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(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 1460/95

of 22 June 1995

amending Regulation (EEC) No 1765/92 establishing a support system for producers of certain arable crops

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 42 and 43 thereof,

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

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

Whereas withdrawal of arable land from cultivation, the main instrument for balancing the agricultural markets introduced by the common agricultural policy reforms, may be effected by the following three methods: (a) by set-aside in return for compensation under Regulation (EEC) No 1765/92 ⁽³⁾; (b) by set-aside for environmental reasons under Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of protection of the environment and maintenance of the countryside ⁽⁴⁾; or (c) by afforestation under Council Regulation (EEC) No 2080/92 of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture ⁽⁵⁾;

Whereas afforestation or set-aside for environmental reasons of land set-aside on a non-rotational basis is an attractive option for arable crop growers for linking CAP reform effectively with the accompanying measures;

Whereas producers who take advantage of the aid schemes under Regulation (EEC) No 2078/92 and Regulation (EEC) No 2080/92 will contribute to the reduction of surpluses; whereas it should therefore be possible in future, on certain conditions, in particular as regards

compensation, to count land for which aid is paid under those Regulations as being set aside under Regulation (EEC) No 1765/92; whereas such a possibility should be opened in relation only to land which has not yet been entered into either of those schemes; whereas Member States should not be obliged to apply this provision in any region where there is a continuing risk of a significant overshoot of the regional base area; whereas it should be possible for Member States to impose a limit on the amount of such land which may be counted as being set aside if this is necessary in order to avoid a disproportionate amount of the available budget for the scheme in question being concentrated only on a small number of farms;

Whereas land counted as being set aside should be included when calculating whether the base area has been exceeded notwithstanding the fact that payment in respect of it is not made under Regulation (EEC) No 1765/92;

Whereas Member States should be allowed to prohibit or restrict transfers of a set-aside obligation to a producer who counts against his set-aside obligation land for which he receives aid under Regulation (EEC) No 2078/92 or Regulation (EEC) No 2080/92, if such a transfer would be likely to frustrate the objective of encouraging a more balanced uptake of schemes under Regulation (EEC) No 2078/92 and Regulation (EEC) No 2080/92 as between areas comprising predominantly, or only, arable land and those comprising predominantly, or only, non-arable land;

Whereas the Commission should review the operation of the scheme on the basis of the reports of Member States as to its implementation and publish a report on or before 30 June 1998 accompanied, if necessary, by a proposal;

Whereas land set aside under Regulation (EEC) No 1765/92 may be used for production other than for human or animal consumption, including short rotation

⁽¹⁾ OJ No C 48, 25. 2. 1995, p. 6.

⁽²⁾ OJ No C 151, 19. 6. 1995.

⁽³⁾ OJ No L 181, 1. 7. 1992, p. 12. Regulation as last amended by the 1994 Act of Accession and by Regulation (EC) No 3290/94 (OJ No L 349, 31. 12. 1994, p. 105).

⁽⁴⁾ OJ No L 215, 30. 7. 1992, p. 85.

⁽⁵⁾ OJ No L 215, 30. 7. 1992, p. 96.

forest trees and shrubs; whereas in certain regions growing of these offers a positive environmental benefit; whereas national authorities should be enabled to promote this use of set-aside land by granting aid covering part of the cost of the necessary investment;

Whereas it should be possible to derogate from the normal dates provided in Article 10 (1), in order to help producers facing severe financial problems as a result of exceptionally bad climatic conditions in the year concerned,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1765/92 is hereby amended as follows:

- (1) In Article 2 (6), first subparagraph, the text preceding the indents shall be replaced by the following:

'6. In the case of a regional base area, and when the sum of the individual areas for which aid is claimed under the arable producers' scheme, including the set-aside provided for under that scheme, land counted as being set aside under Article 7 (2) and set-aside provided for under Council Regulation (EEC) No 2328/91 of 15 July 1991 on improving the efficiency of agricultural structures (*), is in excess of the regional base area, the following will be applied in the region in question.

(*) OJ No L 218, 6. 8. 1991, p. 1. Regulation as last amended by Regulation (EC) No 2843/94 (OJ No L 302, 25. 11. 1994, p. 1).'

- (2) The following subparagraphs shall be added to Article 7 (2):

'Without prejudice to Article 9, areas set aside pursuant to Regulation (EEC) No 2078/92 which are neither put to any agricultural use nor used for any lucrative purposes other than those accepted for other land set-aside under this regulation and areas afforested pursuant to Regulation (EEC) No 2080/92, as a result of an application made under either of those Regulations on or after the date of publication of Regulation (EC) No 1460/95 (*), may, up to any limit per holding which may be set by the Member State concerned, be counted as being set aside for the purposes of the set-aside requirement indicated in paragraph 1. Such limit shall be set only to the extent necessary to avoid a disproportionate amount of the

available budget relating to the scheme in question being concentrated on a small number of farms.

However:

- the compensation specified in paragraph 5 shall not be granted on these areas,
- the compensation for income losses for land set aside in the framework of Regulation (EEC) No 2078/92 and the payment for the incentive element which are referred to in Article 5 (1) (b) of that Regulation and the compensation for income losses indicated at point (c) in Article 3 of Regulation (EEC) No 2080/92 shall be limited for the areas in question to an amount equal at most to the compensation specified for that land in paragraph 5 of this Article, and
- a Member State may prohibit or restrict transfers under paragraph 7 of a set-aside requirement to a producer who makes use of the possibility in the second subparagraph if such transfers would be likely to frustrate the objective of encouraging a more balanced uptake of schemes under Regulation (EEC) No 2078/92 and Regulation (EEC) No 2080/92 as between areas which comprise predominantly, or only, arable land and areas which comprise predominantly, or only, non-arable land.

Member States may decide not to apply the scheme provided for in the second subparagraph to a new applicant in any region in which there is a continuing risk of a significant overshoot of the regional base area.

Member States shall report to the Commission on or before 31 December 1997 on the way in which they have applied the scheme, if at all, together with the relevant statistics. On the basis of those reports the Commission shall review the operation of the scheme and shall publish a report as to its implementation and effects, on or before 30 June 1998 accompanied, if necessary, by a proposal.

(*) OJ No L 144, 28. 6. 1995, p. 1.'

- (3) The following subparagraph shall be added to Article 7 (4):

'Member States are authorized to grant national aid to producers to help them to cover the costs of planting multiannual crops for biomass production. The aid may not, however, be more than the equivalent of the interest to be paid on a loan, repayable in five equal annual instalments, taken out for an amount not exceeding five years of compensatory payments for the land in question.'

