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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1251/95
of 29 May 1995
amending Regulation (EC) No 3283/94 on protection against dumped imports
from countries not members of the European Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas by Regulation (EC) No 3283/94⁽¹⁾, the Council adopted rules on protection against dumped imports from countries not members of the European Community;

Whereas Articles 5 (9), 6 (9) and 7 (1) of Regulation (EC) No 3283/94 lay down time limits for the initiation of investigations pursuant to a complaint lodged under Article 5 (9) and for certain steps in the investigation; whereas however Article 24 of that Regulation provides that those time limits shall only apply after a date which the Council shall specify in a Decision once the necessary budgetary resources have been made available;

Whereas the necessary budgetary resources have now been made available to allow the Commission to adhere to those time limits; whereas it appears appropriate that the time limits should apply to proceedings initiated

pursuant to complaints lodged on or after 1 September 1995;

Whereas for ease of reference it is desirable that this date should be inserted in Regulation (EC) No 3283/94; whereas therefore an amendment should be made to that Regulation rather than a Decision be adopted pursuant to Article 24 thereof,

HAS ADOPTED THIS REGULATION:

Sole Article

The third sentence of Article 24 of Regulation (EC) No 3283/94 shall be replaced by the following:

'The time limits prescribed by Articles 5 (9), 6 (9) and 7 (1) shall apply in respect of complaints lodged pursuant to Article 5 (9) on or after 1 September 1995 and investigations initiated pursuant to such complaints.'

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

Done at Brussels, 29 May 1995.

For the Council

The President

Ph. VASSEUR

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1. Regulation as amended by Regulation (EC) No 355/95 (OJ No L 41, 23. 2. 1995, p. 2).

COUNCIL REGULATION (EC) No 1252/95**of 29 May 1995****amending Regulation (EC) No 3284/94 on protection against subsidized imports
from countries not members of the European Community**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas by Regulation (EC) No 3284/94⁽¹⁾, the Council adopted rules on protection against subsidized imports from countries not members of the European Community;

Whereas Articles 7 (13), 8 (9) and 9 (1) of Regulation (EC) No 3284/94 lay down time limits for the initiation of investigations pursuant to a complaint lodged under Article 7 (13) and for certain steps in the investigation; whereas, however, Article 26 of that Regulation provided that those time limits shall only apply after a date which the Council shall specify in a Decision once the necessary budgetary resources have been made available;

Whereas the necessary budgetary resources have now been made available to allow the Commission to adhere to those time limits and whereas it appears appropriate that the time limits should apply to proceedings initiated

pursuant to complaints lodged on or after 1 September 1995;

Whereas for ease of reference it is desirable that this date should be inserted in Regulation (EC) No 3284/94; whereas therefore an amendment should be made to that Regulation rather than a Decision be adopted pursuant to Article 26 thereof,

HAS ADOPTED THIS REGULATION:

Sole Article

The second sentence of the second paragraph of Article 26 of Regulation (EC) No 3284/94 shall be replaced by the following:

'The time limits prescribed by Articles 7 (13), 8 (9) and 9 (1) shall apply in respect of complaints lodged pursuant to Article 7 (13) on or after 1 September 1995 and investigations initiated pursuant to such complaints.'

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

Done at Brussels, 29 May 1995.

For the Council

The President

Ph. VASSEUR

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 22.

COMMISSION REGULATION (EC) No 1253/95

of 1 June 1995

fixing the minimum levies on the importation of olive oil and levies on the importation of other olive oil sector products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 16 (2) thereof,

Having regard to Council Regulation (EEC) No 1514/76 of 24 June 1976 on imports of olive oil originating in Algeria⁽²⁾, as last amended by Regulation (EEC) No 1900/92⁽³⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1521/76 of 24 June 1976 on imports of olive oil originating in Morocco⁽⁴⁾, as last amended by Regulation (EEC) No 1901/92⁽⁵⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1508/76 of 24 June 1976 on imports of olive oil originating in Tunisia⁽⁶⁾, as last amended by Regulation (EEC) No 413/86⁽⁷⁾, and in particular Article 5 thereof,

Having regard to Council Regulation (EEC) No 1180/77 of 17 May 1977 on imports into the Community of certain agricultural products originating in Turkey⁽⁸⁾, as last amended by Regulation (EEC) No 1902/92⁽⁹⁾, and in particular Article 10 (2) thereof,

Having regard to Council Regulation (EEC) No 1620/77 of 18 July 1977 laying down detailed rules for the importation of olive oil from Lebanon⁽¹⁰⁾,

Whereas by Regulation (EEC) No 3131/78⁽¹¹⁾, as amended by the Act of Accession of Greece, the Commission decided to use the tendering procedure to fix levies on olive oil;

Whereas Article 3 of Council Regulation (EEC) No 2751/78 of 23 November 1978 laying down general rules for fixing the import levy on olive oil by tender⁽¹²⁾ specifies that the minimum levy rate shall be fixed for each of the products concerned on the basis of the situation on the world market and the Community market and of the levy rates indicated by tenderers;

Whereas, in the collection of the levy, account should be taken of the provisions in the Agreements between the Community and certain third countries; whereas in particular the levy applicable for those countries must be fixed, taking as a basis for calculation the levy to be collected on imports from the other third countries;

Whereas, with regard to Turkey and the Maghreb countries, the provisions of this Regulation should be without prejudice to the additional amount to be determined in accordance with the agreements between the Community and these third countries;

Whereas, pursuant to Article 101 (1) of Council Decision 91/482/EEC of 25 July 1991 on the association of the overseas countries and territories with the European Economic Community⁽¹³⁾, no levies shall apply on imports of products originating in the overseas countries and territories;

Whereas application of the rules recalled above to the levy rates indicated by tenderers on 29 and 30 May 1995 leads to the minimum levies being fixed as indicated in Annex I to this Regulation;

Whereas the import levy on olives falling within CN codes 0709 90 39 and 0711 20 90 and on products falling within CN codes 1522 00 31, 1522 00 39 and 2306 90 19 must be calculated from the minimum levy applicable on the olive oil contained in these products; whereas, however, the levy charged for olive oil may not be less than an amount equal to 8 % of the value of the imported product, such amount to be fixed at a standard rate; whereas application of these provisions leads to the levies being fixed as indicated in Annex II to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The minimum levies on olive oil imports are fixed in Annex I.

Article 2

The levies applicable on imports of other olive oil sector products are fixed in Annex II.

Article 3

This Regulation shall enter into force on 2 June 1995.

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

⁽²⁾ OJ No L 169, 28. 6. 1976, p. 24.

⁽³⁾ OJ No L 192, 11. 7. 1992, p. 1.

⁽⁴⁾ OJ No L 169, 28. 6. 1976, p. 43.

⁽⁵⁾ OJ No L 192, 11. 7. 1992, p. 2.

⁽⁶⁾ OJ No L 169, 28. 6. 1976, p. 9.

⁽⁷⁾ OJ No L 48, 26. 2. 1986, p. 1.

⁽⁸⁾ OJ No L 142, 9. 6. 1977, p. 10.

⁽⁹⁾ OJ No L 192, 11. 7. 1992, p. 3.

⁽¹⁰⁾ OJ No L 181, 21. 7. 1977, p. 4.

⁽¹¹⁾ OJ No L 370, 30. 12. 1978, p. 60.

⁽¹²⁾ OJ No L 331, 28. 11. 1978, p. 6.

⁽¹³⁾ OJ No L 263, 19. 9. 1991, p. 1.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Minimum import levies on olive oil⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
1509 10 10	59,00 ⁽²⁾
1509 10 90	59,00 ⁽²⁾
1509 90 00	70,00 ⁽²⁾
1510 00 10	72,00 ⁽²⁾
1510 00 90	116,00 ⁽²⁾

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

⁽²⁾ For imports of oil falling within this CN code and produced entirely in one of the countries listed below and transported directly from any of those countries to the Community, the levy to be collected is reduced by :

(a) Lebanon : ECU 0,7245 per 100 kg ;

(b) Turkey : ECU 13,8645 ^(*) per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force ;

(c) Algeria, Tunisia and Morocco : ECU 15,3245 ^(*) per 100 kg provided that the operator furnishes proof of having paid the export tax applied by that country ; however, the repayment may not exceed the amount of the tax in force.

^(*) These amounts may be increased by an additional amount to be determined by the Community and the third countries in question.

^(*) For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 4,661 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 3,731 per 100 kg.

^(*) For imports of oil falling within this CN code :

(a) produced entirely in Algeria, Morocco or Tunisia and transported directly from any of those countries to the Community, the levy to be collected is reduced by ECU 8,754 per 100 kg ;

(b) produced entirely in Turkey and transported directly from that country to the Community, the levy to be collected is reduced by ECU 7,004 per 100 kg.

ANNEX II

Import levies on other olive oil sector products⁽¹⁾

(ECU/100 kg)

CN code	Non-member countries
0709 90 39	12,98
0711 20 90	12,98
1522 00 31	29,50
1522 00 39	47,20
2306 90 19	5,76

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

COMMISSION REGULATION (EC) No 1254/95

of 1 June 1995

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as amended by Regulation (EC) No 298/95⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

(a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

(b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days

during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2578/94⁽⁵⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 1053/95⁽¹¹⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel, the preferential customs duty fixed by amended Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 2 June 1995.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 6.

⁽⁵⁾ OJ No L 273, 25. 10. 1994, p. 4.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 107, 12. 5. 1995, p. 4.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1255/95
of 1 June 1995
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 17 (4) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Council Regulation (EEC) No 876/68 of 28 June 1968 laying down general rules for granting export refunds on milk and milk products and criteria for fixing the amount of such refunds⁽²⁾, as last amended by Regulation (EC) No 776/94⁽³⁾, provides that when the refunds on the products listed in Article 1 of Regulation (EEC) No 804/68, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 3(1) of Regulation (EEC) No 876/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 4 of Regulation (EEC) No 876/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of Regulation (EEC) No 804/68 according to destination;

Whereas Article 5(1) of Regulation (EEC) No 876/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 2 of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products⁽⁴⁾, as last amended by Regulation (EEC) No 2767/90⁽⁵⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽³⁾ OJ No L 91, 8. 4. 1994, p. 6.

⁽⁴⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁵⁾ OJ No L 267, 29. 9. 1990, p. 14.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁵⁾, as last amended by Regulation (EC) No 1053/95⁽⁶⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 181,13 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽⁷⁾, as last amended by Regulation (EEC) No 222/88⁽⁸⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to Zone E for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 2 June 1995.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁶⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽⁷⁾ OJ No L 91, 1. 4. 1984, p. 71.

⁽⁸⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁹⁾ OJ No L 102, 28. 4. 1993, p. 14.

