90 10		7219 11 10	7225 40 70
7207 12 10		7212 10 10	7219 11 90	7225 40 90
7207 19 11	7209 11 00	7212 10 91	7219 12 10	7225 50 10
7207 19 14	7209 12 10	7212 21 11	7219 12 90	7225 50 90
7207 19 16	7209 12 90	7212 29 11	7219 13 10	7225 90 10
7207 19 31	7209 13 10	7212 30 11	7219 13 90	
7207 20 11	7209 13 90	7212 40 10	7219 14 10	7226 10 10
7207 20 15	7209 14 10	7212 40 91	7219 14 90	7226 10 31
7207 20 17	7209 14 90	7212 50 31	7219 21 11	7226 10 39
7207 20 32	7209 21 00	7212 50 51	7219 21 19	7226 20 20
7207 20 51	7209 22 10	7212 60 11	7219 21 90	7226 91 10
7207 20 55	7209 22 90	7212 60 91	7219 22 10	7226 91 90
7207 20 57	7209 23 10		7219 22 90	7226 92 10
7207 20 71	7209 23 90	7213 10 00	7219 23 10	7226 99 20
	7209 24 10	7213 20 00	7219 23 90	
7208 11 00	7209 24 91	7213 31 20	7219 24 10	7227 10 00
7208 12 10	7209 24 99	7213 31 81	7219 24 90	7227 20 00
7208 12 91	7209 31 00	7213 31 89	7219 31 10	7227 90 10
7208 12 95	7209 32 10	7213 39 10	7219 31 90	7227 90 30
7208 12 98	7209 32 90	7213 39 90	7219 32 10	7227 90 50
7208 13 10	7209 33 10	7213 41 00	7219 32 90	7227 90 70
7208 13 91	7209 33 90	7213 49 00	7219 33 10	
7208 13 95	7209 34 10	7213 50 20	7219 33 90	7228 10 10
7208 13 98	7209 34 90	7213 50 81	7219 34 10	7228 10 30
7208 14 10	7209 41 00	7213 50 89	7219 34 90	7228 20 11
7208 14 91	7209 42 10		7219 35 10	7228 20 19
7208 14 99	7209 42 90	7214 20 00	7219 35 90	7228 20 30
7208 21 10	7209 43 10	7214 30 00	7219 90 11	7228 30 20
7208 21 90	7209 43 90	7214 40 10	7219 90 19	7228 30 41
7208 22 10	7209 44 10	7214 40 20		7228 30 49
7208 22 91	7209 44 90	7214 40 51	7220 11 00	7228 30 61
7208 22 95	7209 90 10	7214 40 59	7220 12 00	7228 30 69
7208 22 98		7214 40 80	7220 20 10	7228 30 70
7208 23 10	7210 11 10	7214 50 10	7220 90 11	7228 30 89
7208 23 91	7210 12 11	7214 50 31	7220 90 31	7228 60 10
7208 23 95	7210 12 19	7214 50 39		7228 70 10
7208 23 98	7210 20 10	7214 50 90	7221 00 10	7228 70 31
7208 24 10	7210 31 10	7214 60 00	7221 00 90	7228 80 10
7208 24 91	7210 39 10			7228 80 90
7208 24 99	7210 41 10	7215 90 10	7222 10 11	
7208 31 00	7210 49 10		7222 10 19	7301 10 00
7208 32 10	7210 50 10	7216 10 00	7222 10 21	
7208 32 30	7210 60 11	7216 21 00	7222 10 29	
7208 32 51	7210 60 19	7216 22 00	7222 10 31	
7208 32 59	7210 70 31	7216 31 11	7222 10 39	

ANNEX IIa

1 Exporter (Name, full address, country)	ORIGINAL		2 No	
	3 Year		4 Product group	
	EXPORT LICENCE (ECSC products)			
5 Consignee (Name, full address, country)	6 Country of origin		7 Country of destination	
	8 Place and date of shipment — Means of transport			
9 Supplementary details				
10 Description of goods — Manufacturer		11 CN code	12 Quantity ⁽¹⁾	13 FOB Value ⁽²⁾
14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community.				
15 Competent authority (name, full adress, country)		At _____ on _____ (Signature) (Stamp)		