- (4) The following shall be added at the end of the eighth indent of Article 12:

‘and the conditions to be applied in cases covered by Article 7 (2), second subparagraph.’

- (5) The following indent shall be added after the tenth indent of Article 12:

— those allowing the Commission, subject to the budgetary situation, to authorize, in derogation from Article 10 (1), and on the basis of the results of the administrative controls and any on-the-spot checks already made, carried out under Article 8 of Council Regulation (EEC) No 3508/92, payments prior to 16 October in certain regions,

of up to 50 % of the compensatory payments for cereals, protein crops and linseed and the compensation granted by virtue of the set aside obligation in years in which exceptional climatic conditions have so reduced yields that producers face severe financial difficulties.’

Article 2

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

Article 1 (3) shall however apply to the 1994/1995 marketing year.

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

Done at Brussels, 22 June 1995.

For the Council

The President

Ph. VASSEUR

COUNCIL REGULATION (EC) No 1461/95

of 22 June 1995

amending Regulation (EC) No 1017/94 concerning the conversion of land currently under arable crops to extensive livestock farming in Portugal

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,

Having regard to the Opinion of the European Parliament⁽¹⁾,

Whereas a number of problems came to light when Regulation (EC) No 1017/94⁽²⁾ was applied; whereas that Regulation should therefore be adapted;

Whereas the redistribution of previously collectivized holdings in Portugal was in some cases decided very late and producers whose rights were restored were not able to return the redistributed land to its arable use prior to the deadline of 31 December 1991 and thus benefit from the support system for producers of certain arable crops established by Regulation (EEC) No 1765/92⁽³⁾; whereas, for reasons of fairness, those holdings should be made equivalent to land having benefited from compensatory payments;

Whereas the livestock density per hectare fixed by Regulation (EC) No 1017/94 may in the future restrict opportunities for deriving profit from the converted land and thus reduce interest in the conversion programme; whereas there is therefore justification in granting to producers intending to participate in the programme the possibility of increasing that density while adhering to the principle of increased extensification, without, however, changing the initial rate of conversion of land to livestock production, to retain the weighting applied under the programme;

Whereas Article 3 (3) of Regulation (EC) No 1017/94 stipulates a reduction in the number of rights to the suckler cow premium laid down in Article 4d of Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽⁴⁾, where areas are converted to the rearing of suckler cows;

whereas that reduction severely penalises breeders of cows; whereas, therefore, in order to maintain the financial equilibrium of the conversion programme, that individual rights reduction should be replaced by an overall reduction made directly on the regional base area in Portugal, as referred to in Article 2 of Regulation (EEC) No 1765/92, within the maximum limit of 200 000 hectares envisaged by the conversion programme;

Whereas the amendments also require textual changes to same Articles of Regulation (EC) No 1017/94,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1017/94 is hereby amended as follows:

- (1) the following subparagraph shall be added to Article 3 (1):

‘However, previously collectivized land redistributed to its former owners or those entitled from 1 January 1990 to which producers were unable to restore its arable nature prior to the deadline of 31 December 1991 may be deemed to have benefited from the compensatory payments referred to in Regulation (EEC) No 1765/92 provided that the land is deducted from the basic area referred to in Article 9 of that Regulation. Furthermore, in specifically substantiated cases brought before the competent authorities, the abovementioned date of 1 January 1990 may be back-dated to 1 January 1989.’;

- (2) in Article 3 (2) the number of livestock units per hectare, ‘0,5’, shall be replaced by ‘1,0’;

- (3) in Article 3, paragraph 3 shall be replaced by the following:

‘3. A number of premium rights equivalent to 0,5 LU shall be allocated per hectare converted to extensive livestock production. In addition, where land is converted to the rearing of suckler cows, a number of animals equal to 45 % of the number of suckler cow premium rights allocated each year under this Regulation shall be added with effect from the next calendar year to the regional ceiling referred to in Article 4b of Regulation (EEC) No 805/68.’;

⁽¹⁾ Opinion delivered on 16 June 1995 (not yet published in the Official Journal).

⁽²⁾ OJ No L 112, 3. 5. 1994, p. 2.

⁽³⁾ OJ No L 181, 1. 7. 1992, p. 12. Regulation as last amended by Regulation (EC) No 3116/94 (OJ No L 330, 21. 12. 1994, p. 1).

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 424/95 (OJ No L 45, 1. 3. 1995, p. 2).

- (4) in Article 4, the second indent shall be replaced by the following:

‘— an undertaking to use the converted land for extensive livestock production;’

- (5) in Article 8, paragraph (b) shall be replaced by the following:

‘(b) checks to ascertain that the land declared eligible under this Regulation is duly converted to extensive livestock production within the time limit laid down.’;

- (6) Article 9 shall be replaced by the following:

Article 9

1. The area converted under this Regulation and corresponding to all admissible applications during each marketing year shall, from the following marketing year, be deducted from the regional base area or, where applicable, the individual base area provided

for in Article 2 (2) or (3) of Regulation (EEC) No 1765/92.

2. In addition to the deduction referred to in paragraph 1, where the land is converted to the rearing of suckler cows, a number of hectares equal to 54 % of the number of suckler cow premium rights allocated each year to producers shall, from the following marketing year, be deducted from the base area.

3. The Portuguese authorities shall notify the Commission each year of the total area converted under this Regulation so that the regional base area can be amended in good time.

4. Converted land shall be considered as permanent pasture as referred to in Article 9 of Regulation (EEC) No 1765/92.’.

Article 2

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

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

Done at Brussels, 22 June 1995.