ANNEX

to the Commission Regulation of 1 June 1995 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000	+	5,880	0402 21 91 500	+	121,88
0401 10 90 000	+	5,880	0402 21 91 600	+	132,08
0401 20 11 100	+	5,880	0402 21 91 700	+	138,07
0401 20 11 500	+	9,089	0402 21 91 900	+	144,83
0401 20 19 100	+	5,880	0402 21 99 100	+	109,44
0401 20 19 500	+	9,089	0402 21 99 200	+	110,19
0401 20 91 100	+	12,10	0402 21 99 300	+	111,55
0401 20 91 500	+	14,10	0402 21 99 400	+	119,23
0401 20 99 100	+	12,10	0402 21 99 500	+	121,88
0401 20 99 500	+	14,10	0402 21 99 600	+	132,08
0401 30 11 100	+	18,11	0402 21 99 700	+	138,07
0401 30 11 400	+	27,93	0402 21 99 900	+	144,83
0401 30 11 700	+	41,95	0402 29 15 200	+	0,6800
0401 30 19 100	+	18,11	0402 29 15 300	+	0,9587
0401 30 19 400	+	27,93	0402 29 15 500	+	1,0101
0401 30 19 700	+	41,95	0402 29 15 900	+	1,0864
0401 30 31 100	+	49,96	0402 29 19 200	+	0,6800
0401 30 31 400	+	78,02	0402 29 19 300	+	0,9587
0401 30 31 700	+	86,03	0402 29 19 500	+	1,0101
0401 30 39 100	+	49,96	0402 29 19 900	+	1,0864
0401 30 39 400	+	78,02	0402 29 91 100	+	1,0944
0401 30 39 700	+	86,03	0402 29 91 500	+	1,1923
0401 30 91 100	+	98,05	0402 29 99 100	+	1,0944
0401 30 91 400	+	144,11	0402 29 99 500	+	1,1923
0401 30 91 700	+	168,17	0402 91 11 110	+	5,880
0401 30 99 100	+	98,05	0402 91 11 120	+	12,10
0401 30 99 400	+	144,11	0402 91 11 310	+	20,71
0401 30 99 700	+	168,17	0402 91 11 350	+	25,38
0402 10 11 000	+	68,00	0402 91 11 370	+	30,87
0402 10 19 000	+	68,00	0402 91 19 110	+	5,880
0402 10 91 000	+	0,6800	0402 91 19 120	+	12,10
0402 10 99 000	+	0,6800	0402 91 19 310	+	20,71
0402 21 11 200	+	68,00	0402 91 19 350	+	25,38
0402 21 11 300	+	95,87	0402 91 19 370	+	30,87
0402 21 11 500	+	101,01	0402 91 31 100	+	23,92
0402 21 11 900	+	108,64	0402 91 31 300	+	36,48
0402 21 17 000	+	68,00	0402 91 39 100	+	23,92
0402 21 19 300	+	95,87	0402 91 39 300	+	36,48
0402 21 19 500	+	101,01	0402 91 51 000	+	27,93
0402 21 19 900	+	108,64	0402 91 59 000	+	27,93
0402 21 91 100	+	109,44	0402 91 91 000	+	98,05
0402 21 91 200	+	110,19	0402 91 99 000	+	98,05
0402 21 91 300	+	111,55	0402 99 11 110	+	0,0588
0402 21 91 400	+	119,23	0402 99 11 130	+	0,1210

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0402 99 11 150	+	0,1976	0403 90 61 100	+	0,0588
0402 99 11 310	+	23,89	0403 90 61 300	+	0,0909
0402 99 11 330	+	28,66	0403 90 63 000	+	0,1210
0402 99 11 350	+	38,11	0403 90 69 000	+	0,1811
0402 99 19 110	+	0,0588	0404 90 11 100	+	67,00
0402 99 19 130	+	0,1210	0404 90 11 910	+	5,880
0402 99 19 150	+	0,1976	0404 90 11 950	+	20,53
0402 99 19 310	+	23,89	0404 90 13 120	+	67,00
0402 99 19 330	+	28,66	0404 90 13 130	+	95,02
0402 99 19 350	+	38,11	0404 90 13 140	+	100,10
0402 99 31 110	+	0,2593	0404 90 13 150	+	107,67
0402 99 31 150	+	39,66	0404 90 13 911	+	5,880
0402 99 31 300	+	0,4996	0404 90 13 913	+	12,10
0402 99 31 500	+	0,8603	0404 90 13 915	+	18,11
0402 99 39 110	+	0,2593	0404 90 13 917	+	27,93
0402 99 39 150	+	39,66	0404 90 13 919	+	41,95
0402 99 39 300	+	0,4996	0404 90 13 931	+	20,53
0402 99 39 500	+	0,8603	0404 90 13 933	+	25,18
0402 99 91 000	+	0,9805	0404 90 13 935	+	30,61
0402 99 99 000	+	0,9805	0404 90 13 937	+	36,18
0403 10 22 100	+	5,880	0404 90 13 939	+	37,83
0403 10 22 300	+	9,089	0404 90 19 110	+	108,47
0403 10 24 000	+	12,10	0404 90 19 115	+	109,20
0403 10 26 000	+	18,11	0404 90 19 120	+	110,56
0403 10 32 100	+	0,0588	0404 90 19 130	+	118,17
0403 10 32 300	+	0,0909	0404 90 19 135	+	120,78
0403 10 34 000	+	0,1210	0404 90 19 150	+	130,89
0403 10 36 000	+	0,1811	0404 90 19 160	+	136,84
0403 90 11 000	+	67,00	0404 90 19 180	+	143,53
0403 90 13 200	+	67,00	0404 90 31 100	+	67,00
0403 90 13 300	+	95,02	0404 90 31 910	+	5,880
0403 90 13 500	+	100,10	0404 90 31 950	+	20,53
0403 90 13 900	+	107,67	0404 90 33 120	+	67,00
0403 90 19 000	+	108,47	0404 90 33 130	+	95,02
0403 90 31 000	+	0,6700	0404 90 33 140	+	100,10
0403 90 33 200	+	0,6700	0404 90 33 150	+	107,67
0403 90 33 300	+	0,9502	0404 90 33 911	+	5,880
0403 90 33 500	+	1,0010	0404 90 33 913	+	12,10
0403 90 33 900	+	1,0767	0404 90 33 915	+	18,11
0403 90 39 000	+	1,0847	0404 90 33 917	+	27,93
0403 90 51 100	+	5,880	0404 90 33 919	+	41,95
0403 90 51 300	+	9,089	0404 90 33 931	+	20,53
0403 90 53 000	+	12,10	0404 90 33 933	+	25,18
0403 90 59 110	+	18,11	0404 90 33 935	+	30,61
0403 90 59 140	+	27,93	0404 90 33 937	+	36,18
0403 90 59 170	+	41,95	0404 90 33 939	+	37,83
0403 90 59 310	+	49,96	0404 90 39 110	+	108,47
0403 90 59 340	+	78,02	0404 90 39 115	+	109,20
0403 90 59 370	+	86,03	0404 90 39 120	+	110,56
0403 90 59 510	+	98,05	0404 90 39 130	+	118,17
0403 90 59 540	+	144,11			
0403 90 59 570	+	168,17			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0404 90 39 150	+	120,78	0405 00 19 500	+	156,10
0404 90 51 100	+	0,6700	0405 00 19 700	+	160,00
0404 90 51 910	+	0,0588	0405 00 90 100	+	181,13
0404 90 51 950	+	23,70	0405 00 90 900	+	233,21
0404 90 53 110	+	0,6700	0406 10 20 100	+	—
0404 90 53 130	+	0,9502	0406 10 20 230	028	—
0404 90 53 150	+	1,0010		400	35,39
0404 90 53 170	+	1,0767		404	—
0404 90 53 911	+	0,0588		...	43,47
0404 90 53 913	+	0,1210	0406 10 20 290	028	—
0404 90 53 915	+	0,1811		400	35,39
0404 90 53 917	+	0,2793		404	—
0404 90 53 919	+	0,4195		...	43,47
0404 90 53 931	+	23,70	0406 10 20 610	028	12,24
0404 90 53 933	+	28,43		037	—
0404 90 53 935	+	37,79		039	—
0404 90 53 937	+	39,33		400	79,06
0404 90 59 130	+	1,0847		404	—
0404 90 59 150	+	1,1817		...	81,10
0404 90 59 930	+	0,5998	0406 10 20 620	028	18,13
0404 90 59 950	+	0,8603		037	—
0404 90 59 990	+	0,9805		039	—
0404 90 91 100	+	0,6700		400	87,17
0404 90 91 910	+	0,0588		404	—
0404 90 91 950	+	23,70		...	88,93
0404 90 93 110	+	0,6700	0406 10 20 630	028	21,75
0404 90 93 130	+	0,9502		037	—
0404 90 93 150	+	1,0010		039	—
0404 90 93 170	+	1,0767		400	99,07
0404 90 93 911	+	0,0588		404	—
0404 90 93 913	+	0,1210		...	100,41
0404 90 93 915	+	0,1811	0406 10 20 640	028	—
0404 90 93 917	+	0,2793		037	—
0404 90 93 919	+	0,4195		039	—
0404 90 93 931	+	23,70		400	117,82
0404 90 93 933	+	28,43		404	—
0404 90 93 935	+	37,79		...	117,82
0404 90 93 937	+	39,33	0406 10 20 650	028	24,93
0404 90 99 130	+	1,0847		037	—
0404 90 99 150	+	1,1817		039	—
0404 90 99 930	+	0,5998		400	58,91
0404 90 99 950	+	0,8603		404	—
0404 90 99 990	+	0,9805		...	122,66
0405 00 11 200	+	120,98	0406 10 20 660	+	—
0405 00 11 300	+	152,20	0406 10 20 810	028	—
0405 00 11 500	+	156,10		037	—
0405 00 11 700	+	160,00		039	—
0405 00 19 200	+	120,98		400	19,10
0405 00 19 300	+	152,20		404	—
				...	19,10

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 10 20 830	028	—	0406 30 10 200	028	—
	037	—		037	—
	039	—		039	—
	400	32,60		400	39,43
	404	—		404	—
	...	32,60		...	44,12
0406 10 20 850	028	—	0406 30 10 250	028	—
	037	—		037	—
	039	—		039	—
	400	39,53		400	39,43
	404	—		404	—
	...	39,53		...	44,12
0406 10 20 870	+	—	0406 30 10 300	028	—
	+	—		037	—
0406 10 20 900	+	—		039	—
	+	—		400	57,91
0406 20 90 100	+	—	0406 30 10 350	404	—
	+	—		...	64,73
0406 20 90 913	028	—		028	—
	400	76,99		037	—
	404	—		039	—
	...	76,99		400	39,43
	...	76,99		404	—
0406 20 90 915	028	—		...	44,12
	400	102,65	0406 30 10 400	028	—
	404	—		037	—
	...	102,65		039	—
	...	102,65		400	57,91
0406 20 90 917	028	—		404	—
	400	109,05		...	64,73
	404	—	0406 30 10 450	028	—
	...	109,05		037	—
	...	109,05		039	—
0406 20 90 919	028	—		400	84,31
	400	121,89		404	—
	404	—		...	94,20
	...	121,89	0406 30 10 500	+	—
	...	121,89		028	—
0406 20 90 990	+	—	0406 30 10 550	037	—
	+	—		039	—
0406 30 10 100	+	—		400	39,43
	+	—		404	18,13
	028	—		...	44,12
	037	—	0406 30 10 600	028	—
	039	—		037	—
	400	18,15		039	—
0406 30 10 150	404	—		400	57,91
	...	20,69		404	25,38
	...	20,69		...	64,73
	...	20,69		...	64,73

