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I

*(Acts whose publication is obligatory)***COMMISSION REGULATION (EC) No 190/96****of 1 February 1996****re-establishing the preferential customs duty on imports of multiflorous (spray) carnations originating in Israel**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 3057/95⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

— of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,

— of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EC) No 2524/95⁽⁵⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, laid down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as amended by Regulation (EC) No 2853/95⁽¹¹⁾;

Whereas the preferential customs duty fixed for multiflorous (spray) carnations originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 89/96⁽¹²⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for multiflorous (spray) carnations originating in Israel; whereas the preferential customs duty should be reintroduced,

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 326, 30. 12. 1995, p. 3.

⁽⁵⁾ OJ No L 258, 28. 10. 1995, p. 42.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 96.

⁽¹¹⁾ OJ No L 299, 12. 12. 1995, p. 1.

⁽¹²⁾ OJ No L 17, 23. 1. 1996, p. 23.

HAS ADOPTED THIS REGULATION :

Article 1

For imports of multiflorous (spray) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel the preferential customs duty set by Regulation (EC) No 1981/94 is reintroduced.

Article 2

This Regulation shall enter into force on 2 February 1996.

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

Done at Brussels, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 191/96

of 1 February 1996

re-establishing the preferential customs duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as amended by Regulation (EEC) No 3551/88⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 fixes conditions for the application of a preferential customs duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports of fresh cut flowers into the Community;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 3057/95⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel;

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EC) No 2524/95⁽⁵⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, laid

down detailed rules for the application of these arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 2853/95⁽¹¹⁾;

Whereas the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 157/96⁽¹²⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for small-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

Article 2

This Regulation shall enter into force on 2 February 1996.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 326, 30. 12. 1995.

⁽⁵⁾ OJ No L 258, 28. 10. 1995, p. 42.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 96.

⁽¹¹⁾ OJ No L 299, 12. 12. 1995, p. 1.

⁽¹²⁾ OJ No L 24, 31. 1. 1996, p. 1.

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

Done at Brussels, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 192/96

of 31 January 1996

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 3009/95⁽²⁾, and in particular Article 9 thereof,

Whereas 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 last amended by Regulation (EC) No 2528/95⁽⁴⁾, includes provisions concerning the calculation of duties on certain products of Chapters 17 and 21, the determination of the sucrose content, including other sugars expressed as sucrose, for the purposes of calculating those duties and the analytical methods to be used to that end;

Whereas the uniform application of the combined nomenclature calls for the said provisions of Regulation (EC) No 1423/95 to be incorporated into it; whereas the relevant additional notes should be inserted in Chapters 17 and 21 of the combined nomenclature; whereas Annex I to Regulation (EEC) No 2658/87 should be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee — Tariff and Statistical Nomenclature Section,

HAS ADOPTED THIS REGULATION:

Article 1

The combined nomenclature annexed to Regulation (EEC) No 2658/87 is amended as follows:

1. The following additional notes are inserted in Chapter 17:

(¹) OJ No L 256, 7. 9. 1987, p. 1.
 (²) OJ No L 319, 30. 12. 1995, p. 1.
 (³) OJ No L 141, 24. 6. 1995, p. 16.
 (⁴) OJ No L 258, 28. 10. 1995, p. 50.

'2. The duty applicable to raw sugar of subheadings 1701 11 10 and 1701 12 10 whose yield established according to Article 1 of Regulation (EEC) No 431/68 differs from 92 % is fixed in the following manner:

the relevant rate is multiplied by a correcting coefficient obtained by dividing the percentage yield established according to the above provisions by 92.'

'4. For the purposes of establishing the duty applicable to products of subheadings 1702 20 10, 1702 60 90, 1702 90 60, 1702 90 71, 1702 90 80 and 1702 90 99, the sucrose content, including other sugars expressed as sucrose, is determined by the methods laid down in Article 5 (2) and (4) of Regulation (EC) No 1423/95.'

2. The present additional note 3 Chapter 17 becomes additional note 5, with the addition of the following paragraph.

'For the purposes of establishing the duty applicable to products of the subheadings referred to in the preceding paragraph, the dry matter content is determined according to Article 5 (3) of Regulation (EC) No 1423/95.'

3. Additional notes 2, 4 and 5 of Chapter 17 become additional notes 3, 6 and 7 respectively.

4. The following paragraph is added to additional note 3 to Chapter 21.

'For the purposes of establishing the duty applicable to products of subheading 2106 90 30, the dry matter content is determined according to Article 5 (3) of Regulation (EC) No 1423/95.'

5. The following additional note is inserted in Chapter 21.

'4. For the purposes of establishing the duty applicable to products of subheading 2106 90 59, the sucrose content, including other sugars expressed as sucrose, is determined by the method laid down in Article 5 (2) of Regulation (EC) No 1423/95.'

Article 2

This Regulation shall enter into force on the 21st 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, 31 January 1996.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION REGULATION (EC) No 193/96

of 1 February 1996

amending Regulation (EEC) No 584/92 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3491/93 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3492/94 of 13 December 1993 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Poland, of the other part⁽²⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3296/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Czech Republic, of the other part⁽³⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3297/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part⁽⁴⁾, and in particular Article 1 thereof,

Whereas Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an autonomous and transitional adjustment to certain agricultural concessions provided for in the Europe Agreements so as to take account of the agree-

ment on agriculture concluded as part of the Uruguay Round of multilateral trade negotiations⁽⁵⁾, and in particular Article 8 thereof;

Whereas Council Regulation (EC) No 3066/95 provides for autonomous, transitional measures to adjust the agricultural concessions covered by the Europe Agreements concluded between the European Communities and their Member States, of the one part, and the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic respectively, of the other part, from 1 January 1996 until the entry into force of the additional Protocols to the Europe Agreements that are to be concluded consequent to the negotiations now under way with the countries in question;

Whereas Commission Regulation (EEC) No 584/92⁽⁶⁾, as last amended by Regulation (EC) No 2931/95⁽⁷⁾ adopts the detailed rules for the application to milk and milk products of the arrangements provided for in the above Agreements; whereas this Regulation must be amended to implement the adjustments to milk products laid down in Regulation (EC) No 3066/95; whereas the references to butter in the combined nomenclature should be adjusted to take account of the amendments made to the Annexes to Council Regulation (EEC) No 2658/87⁽⁸⁾ by Commission Regulation (EC) No 2448/95⁽⁹⁾;

Whereas, because of the delay in adopting Regulation (EC) No 3066/95 it has not been possible to give effect to these adjustments for the first quarter of 1996; whereas the quantities involved are available for the second quarter;

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

⁽¹⁾ OJ No L 319, 21. 12. 1993, p. 1.