For the Council

The President

Ph. VASSEUR

COMMISSION REGULATION (EC) No 1462/95

of 27 June 1995

opening and providing for the administration of an import tariff quota for young male bovine animals for fattening (1 July 1995 to 30 June 1996)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Regulation (EC) No 424/95⁽²⁾, and in particular Article 12 (1) and (4) thereof,

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

Whereas under the WTO Agreement the Community has undertaken to open an annual import tariff quota of 169 000 head of young male bovine animals for fattening; whereas the rules of application for the quota year 1995/96 starting 1 July 1995 must be established;

Whereas in accordance with Article 12 (2) of Regulation (EEC) No 805/68 the administration of the quota should take into account the traditional pattern of trade in the animals concerned;

Whereas the supply requirements of certain regions of the Community which have a serious shortfall in bovine animals for fattening should be taken into account; whereas, as those requirements are apparent particularly in Italy and Greece, priority should be given to satisfying the demand in those two Member States;

Whereas, in order to ensure a smooth transition from arrangements based on the so-called balance sheet to arrangements related to the present tariff quota, appropriate provisions should be laid down, in particular through a continuation of the method of allocation between traditional importers and operators proving active trading in live animals with third countries;

Whereas in the framework of the implementation of the WTO Agreement the detailed rules for the application of

the system of import licences in the beef sector, presently provided for by Commission Regulation (EEC) No 2377/80⁽⁴⁾, as last amended by Regulation (EC) No 1084/94⁽⁵⁾, should be modified before 1 July 1995; whereas, in order to prevent practical problems of application linked to the present tariff quota, Regulation (EEC) No 2377/80 should not apply; whereas special detailed rules on import licences for that quota should be adopted instead; whereas those special detailed rules should take priority over the provisions of Commission Regulation (EEC) No 3719/88⁽⁶⁾, as last amended by Regulation (EC) No 1199/95⁽⁷⁾;

Whereas, pursuant to Article 9 (1) of Regulation (EEC) No 805/68, imports into the Community of live animals under the present tariff quota are subject to presentation of an import licence; whereas the application of this tariff quota requires strict surveillance of imports and effective checks as to their use and destination; whereas therefore importation must take place in the Member State which issued the import licence;

Whereas a security shall be lodged in order to guarantee that the animals are fattened for at least 120 days in designated production units; whereas the amount of the security should be fixed taking into account the difference between the customs duties applicable inside and outside the quota;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾ prohibits trade between the European Community and the Republics of Serbia and Montenegro; whereas these Republics are therefore excluded from the arrangements provided for in this Regulation;

Whereas Commission Regulation (EEC) No 612/77⁽⁹⁾, as last amended by Regulation (EEC) No 1121/87⁽¹⁰⁾, should be repealed;

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 45, 1. 3. 1995, p. 2.

⁽³⁾ OJ No L 349, 31. 12. 1994, p. 105.

⁽⁴⁾ OJ No L 241, 13. 9. 1980, p. 5.

⁽⁵⁾ OJ No L 120, 11. 5. 1994, p. 30.

⁽⁶⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁷⁾ OJ No L 119, 30. 5. 1995, p. 4.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 77, 25. 3. 1977, p. 18.

⁽¹⁰⁾ OJ No L 109, 24. 4. 1987, p. 12.

HAS ADOPTED THIS REGULATION :

Article 1

1. A tariff quota of 169 000 head of live male bovine animals falling within CN codes 0102 90 05, 0102 90 29 or 0102 90 49 and intended for fattening in the Community is hereby opened for the period 1 July 1995 to 30 June 1996.

2. The import duty to apply for the quota referred to in paragraph 1 shall be ECU 582 per tonne plus 16 % *ad valorem*. The application of this rate of duty shall be subject to fattening of the imported animal in the Member State of importation for a period of at least 120 days.

The conversion rate for the duty expressed in ecus shall be the rate applicable under the Common Customs Tariff on the day of importation.

3. For the purpose of this Regulation the day of importation is the day of acceptance of the declaration of release for free circulation.

Article 2

1. The quantities referred to in Article 1 (1) shall be allocated for importation into the following Member States :

- | | |
|---------------------------|----------------|
| (a) Italy : | 143 650 head ; |
| (b) Greece : | 21 970 head ; |
| (c) Other Member States : | 3 380 head. |

2. Within each of the quantities referred to in points (a) and (b) of paragraph 1 import rights relating to :

- 80 % of the quantity shall be allocated directly to importers who provide proof of having imported animals under the regulations referred to in the Annex during the last three calendar years. The number of head shall be allocated in proportion to the number of head imported in the three years concerned,
- 20 % of the quantities shall be allocated directly to operators proving that in 1994, they exported to and/or imported from countries which for them were third countries on 31 December 1994 at least 50 live animals falling within CN code 0102 90, excluding imports under the Regulations referred to in point (b) of the Annex.

Applications for import rights shall be presented :

- in Italy for the quantities referred to in point (a) of paragraph 1,
- in Greece for the quantities referred to in point (b) of paragraph 1.

3. The quantities referred to in point (c) of paragraph 1 shall be allocated to operators providing proof that, in 1994, they exported to and/or imported from countries which for them were third countries on 31 December 1994 at least 50 live animals falling within CN code 0102 90.

Applications for import rights shall be presented in the Member State, other than Italy and Greece, where the applicant is entered on the value added tax register.

4. The quantities referred to in the second indent of the first subparagraph of paragraph 2 and in paragraph 3 shall be allocated to each eligible operator in proportion to the quantities applied for.

5. Proof of import and/or export shall be provided solely by means of customs documents of release for free circulation or export documents. However, with the Commission's authorization, Austria, Sweden and Finland may, if appropriate, accept alternative forms of proof.

Member States may accept duly certified copies of those documents if the applicant can prove to the satisfaction of the competent authority that it is impossible for him to obtain the original documents.

Article 3

1. Operators who were no longer engaged in trade in live bovine animals on 1 January 1995 shall not qualify under the arrangements provided for in this Regulation.

2. Companies arising from mergers where each constituent part has rights pursuant to the first subparagraph of Article 2 (2) shall enjoy the same rights as the companies from which they are formed.

Article 4

1. An application for import rights is valid only if it is lodged by an operator who is entered on a national value added tax register.

2. Each application for import rights shall not exceed the available number of head.

Where under any one category referred to in Article 2 (2) and (3) an applicant submits more than one application all such applications shall be inadmissible.

3. For the purpose of Article 2 (2) and (3) each application shall reach the competent authority by 30 June 1995, accompanied by the necessary proofs.

4. As regards applications under Article 2 (3), after verification of the documents presented, Member States shall forward to the Commission by 14 July 1995 a list of applicants and quantities applied for.

The Commission shall decide as soon as possible to what extent applications may be accepted. Where the quantities applied for exceed the quantities available, the Commission shall reduce the quantities applied for by a fixed percentage.

Article 5

1. Any import of animals for which import rights have been allocated shall be subject to presentation of an import licence.
2. Licence applications may be lodged solely :
 - in the Member State where the application for import rights was lodged,
 - by the operators to whom import rights have been allocated in accordance with Articles 2 and 4.
3. The licence security referred to in Article 14 of Regulation (EEC) No 3719/88 shall be ECU 3 per head.

