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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 477/95

of 16 January 1995

amending the definitive anti-dumping measures applying to imports into the Community of urea originating in the former USSR and terminating the anti-dumping measures applying to imports into the Community of urea originating in the former Czechoslovakia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2423/88 of 11 July 1988 on protection against dumped or subsidized imports from countries not members of the European Economic Community⁽¹⁾, and in particular Articles 12, 14 and 15 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee,

Whereas :

A. PROCEDURE

- (1) By Regulation (EEC) No 3339/87⁽²⁾ the Council accepted undertakings in respect of imports of urea from, amongst others, the USSR and Czechoslovakia.
- (2) By Commission Decision 89/143/EEC⁽³⁾ of 21 February 1989, the undertakings accepted by Regulation (EEC) No 3339/87 were confirmed.
- (3) During 1992, information available to the Commission indicated that the quantity of imports from these countries was significantly greater than the quantities provided for in the undertakings. Accordingly, the Commission considered a review of the measures was warranted and published a

Notice of initiation to this effect in the *Official Journal of the European Communities*⁽⁴⁾.

- (4) As the review proceeding was still in progress beyond the normal period of expiry of the measures, the Commission gave notice⁽⁵⁾ in accordance with Article 15 (4) of Regulation (EEC) No 2423/88 that the measures concerning urea originating in the former USSR and the former Czechoslovakia would remain in force after the end of the relevant five-year period, pending the outcome of the review.
- (5) The countries concerned by this review are the new republics of the former Czechoslovakia (i.e. the Czech Republic and the Slovak Republic) and those republics of the former USSR in which there was reason to believe urea production facilities exist, namely the Republics of Belarus, Georgia, Tajikistan and Uzbekistan, the Russian Federation (referred to hereafter as 'Russia') and Ukraine.
- (6) The Commission officially notified the Community producers, exporters and importers known to be concerned and the representatives of the exporting countries of the initiation of the proceeding and gave the parties concerned the opportunity to make their views known in writing and to request a hearing.
- (7) Representatives of the European Fertilizer Manufacturers Association (hereafter referred to as 'EFMA') were granted a hearing and made their views known in writing.
- (8) Representatives of the European Fertilizer Importers Association (hereafter referred to as 'EFIA') whose members import urea from the countries concerned, were also granted a hearing and made their views known in writing.

⁽¹⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 522/94 (OJ No L 66, 10. 3. 1994, p. 10).

⁽²⁾ OJ No L 317, 7. 11. 1987, p. 1.

⁽³⁾ OJ No L 52, 24. 2. 1989, p. 37.

⁽⁴⁾ OJ No C 87, 27. 3. 1993, p. 7.

⁽⁵⁾ OJ No C 47, 15. 2. 1994, p. 3.

- (9) The Commission sought and verified all the information it deemed to be necessary for the purpose of its investigation and visited the premises of the following companies :

(a) *Community producers :*

- Hydro Agri GmbH, Brunsbuettel, Germany,
- Stickstoffwerke AG, Wittenberg-Piesteritz, Germany,
- Fertilizantes Enfersa, SA, Madrid, Spain,
- FESA Fertilizantes Españoles, SA, Madrid, Spain,
- Grande Paroisse SA, Paris, France,
- Irish Fertilizer Industry Ltd, Dublin, Ireland,
- Enichem Agricoltura, SpA, Milan, Italy,
- DSM Meststoffen BV, Sittard, Netherlands,
- Kemira BV, Rotterdam, Netherlands ;

(b) *Producer/exporter in the Czech Republic :*

- Chemopetrol s.p., Litvinov ;

(c) *Producers/exporters in the Slovak Republic :*

- Duslo s.p., Sala (producer/exporter),
- Petrimex Foreign Trade Company Ltd, Bratislava (exporter and former Czechoslovakian export monopoly holder) ;

(d) *Importers in the Community :*

- Interore SA, Brussels, Belgium,
- Unifert SA, Brussels, Belgium,
- Champagne Fertilisants SA, Reims, France.

- (10) The Commission received and used information from four other Community producers which had replied to the relevant questionnaire.
- (11) With regard to producers in Belarus, Georgia, Russia, Tajikistan, Ukraine and Uzbekistan, information supplied indicated that there were a total of 24 plants in these countries known or thought to produce urea. Questionnaires requesting information were sent to all these producers, however, reactions were only received from three of them. Of these three, two were producers situated in Russia and both stated that they did not export urea to the Community during the investigation period. The third producer, the only known fertilizer manufacturer in Georgia, said it had ceased urea production some years ago.
- (12) The investigation of dumping covered the period from 1 January 1992 to 31 December 1992 (the 'investigation period').
- (13) All the parties concerned were informed of the essential facts and considerations on the basis of

which it was intended to recommend the imposition of definitive measures. They were also granted a period within which to make representations subsequent to these disclosures.

- (14) Some of the parties concerned submitted that they had not been provided with sufficient detailed information by the Commission concerning the calculation of dumping margins and injury elimination levels and that this might affect their ability to defend their interests.

- (15) As regards disclosure, exporters were informed of details of how their individual dumping margins were calculated and the injury elimination levels established. Community producers were supplied with details of average Community producers' sales prices, undercutting, profit levels, and any injury elimination level established ; importers received disclosure of detailed information on all aspects of the investigation and of the reasons on the basis of which it was intended to recommend the imposition of definitive duties.

Thus, in the Commission's view, each interested party received, within the constraints laid down in Article 8 of Regulation (EEC) No 2423/88, all available information required for the party concerned to protect its interests and relevant for its defence.

B. PRODUCT UNDER CONSIDERATION

1. Production description

- (16) The product concerned is urea. It is produced from ammonia, which in turn is produced mainly from natural gas, although it can also be produced from the waste products of oil refining. When in solid form, it is either in small 'granules' (which have a rough surface) or small 'prills' (which are also granular but have a smooth surface). Solid urea can also be mixed with water to make 'liquid' urea.
- (17) Urea in granular and prilled forms can be used for both agricultural and industrial purposes :
- agricultural grade urea can be used either as a fertilizer which is spread onto the soil or as an animal feed additive,
 - industrial (or 'technical') grade urea is a raw material for certain glues and plastics.

Liquid urea can be used both as a fertilizer and for industrial purposes. Although urea is presented in the different forms mentioned above, its chemical properties remain basically the same and may be regarded for the purposes of the present proceeding as one product.

2. Like product

- (18) It was established that urea produced and sold by the Community industry on the Community market is a like product within the meaning of Article 2 (12) of Regulation (EEC) No 2423/88 as regards its physical and technical characteristics when compared with the urea produced by the countries concerned in this proceeding.

C. COMMUNITY INDUSTRY

- (19) The investigation showed that the producers which cooperated in the investigation accounted for the entire production of urea in the Community and may therefore, in accordance with Article 4 (5) of Regulation (EEC) No 2423/88, be considered as the Community industry.

D. DUMPING

1. Czech Republic and Slovak Republic

(a) General

- (20) Following the division of Czechoslovakia into the Czech Republic and the Slovak Republic at the beginning of 1993, each of these new countries has one urea production company situated within its borders.
- (21) Since 1 March 1992, Czechoslovakia and, latterly, the Czech Republic and the Slovak Republic, have been considered as market economies. Accordingly, normal value was established using data relating to the domestic sales prices and production costs of each producer. It should be noted that during the investigation period, Czechoslovakia had not yet become two independent countries, therefore any reference to Czech or Slovak 'domestic' sales prices in this Regulation means sales prices in the former Czechoslovakia.
- (22) Given that the two countries were coming through the transitional stage between centrally planned and free market economies at the time of the investigation, particular attention was paid to the question of whether the prices and costs of the producers were still influenced by the continuation of historical links between State-owned companies. Such links may have resulted in prices and costs not being capable of being considered in the ordi-

nary course of trade and may have necessitated an appropriate adjustment of normal value. In the present case, however, this was not considered necessary following analysis of the producers' accounting data.

- (23) Historically, the two production companies have always maintained their own accounting records and organized their own domestic sales of urea. With regard to export sales, even prior to the division of Czechoslovakia into two separate Republics, the two production companies always knew the final destination of their goods. It is therefore possible to determine domestic prices in Czechoslovakia and export prices for each producer separately.

(b) Normal value

- (24) In accordance with Article 2 (3) (a) of Regulation (EEC) No 2423/88, normal value was established on the basis of the price actually paid in the ordinary course of trade for domestic sales of the like product, which were made in sufficient quantities to permit a proper comparison. To determine that such sales were profitable, the costs of production data provided were analysed.

It was first necessary, however, to establish whether the data were both reliable and in accordance with acceptable accounting standards. Examination of the Czech and Slovak producers' records showed that costs had been kept on a cost centre basis and that, in particular, depreciation had been taken into account as well as financing costs. With regard to purchases of raw materials, it was found that the Slovak producer had purchased its gas from Russia at open market prices. The Czech producer did not use natural gas as a raw material but instead produced urea from the waste products of oil refining.

- (25) It was established that domestic prices were profitable. Consequently, normal value was calculated on the basis of each producer's weighted average net domestic sales price of agricultural and industrial prilled urea sold in the ordinary course of trade during 1992.

(c) Export price

- (26) In the case of direct sales made by the Czech and Slovak producers to customers in the Community, export prices were established on the basis of the prices paid or payable, to the producer concerned.

- (27) In addition to direct sales to the Community, the Czech and Slovak producers both made some export sales during the investigation period to customers in the Community via the former Czechoslovakian export monopoly holder, Petrimex Foreign Trade Company Ltd (hereafter called 'Petrimex'). In such cases, the net price at which the production companies sold the urea to Petrimex has been considered as the export price within the meaning of Article 2 (8) (a) of Regulation (EEC) No 2423/88, taking into consideration the fact that the ultimate destination of the goods was known to the manufacturer at the time of their delivery and that normal value has been established at a corresponding level.

(d) *Comparison*

- (28) In accordance with Article 2 (10) (c) of Regulation (EEC) No 2423/88, adjustments were made, where appropriate, to both normal value and export price in order to take account of directly related selling expenses and enable them to be compared at the same level. These adjustments included transport and related costs, packing costs and commissions.
- (29) A comparison was then made between normal value (ex-works) and export price (ex-works) on a transaction-by-transaction basis.

(e) *Dumping margins*

- (30) The dumping margins, expressed as percentages of the price, free-at-Community-frontier, were as follows :
- Czech Republic : Duslo s.p. 0,7 %,
 - Slovak Republic : Chemopetrol s.p. 11,8 %.

2. Republics of Belarus, Georgia, Russia, Tajikistan, Ukraine and Uzbekistan

(a) *General*

- (31) In view of the non-cooperation of the majority of the producers/exporters in Belarus, Georgia, Russia, Tajikistan, Ukraine and Uzbekistan, in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88 the facts available have been used to examine the question of dumping.
- (32) To this end, consideration was given as to whether Eurostat data could be used for establishing export prices for these countries. A problem arose, however, in view of the fact that prior to January 1992 only one geo-nomenclature Eurostat code existed for the USSR (including the three Baltic States of Estonia, Latvia and Lithuania). From

January 1992 onwards, separate codes were created for these Baltic States, however the other Republics of the former USSR continued to be grouped together under one code.

It was only in mid-1992 that separate statistical import codes for Belarus, Georgia, Russia, Tajikistan, Ukraine and Uzbekistan were established. Available Eurostat data for the second half of 1992 show that no imports into the Community were made from Belarus, Georgia, Tajikistan and Uzbekistan (with the exception of a negligible quantity of 119 tonnes from Belarus).

- (33) During the course of the investigation, the Community producers and importers also indicated that most of the urea exported from the former USSR was of Russian origin. In addition, the Ministry of Foreign Affairs of Uzbekistan informed the Commission that no exports of urea had been made to the Community in 1992 by any of the Uzbek producers. With regard to Georgia, as mentioned previously in this Regulation, the only known producer of urea in that country stated that it ceased urea production some years ago.
- (34) For these reasons and for the purposes of the current review proceeding, it has been concluded that none of the urea imports under the geo-nomenclature code 'USSR' in Eurostat during the first part of 1992 should be attributed to Belarus, Georgia, Tajikistan or Uzbekistan. Accordingly, these four countries are to be excluded from the examination of dumping.
- (35) With regard to establishing separate import volumes for Russia and Ukraine, the individual ratios found for these two countries in respect of their imports during the second part of 1992 were also applied to the 'USSR' import volume during the first part of 1992. For previous years, the same ratios of import volumes from Russia and Ukraine found in 1992 were also applied to establish separate import volumes.

(b) *Normal value (Russia and Ukraine) — choice of analogue country*

- (36) In order to establish the normal value of urea produced in Russia and Ukraine, account was taken of the fact that these countries do not have market economies. In accordance, therefore, with Article 2 (5) of Regulation (EEC) No 2423/88, a determination of normal value had to be based on the conditions in a market economy country (the 'analogue' country).

- (37) With regard to the choice of an analogue country, Australia was suggested by EFMA. On the other hand, EFIA objected to the use of any analogue country and proposed that the actual costs in the countries concerned by the proceeding be used instead.
- (38) In view of the lack of alternatives, contact was made with the sole Australian producer of urea and this company agreed to cooperate with the investigation. At a later stage in the proceeding, EFIA submitted that Canada was a more suitable analogue country and provided data concerning urea production there.

As the suggestion to use Canada as an analogue country had come late and, in order not to unduly delay the length of the investigation at that time, it was decided to proceed using Australia as the provisional analogue country.

- (39) The investigation revealed, however, that Australia was not the most appropriate choice of analogue country given its isolated position in relation to the world markets and also the fact that domestic sales prices were higher than those prevailing in Europe.
- (40) As the Slovak Republic had already been investigated and the data provided by the producer there verified, consideration was given to using this country as the analogue country.
- (41) The investigation had revealed that the Slovak producer's production process was based on natural gas, as are the Russian and Ukrainian manufacturers. Moreover, the Slovak producer bought its gas from Russia at open market prices. In view also of the fact that the Slovak sales prices reflected the real cost of production under market economy conditions and that there was a substantial domestic market, the Slovak Republic was considered to be an appropriate analogue country for establishing normal value for Russia and Ukraine.
- (42) Certain parties concerned objected to this and argued that Slovakia was inappropriate due to its small production volume in comparison to that of the USSR. Moreover, because of its reliance on Russian gas, it was alleged that production costs were not comparable. The investigation showed, however, that although Russia has large production capacity, its exports to the Community are broadly similar to the level of production in Slovakia. Furthermore, the sole Slovak producer bought the basic raw material — gas — at open market prices from Russia. The requirement to establish normal value at market economy conditions was therefore duly respected.

Following disclosure to all the interested parties of the essential facts and considerations upon which it was intended to propose measures, the Russian authorities, although admitting that there are similarities between their urea production process and that of the Slovak producer, suggested that Canada should be used as the analogue country in this particular case. This request came extremely late in the proceeding despite the invitation made in the Notice of Initiation for comments concerning the selection of the analogue country. Therefore, the Slovak Republic is still considered to be an appropriate analogue country for the reasons stated above.

(c) Normal value (Russia and Ukraine) — calculation

- (43) As already established in recital 25, when compared to the cost of production data, the weighted average net domestic sales price in 1992 of Slovak-produced agricultural and industrial prilled urea yielded a profit overall. Consequently, in accordance with Article 2 (5) (a) (i) of Regulation (EEC) No 2423/88, normal value for Russia and Ukraine has been based on the ex-works sales prices of the Slovak producer on the Czechoslovakian market during the investigation period.

(d) Export price

- (44) With regard to establishing the export price, the Ministry of Foreign Economic Relations of the Russian Federation submitted that the calculations should be made separately for each of the two Combined Nomenclature (CN) codes under which Russian urea is imported. Furthermore, EFIA submitted that the comparison between prices of Russian and Community urea should be made separately for agricultural and industrial grades.
- (45) In this context, all urea has been considered one product (see recital 17) and it should be noted that no information concerning Russian or Ukrainian exports has been provided by the producers/exporters in these countries. Moreover, the importers of urea which cooperated with the investigation and which purchased the product directly from the countries concerned only accounted for approximately 1,5 % of the total imports of urea from Russia and Ukraine during the investigation period.

In view of this and in accordance with Article 7 (7) (b) of Regulation (EEC) No 2423/88, the facts available were used to calculate export prices. Eurostat data, which comprise all forms and grades of urea, has been used in the determination of export prices being considered the most reasonable facts available.

- (46) It was considered that the most reasonable basis for establishing export prices was to take the cif Eurostat import values for the combined nomenclature codes in question and adjust them to Russian and Ukrainian frontier prices. Certain interested parties contested this approach and submitted that a more accurate method would be to calculate the ex-works price in Russia and Ukraine. This argument cannot be accepted as, in non-market economies, the siting of industrial production facilities (such as those for urea) need not be determined by free-market considerations such as access to transport facilities, proximity to raw material sources or user markets, etc. Furthermore, costs, including transport costs, in such economies are not governed by market forces. Accordingly, the view has been taken that export prices should be calculated at ex-frontier level in this particular case.

(e) *Comparison*

- (47) Normal value in the Slovak Republic was compared with the export price as established in recital 46 for Russia and Ukraine. For the purpose of ensuring a fair comparison, the Commission first examined the question of whether there were physical or technical differences between the Slovak product and urea manufactured in Russia and the Ukraine. No differences were found, therefore no adjustments to the normal value or export prices on these grounds were necessary.
- (48) The Commission was requested to address the question of whether an adjustment to the normal value was necessary in order to take account of the difference in the price paid for Russian gas by the urea producer in the Slovak Republic and the price paid for Russian gas by urea producers in Russia and Ukraine. To this end, it was found that the Slovak producer had paid the free market price to Russia for its gas while producers in Russia and Ukraine, it is believed, paid considerably less.
- (49) Nevertheless, for the purposes of making a correct comparison between normal value in the Slovak Republic and export prices in Russia and Ukraine, any difference is irrelevant as these two countries were not considered as market economies during the investigation period and therefore their raw material costs were not governed by market forces. Thus, no adjustments were made to the normal value for reasons of differences in raw material costs.
- (50) The question of whether an adjustment to the normal value was necessary to take account of the costs of sending gas by pipeline from Russia to the Slovak Republic was also considered. The view has

been taken that no adjustment is necessary as the majority of Russian and Ukrainian urea producers are situated considerable distances away from the gas fields. It follows that, if the costs in these countries had been governed by market forces, Russian and Ukrainian urea producers would also, like the Slovak producer, have incurred costs for piping gas to the production sites.