⁽¹⁾ Show net weight (kg) and also quantity in the unit prescribed where other than net weight
⁽²⁾ In the currency of the sale contract

(¹) Show net weight (kg) and also quantity in the unit prescribed where other than net weight
 (²) In the currency of the sale contract

1 Exporter (Name, full address, country)	COPY		2 No				
	3 Year		4 Product group				
	EXPORT LICENCE (ECSC products)						
5 Consignee (Name, full address, country)					6 Country of origin		7 Country of destination
8 Place and date of shipment — Means of transport		9 Supplementary details					
10 Description of goods — Manufacturer		11 CN code		12 Quantity (¹)		13 FOB Value (²)	
14 CERTIFICATION BY THE COMPETENT AUTHORITY I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the Product group shown in box No 4 by the provisions regulating trade in ECSC products with the European Community.							
15 Competent authority (name, full address, country)		At _____ on _____ (Signature) (Stamp)					

ANNEX II b

FORM AND PRODUCTION OF EXPORT LICENCES

1. (i) The export licences shall measure 210 × 297 mm. The paper used shall be white writing paper, sized, not containing mechanical pulp, and weighing not less than 25 g/m². They shall be printed in English. If they are completed by hand, entries must be in ink and in printed script. These documents may comprise additional copies duly indicated as such. If the documents have several copies only the top copy is the original. This copy shall be clearly marked as original and other copies as copies. Only the original shall be accepted by the competent authorities of the Community as being valid for the control of export to the Community in accordance with the provisions of the double-checking system.
 - (ii) Each document shall bear a standardized serial number, whether or not printed, by which it can be identified. This number shall be composed of the following elements :
 - two letters identifying the exporting country as follows : RO,
 - two letters identifying the intended Member state of customs clearance as follows :
 - AT = Austria
 - BE = Belgium
 - DE = Germany
 - DK = Denmark
 - EL = Greece
 - ES = Spain
 - FI = Finland
 - FR = France
 - GB = United Kingdom
 - IE = Ireland
 - IT = Italy
 - LU = Luxembourg
 - NL = Netherlands
 - PT = Portugal
 - SE = Sweden,
 - a one-digit number identifying the year, corresponding to the last figure in the respective year, e.g. 5 for 1995,
 - a two-digit number from 01 to 99, identifying the particular issuing office concerned in the exporting country,
 - a five-digit number running consecutively from 00001 to 99999 allocated to the intended Member State of customs clearance.
 2. The export licences may be issued after the shipment of the products to which they relate. In such cases they must bear an endorsement that they have been issued retrospectively.
 3. (i) In the event of a theft, loss or destruction of an export licence, the exporter may apply to the competent governmental authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such licence so issued shall bear an endorsement identifying it as a duplicate.
 - (ii) The duplicate shall bear the date of the original export licence.
-

COMMISSION

COMMISSION DECISION

of 1 December 1995

on an additional financial contribution from the Community for the eradication of classical swine fever in Germany

(Only the German text is authentic)

(95/535/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Decision 90/424/EEC of 26 June 1990 on expenditure in the veterinary field⁽¹⁾, as last amended by Decision 94/370/EC⁽²⁾, and in particular Article 3 (4) thereof,

Whereas the Commission adopted Decision 95/79/EC of 13 March 1995 on an additional financial contribution from the Community for the eradication of classical swine fever in Germany⁽³⁾; whereas this Community financial contribution could be obtained for outbreaks of classical swine fever reported during the period of January to December 1995;

Whereas eradication should be continued, in view of the serious danger to the Community's pig population which this disease represents, by means of a new financial contribution from the Community to make good the losses sustained by pig farmers;

Whereas as soon as the presence of the disease was officially confirmed the German authorities took appropriate measures which included the measures listed in Article 3 (2) of Council Decision 90/424/EEC; whereas these measures were notified by the German authorities;

Whereas the conditions for a new financial contribution from the Community have been met;

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

Germany may obtain an additional financial contribution from the Community for the outbreaks of classical swine fever which occurred on its territory between 1 January and 31 December 1995. The contribution by the Community shall amount to:

- 50 % of the costs incurred by Germany in compensating owners for the slaughter and destruction of pigs and the destruction of pig products,
- 50 % of the costs incurred by Germany for the cleaning, disinsectization and disinfection of equipment and holdings,
- 50 % of the costs incurred by Germany in compensating owners for the destruction of contaminated feedingstuffs and equipment.