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 10 650	028	—	0406 30 31 730	028	—
	037	—		037	—
	039	—		039	—
	400	84,31		400	57,91
	404	—		404	—
	...	94,20		...	64,73
0406 30 10 700	028	—	0406 30 31 910	028	—
	037	—		037	—
	039	—		039	—
	400	84,31		400	39,43
	404	—		404	—
	...	94,20		...	44,12
0406 30 10 750	028	—	0406 30 31 930	028	—
	037	—		037	—
	039	—		039	—
	400	102,91		400	57,91
	404	—		404	—
	...	114,99		...	64,73
0406 30 10 800	028	—	0406 30 31 950	028	—
	037	—		037	—
	039	—		039	—
	400	102,91		400	84,31
	404	—		404	—
	...	114,99		...	94,20
0406 30 31 100	+	—	0406 30 39 100	+	—
0406 30 31 300	028	—	0406 30 39 300	028	—
	037	—		037	—
	039	—		039	—
	400	18,15		400	39,43
	404	—		404	18,13
	...	20,69		...	44,12
0406 30 31 500	028	—	0406 30 39 500	028	—
	037	—		037	—
	039	—		039	—
	400	39,43		400	57,91
	404	—		404	25,38
	...	44,12		...	64,73
0406 30 31 710	028	—	0406 30 39 700	028	—
	037	—		037	—
	039	—		039	—
	400	39,43		400	84,31
	404	—		404	—
	...	44,12		...	94,20
	028	—	0406 30 39 930	028	—
	037	—		037	—
	039	—		039	—
	400	39,43		400	84,31
	404	—		404	—
	...	44,12		...	94,20

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 39 950	028	—	0406 90 06 900	+	—
	037	—	0406 90 07 000	028	—
	039	—		037	—
	400	102,91		039	—
	404	—		400	117,82
	...	114,99		404	—
0406 30 90 000	028	—		...	144,41
	037	—	0406 90 08 100	028	—
	039	—		037	—
	400	102,91		039	—
	404	—		400	117,82
	...	114,99		404	—
0406 40 50 000	028	—		...	144,41
	400	108,78	0406 90 08 900	+	—
	404	—	0406 90 09 100	028	—
	...	114,66		037	—
0406 40 90 000	028	—		039	—
	400	108,78		400	117,82
	404	—		404	—
	...	114,66		...	144,41
0406 90 02 100	028	—	0406 90 09 900	+	—
	037	—	0406 90 12 000	028	—
	039	—		037	—
	400	117,82		039	—
	404	—		400	117,82
	...	144,41		404	—
0406 90 02 900	+	—		...	144,41
0406 90 03 100	028	—	0406 90 14 100	028	—
	037	—		037	—
	039	—		039	—
	400	117,82		400	117,82
	404	—		404	—
	...	144,41		...	144,41
0406 90 03 900	+	—	0406 90 14 900	+	—
0406 90 04 100	028	—	0406 90 16 100	028	—
	037	—		037	—
	039	—		039	—
	400	117,82		400	117,82
	404	—		404	—
	...	144,41		...	144,41
0406 90 04 900	+	—	0406 90 16 900	+	—
0406 90 05 100	028	—	0406 90 21 900	028	—
	037	—		037	—
	039	—		039	—
	400	117,82		400	117,82
	404	—		404	—
	...	144,41		...	137,48
0406 90 05 900	+	—	0406 90 23 900	028	—
0406 90 06 100	028	—		037	—
	037	—		039	—
	039	—		400	58,91
	400	117,82		404	—
	404	—		...	122,66
	...	144,41			

Product code	Destination (°)	Amount of refund (")	Product code	Destination (°)	Amount of refund (")
0406 90 25 900	028	—	0406 90 35 990	028	—
	037	—		037	—
	039	—		039	—
	400	58,91		400	117,82
	404	—		404	—
	...	122,66		...	117,82
0406 90 27 900	028	—	0406 90 37 000	028	—
	037	—		037	—
	039	—		039	—
	400	50,87		400	117,82
	404	—		404	—
	...	103,95		...	144,41
0406 90 31 119	028	—	0406 90 61 000	028	—
	037	—		037	81,58
	039	—		039	81,58
	400	56,62		400	167,67
	404	14,50		404	126,88
	...	81,53		...	167,67
0406 90 31 151	028	—	0406 90 63 100	028	—
	037	—		037	95,19
	039	—		039	95,19
	400	52,92		400	192,25
	404	13,56		404	145,01
	...	75,99		...	192,25
0406 90 31 159	+	—	0406 90 63 900	028	—
0406 90 33 119	028	—		037	63,45
	037	—		039	63,45
	039	—		400	135,95
	400	56,62		404	72,51
	404	14,50		...	149,54
	...	81,53	0406 90 69 100	+	—
0406 90 33 151	028	—		028	—
	037	—		037	63,45
	039	—		039	63,45
	400	52,92		400	135,95
	404	13,56		404	72,51
	...	75,99		...	149,54
0406 90 33 919	028	—	0406 90 73 900	028	—
	037	—		037	38,67
	039	—		039	38,67
	400	56,62		400	136,87
	404	14,50		404	108,78
	...	81,53		...	136,87
0406 90 33 951	028	—	0406 90 75 900	028	—
	037	—		037	—
	039	—		039	—
	400	52,92		400	58,91
	404	13,56		404	—
	...	75,99		...	114,16
0406 90 35 190	028	—	0406 90 76 100	028	21,75
	037	38,67		037	—
	039	38,67		039	—
	400	143,69		400	53,26
	404	81,58		404	—
	...	143,69		...	100,41

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 76 300	028	—	0406 90 85 995	028	24,93
	037	—		037	—
	039	—		039	—
	400	58,91		400	58,91
	404	—		404	—
	...	122,66		...	122,66
0406 90 76 500	028	—	0406 90 85 999	+	—
	037	—		+	—
	039	—		028	12,24
	400	67,98		037	—
	404	—		039	—
	...	122,66		400	81,10
0406 90 78 100	028	21,75	0406 90 86 100	404	—
	037	—		...	81,10
	039	—		028	18,13
	400	53,26		037	—
	404	—		039	—
	...	100,41		400	87,17
0406 90 78 300	028	—	0406 90 86 200	404	—
	037	—		...	88,93
	039	—		028	21,75
	400	58,91		037	—
	404	—		039	—
	...	122,66		400	99,07
0406 90 78 500	028	—	0406 90 86 400	404	—
	037	—		...	100,41
	039	—		028	—
	400	67,98		037	—
	404	—		039	—
	...	122,66		400	117,82
0406 90 79 900	028	—	0406 90 86 900	404	—
	037	—		...	117,82
	039	—		028	—
	400	50,87		037	—
	404	—		039	—
	...	103,95		400	81,10
0406 90 81 900	028	—	0406 90 87 100	404	—
	037	—		...	81,10
	039	—		028	18,13
	400	117,82		037	—
	404	—		039	—
	...	117,82		400	87,17
0406 90 85 910	028	—	0406 90 87 200	404	—
	037	38,67		...	88,93
	039	38,67		028	21,75
	400	143,69		037	—
	404	81,58		039	—
	...	143,69		400	99,07
0406 90 85 991	028	—	0406 90 87 300	404	—
	037	—		...	100,41
	039	—		028	—
	400	117,82		037	—
	404	—		039	—
	...	117,82		400	99,07
0406 90 85 991	028	—	0406 90 87 400	404	—
	037	—		...	100,41
	039	—		028	—
	400	117,82		037	—
	404	—		039	—
	...	117,82		400	99,07

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 87 951	028	—	2309 10 15 500	+	—
	037	38,67	2309 10 15 700	+	—
	039	38,67	2309 10 19 010	+	—
	400	136,87	2309 10 19 100	+	—
	404	81,58	2309 10 19 200	+	—
	...	136,87	2309 10 19 300	+	—
0406 90 87 971	028	24,93	2309 10 19 400	+	—
	037	—	2309 10 19 500	+	—
	039	—	2309 10 19 600	+	—
	400	67,07	2309 10 19 700	+	—
	404	—	2309 10 19 800	+	—
	...	122,66	2309 10 70 010	+	—
0406 90 87 972	028	—	2309 10 70 100	+	20,03
	400	35,39	2309 10 70 200	+	26,71
	404	—	2309 10 70 300	+	33,39
	...	43,47	2309 10 70 500	+	40,05
0406 90 87 979	028	24,93	2309 10 70 600	+	46,73
	037	—	2309 10 70 700	+	53,41
	039	—	2309 10 70 800	+	58,76
	400	67,07	2309 90 35 010	+	—
	404	—	2309 90 35 100	+	—
	...	122,66	2309 90 35 200	+	—
0406 90 88 100	+	—	2309 90 35 300	+	—
0406 90 88 200	028	12,24	2309 90 35 400	+	—
	037	—	2309 90 35 500	+	—
	039	—	2309 90 35 700	+	—
	400	81,10	2309 90 39 010	+	—
	404	—	2309 90 39 100	+	—
	...	81,10	2309 90 39 200	+	—
0406 90 88 300	028	18,13	2309 90 39 300	+	—
	037	—	2309 90 39 400	+	—
	039	—	2309 90 39 500	+	—
	400	87,17	2309 90 39 600	+	—
	404	—	2309 90 39 700	+	—
	...	88,93	2309 90 39 800	+	—
2309 10 15 010	+	—	2309 90 70 010	+	—
2309 10 15 100	+	—	2309 90 70 100	+	20,03
2309 10 15 200	+	—	2309 90 70 200	+	26,71
2309 10 15 300	+	—	2309 90 70 300	+	33,39
2309 10 15 400	+	—	2309 90 70 500	+	40,05
			2309 90 70 600	+	46,73
			2309 90 70 700	+	53,41
			2309 90 70 800	+	58,76

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by '—'.

Where no destination ('+') is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2).

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

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

COMMISSION REGULATION (EC) No 1256/95

of 1 June 1995

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

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994, on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as amended by Regulation (EC) No 553/95⁽²⁾, 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⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 2 June 1995.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 56, 14. 3. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 1 June 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(FCU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 35	052	69,0
	060	80,2
	066	41,3
	068	32,4
	204	50,9
	212	117,9
	624	75,0
	999	66,7
0707 00 25	052	47,2
	053	166,9
	060	39,2
	066	68,6
	068	60,4
	204	49,1
	624	207,3
	999	91,2
0709 90 77	052	129,7
	204	77,5
	624	196,3
	999	134,5
0809 20 41, 0809 20 49	052	225,6
	400	424,3
	999	324,9

⁽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 1257/95**of 1 June 1995****altering the export refunds on white sugar and raw sugar exported in the natural state**

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

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

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 1229/95⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1229/95 to the information known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as last amended by Regulation (EC) No 150/95⁽⁵⁾, are used to

convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁶⁾, as last amended by Regulation (EC) No 1053/95⁽⁷⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, as fixed in the Annex to Regulation (EC) No 1229/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 June 1995.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 121, 1. 6. 1995, p. 13.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 107, 12. 5. 1995, p. 4.

ANNEX

to the Commission Regulation of 1 June 1995 altering the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	38,05 ⁽¹⁾
1701 11 90 910	38,05 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	38,05 ⁽¹⁾
1701 12 90 910	38,05 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,4136
	— ECU/100 kg —
1701 99 10 100	41,36
1701 99 10 910	41,36
1701 99 10 950	41,36
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,4136

⁽¹⁾ Applicable to raw sugar with a yield of 92 % ; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 5 (3) of Regulation (EEC) No 766/68.