- (51) Normal value and export prices were, however, adjusted to take account of certain of the selling expenses listed in Article 2 (10) (c) of Regulation (EEC) No 2423/88. Such adjustments were made, where appropriate, for transport and insurance costs.
- (52) In particular, the cif Eurostat imports values were adjusted to Russian and Ukrainian frontier prices. This was achieved by deducting a certain amount for freight and insurance costs which were derived from the data supplied by the cooperating importers.
- (53) A comparison was then made, at the same level of trade, between normal value (ex-works) in the Slovak Republic and export prices (ex-frontier) for Russia and Ukraine respectively.

(f) *Dumping margins*

- (54) The dumping margins, expressed as percentages on the cif price, free-at-Community frontier, were as follows:
- Russia: 28,2 %,
 - Ukraine: 20,4 %.

E. INJURY

1. Preliminary considerations

- (55) The Commission has established that during the investigation period the only producer in the Czech Republic was dumping at a rate of 0,7 %. It was considered that this dumping margin is *de minimis* for the purpose of the present proceeding. It follows, therefore, that it was not necessary to examine the question of whether imports originating in the Czech Republic have caused injury to the Community industry.
- (56) With regard to the Republics of Belarus, Georgia, Tajikistan and Uzbekistan, it should be remembered that these four countries were excluded from the examination of dumping on the grounds of no exports or negligible exports to the Community. It follows that these four countries are also to be excluded from the examination of injury in the present proceeding.

2. Volume and market shares of dumped imports

(a) Community consumption

- (57) In calculating the total consumption of all types of urea in the Community (agricultural, industrial, prilled, granules, in liquid form, etc.), the Commission added the total Community urea sales of the Community producers to the total imports into the Community of all types of urea from all sources. On the basis, Community consumption of urea declined by 2,7 % between 1989 and the investigation period.

(b) Former Czechoslovakia

- (58) On the basis of information contained in Eurostat, the Commission found that declared imports of Czechoslovakian origin apparently stood at 134 930 tonnes during the investigation period. However, the Commission's investigation at the premises of the Czech and Slovak producer showed that they had only exported a combined total of 84 504 tonnes to the Community. Information received from two separate sources indicated that the difference of 50 426 tonnes comprised urea of Ukrainian origin which was transhipped through Czechoslovakia by newly formed trading houses and incorrectly attributed with Czechoslovakian origin on importation into the Community. A similar situation occurred in 1991 when the quantities involved were approximately 14 000 tonnes.
- (59) Accordingly, for the purposes of calculating the volume of dumped imports and market shares, the Commission has treated the difference in quantities referred to above as being urea originating in Ukraine and has attributed the said quantities to import data relating to Ukraine. The Ukrainian authorities were advised of these findings and raised no objections. All data concerning exports made by the Czech or Slovak producers thereof reflects their actual level of exports to the Community.

(c) The Slovak Republic

- (60) It has been established that dumped imports of Slovakian origin increased by 77 % between 1989 and the investigation period. The market share, however, of such imports rose from 0,3 % in 1989 to 0,5 % during the investigation period. Given this negligible market share, it is considered that there are insufficient grounds to cumulate imports originating in the Slovak Republic. It follows that the

question of whether imports from the Slovak Republic have caused injury need not be addressed.

(d) Ukraine

- (61) The investigation has shown that dumped imports of Ukrainian origin rose between 1989 and the investigation period with a resultant increase in market share from 0,2 % to 1,7 %. Given this very low share of sales within the Community, it is also considered that there are insufficient grounds to cumulate Ukrainian urea imports. As with the Slovak Republic, it follows that there is no need to examine the question of whether such imports have caused injury to the Community industry concerned.

(e) Russia

- (62) The investigation revealed that dumped imports of Russian origin went up from 39 873 tonnes in 1989 to 117 706 tonnes during the investigation period, an increase of 195 %. Although this quantity significantly exceeded the amount agreed in the undertaking given in 1987, it should be borne in mind that following the political break-up of the USSR, the export monopoly holder lost its monopoly and, in effect, the undertaking became totally unmanageable. Certain producers in Russia began exporting direct to the Community without the intervention of the export monopolist and this lack of a restraining presence led to the large influx of imports which occurred during the investigation period. It was found that the market share of dumped imports from Russia rose from 0,9 % in 1989 to 2,6 % during the investigation period.

3. Prices of dumped imports

- (63) For imports of urea from Russia, the weighted average duty paid cif Community-frontier-price was compared to the weighted average ex-works selling price of urea in the Community of the Community producers. All prices were compared at the same level of trade and all discounts and rebates were excluded. With regard to the duty paid price, this was calculated by taking the Eurostat import price and adding customs duty at a rate of 10,6 % (a weighted average — based on volume — of the two customs duty rates of 11 % and 8 % applicable to imports of urea under the different CN codes).
- (64) In making such a comparison, however, it was brought to the attention of the Commission that a certain difference in price existed between Community-produced urea and that from the former USSR as a result of the imported product's inferior quality and finish. Its tendency to deteriorate during transport, combined with the fact that

importers cannot always offer the same security of supply as the Community producers, leads naturally to lower prices. While these differences are difficult to evaluate in monetary terms, it has been concluded that such a difference exists and that a 10 % adjustment in value is considered to be appropriate.

- (65) Whilst admitting that the Community producers' product commanded a higher price, EFMA considered that the level of the adjustment was too high. Moreover, they argued that the conclusions drawn were without basis given the lack of factual supporting evidence.

EFIA also contested the level of the adjustment, but on the grounds that it was insufficient given the significantly inferior state of the Russian product on arrival at the end user in the Community. They argued that this poorer quality had to be compensated for by lower prices.

- (66) In view of the inconclusive and conflicting information received by the Commission, it was concluded, based on the information available, that a 10 % adjustment level was both reasonable and appropriate. It also constituted the middle ground between the figure put forward by the Community producers and the amount requested by EFIA.
- (67) Allowing for these differences, the level of undercutting of the Community producers' prices was found to be approximately 10 % for urea of Russian origin.

4. Situation of the Community industry

(a) *Production, production capacity, capacity utilization rate and stock*

- (68) It was found that the Community producers' production of urea increased by 1,4 % between 1989 and the investigation period. It should be noted that although one of the Community producers (Stickstoffwerke AG) was situated in the former German Democratic Republic, the output and sales of this company have been included in the Community producers' figures from 1989 onwards.
- (69) With regard to the Community producers' production capacity, it was established that this declined by 1,6 % between 1989 and the investigation period. In view of these minor fluctuations in production and capacity, capacity utilization rose slightly from 75 % in 1989 to 77 % during the investigation period.

- (70) The investigation also showed that the Community producers' stocks of urea increased by 8,7 % between 1989 and the investigation period.

(b) *Sales and market shares*

- (71) Sales on the Community market by the industry concerned decreased by 1,7 % between 1989 and the investigation period. The Community producers' market share, on the other hand, rose from 77,5 % in 1989 to 78,5 % during the investigation period. Such an increase, however, coincided with a decrease in the level of imports from third countries not concerned by this present proceeding.

(c) *Sales prices, profitability and profit shortfall*

- (72) The Community producers, average sales prices dropped by 10 % between 1989 and the investigation period. With regard to profitability, the investigation showed that the Community industry's position had worsened between 1989 and the investigation period as, on a weighted average basis, losses had increased from 3,7 % to 6 %.
- (73) The majority of Community producers claimed that a minimum pre-tax profit of 10 to 15 % was required for them to remain competitive. However, this was not substantiated and, as urea is a long established product, this figure is considered to be high. The Commission is of the opinion that after taking account of the decline in demand for urea, the need to finance additional investments in manufacturing facilities and the profit which is considered reasonable in the original anti-dumping investigation concerning this product, a pre-tax profit rate of 5 % should be used as the basis for assessing profit shortfall in this present proceeding.

(d) *Employment*

- (74) The investigation showed that the number of people employed by the Community producers in the urea sector fell by 8 % between 1989 and the investigation period.

5. Conclusions concerning injury

- (75) It is noted that between 1989 and the investigation period anti-dumping in the form of quantitative undertakings were in force. Nevertheless, despite these measures, the situation of the Community producers has worsened. Although, many of the main economic indicators of injury have remained fairly static, the falling prices combined with increased stock levels and loss of employment are particularly significant. It is also evident that the Community demand for urea has contracted slightly since 1989 and that to maintain production levels and market share the Community producers have been obliged to lower their prices to levels which cause even greater losses than those which occurred in 1989.

- (76) In view of the above factors, it is concluded that the Community industry has suffered material injury within the meaning of Article 4 (1) of Regulation (EEC) No 2423/88.

F. CAUSE OF INJURY

1. Effect of dumped imports

- (77) In the examination of the extent to which the material injury suffered by the Community industry was caused by dumped imports, it was found, as explained in recital 62, that the Russian market share rose from 0,9 % in 1989 to 2,6 % during the investigation period.
- (78) With regard to sales, the investigation showed that the Community producers' sales decreased by 63 700 tonnes between 1989 and the investigation period while the volume of imports from Russia rose by 77 833 tonnes. As stated below, it was also found that there had been a decline in imports of 263 802 tonnes from other third countries (excluding the Czech Republic, the Slovak Republic and Ukraine). Accordingly, it is considered that all the sales in the Community lost by the Community producers can be attributed to dumped imports from Russia.
- (79) As far as prices and profitability are concerned, it was established that during the investigation period, the average selling price per tonne of the Community producers had declined by 10 % compared with 1989. It is clear that the increasing presence of imports from Russia played a considerable part in this fall in prices since they were being offered on the market at duty paid prices of up to 14 % below the Community producers' production costs.

2. Effect of others factors

- (80) The question of whether the injury suffered by the Community industry had been caused by factors other than dumping by Russian exporters has also been examined. There is, however, no evidence of increased imports from any third country not subject to anti-dumping measures. In 1989 global imports from other third countries accounted for 92,7 % of all imports into the Community of urea, whereas in the investigation period this figure had dropped to 71,4 %. The estimated Community market share of such imports decreased from 20,8 % to 15,6 % over the same period.
- (81) As far as the prices of such imports are concerned, it was found that the weighted average cif import

price (before duty) from these other third countries was 22,5 % higher than the comparable cif import price of Russian urea. At a duty paid level, their price to the importer would be just below the loss-making weighted average selling price of the Community producers during the investigation period. It can be argued that the prices of these imports also contributed to the depressed state of the Community industry as such prices were well below the theoretical level needed to enable Community producers to cover all costs and achieve a reasonable profit.

- (82) It is considered that even though there was a fall in prices, the minor reduction in the overall demand for urea in the Community between 1989 and the investigation period indicates that the level of consumption for this product has more or less reached its peak. In addition, the Community producers have slightly increased their market share which would indicate that the shrinking market has not been a major contributory factor to the poor situation of the Community producers.
- (83) Whilst it can be argued that imports from other third countries may have contributed to the losses suffered by the Community industry, this does not detract from the fact that imports from Russia, taken in isolation, by virtue of their low prices and increasing market penetration, have caused material injury to the Community industry.

G. LIKELIHOOD OF FURTHER INJURY IN THE EVENT OF EXPIRY OF EXISTING ANTI-DUMPING MEASURES

1. Czech and Slovak Republics

(a) Preliminary considerations

- (84) As the normal five year duration period for the measures being reviewed would normally have lapsed in February 1994, the question of likelihood of recurrence of injury was examined. To this end, the following factors were considered :
- production and capacity levels in the exporting countries,
 - the rate of increase of dumped imports to the Community,
 - the likelihood of Czech or Slovak urea entering the Community at price levels which will have a depressing effect on the Community producers' prices,
 - the actual and potential negative effects of such imports on the development and production of the Community industry.

- (85) With regard to the Czech and Slovak producers' capacity utilization, the investigation established that there is either limited scope for increasing production levels or there is no stated intention to do so. Unless there were to be a dramatic change in the pattern of their domestic and export sales, it is considered unlikely that imports into the Community from the Czech Republic and Slovak Republic will increase much beyond current levels.
- (86) With regard to the rate of increase of imports from these two countries, it has been established that most, if not all, of the apparent rise in volume stems from the reunification of Germany and the inclusion of sales to traditional customers in the former German Democratic Republic (GDR) in the Eurostat import statistics. If these sales to the former GDR were to be excluded, the quantitative limits originally agreed in the undertaking would have been respected.
- (87) Given that the Czechs and Slovaks are coming through the transitional stage between centrally planned and free market economies, it is considered inevitable that the export prices of urea must rise in line with market determined production and transport costs. In the medium term, it is thought that the current price advantage of the Czech and Slovak producers will be diminished and that they will be obliged to sell at higher prices which are more comparable to those of the Community producers.
- (88) The investigation has shown that the impact of Czech and Slovak imports has been negligible on the Community market and that, given the production and trading patterns of the producers in these two countries, it is unlikely that their exports to the Community will rise to significant levels in the future. As a result, it is considered that imports from the Czech Republic and the Slovak Republic will not have any major effect on the development and production of the Community industry.

(b) Conclusion

- (89) In view of the above factors and the minimal actual and potential market penetration of the Czech and Slovak Republics, it is concluded that there is little likelihood of injury being caused by dumped imports from these two countries in the near future and that there is no necessity to renew the protective measures.

2. Russia and the Ukraine

(a) Preliminary consideration

- (90) As with the Czech and Slovak Republics, it is necessary to make a reasoned forecast of what

would happen in the future if there were to be no anti-dumping measures in force against Russia and Ukraine.

(b) Russia

- (91) With regard to Russia, information available indicates that producers there have the capacity to produce 6,4 million tonnes of urea per annum. The data provided also shows that Russia actually produced 4,5 million tonnes of urea in 1992. In view of the breakdown of the collective farming system in this country, it is highly probable that the domestic demand for urea will plummet as the newly privatized farms will have no money to pay for fertilizers. The urea producers will therefore be obliged to explore further the possibility of increasing their trade with the Community.
- (92) Given also that the introduction of 'set-aside' under the common agricultural policy has caused many Community farmers to economize with regard to fertilizer purchases, it is highly likely that the market will contract further and Russian exporters will increase export volumes and reduce their dumped prices even more to gain market share.

(c) Conclusion regarding Russia

- (93) It is concluded on the basis of the foregoing that the negative effects of dumped imports from Russia would continue in the absence of measures.

(d) Ukraine

- (94) With regard to Ukraine, information supplied indicates the producers there have the capacity to produce 3,1 million tonnes of urea per annum. Unlike Russia, however, Ukraine is not self-sufficient in natural gas (the raw material used by Ukrainian urea producers) and relies heavily upon imports of gas from Russia. Information available shows that the gas supply has been severely disrupted and that Ukraine may no longer be capable of utilizing its existing capacity.
- (95) As to the level of imports from Ukraine, the latest data available shows that these have dropped to negligible levels (6 102 tonnes during the period January — October 1993).

(e) Conclusion concerning Ukraine

- (96) Given the above, it is considered unlikely that import levels from Ukraine will be in sufficient quantities in the future to cause injury to the Community industry concerned. Accordingly, it is concluded that there is no need to renew the protective measures against Ukraine.

H. COMMUNITY INTEREST

- (97) In examining whether the interest of the Community is best served by the maintenance of anti-dumping measures, it should be recalled that the purpose of such measures — preventing distortion of competition arising from unfair commercial practices in the Community market — is fundamentally in the general Community interest.
- (98) With regard to this proceeding, it is considered that without measures to correct the effects of dumped imports, one or more of the Community producers may be forced to close its urea production facilities. This would lead to a loss of employment in the Community and would reduce the amount of competition on the market.
- (99) It is true that farmers and industrial users of urea in the Community have benefited in the short term from the low price of dumped imports. However, it must also be borne in mind that urea purchases by such customers account for a relatively small percentage of their total inputs. Given also that the price of urea has dropped in recent years, any adjustment to the dumping measures is unlikely to have a major impact on users' budgets and, on balance, is not sufficient reason to deny legitimate protection to the Community producers.

I. TERMINATION

(a) *Termination as regards the Czech Republic and the Slovak Republic*

- (100) As explained previously in this Regulation, but for the inclusion of sales to the former GDR in Eurostat import statistics, the Czech and Slovak Republics have in essence respected the terms of the undertaking and the quantitative limits laid down therein. Given also in the limited scope for increasing exports to the Community much above current levels, the very low dumping margin of the Czech products, the minimal market share and penetration of Czech and Slovak imports and the limited effect on prices of such imports, it is considered that the measures against these two countries should be terminated.

No objection to this course of action was raised in the Advisory Committee.

(b) *Termination as regards Belarus, Georgia, Tajikistan and Uzbekistan*

- (101) The conclusion was drawn in recital 34 that there is no evidence of significant imports into the Community from the abovementioned countries during the investigation period. Whilst it is acknowledged that substantial production capacity exists in these countries, there is no evidence of any imminent or foreseeable change in circumstances which could lead to an influx of low-priced imports into the Community from the countries in question. In view of the above, the anti-dumping proceeding with regard to Belarus, Georgia, Tajikistan and Uzbekistan should be terminated.

No objection to this course of action was raised in the Advisory Committee.

(c) *Termination as regards Ukraine*

- (102) As with the countries mentioned in the previous recital, it is acknowledged that a considerable capacity for urea production exists in Ukraine. Nevertheless, given the relatively low level of market share held by Ukrainian exports and given the uncertainties of the gas supply from Russia, there is no clear evidence of any imminent change in circumstances. Accordingly, it is concluded that there is no need to renew the anti-dumping measures against Ukraine.