Article 2

1. The Community financial contribution shall be granted after the supporting documents have been submitted.

2. The documents referred to in paragraph 1 shall include:

(a) An epidemiological report covering each pig holding on which pigs have been slaughtered. The report shall contain information on the subjects given below:

(i) Infected holdings

- location and address,
- date and suspicion of disease and date of confirmation,
- number and date of pigs slaughtered and destroyed,
- method of killing and destruction,

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.

⁽³⁾ OJ No L 65, 23. 5. 1995, p. 31.

- type and number of samples collected and examined at the time of suspicion of the disease. Results of examinations performed,
- type and number of samples collected and examined at the time of depopulation of infected pig holding. Results of examination performed,
- source of infection as assumed on the basis of a completed epidemiological investigation.

(ii) Contact holdings

- as listed under (i), indents 1, 3, 4 and 6,
- infected holding (outbreak) with which contact has been confirmed or assumed; nature of contact.

- (b) Financial report including list of the beneficiaries and their location, number of animals slaughtered, date of slaughter and amount paid.

Article 3

1. Germany shall forward the supporting documents referred to in Article 2 not later than six months after the notification of this Decision.
2. Nevertheless, Germany can, at its request, benefit from an advance payment of the amount of ECU 8 400 000.

Article 4

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 1 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION**of 6 December 1995****amending Commission Decisions 92/160/EEC and 93/197/EEC in relation to the regionalization of Egypt for the imports of registered horses****(Text with EEA relevance)****(95/536/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and imports from third countries of equidae⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 13 (2), 15 (a) and 16 thereof,Whereas Commission Decision 92/160/EEC⁽²⁾, as last amended by Decision 92/161/EEC⁽³⁾, established the regionalization of certain third countries for imports of equidae; whereas the introduction into the Community of registered horses from Egypt are restricted to the re-entry of registered horses which have been temporarily exported to the metropolitan area of Cairo and to the temporary admission of registered horses from the said area;

Whereas following a Commission veterinary inspection mission to Egypt the animal health situation as regards diseases in equidae appears to be under satisfactory control by well structured and organized veterinary services;

Whereas Egypt has been free of dourine, glanders and vesicular stomatitis for more than 6 months and Venezuelan equine encephalomyelitis has never occurred and vaccination against this disease is not practised;

Whereas African horse sickness has not occurred in Egypt for more than 30 years and vaccination against this disease, which has been carried out in a part of the equine population in the southern governorates Assuan, Qena and Sohaq until 1994, has been discontinued since more than 1 year;

Whereas the veterinary authorities of Egypt have guaranteed to notify within 24 hours by telefax, telegramme or telex to the Commission and the Member States the confirmation of any infectious or contagious disease in equidae mentioned in Annex A of Directive 90/426/EEC and any change in the vaccination or import policy in respect of equidae;

Whereas the veterinary authorities of Egypt have provided certain guarantees in respect of movement control for equidae into a defined area and a serological survey was successfully completed; whereas therefore the requirements of Articles 5 and 13 (2) of Directive 90/426/EEC are fulfilled;

Whereas the animal health conditions must be adopted according to the animal health situation of the third country concerned; whereas the present case relates only to registered horses;

Whereas Commission Decisions 92/160/EEC and 93/197/EEC⁽⁴⁾ must be amended accordingly;

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

HAS ADOPTED THIS DECISION:

*Article 1*In the Annex to Decision 92/160/EEC the words 'Egypt⁽²⁾ Metropolitan area of Cairo' are replaced by:

'Egypt

Governorates of Alexandria, Beheira, Kafr El Sheikh, Damietta, Dakahlia, Port-Said, Sharkia, Gharbia, Menoufia, Kalioubia, Ishmailia, North Sinai, South Sinai, Cairo (as Greater Cairo including Giza-town), Suez, MarsaMatrouh, Fayoum, Giza and Beni Suef.

