

Official Journal

of the European Communities

ISSN 0378-6978

L 125

Volume 38

8 June 1995

English edition

Legislation

Contents

I Acts whose publication is obligatory

- ★ **Council Regulation (EC) No 1287/95 of 22 May 1995 amending Regulation (EEC) No 729/70 on the financing of the common agricultural policy** 1
- ★ **Council Regulation (EC) No 1288/95 of 29 May 1995 extending to the periods 1991/92 and 1992/93 the increase adopted for the periods 1993/94 and 1994/95 in the total quantities fixed for Greece, Spain and Italy under the system for the additional levy in the milk and milk products sector** 5
- Commission Regulation (EC) No 1289/95 of 7 June 1995 altering the export refunds on white sugar and raw sugar exported in the natural state 7
- Commission Regulation (EC) No 1290/95 of 7 June 1995 fixing the maximum export refund for white sugar for the 52nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94 9
- Commission Regulation (EC) No 1291/95 of 7 June 1995 on the issue of import licences for garlic originating in China 10
- ★ **Commission Regulation (EC) No 1292/95 of 7 June 1995 amending Regulation (EEC) No 2677/85 laying down implementing rules in respect of the system of consumption aid for olive oil** 11
- Commission Regulation (EC) No 1293/95 of 7 June 1995 fixing the import levy on molasses 14
- Commission Regulation (EC) No 1294/95 of 7 June 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables 15
- Commission Regulation (EC) No 1295/95 of 7 June 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal 17

Commission Regulation (EC) No 1296/95 of 7 June 1995 fixing the aid for cotton	19
Commission Regulation (EC) No 1297/95 of 7 June 1995 fixing the import levies on white sugar and raw sugar	20
Commission Regulation (EC) No 1298/95 of 7 June 1995 determining the percentage of quantities covered by applications for advance fixing of refunds on eggs and poultrymeat which may be accepted and suspending advance fixing thereof	22
★ Commission Directive 95/15/EC of 31 May 1995 adapting Council Directive 89/647/EEC on a solvency ratio for credit institutions, as regards the technical definition of 'Zone A' and in respect of the weighting of asset items constituting claims carrying the explicit guarantee of the European Communities ⁽¹⁾	23

II Acts whose publication is not obligatory

EUROPEAN ECONOMIC AREA

EFTA Surveillance Authority

★ EFTA Surveillance Authority Decision No 18/95/COL of 17 March 1995 amending for the first time the Rules of Procedure of the EFTA Surveillance Authority	25
★ Recommendation of the EFTA Surveillance Authority of 17 March 1995 concerning a coordinated programme for the official control of foodstuffs for 1995	26
★ Recommendation of the EFTA Surveillance Authority of 19 April 1995 concerning a coordinated programme of inspections in 1995 to ensure compliance with maximum levels of pesticide residues in and on certain products of plant origin, including fruit and vegetables	28

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1287/95

of 22 May 1995

amending Regulation (EEC) No 729/70 on the financing of the common agricultural policy

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Court of Auditors ⁽³⁾,

Whereas the responsibility for checking EAGGF Guarantee Section expenditure lies, in the first place, with the Member States, which designate the authorities and bodies empowered to effect expenditure; whereas the Member States must carry out this task fully and effectively; whereas the Commission, being responsible for implementing the Community budget, must verify the conditions under which payments and checks have been made; whereas the Commission can only finance expenditure where those conditions offer all necessary guarantees regarding compliance with Community rules; whereas in a decentralized system of management of Community expenditure, it is essential that the Commission, as the institution responsible for funding, is entitled and enabled to carry out all checks on the management of expenditure it considers necessary and that there should be full and effective transparency and mutual assistance between the Member States and the Commission;

Whereas, during the clearance of accounts, the Commission is able to determine within a reasonable time the total expenditure to be entered against the Guarantee Section in the general account only if it has satisfactory assurance that the national controls are adequate and transparent and that the paying agencies verify the legality and regularity of the payment requests which they execute; whereas provision should therefore be made for the accreditation of paying agencies by Member States;

whereas in order to ensure consistency in the standards required for accreditation in the Member States, the Commission provides guidance on the criteria to be applied; whereas, for that purpose, it should be stipulated that only expenditure effected by paying agencies accredited by the Member States should be financed; whereas, moreover, in order to ensure the transparency of national controls, in particular as regards authorization, validation and payment procedures, the number of authorities and bodies to which these responsibilities are delegated should, where appropriate, be restricted taking account of the constitutional arrangements of each Member State;

Whereas decentralized management of Community funds, in particular following reform of the common agricultural policy, leads to the designation of several paying agencies; whereas, therefore, where a Member State accredits more than one paying agency, it must designate a single contact body to ensure consistency in the management of the funds, to provide liaison between the Commission and the various accredited paying agencies and to ensure that the information requested by the Commission concerning the operations of several paying agencies is made rapidly available;

Whereas the time limit for the clearance of accounts decision must be shortened; whereas, therefore, information technology must be used as fully as possible for producing the information to be sent to the Commission; whereas, when carrying out checks, the Commission must have full and immediate access to information on expenditure held in both documents and electronic files;

Whereas a single annual decision for the clearance of accounts creates numerous difficulties in that, for a given financial year, in respect of all measures covered by the Guarantee Section of the EAGGF and in all the Member States, it fulfils simultaneously an accounting objective and a recognition that expenditure has been effected in accordance with Community rules; whereas considerable time lags accompany the taking of this single decision, which is nevertheless subject to reservations and disjunctions; whereas it is accordingly necessary to separate the

⁽¹⁾ OJ No C 284, 12. 10. 1994, p. 1.

⁽²⁾ OJ No C 89, 10. 4. 1995.