No objection to this course of action was raised in the Advisory Committee.

J. DEFINITIVE MEASURES

- (103) The investigation has clearly shown in the case of Russia that:

- the quantities stipulated in the undertaking have not been respected, although, for the reasons stated elsewhere in this Regulation, this is not held to be the fault of the party which originally gave the undertaking,
- in spite of the anti-dumping measures introduced in 1987, imports from Russia have continued to be dumped and have contributed to the material injury suffered by the Community industry,
- Russia has a large excess production capacity and there is potential for increasing its dumped exports to the Community.

- (104) Given the above, anti-dumping measures should be imposed against Russia.

- (105) It has been established in recitals 72 and 73 that the Community producers suffered a loss during the investigation period and that a pre-tax profit rate of 5 % was considered reasonable for the purposes of this proceeding. Accordingly, in order to establish a level of duty adequate to remove the injury caused by dumping, a price was calculated which would allow the Community industry to cover its cost of production and to achieve this reasonable profit of 5 %. This price was then compared to the Russian cif duty paid import price (adjusted to take account of the differences in quality). Expressed as a percentage of the cif import price, free-at-Community frontier, the injury elimination figure is 26,8 %.
- (106) This injury elimination percentage is less than the dumping margin of 28,2 % established for Russia. Consequently, in conformity with Article 13 (3) of Regulation (EEC) No 2423/88, the definitive anti-dumping duty should be established at the level of the injury elimination figure.
- (107) In view of the downward trend of Russian import prices, a variable duty is considered to be the most appropriate course of action in this particular case. This form of duty also allows the exporters to obtain a more adequate return for their exports. The variable duty to be imposed should be based on any difference between the actual cif import price, free-at-Community frontier and a minimum price of ECU 115 per tonne,

HAS ADOPTED THIS REGULATION :

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of urea falling within CN codes 3102 10 10 and 3102 10 90 originating in the Russian Federation.
2. The amount of the duty shall be the difference between ECU 115 per tonne and the net, free-at-Community frontier price, before customs clearance, if this price is lower.
3. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

The undertakings offered by Petrimex Foreign Trade Company Ltd (Bratislava) and Sojuzpromexport (Moscow) and accepted by Article 2 (1) of Regulation (EEC) No 3339/87, are hereby terminated.

Article 3

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

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

Done at Brussels, 16 January 1995.

For the Council

The President

E. ALPHANDÉRY

COMMISSION REGULATION (EC) No 478/95

of 1 March 1995

on additional rules for the application of Council Regulation (EEC) No 404/93 as regards the tariff quota arrangements for imports of bananas into the Community and amending Regulation (EEC) No 1442/93

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 404/93 on the common organization of the market in bananas ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas the agreements concluded during the multi-lateral trade negotiations of the Uruguay Round included a framework agreement on bananas; whereas that agreement amends the tariff quota arrangements for import of those goods into the Community and is applicable from 1995;

Whereas Commission Regulation (EC) No 3224/94 ⁽³⁾ establishes transitional measures for the implementation of the framework agreement in the first quarter of 1995;

Whereas the necessary measures should be adopted to implement the abovementioned agreement on a non-transitional basis and therefore to amend Commission Regulation (EEC) No 1442/93 of 10 June 1993 ⁽⁴⁾, laying down the detailed rules for the application of the arrangements for importing bananas into the Community, as last amended by Regulation (EC) No 439/95 ⁽⁵⁾;

Whereas the framework agreement establishes a distribution of the tariff quota among certain supplier countries or groups of supplier countries and includes specific clauses to cover cases of *force majeure* that might affect deliveries by the signatory countries and allow some degree of transfer of allocations;

Whereas the allocation provided for in the agreement for quantities of non-traditional ACP bananas should be shared between the Dominican Republic and the countries that have traditionally supplied the Community and that have imported those quantities of non-traditional ACP bananas under the tariff quota;

Whereas the framework agreement provides that the signatory countries are authorized to issue export licences

for seventy percent of their allocations, which licences are to be presented in order to obtain import licences of Categories A and C for import into the Community, in conditions which may improve the regularity and stability of commercial transactions and guarantee the absence of any discriminatory treatment among operators;

Whereas provisions should be adopted that will ensure that the specific clauses are applied and the tariff quota arrangements properly administered; whereas, in particular, an obligation should be imposed to indicate the origin of the goods when the application for a licence is submitted, and to release for free circulation goods of the same origin; whereas, however, provision should be made for the possibility of an operator renouncing the use of an import licence or submitting a new application for goods of different origin in cases where a limitation on the issuing of import licences is adopted for one or several origins;

Whereas provision should be made for the reporting needed for operating the modified arrangements;

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

1. The tariff quota for imports of bananas from third countries and non-traditional ACP bananas referred to in Articles 18 and 19 of Regulation (EEC) No 404/93 shall be divided into specific shares allocated to the countries or groups of countries referred to in Annex I, in accordance with that Annex.

2. Where the tariff quota is increased in application of Article 18 (1) of Regulation (EEC) No 404/93, the quantities allocated to the supplier countries or groups of supplier countries referred to in Annex I, Tables 1 and 3, shall be increased in accordance with the distribution indicated.

However, on the basis of a joint application submitted by several supplier countries listed in Table 1, the Commission may increase the quantities allocated to those countries on the basis of a different percentage distribution.

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 337, 24. 12. 1994, p. 72.

⁽⁴⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁵⁾ OJ No L 45, 1. 3. 1995, p. 35.

Article 2

1. If, for reasons of *force majeure*, a supplier country listed in Annex I, Table 1, is not able to export to the Community market all or part of the quantities allocated to it, it may supply products to the Community market originating in another country listed in the same Annex, Table 1.

2. If a supplier country listed in Annex 1, Table 1, informs the Commission, not later than 1 October, that it will not be able to export to the Community market the following year all or some of the quantity allocated to it, that quantity shall be reallocated for the year in question to the other supplier countries listed in Annex I, Tables 1 and 3, in line with the distribution percentages indicated.

However, on the basis of a joint application submitted by several supplier countries listed in Table 1, the Commission may introduce a different distribution.

For the purposes of the first and second subparagraphs, in 1995, the information shall be communicated to the Commission not later than 21 July 1995.

Article 3

1. For the importation of goods originating in a country or group of countries listed in Annex I, an application for an import licence is admissible only if:

(a) it includes in box 8 an indication of the country of origin; for goods originating in countries listed in Annex I, Table 3, box 8 shall contain the entry: 'Regulation (EC) No 478/95 Annex I-3 "Others"; for goods originating in ACP countries other than those listed in Table 2, the said box shall contain the entry Regulation (EC) No 478/95 Annex I.2. "Other ACP States";

(b) it concerns a quantity that is not greater than the quantity available, published periodically before the opening of the period for submitting applications.

2. For goods originating in Colombia, Costa Rica or Nicaragua, the application for an import licence of Category A or C, as referred to in Article 9 (4) of Regulation (EEC) No 1442/93, shall also not be admissible unless it is accompanied by an export licence currently valid for a quantity at least equal to that of the goods, issued by the competent authorities listed in Annex II. The Commission shall be responsible for updating that Annex.

An application for an import licence shall include in box 20 the number of the export licence, its date of issue and the total quantity of goods for which it was issued.

3. The export licence referred to in paragraph 2 shall be kept by the competent national authority when the first import licence is issued. That authority shall mark on

the back of the export licence the quantities for which one or more import licences have been issued by the Community, on the basis, where appropriate, of the notifications transmitted by the corresponding authorities in other Member States.

4. The import licence shall include the indications referred to in paragraphs 1 and 2 and shall oblige the licence holder to import from the country indicated in box 8 or — where the origin is entered as 'other ACP countries' and/or 'others', referring to Annex I, Tables 2 and 3 — from that group of countries.

Article 4

1. When, for one or more given origins, a reduction coefficient is set in application of the first subparagraph of Article 9 (3) of Regulation (EEC) No 1442/93, as amended by this Regulation, the operator who submitted the application for an import licence for the origin/s in question may, *inter alia*,

(a) renounce the use of the licence by a communication, addressed to the national authority competent for the issue of licences within five working days of the publication of the regulation fixing the reduction coefficient; in such cases, the security relating to the licence shall be released immediately;

(b) for a quantity less than or equal to the quantity applied for that is not covered by the licence issued, submit a new application for a licence for products of origins to which no reduction coefficient is applicable. This application shall be submitted within the period indicated in (a) and in compliance with all the conditions applicable for the submission of such an application.

2. The competent national authorities shall submit to the Commission the new applications for import licences submitted in application of paragraph 1 and in conformity with Article 10 (1) of Regulation (EEC) No 1442/93, as amended by this Regulation, within a time limit of three working days following the deadline given in point (a) of paragraph 1.

3. The Commission shall determine without delay the quantities for which licences may be issued for products of the origin/s concerned. The licences shall be issued without delay by the competent authorities and shall have the term of validity fixed in Article 11 (2) of Regulation (EEC) No 1442/93.

Article 5

Where Article 2 (2) is applied, it may be decided, in particular, that:

- import licences currently valid or applications for licences indicating the origin of goods to be the supplier country affected by a case of *force majeure* shall be usable or issued, as relevant, for release into the free market of the goods originating in one or more of the countries listed in Annex I, Table 1;
- the export licences issued by the supplier country affected may be submitted in support of applications for import licences for goods originating in one or more of the countries listed in Annex I, Table I.

Article 6

The release for free circulation in the Community under the tariff quota conditions is subject to the submission of a certificate of origin.

Article 7

Regulation (EEC) No 1442/93 is amended as follows:

1. Article 9 is amended as follows:

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

'1. Using data and forecasts relating to the Community market, on the basis of the forecast supply balance referred to in Article 16 of Regulation (EEC) No 404/93, indicative quantities, expressed where necessary in percentages of the shares allocated to the different countries or groups of countries listed in Annex I to Regulation (EC) No 478/95, or of the quantities of those quotas available, shall be fixed for each quarter for the purposes of issuing import licences.'

(b) Paragraph (3) is replaced by the following:

'3. Where, in the case of a given quarter or origin, for a country or group of countries referred to in Annex I to Regulation (EC) No 478/95, the quantities covered by import licence applications from one or more of the categories of operators appreciably exceed the indicative quantity fixed, a

reduction percentage to be applied to applications shall be set before paragraph 5 is applied. That reduction shall not, however, apply to applications relating to 150 tonnes or less.

If the quantities covered by the import licence applications exceed the quantities available for a given origin, the Commission shall determine the reduction percentage to be applied to all applications before paragraph 5 is applied.'

2. Article 10 (1) is replaced by the following:

'1. Within two working days following the closing date for the submission of applications fixed in Article 9 (2), Member States shall notify the Commission of the quantities covered by import licence applications in respect of each of the Categories A, B and C, in accordance with the following presentation:

- (a) licence applications of Category A, broken down by origin in accordance with the tables in Annex I to Regulation (EC) No 478/95;
- (b) licence applications of Category B, broken down by origin in accordance with the tables in Annex I to Regulation (EC) No 478/95;
- (c) licence applications of Category C, broken down by origin;
- (d) licence applications covering quantities of 150 tonnes or less.'

3. The following indent is added to Article 21:

'— each quarter, not later than fifteen days after the issue of licences, the licence applications (with quantities and origin specified) that have been renounced under point (a) of Article 4 (1) of Regulation (EC) No 478/95.'

Article 8

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

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Table 1

Countries	
Colombia	21,0 %
Costa Rica	23,4 %
Nicaragua	3,0 %
Venezuela	2,0 %

Table 2

(tonnes)

Countries	
Non-traditional ACP quantities	
Dominican Republic	55 000
Belize	15 000
Côte d'Ivoire	7 500
Cameroon	7 500
Other ACP countries	5 000

Table 3

(tonnes)

Others	50,6 % — 90 000
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ANNEX II

The bodies authorized to issue special export certificates are

COLOMBIA**INCOMEX**

Instituto Colombiano de Comercio Exterior,
Edificio Centro de Comercio Internacional,
Calle 28 n° 13A 15/53,
Santa Fe de Bogotá.

COSTA RICA

Corporación Bananera S. A.,
Apartado 6504-1000,
San José.

NICARAGUA

Ministerio de Economía y Desarrollo,
Dirección de Comercio Exterior,
Kilómetro 3 1/2,
Carretera a Masaya,
Edificio el Cortijo,
Managua.

COMMISSION REGULATION (EC) No 479/95**of 1 March 1995****introducing transitional measures for the application of the tariff quota arrangements for the import of bananas as a result of the accession of Austria, Finland and Sweden for the second quarter of 1995****(Text with EEA relevance)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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 20 thereof,

Whereas Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 478/95 ⁽⁴⁾ establishes the detailed rules for the operation of the Community market in bananas;

Whereas Regulation (EC) No 3303/94 ⁽⁵⁾ lays down transitional measures for imports of bananas into Austria, Finland and Sweden in the first quarter of 1995;

Whereas, to facilitate the transition from the arrangements existing in the new Member States before their accession to those resulting from the application of the common organization of the market in bananas, transitional measures should be adopted for the second quarter of 1995 and operators established in those countries should be authorized to import during the second quarter a specific quantity of bananas originating in third countries; whereas this quantity should be determined on the basis of the average quantity that each operator imported to supply these markets in the reference period used for determining the rights of the operators under the tariff quota arrangements; whereas this allocation must not, however, predetermine the allocation of the reference quantity to be employed subsequently for 1995 pursuant to Article 6 of Regulation (EEC) No 1442/93;

Whereas, as a result of the accession of Austria, Finland and Sweden, provision should be made for the registration of the Community operators who marketed bananas in those countries during the three years of the reference period 1991, and/or 1992 and 1993 in order that they

may participate in the import arrangements provided for under the tariff quota scheme;

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

1. For the second quarter of 1995, under the tariff quota arrangements referred to in Articles 18 and 19 of Regulation (EEC) No 404/93, the competent authorities of Austria, Finland and Sweden shall authorize the operators established on their territory who have imported bananas in 1991 and/or 1992 and/or 1993 to import bananas originating in third countries up to a limit of 32 206 tonnes in Austria, 20 346 tonnes in Finland and 42 616 tonnes in Sweden, respectively.

The authorization referred to in the first subparagraph shall be granted upon application by the operators in question submitted between 8 and 14 March 1995. This application shall specify the origin of the product to be imported and shall be accompanied by the export document referred to in Article 3 of Regulation (EC) No 478/95 for products originating in Colombia, Costa Rica and Nicaragua.

Each operator's authorization to import may not cover a quantity greater than 27 % of the average of the annual quantities imported by him in the years 1991, 1992 and 1993.

This authorization shall not predetermine the reference quantity to be allocated to the operator in question for 1995 pursuant to Article 6 of Regulation (EEC) No 1442/93.

2. The bananas referred to in paragraph 1 shall be released into free circulation in the Member States which granted authorization by 7 July 1995 at the latest.

3. Article 9 (1) and (3) of Regulation (EEC) No 1442/93 and Articles 3 and 4 of Regulation (EC) No 478/95 shall apply to the issuing of authorizations to import.

Article 2

The competent authorities of the new Member States shall adopt, insofar as they are necessary, additional provisions to ensure that imports of bananas into their territory under this Regulation are checked and monitored.

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ See page 13 of this Official Journal.

⁽⁵⁾ OJ No L 341, 30. 12. 1994, p. 46.

Article 3

1. The Community operators who have marketed in the new Member States during the three years of the reference period 1991, 1992 and 1993 bananas originating in third countries other than the African, Caribbean and Pacific (ACP) States, the ACP States and bananas harvested in the Community, shall request their registration with the competent authorities of the Member States by 15 March 1995 at the latest. The operators shall notify the quantities of bananas which they marketed during the years 1991, 1992 and 1993 broken down in accordance with Article 4 (2) of Regulation (EEC) No 1442/93.

2. The competent authorities shall establish the lists of the operators concerned and the quantities marketed by each of them in accordance with the rules laid down in

Article 4 (1) and (3) of Regulation (EEC) No 1442/93 by 31 March 1995.

3. They shall notify the Commission by 7 April 1995 at the latest of the lists of operators referred to in paragraph 2 above containing the quantities marketed by each of them.

Article 4

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

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 480/95**of 1 March 1995****fixing certain indicative quantities for the import of bananas into the Community for the second quarter of 1995****(Text with EEA relevance)**

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 Commission Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 20 thereof,

Whereas Article 9 (1) of Commission Regulation (EEC) No 1442/93 ⁽³⁾, as last amended by Regulation (EC) No 478/95 ⁽⁴⁾, provides for the fixing of indicative quantities expressed as a percentage of the quantities allocated to the different countries or groups of countries mentioned in Annex I to Regulation (EC) No 478/95 for the purpose of issuing import licences for each quarter using data and forecasts relating to the Community market, on the basis of the forecast supply balance for production and consumption in the Community and of imports and exports as referred to in Article 16 of Regulation (EEC) No 404/93;

Whereas, on the basis of an analysis of the data relating, on the one part, to the quantities of bananas marketed in the Community in 1994 and, in particular, to actual imports during the second quarter of 1994, and, on the other part, to the use of import licences and the prospects for the supply of the market and consumption within the Community during the second quarter of 1995, and indicative quantity, for each country of origin, of 32 % of the quantity allocated to it in the tariff quota should be fixed for the second quarter of 1995 to ensure adequate supplies to the Community as a whole;

Whereas, on the basis of the same data, the authorized quantity referred to in Article 9 (2) of Regulation (EEC) No 1442/93 that each operator in Categories A and B can request for the second quarter of 1995 should be fixed; whereas Article 1 of Regulation (EC) No 478/95 fixes the maximum quantity which each operator established in Austria, Finland or Sweden can request for the second quarter of 1995;

Whereas the indicative quantities referred to in Article 14 (1) of that same Regulation for the purposes of issuing

import licences for traditional bananas originating in the African, Caribbean and Pacific States (ACP) should also be fixed;

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

The indicative quantities referred to in Article 9 (1) of Regulation (EEC) No 1442/93 for the import of bananas into the Community within the tariff quota provided for in Articles 18 and 19 of Regulation (EEC) No 404/93 for the second quarter of 1995 shall be fixed, for the Community as a whole, at 32 % of the quantities established for each country or group of countries mentioned in Annex I to Regulation (EC) No 478/95.