⁽²⁾ OJ No L 319, 21. 12. 1993, p. 4.

⁽³⁾ OJ No L 341, 30. 12. 1994, p. 14.

⁽⁴⁾ OJ No L 341, 30. 12. 1994, p. 17.

⁽⁵⁾ OJ No L 328, 30. 12. 1995, p. 31.

⁽⁶⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽⁷⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽⁸⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁹⁾ OJ No L 259, 30. 10. 1995, p. 1.

HAS ADOPTED THIS REGULATION:

2. Annex I is replaced by Annex I to this Regulation.

Article 1

Regulation (EEC) No 584/92 is hereby amended as follows:

1. A new paragraph is added to Article 2, as follows:

'However, the entire quantity of the products listed in Annex I C2 shall be available in the period from 1 April to 30 June 1996.'

Article 2

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

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

Done at Brussels, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX I

A. PRODUCTS ORIGINATING IN POLAND

Customs duty reduced by 80 %

(in tonnes)

CN code	Product	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
0402 10 19	Skimmed-milk powder	} 3 550	3 800	4 100
0402 21 19	Whole-milk powder			
0402 21 99	Whole-milk powder			
0405 10 11	Butter	1 200	1 300	1 400
0405 10 19				
0406	Cheese	2 400	2 600	2 800

B. 1. PRODUCTS ORIGINATING IN THE CZECH REPUBLIC

Customs duty reduced by 80 %

(in tonnes)

CN code	Milk products	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
0402 10 19	Skimmed milk powder	} 1 980	2 110	2 240
0402 21 19	Whole milk powder			
0402 21 91	Whole milk powder			
0405 10 11	Butter	780	840	910
0405 10 19				
ex 0406 40	Niva	} 600	650	700
ex 0406 90	Moravsky blok, Primator, Otava, Javor, Uzeny blok, Kashkaval Akawi, Istambul, Jadel Hermelin, Ostepek, Koliba, Inovec			

B. 2. PRODUCTS ORIGINATING IN THE SLOVAK REPUBLIC

Customs duty reduced by 80 %

(in tonnes)

CN code	Milk products	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
0402 10 19	Skimmed milk powder	} 1 020	1 090	1 160
0402 21 19	Whole milk powder			
0402 21 91	Whole milk powder			
0405 10 11	Butter	420	460	490
0405 10 19				
ex 0406 40	Niva	} 600	650	700
ex 0406 90	Moravsky blok, Primator, Otava, Javor, Uzeny blok, Kashkaval Akawi, Istambul, Jadel Hermelin, Ostepek, Koliba, Inovec			

C. PRODUCTS ORIGINATING IN HUNGARY

1. Customs duty reduced by 80 %

(in tonnes)

CN code	Product	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Balaton, Cream-white, Hajdu, Marvany, Ovari, Bakony, Bacsikai, Ban, Delicaci cheese "Moson", Delicaci cheese "Pelso", Goya, Ham-shaped, Karavan, Lajta, Parenyica, Sed, Tihany	1 200	1 300	1 400

2. Customs duty reduced by 80 %

(in tonnes)

CN code	Product	1 January 1996 to 30 June 1996
ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Balaton, Cream-white, Hajdu, Marvany, Ovari, Bakony, Bacsikai, Ban, Delicaci cheese "Moson", Delicaci cheese "Pelso", Goya, Ham-shaped, Karavan, Lajta, Parenyica, Sed, Tihany	250'

COMMISSION REGULATION (EC) No 194/96

of 1 February 1996

amending Regulation (EC) No 1588/94 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community of the one part and Bulgaria and Romania of the other part

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3383/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Bulgaria, of the other part⁽¹⁾, and in particular Article 1 thereof,

Having regard to Council Regulation (EC) No 3382/94 of 19 December 1994 on certain procedures for applying the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part⁽²⁾, and in particular Article 1 thereof,

Whereas Regulation (EC) No 3066/95 of 22 December 1995 establishing certain concessions in the form of Community tariff quotas for certain agricultural products and providing for an autonomous and transitional adjustment to certain agricultural concessions provided for in the Europe Agreements so as to take account of the agreement on agriculture concluded as part of the Uruguay Round of multilateral trade negotiations⁽³⁾, and in particular Article 8 thereof;

Whereas Council Regulation (EC) No 3066/95 provides for autonomous, transitional measures to adjust the agricultural concessions covered by the Europe Agreements concluded between the European Communities and their Member States, of the one part, and Romania and the Republic of Bulgaria respectively, of the other part, from 1 January 1996 until the entry into force of the additional Protocols to the Europe Agreements that are to be

concluded consequent to the negotiations now under way with the countries in question;

Whereas Commission Regulation (EC) No 1588/94⁽⁴⁾, as last amended by Regulation (EC) No 2252/95⁽⁵⁾, adopts the detailed rules for the application to milk and milk products of the arrangements provided for in the above Agreements; whereas this Regulation must be amended to implement the adjustments to milk products laid down in Regulation (EC) No 3066/95;

Whereas, because of the delay in adopting Regulation (EC) No 3066/95 it has not been possible to give effect to these adjustments for the first quarter of 1996; whereas the quantities involved are available for the second quarter;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1588/94 is hereby amended as follows:

1. A new paragraph is added to Article 2, as follows:
'However, the entire quantity of the products listed in Annex I B2 shall be available in the period from 1 April to 30 June 1996.'
2. Annex I is replaced by the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 368, 31. 12. 1994, p. 5.
⁽²⁾ OJ No L 368, 31. 12. 1994, p. 1.
⁽³⁾ OJ No L 328, 30. 12. 1995, p. 31.