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

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

COMMISSION REGULATION (EC) No 1258/95**of 1 June 1995****altering the export refunds on syrups and certain other sugar sector products
exported in the natural state**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas the refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 1228/95⁽³⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in amended Regulation (EC)

No 1228/95 to the information at present available to the Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to Regulation (EC) No 1228/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 June 1995.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 121, 1. 6. 1995, p. 10.

ANNEX

to the Commission Regulation of 1 June 1995 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 100	41,36 ⁽²⁾ ⁽³⁾
1702 60 10 000	41,36 ⁽²⁾ ⁽³⁾
1702 60 90 200	78,58 ⁽³⁾ ⁽⁴⁾
	— ECU/1 % sucrose × 100 kg —
702 60 90 800	0,4136 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
1702 90 30 000	41,36 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,4136 ⁽¹⁾ ⁽³⁾
1702 90 71 000	0,4136 ⁽¹⁾ ⁽³⁾
1702 90 99 900	0,4136 ⁽¹⁾ ⁽³⁾ ⁽⁴⁾
	— ECU/100 kg dry matter —
2106 90 30 000	41,36 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 000	0,4136 ⁽¹⁾ ⁽³⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

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

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

⁽⁵⁾ Applicable only to products defined under Article 13 (3) of Regulation (EEC) No 394/70.

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

COMMISSION REGULATION (EC) No 1259/95
of 1 June 1995

altering the rates of the refunds applicable to certain products from the sugar sector exported in the form of goods not covered by Annex II to the Treaty

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

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

Whereas the rates of the refunds applicable from 1 June 1995 to the products listed in the Annex, exported in the form of goods not covered by Annex II to the Treaty, were fixed by Commission Regulation (EC) No 1236/95⁽³⁾;

Whereas it follows from applying the rules and criteria contained in Regulation (EC) No 1236/95 to the informa-

tion at present available to the Commission that the export refunds at present applicable should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The rates of refund fixed by Regulation (EC) No 1236/95 are hereby altered as shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 June 1995.

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

Done at Brussels, 1 June 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 121, 1. 6. 1995, p. 27.

ANNEX

to the Commission Regulation of 1 June 1995 altering the rates of the refunds applicable to certain products in the sugar sector exported in the form of goods not covered by Annex II to the Treaty

	<i>— Rate of refund in ECU/100 kg —</i>
White sugar :	41,36
Raw sugar :	38,05
Syrups of beet sugar or cane sugar, other than the syrups obtained by dissolving white or raw sugar in the solid state, containing, in the dry state, 85 % or more by weight of sucrose (including invert sugar expressed as sucrose) :	$41,36^{(1)} \times \frac{S^{(1)}}{100}$ or
	the rate fixed above for 100 kg of white or raw sugar used for the dissolution
For syrups obtained by dissolving white or raw sugar in the solid state, whether or not the dissolving is followed by inversion :	
Molasses :	—
Isoglucose ⁽²⁾ :	41,36 ⁽³⁾

⁽¹⁾ 'S' represents in 100 kilograms of syrup

- the sucrose content (including invert sugar expressed as sucrose) of the syrup in question, where the latter is not less than 98 % pure,
- the extractable sugar content of the syrup in question, where the latter is not less than 85 %, but less than 98 % pure.

⁽²⁾ Products obtained by isomerization of glucose, which have a content by weight in the dry state of at least 41 % fructose and of which the total content by weight in the dry state of polysaccharides and oligosaccharides, including the di- or trisaccharides content, does not exceed 8,5 %.

⁽³⁾ Amount of refund per 100 kilograms of dry matter.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Commission Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

COMMISSION REGULATION (EC) No 1260/95
of 1 June 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 1101/95 ⁽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 1247/95 ⁽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 31 May 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 2 June 1995.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 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 121, 1. 6. 1995, p. 69.

ANNEX

to the Commission Regulation of 1 June 1995 fixing the import levies on white sugar and raw sugar

(ECU/100 kg)

CN code	Levy ⁽¹⁾
1701 11 10	39,05 ⁽¹⁾
1701 11 90	39,05 ⁽¹⁾
1701 12 10	39,05 ⁽¹⁾
1701 12 90	39,05 ⁽¹⁾
1701 91 00	46,27
1701 99 10	46,27
1701 99 90	46,27 ⁽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 1261/95**of 1 June 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 1101/95 ⁽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 1227/95 ⁽⁵⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 1227/95 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 31 May 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 Regulation (EC) No 1227/95 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 June 1995.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 121, 1. 6. 1995, p. 7.

ANNEX

**to the Commission Regulation of 1 June 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	0,4627	—
1702 20 90	0,4627	—
1702 30 10	—	62,23
1702 40 10	—	62,23
1702 60 10	—	62,23
1702 60 90 10 ⁽²⁾	—	118,24
1702 60 90 90 ⁽³⁾	0,4627	—
1702 90 30	—	62,23
1702 90 60	0,4627	—
1702 90 71	0,4627	—
1702 90 80	—	118,24
1702 90 99	0,4627	—
2106 90 30	—	62,23
2106 90 59	0,4627	—

⁽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.

COMMISSION REGULATION (EC) No 1262/95
of 1 June 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 1234/95⁽⁴⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 1234/95 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

1. The aid for unginned cotton provided for in Article 5 of Regulation (EEC) No 2169/81 shall be :

- ECU 45,049 per 100 kilograms for the 1994/95 marketing year,
- ECU 55,674 per 100 kilograms for the 1995/96 marketing year.

2. However, the amount of the aid for 1995/96 shall be confirmed or replaced with effect from 2 June 1995 to take account of the guide price for cotton for that marketing year, the consequences of the stabilizer system and any adaptations to the arrangements.

Article 2

This Regulation shall enter into force on 2 June 1995.

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

Done at Brussels, 1 June 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 121, 1. 6. 1995, p. 21.

COMMISSION REGULATION (EC) No 1263/95

of 1 June 1995

fixing the export refunds on cereals and on wheat or rye flour, groats and 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 the third subparagraph of Article 13 (2) thereof,

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

Whereas the refunds must be fixed taking into account the factors referred to in Article 2 of Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, as last amended by Regulation (EC) No 3304/94⁽³⁾;

Whereas export possibilities exist for a quantity of 50 000 tonnes of rye flour to certain destinations; whereas the procedure laid down in Article 9 (4) of Commission Regulation (EEC) No 891/89⁽⁴⁾, as last amended by Regulation (EC) No 1043/95⁽⁵⁾, should be used; whereas account should be taken of this when the refunds are fixed;

Whereas, as far as wheat and rye flour, groats and meal are concerned, when the refund on these products is being calculated, account must be taken of the quantities of cereals required for their manufacture; whereas these quantities were fixed in Regulation (EEC) No 1533/93;

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁶⁾, as last amended by Regulation (EC) No 150/95⁽⁷⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁸⁾, as last amended by Regulation (EC) No 1053/95⁽⁹⁾;

Whereas it follows from applying the detailed rules set out above to the present situation on the market in cereals, and in particular to quotations or prices for these products within the Community and on the world market, that the refunds should be as set out in the Annex hereto;

Whereas Council Regulation (EEC) No 990/93⁽¹⁰⁾ prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (a), (b) and (c) of Regulation (EEC) No 1766/92, excluding malt, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 June 1995.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽³⁾ OJ No L 341, 30. 12. 1994, p. 48.

⁽⁴⁾ OJ No L 94, 7. 4. 1989, p. 13.

⁽⁵⁾ OJ No L 106, 11. 5. 1995, p. 8.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽¹⁰⁾ OJ No L 102, 28. 4. 1993, p. 14.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 1 June 1995 fixing the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination (1)	Amount of refund (2)	Product code	Destination (1)	Amount of refund (2)
0709 90 60 000	—	—	1101 00 11 000	—	—
0712 90 19 000	—	—	1101 00 15 100	01	0
1001 10 00 200	—	—	1101 00 15 130	01	0
1001 10 00 400	—	—	1101 00 15 150	01	0
1001 90 91 000	—	—	1101 00 15 170	01	0
1001 90 99 000	03	24,00	1101 00 15 180	01	0
	04	25,00			
	02	0			
1002 00 00 000	03	24,00	1101 00 15 190	—	—
	04	25,00	1101 00 90 000	—	—
	02	0	1102 10 00 500	01	89,00 (4)
1003 00 10 000	—	—	1102 10 00 700	—	—
1003 00 90 000	03	24,00	1102 10 00 900	—	—
	04	25,00	1103 11 10 200	01	— (3)
	02	0	1103 11 10 400	01	— (3)
1004 00 00 200	—	—	1103 11 10 900	—	—
1004 00 00 400	—	—	1103 11 90 200	01	— (3)
1005 10 90 000	—	—	1103 11 90 800	—	—
1005 90 00 000	—	—			
1007 00 90 000	—	—			
1008 20 00 000	—	—			

(1) The destinations are identified as follows:

- 01 All third countries,
- 02 Other third countries,
- 03 Switzerland and Liechtenstein,
- 04 Slovenia, Hungary, the Czech Republic and the Slovak Republic.

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

(3) No refund is granted when this product contains compressed meal.

(4) Refund fixed under the procedure laid down in Article 9 (4) of amended Regulation (EEC) No 891/89 in respect of a quantity of 50 000 tonnes of rye flour for export to third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 1264/95

of 1 June 1995

fixing the corrective amount applicable to the refund on cereals

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 13 (4) thereof,

Whereas Article 13 (4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EEC) No 1533/93 of 22 June 1993 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽²⁾, as last amended by Regulation (EC) No 3304/94⁽³⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 2 of Regulation (EEC) No 1533/93;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as last amended by Regulation (EC) No 150/95⁽⁵⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁶⁾, as last amended by Regulation (EC) No 1053/95⁽⁷⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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 corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 2 June 1995.

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

Done at Brussels, 1 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 151, 23. 6. 1993, p. 15.

⁽³⁾ OJ No L 341, 30. 12. 1994, p. 48.

⁽⁴⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁵⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁶⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁷⁾ OJ No L 107, 12. 5. 1995, p. 4.