⁽³⁾ OJ No C 383, 31. 12. 1994, p. 1.

procedure into two types of decision, one concerning the clearance of the accounts of the Guarantee Section of the Fund, the other determining the consequences, including financial corrections, to be drawn from the results of the checks on conformity;

Whereas the checks on conformity and the ensuing clearance decisions will therefore no longer be linked to the implementation of the budget in a particular financial year; whereas the maximum period to which the consequences to be drawn from the checks on conformity may be applied must be determined;

Whereas Regulation (EEC) No 729/70⁽¹⁾ should be amended, in particular by deleting certain provisions which have ceased to have any purpose,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 729/70 is hereby amended as follows:

1. Article 4 shall be replaced by the following:

Article 4

1. Each Member State shall communicate to the Commission:

(a) details of the authorities and bodies it accredits to pay the expenditure referred to in Articles 2 and 3, hereinafter referred to as "paying agencies".

Paying agencies shall be authorities and bodies of the Member States, which, as regards payments in the areas for which they are responsible, offer sufficient guarantees that:

- the admissibility of claims and compliance with Community rules are checked before payment is authorized,
- the payments effected are correctly and fully recorded in the accounts, and
- the necessary documents are submitted within the time and in the form laid down in Community rules.

The paying agencies must hold documents justifying the payments effected and documents concerning the carrying out of the prescribed administrative and physical controls. Where the relevant documents are kept by the bodies responsible for authorizing the expenditure, those bodies must transmit reports to the paying agency on the number of checks carried out, their content and the measures taken in the light of the results;

(b) where more than one paying agency is accredited, details of the authority or body it charges, first, with bringing together the information to be supplied to the Commission and sending it the same, and, second, with promoting the harmonized application of Community rules, hereinafter referred to as the "coordinating body".

Only expenditure effected by accredited paying agencies may be the subject of Community financing.

2. Each Member State shall, taking into account its constitutional and institutional structures, limit the number of accredited paying agencies to the minimum necessary in order to effect the expenditure referred to in Articles 2 and 3 under satisfactory administrative and accounting conditions.

3. Each Member State shall communicate to the Commission the following particulars concerning those paying agencies:

- their name and their statutes,
- the administrative, accounting and internal control conditions under which payments are made relating to the implementation of Community rules within the framework of the common agricultural policy,
- the act of accreditation.

The Commission shall be informed forthwith of any change in those particulars.

4. Where one or more of the conditions for accreditation are not, or are no longer, fulfilled by an accredited paying agency, accreditation shall be withdrawn unless the paying agency makes the necessary adjustments within a time limit to be fixed in relation to the seriousness of the problem. The Member State concerned shall inform the Commission.

5. The Commission shall make available to Member States, by means of advances on the provision for expenditure effected in a reference period, the financial resources required to cover the expenditure referred to in paragraph 1 (a). Until the advances are paid, the resources necessary to meet that expenditure shall be mobilized by the Member States in accordance with the needs of their accredited paying agencies.

6. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13.;

2. Article 5 shall be replaced by the following:

Article 5

1. Member States shall at regular intervals transmit to the Commission the following information concerning the accredited paying agencies and coordinating bodies referred to in Article 4 and relating to transactions financed by the Guarantee Section of the EAGGF:

(a) statements of expenditure and estimates of financial needs;

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EEC) No 2048/88 (OJ No L 185, 15. 7. 1988, p. 1).

- (b) annual accounts, accompanied by the information required for clearance and an attestation regarding the integrity, exactitude and veracity of the accounts transmitted.

2. The Commission, after consulting the Fund Committee :

- (a) shall decide on monthly advances against the allocations of expenditure effected by the accredited paying agencies. Expenditure for October shall be attributed to October if it is effected from 1 to 15 October and to November if it is effected from 16 to 31 October. Advance payments shall be made to the Member State not later than the third working day of the second month following that in which the expenditure is effected.

Additional advances may be made, the Fund Committee being informed at the next consultation ;

- (b) shall, before 30 April of the year following the financial year concerned, on the basis of the information referred to in point (b) of paragraph 1, clear the accounts of the paying agencies.

The accounts clearance decision shall cover the integrity, exactitude and veracity of the accounts submitted.

The decision shall not prejudice the adoption of a subsequent decision pursuant to point (c) ;

- (c) shall decide on the expenditure to be excluded from the Community financing referred to in Articles 2 and 3 where it finds that expenditure has not been effected in compliance with Community rules.

Before a decision to refuse financing is taken, the results of the Commission's checks and the replies of the Member State concerned shall be notified in writing, after which the two parties shall endeavour to reach agreement on the action to be taken.

If no agreement is reached, the Member State may ask for a procedure to be initiated with a view to mediating between the respective positions within a period of four months, the results of which shall be set out in a report sent to and examined by the Commission, before a decision to refuse financing is taken.

The Commission shall evaluate the amounts to be excluded having regard in particular to the degree of non-compliance found. The Commission shall take into account the nature and gravity of the infringement and the financial loss suffered by the Community.

A refusal to finance may not involve expenditure effected prior to twenty-four months preceding the Commission's written communication of the results of those checks to the Member State

concerned. However, this provision shall not apply to the financial consequences :

- of irregularities as referred to in Article 8 (2) ;
- concerning national aids, or infringements, for which the procedures referred to in Articles 93 and 169 of the Treaty have been initiated.