⁽⁴⁾ OJ No L 167, 1. 7. 1994, p. 8.
⁽⁵⁾ OJ No L 230, 27. 9. 1995, p. 12.

ANNEX

ANNEX I

A. CHEESES FROM ROMANIA

The following quantities of cheeses covered by the CN codes quoted may be imported in the Community with an 80 % reduction in the rate of customs duty:

(in tonnes)

CN code	Description	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996	1 July 1996 to 30 June 1997	1 July 1997 to 30 June 1998	1 July 1998 to 30 June 1999
ex 0406 90 29	{ Kashkaval Sacele (¹) Kashkaval Penteleu (¹) Kashkaval Dalia (¹) Kashkaval afumat Vidraru (¹) Kashkaval afumat Fetesti (¹)	} 1 333,3	1 533,3	133,3 (²)	133,3 (²)	133,3 (²)
ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	{ Brinza Moieciu (¹) Brinza Vaca (¹) Brinza de Burduf (¹) Brinza topita Carpati (¹)					

(¹) Of cow's milk.

(²) These quantities do not take into account, and are irrespective of, the quantities eligible for a reduction in the rate of customs duty from 1996/97 onwards, to be agreed under the Europe Agreement.

B. CHEESES FROM BULGARIA

1. The following quantities of cheeses covered by the CN codes quoted may be imported in the Community with an (80 %) reduction in the rate of customs duty:

(in tonnes)

CN code	Description	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996	1 July 1996 to 30 June 1997	1 July 1997 to 30 June 1998	1 July 1998 to 30 June 1999
ex 0406 90	White brined cheese of cow's milk	} 2 233,3	2 233,3	233,3 (¹)	233,3 (¹)	233,3 (¹)
ex 0406 90	Kashkaval Vitosha of cow's milk					

(¹) These quantities do not take into account, and are irrespective of, the quantities eligible for a reduction in the rate of customs duty from 1996/97 onwards, to be agreed under the Europe Agreement.

2. The following quantities of cheeses covered by the CN codes quoted may be imported in the Community free of customs duties:

(in tonnes)

CN code	Product	1 January to 30 June 1996
ex 0406 90	Cheese other than cheese of cow's milk	200'

COMMISSION REGULATION (EC) No 195/96

of 1 February 1996

adopting the codes and descriptions of certain products listed in the Annex to Council Regulation (EEC) No 827/68 on the common organization of the market in certain products listed in Annex II to the Treaty

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

Having regard to Council Regulation (EEC) No 234/79 of 5 February 1979 on the procedure for adjusting the Common Customs Tariff nomenclature used for agricultural products⁽¹⁾, as amended by Regulation (EEC) No 3209/89⁽²⁾, and in particular Article 2 (1) thereof,

Whereas Commission Regulation (EEC) No 3009/95⁽³⁾ amending Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽⁴⁾ contains the combined nomenclature currently in force;

Whereas certain codes and descriptions in the Annex to Council Regulation (EEC) No 827/68⁽⁵⁾, as last amended by Regulation (EC) No 3920/94⁽⁶⁾, no longer correspond to those in the combined nomenclature; whereas the Annex to Regulation (EEC) No 827/68 should be amended accordingly;

Whereas the measures provided for in this Regulation are in accordance with the opinions of all the relevant Management Committees,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 827/68 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 1996.

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

Done at Brussels, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 34, 9. 2. 1979, p. 2.

⁽²⁾ OJ No L 312, 27. 10. 1989, p. 5.

⁽³⁾ OJ No L 319, 30. 12. 1995, p. 1.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 151, 30. 6. 1968, p. 16.

⁽⁶⁾ OJ No L 349, 31. 12. 1994, p. 105.

ANNEX

1. The following line is inserted before CN code 0210 90 20 :

'0210 90 21 | — — — Of reindeer'.

2. CN code '0210 90 20' is replaced by CN code '0210 90 29'.

3. The description of the goods under CN code 0504 00 00 is replaced by the following :

'Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof, fresh, chilled, frozen, salted, in brine, dried or smoked.'

4. The information relating to CN code 1106 is replaced by the following :

'ex 1106		Flour, meal and powder of the dried leguminous vegetables of heading No 0713, of sago or of roots or tubers of heading No 0714 or of the products of Chapter 8 :
1106 10 00		— Of the dried leguminous vegetables of heading No 0713
ex 1106 30		— Of the products of chapter 8 :
1106 30 90		— — Other '

5. The first part of the sentence describing the goods under CN code 1212 is replaced by the following :

'Locust beans, seaweeds and other algae, sugar-beet and sugar-cane, fresh, chilled, frozen or dried, whether or not ground;'

6. The description of the goods under CN code 1502 00 is replaced by the following :

'Fats of bovine animals, sheep or goats, other than those of heading No 1503.'

7. The following line is inserted after CN code 1602 90 31 :

'1602 90 41 | — — — Of reindeer'.