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 42.⁽²⁾ OJ No L 71, 18. 3. 1992, p. 27.⁽³⁾ OJ No L 71, 18. 3. 1992, p. 29.⁽⁴⁾ OJ No L 86, 6. 4. 1993, p. 16.

Article 2

Decision 93/197/EEC is amended as follows :

1. At Annex I the word 'Egypt (1) (?)' is replaced in alphabetical order into the list of third countries in Group E.
2. At Annex II the word 'Egypt' is inserted in alphabetical order into the title of the model Health Certificate E and is thereby added to the list of third countries from which imports of registered horses into the Community are permitted.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 6 December 1995

amending Commission Decision 95/119/EC concerning certain measures with regard to fishery products originating in Japan

(Text with EEA relevance)

(95/537/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC, of 10 December 1990, laying down the principles governing the organization of veterinary checks on products entering the Community from third countries ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 19 thereof,Whereas the knowledge of serious defects as regards hygiene and control of fishery products in Japan led the Commission to adopt Decision 95/119/EC ⁽²⁾, in order to suspend the import of such products originating in Japan ;

Whereas a mission of experts of the Commission went recently to Japan to evaluate the measures taken by the Japanese authorities ; whereas according to the observation of these experts, it is necessary to maintain the protection measures with regard to bivalve molluscs, echinoderms, tunicates and marine gastropods in any form whatsoever ;

Whereas it is necessary to amend Decision 95/119/EC accordingly ;

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

HAS ADOPTED THIS DECISION :

Article 1

Article 1 of Decision 95/119/EC is replaced by the following :

Article 1

Member States shall prohibit the import of bivalve molluscs, echinoderms, tunicates and marine gastropods in whatever form originating in Japan.

Article 2

Member States shall amend the measures that they apply to imports to comply with this Decision. They shall inform the Commission thereof.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.⁽²⁾ OJ No L 80, 8. 4. 1995, p. 56.

COMMISSION DECISION

of 6 December 1995

laying down special conditions governing the import of fishery and aquaculture products originating in Japan

(Text with EEA relevance)

(95/538/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas the 'Ministry of Health and Welfare — Veterinary Sanitary Division (MHW-VSD)', the competent authority in Japan, is capable of effectively verifying the application of the laws in force;

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

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

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

Whereas the MHW-VSD has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding

fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments;

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

HAS ADOPTED THIS DECISION:

Article 1

The Ministry of Health and Welfare — Veterinary Sanitary Division (MHW-VSD) is recognized as the competent authority in Japan for verifying and certifying compliance of fishery products with the requirements of Directive 91/493/EEC.

Article 2

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

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

Article 3

1. The certificate referred to in point 1 of Article 2 must be drawn up in at least one official language of the Member States where the checks are carried out.
2. The certificate must bear the name, capacity and signature of the representative of the Ministry of Health and Welfare — Veterinary Sanitary Division MHW-VSD and the latter's official stamp in a colour different from that of the other indications on the certificate.

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 6 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery or aquaculture products originating in Japan and intended for export to the European Community with the exception of bivalve molluscs, echinoderms, tunicates and marine gastropods in any form

Reference No :

Country of dispatch : JAPAN

Competent authority : Ministry of Health and Welfare — Veterinary Division (MHW-VSD)

I. Details identifying the products

Description of fishery or aquaculture products⁽¹⁾ :

— species (scientific name) :

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

Code number (where available) :

Type of packaging :

Number of packages :

Net weight :

Requisite storage and transport temperature :

II. Origin of products

Name(s) and official approval number(s) of establishment(s) approved by the MHW-VSD for exports to the European Community :

.....

.....

.....

.....

.....

III. Destination of products

The fishery or aquaculture products⁽¹⁾ are dispatched

from :
(place of dispatch)

to :
(country and place of destination)

by the following means of transport :

Name and address of dispatcher :

.....

.....

Name of consignee and address at place of destination :

.....

.....

⁽¹⁾ Delete where inapplicable.

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

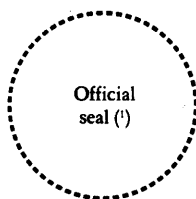
IV. Health attestation

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

1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC ;
2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC ;
3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC ;
4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC ;
5. do not come from toxic species or species containing biotoxins ;
6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto.