The conversion rate for the security shall be the rate applicable under the Common Customs Tariff at the time of application for the licence.

4. Licences shall be issued from 1 July until 31 December 1995 for a maximum of 50 % of the allocated import rights. Import licences for the remaining quantities shall be issued from 2 January 1996.
5. The licence application and the licence itself shall contain :
 - (a) in Section 8, the country of origin,
 - (b) in Section 16, the following CN codes : 0102 90 05, 0102 90 29, 0102 90 49,
 - (c) in Section 20, the following indication :

'Live male bovine animals under 300 kg per head (Regulation (EC) No 1462/95)/licence valid in (issuing Member State)'.
6. The import licence shall not give the right to import animals originating in the Republics of Serbia and Montenegro.

Article 6

1. Importation of the animals concerned shall take place in the Member States issuing the import licence.
2. At the time of importation the importer shall produce a written undertaking to inform the competent authority within one month of the farm or farms where the young animals are fattened.
3. At the time of importation a security of ECU 785 per tonne shall be lodged with the competent authority guaranteeing that the animals imported will be fattened

in the importing Member State for a period of at least 120 days from the day of importation.

The conversion rate for the security shall be the rate applicable under the Common Customs Tariff at the time of importation.

4. Except in cases of *force majeure*, the security shall not be released unless proof is furnished to the competent authority of the importing Member State that the young bovine animals :

- (a) have been fattened in the farm or farms indicated pursuant to paragraph 2 ;
- (b) have not been slaughtered before the expiry of a period of 120 days from the day of importation ; or
- (c) have been slaughtered before the expiry of this period for health reasons or have died as a result of sickness or accident.

The security shall be released immediately after such proof has been furnished.

However, where the time-limit referred to in paragraph 2 has not been observed, the amount of the guarantee to be released shall be reduced by

- 15 % and by
- 2 % of the remaining amount for each day by which it has been exceeded.

The amounts not released shall be forfeited and retained as a customs duty.

5. If the proof referred to in paragraph 4 is not furnished within 180 days from the day of importation the security shall be forfeited and retained as a customs duty.

However, if such proof has not been furnished within the 180 days but is produced within the 18 months following the said period of 180 days, the amount forfeited, less 15 % of the security amount, shall be repaid.

6. Article 8 (4) of Regulation (EEC) No 3719/88 shall apply. However, the full Common Customs Tariff duty shall be collected in respect of quantities imported in excess of those stated in the import licence.

Article 7

Three weeks at the latest after importation of the animals concerned, the importer shall inform the competent authority which issued the import licence, of the number and origin of the animals imported. This authority shall forward that information to the Commission at the beginning of each month.

Article 8

Import licences issued pursuant to this Regulation shall be valid for 90 days from their day of issue. However, no licences shall be valid after 30 June 1996.

Article 9

1. Each animal imported under this Regulation shall be identified by the placing of:

- an indelible tattoo, or
- an official or officially approved earmark on at least one of its ears.

2. The tattoo or mark shall be so designed as to enable, by means of a record made by the competent authority when the animal is put into free circulation, the date when it was put into free circulation and the identity of the importer to be established.

Article 10

The provisions of Regulation (EEC) No 3719/88 shall apply, subject to the provisions of this Regulation. The

provisions of Regulation (EEC) No 2377/80 shall not be applicable.

Article 11

Regulation (EEC) No 612/77 is repealed. It shall however, remain applicable for imports under Commission Regulations (EC) No 3171/94⁽¹⁾ and (EC) No 692/95⁽²⁾.

Article 12

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

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

Done at Brussels, 27 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 335, 23. 12. 1994, p. 47.

⁽²⁾ OJ No L 71, 31. 3. 1995, p. 48.

*ANNEX***Regulations referred to in Article 2 (2) and (3)****Commission Regulations :**

- (a) — (EEC) No 365/92 (OJ No L 39, 15. 2. 1992, p. 25)
 - (EEC) No 745/92 (OJ No L 82, 27. 3. 1992, p. 28)
 - (EEC) No 1635/92 (OJ No L 171, 26. 6. 1992, p. 14)
 - (EEC) No 2753/92 (OJ No L 279, 23. 9. 1992, p. 19)
 - (EEC) No 3806/92 (OJ No L 384, 30. 12. 1992, p. 30)
 - (EEC) No 733/93 (OJ No L 75, 30. 3. 1993, p. 11)
 - (EEC) No 1622/93 (OJ No L 155, 26. 6. 1993, p. 44)
 - (b) — (EEC) No 2657/93 (OJ No L 244, 30. 9. 1993, p. 5)
 - (EC) No 336/94 (OJ No L 43, 16. 2. 1994, p. 7)
 - (EC) No 656/94 (OJ No L 82, 25. 3. 1994, p. 17)
 - (EC) No 1373/94 (OJ No L 151, 17. 6. 1994, p. 8)
 - (EC) No 2321/94 (OJ No L 253, 29. 9. 1994, p. 5)
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COMMISSION REGULATION (EC) No 1463/95

of 27 June 1995

**establishing the forecast supply balance for pigmeat for the Azores and Madeira
for the 1995/96 marketing year and amending Regulation (EEC) No 1725/92**

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

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products⁽¹⁾, as last amended by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 1725/92⁽³⁾, as last amended by Regulation (EC) No 2970/94⁽⁴⁾, fixes for the period 1 July to 30 September 1994 the exemption from the levy on direct imports on products from third countries or for aid for consignment originating in the rest of the Community and the quantities of pure-bred breeding animals originating in the Community which qualify for aid for the development of the production potential of the Azores and Madeira;

Whereas, in order to continue satisfying demand for pigmeat requirements, the forecast supply balance should be established for the period 1 July 1995 to 30 June 1996;

Whereas the fact that the Community aid is fixed in the light of the present situation on the market for the products in question and in particular of the prices for such products in the European part of the Community and on the world market results in the aid for the supply of pigmeat to the Azores and Madeira being fixed at the amounts given in the Annex;

Whereas, pursuant to Regulation (EEC) No 1600/92, the supply arrangements will apply from 1 July, whereas, therefore, the provisions of this Regulation should apply immediately;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1725/92 is hereby amended as follows:

1. In Article 1 the words 'import levy' are replaced by the words 'customs duty';
2. Annexes I, II and III are hereby replaced by the Annex hereto.

Article 2

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

It shall apply from 1 July 1995.