In respect of imports of bananas originating in Colombia, Costa Rica or Nicaragua, the indicative quantities shall apply on the one hand, to applications for import licences for categories A and C, and on the other, for category B.

Article 2

The authorized quantity for each Category A and B operator for the second quarter of 1995 as provided for in Article 9 (2) of Regulation (EEC) No 1442/93 shall be 27 % of the total annual quantity allocated to each operator pursuant to paragraph 2 of Article 6 of the abovementioned Regulation.

The first paragraph shall not apply to operators established in Austria, Finland or Sweden.

Article 3

The indicative quantities referred to in Article 14 (1) of Regulation (EEC) No 1442/93 for the import of traditional ACP bananas for the second quarter of 1995 shall be 30 % of the traditional quantities laid down for each origin in the Annex to Regulation (EEC) No 404/93.

Article 4

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

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ See page 13 of this Official Journal.

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 481/95

of 3 March 1995

amending Regulations (EEC) No 2699/93 and (EC) No 1559/94 as a result of the accession of Austria, Finland and Sweden in the poultrymeat sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3379/94 of 22 December 1994 opening and laying down the rules for the administration of certain Community tariff quotas in 1995 for certain agricultural products and for beer ⁽¹⁾, and in particular Article 3 thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 15 thereof,

Whereas concessions for the poultrymeat sector, as regards certain products, were granted within the framework of Commission Regulation (EEC) No 2699/93 of 30 September 1993 laying down detailed rules for the application in the poultrymeat and egg sectors of the arrangements provided for in the Interim Agreements between the European Economic Community and the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic ⁽³⁾, as last amended by Regulation (EC) No 3026/94 ⁽⁴⁾, and Commission Regulation (EC) No 1559/94 of 30 June 1994 laying down detailed rules for the application in the poultrymeat and egg sectors of the arrangements provided for in the Interim Agreements between the Community, of the one part and Bulgaria and Romania, of the other part ⁽⁵⁾, as amended by Regulation (EC) No 3027/94 ⁽⁶⁾;

Whereas, as a result of the accession of Austria, Finland and Sweden, Regulation (EC) No 3379/94 opened certain tariff quotas; whereas, therefore, Annex I to Regulations

(EEC) No 2699/93 and (EC) No 1559/94 should be adapted to take account of the trade arrangements which existed for the poultrymeat sector between the three new Member States of the one part and Hungary, Poland, the Czech Republic, the Slovak Republic, Romania and Bulgaria of the other part;

Whereas, in order to ensure distribution of the quantities available, the quantities carried forward from the period 1 January to 31 March 1995 and the new quantities should be added to the quantities available for the period 1 April to 30 June 1995;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EEC) No 2699/93 is hereby replaced by Annex I to this Regulation.

Article 2

Annex I to Regulation (EC) No 1559/94 is hereby replaced by Annex II to this Regulation.

Article 3

The quantities available for applications from 1 to 10 March 1995 shall be those listed in Annex III to this Regulation.

Article 4

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, 3 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 366, 31. 12. 1994, p. 3.

⁽²⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽³⁾ OJ No L 245, 1. 10. 1993, p. 88.

⁽⁴⁾ OJ No L 321, 14. 12. 1994, p. 10.

⁽⁵⁾ OJ No L 166, 1. 7. 1994, p. 62.

⁽⁶⁾ OJ No L 321, 14. 12. 1994, p. 12.

ANNEX I

ANNEX I

A. Products originating in the Republic of Hungary

Levy reduced by 60 %

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995		1 July 1995 to 30 June 1996
1	0207 10 51 0207 10 55 0207 23 11 0207 10 59 0207 23 19	850	1 810		3 070
2	ex 0207 39 55 (a) ex 0207 43 15 (a) ex 0207 39 73 (a) ex 0207 43 53 (a) ex 0207 39 77 (a) ex 0207 43 63 (a)	850	1 030		1 090
3	0207 10 71 0207 23 51 0207 10 79 0207 23 59 0207 39 53 0207 43 11 0207 39 61 0207 43 23 ex 0207 39 65 (b) ex 0207 43 31 (b) ex 0207 39 67 (b) ex 0207 43 41 (b) 0207 39 71 0207 43 51 0207 39 75 0207 43 61 ex 0207 39 81 (b) ex 0207 43 71 (b)	15 000	16 850		18 050
4	0207 10 15 0207 21 10 0207 10 19 0207 21 90	14 000	former distribution 15 000	New distribution of which 1 January to 30 June 1995 4 : 20 220 (15 382,8)	21 340
5	0207 39 21 0207 41 41	4 400	4 700		
6	0207 39 23 0207 41 51	5 050	5 450		
7	0207 39 11 0207 41 10	4 000	4 300	7 700 5 550	8 400
8	0207 39 41 0207 42 41	1 800	1 900		2 050
9	0207 39 31 0207 42 10	1 800	1 900		2 050
10	ex 0407 00	1 250	1 350		1 450
11	0408 91 10	250	270		290

(a) Ducks in pieces.

(b) Geese in pieces.

B. Products originating in the Republic of Poland

I. Levy reduced by 50 %

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
12	0207 10 51 0207 10 55 0207 23 11 0207 10 59 0207 23 19 ex 0207 39 55 (a) ex 0207 43 15 (a) ex 0207 39 73 (a) ex 0207 43 53 (a) ex 0207 39 77 (a) ex 0207 43 63 (a)	1 100	1 206	1 314
13	0105 99 20 0207 10 71 0207 10 79 0207 23 51 0207 23 59 0207 39 53 0207 43 11 0207 39 61 0207 43 23 ex 0207 39 65 (b) ex 0207 43 31 (b) ex 0207 39 67 (b) ex 0207 43 41 (b) 0207 39 71 0207 43 51 0207 39 75 0207 43 61 ex 0207 39 81 (b) ex 0207 43 71 (b) ex 0207 39 85 (b) ex 0207 43 90 (b)	14 900	16 240	17 340

(a) Ducks in pieces.

(b) Geese in pieces.

II. Levy reduced by 60 %

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
14	0105 91 00 0207 10 11 0207 10 15 0207 10 19 0207 21 10 0207 21 90	3 000	3 250	3 500

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
15	0207 39 11 0207 39 13 0207 39 15 0207 39 17 0207 39 21 0207 39 23 0207 39 27 0207 41 10 0207 41 11 0207 41 21 0207 41 31 0207 41 41 0207 41 51 0207 41 71 0207 41 90	4 200	4 550	4 900
16	0105 99 30 0207 10 31 0207 10 39 0207 22 10 0207 22 90 0207 39 31 0207 39 33 0207 39 35 0207 39 37 0207 39 41 0207 39 43 0207 39 45 0207 39 47 0207 39 51 0207 42 10 0207 42 11 0207 42 21 0207 42 31 0207 42 41 0207 42 51 0207 42 59 0207 42 71	1 200	1 300	1 400
17	ex 0407 00	1 300	1 400	1 500
18	0408 91 10 0408 99 10 (c)	190	200	220

(c) In dried whole egg equivalent (1 kg of liquid egg = 0,26 kg of dried whole egg).

C. Products originating in the Czech Republic

I. Levy reduced by 50 %

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
19	0207 10 51 0207 10 55 0207 23 11 0207 10 59 0207 23 19 ex 0207 39 55 (a) ex 0207 43 15 (a) ex 0207 39 73 (a) ex 0207 43 53 (a) ex 0207 39 77 (a) ex 0207 43 63 (a)	185	260	355

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
20	0207 10 71 0207 23 51 0207 10 79 0207 23 59 0207 39 53 0207 43 11 0207 39 61 0207 43 23 ex 0207 39 65 (b) ex 0207 43 31 (b) ex 0207 39 67 (b) ex 0207 43 41 (b) 0207 39 71 0207 43 51 0207 39 75 0207 43 61 ex 0207 39 81 (b) ex 0207 43 71 (b)	1 060	1 140	1 220

(a) Ducks in pieces.

(b) Geese in pieces.

II. Levy reduced by 60 %

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
21	0207 10 11 0207 10 15 0207 21 10 0207 10 19 0207 21 90	1 430	1 540	1 650
22	0207 39 21 0207 41 41 0207 39 23 0207 41 51	830	890	950
23	0207 39 11 0207 41 10	1 900	2 060	2 210
24	0207 22 10 0207 22 90 0207 39 31 0207 39 41 0207 42 10 0207 42 41	220	230	250
25	ex 0407 00	4 200	4 530	4 870
26	0408 11 80 (c) 0408 19 81 0408 19 89	260	270	300
27	0408 91 80 0408 99 80 (d)	1 700	1 840	1 970

(c) In liquid egg yolk equivalent (1 kg dried yolk = 2,12 kg liquid yolk).

(d) In liquid whole egg equivalent (1 kg dried whole egg = 3,9 kg liquid whole egg).

D. Products originating in the Slovak Republic

I. Levy reduced by 50 %

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
28	0207 10 51	140	180	230
	0207 10 55			
	0207 23 11			
	0207 10 59			
	0207 23 19			
	ex 0207 39 55 (a)			
	ex 0207 43 15 (a)			
	ex 0207 39 73 (a)			
	ex 0207 43 53 (a)			
	ex 0207 39 77 (a)			
	ex 0207 43 63 (a)			
29	0207 10 71	240	260	280
	0207 23 51			
	0207 10 79			
	0207 23 59			
	0207 39 53			
	0207 43 11			
	0207 39 61			
	0207 43 23			
	ex 0207 39 65 (b)			
	ex 0207 43 31 (b)			
	ex 0207 39 67 (b)			
	ex 0207 43 41 (b)			
	0207 39 71			
	0207 43 51			
	0207 39 75			
	0207 43 61			
	ex 0207 39 81 (b)			
	ex 0207 43 71 (b)			

(a) Ducks in pieces.

(b) Geese in pieces.

II. Levy reduced by 60 %

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
30	0207 10 11	1 070	1 160	1 250
	0207 10 15			
	0207 21 10			
	0207 10 19			
	0207 21 90			
31	0207 39 21	470	510	550
	0207 41 41			
	0207 39 23			
	0207 41 51			

(in tonnes)

Group No	CN code	1 July 1993 to 30 June 1994	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996
32	0207 39 11 0207 41 10	600	640	690
33	0207 22 10 0207 22 90 0207 39 31 0207 39 41 0207 42 10 0207 42 41	380	420	450
34	ex 0407 00	2 100	2 270	2 430
35	0408 11 80 (c) 0408 19 81 0408 19 89	120	130	
36	0408 91 80 0408 99 80 (d)	850	910	980

(c) In liquid egg yolk equivalent (1 kg dried yolk = 2,12 kg liquid yolk).

(d) In liquid whole egg equivalent (1 kg dried whole egg = 3,9 kg liquid whole egg).'

ANNEX II

ANNEX I

A. Products originating in Bulgaria

I. Levy reduced by 50 %

(in tonnes)

Group No	CN code	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996	1 July 1996 to 30 June 1997
37	0207 10 51 0207 10 55 0207 10 59 0207 23 11 0207 23 19 ex 0207 39 55 ex 0207 43 15 ex 0207 39 73 ex 0207 43 53 ex 0207 39 77 ex 0207 43 63	142,5	152,5	150
38	0207 10 71 0207 10 79 0207 23 51 0207 23 59 0207 39 53 0207 43 11 0207 39 61 0207 43 23 ex 0207 39 65 ex 0207 43 31 ex 0207 39 67 ex 0207 43 41 0207 39 71 0207 43 51 0207 39 75 0207 43 61 ex 0207 39 81 ex 0207 43 71 ex 0207 39 85 ex 0207 43 90	569,5	610,5	614

II. Levy reduced by 60 %

(in tonnes)

Group No	CN code	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996	1 July 1996 to 30 June 1997
39	0207 21 10 0207 21 90	1 573,6	1 673,6	1 773,6
40	ex 0408 91 80 0408 99 80	290,8	310,8	330,8

B. Products originating in Romania

I. Levy reduced by 50 %

(in tonnes)

Group No	CN code	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996	1 July 1996 to 30 June 1997
42	0207 10 79 0207 23 51 0207 23 59 0207 39 53 0207 43 11 0207 39 61 0207 43 23 ex 0207 39 65 ex 0207 43 31 ex 0207 39 67 ex 0207 43 41 0207 39 71 0207 43 51 0207 39 75 0207 43 61 ex 0207 39 81 ex 0207 43 71 ex 0207 39 85 ex 0207 43 90	193	203	163

II. Levy reduced by 60 %

(in tonnes)

Group No	CN code	1 July 1994 to 30 June 1995	1 July 1995 to 30 June 1996	1 July 1996 to 30 June 1997
43	0207 10 19 0207 21 90 0207 41 51 0207 41 71 0207 41 90	1 022,2	1 092,2	1 162,2'

ANNEX III

(tonnes)	
Group No	Total quantity available for the period 1 April to 30 June 1995
1	1 036,50
2	347,50
4	11 889,41
7	2 775,00
8	1 104,44
9	475,00
10	1 181,24
11	270,00
12	186,00
14	3 370,00
15	4 250,00
16	840,00
17	1 400,00
18	200,00
19	90,00
21	407,20
22	727,89
23	1 779,85
24	91,61
25	3 254,77
26	216,00
27	1 535,56
28	75,00
30	745,54
31	417,11
32	564,15
33	265,89
34	1 691,11
35	104,00
36	759,44
37	32,50
38	262,86
39	1 350,00
40	247,00
43	571,52

COMMISSION REGULATION (EC) No 482/95

of 3 March 1995

amending Regulation (EC) No 1222/94 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Council Regulation (EC) No 3448/93 of 6 December 1993 laying down the trade arrangements applicable to certain goods resulting from processing of agricultural products ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994, laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽³⁾, as last amended by Regulation (EC) No 2296/94 ⁽⁴⁾, provides in the third subparagraph of Article 5 (2) that the rate of the refund fixed in advance shall be adjusted according to the rules applying to the advance fixing of the refunds on basic products exported unprocessed;

Whereas Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽⁵⁾ and Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽⁶⁾, as amended by Regulation (EC) No 3290/94,

provide for an adjustment to the refunds on the basis of the intervention price; that this amendment is, however, only applicable from 1 July 1995;

Whereas no rule of adjustment exists for certificates for basic products issued before 1 July 1995 and used after that date; whereas, therefore, it is appropriate to lay down a rule for the export of goods not covered by Annex II to the Treaty;

Whereas the measures provided in this Regulation are in accordance with the opinion of the Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex II,

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is added after the third subparagraph of Article 5 (2) of Commission Regulation (EC) No 1222/94:

'However, for advance fixing certificates issued before 1 July 1995 for cereals or before 1 September 1995 for rice and used after that date, the adjustment of the rate of the refund is effected after comparison between the intervention price in force on the day of issue of the certificate and the intervention price on the day of acceptance of the export declaration or on the day specified in Article 26 (2) of Regulation (EEC) No 3665/87.'

Article 2

This Regulation shall enter into force on 1 July 1995.

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

Done at Brussels, 3 March 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽²⁾ OJ No L 318, 20. 12. 1993, p. 18.

⁽³⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁴⁾ OJ No L 249, 24. 9. 1994, p. 9.

⁽⁵⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽⁶⁾ OJ No L 166, 25. 6. 1976, p. 1.

COMMISSION REGULATION (EC) No 483/95

of 3 March 1995

amending Regulation (EC) No 2814/94 fixing the uniform coefficient of reduction for the determination of the quantity of bananas to be allocated to each category C operator within the tariff quota for 1995

(Text with EEA relevance)

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⁾,

Having regard to Commission Regulation (EEC) No 1442/93 of 10 June 1993 laying down detailed rules for the application of the arrangements for importing bananas into the Community ⁽³⁾, as last amended by Regulation (EC) No 478/95 ⁽⁴⁾, and in particular Article 4 (4) thereof,

Whereas Commission Regulation (EC) No 2814/94 ⁽⁵⁾ fixes the uniform coefficient of reduction to be applied to the quantities applied for by category C operators in respect of a tariff quota of 2 000 000 tonnes; whereas the tariff quota for 1995 currently amounts to 2 200 000 tonnes; whereas the uniform coefficients of reduction

should be adjusted accordingly so as to determine the rights of the category C operators established in the Community as constituted on 31 December 1994;

Whereas provision should be made for the immediate application of this Regulation so that the operators may benefit thereunder as soon as possible,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Regulation (EC) No 2814/94 '0,000647397' is hereby replaced by '0,000712137'.

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, 3 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁴⁾ See page 13 of this Official Journal.

⁽⁵⁾ OJ No L 298, 19. 11. 1994, p. 25.

COMMISSION REGULATION (EC) No 484/95

of 3 March 1995

amending Regulation (EC) No 2947/94 fixing the uniform reduction coefficient for determining the quantities of bananas to be allocated to each operator in categories A and B in the context of the 1995 tariff quota

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 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 20 thereof,

Whereas Commission Regulation (EC) No 2947/94 ⁽³⁾ fixes for each category of operator established in the Community as constituted on 31 December 1995 the uniform reduction coefficient to be applied to each operator's reference quantity to determine the provisional quantity to be allocated to the latter for 1995 under a 2 000 000 tonne tariff quota, pursuant to Article 6 of Commission Regulation (EEC) No 1442/93 ⁽⁴⁾, as last amended by Regulation (EC) No 478/95 ⁽⁵⁾;

Whereas the tariff quota for 1995 currently amounts to 2 200 000 tonnes; whereas the coefficients laid down in Regulation (EC) No 2947/94 should be adjusted accordingly;

Whereas provision should be made for the immediate application of this Regulation so that the operators can qualify thereunder as soon as possible;

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

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

Done at Brussels, 3 March 1995.