The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC.

Done at , on
(place) (date)



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

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

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

ANNEX B

LIST OF ESTABLISHMENTS

Approval No	Establishment	Address
0452001	Kyokuyo Shokuhin Co., Ltd No 2 Plant	Shiogama-shi, Miyagi 985
0951001	Taiyo Sea-Foods Co., Ltd	Utsunomiya-shi, Tochigi 321-32
2260001	K.K. Takaei Okitsu Kojo	Shimizu-shi, Shizuoka 424-02
2831001	Nippon Suisan Kaisha, Ltd Himeji General Plant	Himeji-shi, Hyogo 670
2866001	Yamasa Kamaboko Co., Ltd Yumesaki No 2 Factory	Shikama-gun, Hyogo 671-21
3404001	Osaki Suisan Co., Ltd	Hiroshima-shi, Hiroshima 733
3404002 CS	Kyowareizou Co., Ltd	Hiroshima-shi, Hiroshima 733
2801001 CS	Nippon Suisan Kaisha, Ltd Rokko Island Cold Store	Kobe-shi, Hyogo 658

COMMISSION DECISION

of 8 December 1995

setting up a committee of experts on the transit of natural gas through grids

(Text with EEA relevance)

(95/539/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Whereas, in the context of the completion of the internal energy market, the Commission has the objective of facilitating energy transfers by promoting the transit of natural gas within the meaning of Article 2 of Council Directive 91/296/EEC of 31 May 1991 on the transit of natural gas through grids⁽¹⁾;

Whereas, to this end, it is desirable for the Commission to be advised by a body of experts on matters relating to the smooth functioning of transit and related economic, technical, legal and social factors;

Whereas the Member States' gas industries should be represented within that body; whereas provision should also be made for the participation of particularly qualified persons capable of providing specific knowledge in the field of natural gas transit;

Whereas it would be appropriate for the Committee to act as the conciliation body provided for in Article 3 (4) of Directive 91/296/EEC;

Whereas, for the sake of the efficiency of the conciliation procedure, the Committee of experts should meet in an *ad hoc* composition to consider any request for conciliation,

HAS DECIDED AS FOLLOWS:

Article 1

The Committee of Experts on the Transit of Natural Gas through grids, hereinafter referred to as 'the Committee', is hereby set up under the auspices of the Commission.

*Article 2***Responsibilities**

The tasks of the Committee shall be:

- to advise the Commission, at the latter's request, and
- to propose conciliation compromises, at the request of the negotiating parties, in the event of specific requests for transit.

*Article 3***Provision of advice**

As part of its role of providing advice, the Committee:

(a) will examine more specifically:

- the technical, financial and legal conditions of transit, taking into account economic and social factors,
- the possibilities of cooperation on transit with entities in the Community, operating grids not interconnected as yet or not figuring on the list annexed to Directive 91/296/EEC and the improvement of the trans-European networks,
- the possibilities of cooperation on transit with entities in non Member States.

(b) shall assist the Commission in connection with:

- the drafting of an annual report on the implementation of Directive 91/296/EEC,
- the revision of the Annex to Directive 91/296/EEC.

*Article 4***Composition**

1. The Committee shall comprise 20 members, namely:

- fifteen representatives of the high-pressure natural gas transmission grids operating in the Community (one representative per Member State),
- three independent experts whose professional experience and competence in the field of natural gas transit in the Community are widely recognized,
- one representative of Eurogas,
- one Commission representative.

2. The members of the Committee shall be appointed by the Commission. The fifteen representatives of the transmission grids and the representative of Eurogas being appointed after consultation of the circle concerned from a list containing at least two proposals for each post.

⁽¹⁾ OJ No L 147, 12. 6. 1991, p. 37.

Article 5

Publication

The list of members shall be published by the Commission in the *Official Journal of the European Communities* for information.