3. Detailed rules for the application of this Article shall be adopted in accordance with the procedure laid down in Article 13. Those rules shall cover in particular the attestation of the accounts referred to in paragraph 1 and the procedures relating to the decisions referred to in paragraph 2 ;

3. Article 5a shall be replaced by the following :

Article 5a

To accommodate any difficulties which certain Member States might encounter in setting up the system provided for in Article 4 (5), appropriate measures enabling some or all of the interest to be charged to the Community may be adopted in accordance with the procedure laid down in Article 13 ;

4. the second subparagraph of Article 8 (2) shall be replaced by the following :

'The sums recovered shall be paid to the accredited paying agencies and deducted by them from the expenditure financed by the Fund. The interest on sums recovered or paid late shall be paid into the Fund ;'

5. the first sentence of Article 9 (2) shall be replaced by the following :

'2. Without prejudice to the supervision effected by Member States in accordance with national provisions laid down by law, regulation or administrative action and without prejudice to Article 188c of the Treaty, or to any inspection organized on the basis of point (c) of Article 209 of the Treaty, authorized representatives appointed by the Commission to carry out inspections on the spot shall have access to the books and all other documents, including information created or stored in electronic form, relating to expenditure financed by the Fund.'

Article 2

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

It shall apply from the financial year beginning on 16 October 1995.

2. Refusal to grant financing as referred to in Article 5 (2) (c) of Regulation (EEC) No 729/70 may not relate to expenditure claimed against a financial year prior to 16 October 1992, but without prejudice to decisions regarding the clearance of the financial years preceding the entry into force of this Regulation.

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

Done at Brussels, 22 May 1995.

For the Council

The President

A. MADELIN

COUNCIL REGULATION (EC) No 1288/95

of 29 May 1995

extending to the periods 1991/92 and 1992/93 the increase adopted for the periods 1993/94 and 1994/95 in the total quantities fixed for Greece, Spain and Italy under the system for the additional levy in the milk and milk products sector

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Whereas, following a special review of, *inter alia*, the most reliable statistical data concerning the actual level of milk production in Italy, Greece and Spain, the Council decided to increase the total quantities fixed in Article 3 (2) of Council Regulation (EEC) No 3950/92 of 28 December 1992 establishing an additional levy in the milk and milk products sector ⁽³⁾, in the case of Spain from the period 1993/94 and, in the case of Greece and Italy, for the periods 1993/94 and 1994/95; whereas the Council agreed, at its meeting on 21 October 1994, to extend this increase, for the same reasons, to the 1991/92 and 1992/93 marketing years; whereas the consequences to be drawn therefrom for the clearance of accounts for 1992 and 1993 make it necessary to extend the aforementioned increase to the periods 1991/92 and 1992/93;

Whereas, furthermore, the Council had agreed to provide Community finance for the implementation of programmes for the cessation of milk production in order to ensure compliance with the additional levy arrangements in Italy and Spain; whereas it is appropriate that the agreements reached in this respect be given legal form,

HAS ADOPTED THIS REGULATION:

Article 1

For the establishment of the financial corrections relating to the clearance of accounts for 1992 and 1993 borne by

Greece, Spain and Italy in respect of the additional levy in the milk and milk products sector, the total quantities to be taken into consideration for the periods from 1 April 1991 to 31 March 1992 and from 1 April 1992 to 31 March 1993 shall be those laid down in Article 3 (2) of Regulation (EEC) No 3950/92.

Article 2

From the funds which are due to the Community from Italy and Spain regarding additional levies in the sector of milk and milk products, under the financial years of 1989, 1990, 1991, 1992 and 1993, a maximum quantity of:

- 202 000 tonnes in Italy,
- 287 430 tonnes in Spain;

shall be financed under national programmes for the cessation of milk production.

The indemnity cannot exceed a maximum amount of ECU 51 per 100 kilograms of the released individual reference quantity.

The financing of the payments made shall be regarded as an intervention intended to stabilize the agricultural markets, within the meaning of Article 3 of Regulation (EEC) No 729/70 ⁽⁴⁾.

Article 3

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

However, Article 2 shall apply from 1 April 1993.

⁽¹⁾ OJ No C 46, 23. 2. 1995, p. 7.

⁽²⁾ Opinion delivered on 18 May 1995 (not yet published in the Official Journal).

⁽³⁾ OJ No L 405, 31. 12. 1992, p. 1. Regulation as last amended by Regulation (EC) No 1883/94 (OJ No L 197, 30. 7. 1994, p. 25).

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13. Regulation as last amended by Regulation (EC) No 1287/95 (see page 1 of this Official Journal).

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

COMMISSION REGULATION (EC) No 1289/95

of 7 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⁾, as amended by Regulation (EC) No 1257/95 ⁽⁴⁾;

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 ⁽⁵⁾, as last amended by Regulation (EC) No 150/95 ⁽⁶⁾, 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 ⁽⁷⁾, as last amended by Regulation (EC) No 1053/95 ⁽⁸⁾,

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 amended 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 8 June 1995.

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

Done at Brussels, 7 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 122, 2. 6. 1995, p. 21.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 107, 12. 5. 1995, p. 4.

ANNEX

to the Commission Regulation of 7 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	38,52 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	38,05 ⁽¹⁾
1701 12 90 910	38,52 ⁽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	41,97
1701 99 10 950	41,97
	— 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 1290/95

of 7 June 1995

fixing the maximum export refund for white sugar for the 52nd partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1021/94

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 first subparagraph of Article 19 (4) (b) thereof,

Whereas Commission Regulation (EC) No 1021/94 of 29 April 1994 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EC) No 820/95⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1021/94, a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 52nd partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾ prohibits trade between the European Community and the

Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; 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 Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 52nd partial invitation to tender for white sugar issued pursuant to amended Regulation (EC) No 1021/94 the maximum amount of the export refund is fixed at ECU 44,975 per 100 kilograms.
2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 8 June 1995.

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

Done at Brussels, 7 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 112, 3. 5. 1994, p. 13.