ANNEX

to the Commission Regulation of 1 June 1995 fixing the corrective amount applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 6	1st period 7	2nd period 8	3rd period 9	4th period 10	5th period 11	6th period 12
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	01	0	0	0	0	0	—	—
1002 00 00 000	01	0	0	0	0	0	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	01	0	0	0	0	0	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	01	0	0	0	0	0	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	—	—	—	—	—	—	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 11 000	—	—	—	—	—	—	—	—
1101 00 15 100	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 15 130	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 15 150	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 15 170	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 15 180	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1101 00 15 190	—	—	—	—	—	—	—	—
1101 00 90 000	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	— 35,00	— 35,00	— 35,00	— 35,00	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	—	—	—	—	—	—	—	—
1103 11 10 400	—	—	—	—	—	—	—	—
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	—	—	—	—	—	—	—	—
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 30 January 1995

relating to a proceeding under Article 85 of the EC Treaty

(IV/33.686 — Coapi)

(Only the Spanish text is authentic)

(95/188/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Whereas :

Having regard to the Treaty establishing the European Community,

I. THE FACTS

A. The complaint

Having regard to Council Regulation No 17 of 6 February 1962, first Regulation implementing Articles 85 and 86 of the Treaty⁽¹⁾, as last amended by the Act of Accession of Spain and Portugal, and in particular Article 3 (1) thereof,

Having regard to an application submitted under Article 3 (2) of Regulation No 17,

Having regard to the Commission's decision of 6 July 1993 to initiate proceedings in this case,

Having given the Colegio Oficial de Agentes de la Propiedad Industrial, an association of undertakings, the opportunity to make known its views on the objections raised by the Commission, in accordance with Article 19 (1) of Commission Regulation No 99/63/EEC of 25 July 1963 on the hearings provided for in Article 19 (1) and (2) of Council Regulation No 17⁽²⁾,

After consulting the Advisory Committee on Restrictive Practices and Dominant Positions,

- (1) On 29 August 1990 an informal complaint was submitted to the Commission against the *Colegio Oficial de Agentes de la Propiedad Industrial* (Official Association of Industrial Property Agents) (hereinafter referred to as 'the Coapi'). According to the complainant, the Coapi fixes scales of charges for services provided by these agents in Spain, relating to the filing of patents, the registration of trade marks and utility models and other industrial property procedures, thereby infringing Article 85 (1) of the EC Treaty.
- (2) The complainant, in support of its complaint, provided the scale of charges issued by the Coapi to its members for services provided after 1 January 1988 but the facts were established and set in their proper economic and legal context in particular by the replies to the formal requests for information sent to the Coapi on 16 October 1990, 15 May 1991 and 4 June 1992.
- (3) Section 156 of Law No 11/1986 of 20 March 1986 on patents provides a definition of Spanish industrial property agents and a brief description of their activities. The agents are natural persons registered

B. Industrial property agents and their activities

⁽¹⁾ OJ No 13, 21. 2. 1962, p. 204/62.

⁽²⁾ OJ No 127, 20. 8. 1963, p. 2268/63.

as agents with the Industrial Property Registry⁽¹⁾ (hereinafter referred to as 'the Registry') who, in the practice of their profession, offer their services to the general public for the provision of advice, assistance or as representatives in various industrial property procedures and in the defence of the resultant rights *vis-à-vis* the Registry.

In general, the basic services provided by industrial property agents are as follows⁽²⁾:

- (i) to provide, in the initial stages, explanations and definitions of rights;
- (ii) to act in the acquisition of rights;
- (iii) to represent and advise clients in maintaining and exercising their rights and in any disputes concerning the acquisition and protection of those rights.

Agents thus have varied duties: legal adviser, representative in patent office procedures, representative in patent applications in foreign countries in close association with foreign agents, adviser in infringement proceedings and similar proceedings, and adviser in the monitoring and renewal of patents, trade marks (payment of renewal fees at the prescribed intervals and other statutory formalities), etc.

Generally speaking, industrial property agents have three kinds of client, namely individual inventors, businesses and foreign industrial property agents.

Industrial property agents also deal with applications concerning industrial property rights from foreign countries as well as from the countries in which they practise.

The activities involved in those two categories are not very different; nevertheless, where the application originates in a foreign country, an industrial property agent is not usually involved in the initial registration, only in the application to register a domestic patent corresponding to the initial registration in the foreign country.

The agent must therefore prepare the corresponding application in accordance with the national law, which will require amendment of substantive and formal aspects of the initial application and its translation into the language of his country.

Industrial property agents also assist Spanish clients in applications to register their inventions in foreign countries, which must take place at the same time as the initial application if the foreign country is not a member of the Paris Convention for the Protection of Industrial Property and within a year of filing the initial application if it is a member.

With regard to European patents⁽³⁾, industrial property agents' responsibilities include validation of published applications for European patents designating Spain in order to secure provisional protection and the validation of European patents designating Spain in order to secure national effect. These services primarily involve translation, publication and printing formalities and verification of registry entries.

Agents also deal with the filing of applications for European patents on behalf of Spanish clients.

C. The Coapi and its legislative and regulatory framework

- (4) The Coapi is the professional association of industrial property agents in Spain. It is in the form of a legal person governed by Spanish public law and consists of all agents practising in Spain.

As a profession organized as an association (*colegio*), the Coapi comes within the general legislative and regulatory framework applicable to such associations, namely Law No 2/1974 of 13 February 1974 on professional associations, as amended by Law No 74/1978 of 26 December 1978, and its procedures are governed by internal regulations (hereinafter referred to as 'the Coapi Regulations'). In addition, there are certain specific legislative or regulatory provisions which govern the practice of the profession.

1. The general legislative framework: the law on professional associations

- (5) Law No 2/1974 of 13 February 1974, as amended by Law No 74/1978 of 26 December 1978, defines professional associations, which include the Coapi, as 'legal persons governed by public law and

⁽¹⁾ The Registry was renamed 'The Spanish Patents and Trade Marks Office' on the promulgation of Law No 21/1992 of 16 July 1992 on industrial affairs.

⁽²⁾ See *The Role, Qualifications and Associations of Industrial Property Attorneys*. A. de ELZABURU. WIPO/ Geneva, 1984, p. 2.

⁽³⁾ Applications for European patents must be filed with the European Patent Office in Munich. A European patent represents a group of national patents of the Contracting States designated in the application; in a Contracting State, it is equivalent in its effects and status to a patent issued by the State's national patent office.

supported by the law and recognized by the State, having their own legal personality and capacity to attain their objects' (section 1 (1)). The objects of such legal persons are essentially: the regulation (ordenación) of the activities of these professions, their sole representation and the defence of the professional interests of the members, without prejudice to the powers of the State in relation to matters concerning the public service (section 1 (3)).

- (6) According to the terms of Section 5 of the Law, the responsibilities of the professional associations, within their various territorial jurisdictions, shall include the following:

- to represent and promote the defence of the profession *vis-à-vis* the public authorities (paragraph g),
- to regulate the professional activities of the associations' members and to supervise professional ethics and dignity and respect for individual rights and to exercise the power to impose sanctions in disciplinary matters (paragraph i),
- to secure good relations and cooperation between the associations' members by preventing unfair competition (paragraph k),
- to take the measures necessary to prevent the illegal practice of the profession (paragraph l),
- to regulate minimum fees if such fees are not chargeable in the form of customs duties, administrative tariffs or dues (paragraph ñ). However, that responsibility is assigned to the Consejos Generales de los Colegios (general councils of the associations), as the representative and superior coordinating bodies of the associations in so far as it has national scope or effects (section 9 (1) (a)),
- to confer approval on members' professional work if the rules of the professional association so require (paragraph q),
- to comply, and to secure compliance by the members of the association, with general and special laws, professional rules and internal regulations and the standards and decisions adopted by the governing bodies of associations in matters within their powers (paragraph t).

- (7) Section 8 of the Law lays down that 'an appeal shall lie to the administrative courts against decisions of the associations and of the general councils provided that they are subject to administrative law

and all appeal procedures within the association have been exhausted'. In particular, acts of governing bodies of the associations which are manifestly contrary to the law and those which are *ultra vires* are automatically void. Acts which are contrary to associations' internal regulations and those involving misuse of powers are voidable (section 8 (3)).

- (8) Section 6 (1) lays down that the professional associations are regulated by their internal rules and regulations, without prejudice to the laws applicable to the particular profession. The general councils are required to draw up general rules applicable to all associations in the same profession, after consulting those associations. The rules are to be submitted for approval to the Government, acting through the relevant ministry. This procedure is to be followed by associations covering the entire country (section 6 (2)). The general rules cover the matters specified in section 6 (3), namely the rights and duties of the members of the associations, the associations' administrative bodies, the rules applicable to the establishment of associations and their rules of procedure, rules on charges and penalties, and the associations' specific objects and functions, etc.
- (9) Section 3 (2) lays down that 'where professions are organized as associations, membership of an association responsible for the territory on which the profession will be practised shall constitute an indispensable requirement for practice of the profession'.
- (10) It is laid down in the transitional provisions of the Law that the regulations of professional associations and their superior councils and their internal rules are to remain in force in so far as they are not contrary to the Law, without prejudice to any amendments which are necessary.
- (11) Although the constitutionality of Law No 2/1974 has been challenged on various occasions before the Constitutional Court, that Court has ruled that it is in accordance with Article 36 of the Spanish Constitution, which lays down that 'the specific features of the legal rules applicable to professional associations and the practice of the professions shall be governed by the law. The internal structure and procedures of the associations shall be democratic'.

In its judgments, the Constitutional Court has ruled that the requirement of membership of a professional association and compliance with its rules do not constitute unjustified restrictions in so

far as they do not prevent professions organized as associations from establishing societies or unions or joining existing bodies.

2. The Coapi Regulations

- (12) The Coapi Regulations, which also constitute the measure establishing the Coapi, date from 29 November 1926. They include provisions on its decision-making bodies, and on scales of charges, advertising, rights and duties of members and sanctions⁽¹⁾.

The regulations are based on a Royal Decree of 27 February 1926. This decree ratified the principle of obligatory affiliation to professional organization for industrial property agents enrolled in the Register of Industrial and Commercial Property (hereinafter referred to as 'the RICP'), on condition that they adopted regulations for its organization which were in accordance with the basic principles laid down in that Royal Decree. A Royal Decree of 28 February 1927 approved the regulations of 29 November 1926.

At present the Coapi Regulations are based on Law No 2/1974 of 13 February 1974, as amended by Law No 74/1978 of 26 December 1978, described above (see points 5 to 10).

The Coapi's decision-making bodies

- (13) The Coapi is run by an administrative board of seven members including a chairperson and vice-chairperson, elected by the general meeting (Articles 4 and 8 of the Coapi Regulations).

The administrative board is the Coapi's representative for legal purposes and its duties include to comply and secure compliance, with the decisions of the general meeting, the Coapi Regulations and the measures taken by the public authorities (Article 13 (7)) and to examine and adjudicate upon complaints against members.

The ordinary general meeting is held in January of each year and extraordinary meetings are held at the request of the administrative board of its own

motion or acting on a written request by a quarter of the members.

The general meeting decides on proposals submitted by the administrative board. These decisions are to be taken by a majority of members present unless the decision concerns the expulsion of a member, which requires the presence of at least half of the members of the Coapi (Article 39).

Provisions concerning fees and penalties

- (14) Under Article 49 of the Coapi Regulations, all industrial property agents are required to apply the minimum scales of charges fixed by the general meeting, which apply to all industrial property services provided to clients, Spanish and foreign. The only exceptions are for services where the cost is variable and difficult to establish in advance (the drafting of memoranda, appeals, cases where industrial property has lapsed, etc.). The Article also makes provision for two scales of charges in industrial property matters originating in foreign countries: one for advice concerning patents from these countries (correspondent scales) and the other for individuals dealing directly with Spanish agents.

However, Article 48 of the Coapi Regulations also lays down that the administrative board proposes to the general meeting for approval 'scales of charges which shall be observed equally by all industrial property agents (tarifas que deban regir para todos los Agentes por igual), whilst allowing the widest possible scope for fees for cases which, by reason of their complexity, difficulty and length, necessitate higher charges'.

- (15) Under Article 35 of the Regulations (Chapter VII, The disciplinary powers of the Association) the following are punishable acts:

- failing to comply with the Regulations and the decisions adopted by general meetings (paragraph 1);
- charging fees below those contained in the scale of charges approved by general meetings (paragraph 7).