Article 1

The coefficients set out in the first and second indents of Article 1 of Regulation (EC) No 2947/94 are hereby replaced by the following:

— for category A operators: '0,553646,'

— for category B operators: '0,473009,'

established in the Community as constituted on 31 December 1995.

Article 2

The Member States concerned shall notify operators registered with their competent authorities individually and as soon as possible of their reference quantities as adjusted by the coefficients 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*.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 47, 25. 2. 1993, p. 1.

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

⁽³⁾ OJ No L 310, 3. 12. 1994, p. 62.

⁽⁴⁾ OJ No L 142, 12. 6. 1993, p. 6.

⁽⁵⁾ See page 13 of this Official Journal.

COMMISSION REGULATION (EC) No 485/95

of 1 March 1995

amending Regulation (EC) No 1080/94 relating to the opening of a standing invitation to tender for the export of rye held by the German intervention agency

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 the Act of Accession of Austria, Finland and Sweden, and in particular Articles 5 and 13 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽²⁾, as amended by Regulation (EC) No 120/94⁽³⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 1080/94⁽⁴⁾, as last amended by Regulation (EC) No 3154/94⁽⁵⁾, opened a standing invitation to tender for the export of rye held by the German intervention agency;

Whereas special rules must be laid down to ensure that the operations are properly carried out and monitored;

Whereas, to that end, the Member States must provide for all additional measures compatible with the provisions in force to ensure that the operation takes place smoothly and that the Commission is kept informed;

Whereas the monitoring arrangements should accordingly be supplemented by the possibility of taking reference samples;

Whereas, while the method set out in Commission Regulation (EEC) No 689/92⁽⁶⁾, as last amended by Regulation (EC) No 2204/94⁽⁷⁾, can still be used when the cereals are delivered into intervention, its use is inappropriate when they are being withdrawn from intervention, given current sampling techniques; whereas reference should no longer be made to it;

Whereas the measures laid down in Article 5 of Regulation (EC) No 1080/94 satisfy, in the light of experience, the monitoring objectives but involve excessive delays that make the conduct of the export operations difficult; whereas the frequency of sampling should be adjusted and the time limit for the analyses should be fixed, while continuing to observe the monitoring objectives;

Whereas commercial transactions with a view to exporting rye have been or are being concluded; whereas it is necessary to ensure that such transactions proceed smoothly in order to take advantage of the good trading conditions currently prevailing on the world market;

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

Article 5 of Regulation (EC) No 1080/94 is hereby replaced by the following:

Article 5

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

The Commission must be informed of the findings of the analyses within three days.

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

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 18.

⁽⁵⁾ OJ No L 332, 22. 12. 1994, p. 38.

⁽⁶⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽⁷⁾ OJ No L 236, 10. 9. 1994, p. 13.

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

- 1 kg/hl for the specific weight, which must not, however, be less than 68 kg/hl,
- one percentage point for the moisture content,
- half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92, and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established ;

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

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

inform the Commission thereof in accordance with Annex IV ;

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

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

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

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 to the quantities of rye not removed under the invitation to tender opened by Regulation (EC) No 1080/94.

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 486/95

of 1 March 1995

amending Regulation (EC) No 2458/94 relating to the opening of standing invitations to tender for the export of bread-making wheat held by the French and German intervention agencies to certain ACP States during the 1994/95 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽²⁾, as amended by Regulation (EC) No 120/94⁽³⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 2458/94⁽⁴⁾, opened standing invitations to tender for the export of bread-making wheat held by the French and German intervention agencies to certain ACP States during the 1994/95 marketing year;

Whereas special rules must be laid down to ensure that the operations are properly carried out and monitored;

Whereas, to that end, the Member States must provide for all additional measures compatible with the provisions in force to ensure that the operation takes place smoothly and that the Commission is kept informed;

Whereas the monitoring arrangements should accordingly be supplemented by the possibility of taking reference samples;

Whereas, while the method set out in Commission Regulation (EEC) No 689/92⁽⁵⁾, as last amended by Regulation (EEC) No 2204/94⁽⁶⁾, can still be used when the cereals are delivered into intervention, its use is inappropriate when they are being withdrawn from intervention, given current sampling techniques; whereas reference should no longer be made to it;

Whereas the measures laid down in Article 6 of Regulation (EC) No 2458/94 satisfy, in the light of experience,

the monitoring objectives but involve excessive delays that make the conduct of the export operations difficult; whereas the frequency of sampling should be adjusted and the time limit for the analyses should be fixed, while continuing to observe the monitoring objectives;

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

Article 6 of Regulation (EC) No 2458/94 is hereby replaced by the following:

Article 6

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to:

— 2 kg/hl for the specific weight, which must not, however, be less than 72 kg/hl,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁴⁾ OJ No L 262, 12. 10. 1994, p. 21.

⁽⁵⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽⁶⁾ OJ No L 236, 10. 9. 1994, p. 13.

- one percentage point for the moisture current,
 - 20 percentage points for the Hagberg falling index,
 - one percentage point for the protein content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92, and
 - half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,
- the successful tenderer must accept the lot as established;
- (c) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender with the difference surpassing the limit referred to in point (b), the successful tenderer may:
- either accept the lot as established,
 - or refuse to take over the lot in question. The successful tenderer shall be released from all his obligations relating to the lot in question, including the securities, only once he has informed the Commission and the intervention agency forthwith, in accordance with Annex V; however, if he requests the intervention agency to supply him with another lot of intervention bread-making wheat of the quality laid down, and that without additional charges, the security shall not be released. The lot must be replaced within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex V;

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

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

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

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 to the quantities of bread-making wheat not removed under the invitations to tender opened by Regulation (EC) No 2458/94.

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 487/95

of 1 March 1995

amending Regulations (EC) No 1077/94 and (EC) No 1078/94 relating to the opening of standing invitations to tender for the export of bread-making wheat held by the French and German intervention agencies respectively

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 the Act of Accession of Austria, Finland and Sweden, and in particular Articles 5 and 13 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽²⁾, as last amended by Regulation (EC) No 120/94⁽³⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 1077/94⁽⁴⁾, as last amended by Regulation (EC) No 2981/94⁽⁵⁾, opened a standing invitation to tender for the export of bread-making wheat held by the French intervention agency;

Whereas Commission Regulation (EC) No 1078/94⁽⁶⁾, as last amended by Regulation (EC) No 3013/94⁽⁷⁾, opened a standing invitation to tender for the export of bread-making wheat held by the German intervention agency;

Whereas special rules must be laid down to ensure that the operations are properly carried out and monitored;

Whereas to that end, the Member States must provide for all additional measures compatible with the provisions in force to ensure that the operation takes place smoothly and that the Commission is kept informed;

Whereas the monitoring arrangements should accordingly be supplemented by the possibility of taking reference samples;

Whereas, while the method set out in Commission Regulation (EEC) No 689/92⁽⁸⁾, as last amended by Regulation (EC) No 2204/94⁽⁹⁾, can still be used when the cereals are delivered into intervention, its use is inappropriate when

they are being withdrawn from intervention, given current sampling techniques; whereas reference should no longer be made to it;

Whereas the measures provided for in Article 5 of Regulations (EC) No 1077/94 and (EC) No 1078/94 satisfy, in the light of experience, the monitoring objectives but involve excessive delays that make the conduct of the export operations difficult; whereas the frequency of sampling should be adjusted and the time limit for the analyses should be fixed, while continuing to observe the monitoring objectives;

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

Article 5 of Regulation (EC) No 1077/94 is hereby replaced by the following:

'Article 5

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to:

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 9.

⁽⁵⁾ OJ No L 315, 8. 12. 1994, p. 4.

⁽⁶⁾ OJ No L 120, 11. 5. 1994, p. 12.

⁽⁷⁾ OJ No L 320, 13. 12. 1994, p. 10.

⁽⁸⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽⁹⁾ OJ No L 236, 10. 9. 1994, p. 13.

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

and

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

the successful tenderer must accept the lot as established ;

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

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

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

within a maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex IV.

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

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

Article 2

Article 5 of Regulation (EC) No 1078/94 is hereby replaced by the following :

Article 5

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established ;
- (b) greater than the minimum characteristics for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to :

- 2 kg/hl for the specific weight, which must not, however, be less than 72 kg/hl,
- one percentage point for the moisture content,
- 20 percentage points for the Hagberg falling index,

- one percentage point for the protein content,
- half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentage admissible for noxious grains and ergot, however, remaining uncharged,

the successful tenderer must accept the lot as established ;

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

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

- (d) below the minimum characteristics required for intervention, the successful tenderer may not remove the lot in question. He shall be released

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

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

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

Article 3

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

It shall apply to the quantities of bread-making wheat not removed under the invitations to tender opened by Regulations (EC) No 1077/94 and (EC) No 1078/94.

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 488/95**of 1 March 1995****amending Regulations (EC) No 953/94, (EC) No 2162/94 and (EC) No 2477/94 relating to the opening of standing invitations to tender for the export of barley held by the German, United Kingdom and French intervention agencies respectively**

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 the Act of Accession of Austria, Finland and Sweden, and in particular Articles 5 and 13 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽²⁾, as amended by Regulation (EC) No 120/94⁽³⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 953/94⁽⁴⁾, as last amended by Regulation (EC) No 96/95⁽⁵⁾, opened a standing invitation to tender for the export of barley held by the German intervention agency;

Whereas Commission Regulation (EC) No 2162/94⁽⁶⁾, as last amended by Regulation (EC) No 3153/94⁽⁷⁾, opened a standing invitation to tender for the export of barley held by the United Kingdom intervention agency;

Whereas Commission (EC) No 2477/94⁽⁸⁾, as last amended by Regulation (EC) No 2981/94⁽⁹⁾, opened a standing invitation to tender for the export of barley held by the French intervention agency;

Whereas special rules must be laid down to ensure that the operations are properly carried out and monitored;

Whereas, to that end, the Member States must provide for all additional measures compatible with the provisions in force to ensure that the operation takes place smoothly and that the Commission is kept informed;

Whereas the monitoring arrangements should accordingly be supplemented by the possibility of taking reference samples;

Whereas the measures laid down in Article 5 of Regulation (EC) No 953/94 and Article 6 of Regulations (EC) No 2162/94 and (EC) No 2477/94 were needed to ensure deliveries of barley to Saudi Arabia in very short time before 31 December 1994; whereas these deliveries have now been completed; whereas, however, other deliveries to other destinations are still underway; whereas it is therefore necessary to harmonize the methods for the analysis of reference samples under the different tendering procedures;

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

Article 5 of Regulation (EC) No 953/94 is hereby replaced by the following:

Article 5

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to:

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁴⁾ OJ No L 108, 29. 4. 1994, p. 4.

⁽⁵⁾ OJ No L 16, 24. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 230, 3. 9. 1994, p. 3.

⁽⁷⁾ OJ No L 332, 22. 12. 1994, p. 36.

⁽⁸⁾ OJ No L 264, 14. 10. 1994, p. 11.

⁽⁹⁾ OJ No L 315, 8. 12. 1994, p. 4.

- 2 kg/hl for the specific weight, which must not, however, be less than 60 kg/hl,
 - one percentage point for the moisture content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains, however, remaining unchanged,

the successful tenderer must accept the lot as established ;

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

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

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

tenderer shall immediately inform the Commission thereof in accordance with Annex IV.

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

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

Article 2

Article 6 of Regulation (EC) No 2162/94 is hereby replaced by the following :

Article 6

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established ;
- (b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to :
 - 2 kg/hl for the specific weight, which must not, however, be less than 60 kg/hl,
 - one percentage point for the moisture content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92,

and

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

the successful tenderer must accept the lot as established ;

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

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

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

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

3. If, after successive replacements, the successful tenderer has not received a replacement lot of the

quality laid down within one month of the date of his request for replacement, he shall be released from all his obligations, including the securities, once he has informed the Commission and the intervention agency forthwith in accordance with Annex IV.'

Article 3

Article 6 of Regulation (EC) No 2477/94 is hereby replaced by the following :

'Article 6

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of invitation to tender, the successful tenderer must accept the lot as established ;
- (b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to :
 - 2 kg/hl for the specific weight, which must not, however, be less than 60 kg/hl,
 - one percentage point for the moisture content,
 - half a percentage point for the impurities referred to in B.2 and B.4 of the Annex to Regulation (EEC) No 689/92,
 - and
 - half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains, however, remaining unchanged,

the successful tenderer must accept the lot as established ;

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

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

maximum of three days from the date of the successful tenderer's request. The successful tenderer shall immediately inform the Commission thereof in accordance with Annex IV.

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

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

Article 4

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

It shall apply to the quantities of barley not recorded under the invitations to tender opened by Regulations (EC) No 953/94, (EC) No 2162/94 and (EC) No 2477/94.

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 489/95

of 1 March 1995

amending Regulation (EC) No 2668/94 relating to the opening of a standing invitation to tender for the export to Algeria of durum wheat held by the Italian intervention agency in the form of durum wheat meal

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 the Act of Accession of Austria, Finland and Sweden, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽²⁾, as amended by Regulation (EC) No 120/94⁽³⁾, lays down the procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 2668/94⁽⁴⁾, as amended by Regulation (EC) No 3222/94⁽⁵⁾, opened a standing invitation to tender for the export to Algeria of durum wheat held by the Italian intervention agency in the form of durum wheat meal;

Whereas special rules must be laid down to ensure that the operations are properly carried out and monitored;

Whereas, to that end, the Member States must provide for all additional measures compatible with the provisions in force to ensure that the operation takes place smoothly and that the Commission is kept informed;

Whereas the monitoring arrangements should accordingly be supplemented by the possibility of taking reference samples;

Whereas, while the method set out in Commission Regulation (EEC) No 689/92⁽⁶⁾, as last amended by Regulation (EC) No 2204/94⁽⁷⁾, can still be used when the cereals are delivered into intervention, its use is inappropriate when they are being withdrawn from intervention, given current sampling techniques; whereas reference should no longer be made to it;

Whereas the measures laid down in Article 9 of Regulation (EC) No 2668/94 satisfy, in the light of experience,

the monitoring objectives but involve excessive delays that make the conduct of the export operations difficult; whereas the frequency of sampling should be adjusted and the time limit for the analyses should be fixed, while continuing to observe the monitoring objectives;

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

Article 9 of Regulation (EC) No 2668/94 is hereby replaced by the following:

Article 9

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

The Commission must be informed of the findings of the analyses within three days.

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

- (a) greater than that specified in the notice of the invitation to tender, the successful tenderer must accept the lot as established;
- (b) greater than the minimum characteristics required for intervention but below the quality described in the notice of invitation to tender, with the difference remaining within a limit of up to:
 - 2 kg/hl for the specific weight, which must not, however, be less than 76 kg/hl,
 - one percentage point for the moisture content,
 - 20 percentage points for the Hagberg falling index,

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁴⁾ OJ No L 284, 1. 11. 1994, p. 45.

⁽⁵⁾ OJ No L 337, 24. 12. 1994, p. 65.

⁽⁶⁾ OJ No L 74, 20. 3. 1992, p. 18.

⁽⁷⁾ OJ No L 236, 10. 9. 1994, p. 13.

- 10 percentage points for "mitadine" grains,
- two percentage points for broken grains, the rate for which may not exceed 9 %,
- one percentage point for the protein content,
- half a percentage point for the impurities referred to in B.2, B.3 and B.4 of the Annex to Regulation (EEC) No 689/92,
- and
- half a percentage point for the impurities referred to in point B.5 of the Annex to Regulation (EEC) No 689/92, the percentages admissible for noxious grains and ergot, however, remaining unchanged,

the successful tenderer must accept the lot as established ;

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

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

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

The successful tenderer shall immediately inform the Commission thereof in accordance with Annex IV.

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

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

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 to the quantities of durum wheat not removed under the invitation to tender opened by Regulation (EC) No 2668/94.

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 490/95

of 1 March 1995

amending Regulations (EC) No 953/94, (EC) No 1077/94, (EC) No 1078/94, (EC) No 1080/94, (EC) No 2162/94, (EC) No 2458/94, (EC) No 2477/94 and (EC) No 2668/94 opening standing invitations to tender for the export of cereals held by certain intervention agencies

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 the Act of Accession of Austria, Finland and Sweden, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93 ⁽²⁾, as amended by Regulation (EC) No 120/94 ⁽³⁾, lays down the procedure and conditions for the disposal of cereals held by intervention agencies;

Whereas Commission Regulation (EC) No 953/94 ⁽⁴⁾, as last amended by Regulation (EC) No 322/95 ⁽⁵⁾, Regulation (EC) No 1077/94 ⁽⁶⁾, as last amended by Regulation (EC) No 300/95 ⁽⁷⁾, Regulation (EC) No 1078/94 ⁽⁸⁾, as last amended by Regulation (EC) No 3013/94 ⁽⁹⁾, Regulation (EC) No 1080/94 ⁽¹⁰⁾, as last amended by Regulation (EC) No 3154/94 ⁽¹¹⁾, Regulation (EC) No 2162/94 ⁽¹²⁾, as last amended by Regulation (EC) No 3153/94 ⁽¹³⁾, Regulation (EC) No 2458/94 ⁽¹⁴⁾, as amended by Regulation (EC) No 2598/94 ⁽¹⁵⁾, Regulation (EC) No 2477/94 ⁽¹⁶⁾, as last amended by Regulation (EC) No 2981/94 ⁽¹⁷⁾, and Regulation (EC) No 2668/94 ⁽¹⁸⁾, as amended by Regulation (EC) No 3222/94 ⁽¹⁹⁾, opened standing invitations to tender for the export of cereals held by certain intervention agencies;

Whereas systematic monitoring of the quality of cereals intended for export has been introduced when they leave intervention stores; whereas, depending on the Member State, the inspection costs are either for the account of the Member State itself or the account of the successful tenderers; whereas it is necessary to harmonize these practices in order to ensure equal treatment of operators; whereas, as a result, the costs relating to the taking of

samples and analyses should be borne by the EAGGF in certain conditions, except in cases where a lot is of a quality inferior to that required for intervention; whereas the Regulations relating to the invitations to tender in question should be supplemented to that end;

Whereas Commission Regulations (EC) No 485/95 ⁽²⁰⁾, (EC) No 486/95 ⁽²¹⁾, (EC) No 487/95 ⁽²²⁾, (EC) No 488/95 ⁽²³⁾ and (EC) No 489/95 ⁽²⁴⁾ amend certain aspect of the systematic monitoring referred to above in order to make the monitoring system more effective; whereas payment of the costs by the EAGGF is important for proper application of the measure; whereas the provisions of this Regulation must enter into force at the same time as the other amendments of the monitoring system;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following subparagraph is hereby added to Article 5 of Regulations (EC) No 1080/94, (EC) No 953/94, (EC) No 1077/94 and (EC) No 1078/94, to Article 6 of Regulations (EC) No 2162/94, (EC) No 2477/94 and (EC) No 2458/94, and to Article 9 of Regulation (EC) No 2668/94:

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

Article 2

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽³⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁴⁾ OJ No L 108, 29. 4. 1994, p. 4.