⁽⁴⁾ OJ No L 83, 13. 4. 1995, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

COMMISSION REGULATION (EC) No 1291/95
of 7 June 1995
on the issue of import licences for garlic originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 997/95⁽²⁾,

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

Whereas Council Regulation (EEC) No 2707/72⁽⁴⁾ lays down the conditions for applying protective measures for fruit and vegetables;

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽⁵⁾, as amended by Regulation (EC) No 1662/94⁽⁶⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

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

Whereas, given the criteria laid down in Article 1 (2) of that Regulation and the import licences already issued, the quantity applied for at 1 June 1995 is in excess of the maximum monthly quantity for June 1995; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to these applications; whereas the issue of licences in response to applications lodged after 1 June 1995 and before 5 July 1995 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for under Article 1 of Regulation (EEC) No 1859/93 at 1 June 1995 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 3,90701 % of the quantity applied for, having regard to the information available to the Commission on 2 June 1995.

For the abovementioned products applications for import licences lodged after 1 June 1995 and before 5 July 1995 shall be refused.

Article 2

This Regulation shall enter into force on 8 June 1995.

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

Done at Brussels, 7 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 101, 4. 5. 1995, p. 16.

⁽³⁾ OJ No L 116, 23. 5. 1995, p. 23.

⁽⁴⁾ OJ No L 291, 28. 12. 1972, p. 3.

⁽⁵⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁶⁾ OJ No L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 1292/95

of 7 June 1995

amending Regulation (EEC) No 2677/85 laying down implementing rules in respect of the system of consumption aid for olive oil

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 by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 11 (8) thereof,

Whereas Commission Regulation (EEC) No 2677/85 of 24 September 1985 laying down implementing rules in respect of the system of consumption aid for olive oil⁽³⁾, as last amended by Regulation (EC) No 3498/93⁽⁴⁾, refers to the Member States of the Community as constituted on 31 December 1994; whereas the relevant provisions of Regulation (EEC) No 2677/85 should therefore be amended to take account of Austria, Finland and Sweden;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2677/85 is hereby amended as follows:

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

'The identification number referred to in Article 2 (2) of Regulation (EEC) No 3089/78 shall be preceded by the following letters:

- (CE)/(EG) — B, for plants situated in Belgium,
- (EF) — DK, for plants situated in Denmark,
- (EG) — D, for plants situated in Germany,
- (EK) — EL, for plants situated in Greece,
- (CE) — ESP, for plants situated in Spain,
- (CE) — F, for plants situated in France,
- (EY) — FI, for plants situated in Finland,
- (EC) — IRL, for plants situated in Ireland,
- (CE) — ITA, for plants situated in Italy,
- (CE) — L, for plants situated in Luxembourg,
- (EG) — NL, for plants situated in the Netherlands,
- (EG) — OS, for plants situated in Austria,
- (CE) — P, for plants situated in Portugal,
- (EG) — SV, for plants situated in Sweden,
- (EC) — UK, for plants situated in the United Kingdom.'

2. The second subparagraph of Article 18 (4) is replaced by the following:

'If the oil was exported to Switzerland under the Community internal transit procedure, or if the oil crossed that country under that procedure on its way to the country of destination, the certificate shall be issued on condition that proof is furnished that the oil concerned has been placed in free circulation in a third country, except where it has been destroyed in transit as a result of *force majeure*.'

3. The Annex is replaced by the Annex hereto.

Article 2

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

The use of the letters referred to in Article 4 (1) of Regulation (EEC) No 2677/85 before its amendment by this Regulation shall be permitted until 31 October 1996.

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

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

⁽³⁾ OJ No L 254, 25. 9. 1985, p. 5.

⁽⁴⁾ OJ No L 319, 21. 12. 1993, p. 20.

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

Done at Brussels, 7 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX

CERTIFICATE Regulation (EEC) No 2677/85	EC EG BF CE EK EY
Issuing body (name and address):	No Original/Copy
	Holder (name, address and Member State):
Description :	Net weight (in figures):
	CN code :

Net weight (in words):

Declaration by the issuing body :

This is to certify that the olive oil described above has been made ineligible for consumption aid in accordance with Article 17 (1) of Regulation (EEC) No 2677/85 (packaged/exported/used in preserved products/released on the market for consumption without further treatment/used for industrial purposes)(¹).

(Place), (Date)

(Signature)

(Stamp)

(¹) Delete as appropriate.

COMMISSION REGULATION (EC) No 1293/95
of 7 June 1995
fixing the import levy on molasses

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 market in sugar⁽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 levy on molasses was fixed by Commission Regulation (EC) No 1946/94⁽⁵⁾, as last amended by Regulation (EC) No 1248/95⁽⁶⁾;

Whereas it follows from applying the rules and other provisions contained in Regulation (EC) No 1946/94 to the information at present available to the Commission that the levy at present in force should be altered pursuant to Article 1 of this Regulation;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market rate established during the reference period from 6 June 1995 as regards floating currencies, should be used to calculate the levies,

HAS ADOPTED THIS REGULATION:

Article 1

1. The import levy referred to in Article 16 (1) of Regulation (EEC) No 1785/81 shall be fixed, in respect of molasses falling within CN codes 1703 10 00 and 1703 90 00, to ECU 0,00 per 100 kilograms.

2. However, no import levy applies to OCT originating products according to Article 101 (1) of Council Decision 91/482/EEC⁽⁷⁾.

Article 2

This Regulation shall enter into force on 8 June 1995.

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

Done at Brussels, 7 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. 59.

⁽⁶⁾ OJ No L 121, 1. 6. 1995, p. 71.

⁽⁷⁾ OJ No L 263, 19. 9. 1991, p. 1.

COMMISSION REGULATION (EC) No 1294/95**of 7 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 8 June 1995.