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

Done at Brussels, 27 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

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

⁽³⁾ OJ No L 179, 1. 7. 1992, p. 95.

⁽⁴⁾ OJ No L 314, 7. 12. 1994, p. 10.

ANNEX

ANNEX I

Forecast supply balance for Madeira regarding products from the pigmeat sector for the period from 1 July 1995 to 30 June 1996

CN code	Description of goods	Quantity (tonnes)
ex 0203	Meat of domestic swine, fresh, chilled, or frozen	1 000

ANNEX II

Amounts of aid granted for products referred to in Annex I and coming from the Community market

Product code	Amount of aid (ECU/100 kg net weight)
0203 11 10 000	19
0203 12 11 100	28
0203 12 19 100	19
0203 19 11 100	19
0203 19 13 100	28
0203 19 15 100	19
0203 19 55 120	32
0203 19 55 190	32
0203 19 55 311	32
0203 19 55 391	32
0203 21 10 000	19
0203 22 11 100	28
0203 22 19 100	19
0203 29 11 100	19
0203 29 13 100	28
0203 29 15 100	19
0203 29 55 120	32
0203 29 55 190	32
0203 29 55 311	32
0203 29 55 391	32

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

ANNEX III

PART 1

Supply in the Azores of pure-bred breeding pigs originating in the Community for the period
1 July 1995 to 30 June 1996

CN code	Description of the goods	Number of animals to supply	Aid (ECU/head)
0103 10 00	Pure-bred breeding pigs ⁽¹⁾ :		
	— male animals	100	483
	— female animals	400	423

⁽¹⁾ Inclusion in this sub-position is subject to the conditions provided for by the Community provisions which regulate the matter.

PART 2

Supply in Madeira of pure-bred breeding pigs originating in the Community for the period
1 July 1995 to 30 June 1996

CN code	Description of the goods	Number of animals to supply	Aid (ECU/head)
0103 10 00	Pure-bred breeding pigs ⁽¹⁾ :		
	— male animals	120	483
	— female animals	1 600	423

⁽¹⁾ Inclusion in this sub-position is subject to the conditions provided for by the Community provisions which regulate the matter.

COMMISSION REGULATION (EC) No 1464/95

of 27 June 1995

on special detailed rules for the application of the system of import and export licences 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 sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾, and in particular Articles 13 (2) and 17 (2) thereof,

Whereas the Agreement on Agriculture resulting from the Uruguay Round multilateral trade negotiations (hereinafter referred to as 'the Agreement') calls for the adaptation, in particular, of regulations applicable to import and export licences in the sugar sector from 1 July 1995; whereas, in view of the number of adaptations required and for reasons of clarity and greater administrative efficiency, Commission Regulation (EEC) No 2630/81⁽³⁾, as last amended by Regulation (EEC) No 1754/93⁽⁴⁾, should be repealed, whilst keeping those provisions of that Regulation which are still relevant for the application of the system of import and export licences; whereas, for the same persons, derogations should be made from certain provisions of Commission Regulation (EEC) No 3719/88⁽⁵⁾, as last amended by Regulation (EC) No 1199/95⁽⁶⁾;

Whereas as a result of the Agreement, the concept in trade of advance-fixing disappears at the importation stage but becomes the rule at the exportation stage as from 1 July 1995; whereas, therefore, distinctions in respect of the corresponding securities need no longer be maintained for licences;

Whereas, as a result of the most recent enlargement of the Community, some adaptations of a formal nature should also be made;

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

This Regulation lays down special detailed rules for the application of the system of import and export licences

established by Article 13 of Regulation (EEC) No 1785/81.

Article 2

By way of derogation from the fourth indent of the first subparagraph and from the second subparagraph of Article 5 (1) of Regulation (EEC) No 3719/88 and from the first indent of the second subparagraph of Article 2a of Commission Regulation (EEC) No 3665/87⁽⁷⁾, no export licence shall be required for the purposes of export operations relating to a quantity not exceeding two tonnes of sugar produced under quotas.

The Commission may, if necessary, suspend the application of the first paragraph.

Article 3

1. Where the refund or, where applicable, the levy on exportation is fixed pursuant to an invitation to tender held within the Community, the application for an export licence shall be lodged with the competent authority of the Member State in which the statement of award under the tender was issued.

2. Section 20 of the licence application and of the licence shall contain at least one of the following indications:

- Reglamento de licitación (CE) n° ... (DO n° L ... de ...) límite de presentación de ofertas que expira el ...
- Forordning om licitation (EF) nr. ... (EFT nr. L ... af ...), fristen for indgivelse af tilbud udløber den ...
- Ausschreibung — Verordnung (EG) Nr. ... (ABl. Nr. L ... vom ...), Ablauf der Angebotsfrist am ...
- Κανονισμός διαγωνισμών (ΕΚ) αριθ. ... (ΕΕ αριθ. L ... της ...), η προθεσμία υποβολής των προσφορών λήγει την ...
- tendering Regulation (EC) No ... (OJ No L ... of ...), time limit for submission of tenders expires ...
- règlement d'adjudication (CE) n° ... (JO n° L ... du ...), délai de présentation des offres expirant le ...
- regolamento di gara (CE) n. ... (GU n. L ... del ...), termine di presentazione delle offerte scade il ...
- Verordening m.b.t. inschrijving (EG) nr. ... (PB nr. L ... van ...), indieningstermijn aanbiedingen eindigend op ...

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 258, 11. 9. 1981, p. 16.

⁽⁴⁾ OJ No L 161, 2. 7. 1993, p. 45.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 119, 30. 5. 1995, p. 4.

⁽⁷⁾ OJ No L 351, 14. 12. 1987, p. 1.