⁽⁵⁾ OJ No L 37, 17. 2. 1995, p. 6.

⁽⁶⁾ OJ No L 120, 11. 5. 1994, p. 9.

⁽⁷⁾ OJ No L 35, 15. 2. 1995, p. 9.

⁽⁸⁾ OJ No L 120, 11. 5. 1994, p. 12.

⁽⁹⁾ OJ No L 320, 13. 12. 1994, p. 10.

⁽¹⁰⁾ OJ No L 120, 11. 5. 1994, p. 18.

⁽¹¹⁾ OJ No L 332, 22. 12. 1994, p. 38.

⁽¹²⁾ OJ No L 230, 3. 9. 1994, p. 3.

⁽¹³⁾ OJ No L 332, 22. 12. 1994, p. 36.

⁽¹⁴⁾ OJ No L 262, 12. 10. 1994, p. 21.

⁽¹⁵⁾ OJ No L 276, 27. 10. 1994, p. 4.

⁽¹⁶⁾ OJ No L 264, 14. 10. 1994, p. 11.

⁽¹⁷⁾ OJ No L 315, 8. 12. 1994, p. 4.

⁽¹⁸⁾ OJ No L 284, 1. 11. 1994, p. 45.

⁽¹⁹⁾ OJ No L 337, 24. 12. 1994, p. 65.

⁽²⁰⁾ See page 35 of this Official Journal.

⁽²¹⁾ See page 37 of this Official Journal.

⁽²²⁾ See page 39 of this Official Journal.

⁽²³⁾ See page 42 of this Official Journal.

⁽²⁴⁾ See page 46 of this Official Journal.

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

Done at Brussels, 1 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 491/95

of 3 March 1995

amending Regulation (EEC) No 3600/92 and Regulation (EC) No 933/94, in particular with regard to the integration of the designated public authorities and the producers in Austria, Finland and Sweden in the implementation of the first stage of the programme of work referred to in Article 8 (2) of Council Directive 91/414/EEC concerning the placing of plant protection products on the market

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market⁽¹⁾, as last amended by the Commission Directive 94/79/EC⁽²⁾, and in particular Article 8 (2) thereof,

Having regard to Commission Regulation (EEC) No 3600/92 of 11 December 1992 laying down the detailed rules for the implementation of the first stage of the programme of work referred to in Article 8 (2) of Directive 91/414/EEC concerning the placing of plant protection products on the market⁽³⁾, and in particular Article 5 (2) and (5) thereof,

Whereas owing to the accession of Austria, Finland and Sweden to the European Community an imbalance has arisen in the responsibilities borne by the Member States as rapporteurs for the 89 active substances covered by the first phase of the programme of work for reassessment of the active substances on the market two years after the date of notification of Directive 91/414/EEC; whereas in such a situation a reallocation of active substances has to be undertaken; whereas Annexes I and III to Commission Regulation (EC) No 933/94 of 27 April 1994 laying down the active substances of plant protection products and designating the rapporteur Member States for the implementation of Commission Regulation (EEC) No 3600/92⁽⁴⁾ should therefore be amended;

Whereas the number of substances to be reallocated must be limited to the minimum required to ensure a proper balance in the responsibility borne by each of the 15 Member States;

Whereas, however, the reallocation should also take into account the need to keep substances with similar properties under evaluation by one Member State, as well as the

need to ensure that after reallocation all substances are examined by a designated rapporteur Member State that has authorized the substance;

Whereas account had also to be taken of indications from certain Member States regarding the advanced stage already reached in the preparation of the evaluation of certain active substances;

Whereas, to comply with these requirements, it has been necessary to reallocate one substance between Member States of the Community as constituted at 31 December 1994;

Whereas notifiers of active substances reallocated to another rapporteur Member State must be assured of flexibility with regard to adherence to the deadline set for the introduction of the dossiers, where they can show that the reallocation has led to a delay in the presentation of the dossiers to the new designated rapporteur Member State;

Whereas it is necessary to provide that the original rapporteur Member State will transfer to the new designated rapporteur Member State all correspondence and information which it received as rapporteur Member State on the active substance concerned;

Whereas any producers (that is, manufacturers and importers of substances produced outside the Community) having a permanent office in the territory of one of the acceding Member States must be given the opportunity of participating in the programme in their own right; whereas this opportunity should however not affect the original timetable for the work;

Whereas the participation of the notifiers in the programme of work is a long-term exercise, requiring more specific provisions for cases where a notifier decides to withdraw its participation or to agree to a transfer of its participation to another producer; whereas such transfer may be of particular interest for producers in the acceding Member States that were originally required to participate via a notifier which had its permanent office in one of the 12 Member States before the accessions;

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

⁽¹⁾ OJ No L 230, 19. 8. 1991, p. 1.

⁽²⁾ OJ No L 354, 31. 12. 1994, p. 16.

⁽³⁾ OJ No L 366, 15. 12. 1992, p. 10.

⁽⁴⁾ OJ No L 107, 28. 4. 1994, p. 8.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 3600/92 is amended as follows:

1. in Article 4, the following paragraph 1a is inserted:

'1a. Notwithstanding the provisions of paragraph 1, producers having a permanent office in Austria, Finland or Sweden may notify the Commission by 30 April 1995 at the latest.'

2. Article 5 is amended as follows:

(a) the following subparagraph is added to paragraph 5:

'Where such different Member State has been designated as rapporteur Member State, the original Member State shall inform thereof the notifiers concerned and shall transfer to the newly designated rapporteur Member State all correspondence and information which it has received as rapporteur Member State for the active substance concerned.'

(b) the following paragraph 6 is added:

'6. When a notifier decides to end its participation in the programme of works for an active substance, he shall inform thereof the rapporteur Member State, the Commission and the other notifiers for the substance concerned.

When a notifier agrees with another producer that he shall be replaced for the purposes of further participation in the programme of works under this Regulation, the notifier and such other producer shall inform the rapporteur Member State and the Commission by a common declaration agreeing that such other producer shall replace the original notifier in carrying out the notifier's duties as set out in Articles 6 to 8; they shall assure that the other notifiers for the substance concerned are informed as well.'

3. in Article 6 (5), the first indent is replaced by the following:

'— a new time-limit has been granted for the submission of a dossier fulfilling the requirements of paragraphs 2 and 3; a new time-limit will only be granted where the delay is proved to have been caused by efforts to present collective dossiers, or by additional efforts to be made by the notifier (or notifiers) on account of a decision to designate another rapporteur Member State in accordance with Article 5 (5);'

4. in Article 7 (1) (a), the following is added:

'the order of examination is, however, not affected by dossiers presented by notifiers referred to in Article 4 (1) (a).'

Article 2

Regulation (EC) No 933/94 is hereby amended as follows:

1. in Annex I, for the following active substances mentioned in column A, the designated rapporteur Member States are amended as follows in column B:

A	B
Name	Rapporteur Member State
'Amitraz	Austria
Lamba-cyhalothrin	Sweden
Deltamethrin	Sweden
Lindane	Austria
Dinocap	Austria
Propiconazol	Finland
Alachlor	Spain
Ethofumesate	Sweden
Desmedipham	Finland
Phenmedipham	Finland
Propyzamide	Sweden
Pyridate	Austria'

2. the following is added to Annex III:

AUSTRIA

Bundesministerium für Land- und Forstwirtschaft,
p.a. Bundesamt und Forschungszentrum für Landwirtschaft,
Trunnerstraße 5,
A-1020 Wien;

FINLAND

Kasvintuotannon tarkastuskeskus,
Torjunta-aineiden toimiala,
PL 42,
FIN-00501 Helsinki;

SWEDEN

Kemikalieinspektionen,
PO Box 1384,
S-17127 Solna.

Article 3

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

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

Done at Brussels, 3 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 492/95
of 3 March 1995
fixing the agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ⁽¹⁾, as last amended by Regulation (EC) No 150/95 ⁽²⁾, and in particular Article 3 (1) thereof,

Having regard to Commission Regulation (EC) No 158/95 of 31 January 1995 laying down transitional measures for the abolition of the correcting factor applicable to the conversion rates used in the agricultural sector ⁽³⁾, and in particular Article 2 (2) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 382/95 ⁽⁴⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the positive monetary gap recorded for the Belgian franc during the reference period from 24 February to 5 March 1995 is greater than five points; whereas applying Article 4 (1), (2) and (3) of Regulation (EEC) No 3813/92 would result in a considerable reduction in the agricultural conversion rate for the currency in question; whereas, therefore, Article 4 (5) of Regulation (EEC) No 3813/92 applies in the case of the Belgian franc;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽⁵⁾, as last amended by Regulation (EC) No 157/95 ⁽⁶⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation

days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded during the reference period 24 February to 5 March 1995, it is necessary to fix a new agricultural conversion rate for the Italian lira, the Greek drachma, the Spanish peseta, the Swedish krona and the pound sterling;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

1. In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

2. However, in the case of agricultural conversion rates fixed in advance before 1 February 1995, the ecu rates listed in Annex II shall be replaced by those set out in Annex III.

Article 3

Regulation (EC) No 382/95 is hereby repealed.

Article 4

This Regulation shall enter into force on 6 March 1995.

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 24, 1. 2. 1995, p. 4.

⁽⁴⁾ OJ No L 42, 24. 2. 1995, p. 23.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 24, 1. 2. 1995, p. 1.

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

Done at Brussels, 3 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Agricultural conversion rates

ECU 1 =	40,8337	Belgian and Luxembourg francs
	7,74166	Danish kroner
	1,94962	German marks
	298,323	Greek drachmas
	198,202	Portuguese escudos
	6,61023	French francs
	5,88000	Finnish marks
	2,19672	Dutch guilders
	0,809785	Irish punt
	2 122,73	Italian lire
	13,7190	Austrian schillings
	164,774	Spanish pesetas
	9,40716	Swedish kroner
	0,807419	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	39,2632	Belgian and Luxembourg francs	ECU 1 =	42,5351	Belgian and Luxembourg francs
	7,44390	Danish kroner		8,06423	Danish kroner
	1,87463	German marks		2,03085	German marks
	286,849	Greek drachmas		310,753	Greek drachmas
	190,579	Portuguese escudos		206,460	Portuguese escudos
	6,35599	French francs		6,88566	French francs
	5,65385	Finnish marks		6,12500	Finnish marks
	2,11223	Dutch guilders		2,28825	Dutch guilders
	0,778639	Irish punt		0,843526	Irish punt
	2 041,09	Italian lire		2 211,18	Italian lire
	13,1913	Austrian schillings		14,2906	Austrian schillings
	158,437	Spanish pesetas		171,640	Spanish pesetas
	9,04535	Swedish kroner		9,79913	Swedish kroner
	0,776364	Pound sterling		0,841061	Pound sterling

ANNEX III

Agricultural conversion rates fixed in advance and adjusted where they were fixed in advance before 1 February 1995

Table A			Table B		
ECU 1 =	47,4107	Belgian and Luxembourg francs	ECU 1 =	51,3615	Belgian and Luxembourg francs
	8,98858	Danish kroner		9,73763	Danish kroner
	2,26363	German marks		2,45227	German marks
	346,373	Greek drachmas		375,237	Greek drachmas
	230,126	Portuguese escudos		249,302	Portuguese escudos
	7,67492	French francs		8,31450	French francs
	6,82707	Finnish marks		7,39599	Finnish marks
	2,55054	Dutch guilders		2,76308	Dutch guilders
	0,940214	Irish punt		1,01857	Irish punt
	2 464,63	Italian lire		2 670,02	Italian lire
	15,9286	Austrian schillings		17,2560	Austrian schillings
	191,314	Spanish pesetas		207,257	Spanish pesetas
	10,9223	Swedish kroner		11,8325	Swedish kroner
	0,937467	Pound sterling		1,01559	Pound sterling

COMMISSION REGULATION (EC) No 493/95**of 3 March 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⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the units of account on the conversion rates to be applied with the purposes of the common agricultural policy⁽²⁾, as last amended by Regulation (EC) No 150/95⁽³⁾, 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;

Whereas the derogation laid down in the second subparagraph of Article 1 of Council Regulation (EC) No 3311/94 of 20 December 1994 extending by one month the application of the agrimonetary arrangements in force on 31 December 1994 and fixing the agricultural conversion rates for the new Member States⁽⁴⁾ should be applied,

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 4 March 1995.

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

Done at Brussels, 3 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁴⁾ OJ No L 350, 31. 12. 1994, p. 1.

ANNEX

to the Commission Regulation of 3 March 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 15	204	65,0
	212	82,0
	624	97,3
	999	81,4
0707 00 15	052	100,7
	053	166,9
	068	85,3
	204	50,3
	624	207,3
	999	122,1
0709 90 73	052	97,9
	204	128,1
	624	196,3
	999	140,8

⁽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 494/95
of 3 March 1995
fixing the aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular paragraphs 3 and 10 of Protocol 4 thereto, as amended by the Act of Accession of Spain and Portugal, and in particular Protocol 14 annexed thereto, and Commission Regulation (EEC) No 4006/87⁽¹⁾,

Having regard to Council Regulation (EEC) No 2169/81 of 27 July 1981 laying down the general rules for the system of aid for cotton⁽²⁾, as last amended by Regulation (EEC) No 1554/93⁽³⁾, and in particular Article 5 (1) thereof,

Whereas the amount of the additional aid referred to in Article 5 (1) of Regulation (EEC) No 2169/81 was fixed by Commission Regulation (EC) No 195/95⁽⁴⁾, as last amended by Regulation (EC) No 472/95⁽⁵⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 195/95 to the information at present available to the Commission that the amount of the aid at present in force should be altered as shown in Article 1 to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be ECU 47,424 per 100 kilograms.

Article 2

This Regulation shall enter into force on 4 March 1995.

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

Done at Brussels, 3 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 377, 31. 12. 1987, p. 49.

⁽²⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽³⁾ OJ No L 154, 25. 6. 1993, p. 23.

⁽⁴⁾ OJ No L 24, 1. 2. 1995, p. 109.

⁽⁵⁾ OJ No L 48, 3. 3. 1995, p. 11.

COMMISSION REGULATION (EC) No 495/95**of 3 March 1995****fixing the import levies on white sugar and raw sugar**

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 283/95 ⁽²⁾, and in particular Article 16 (8) 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 5 thereof,

Whereas the import levies on white sugar and raw sugar were fixed by Commission Regulation (EC) No 1957/94 ⁽⁵⁾, as last amended by Regulation (EC) No 471/95 ⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Commission Regulation (EC) No 1957/94 to

the information known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 2 March 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be, in respect of white sugar and standard quality raw sugar, as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 March 1995.

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

Done at Brussels, 3 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 198, 30. 7. 1994, p. 88.

⁽⁶⁾ OJ No L 48, 3. 3. 1995, p. 9.

*ANNEX***to the Commission Regulation of 3 March 1995 fixing the import levies on white sugar and raw sugar***(ECU/100 kg)*

CN code	Levy ⁽¹⁾
1701 11 10	36,89 ⁽¹⁾
1701 11 90	36,89 ⁽¹⁾
1701 12 10	36,89 ⁽¹⁾
1701 12 90	36,89 ⁽¹⁾
1701 91 00	45,24
1701 99 10	45,24
1701 99 90	45,24 ⁽²⁾

⁽¹⁾ The levy applicable is calculated in accordance with the provisions of Article 2 or 3 of Commission Regulation (EEC) No 837/68 (OJ No L 151, 30. 6. 1968, p. 42), as last amended by Regulation (EEC) No 1428/78 (OJ No L 171, 28. 6. 1978, p. 34).

⁽²⁾ In accordance with Article 16 (2) of Regulation (EEC) No 1785/81 this amount is also applicable to sugar obtained from white and raw sugar containing added substances other than flavouring or colouring matter.

⁽³⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

COMMISSION REGULATION (EC) No 496/95**of 3 March 1995****altering the basic amount of the import levies on syrups and certain other 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 283/95⁽²⁾, and in particular Article 16 (8) 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 5 thereof,

Whereas the import levies on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 425/95⁽⁵⁾, as amended by Regulation (EC) No 462/95⁽⁶⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 425/95 to the information known to the Commission that the basic amount of

the levy on syrups and certain other sugar products at present in force should be altered;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 2 March 1995, as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

The basic amounts of the import levy on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81, as fixed in the Annex to amended Regulation (EC) No 425/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 4 March 1995.

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

Done at Brussels, 3 March 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 34, 14. 2. 1995, p. 3.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 45, 1. 3. 1995, p. 3.

⁽⁶⁾ OJ No L 47, 2. 3. 1995, p. 9.