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

Done at Brussels, 7 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 7 June 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0702 00 35	052	71,1
	060	80,2
	066	41,3
	068	32,4
	204	50,9
	212	117,9
	624	75,0
	999	67,0
0707 00 25	052	47,2
	053	166,9
	060	39,2
	066	53,8
	068	60,4
	204	49,1
	624	207,3
	999	89,1
0709 90 77	052	129,7
	204	77,5
	624	196,3
	999	134,5
0805 30 30	388	66,3
	528	65,1
	600	54,7
	624	82,5
	999	67,2
0809 10 20	052	165,2
	064	139,7
	999	152,4
0809 20 41, 0809 20 49	052	273,8
	400	208,0
	676	297,6
	999	259,8

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

COMMISSION REGULATION (EC) No 1295/95
of 7 June 1995
fixing the import levies 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 Articles 10 (5) and 11 (3) 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⁽²⁾, as last amended by Regulation (EC) No 150/95⁽³⁾,

Whereas the import levies on cereals, wheat and rye flour, and wheat groats and meal were fixed by Commission Regulation (EC) No 502/95⁽⁴⁾ and subsequent amending Regulations;

Whereas, in order to make it possible for the levy arrangements to function normally, the representative market

rate established during the reference period from 6 June 1995, as regards floating currencies, should be used to calculate the levies;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 502/95 to today's offer prices and quotations known to the Commission that the levies at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The import levies to be charged on products listed in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 June 1995.

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

Done at Brussels, 7 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 387, 31. 12. 1992, p. 1.

⁽³⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁴⁾ OJ No L 50, 7. 3. 1995, p. 15.

ANNEX

to the Commission Regulation of 7 June 1995 fixing the import levies on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)

CN code	Third countries ⁽⁸⁾
0709 90 60	109,87 ⁽²⁾ ⁽³⁾
0712 90 19	109,87 ⁽²⁾ ⁽³⁾
1001 10 00	60,05 ⁽¹⁾ ⁽²⁾ ⁽¹¹⁾
1001 90 91	92,04
1001 90 99	92,04 ⁽²⁾ ⁽¹¹⁾
1002 00 00	144,19 ⁽⁶⁾
1003 00 10	106,95
1003 00 90	106,95 ⁽²⁾
1004 00 00	103,80
1005 10 90	109,87 ⁽²⁾ ⁽³⁾
1005 90 00	109,87 ⁽²⁾ ⁽³⁾
1007 00 90	114,14 ⁽⁴⁾
1008 10 00	58,25 ⁽²⁾
1008 20 00	62,70 ⁽⁴⁾ ⁽²⁾
1008 30 00	0 ⁽²⁾
1008 90 10	(7)
1008 90 90	0
1101 00 11	174,44 ⁽²⁾
1101 00 15	174,44 ⁽²⁾
1101 00 90	174,44 ⁽²⁾
1102 10 00	247,45
1103 11 10	134,59
1103 11 90	202,03
1107 10 11	176,97
1107 10 19	135,55
1107 10 91	203,51 ⁽¹⁰⁾
1107 10 99	155,38 ⁽²⁾
1107 20 00	178,91 ⁽¹⁰⁾

⁽¹⁾ Where durum wheat originating in Morocco is transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.

⁽²⁾ In accordance with Regulation (EEC) No 715/90 the levies are not applied to products imported directly into the French overseas departments, originating in the African, Caribbean and Pacific States.

⁽³⁾ Where maize originating in the ACP is imported into the Community the levy is reduced by ECU 2,186/tonne.

⁽⁴⁾ Where millet and sorghum originating in the ACP is imported into the Community the levy is applied in accordance with Regulation (EEC) No 715/90.

⁽⁵⁾ Where durum wheat and canary seed produced in Turkey are transported directly from that country to the Community, the levy is reduced by ECU 0,7245/tonne.

⁽⁶⁾ The import levy charged on rye produced in Turkey and transported directly from that country to the Community is laid down in Council Regulation (EEC) No 1180/77 (OJ No L 142, 9. 6. 1977, p. 10), as last amended by Regulation (EEC) No 1902/92 (OJ No L 192, 11. 7. 1992, p. 3), and Commission Regulation (EEC) No 2622/71 (OJ No L 271, 10. 12. 1971, p. 22), as amended by Regulation (EEC) No 560/91 (OJ No L 62, 8. 3. 1991, p. 26).

⁽⁷⁾ The levy applicable to rye shall be charged on imports of the product falling within CN code 1008 90 10 (triticale).

⁽⁸⁾ No levy applies to OCT originating products according to Article 101 (1) of Decision 91/482/EEC.

⁽⁹⁾ Products falling within this code, imported from Poland or Hungary under the Agreements concluded between those countries and the Community and under the Interim Agreement between the Czech Republic, the Slovak Republic, Bulgaria and Romania and the Community and in respect of which EUR.1 certificates issued in accordance with amended Regulation (EC) No 121/94 or amended Regulation (EC) No 335/94 have been presented, are subject to the levies set out in the Annex to that Regulation.

⁽¹⁰⁾ In accordance with Council Regulation (EEC) No 1180/77 this levy is reduced by ECU 6,569 per tonne for products originating in Turkey.

⁽¹¹⁾ The levy for the products falling within this code in accordance with Regulation (EC) No 774/94 is restricted under the conditions of this Regulation.

COMMISSION REGULATION (EC) No 1296/95
of 7 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⁾, as amended by Regulation (EC) No 1262/95⁽⁵⁾;

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 54,766 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 8 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 8 June 1995.

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

Done at Brussels, 7 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.

⁽⁵⁾ OJ No L 122, 2. 6. 1995, p. 31.

COMMISSION REGULATION (EC) No 1297/95
of 7 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 1286/95 ⁽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 6 June 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 8 June 1995.