These penalties take the form of fines, temporary suspension of practice or even expulsion from the Coapi (Article 38 (3), (4) and (5)).

The power to impose penalties is vested in the administrative board or the general meeting, depending on the seriousness of the punishable acts (Article 36).

⁽¹⁾ It should be noted that this decision relates only to the restrictions on competition through the fixing of minimum rates of fees.

3. *The specific legislative and regulatory framework*

- (16) Industrial property agents are also subject to the more specific rules in Law No 11/1986 of 20 March 1986 on patents, as amended by Law No 21/1992 of 16 July 1992 on industrial affairs, and in the regulations for the implementation of the former Law, which may be summarized as follows:

— persons resident abroad must invariably employ an industrial property agent (section 155 (2) of Law No 11/1986),

— only Spanish nationals, or nationals of other Member States who have an office in Spain, may be registered in the Special Register of Industrial Property Agents, always provided that they fulfil the following conditions: a clean criminal record, possession of an appropriate qualification, third-party insurance, and security lodged with the Registry (now the Spanish Patents and Trade Marks Office). In addition, agents must take an oath to maintain professional secrecy and to refrain from representing conflicting interests in one and the same case (first additional provision of paragraph 3 of Law No 21/1992 and Title IV of the Regulations for the implementation of the Law on patents).

- (17) In addition, section 17 of Law No 32 of 10 November 1988 on trade marks contains provisions resembling section 155 (2) of the Law on patents.

4. *The regulatory framework for industrial patent agents at European level*

- (18) On 30 September 1986 Spain acceded to the Convention on the grant of European patents, signed in Munich on 5 October 1973 (hereinafter referred to as 'the European Patent Convention'), subject to the reservation that European patents concerning chemical and pharmaceutical products should not be effective in Spain.

The European Patent Convention lays down the conditions on which an approved agent may represent any natural or legal person in any proceedings under the Convention. Many Spanish industrial property agents have become European patent agents under Articles 134 and 163 of the Convention. In this capacity they are also members of the Institute of Professional Representatives before the European Patent Office, set up by the Administra-

tive Council of the European Patent Organisation. In their capacity as European patent agents, Spanish industrial property agents are required to comply with the rules of professional conduct laid down by the Office's Administrative Council and the code of professional conduct adopted by the Institute's council. These rules do not contain any provisions recommending or fixing minimum charges.

D. *The scales of charges fixed by the Coapi*

1. *Provision of services*

- (19) Under Article 49 of the Coapi Regulations (see point 14 above), the scales of charges approved by the general meeting of the Coapi must cover services concerning industrial property which they provide to Spanish or foreign clients. These scales of charges are not subject to the approval of the public authorities.

Since 1987 the scale of charges for Spanish clients (national tariff, in pesetas) has consisted of 53 sections arranged in 13 chapters (A — patents, B — European patents, C — trade marks, D — international trade marks, E — labels, F — utility models, G — industrial and artistic designs, H — international designs, I — commercial names and signs, J — cinematographic films, K — assignments, L — investigations and M — opposition, replies in suspensory proceedings, certification, etc.)

There are two foreign scales of charges: tariff A (foreign correspondents) and tariff B (foreign individuals or businesses), which contained 52 sections in 1987 and 1988, and 54 sections in 1989, 1990 and 1991 arranged in six chapters (patents and utility models, European patents, trade marks, industrial designs, assignments etc.). The Chapter 'Patents and utility models' covers applications, translations of descriptions into Spanish, revision of documents received in Spanish, copies of memoranda, replies in suspensory proceedings, filing or replying to an opposition, payment of annual fees, applications for reinstatement, etc. The services concerning European patents involve validation of a published European patent application designating Spain to obtain provisional protection (23), validation of a European patent designating Spain to obtain national effects (24) and the translation, adaptation and revision of documents received in Spanish (26, 27 and 28). The Chapter 'Trade marks' includes

applications for registration (29), applications for renewing a trade mark (31), applications for reinstatement of a forfeited trade mark (33), payment of quinquennial fees (35), opposition (36) and replies to opposition (37).

The sections in the Chapter 'Industrial designs' concern applications (39 and 40), renewal (41), replies to opposition or suspensory proceedings (42), opposition to an industrial design application (43) and payment of quinquennial fees (44). The Chapter 'Assignments' deals with registration of deeds of assignment, and transfer or change of name (45). Up to and including 1988, the Chapter 'General information' contained details of services involving general official search referring to registrability of a trade mark (46), late filing of documents or applications for extension of an official deadline (47), obtaining an official certificate (48), copies of specifications and drawings (49), surveillance of a patent or design when the annual fees are paid by another agent (50), reconsideration appeal (51) and appearance concerning a Spanish application filed by another agent (52). In the version applicable after 1989, section 46 is headed 'official search referring to trade marks (list of antecedents)'. Two other sections have been added: 'official search referring to marks, including study of antecedents and assessment (47) and claim of priority (48)'. The old numbers 47-52 have been renumbered 49-54.

2. Price-fixing criteria

- (20) In fixing the scales of charges issued to its members, the Coapi maintains that it takes account of both general and specific factors.

The criteria in the first category include the length of working time, direct costs of materials and general professional and non-professional expenditure. Working time is assessed on the basis of the time spent on the various stages of the administrative procedure. It is used to calculate the cost of direct and indirect labour.

Direct material costs include official charges, costs of office equipment and costs of communications.

General professional expenditure means the incidence of taxes, subscriptions to official or professional publication, etc. General non-professional expenditure covers items such as rent, leasing, and depreciation.

Specific factors concern characteristics of clients: language, their level of familiarity, or expertise and

professionalism in the field of industrial property, and whether they are dealt with in a personal meeting or by correspondence.

These specific characteristics involve three graded scales of charges: local/national clients (national tariff), correspondents (foreign agents) (tariff A), and direct foreign clients (tariff B). Tariffs A and B (foreign tariffs) are denominated in French francs, German marks, pounds sterling, Swiss francs, US dollars and yen.

E. The market

- (21) The relevant services are completion of formalities in applications for patents, registration of trade marks, or other industrial property procedures, and all services relating to the renewal and monitoring of these rights.

The demand for services to secure the benefit of industrial property rights comes both from clients resident in Spain (individual inventors or firms) and from foreign clients (individual inventors, firms and patent advisers).

The Spanish Laws on patents and on trade marks (see 16 and 17) confer on Spanish industrial property agents exclusive rights to provide services⁽¹⁾ (fields are not specified) connected to enjoyment of these rights by clients (individual or corporate clients or patent advisers) resident outside Spain.

Leaving aside whether or not those Laws are contrary to the EC Treaty in particular on account of the fact that, when the services are sought by clients resident in Spain wishing to assert an industrial property right in Spain or abroad, Spanish industrial property agents do not have an exclusive right, it must be concluded that under these Laws an agent provides services on two markets where the competitive conditions are different; in other words, there are two separate markets:

- (a) the market for services connected with the enjoyment of industrial property rights in Spain, necessitating relations with the Spanish Patents and Trade Marks Office and sought by non-residents, which constitutes a market reserved for Spanish industrial property agents, who must be registered with the Coapi;

⁽¹⁾ These are services involving relations with the Spanish Patents and Trade Marks Office.

- (b) the market for services connected with the enjoyment of industrial property rights in Spain or abroad sought by clients resident in Spain, which can be sought from persons other than Spanish industrial property agents. However, these agents necessarily occupy an important position on this market in view of the specific and technical nature of the services and the conditions of access to the profession, which provide a guarantee to clients that members are competent to provide such services.

The Coapi had the following members: 286 in 1988, 307 in 1989, and 323 in 1990. It estimates the total annual turnover involving members' activities at [...](*), with business from other Member States accounting for 14 % thereof.

F. Coapi decisions on price-fixing

- (22) The Coapi, acting through its general meeting, regularly (generally annually) adopts decisions increasing the scales of charges and sometimes changes the sections describing the services provided by agents.

The record of the ordinary general meeting held on 29 January 1987 refers to a decision to hold periodic general meetings before the end of each year to discuss the scales of charges.

The charges are studied by the administrative board, which may put forward to the general meeting proposals for their alteration.

The records of the general meetings for the years 1987, 1988, 1989 and 1990, and those of the meetings of the administrative board (for these years and also for 1991) in which the work was prepared, refer to the procedures followed in determining price increases, the adoption of new scales of charges and the date when they should become effective. In addition, Circulars of 12 December 1986 and 21 September 1987 deal with the inclusion of new services in the scales of charges and the interpretation of certain sections.

1. Coapi Circulars of 12 December 1986 and 21 September 1987

- (23) Circular No 27 of 12 December 1986 notifies members of new scales of charges applicable to new services resulting from Spain's accession to the

European Patent Convention, for services with the European Patent Office on behalf of Spanish clients and with the Registry on behalf of correspondents and foreign direct clients, and for services relating to the validation of applications for European patents designating Spain to obtain provisional protection and produce national effects. The list containing new sections corresponding to the national scale of charges, the foreign scale of charges for correspondents (tariff A) and the foreign scale of charges for direct clients (tariff B) was appended to the Circular.

The basic amounts in pesetas used to calculate the corresponding amounts for the new sections in foreign currency are given both for tariff A and for tariff B. Tariff B is 20 % higher than tariff A (in pesetas).

The Circular indicated that these sums were provisional, to be confirmed or amended in the light of experience, after discussion and agreement by the general meeting.

- (24) Circular No 10 of 21 September 1987 clarifies aspects of Circular No 27 of 12 December 1986 concerning the application of the scales of charges, particularly sections 23 to 28 of the scales in US dollars, pounds sterling, German marks and yen and sections 101 to 106 of the national scale of charges concerning validation of published European applications and European patents granted with provisional or final protection in Spain.

2. The record of the ordinary general meeting of 29 January 1987

- (25) The record of the meeting states that the proposal of the administrative board was approved as follows:

- the national scale of charges: a 10 % increase in fees and an increase in charges in proportion to the real variation in the Registry's charges, except for the sections 'Renewal of distinctive signs and industrial models', where the increase was to relate exclusively to the charges,
- the foreign scales of charges: alignment of the scale for US dollars, pounds sterling and French francs (depreciated currencies) on the Swiss franc scale and maintenance of the others (Swiss francs, yen and German marks), since the increase determined for the preceding year

(*) Deleted as a business secret.

involved an increase of 10 % above the Swiss franc rate and from the time of the increase the Swiss franc, the German mark and the yen had appreciated by 12 % against the peseta while the US dollar had fallen by 7,5 %,

- the date when the new scales would be effective was 1 February 1987.

In Circular No 3 of 4 February 1987, the Coapi informed its members of 'the most urgent amounts pending completion of printing the new scale of charges' for the national and foreign scales of charges approved by the general meeting of 29 January 1987. The foreign scales of charges only became effective from 1 March 1987.

3. Records of the meetings of the administrative board and of the extraordinary general meeting of 24 November 1987

- (26) On 24 November 1987 the administrative board decided to propose to the general meeting 'a general increase of 5 % applicable to the national scale of charges (corresponding to the 1987 rate of inflation) and the foreign scale of charges in Swiss francs (which had not altered appreciably against the peseta) and an alignment on the Swiss franc scale of the scales for other foreign currencies except those with a variation less than 2 %' (involving increases of 9 % for the French franc scale, 7 % for the German mark scale and 10,6 % for the yen scale).