8. CN code '1602 90 99' is replaced by CN code '1602 90 98'.
-

COMMISSION REGULATION (EC) No 196/96
of 1 February 1996
on the issuing of export licences for grape juice and grape must

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 109/96 of 24 January 1996⁽¹⁾ on arrangements for the import of grape juice and must from third countries, and in particular Article 4 (3) thereof,

Whereas Article 4 of the abovementioned Regulation lays down the conditions under which special measures are to be taken by the Commission where there is an overrun of the maximum quantity of 14 000 tonnes laid down in Article 2 of that Regulation which may be imported with exemption from specific duty;

Whereas, according to the information available to the Commission on 31 January 1996, that maximum quantity will be exceeded should there be no restriction on the issuing of import licences in response to applications submitted on 29 and 30 January 1996; whereas, therefore, a single percentage should be applied for acceptance of

the applications concerned and the issuing of licences for applications submitted from 31 January 1996 should be suspended,

HAS ADOPTED THIS REGULATION:

Article 1

1. Import licences bearing the entry referred to in Article 5 of Regulation (EC) No 109/96 for which applications were submitted on 29 and 30 January 1996 pursuant to Article 4 (1) of that Regulation shall be issued for 95,3 % of the quantities applied for.

2. For the products referred to in Regulation (EC) No 109/96, the issuing of import licences under that Regulation shall be suspended for all applications submitted from 31 January 1996.

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, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 19, 25. 1. 1996, p. 16.

COMMISSION REGULATION (EC) No 197/96
of 1 February 1996
amending the import duties in the cereals sector

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

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

Having regard to Commission Regulation (EC) No 1502/95 of 29 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 for the 1995/96 marketing year as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 2481/95⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 183/96⁽⁵⁾;

Whereas Article 2 (1) of Regulation (EC) No 183/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 183/96,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 183/96 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 2 February 1996.

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

Done at Brussels, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.

⁽⁴⁾ OJ No L 256, 26. 10. 1995, p. 10.

⁽⁵⁾ OJ No L 25, 1. 2. 1996, p. 42.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	3,20	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	3,20	0,00
	medium quality	18,43	8,43
	low quality	24,67	14,67
1002 00 00	Rye	19,99	9,99
1003 00 10	Barley, seed	19,99	9,99
1003 00 90	Barley, other ⁽³⁾	19,99	9,99
1005 10 90	Maize seed other than hybrid	59,19	49,19
1005 90 00	Maize other than seed ⁽³⁾	59,19	49,19
1007 00 90	Grain sorghum other than hybrids for sowing	19,99	9,99

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1502/95, the duty applicable is that fixed for low-quality common wheat.

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

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

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1502/95 are met.

ANNEX II

Factors for calculating duties (period from 31. 1. 1996 to 6. 2. 1996):

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Mid-America	Mid-America
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	147,21	152,29	150,70	114,69	209,36 ^(?)	169,69 ^(?)
Gulf premium (ECU/tonne)	39,16	18,86	14,21	15,70	—	—
Great lake premium (ECU/tonne)	—	—	—	—	—	—

(¹) Fob Duluth.

(²) Fob Gulf.

2. Freight/cost : Gulf of Mexico — Rotterdam : ECU 13,22 per tonne ; Great Lakes/St Lawrence — Rotterdam : ECU 29,57 per tonne.

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

COMMISSION REGULATION (EC) No 198/96
of 1 February 1996
fixing the export refunds on cereal-based compound feedingstuffs

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾, as amended by Regulation (EC) No 1380/95⁽⁵⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 2815/95⁽⁶⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 February 1996.

⁽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. 51.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁶⁾ OJ No L 297, 9. 12. 1995, p. 1.

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

Done at Brussels, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 1 February 1996 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund ⁽¹⁾:

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

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽³⁾
Maize and maize products: CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	25,70
Cereal products ⁽²⁾ excluding maize and maize products	0,00

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

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

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

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

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulations (EEC) No 990/93 and (EC) No 2815/95 are observed.

COMMISSION REGULATION (EC) No 199/96

of 1 February 1996

fixing the export refunds on products processed from cereals and rice

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 13 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 3072/95⁽⁴⁾, and in particular Article 14 (3) thereof,

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

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

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁵⁾, as amended by Regulation (EC) No 2993/95⁽⁶⁾, on the import and export system for products processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content

being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

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

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

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

Whereas Council Regulation (EEC) No 990/93⁽⁷⁾, as amended by Regulation (EC) 1380/95⁽⁸⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 2815/95⁽⁹⁾; whereas account should be taken of this fact when fixing the refunds;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1) (c) of Regulation (EEC) No 1418/76 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽⁵⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁶⁾ OJ No L 312, 23. 12. 1995, p. 25.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁸⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁹⁾ OJ No L 297, 9. 12. 1995, p. 1.

Article 2

This Regulation shall enter into force on 2 February 1996.

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

Done at Brussels, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 1 February 1996 fixing the export refunds on products processed from cereals and rice

<i>(ECU/tonne)</i>		<i>(ECU/tonne)</i>	
Product code	Refund ⁽¹⁾	Product code	Refund ⁽¹⁾
1102 20 10 200 ⁽²⁾	35,98	1104 23 10 100	38,55
1102 20 10 400 ⁽²⁾	30,84	1104 23 10 300	29,56
1102 20 90 200 ⁽²⁾	30,84	1104 29 11 000	0,00
1102 90 10 100	0,00	1104 29 51 000	0,00
1102 90 10 900	0,00	1104 29 55 000	0,00
1102 90 30 100	14,04	1104 30 10 000	0,00
1103 12 00 100	14,04	1104 30 90 000	6,43
1103 13 10 100 ⁽²⁾	46,26	1107 10 11 000	0,00
1103 13 10 300 ⁽²⁾	35,98	1107 10 91 000	0,00
1103 13 10 500 ⁽²⁾	30,84	1108 11 00 200	0,00
1103 13 90 100 ⁽²⁾	30,84	1108 11 00 300	0,00
1103 19 10 000	37,27	1108 12 00 200	41,12
1103 19 30 100	0,00	1108 12 00 300	41,12
1103 21 00 000	0,00	1108 13 00 200	27,89
1103 29 20 000	0,00	1108 13 00 300	27,89
1104 11 90 100	0,00	1108 19 10 200	0,00
1104 12 90 100	15,60	1108 19 10 300	0,00
1104 12 90 300	12,48	1109 00 00 100	0,00
1104 19 10 000	0,00	1702 30 51 000 ⁽³⁾	40,28
1104 19 50 110	41,12	1702 30 59 000 ⁽³⁾	30,84
1104 19 50 130	33,41	1702 30 91 000	40,28
1104 21 10 100	0,00	1702 30 99 000	30,84
1104 21 30 100	0,00	1702 40 90 000	30,84
1104 21 50 100	0,00	1702 90 50 100	40,28
1104 21 50 300	0,00	1702 90 50 900	30,84
1104 22 20 100	12,48	1702 90 75 000	42,21
1104 22 30 100	13,26	1702 90 79 000	29,30
		2106 90 55 000	30,84

⁽¹⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 2815/95 are observed.