ANNEX

to the Commission Regulation of 3 March 1995 altering the basic amount of the import
levy on syrups and certain other products in the sugar sector

(ECU)

CN code	Basic amount per percentage point of sucrose content and per 100 kg net of the product in question ⁽¹⁾	Amount of levy per 100 kg of dry matter ⁽¹⁾
1702 20 10	0,4524	—
1702 20 90	0,4524	—
1702 30 10	—	55,20
1702 40 10	—	55,20
1702 60 10	—	55,20
1702 60 90 10 ⁽²⁾	—	104,88
1702 60 90 90 ⁽³⁾	0,4524	—
1702 90 30	—	55,20
1702 90 60	0,4524	—
1702 90 71	0,4524	—
1702 90 80	—	104,88
1702 90 99	0,4524	—
2106 90 30	—	55,20
2106 90 59	0,4524	—

⁽¹⁾ No import levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽²⁾ Taric code: Inulin syrup. For the purposes of classification under this subheading, 'Inulin syrup' means the immediate product obtained by hydrolysis of inulin or oligofructoses.

⁽³⁾ Taric code: CN code 1702 60 90, other than inulin syrup.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 February 1995

on import licences in respect of beef and veal products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia

(95/36/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural products originating in the African, Caribbean and Pacific States or in the overseas countries and territories ⁽¹⁾, as last amended by Regulation (EC) No 235/94 ⁽²⁾, and in particular Article 27 thereof,

Having regard to Commission Regulation (EEC) No 2377/80 of 4 September 1980 on special detailed rules for the application of the system of import and export licences in the beef and veal sector ⁽³⁾, as last amended by Regulation (EC) No 1084/94 ⁽⁴⁾, and in particular Article 15 (6) (b) (i) thereof,

Whereas Regulation (EEC) No 715/90 provides for the possibility of issuing import licences for beef and veal products; whereas, however, imports must take place within the limits of the quantities specified for each of these exporting non-member countries;

Whereas the applications for import licences submitted between 1 and 10 February 1995, expressed in terms of boned meat, in accordance with Article 15 (1) (b) of Regulation (EEC) No 2377/80, do not exceed, in respect of products originating in Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia the quantities

available from these States; whereas it is therefore possible to issue import licences in respect of the quantities requested;

Whereas the quantities, in respect of which licences may be applied for from 1 March 1995, should be fixed within the scope of the total quantity of 52 100 tonnes;

Whereas it seems expedient to recall that this Decision is without prejudice to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine animals and swine and fresh meat from third countries ⁽⁵⁾, as last amended by the Act of Accession of Austria, Finland and Sweden,

HAS ADOPTED THIS DECISION:

Article 1

The following Member States shall issue on 21 February 1995 import licences concerning beef and veal products, expressed in terms of boned meat, originating in certain African, Caribbean and Pacific States, in respect of the quantities and the countries of origin stated:

Germany:

- 50,00 tonnes originating in Botswana,
- 306,50 tonnes originating in Madagascar;

Netherlands:

- 152,60 tonnes originating in Madagascar;

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 30, 3. 2. 1994, p. 12.

⁽³⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁴⁾ OJ No L 120, 11. 5. 1994, p. 30.

⁽⁵⁾ OJ No L 302, 31. 12. 1972, p. 28.

United Kingdom :

- 4,00 tonnes originating in Swaziland,
- 395,00 tonnes originating in Namibia.

— Zimbabwe :

9 100,00 tonnes

— Namibia :

12 305,00 tonnes.

Article 2

Applications for licences may be submitted, in accordance with Article 15 (6) (b) (ii) of Regulation (EEC) No 2377/80 during the first 10 days of March 1995 in respect of the following quantities of boned beef and veal :

- | | |
|----------------|------------------|
| — Botswana : | 18 626,00 tonnes |
| — Kenya : | 142,00 tonnes |
| — Madagascar : | 6 885,00 tonnes |
| — Swaziland : | 3 359,00 tonnes |

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION DECISION

of 17 February 1995

establishing, for the period 1995 to 1999 in Austria and Finland, the list of rural areas under Objective 5b as defined by Council Regulation (EEC) No 2052/88

(Text with EEA relevance)

(95/37/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2052/88 of 24 June 1988 on the tasks of the Structural Funds and their effectiveness and the coordination of their activities between themselves and with the operations of the European Investment Bank and the other existing financial instruments⁽¹⁾, as last amended by Regulation (EC) No 3193/94⁽²⁾, and in particular Article 11a (3) thereof,

Whereas in accordance with Article 11a (3) of Regulation (EEC) No 2052/88, the new Member States concerned have proposed to the Commission the list of areas which they consider should be eligible under Objective 5b and have provided the Commission with all the information necessary to this end;

Whereas the areas that may receive Community assistance under Objective 5b must meet the criteria laid down in Article 11a of Regulation (EEC) No 2052/88;

Whereas the Commission and the Republics of Austria and Finland must ensure that the aid is effectively concentrated on the areas suffering from the most severe rural development problems;

Whereas the areas listed in the Annex to this Decision meet the selection criteria of Article 11a of Regulation

(EEC) No 2052/88; whereas they have been identified as the areas suffering from the most severe rural development problems;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS DECISION:

Article 1

For the period 1995 to 1999 in Austria and Finland, the rural areas eligible under Objective 5b as defined by Regulation (EEC) No 2052/88 shall be those listed in the Annex hereto.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 February 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 185, 15. 7. 1988, p. 9.

⁽²⁾ OJ No L 337, 24. 12. 1994, p. 11.

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

LISTA DE ZONAS ELEGIBLES PARA EL OBJETIVO Nº 5 b)
FORTEGNELSE OVER STØTTEBERETTIGEDE OMRÅDER I HENHOLD TIL MÅL Nr. 5 b)
VERZEICHNIS DER ZUR FÖRDERUNG NACH ZIEL 5b ABGEGRENZTEN GEBIETE
ΚΑΤΑΛΟΓΟΣ ΤΩΝ ΕΠΙΛΕΞΙΜΩΝ ΠΕΡΙΟΧΩΝ ΤΟΥ ΣΤΟΧΟΥ αριθ. 56)
LIST OF AREAS ELIGIBLE UNDER OBJECTIVE 5 b
LISTE DES ZONES ÉLIGIBLES AU TITRE DE L'OBJECTIF Nº 5 b)
ELENCO DELLE AREE SELEZIONATE PER L'OBIETTIVO 5 b)
LIJST VAN DE UITGEBREIDE GEBIEDEN ONDER DOELSTELLING 5 b)
LISTA DE ÁREAS ELEGÍVEIS AO ABRIGO DO OBJECTIVO Nº 5 b)
LUETTELO 5 b TAVOITTEEN MUKAISISTA ALUEISTA
FÖRTECKNING ÖVER STÖDBERÄTTIGADE OMRÅDEN ENLIGT MÅL 5 b

**CÓDIGOS EMPLEADOS / TEGNFORKLARING / ZEICHENERKLÄRUNG / ΕΠΙΓΡΑΦΗ / LEGEND /
LÉGENDE / LEGENDA / VERKLARING VAN DE AFKORTINGEN / LEGENDA / KOODI / TEXT**

A	AUSTRIA / ØSTRIG / ÖSTERREICH / ΑΥΣΤΡΙΑ / AUSTRIA / AUTRICHE / AUSTRIA / OOSTENRIJK / ÁUSTRIA / ITÄVALTA / ÖSTERRIKE
FIN	FINLANDIA / FINLAND / FINNLAND / ΦΙΝΛΑΝΔΙΑ / FINLAND / FINLANDE / FINLANDIA / FINLAND / FINLÂNDIA / SUOMI / FINLAND

- (A) — únicamente los municipios (cantons, comarcas, wards, districts, parishes, frazioni)
 — kun kommunerne (cantons, comarcas, wards, districts, parishes, frazioni)
 — nur die Gemeinden (cantons, comarcas, wards, districts, parishes, frazioni)
 — μόνον οι δήμοι/κοινότητες (cantons, comarcas, wards, districts, parishes, frazioni)
 — only the communes (cantons, comarcas, wards, districts, parishes, frazioni)
 — seules les communes (cantons, comarcas, wards, districts, parishes, frazioni)
 — limitatamente ai comuni (cantons, comarcas, wards, districts, parishes, frazioni)
 — enkel de gemeenten (cantons, comarcas, wards, districts, parishes, frazioni)
 — apenas os municípios (cantons, comarcas, wards, districts, parishes, frazioni)
 — vain seuraavat kunnat (cantons, comarcas, wards, districts, parishes, frazioni)
 — endast kommunerna (cantons, comarcas, wards, districts, parishes, frazioni)
 — excluyendo la zona urbana
 — undtagen byområderne
 — ohne die Wohngebiete
 — εξαιρουμένων των αστικών περιοχών
 — excluding the urban area
 — sauf la zone urbaine
 — ad esclusione della zona urbana
 — behalve de stedelijke zone
 — excluindo a zona urbana
 — vain kunnat ilman taajama-aluetta
 — utom tätorter

A (ÖSTERREICH)

OSTÖSTERREICH

Land

Kreis

NIEDERÖSTERREICH

MOSTVIERTEL-EISENWURZEN

(A) nur die Gemeinden :

Waldhofen an der Ybbs

Amstetten *

Ardagger

Euratsfeld

Ferschnitz

Neuhofen an der Ybbs

Neustadt an der Donau

Oed-Oehling

Sankt Georgen am Ybbsfelde

Viehdorf

Wallsee-Sindelburg

Winklarn

Zeillern

Behamberg

Ennsdorf

Ernsthofen

Haag

Haidershofen

Sankt Pantaleon-Erla

Sankt Valentin

Strengberg

Aschbach-Markt

Biberbach

Ertl

Sankt Peter in der Au

Seitenstetten

Weistrach

Wolfsbach

Allhartsberg

Hollenstein an der Ybbs

Kematen an der Ybbs

Opponitz

Sankt Georgen am Reith

Sonntagberg

Ybbsitz

Bischofstetten

Hürm

Kilb

Kirnberg an der Mank

Mank

Ruprechtshofen

Sankt Leonhard am Forst

Texingtal

Artstetten-Pöbring

Dunkelsteinerwald

Erlauf

Golling an der Erlauf

Klein-Pöchlarn

Krummnußbaum

Leiben

Loosdorf

Melk

Münichreith-Laimbach

Pöchlarn

Pöggstall

Raxendorf

Schönbühel-Aggsbach

Schollach

Weiten

Zelking-Matzleinsdorf

Emmersdorf an der Donau

Dorfstetten

Hofamt Priel

Marbach an der Donau

Maria Taferl

Nöchling

Persenbeug-Gottsdorf

Sankt Oswald

Yspertal
 Bergland
 Blindenmarkt
 Neumarkt an der Ybbs
 Petzenkirchen
 Sankt Martin-Karlsbach
 Ybbs an der Donau
 Gaming
 Göstling an der Ybbs
 Gresten
 Gresten-Land
 Lunz am See
 Oberndorf an der Melk
 Puchenstuben
 Purgstall an der Erlauf
 Randegg
 Reinsberg
 Sankt Anton an der Jeßnitz
 Sankt Georgen an der Leys
 Scheibbs
 Steinakirchen am Forst
 Wang
 Wieselburg
 Wieselburg-Land
 Wolfpassing

Kreis

NIEDERÖSTERREICH-SÜD

(A) nur die Gemeinden :

Kleinzell
 Ramsau
 Annaberg
 Eschenau
 Mitterbach am Erlaufsee
 Türnitz
 Aspang-Markt
 Aspangberg-Sankt Peter
 Edlitz
 Feistritz am Wechsel
 Grimmenstein
 Kirchberg am Wechsel
 Mönichkirchen
 Sankt Corona am Wechsel
 Thomasberg
 Zöbern
 Altendorf
 Enzenreith
 Grafenbach-Sankt Valentin
 Otterthal
 Priggilitz
 Raach am Hochgebirge
 Schwarza im Gebirge
 Trattenbach
 Vöstenhof
 Grünbach am Schneeberg
 Puchberg am Schneeberg
 Sankt Egyden am Steinfeld
 Scheiblingkirchen-Thernberg
 Schrattenbach
 Warth
 Willendorf
 Würflach
 Höflein an der Hohen Wand
 Bad Schönau
 Hochneukirchen-Gschaidt
 Hollenthon
 Kirchschlag in der Buckligen Welt
 Krumbach
 Lichtenegg
 Gutenstein
 Hochwolkersdorf
 Hohe Wand
 Miesenbach
 Muggendorf

	Rohr im Gebirge	
	Bromberg	
	Schwarzenbach	
	Wiesmath	
	Furth an der Triesting	
Kreis	SANKT PÖLTEN	(A) nur die Gemeinden :
	Frankenfels	
	Grünau	
	Kirchberg an der Pielach	
	Loich	
	Rabenstein an der Pielach	
	Schwarzenbach an der Pielach	
Kreis	WALDVIERTEL	(A) nur die Gemeinden :
	Krems an der Donau *	
	Gmünd	
	Großdietmanns	
	Hoheneich	
	Waldenstein	
	Eggern	
	Eisgarn	
	Haugschlag	
	Heidenreichstein	
	Litschau	
	Reingers	
	Amaliendorf-Aalfang	
	Brand-Nagelberg	
	Hirschbach	
	Kirchberg am Walde	
	Schrems	
	Bad Großperholz	
	Großschönau	
	Moorbad Harbach	
	Sankt Martin	
	Unserfrau-Altweitra	
	Weitra	
	Burgschleinitz-Kühnring	
	Eggenburg	
	Meiseldorf	
	Röschitz	
	Sigmundsherberg	
	Straning-Grafenberg	
	Altenburg	
	Brunn an der Wild	
	Drosendorf-Zissersdorf	
	Gars am Kamp	
	Geras	
	Horn	
	Innfritz	
	Japons	
	Langau	
	Pernegg	
	Röhrenbach	
	Rosenburg-Mold	
	Sankt Bernhard-Frauenhofen	
	Weitersfeld	
	Gföhl	
	Jaidhof	
	Krumau am Kamp	
	Lichtenau im Waldviertel	
	Rastenfeld	
	Sankt Leonhard am Hornerwald	
	Albrechtsberg an der Großen Krems	
	Bergern im Dunkelsteinerwald	
	Dürnstein	
	Furth bei Göttweig	
	Gedersdorf	
	Mautern an der Donau	
	Paudorf	
	Rohrendorf bei Krems	
	Rossatz	
	Senftenberg	
	Stratzing-Droß	
	Weinzierl am Walde	

Weißenkirchen in der Wachau
 Etsdorf-Haitzendorf
 Hadersdorf-Kammern
 Langenlois
 Lengenfeld
 Straß im Straßertale
 Schönberg am Kamp
 Aggsbach
 Maria Laach am Jauerling
 Mühldorf
 Spitz
 Dietmanns
 Groß-Siegharts
 Karlstein an der Thaya
 Ludweis-Aigen
 Raabs an der Thaya
 Dobersberg
 Gastern
 Kautzen
 Pfaffenschlag bei Waidhofen a/d Thay
 Thaya
 Vitis
 Waidhofen an der Thaya
 Waidhofen a. d. Thaya-Land
 Waldkirchen an der Thaya
 Windigsteig
 Allentsteig
 Echtsenbach
 Göpfritz an der Wild
 Pölla
 Schwarzenau
 Arbesbach
 Groß-Gerungs
 Langschlag
 Altmelon
 Rappottenstein
 Bärnkopf
 Grafenschlag
 Gutenbrunn
 Kirchschlag
 Kottes-Purk
 Martinsberg
 Ottenschlag
 Sallingberg
 Schönbach
 Traunstein
 Großgöttfritz
 Schweiggen
 Waldhausen
 Zwettl-Niederösterreich

Kreis

WEINVIERTEL

SÜDÖSTERREICH**Land****KÄRNTEN**

Kreis

KLAGENFURTH-VILLACH

(A) nur die Gemeinden :

Feistritz im Rosental
 Ferlach
 Sankt Margareten im Rosental
 Zell
 Afritz
 Arnoldstein
 Arriach

Bad Bleiberg
 Feistritz an der Gail
 Feld am See
 Fresach
 Hohenthurn
 Nötsch im Gailtal
 Stockenboi

Kreis OBERKÄRNTEN

Kreis UNTERKÄRNTEN

Land STEIERMARK

Kreis LIEZEN

(A) nur die Gemeinden :

Altaussee
 Bad Aussee
 Grundlsee
 Bad Mitterndorf
 Pichl-Kainisch
 Gröbming
 Großsölk
 Kleinsölk
 Michaelerberg
 Mitterberg
 Öblarn
 Pruggern
 Sankt Martin am Grimming
 Sankt Nikolai im Sölkta
 Aigen im Ennstal
 Donnersbach
 Donnersbachwald
 Irdning
 Niederöblarn
 Pürgg-Trautenfels
 Stainach
 Jauplitz
 Wöhrschach
 Aich
 Gössenberg
 Haus
 Pichl-Preunegg
 Ramsau am Dachstein
 Rohrmoos-Untertal
 Schladming

Kreis OSTSTEIERMARK

Kreis WEST- u. SÜDSTEIERMARK

(A) nur die Gemeinden :

Deutschlandsberg
 Frauental an der Laßnitz
 Freiland bei Deutschlandsberg
 Garanas
 Gressenberg
 Groß Sankt Florian
 Hollenegg
 Kloster
 Osterwitz
 Preding
 Sankt Martin im Sulmtal
 Sankt Peter im Sulmtal
 Schwanberg
 Trahütten
 Unterbergla
 Wetmannstätten
 Aibl