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

Done at Brussels, 7 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 124, 7. 6. 1995, p. 36.

ANNEX

to the Commission Regulation of 7 June 1995 fixing the import levies on white sugar and raw sugar*(ECU/100 kg)*

CN code	Levy ⁽¹⁾
1701 11 10	38,59 ⁽¹⁾
1701 11 90	38,59 ⁽¹⁾
1701 12 10	38,59 ⁽¹⁾
1701 12 90	38,59 ⁽¹⁾
1701 91 00	45,60
1701 99 10	45,60
1701 99 90	45,60 ⁽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 1298/95
of 7 June 1995

determining the percentage of quantities covered by applications for advance fixing of refunds on eggs and poultrymeat which may be accepted and suspending advance fixing thereof

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

Having regard to Commission Regulation (EEC) No 3652/81 of 18 December 1981 laying down detailed rules for implementing the system of advance fixing certificates for refunds in the poultrymeat and eggs sector⁽¹⁾, as last amended by Regulation (EC) No 1030/95⁽²⁾, and in particular Article 4 thereof,

Whereas Regulation (EEC) No 3652/81 provides for measures to ensure compliance with the limit on quantities covered by advance-fixing certificates valid beyond 30 June 1995 and submitted pursuant to Commission Regulation (EC) No 974/95 of 28 April 1995 on certain transitional measures required to implement the Uruguay Round Agricultural Agreement⁽³⁾;

Whereas the quantity covered by applications for advance fixing of refunds on eggs and poultrymeat submitted from 1 to 6 June 1995 is greater than that normally disposed of; whereas a percentage of such quantities which may be accepted should therefore be fixed pursuant to Regulation (EC) No 974/95;

Whereas no further applications for advance fixing of refunds should therefore be accepted pursuant to Regula-

tion (EC) No 974/95 from 8 to 12 June and applications pending should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for advance fixing of refunds on eggs and poultrymeat submitted pursuant to Article 1 of Regulation (EC) No 974/95 shall be dealt with as follows:

1. 64,83 % quantities applied for in the case of eggs and 45,65 % in the case of poultrymeat in applications submitted from 1 to 6 June 1995 shall be accepted;
2. no further action shall be taken in respect of applications pending, for certificates which should have been issued from 14 June 1995;
3. the submission of applications is hereby suspended from 8 to 12 June 1995.

Article 2

This Regulation shall enter into force on 8 June 1995.

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

Done at Brussels, 7 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 364, 19. 12. 1981, p. 19.

⁽²⁾ OJ No L 103, 6. 5. 1995, p. 36.

⁽³⁾ OJ No L 97, 29. 4. 1995, p. 66.

COMMISSION DIRECTIVE 95/15/EC

of 31 May 1995

adapting Council Directive 89/647/EEC on a solvency ratio for credit institutions, as regards the technical definition of 'Zone A' and in respect of the weighting of asset items constituting claims carrying the explicit guarantee of the European Communities

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 89/647/EEC of 18 December 1989 on a solvency ratio for credit institutions⁽¹⁾, as amended by Directive 92/30/EEC⁽²⁾, and in particular Article 9 thereof,

Whereas the second indent of Article 2 (1) of Directive 89/647/EEC defines 'Zone A' as comprising 'all the Member States and all other countries which are full members of the Organization for Economic Cooperation and Development (OECD) as well as those countries having concluded special lending arrangements with the International Monetary Fund (IMF) associated with the Fund's General Arrangements to Borrow (GAB)';

Whereas the full membership of the OECD has been considered for the time being as the most appropriate criterion to distinguish the credit risk between countries with regard to the weighting of asset items constituting claims on or carrying the explicit guarantee of these countries;

Whereas an enlargement of the number of full members of the OECD is taking place as a consequence of a higher level of development reached by other countries together with democratic and economic freedom in line with the general principles for membership of the OECD;

Whereas it is important from a prudential supervisory point of view to maintain the creditworthiness of all countries in the 'Zone A' category; whereas for this reason an additional criterion should be included in the definition of 'Zone A'; whereas this criterion should imply that any country which reschedules its external sovereign debt should be precluded from the 'Zone A' category for a period of five years; whereas the same additional criterion has been introduced in the Basle Capital Accord and consistency with this Accord is desirable;

Whereas the second indent of Article 9 (1) of Directive 89/647/EEC provides that technical adaptations as regards amendment of the definition of 'Zone A' in Article 2 are to be adopted in accordance with the procedure laid down in Article 9 (2);

Whereas, when Directive 89/647/EEC was adopted, the possibility that loans might carry the explicit guarantee of

the European Communities was not foreseen; whereas, for that reason, the Directive did not expressly provide for a reduced weighting and, as a result, such assets guaranteed by the European Communities are currently assigned a weighting of 100 %;

Whereas, however, points 3 and 7 of Article 6 (1) (a) of Directive 89/647/EEC apply a zero weighting to asset items constituting claims on the European Communities and to asset items secured to the satisfaction of the competent authorities by collateral in the form of securities issued by the European Communities;

Whereas it is appropriate to apply a 100 % weighting to asset items carrying the explicit guarantee of the European Communities and whereas a zero weighting should be applied in order to ensure consistency with points 3 and 7 of Article 6 (1) (a);

Whereas the fourth indent of Article 9 (1) of Directive 89/647/EEC provides that technical adaptations as regards amendment of the definitions of the assets listed in Article 6 in order to take account of developments on financial markets are to be adopted in accordance with the procedure laid down in Article 9 (2);

Whereas this Directive is relevant for the European Economic Area (EEA) and the procedure laid down in Article 99 of the Agreement on the European Economic Area has been followed;

Whereas the measures provided for in this Directive are in accordance with the opinion of the Banking Advisory Committee,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Article 2 (1) of Directive 89/647/EEC, the following sentence is added to the second indent:

'Any country which reschedules its external sovereign debt is, however, precluded from Zone A for a period of 5 years.'