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

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

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

COMMISSION REGULATION (EC) No 200/96

of 1 February 1996

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 2933/95 ⁽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 Commis-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 February 1996.

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

Done at Brussels, 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽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 1 February 1996 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 15	052	59,6	0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	49,1	
	060	80,2		204	68,8	
	064	59,6		464	217,9	
	066	41,7		600	91,3	
	068	62,3		624	73,9	
	204	49,9		999	100,2	
	208	44,0		0805 30 20	052	72,0
	212	97,2			204	45,8
	624	97,2			388	67,5
	999	65,7			400	44,9
0707 00 10	052	111,6	512		54,8	
	053	207,4	520	66,5		
	060	61,0	524	100,8		
	066	53,8	528	87,1		
	068	125,5	600	79,1		
	204	144,3	624	48,6		
	624	191,4	999	66,7		
	999	127,9	0808 10 51, 0808 10 53, 0808 10 59	052	64,0	
0709 10 10	220	439,1		064	78,6	
	999	439,1		388	39,2	
0709 90 73	052	139,0		400	64,1	
	204	77,5		404	62,3	
	412	54,2	508	68,4		
	624	241,6	512	51,2		
	999	128,1	524	57,4		
0805 10 01, 0805 10 05, 0805 10 09	052	41,6	528	48,0		
	204	35,6	624	86,5		
	208	68,2	728	107,3		
	212	41,6	800	78,0		
	220	58,3	804	21,0		
	388	40,5	999	63,5		
	400	43,7	0808 20 31	052	86,3	
	436	41,6		064	72,5	
	448	39,1		388	109,1	
	600	37,6		400	91,4	
	624	50,4		512	89,7	
	999	45,3		528	84,1	
	0805 20 11	052		49,4	624	79,0
		204		73,3	728	115,4
		624		82,9	800	55,8
		999		68,5	804	112,9
				999	89,6	

(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 201/96

of 1 February 1996

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 166/96 ⁽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 2 February 1996.

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

Done at Brussels, 1 February 1996.

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 24, 31. 1. 1996, p. 26.

ANNEX

to the Commission Regulation of 1 February 1996 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⁾	25,71	3,57
1701 11 90 ⁽¹⁾	25,71	8,68
1701 12 10 ⁽¹⁾	25,71	3,44
1701 12 90 ⁽¹⁾	25,71	8,25
1701 91 00 ⁽²⁾	30,33	10,07
1701 99 10 ⁽²⁾	30,33	5,55
1701 99 90 ⁽²⁾	30,33	5,55
1702 90 99 ⁽³⁾	0,30	0,35

⁽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.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 January 1996

on transitional measures to be applied from 1 March 1995 in the context of the association of the overseas countries and territories with the European Community

(96/109/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹⁾, and in particular Article 240 thereof,

Having regard to the proposal from the Commission,

Whereas Decision 91/482/EEC is applicable for ten years from 1 March 1990;

Whereas Decision 91/482/EEC stipulates in Article 154 (4) that further amounts of Community financing shall be adopted for the second five-year period covered by it;

Whereas pending the fixing of the new amounts by the Council, the appropriate provisions should be adopted by way of transitional measures to be applied from 1 March 1995,

HAS DECIDED AS FOLLOWS:

Article 1

1. The balances referred to in Article 119 (2) of Decision 91/482/EEC shall, until exhausted, be allocated to

the Stabex system for the purposes specified in Article 114.

2. The balances referred to in Article 142 (2) of Decision 91/482/EEC shall, until exhausted, be allocated to the special financing facility (Sysmin) for the purposes specified in Article 137.

Article 2

The Council shall undertake a review of the implementation of this Decision upon the entry into force of the Decision provided for by Article 154 (4) of Decision 91/482/EEC fixing the financing for the second five-year period covered by it.

Article 3

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

It shall apply as from 1 March 1995.

Done at Brussels, 29 January 1996.

For the Council

The President

S. AGNELLI

⁽¹⁾ OJ No L 263, 19. 9. 1991, p. 1. Decision is amended by the 1994 Act of Accession.

Information on the date of entry into force and the date of application of the Agreement constituted in the form of an Agreed Minute, an exchange of letters, and exchange of notes and the Annexes thereto between the European Community and Canada on fisheries in the context of the Northwest Atlantic Fisheries Organization (NAFO) Convention ⁽¹⁾

Since the internal procedures for application by both parties of the Agreement constituted in the form of an Agreed Minute, an exchange of letters, an exchange of notes and the Annexes thereto between the European Community and Canada on fisheries in the context of the Northwest Atlantic Fisheries Organization (NAFO) Convention has been completed, the Agreement entered into force on 21 December 1995, it will apply from 20 April 1995.

⁽¹⁾ OJ No L 327, 30. 12. 1995, p. 35.