- Regulamento de adjudicação (CE) n.º ... (JO n.º L ... de ...), o prazo de apresentação das ofertas expira em ...
- Förordning om anbud (EG) nr ... (EGT nr L ..., ...) tidsfrist för anbudsinlämnande utlöper den ...
- Asetus tarjouskilpailusta (EY) N:o ... (EYVL N:o L ..., annettu ...), tarjousten tekemiselle varattu määräaika päättyy

3. The export licence shall be issued for the quantity entered on the relevant statement of award of tender. Section 22 shall indicate the rate of the export refund or export levy, as stated in that statement, expressed in ecus. To this end, it shall contain at least one of the following indications:

- Tasa de la restitución aplicable:.....
- Restitutionssats:.....
- Gültiger Erstattungssatz:.....
- Εφαρμοζόμενος συντελεστής επιστροφής:
- Rate of applicable refund:.....
- Taux de la restitution applicable:.....
- Tasso di restituzione applicabile:.....
- Toe te passen restitutievoet:.....
- Taxa de restituição à exportação aplicável:.....
- Exportbidragssats:.....
- Tuen määrä:.....

or alternatively:

- Tipo de gravamen a la exportación aplicable:.....
- Eksportafgiftssats:.....
- Gültiger Satz der Ausfuhrabschöpfung:.....
- Εφαρμοζόμενος συντελεστής εισφοράς κατά την εξαγωγή:
- Rate of applicable export levy:.....
- Taux du prélèvement à l'exportation applicable:.....
- Tasso del prelievo all'esportazione applicabile:.....
- Toe te passen heffingsvoet bij uitvoer:.....
- Taxa do direito nivelador à exportação aplicável:.....
- Exportavgiftssats:.....
- Vientimaksun määrä:.....

4. Where this Article applies, Article 44 of Regulation (EEC) No 3719/88 shall not apply:

Article 4

1. For C sugar, C isoglucose and C inulin syrup produced for export in accordance with Article 26 (1) of Regulation (EEC) No 1785/81, Section 20 of the licence application and of the licence shall contain at least one of the following indications:

- para exportación con arreglo al apartado 1 del artículo 26 del Reglamento (CEE) n.º 1785/81
- til udførsel i medfør af artikel 26, stk. 1, i forordning (EØF) nr. 1785/81

- gemäß Artikel 26 Absatz 1 der Verordnung (EWG) Nr. 1785/81 auszuführen
- προς εξαγωγή σύμφωνα με το άρθρο 26 παράγραφος 1 του κανονισμού (ΕΟΚ) αριθ. 1785/81
- for export under Article 26 (1) of Regulation (EEC) No 1785/81
- à exporter conformément à l'article 26 paragraphe 1 du règlement (CEE) n.º 1785/81
- da esportare a norma dell'articolo 26, paragrafo 1, del regolamento (CEE) n. 1785/81
- uit te voeren overeenkomstig artikel 26, lid 1, van Verordening (EEG) nr. 1785/81
- para exportação nos termos do n.º 1 do artigo 26.º do Regulamento (CEE) n.º 1785/81
- för export i enlighet med artikel 26.1 i förordning (EEG) nr 1785/81
- vientiin asetuksen (ETY) N:o 1785/81 26 artiklan 1 kohdan mukaisesti.

2. Section 22 of the licence shall contain at least one of the following indications:

- para exportación sin restitución ni gravamen... (cantidad por la que este certificado ha sido emitido) kg
- udføres uden restitution eller afgift... (den mængde, for hvilken denne licens er udstedt) kg
- ohne Erstattung und ohne Abschöpfung auszuführen... (Menge, für die diese Lizenz erteilt wurde) kg
- προς εξαγωγή χωρίς επιστροφή ή εισφορά (ποσότητα για την οποία εκδόθηκε το παρόν πιστοποιητικό) kg
- for export without refund or levy... (quantity for which the licence is issued) kg
- à exporter sans restitution ni prélèvement... (quantité pour laquelle ce certificat a été délivré) kg
- da esportare senza restituzione né prelievo... (quantitativo per il quale il titolo in causa è stato rilasciato) kg
- zonder restitutie of heffing uit te voeren... (hoeveelheid waarvoor dit certificaat werd afgegeven) kg
- para exportação sem restituição nem direito nivelador... (quantidade para a qual este certificado foi emitido) kg
- för export utan bidrag eller avgift... (den mängd för vilken licensen utfärdats) kg
- viedään ilman tukea ja maksua... (tähän todistukseen liittyvä määrä) kg.

3. Paragraph 1 shall not apply to C sugar when, in accordance with Article 26 (2) of Regulation (EEC) No 1785/81, it is subject to the export levy referred to in Article 20 of that Regulation.

4. Article 8 (4) of Regulation (EEC) No 3719/88 shall not apply to the export licences for C sugar, C isoglucose and C inulin syrup.

Article 5

An export licence for C sugar, C isoglucose and C inulin syrup may be issued only after the manufacturer in question has provided the competent body with proof that the quantity for which the licence is requested, or an equivalent quantity, has actually been produced in excess of the A and B quotas of the undertaking concerned, account being taken, as regards sugar, of any quantities carried forward for the marketing year in question.

Article 6

1. (a) Import licences for quantities exceeding 10 tonnes of the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81 shall be valid from the actual day of issue until the end of the month following that of issue.

(b) Import licences for quantities not exceeding 10 tonnes of the products listed in Article 1 (1) (b) of Regulation (EEC) No 1785/81 and import licences for the products listed in Article 1 (1) (b), (d), (f), (g) and (h) of that Regulation shall be valid from the day of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88, until the end of the month following that of issue.

2. Import licences for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1785/81 shall be valid from the day of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88 until the end of the month following that of issue.

3. Without prejudice to other periods of validity provided for under the terms of an invitation to tender opened in the Community:

(a) export licences for the products listed in Article 1 (1) (a) and (d) of Regulation (EEC) No 1785/81, other than C sugar and relating to quantities exceeding 10 tonnes shall be valid from the actual day of issue:

- until the end of the third month following that of issue, or
- for 30 days from that date where no refund has been fixed either under the periodic system or by tender,

provided that the period of validity shall not extend beyond 30 September next following the actual day of issue;

(b) export licences:

- for C sugar,
- for quantities of the products listed in Article 1 (1) (a) and (d) of Regulation (EEC) No 1785/81 not exceeding 10 tonnes,
- for the products listed in Article 1 (1) (b), (c), (f), (g) and (h) of the said Regulation,

shall be valid from the day of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88 until the end of the third month following that of issue.

In the case referred to in the second indent the party concerned may not use more than one such licence for the same export.

Article 7

In respect of preferential sugar to be imported into the Community in accordance with Commission Regulation (EEC) No 2782/76⁽¹⁾, the licence application and the licence shall contain:

— in Section 20 at least one of the following indications:

- azúcar preferencial [Reglamento (CEE) n° 2782/76]
- præferencesukker (forordning (EØF) nr. 2782/76)
- Präferenzzucker (Verordnung (EWG) Nr. 2782/76)
- προτιμησιακή ζάχαρη [κανονισμός (ΕΟΚ) αριθ. 2782/76]
- Preferential sugar (Regulation (EEC) No 2782/76)
- sucre préférentiel [règlement (CEE) n° 2782/76]
- zucchero preferenziale [regolamento (CEE) n. 2782/76]
- preferentiële suiker (Verordening (EEG) nr. 2782/76)
- açúcar preferencial [Reglamento (CEE) n° 2782/76]
- förmånssocker (förordning (EEG) nr 2782/76)
- etuuskohtelun alainen sokeri [asetus (ETY) N:o 2782/76];

— in Section 8, the name of the country of origin of the product.