Article 6

Term of office

1. The term of office of members of the Committee shall be four years.
2. Their term of office shall be renewable once.
3. By way of derogation from paragraph 1, the term of office of half of its members, other than the representatives of the Commission appointed on the setting up of the Committee, shall be two years.
4. On expiry of their term of office, the members of the Committee shall remain in office until they are replaced.
5. Where the term of office of a member ends before the expiry of the period established by paragraph 1 or 3, as a result of his resignation or death or for any other reason, he shall be replaced for the remainder of his term of office in accordance with Article 4(2).
6. The Commission may bring to an end the term of office of a member, and in case of the representatives of the gas industries and the representatives of Eurogas, after consulting the circles concerned referred to in Article 4(2) and to replace him in accordance with that provision.
7. The office of member of the Committee shall be unpaid.

Article 7

Operation

1. The Committee shall be chaired by the Commission representative.
2. Representatives of the Commission departments concerned shall attend meetings of the Committee as observers.
3. Secretariat services for the Committee shall be provided by the Commission departments.
4. The Chairman may invite any person with particular competence in respect of an item included on the agenda to take part in the deliberations as an expert. Experts shall take part in the deliberations only for the item for which they have been invited to attend.

5. The deliberations of the Committee concerning requests by the Commission for its opinion, referred to in Article 3, shall not be the subject of a vote.

6. The Committee shall meet, at least once a year, at the premises of the Commission upon the convocation of the latter.

Article 8

Conciliation

1. Only the parties to a dispute relating to a specific request for transit may refer a matter to the Committee.
2. The Committee shall meet in an *ad hoc* composition to consider any request for conciliation.
3. The Committee in its conciliation composition shall comprise the Chairman and six members chosen from the members of the Committee :
 - the Eurogas representative,
 - two experts chosen by and from among the three experts who are members of the Committee,
 - three representatives of the high-pressure natural gas transmission grids not involved in the negotiations relating to the specific request for transit on which conciliation has been requested, chosen by and from among the fifteen representatives of the transmission grids who are members of the Committee.

The Chairman shall not vote.

4. Any conciliation request must be acted upon.
5. The Committee in its conciliation composition shall formulate its conciliation compromise proposal not later than two and half months after the date on which the request for conciliation was submitted. The Chairman may decide, if necessary, a prolongation of no more than one month of the abovementioned period. The Committee in its conciliation composition shall designate a rapporteur from among its members.
6. The representatives of the transmission grids involved in the negotiations on a specific request for transit on which conciliation has been requested shall be invited to present their points of view.
7. After discussion by the Committee in its conciliation composition, the rapporteur shall formulate a conciliation compromise on which there is likely to be a consensus among the five other members of the Committee. In the event of disagreement, the rapporteur shall formulate a conciliation compromise on which there is agreement among a majority of the five other members. In that event, the opinions of the minority members shall be put on record.
8. The Chairman shall submit the conciliation compromise to the parties, accompanied by any minority opinions, within three months of the date on which the request for conciliation by the Committee was submitted.

9. The outcome of the conciliation procedure shall not have binding force. The above procedure and the outcome of any conciliation of any compromise shall be at any time without prejudice to application of Community Law, including in particular, the competition rules.

10. Representatives of Member States concerned by a request for transit may take part in the conciliation procedure as observer.

Article 9

Confidentiality

Without prejudice to the provisions of Article 214 of the Treaty, members of the Committee and, where appropriate, the experts referred to in Article 7(4), shall be required not to disclose commercial information brought

to their knowledge through the work of the Committee, where the Commission informs them that the opinion requested or the question raised relates to a confidential matter.

Article 10

Effect

This Decision shall take effect seven days following its publication in the *Official Journal of the European Communities*.

Done at Brussels, 8 December 1995.

For the Commission

Christos PAPOUTSIS

Member of the Commission

CORRIGENDA

Corrigendum to Commission Directive 95/48/EC of 20 September 1995 adapting to technical progress Council Directive 92/21/EEC relating to the masses and dimensions of motor vehicles of category M₁

(Official Journal of the European Communities No L 233 of 30 September 1995)

Page 72, Appendix 1 to Annex I:

Fourth line:

for: '2.4.1.5.1. Maximum permissible overhang of the coupling point ^(nd):',
read: '2.4.1.5.2. Maximum permissible overhang of the coupling point ^(nd):'

Thirteenth line:

for: '2.4.2.5.1. Maximum permissible overhang of the coupling point ^(nd):',
read: '2.4.2.5.2. Maximum permissible overhang of the coupling point ^(nd):'