The record of the general meeting shows that the increases in those foreign scales incorporated the 5 % increase decided on and allowed for the depreciation of these currencies.

In Circular No 19 of 25 November 1987, the Coapi informed its members of the 'most urgent amounts' since the scales of charges had not been printed, in order to make it possible to comply with the date for which the new scales were to be effective (1 January 1988).

4. Records of the meetings of the administrative board and of the extraordinary general meeting of 20 October 1988

- (27) The administrative board's proposals on the alteration of the scales of charges which were adopted by the general meeting of 20 October 1988 were based on:

- a possible (future) increase of 3 % in parafiscal charges, producing an impact on the charges

applicable to distinctive signs, and industrial designs,

- fluctuations in the different currencies used for billing.

Moreover, the record of the administrative board's meeting of 14 November 1988 shows a decision to apply an increase of 5 % to all sections of the national scale under the authority granted by the general meeting of 20 October 1988.

With regard to the foreign scales of charges, the pound sterling scale was unaltered except for certain sections because this currency had remained the most stable throughout the year and its increase in value of 3,5 % was in line with the forecast increase in charges.

Consequently, undervalued scales of charges (French francs, German marks and Swiss francs) were simply aligned on the pound sterling scale, except for sections where increases were proposed. In addition, overvalued scales (yen and US dollars) were only to be altered for those sections where the increases were situated between 20 % and 30 %.

In Circular No 16 of 21 November 1988, the Coapi informed its members that the general meeting of 20 October 1988 had approved the new scales of charges and informed them of the 'most urgent' prices since printing of the scales of charges had not been completed.

5. Records of the meeting of the administrative board of 17 January 1990 and of the ordinary general meeting of 25 January 1990

- (28) The record of the general meeting of 25 January 1990 notes the approval of the administrative board's proposal to increase the national scale of charges by 5 % (increase due in the Registry charges) and the foreign scales of charges by the same percentage plus the fluctuations in the rates of the various currencies. The scale of charges in German marks was taken as the reference. All other currencies were aligned on the reference currency and all sections were increased by 5 % except for four (opposition, replies in suspensory proceedings, searches concerning marks and opposition proceedings).

It was also decided that the new scales of charges would be effective from 1 April 1990 and that the proofs of the scales would be distributed to members pending final printing, so that the date fixed could be complied with; this was done by Circular No 7 of 5 March 1990.

6. *Records of the meetings of the administrative board of 21 September 1990 and 10 December 1990 and of the general meeting of 11 December 1990*

- (29) The record of the meeting of the administrative board of 21 September 1990 notes the proposal on increases to the foreign scales of charges to be submitted to the general meeting; it involved an increase of 10 % in the scale of charges in German marks and alignment of the others on that scale.

The general meeting of 11 December 1990 approved the proposal to increase the scales of charges submitted by the administrative board, approval having been previously deferred by decision of the general meeting of 24 October 1990.

The new scales of charges were to be determined on the following bases:

- an increase of 12 % in the scale of charges in pesetas (5 % for the increase in Registry charges and 7 % for the increase in the consumer price index);
- alignment of the various scales of charges in foreign currency on the German mark and a general increase of 10 %.

7. *Records of the meetings of the administrative board of 6 November 1991, 20 November 1991, 4 December 1991 and 9 January 1992*

- (30) The record of the meeting of the administrative board of 6 November 1991 notes a proposal for a general increase in the scales of charges of 5 %, corresponding to the increase in the Registry charges.

The record of the meeting of 20 November 1991 states 'the scales should be aligned on those charged by foreign agents, in particular those in the European Community. A detailed study comparing the scales of Spanish industrial property agents and those of foreign agents pointed to the conclusion, and called for the proposal, that the scales of charges for foreign clients should not be amended, taking account of the amount of those charges and movements in rates of exchange. Furthermore, the national scale of charges, should be amended for individual sections'.

Accordingly the record of the meeting of the administrative board of 4 December 1991 urged that the national scale of charges should be increased by 8 %, 10 % or 20 % for most sections. Other sections, such as those on opposition in connection with industrial designs and the drafting of memoranda, were to be specially increased, by 30 % and 25 % respectively, over the 1990 charges for these sections.

Furthermore, at its meeting of 9 January 1992, the administrative board concluded that the foreign scales of charges should not be altered because, 'since October 1990, when those scales were last altered, the peseta had fallen by between 0,2 % and 6,2 % against the US dollar, the yen and the German mark, whilst it had risen against the French franc, the Swiss franc and the pound sterling by between 0,9 % and 4,7 %'.

G. The arguments of the Coapi

- (31) The essential aspects of the written and oral observations submitted by the Coapi to the Commission may be summarized as follows:

- (a) The Coapi is a public service body⁽¹⁾. The Spanish Constitutional Court has on a number of occasions confirmed professional associations' status as corporations governed by public law, considering that the basic legislation on these associations (see points 5 to 10 above) comes within the exclusive jurisdiction of the State, not of the autonomous communities.

The Coapi considers that, on this view, professional associations constitute public service bodies since the Spanish Constitution assigns to the State sole jurisdiction concerning 'the bases of the legal rules applicable to public service bodies'.

- (b) The Coapi cannot be classed as an association of undertakings within the meaning of Article 85 (1) of the EC Treaty. Even if each industrial property agent could be classed as an undertaking within the meaning of Article 85 (the Coapi leaves this question open), when agents meet within the Coapi they do not do so in that capacity since the Coapi in the discharge of the functions assigned to it by Law No 2/1974, as amended by Law No 74/1978, is required to take account of the interests of ordinary individuals.

The Coapi thus has 'a duty to take into consideration the public interest, as distinct from the mere selfish interest of its members, and the duty to secure compliance by its members with the duties flowing from applicable general and specific legislation', that is, it is vested with State authority.

⁽¹⁾ The *Tribunal de Defensa de la Competencia* (Court for the Protection of Competition) has nevertheless ruled in its decisions of 20 November 1992 and 30 December 1993 that 'professional associations' do not constitute public service bodies and their acts are not administrative acts. The Court considers that such associations constitute corporations covering certain industries or professions whose basis and establishment are strictly private; it adds that this status is recognized in the settled case-law of both the Constitutional Court and the Supreme Court.

- (c) The acts of a professional association in the discharge of the functions assigned to it by law constitute administrative acts subject to review by and appeal (*revisables y recurribles*) to administrative courts. The Coapi's decisions thus constitute administrative acts which can in no way be considered decisions of associations of undertakings within the meaning of Article 85 (1) of the EC Treaty.
- (d) The Coapi regulations constitute a royal decree forming part of Spanish law. They therefore constitute a State rule.
- (e) The Coapi has always fixed minimum prices in accordance with the general Spanish legislation applicable to professional associations and the special legislation applicable to industrial property agents. It has never exceeded the limits of this legislative and regulatory framework.
- (f) Since the Coapi regulations are in the nature of State rules, they cannot be declared incompatible with Article 85 (1) of the EC Treaty in proceedings under Regulation No 17. The foregoing also applies to the Coapi's decisions, since the Coapi forms part of the public service and its decisions constitute administrative acts.
- (g) The Commission therefore cannot institute proceedings against the Coapi under Regulation No 17 since the contested acts of the Coapi merely constitute the application by a public service body of the legislation on professional associations.
- (h) The Commission should, on the other hand, institute proceedings under Article 169 of the EC Treaty against the Spanish State if it considers that this legislation contravenes Article 85 of the EC Treaty by granting professional associations the status of public service bodies and by conferring on them certain functions which are capable of restricting competition.
- (i) In any case, the Coapi's fixing of minimum prices has the advantage of promoting competition between members of a profession on the quality of their services. If a consumer has no choice in the matter of prices he will select the agent offering the best guarantees of honesty, experience, diligence and the like, which will result in an improvement in the quality of services and prevent dishonest agents from deceiving consumers by providing poor service.

II. LEGAL ASSESSMENT

A. Article 85

1. *Undertakings and associations of undertakings*

- (32) Industrial property agents constitute undertakings within the meaning of Article 85 (1) of the EC Treaty where they practise their profession as self-employed persons.

Such agents provide their services on a long-term basis and for consideration. The fact that they constitute a regulated profession for the purposes of Spanish law and Council Directive 89/48/EEC⁽¹⁾, that the services are of an intellectual, technical or specialized nature and that they are provided on a personal and direct basis does not alter the nature of the economic activity.

According to the Court of Justice of the European Communities in its judgment of 23 April 1991 in Case C-41/90 *Höfner v. Macroton*⁽²⁾, '... the concept of an undertaking encompasses every entity engaged in an economic activity, regardless of the legal status of the entity and the way in which it is financed...'

- (33) The Coapi, which incorporates all industrial property agents in Spain, therefore constitutes an association of undertakings within the meaning of Article 85 (1) of the EC Treaty. The fact that it forms a professional association to which the public authorities have entrusted certain functions for the regulation of the profession and that in Spanish law it forms a legal person governed by public law, does not prevent Coapi from being regarded as an association of undertakings.

2. *Agreements between undertakings, decisions by associations of undertakings*

- (34) The Coapi Regulations (which are concerned with both the establishment of the Coapi and its rules of procedure) form in their origins an agreement between undertakings. They were adopted by a meeting of industrial property agents. Subsequently, the general meeting of the Coapi has modified these regulations several times. Therefore, it follows from this that the Coapi Regulations also constitute a decision by an association of undertakings within the meaning of Article 85 (1) of the EC Treaty.

Moreover, at present the Coapi Regulations are governed by Law No 2/1974 of 13 February 1974, as amended by Law No 74/1978 of 26 December 1978, which lays down that the internal rules and regulations of professional associations must be drawn up by their decision-making bodies and submitted for approval to the public authorities.

⁽¹⁾ OJ No L 19, 24. 1. 1989, p. 16.

⁽²⁾ [1991] ECR I-1979, paragraph 21.

The Coapi Regulations, which are thus both an agreement and a decision, are autonomous and separate from the legislation which preceded (Royal Decree of 27 February 1926) and followed them (Royal Decree of 28 February 1927 and subsequent modifications). These decrees do not alter the Coapi Regulations' status as an agreement between undertakings or a decision by an association of undertakings (see points 44 to 48 below).

- (35) Likewise, the acts of the Coapi's general meeting and of its administrative board in fixing prices, which were adopted under the Coapi Regulations, constitute decisions by associations of undertakings within the meaning of Article 85 (1). These acts are binding on all members and the Coapi ensures that they are applied, employing its power to impose penalties (fines and other sanctions extending to expulsion from the Coapi).

3. Appreciable restrictions of competition

(a) Restrictions on prices under the Coapi Regulations

- (36) Article 48 of the Coapi Regulations lays down that for particularly complex cases, the administrative board proposes to the general meeting for its approval, 'the scale of charges which shall be applied in the same way by all industrial property agents, seeking to provide the widest possible scope of fees for such cases'.

Article 49 of the Coapi Regulations specifies that the general meeting, acting on the proposal of the administrative board, is to fix compulsory minimum scales of charges for all services in the field of industrial property except in the case of services where the price is difficult to determine in advance (drafting of memoranda, appeals, cases where industrial property has lapsed, etc.) (see point 14 above). Article 35 (7) of the Regulations states that 'the charging of fees below those covered in the scales of charges approved by the general meeting' constitutes a punishable act.