The issue of an import licence shall make it obligatory to import in accordance with Regulation (EEC) No 2782/76 from the country specified in the licence.

⁽¹⁾ OJ No L 318, 18. 11. 1976, p. 13.

Article 8

1. The security for licences for the products listed in (a), (b), (c), (d), (f), (g) and (h) of Article 1(1) of Regulation (EEC) No 1785/81 shall be per 100 kilograms of net product, or per 100 kilograms net dry matter of isoglucose, or per 100 kilograms net dry matter in sugar/isoglucose equivalent of inulin syrup, as follows:

(a) where the licence is for import:

- ECU 0,30 in respect of products falling within CN codes 1701, 1702 and 2106, excluding CN codes 1702 50 00 and 1702 90 10 and inulin syrup,
- ECU 0,06 in respect of products falling within CN codes 1212 91, 1212 92 00 and 1703,
- ECU 0,60 in respect of inulin syrup falling within CN codes ex 1702 60 90 and 1702 90 80;

(b) ECU 0,30 where the licence is for the export of C sugar, C isoglucose or C inulin syrup;

(c) where the licence is for export without prejudice to other rates provided under the terms of an invitation to tender opened in the Community:

- ECU 11,00 in respect of products falling within CN code 1701.

However, the security for export licences for white sugar and raw sugar, the validity of which is limited to 30 days under the second indent of Article 6 (3), shall be ECU 4,20,

- ECU 0,90 in respect of products falling within CN code 1703,
- ECU 4,20 in respect of products falling within CN codes 1702 20, 1702 60 90, 1702 90 60, 1702 90 71, 1702 90 90 and 2106 90 59, excluding inulin syrup,
- ECU 4,20 in respect of products falling within CN codes 1702 30 10, 1702 40 10, 1702 60 10, 1702 90 30 and 2106 90 30,
- ECU 8,00 in respect of inulin syrup falling within CN code ex 1702 60 90;

(d) ECU 0,30 for the import licences referred to in Article 7.

2. Except in cases of *force majeure*, where the obligation to export the products falling within CN code 1701 created by export licences other than those issued in connection with an invitation to tender opened in the Community, is not fulfilled and where the security referred to in the first indent of paragraph 1 (c) is less than the export refund in force on the last day of validity of the licence following reduction of the refund as indicated on the licence, then, within the conditions as to time limits laid down in Article 33 of Regulation (EEC) No 3719/88 and by way of a supplementary security for the quantity in respect of which the obligation has not been fulfilled, the licence holder shall be charged an amount equal to the difference between the result of this calculation and the security referred to in the first indent of paragraph 1 (c).

Article 9

1. Without prejudice to the application of Article 21 of Regulation (EEC) No 1785/81, export and import licences for sugar falling within CN code 1701 which relate to quantities exceeding 10 tonnes, other than:

- (a) C sugar,
- (b) sugar — candy,
- (c) flavoured or coloured sugars,
- (d) preferential sugar to be imported into the Community in accordance with Regulation (EEC) No 2782/76,

shall be issued on the third working day following the day on which the application for them is lodged.

2. When an application for a licence in respect of the products to which paragraph 1 applies relates to quantities not exceeding 10 tonnes, the party concerned may not lodge on the same day and with the same competent authority more than one such application.

Article 10

1. By way of derogation from Article 2 of Regulation (EEC) No 3719/88, where, following authorization under Article 116 of Council Regulation (EEC) No 2913/92⁽¹⁾, the prior exportation of white sugar falling within CN code 1701 99 10 is followed by the importation of raw sugar falling within CN codes 1701 11 10, 1701 11 90, 1701 12 10 and 1701 12 90, then licences shall be required to export the white sugar and to import the raw sugar.

2. Section 20 of the application for an export licence and of the export licence for white sugar, and of the application for an import licence and of the import licence for raw sugar, shall contain at least one of the following indications:

- EX/IM, artículo 116 del Reglamento (CEE) n° 2913/92 — certificado válido en ... (Estado miembro emisor),
- EX/IM, artikel 116 i forordning (EØF) nr. 2913/92 — licens gyldig i ... (udstedende medlemsstat),
- EX/IM, Artikel 116 der Verordnung (EWG) Nr. 2913/92 — Lizenz gültig in ... (erteilender Mitgliedstaat),
- EX/IM, άρθρο 116 του κανονισμού (ΕΟΚ) αριθ. 2913/92 — πιστοποιητικό που ισχύει στο ... (κράτος μέλος εκδόσεως),
- EX/IM, Article 116 of Regulation (EEC) No 2913/92 — licence valid in ... (issuing Member State),
- EX/IM, article 116 du règlement (CEE) n° 2913/92 — certificat valable en ... (État membre de délivrance),
- EX/IM, articolo 116 del regolamento (CEE) n. 2913/92 — titolo valido in ... (Stato membro di rilascio),

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

- EX/IM, artikel 116 van Verordening (EEG) nr. 2913/92
 - certificaat geldig in ... (Lid-Staat van afgifte),
- EX/IM, artigo 116º do Regulamento (CEE) nº 2913/92
 - certificado válido em ... (Estado-membro emissor),
- EX/IM, artikel 116 i förordning (EEG) nr 2913/92
 - licens giltig i ... (utfärdande medlemsstat),
- EX/IM, 116 artikla, asetus (ETY) N:o 2913/92
 - todistus voimassa ... (luvan antanut jäsenvaltio).

Section 20 of the export licence shall also contain the number of the corresponding import licence, and in the relevant section of the import licence the number of the corresponding export licence.

The application for an export licence for white sugar shall not be accepted unless the authorization referred to in paragraph 1 is produced and at the same time an application for an import licence for raw sugar is lodged.

The application for an import licence shall relate to a quantity of raw sugar of the standard quality which, having regard to its yield, corresponds to the quantity of white sugar shown on the application for an export licence. The yield of the raw sugar shall be calculated by deducting 100 from the amount obtained by multiplying by two the degree of polarization of the sugar.