COMMISSION

COMMISSION DECISION

of 19 July 1995

concerning aid for the operation of air routes granted under the Law of the Region of Sardinia of 20 January 1994

(Only the Italian text is authentic)

(Text with EEA relevance)

(96/110/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62 (1) (a) thereof,

Having given the interested parties notice to submit their comments, in accordance with the abovementioned provisions, and in view of the fact that no comments were submitted,

Whereas :

I

By letter of 8 March 1994, the Italian authorities informed the Commission, in accordance with Article 93 (3) of the Treaty, of the aid scheme for the operation of third-level air services introduced by the Law of the Autonomous Region of Sardinia of 20 January 1994 (hereinafter 'the Law of 20 January 1994').

On 30 March 1994, the Commission sent the Italian authorities a request for further information to enable it to determine whether the aid scheme was compatible with the common market. The Commission's request concerned the definition of the routes to and from Sardinia which may have received or may in future receive operating aid, the definition of routes which could have benefited under the Law of 20 January 1994, the possible application by the Italian authorities of certain provisions of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-

Community air routes⁽¹⁾, (Articles 3 (2) and (4), 4 and 5) as amended by the Act of Accession of Austria, Finland and Sweden which might restrict market access and lastly, the rules for the payment and calculation of the subsidies and the amount concerned.

By letter dated 3 June 1994, the Italian authorities sent the Commission a memorandum from the Region of Sardinia which partly complied with the request for information of 30 March 1994. It stated that the Region had not in the past granted any aid to airlines, that a list of the routes which might receive aid under the scheme had not yet been drawn up, that the financial compensation concerned was available to all Community airlines meeting the requirements and, lastly, that the amount of the aid was limited by the budget allocated to it. No detailed information, however, was given as to the possible application of the restrictive provisions of Regulation (EEC) No 2408/92 on market access, in particular Article 4 which makes provision for public service obligations, including where appropriate financial compensation to the operating companies, in particular in respect of regional routes with light traffic. Although a reminder was sent to the Italian authorities on 1 August 1994 concerning this last point, the Commission has not to date received the information requested.

On the basis of the information in its possession, the Commission decided to initiate the Article 93 (2) procedure and informed Italy of its decision by letter of 17 January 1995. The letter gave the Italian Government notice to submit its comments to the Commission within one month, together with the information required by the Commission to pursue its examination of the matter. It was published in the *Official Journal of the European Communities*⁽²⁾, and other interested parties were invited to send their comments within one month of the date of

⁽¹⁾ OJ No L 240, 24. 8. 1992, p. 8.

⁽²⁾ OJ No C 117, 12. 5. 1995, p. 2.

publication. No reply was received from the Italian authorities to the Commission's letter giving notice, nor were any comments sent, or further details provided as to the aid scheme introduced by the Law of 20 January 1994, or on the possible existence of public service obligations on the air routes to and from Sardinia. Nor were any comments received under the procedure from other interested parties.

II

The Commission decided to examine the case under Articles 92 and 93 of the Treaty and Article 61 of the Agreement on the European Economic Area (hereinafter 'the EEA Agreement') solely on the basis of the information in its possession. Since the time limit for the submission by the Italian Government of the comments and information requested under the Article 93 (2) procedure has expired without such information or comments being submitted, the Commission is empowered to terminate the procedure and make its decision, on the basis of the information available to it, on the question whether or not the aid is compatible with the common market, in accordance with the Court of Justice judgment in Case 301/87, *French Republic v. Commission*⁽¹⁾. In Joined Cases C-324/90 and C-342/90, *Germany and Pleuger Worthington v. Commission*⁽²⁾, the Court also held that, prior to taking a decision, the Commission need order a Member State to submit information only if the information in its possession did not allow it to determine whether the aid was compatible with the common market. The Commission considers in the present case that, although the information in its possession, forwarded by the Italian authorities when notifying the aid scheme and in response to a request for information sent before the procedure was initiated, is incomplete, it is sufficient to allow it to take a decision on the compatibility with the common market of the aid scheme introduced by the Law of 20 January 1994.

III

The Law of 20 January 1994 is intended to strengthen air services to and from Sardinia by authorizing the Regional Executive to grant subsidies to companies or bodies which provide scheduled third-level services for the transport of passengers by air. Third-level services within the meaning of the Law are air services provided by aeroplanes or helicopters with a capacity of between nine and 50 passengers.

⁽¹⁾ [1990] ECR I-307.

⁽²⁾ [1994] ECR I-1173.

The subsidies concerned are intended to compensate for the losses incurred by carriers as a result of empty seats. They are paid only up to 55 % of the seats offered on the routes specified each year by the Regional Executive, in accordance with the regional transport plan. Inasmuch as Sardinia already has direct air services to the main Italian cities and to a number of other European cities, it would seem that the routes concerned are essentially low-density regional routes. In addition, the subsidies are granted for only three consecutive years as from 1994, their amount being equal to 100 % of the fares approved the first year, 75 % the second year and 50 % the third year.

The grant of the subsidies is subject to an administrative procedure provided for in the Law of 20 January 1994. Firms wishing to receive such subsidies must submit an application, together with supporting documents (annual report, technical report, financial management plan, forward budget, etc.) to the Regional Transport Department by 31 October of the year preceding that for which the subsidy is requested. For 1994 the final date for submission of the files is set at 30 days following the publication of the Law in question in the Official Gazette of the Autonomous Region of Sardinia. Applications considered to be admissible must then be included in the annual intervention plan adopted by the Regional Executive, which takes account of budgetary resources available. Lastly, the grant of subsidies to airlines is subject to the signing of an agreement with them which must in particular stipulate that it is prohibited to modify or to disrupt the operating programme approved by the Regional Transport Department, that the fares approved by it must be applied, that the provisions laid down by law and agreement concerning staff must be complied with and that the staffing levels approved by the Regional Transport Inspectorate must be maintained.

The expenditure arising from the application of the subsidy measures is estimated at Lit 2 billion for each of the years 1994, 1995 and 1996. The subsidies are paid *ex post* to the recipient firms every six months, once the Department has checked the empty seats on the aircraft assigned to the routes concerned. An advance of 50 % of the subsidy may, however, be paid once a deposit has been lodged.