- (37) Articles 48 and 49 of the Coapi Regulations consequently have as their object an appreciable restriction on the freedom of action of Coapi members by announcing a common fixing of minimum prices. These arrangements thus constitute an

agreement having as its object the establishment of scales of charges for clients, and as such are contrary to Article 85 (1) (a) of the EC Treaty. By these provisions the Coapi members have collectively renounced their freedom to fix their own individual scales of charges for payment of services provided to clients.

(b) Price restrictions resulting from the application of the Coapi Regulations

- (38) The decisions of the Coapi adopting annual increases in the national scale of charges and in the foreign scales of charges (tariff A applied to foreign correspondents and tariff B applied to foreign individual clients) and the new scales of minimum charges and the specific dates when they became effective, incorporated in the records of the meetings of 29 January 1987, 24 November 1987, 20 October 1988, 25 January 1990, 11 December 1990 and 4 December 1991 (see points 25 to 30 above) constitute appreciable restrictions of competition within the meaning of Article 85 (1) (a) of the EC Treaty.

These decisions apply the restrictions contained in Articles 48 and 49 of the Coapi Regulations. Not only their object but also their effect is to prevent industrial property agents from competing through fees below the fixed minimum charges. In doing so, they artificially reinforce barriers to entry for aspirant industrial property agents and thereby limit access for clients to alternative sources of services for obtaining patent or trade mark rights in Spain.

The foregoing constitute appreciable restrictions in so far as they extend to all of the services in question, provided by industrial property agents to clients in Spain or abroad.

- (39) Collective price fixing is a serious restriction of competition prohibited by Article 85 (1) of the EC Treaty. In its judgment of 30 January 1985 in Case 123/83, *BNIC v Clair*, the Court of Justice held that 'By its very nature, an agreement fixing a minimum price (...) binding on all traders on the market in question, is intended to distort competition on that market' (').

(') [1985] ECR 391, paragraph 22.

4. *Appreciable effect on trade between Member States*

- (40) Article 49 of the Coapi Regulations establishes that the minimum scales of charges applied by Coapi members relate to two categories of services: services to clients resident abroad and services to clients resident in Spain. The latter category covers both applications to secure industrial property rights in Spain and applications seeking such rights abroad. It should be noted that a person resident in Spain would normally lodge an application to secure a right in Spain in conjunction with an application to secure a right abroad. For example, if a client wishes to secure the exclusive right to use a trade mark protected in Spain in Member States to which products bearing the mark are exported, he must register the mark in each of these countries. In that case the client will request an industrial property agent to do this or to file an application for an international mark with the International Bureau of WIPO, Geneva, pursuant to the Madrid Agreement.

It follows that the minimum scales agreed on in the Coapi cover at least two types of cross-border services: those enabling clients established abroad to secure a right in Spain and those enabling Spanish clients to secure a right abroad. To this extent, the arrangements in question may affect trade between Member States within the meaning of Article 85 (1) of the EC Treaty.

As the Court of Justice held in its judgment of 19 April 1988 in Case 27/87, *Erauw-Jacquery v. La Hesbignonne*⁽¹⁾, an agreement is only caught by the prohibition contained in Article 85 if it affects trade between Member States to an appreciable degree. In this case, it is a fact that the scales of charges affect most of the business in the sector. These scales of charges apply first of all to all applications from clients abroad. Coapi members monopolize these activities. Second, with regard to activities open to competition (applications by Spanish clients to secure rights abroad), Coapi members necessarily hold a preponderant position. This is because they are specialists in the field, unlike their Spanish competitors. By reason of their

affiliation the Coapi members fulfil certain conditions concerning professional skills. This gives them an identifiable status with clients, enabling them to attract most of the business. As regards foreign competitors, a Spanish client will tend to prefer a Spanish agent for language or practical reasons.

5. *Inapplicability of Article 85 (3)*

- (41) In this particular case the undertakings concerned are all based in a single Member State. However, these agreements or decisions relate to both the 'importation' and 'exportation' of services between Member States. They are therefore not covered by Article 4 (2) (1) of Regulation No 17 and, if they are not notified, there is no need to consider whether or not the agreement fulfils the four conditions for exemption laid down in Article 85 (3) of the Treaty.

However, even if a notification had been made, the provisions of the Coapi Regulations of the fixing of scales of charges and the Coapi decisions implementing these provisions could not have fulfilled the four conditions for exemption.

The practice of the Commission in its decisions, confirmed by the Court of Justice, shows clearly that the collective fixing of minimum prices is considered a serious breach of the rules on competition of the EC Treaty and that it therefore cannot qualify for an exemption under Article 85 (3).

Even if it were supposed that the collective fixing of minimum prices was intended to ensure high-quality services, it is not the appropriate means in this case.

First, collective fixing would not prevent the provision of poor-quality services with impunity if the prices were higher than the minima (see Commission Decision 82/896/EEC — AROW/BNIC)⁽²⁾.

Second, the quality of the services provided by industrial property agents is in any case largely secured by the conditions for access to the profession, the exclusive rights granted to agents and the high level of probity attaching to the professions.

⁽¹⁾ [1988] ECR 1919, paragraph 17.

⁽²⁾ OJ No L 379, 31. 12. 1982, p. 1, paragraph 69.

- (42) Moreover, the Court of Justice, in its judgment of 17 January 1984 in Joined Cases 43 and 63/82, VBBB and VBVB⁽¹⁾, declared that, even if the collective fixing of minimum prices constituted some sort of guarantee against unfair competition, it did not constitute sufficient reason to exempt a whole market from the Community rules on competition.

The Coapi's legal obligation to take account of the rights of ordinary individuals in the discharge of the functions entrusted to it by the law (see 6 above, Section 5 (i) of Law No 2/1974) likewise does not suffice to conclude that the four conditions for exemption laid down in Article 85 (3) are fulfilled. In fact, the clause in question does not specifically concern fees. These are dealt with by Section 5 (ñ) of the same law. This clause leaves the professional associations entirely free to fix minimum fees as they wish. Moreover, the Coapi has stated that its scales of charges are based on economic factors (see 20 above).

- (43) These restrictions prevent consumers from benefiting from services at lower prices which more efficient agents could provide and form a disincentive for agents to seek to alter their working practices to enable them to reduce their costs. The restrictions therefore fail to allow consumers a fair share of the benefits and do not improve the distribution of services or promote technical or economic progress.

B. Non-applicability of the national legal framework to the rules on competition of the EC Treaty

- (44) The Coapi cannot disclaim its liability by maintaining that the acts in question follow from the provisions of Law No 2/1974 of 13 February 1974, as amended by Law No 74/1978 of 26 December 1978.

The only legal obligation of the Coapi is to draw up its internal regulations (see 8 above). Section 5 (ñ) of Law No 2/1974, in specifying that the responsibilities of professional associations shall include 'to regulate minimum professional fees', does not constitute an obligation for them to do so.

- (45) This Law does not itself fix scales of charges nor even the criteria for fixing these scales, leaving the professional associations the responsibility for doing so.

Competition on prices is not restricted by the legislation itself but by the acts, permitted by the legislation, of private businesses acting through their professional association. These acts do not form part of the exercise of public authority.

- (46) The fact that ordinary individuals may appeal to the administrative courts against decisions of the Coapi does not alter the nature of these decisions as decisions of associations of undertakings.

The Court of Justice, in its judgment of 30 January 1985 in Case 123/83, BNIC v. Clair⁽²⁾, ruled that 'Article 85 states that it applies to agreements between undertakings and decisions by associations of undertakings (...) the legal framework within which such agreements are made and such decisions are taken and the classification given to that framework by the various national legal systems are irrelevant as far as the applicability of the Community rules on competition and in particular Article 85 of the Treaty are concerned'. The decisions taken by the BNIC would have been referred to the administrative courts and not to the ordinary courts (see judgment cited above, point 2.1.2 [1985] ECR 408).

Furthermore, the *Tribunal de Defensa de la Competencia* (TDC) emphasizes in its two decisions cited above (see footnote to point 31 (a)) that certain acts of professional associations may be appealed against in the administrative courts. This is not because they constitute administrative acts but because these courts are better able to understand matters relating to the delegation of public authority. The TDC adds that what determines that such acts should be put before the administrative courts is simple legal convenience and that it cannot be inferred from this that acts of the 'colegios' constitute administrative acts.

- (47) Moreover, the Court of Justice, in its judgment of 16 November 1977 in Case 13/77, INNO v. ATAB⁽³⁾, laid down that if undertakings could escape the application of the Community competition rules simply because their behaviour had been encouraged by the public authorities, Articles 85 *et seq.* would be deprived of their effectiveness.

⁽¹⁾ [1984] ECR 19, paragraph 37.

⁽²⁾ [1985] ECR 391, paragraph 17.

⁽³⁾ [1977] ECR 2115, paragraphs 30 to 34.

- (48) Even if the State could be rendered liable in this case, this would at most serve to reduce the amount of a fine to which the Coapi might be liable but would not exclude the application of the competition rules to it (see the position of the Commission in Case 41/83 (judgment of the Court of Justice of 20 March 1985 in Case 41/83, Italy v. Commission) ⁽¹⁾). Even if a State delegates to an association of undertakings power to fix the prices to be applied by its members and, in doing so, commits a breach of Article 3 (g), the second paragraph of Article 5 and Article 85 of the EC Treaty, the association's exercise of that power does not escape the application of Article 85 of the EC Treaty.

C. Article 3 (1) of Regulation No 17

- (49) Article 3 (1) of Regulation No 17 lays down that, where the Commission, upon application or upon its own initiative, finds that there is infringement of Article 85 (1), it may by decision require the undertakings or associations of undertakings concerned to bring such infringement to an end.

The Coapi has failed to bring the infringements to an end since it maintains that its decisions fixing minimum scales of charges cannot be declared contrary to Article 85 (1) of the EC Treaty because of its status as a legal person governed by public law and the powers conferred on it by national legislation. In those circumstances, the Commission considers that it must order it to bring the infringements to an end,

HAS ADOPTED THIS DECISION :

Article 1

The following constitute infringements of Article 85 (1) of the EC Treaty :

- (a) Articles 48 and 49 of the Regulations of the Colegio Oficial de Agentes de la Propiedad Industrial (the Coapi); and

- (b) the decisions of the Coapi adopted since 1987 concerning the annual establishment of minimum scales of charges applicable to clients resident in Spain, to the extent that these concern services relating to applications for the grant or renewal of industrial property rights abroad, as well as minimum scales of charges applicable to clients resident abroad.

Article 2

The Coapi shall take all the steps necessary to bring the infringements mentioned in Article 1 to an end forthwith and to abstain in future from adopting measures having the same object or effect.

Article 3

The Coapi shall inform its members in writing of the content of this Decision and that it has terminated the infringements referred to in Article 1, specifying the practical consequences which flow therefrom, in particular the freedom of the individual members to establish their own scales of charges.

The Coapi shall, within two months of notification of this Decision, communicate to the Commission the information transmitted to its members pursuant to the foregoing paragraph.

Article 4

This Decision is addressed to :

Colegio Oficial de Agentes de la Propiedad Industrial (Coapi)
calle Montera 13
E-28013 Madrid.

Done at Brussels, 30 January 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ [1985] ECR 880, paragraph 17.