Eibiswald
Großradl
Libmerg bei Wies
Pitschgau
Pölfing-Brunn
Sankt Oswald ob Eibiswald
Soboth
Sulmeck-Greith
Wernersdorf
Wielfresen
Wies
Bad Gams
Georgsberg
Greisdorf
Gundersdorf
Lannach
Marhof
Rassach
Sankt Josef (Weststeiermark)
Sankt Stefan ob Stainz
Stainz
Stainztal
Stallhof
Arnfels
Berghausen
Ehrenhausen
Eichberg-Trautenburg
Gabersdorf
Gamlitz
Glanz
Gleinstätten
Gralla
Großklein
Heimschuh
Kaindorf an der Sulm
Kitzeck im Sausal
Lang
Leibnitz
Leutschach
Oberhaag
Obervogau
Pistorf
Ratsch an der Weinstraße
Retznei
Sankt Andrä-Höch
Sankt Johann im Saggautal
Sankt Nikolai im Sausal
Sankt Nikolai ob Draßling
Sankt Veit am Vogau
Schloßberg
Seggauberg
Spielfeld
Straß in Steiermark
Sulztal an der Weinstraße
Tillmitsch
Vogau
Wagna
Allerheiligen bei Wildon
Breitenfeld am Tannenriegel
Empersdorf
Hainsdorf im Schwarzaual
Heiligenkreuz am Waasen
Hengsberg
Lebring-Sankt Margarethen
Ragnitz

	Sankt Georgen an der Stiefing	
	Sankt Ulrich am Waasen	
	Stocking	
	Weitendorf	
	Wildon	
	Wolfsberg im Schwarzautal	
Kreis	WESTLICHE OBERSTEIERMARK	(A) nur die Gemeinden :
	Falkendorf	
	Frojach-Katsch	
	Krakaudorf	
	Krakauhintermühlen	
	Krakauschatten	
	Laßnitz bei Murau	
	Murau	
	Predlitz-Turrach	
	Ranten	
	Rinegg	
	Sankt Georgen ob Murau	
	Sankt Ruprecht ob Murau	
	Schöder	
	Stadl an der Mur	
	Stolzalpe	
	Triebendorf	
	Dürnstein in der Steiermark	
	Kulm am Zirbitz	
	Mariahof	
	Mühlen	
	Neumarkt in Steiermark	
	Perchau am Sattel	
	Sankt Blasen	
	Sankt Lambrecht	
	Sankt Lorenzen bei Scheifling	
	Sankt Marein bei Neumarkt	
	Scheifling	
	Teufenbach	
	Zeutschach	
	Niederwölz	
	Oberwölz Stadt	
	Oberwölz Umgebung	
	Sankt Peter am Kammersberg	
	Schönberg-Lachtal	
	Winklarn bei Oberwölz	

WESTÖSTERREICH

Land	OBERÖSTERREICH	
Kreis	INNVIERTEL	(A) nur die Gemeinden :
	Braunau am Inn	
	Gilgenberg am Weillhart	
	Handenberg	
	Mining	
	Neukirchen an der Enknach	
	Sankt Georgen am Fillmannsbach	
	Sankt Peter am Hart	
	Schwand im Innkreis	
	Überackern	
	Auerbach	
	Feldkirchen bei Mattighofen	
	Jeging	
	Kirchberg bei Mattighofen	
	Lengau	
	Lochen	
	Maria Schmolln	
	Mattinghofen	
	Munderfing	
	Palting	
	Perwang am Grabensee	

Pfaffstätt
Pischelsdorf am Engelbach
Sankt Johann am Walde
Schalchen
Weng im Innkreis
Altheim
Aspach
Burgkirchen
Helpfau-Uttendorf
Hönnhart
Mauerkirchen
Moosbach
Polling im Innkreis
Roßbach
Sankt Veit im Innkreis
Treubach
Tarsdorf
Eggelsberg
Franking
Geretsberg
Haigermoos
Hochburg-Ach
Moosdorf
Ostermiething
Sankt Pantaleon
Sankt Radegund
Aistersheim
Gaspoltshofen
Geboltskirchen
Haag am Hausruck
Pram
Rottenbach
Weibern
Wendling
Bruck-Waasen
Eschenau im Hausruckkreis
Helligenberg
Kallham
Natterbach
Neukirchen am Walde
Peuerbach
Sankt Agatha
Steegen
Walzenkirchen
Antiesenhofen
Geinberg
Gurten
Kirchdorf am Inn
Lambrecht
Mörschwang
Mühlheim am Inn
Obernberg am Inn
Ort im Innkreis
Reichersberg
Sankt Georgen bei Obernberg am Inn
Sankt Martin im Innkreis
Senftenbach
Utzenaich
Weilbach
Andrichsfurt
Auroldmünster
Eberschwang
Eitzing
Geiersberg
Hohenzell

Kirchheim im Innkreis
 Lohnsburg am Kobernaufserwald
 Mehrnbach
 Mettmach
 Neuhofen im Innkreis
 Pattigham
 Peterskirchen
 Pramet
 Ried im Innkreis
 Sankt Marienkirchen am Hausruck
 Schildorn
 Taiskirchen im Innkreis
 Tumeltsham
 Waldzell
 Wippenham
 Engelhartszell
 Esternberg
 Kopfing im Innkreis
 Sankt Aegidi
 Sankt Roman
 Vichtenstein
 Waldkirchen am Wesen
 Altschwendt
 Andorf
 Diersbach
 Dorf an der Pram
 Enzenkirchen
 Raab
 Riedau
 Sankt Willibald
 Sigharting
 Zell an der Pram
 Brunnenthal
 Eggerding
 Freinberg
 Mayrhof
 Münzkirchen
 Rainbach im Innkreis
 Sankt Florian am Inn
 Sankt Marienkirchen bei Schärding
 Schärding
 Scharenberg
 Suben
 Taufkirchen an der Pram
 Wernstein am Inn

Kreis

LINZ-WELS

(A) nur die Gemeinden :

Alberndorf in der Riedmark
 Altenberg bei Linz
 Eidenberg
 Feldkirchen an der Donau
 Goldwörth
 Gramastetten
 Hellmonsödt
 Herzogsdorf
 Kirchschlag bei Linz
 Lichtenberg
 Sankt Gotthard im Mühlkreis
 Sonnberg im Mühlkreis
 Walding

Kreis

MÜHLVIERTEL

(A) nur die Gemeinden :

Freistadt
Grünbach
Hirschbach im Mühlkreis
Kefermarkt
Lasberg
Leopoldschlag
Neumarkt im Mühlkreis
Reinbach im Mühlkreis
Sandl
Sankt Oswald bei Freistadt
Waldburg
Windhaag bei Freistadt
Gutau
Hagenberg im Mühlkreis
Pregarten
Tragwein
Unterweisersdorf
Wartberg ob der Aist
Bad Zell
Kaltenberg
Königswiesen
Liebenau
Pierbach
Sankt Leonhard bei Freistadt
Schänau im Mühlkreis
Unterweißenbach
Weitersfelden
Dimbach
Grein
Klam
Bad Kreuzen
Pabneukirchen
Sankt Georgen am Walde
Sankt Nikola an der Donau
Sankt Thomas am Blasenstein
Saxen
Waldhausen im Strudengau
Allerheiligen im Mühlkreis
Arbing
Baumgartenberg
Mitterkirchen im Machland
Münzbach
Naarn im Machlande
Perg
Rechberg
Windhaag bei Perg
Aigen im Mühlkreis
Julbach
Klaffer am Hochficht
Sankt Oswald bei Haslach
Schlägl
Schwarzenberg im Mühlkreis
Ulrichsberg
Atzesberg
Hörbich
Hofkirchen im Mühlkreis
Lembach im Mühlkreis

Niederkappel
 Oberkappel
 Pfarrkirchen im Mühlkreis
 Putzleinsdorf
 Neustift im Mühlkreis
 Altenfelden
 Auberg
 Kirchberg ob der Donau
 Kleinzell im Mühlkreis
 Neufelden
 Niederwaldkirchen
 Sankt Johann am Wimberg
 Sankt Martin im Mühlkreis
 Sankt Peter am Wimberg
 Sankt Ulrich im Mühlkreis
 Sankt Veit im Mühlkreis
 Afiesl
 Ahorn
 Amreit
 Berg bei Rohrbach
 Haslach an der Mühl
 Helfenberg
 Kollerschlag
 Lichtenau im Mühlkreis
 Nebelberg
 Öpping
 Pellstein im Mühlviertel
 Rohrbach in Oberösterreich
 Sankt Stefan am Walde
 Sarleinsbach
 Schöneegg
 Bad Leonfelden
 Haibach im Mühlkreis
 Oberneukirchen
 Ottenschlag im Mühlkreis
 Reichenau im Mühlkreis
 Reichenthal
 Schenkenfelden
 Vorderweißenbach
 Zwettl an der Rodl

Kreis

STEYR-KIRCHDORF

(A) nur die Gemeinden :

Grünburg
 Molln
 Steinbach an der Steyr
 Inzersdorf im Kremstal
 Kirchdorf an der Krems
 Klaus an der Pyhrnbahn
 Micheldorf in Oberösterreich
 Nußbach
 Oberschlierbach
 Pettenbach
 Schlierbach
 Steinbach am Ziehberg
 Edlbach
 Hinterstoder
 Rosenau am Hengstpaß
 Roßleithen
 Sankt Pankraz
 Spital am Phyrn
 Vorderstoder
 Windischgarsten
 Adlwang
 Waldneukirchen
 Gaflenz

	Großraming	
	Laussa	
	Losenstein	
	Maria Neustift	
	Reichraming	
	Weyer Land	
	Weyer Markt	
Kreis	TRAUNVIERTEL	(A) nur die Gemeinden :
	Bad Goisern	
	Gosau	
	Hallstatt	
	Obertraun	
	Attersee	
	Berg im Attergau	
	Fornach	
	Frankenburg am Hausruck	
	Frankenmarkt	
	Nußdorf am Attersee	
	Pfaffing	
	Pöndorf	
	Redleiten	
	Sankt Georgen im Attergau	
	Straß im Attergau	
	Vöcklamarkt	
	Weißkirchen im Attergau	
	Innerschwand	
	Mondsee	
	Oberhofen am Irrsee	
	Oberwang	
	Sankt Lorenz	
	Tiefgraben	
	Unterach am Attersee	
	Zell am Moos	
Land	SALZBURG	
Kreis	LUNGAU	
Kreis	PINZGAU-PONGAU	(A) nur die Gemeinden :
	Forstau	
	Hüttau	
	Sankt Martin am Tennengebirge	
	Untertauern	
	Goldegg	
	Großarl	
	Hüttschlag	
	Kleinarl	
	Sankt Veit im Pongau	
	Schwarzach im Pongau	
	Mühlbach am Hochkönig	
	Pfarrwerfen	
	Werfen	
	Werfenweng	
	Bramberg am Wildkogel	
	Hollersbach im Pinzgau	
	Krimml	
	Mittersill	
	Neukirchen am Großvenediger	
	Niedersill	
	Stuhlfelden	
	Uttendorf	
	Wald im Pinzgau	
	Lofer	
	Sankt Martin bei Lofer	
	Unken	
	Weißbach bei Lofer	

Dienten am Hochkönig
Lend
Rauris
Taxenbach
Fusch an der Großglocknerstraße

Kreis SALZBURG u. UMGEBUNG (A) nur die Gemeinden :
Abtenau
Annaberg im Lammertal
Rußbach am Paß Gschütt

Land TIROL

Kreis AUSSERFERN (A) nur die Gemeinden :
Bach
Berwang
Biberwier
Bichlbach
Ehenbichl
Ehrwald
Elbigenalp
Elmen
Forchach
Grän
Gramais
Häselgehr
Heiterwang
Hinterhornbach
Höfen
Holzgau
Jungholz
Kaisers
Lechaschau
Lermoos
Musau
Namlos
Nesselwängle
Pfafflar
Pflach
Pinswang
Schattwald
Stanzach
Steeg
Tannheim
Vils
Vorderhornbach
Wängle
Weißenbach am Lech
Zöblen

Kreis INNSBRUCK (A) nur die Gemeinden :
Gries am Brenner
Gries im Sellrain
Gschnitz
Matrei am Brenner
Mühlbachl
Navis
Obernberg am Brenner
Pfons
Sankt Sigmund im Sellrain
Schmirn
Sellrain
Steinach am Brenner
Trins
Vals
Wildermieming

Kreis	OSTTIROL Abfalterbach Ainet Amlach Anras Assling Außervillgraten Dölsach Gaimberg Innervillgraten Iselsberg-Stronach Kartitsch Lavant Leisach Lienz Nikolsdorf Nußdorf-Debant Oberlienz Obertilliach Sankt Johann im Walde Schlaiten Sillian Strassen Thurn Tristach Untertilliach Heinfels Hopfgarten in Deferegggen Kals am Großglockner Matrei in Osttirol Prägraten Sankt Jakob in Deferegggen Sankt Veit in Deferegggen Virgen	(A) nur die Gemeinden :
Kreis	TIROLER OBERLAND	
Kreis	TIROLER UNTERLAND Fieberbrunn Hochfilzen Sankt Jakob in Haus Sankt Ulrich am Pillersee Thiersee Alpbach Brandenberg Wildschönau Steinberg am Rofan	(A) nur die Gemeinden :
Land	VORARLBERG	
Kreis	BLUDENZ-BREGENZER WALD Blons Dalaas Fontanella Innerbraz Raggal Sankt Gerold Sonntag Thüringerberg Bartholomäberg Silbertal Andelsbuch Au Bezau Bizau Egg	(A) nur die Gemeinden :

Hittisau
Krumbach
Langenegg
Lingenau
Schnepfau
Schoppernau
Schwarzenberg
Sibratsgfall

Kreis

RHEINTAL-BODENSEEGEBIET

(A) Nur die Gemeinden :

Düns
Dünsberg
Laterns
Schnifis
Übersaxen
Alberschwende
Bildstein
Buch
Doren
Eichenberg
Hohenweiler
Langen bei Bregenz
Möggers
Riefensberg
Sulzberg

FIN (SUOMI-FINLAND)

Maakunta

UUSIMAA
Karjalohja
Nummi-Pusula
Sammatti
Artjärvi
Myrskylä
Orimattila
Pukkila
Lapinjärvi
Liljendal
Pernaja

(A) vain seuraavat kunnat :

AHVENANMAA

Maakunta

AHVENANMAA
Eckerö
Finström
Geta
Hammarland
Jomala
Lemland
Lumparland
Saltvik
Sund
Brändö
Föglö
Kumlinge
Kökar
Sottunga
Vårdö

(A) vain seuraavat kunnat :

ETELÄ-SUOMI

Maakunta

VARSINAIS-SUOMI
Dragsfjärd
Houtskari
Iniö
Kemiö
Korpoo
Nauvo

(A) vain seuraavat kunnat :

Västankfjärd
Kiikala
Kisko
Kuusjoki
Perniö
Somero
Suomusjärvi
Särkisalo
Askainen
Lemu
Merimasku
Rymättylä
Sauvo
Velkua
Kustavi
Taivassalo
Alastaro
Aura
Karinainen
Koski tl
Loimaa
Loimaan kunta
Marttila
Mellilä
Oripää
Pöytyä
Tarvasjoki
Yläne

Maakunta**SATAKUNTA**

(A) vain seuraavat kunnat :

Huittinen
Kokemäki
Köyliö
Punkalaidun
Säkylä
Vampula
Honkajoki
Jämijärvi
Kankaanpää
Karvia
Lavia
Merikarvia
Siikainen

Maakunta**HÄME**

(A) vain seuraavat kunnat :

Hauho
Lammi
Tuulos
Forssa
Humppila
Jokioinen
Tammela
Ypäjä

Maakunta**PIRKANMAA**

(A) vain seuraavat kunnat :

Hämeenkyrö
Ikaalinen
Kihniö
Parkano
Viljakkala
Kuhmalahti
Luopioinen
Pälkäne
Sahalahti
Kylmäkoski
Urjala
Mouhijärvi

Vesilahti
Juupajoki
Längelmäki
Orivesi
Kuorevesi
Mänttä
Vilppula
Kuru
Ruovesi
Virrat
Kiikoinen
Suodenniemi
Vammala
Äetsä

Maakunta**PÄIJÄT-HÄME**

(A) vain seuraavat kunnat :

Koski hl
Kärkölä
Padasjoki
Hartola
Sysmä

Maakunta**KYMENLAAKSO**

(A) vain seuraavat kunnat :

Elimäki
Iitti
Jaala
Valkeala
Miehikkälä
Virolahti

Maakunta**ETELÄ-KARJALA**

(A) vain seuraavat kunnat :

Luumäki
Ylämaa
Lemi
Savitaipale
Suomenniemi
Taipalsaari
Parikkala
Saari
Uukuniemi

ITÄ-SUOMI**Maakunta****POHJOIS-SAVO**

(A) vain seuraavat kunnat :

Iisalmi
Keitele
Kiuruvesi
Lapinlahti
Maaninka
Pielavesi
Sonnajärvi
Varpaisjärvi
Vieremä
Vehmersalmi
Leppävirta
Varkaus
Karttula
Rautalampi
Suonenjoki
Tervo
Vesanto

VÄLI-SUOMI**Maakunta****KESKI-SUOMI**

(A) vain seuraavat kunnat :

Hankasalmi
Joutsa
Leivonmäki
Luhanka

Toivakka
Keuruu
Multia
Petäjävesi
Uurainen
Jämsä
Jämsänkoski
Korpilahti
Kuhmoinen
Konnevesi
Sumiainen

Maakunta**ETELÄ-POHJANMAA****Maakunta****VAASAN RANNIKKOSEUTU**

(A) vain seuraavat kunnat :

Isokyrö
Laihia
Vähäkyrö
Korsnäs
Maalahti
Maksamaa
Mustasaari
Oravainen
Vöyri
Kaskinen
Kristiinankaupunki
Närpiö
Kruunupyy
Luoto
Pedersöre
Pietarsaari
Uusikaarlepyy

POHJOIS-SUOMI**Maakunta****POHJOIS-POHJANMAA**

(A) vain seuraavat kunnat :

Hailuoto
Muhos
Liminka
Lumijoki
Rantsila
Temmes
Tyrnävä
Pattijoki
Pyhäjoki
Raahe
Ruukki
Siikajoki
Vihanti
Alavieska
Kalajoki
Merijärvi
Oulainen
Sievi
Ylivieska