Article 2

In point (a) of Article 6 (1) of Directive 89/647/EEC, point 4 is replaced by the following:

'4. asset items constituting claims carrying the explicit guarantees of Zone A central governments and central banks or of the European Communities';

⁽¹⁾ OJ No L 386, 30. 12. 1989, p. 14.

⁽²⁾ OJ No L 110, 28. 4. 1992, p. 52.

Article 3

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1 of this Directive by 30 September 1995. They shall forthwith inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall immediately inform the Commission of the measures taken pursuant to Article 2 of this Directive.

Article 4

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

Article 5

This Directive is addressed to the Member States.

Done at Brussels, 31 May 1995.

For the Commission

Mario MONTI

Member of the Commission

II

(Acts whose publication is not obligatory)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

No 18/95/COL

of 17 March 1995

amending for the first time the Rules of Procedure of the EFTA Surveillance Authority

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice (Surveillance and Court Agreement), and in particular Article 13 thereof,

Whereas on 1 January 1995 the Republic of Austria, the Republic of Finland and the Kingdom of Sweden acceded to the European Union;

Whereas certain adjustments have therefore been made to the Surveillance and Court Agreement, as provided for in the Agreement adjusting certain agreements between the EFTA States⁽¹⁾;

Whereas, however, the Surveillance and Court Agreement, as worded prior to these adjustments, shall, during a transitional period, continue to apply to certain activities of the Surveillance Authority, as provided for in the Agreement on transitional arrangements for a period after the accession of certain EFTA States to the European Union⁽²⁾;

Whereas, according to Article 19 of the Agreement adjusting certain agreements between the EFTA States, the Surveillance Authority is to make such adaptations to

its Rules of Procedure as are rendered necessary by that Agreement,

HAS ADOPTED THIS DECISION:

1. In Articles 8 and 13 and in paragraph 4 of Article 14 of the Rules of Procedure of the EFTA Surveillance Authority⁽³⁾ 'three' shall be replaced by 'two'.
2. This Decision shall enter into force on 17 March 1995. The amendments to the Rules of Procedure provided for in the Decision shall not apply to activities of the Surveillance Authority carried out in accordance with the Agreement on transitional arrangements for a period after the accession of certain States to the European Union.
3. This Decision, which is authentic in the English language, shall be published in the EEA Section of and the EEA Supplement to the *Official Journal of the European Communities*.

Done at Brussels, 17 March 1995.

For the EFTA Surveillance Authority

The President

Knut ALMESTAD

⁽¹⁾ Done in Brussels on 29 December 1994.

⁽²⁾ Done in Brussels on 28 September 1994.

⁽³⁾ Decision No 1/94/COL (OJ No L 113, 4. 5. 1994, p. 19, EEA Supplement No 6, 4. 5. 1994, p. 1.)

RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

of 17 March 1995

concerning a coordinated programme for the official control of foodstuffs for 1995

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the European Economic Area Agreement, and in particular Article 109 and Protocol 1 thereof,

Having regard to the Surveillance and Court Agreement, and in particular Article 5 (2) (b) and Protocol 1 thereof,

Having regard to the Act referred to in Point 50 of Chapter XII of Annex II to the EEA Agreement (Council Directive 89/397/EEC of 14 June 1989 on the official control of foodstuffs⁽¹⁾), and in particular Article 14 (3) thereof,

Whereas it is necessary, with a view to the sound operation of the European Economic Area, to arrange for coordinated food inspection programmes within the EEA;

Whereas the EFTA States have been consulted within the EFTA Foodstuffs Committee assisting the EFTA Surveillance Authority on 17 November 1994;

Whereas such programmes should not only establish compliance with the legislation in force under the EEA Agreement but also serve for checking that the food is fit for consumption;

Whereas simultaneous implementation of national programmes and coordinated programmes can provide experience which is still widely lacking at present,

HAS ADOPTED THIS RECOMMENDATION:

1. It is recommended that the EFTA States take samples of the following products and analyse the specified parameters in 1995:

1. adulteration of soluble coffee with non-bean material;
2. *Listeria monocytogenes*, *Escherichia coli* and *Aeromonas* in refrigerated salads and seasoned crudités;
3. botanic and geographical claims on honey, both produced within the EEA as well as imported from third countries;
4. temperature of quick frozen foodstuffs, sold in the retail sector.

2. A coordinated programme of inspections is recommended to the EFTA States as a consequence of Article 14 (3) of Council Directive 89/397/EEC. The subjects have been discussed with the EFTA States, and the subjects chosen cover the protection of public health and consumer interests, as well as fair trade.

3. Where appropriate, for each subject, a method of analysis is suggested. As far as sampling is concerned, no uniform rates have been set. The number of samples taken should be extensive enough to provide an overview of the market in the foodstuffs concerned in each EFTA State.

4. The number of samples and the methods of analysis used should be mentioned or described briefly on the model report forms.

I. Adulteration of soluble coffee

Soluble coffee may sometimes be adulterated with non-bean matter from the coffee plant such as husks, skins, stems and stalks or maltodextrins. This is not in conformity with the Act referred to in point 14 of Chapter XII of Annex II to the EEA Agreement (Council Directive 77/436/EEC⁽²⁾).

II. *Listeria monocytogenes*, *Escherichia coli* and *Aeromonas* in refrigerated salads and seasoned crudités

Epidemiological studies show cases of listeriosis associated with consumption of crude vegetables and various scientific publications refer to a possible contamination of these products with *Escherichia coli*, *Listeria monocytogenes* and *Acromonas* spp.