IV

Article 92 (1) of the Treaty and Article 61 (1) of the EEA Agreement provide that any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is incompatible with the common market.

In the case in point, the Region of Sardinia has decided, by means of the Law of 20 January 1994, to grant aid to firms or bodies providing third-level scheduled air services to and from Sardinia.

State aid means aid granted by the central, regional or local authorities of a Member States 'or by public or private bodies established or appointed by it to administer the aid', as the Court of Justice held in Case 78/76, *Steinike & Weinlig*⁽¹⁾. The subsidies in question are granted direct by the Region of Sardinia and are included in its budget; they therefore constitute State aid. Furthermore, they are liable to affect trade between Member States as they are granted to firms engaged in air transport activities which, by their nature, are directly linked to trade and may cover the whole of the common market and the European Economic Area. This has particularly been the case since the entry into force of Council Regulations (EEC) No 2407/92⁽²⁾, (EEC) No 2408/92 and (EEC) No 2409/92⁽³⁾ (the 'third air transport package') on the liberalization of air transport, the harmonization of conditions for granting licences to carriers, and the definition of rules for the application, within the civil aviation sector, of the principle of freedom to provide services within the Community. Lastly, the Commission considers that the subsidies distort competition by favouring certain enterprises, since the aid is granted only to airlines operating routes specified by the Law of 20 January 1994, namely airlines providing scheduled air services with aircraft having a capacity of between nine and 50 passengers. In addition, companies wishing to benefit under the scheme are subject to a procedure which amounts to a selection procedure, inasmuch as they are required to submit a complete file which is examined by the Regional Transport Department; the latter then decides to include a certain number of airlines in its programme in accordance with the regional transport plan and according to budget availabilities. In any event, the granting of operating aid under such conditions to certain air carriers in order to operate certain routes is liable to jeopardize competition by favouring those carriers in the operation of those routes. The distortion is even greater since, under the Law, all recipients are required to apply fares approved by the Department and are expressly prohibited from charging fare supplements, which means they are

unable to adjust fares to costs, as they are required to maintain a minimum price level which no competitor could offer without such subsidies. In addition, the calculation of the subsidies does not take account of revenue generated and costs borne by the aid recipients in operating the routes in question. Thus there is no guarantee that the carriers will not realize an excessive profit, likely to be transferred to routes where they are in competition with other Community carriers. Lastly, in the absence of specific information from the Italian authorities on this point, it is probable that freedom of access to the routes in question, a list of which has not been communicated to the Commission, will be restricted until 1 April 1997 to the detriment of Community carriers licensed in a Member State other than Italy. These restrictions further increase the risks of distortion of competition resulting from the aid scheme introduced by the Law of 20 January 1994.

The Commission therefore considers that the Law of 20 January 1994 establishes subsidies which constitute State aid within the meaning of Article 92 (1) of the Treaty and Article 61 (1) of the EEA Agreement.

The aid set up under the Law in question cannot be regarded as compatible with the common market under Article 92 (2) of the Treaty and Article 61 (2) of the EEA Agreement since it does not qualify for any of the exceptions provided for therein. Article 92 (2) (b) and (c) and Article 61 (2) (b) and (c) do not apply as the aid is not intended to make good the damage caused by natural disasters or exceptional occurrences or to assist the economy of certain areas of Germany. Point (a) of those provisions, relating to aid having a social character, is not applicable either, since the subsidies in question are paid to the airlines or other bodies and it is not possible to identify the individual consumers. Indeed, the method of calculating the subsidies does not take account of the number of passengers carried. What is more, in view of the probable access restrictions on the routes in question until 1 April 1997 to the detriment of Community airlines not licensed in Italy, serious doubts exist as to the possibility of discrimination in connection with the origin of the services.

Article 92 (3) of the Treaty and Article 61 (3) of the EEA Agreement list the aid which may be regarded as compatible with the common market. Such compatibility must be examined in the context of the Community and not of a single Member State. The exceptions provided by the

⁽¹⁾ [1977] ECR 595.

⁽²⁾ OJ No L 240, 24. 8. 1992, p. 1.

⁽³⁾ OJ No L 240, 24. 8. 1992, p. 15.

relevant provisions apply only if the Commission establishes that, without the aid, market forces alone would not be sufficient to persuade the recipient to act in such a way as to achieve one of the desired objectives.

In order to safeguard the orderly functioning of the common market and having regard to the principles set out in Article 3 (g) of the Treaty, the exceptions to the principles of Article 92 (1), as defined in Article 92 (3), must be interpreted strictly when examining an aid scheme or any individual measure.

Article 92 (3) (b) of the Treaty and Article 61 (3) (b) of the EEA Agreement are not applicable to the case in question since the subsidies provided for in the Law of 20 January 1994 are not aimed at promoting the execution of an important project of common European interest or at remedying a serious disturbance in the economy of a Member State. Nor is the exception provided for in Article 92 (3) (c) concerning aid to facilitate the development of certain economic activities applicable since, on the one hand, the subsidies in question are operating aid rather than investment aid and, on the other hand, they are aimed solely at increasing flights to and from Sardinia and have no sectoral purpose.