III. Botanic and geographical claims on honey, both produced within the EEA and imported from third countries

Lately, the market for honey in the EEA has become subject to severe competition and surveys suggest that false claims are made both to the botanical origin of the product as well as to the area it stems from.

⁽¹⁾ OJ No L 186, 30. 6. 1989, p. 23.

⁽²⁾ OJ No L 172, 12. 7. 1977, p. 20.

IV. Temperature of quick frozen foodstuffs, sold in the retail sector

Done at Brussels, 17 March 1995.

In view of the relationship between the shelf-life and storage temperature of perishable foodstuffs, it seems appropriate to monitor the temperature of quick frozen foodstuffs, especially where handling operations are critical.

*For the EFTA Surveillance
Authority*

The President

Knut ALMESTAD

RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY**of 19 April 1995****concerning a coordinated programme of inspections in 1995 to ensure compliance with maximum levels of pesticide residues in and on certain products of plant origin, including fruit and vegetables**

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the EEA Agreement, and in particular Article 109 and Protocol 1 thereof,

Having regard to the Surveillance and Court Agreement, and in particular Article 5 (2) (b) and Protocol 1 thereof,

Having regard to the Act referred to in point 54 of Chapter XII of Annex II to the EEA Agreement (Council Directive 90/642/EEC of 27 November 1990 on the fixing of maximum levels for pesticide residues in and on certain products of plant origin, including fruit and vegetables⁽¹⁾), and in particular Article 4 (3) thereof,

Whereas Directive 90/642/EEC was amended by Directive 93/58/EEC⁽²⁾ providing for a first list of maximum levels of pesticide residues as referred to in Article 1 (1) of Directive 90/642/EEC, to be implemented by the EFTA States not later than 1 July 1994; whereas Article 4 (1) of Directive 90/642/EEC requires Member States to draw up forward programmes laying down the nature and frequency of the inspections to be carried out to ensure compliance with the established list of maximum levels of pesticide residues; whereas the requirements of Article 4 (2) of Directive 90/642/EEC that EFTA States should send to the EFTA Surveillance Authority by 1 August each year all the necessary information on the implementation of their inspection programmes carried out during the previous year does not, however, come into force until 1 August 1995;

Whereas there is therefore insufficient information concerning the EFTA States' completed and intended programmes of inspections available to the EFTA Surveillance Authority; whereas it is nevertheless necessary, in order to ensure compliance with the mandatory maximum levels of pesticide residues and to contribute to the completion and operation of the internal market, to make basic arrangements for a coordination of the inspections for pesticide residues to be carried out by the EFTA States during 1995; whereas it would also be helpful for the establishment of future coordinated recommendations for the EFTA Surveillance Authority to be informed in

advance of the EFTA States' forward programmes for the monitoring of maximum levels of pesticide residues provided for by Directive 93/58/EEC;

Whereas the inspections and check sampling by EFTA States to ensure compliance with the maximum levels of pesticide residues set out in the list referred to in Article 1 (1) of Directive 90/642/EEC should be carried out in accordance with the requirements of the Act referred to in point 20 of Chapter XII of Annex II to the EEA Agreement (Commission Directive 79/700/EEC of 24 July 1979 establishing methods of sampling for the official control of pesticide residues in and on fruit and vegetables⁽³⁾), the Act referred to in point 37 of Chapter XII of Annex II to the EEA Agreement (Council Directive 85/591/EEC of 20 December 1985 concerning the introduction of methods of sampling and analysis for the monitoring of foodstuffs⁽⁴⁾), and the Acts referred to in points 50 and 54.N of Chapter XII of Annex II to the EEA Agreement (Council Directives 89/397/EEC⁽⁵⁾ and 93/99/EEC⁽⁶⁾ concerning the official control of foodstuffs);

Whereas the EFTA States have been consulted within the EFTA Foodstuffs Committee assisting the EFTA Surveillance Authority on 19 December 1994,

HAS ADOPTED THIS RECOMMENDATION:

It is recommended that the EFTA States:

1. as a priority criterion, monitor products from a significant proportion of the groups of products set out in Annex I of Directive 90/642/EEC;
2. as a priority criterion, take a minimum number of samples reflecting the production, consumption and importation into the EEA of each product regularly throughout 1995 or during the marketing season of the product, with clearly recorded origin and stage of trade or marketing;

⁽¹⁾ OJ No L 350, 14. 12. 1990, p. 71.

⁽²⁾ OJ No L 211, 23. 8. 1993, p. 6.

⁽³⁾ OJ No L 207, 15. 8. 1979, p. 26.

⁽⁴⁾ OJ No L 372, 31. 12. 1985, p. 50.

⁽⁵⁾ OJ No L 186, 30. 6. 1989, p. 23.

⁽⁶⁾ OJ No L 290, 24. 11. 1993, p. 14.

3. as a priority criterion, analyse for residues of as many pesticides listed in Annex II of Directive 90/642/EEC as is possible, bearing in mind the analytical methods employed ;
4. in enforcing the mandatory Maximum Residue Levels (MRLs) also, where appropriate, determine the level of residue contained in each sample ;
5. send to the EFTA Surveillance Authority as soon as possible details of their national monitoring plans for 1995 drawn up in conformity with Article 4 (1) of Directive 90/642/EEC ;
6. by 1 July 1995 if possible, but at the latest by 1 August 1995, send to the EFTA Surveillance Authority all the information as required by Article 4 (2) of Directive 90/642/EEC and, in particular, report the results of the monitoring exercise for 1994 using the model report forms ; and
7. by 1 September 1995, send to the EFTA Surveillance Authority their intended national monitoring programme for the year 1996.

Done at Brussels, 19 April 1995.

For the EFTA Surveillance Authority

The President

Knut ALMESTAD