The whole of Sardinia is covered by Article 92 (3) (a) of the Treaty and Article 61 (3) (a) of the EEA Agreement. Hence, the existence of low-density air services within Sardinia or linking it to other Community or EEA regions could be regarded as promoting the economic development of the island within the meaning of these provisions. In addition, the aid in question is temporary (three years) and degressive, thus satisfying two of the main conditions which the Commission generally imposes for acceptance of operating aid under Articles 92 (3) (a) of the Treaty and 61 (3) (a) of the Agreement. However, on 16 November 1994 the Commission adopted a communication on State aid to civil aviation⁽¹⁾ which takes account in particular of the liberalization measures which entered into force on 1 January 1993 and which create an integrated single market in air transport and which in particular introduce cabotage. As a result, direct aid for the operation of regional air services cannot in principle be exempted on the basis of Article 92 (3) (a) of the Treaty and Article 61 (3) (a) of the Agreement. Such aid results in cross-subsidies within airlines between subsidized unprofitable routes and profitable routes on which the airlines are in competition with other Community airlines, thereby distorting competition to the advantage of the airlines receiving operating aid in certain regions. In the

present case, two aggravating factors should also be taken into account: first, the calculation of the subsidies takes no account of the revenue and costs to the recipients, which means that the possibility of excess profits is not ruled out; secondly, there are barriers to entry to the routes in question, due either to the possible application of the restrictive clauses of Regulation (EEC) No 2408/92 or to the strict procedural conditions for obtaining the subsidies imposed by the Law of 20 January 1994.

The Commission spelled out very clearly in its communication of 16 November 1994 that direct subsidies for the operation of regional air routes are compatible with the common market only in two specific cases, the first being exemption under Articles 92 (2) (a) of the Treaty and 61 (2) (a) of the EEA Agreement, which as demonstrated above is not possible, and the second being exemption under Article 4 of Regulation (EEC) No 2408/92 as a public service obligation imposed by a Member State. In the latter hypothesis, any financial compensation granted to an air carrier selected through a transparent tender procedure must take account of expenditure and revenue generated by the service. In the present case, however, no public service obligation on routes to and from Sardinia has been brought to the attention of the Commission, whose responsibility it would be to publish a notice to that effect in the *Official Journal of the European Communities*.

V

In the light of the foregoing, the aid scheme introduced by the Law of 20 January 1994 must be regarded as incompatible with the common market. Where legislation provides for an aid scheme that is incompatible with the common market, the Commission is entitled, in order to ensure the effectiveness of the incompatibility and hence of its decision on the incompatibility of the aid scheme, to require the Member State concerned to refrain from applying the legislation and to take the necessary steps to repeal it (see judgment of the Court in Case 130/83, *Commission v. Italian Republic*)⁽²⁾. As the Law provides for the granting of aid corresponding to expenditure charged to that end against the budgets for 1994, 1995 and 1996, the Italian authorities must refrain from applying it and must adopt the necessary measures to repeal it. Furthermore, where an aid scheme is incompatible with the common market but aid has been paid pursuant to legislative provisions establishing the scheme, the Commission has the power, pursuant to Article 93 (2)

⁽¹⁾ OJ No C 350, 10. 12. 1994, p. 5.

⁽²⁾ [1984] ECR 2849.

of the Treaty and in accordance with the Court's judgments in Cases 70/72, *Commission v. Germany*⁽¹⁾ and 310/85, *Deufil v. Commission*⁽²⁾, to require the Member State concerned to order that the aid be repaid. As the Commission has no information concerning any aid payments made pursuant to the Law in question, the Italian authorities will therefore have to recover any aid that may have been granted to firms or bodies under that Law. The aid must be recovered in accordance with the provisions of national law, in particular those relating to interest on arrears on amounts owed to the State, with interest starting to run on the date on which the unlawful aid was granted,

HAS ADOPTED THIS DECISION:

Article 1

The aid scheme established by the Law of the Region of Sardinia of 20 January 1994 is hereby declared incompatible with the common market within the meaning of Article 92 of the EC Treaty and Article 61 of the EEA Agreement.

Article 2

1. Italy shall forthwith cease to apply the Law of 20 January 1994 and shall, within two months of notification

of this decision, take all the necessary steps to repeal that Law.

2. Italy shall order the repayment, within two months of notification of this Decision, of any aid granted under the Law of 20 January 1994. The aid shall be recovered in accordance with the provisions of national law, in particular those relating to interest on arrears payable on amounts owed to the State, with interest starting to run on the date on which the aid was granted. The rate applicable shall be the reference rate used in the assessment of regional aid schemes.

Article 3

Italy shall inform the Commission, within two months of notification of this Decision, of the measures taken to comply with it.

Article 4

This Decision is addressed to the Italian Republic.

Done at Brussels, 19 July 1995.

For the Commission

Neil KINNOCK

Member of the Commission

⁽¹⁾ [1973] ECR 813.
⁽²⁾ [1987] ECR 901.

COMMISSION DECISION

of 22 January 1996

amending Decision 95/383/EC on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in Madeira for 1995

(Only the Portuguese text is authentic)

(96/111/EC)

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira ⁽¹⁾, as last amended by Commission Regulation (EC) No 2537/95 ⁽²⁾, and in particular Article 33 paragraph 3 thereof,

Whereas the final sentence of Article 5 of Commission Decision 95/383/EC of 8 September 1995 on the Community's financial contribution to a programme for the control of organisms harmful to plants and plant products in Madeira for 1995 ⁽³⁾ lays down that the final date for Portugal for payments in connection with operations covered by the said programme is to be 31 December 1995, non-compliance with the time limit resulting in loss of entitlement to Community financing;

Whereas the annual report on the programme for the control of organisms harmful to plants and plant products in Madeira for 1995 must be submitted to the Commission and to the Standing Committee on Plant Health by the competent authority no later than 31 March 1996;

Whereas a delay in implementing the said programme was noted at the first meeting of the Monitoring Committee of the programme, especially on the budget;

Whereas the relevant official authorities of the Autonomous Region of Madeira are determined to complete the said programme;

Whereas the relevant official authorities of the Autonomous Region of Madeira requested a prolongation of the

final date for payments in connection with this programme;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 95/383/EC is hereby amended as follows:

1. In the final sentence of Article 5, '31 December 1995' is replaced by '31 March 1996'.
2. In the first sentence of the second subparagraph of Annex II (I) (B) (II) (4), '31 March 1996' is replaced by '30 April 1996'.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 22 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 231, 28. 9. 1995, p. 43.