Where the imported raw sugar does not correspond to the standard quality, the quantity of raw sugar to be imported under the licence shall be calculated by multiplying the quantity of raw sugar of the standard quality referred to in the licence by a corrective factor. The corrective factor shall be obtained by dividing 92 by the percentage yield of the raw sugar actually imported.

3. By way of derogation from Article 6, the export licence for white sugar and the import licence for raw sugar shall be valid:

- until 30 June where the application has been lodged, within the meaning of Article 15 (1) of Regulation (EEC) No 3719/88, on or after 1 October of the marketing year in question,
- until 30 September where the application has been lodged, within the meaning of Article 15 (1) of Regulation (EEC) No 3719/88, on or after 1 July of the marketing year in question,

4. By way of derogation from Article 8 (1), and without prejudice to the following subparagraphs, the security for the import licence referred to in paragraph 1 shall be ECU 11,50 per 100 kilograms net.

However, the amount of the said security shall be adjusted as shown in the Annex hereto by reference to the amount of the export levy on raw sugar applicable on the day on

which the application for the import licence is lodged and on each Monday during the period of validity of the licence.

The applicant for the import licence shall be required to make the appropriate increase in the security referred to in the second subparagraph either on the day on which his application is lodged or within three working days after the relevant Monday. On request by the holder of the import licence the competent authority shall release forthwith that part of the security no longer required as a result of any downward adjustment thereof.

Moreover, at the request of the applicant, which must be made at the same time as application for the import licence, and on production of the relevant documentary proof, the competent authority shall reduce the security required in pursuance of the second and third subparagraphs of this paragraph to the amount of the security lodged, pursuant to Article 115 (5) of Regulation (EEC) No 2913/92, upon the prior exportation of the corresponding amount of white sugar.

The amount of the security as adjusted in pursuance of this paragraph may in no case, however, be less than the amount of the security specified in the first subparagraph.

5. Article 8 (4) of Regulation (EEC) No 3719/88 shall not apply to the export licences referred to in paragraph 1. Article 33 (3) of Regulation (EEC) No 3719/88 shall not apply to the import licences referred to in paragraph 1.

6. By way of derogation from Articles 8 (5) and 33 (1) of Regulation (EEC) No 3719/88:

- (a) the whole of the security in respect of the import licence shall be released only where the quantity of raw sugar actually imported is equal to or greater than the quantity of white sugar actually exported, taking into account the yield of the raw sugar;
- (b) where the quantity of raw sugar actually imported is less than the quantity of white sugar actually exported, then the security shall be forfeit in an amount corresponding to the difference between the amount of white sugar actually exported and the amount of raw sugar actually imported. This provision shall be applied having regard to the yield of the raw sugar involved;
- (c) where the person concerned has not made the request referred to in the fourth subparagraph of paragraph 4, then that part of the security resulting from the application of the second subparagraph of paragraph 4 and which may be forfeit under point (b) of this paragraph shall be reduced by any amount forfeit under Article 115 (5) of Regulation (EEC) No 2913/92.

This reduction shall be made only at the request of the party concerned and after production of appropriate supporting documents;

(d) where, when paragraph 4 applies, the holder of an import licence fails to increase the security within the prescribed period, then the said security, adjusted as necessary in accordance with that paragraph, shall, except in cases of *force majeure*, be forthwith forfeit in its entirety.

If, however, a request has not been made under the fourth subparagraph of paragraph 4, then the amount forfeit shall, on expiry of the import licence, be reduced as provided for in point (c) of this paragraph.

7. In application of Article 561 of Regulation (EEC) No 2913/92, the time limit within which the import of raw sugar corresponding to a previous export of white sugar must be carried out shall be the same as the period of validity of the import licence for the raw sugar.

8. By way of derogation from Article 9 of Regulation (EEC) No 3719/88, the rights deriving from the export and import licences referred to in paragraph 1 shall not be transferable.

9. A cancellation under Article 13(2) of Regulation (EEC) No 3719/88 shall apply simultaneously to both the import licence and the export licence as referred to in paragraph 1.

Article 11

Regulation (EEC) No 2630/81 is repealed with effect from 1 October 1995.

However, its provisions in respect of import licences shall cease to be applicable as from 1 July 1995.

Article 12

This Regulation shall enter into force on 1 July 1995.

It shall apply in the case of export licences as from 1 October 1995.

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

Done at Brussels, 21 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

Calculation of the adjustment of the security referred to in Article 10

(in ecu/100 kg net)

Amount of export levy on raw sugar (CN codes 1701 11 10, 1701 11 90, 1701 12 10 and 1701 12 90) requiring an adjustment of the security	Amount of upward or downward adjustment of the security
1	2
0 to 4,20	—
4,21 to 8,40	4,20
8,41 to 12,60	8,40
12,61 to 16,80	12,60
and so on by increases of ECU 4,20 each time	

COMMISSION REGULATION (EC) No 1465/95**of 27 June 1995****suspending advance fixing of export refunds on certain milk products 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 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,

Having regard to Commission Regulation (EC) No 1222/94 of 31 May 1994 laying down general rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds ⁽²⁾, as last amended by Regulation (EC) No 1149/95 ⁽³⁾, and in particular the second subparagraph of Article 5 (3) thereof,

Whereas the second subparagraph of Article 5 (4) of Council Regulation (EEC) No 876/68 ⁽⁴⁾, as last amended by Regulation (EC) No 776/94 ⁽⁵⁾, and the second subparagraph of Article 5 (3) of Regulation (EC) No 1222/94

make provision for advance fixing of the refund to be suspended for basic products exported in the form of certain goods;

Whereas in view of the situation on the market, and in order to prevent applications for advance fixing of refunds for speculative purposes, the abovementioned advance fixing should be suspended,

HAS ADOPTED THIS REGULATION :

Article 1

Advance fixing of export refunds on milk products exported in the form of goods listed in the Annex to Regulation (EEC) No 804/68, is suspended until 30 June 1995.

Article 2

This Regulation shall enter into force on 28 June 1995.

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

Done at Brussels, 27 June 1995.

For the Commission

Martin BANGEMANN

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽³⁾ OJ No L 116, 23. 5. 1995, p. 1.

⁽⁴⁾ OJ No L 155, 3. 7. 1968, p. 1.

⁽⁵⁾ OJ No L 91, 8. 4. 1994, p. 6.

COMMISSION REGULATION (EC) No 1466/95

of 27 June 1995

laying down special detailed rules of application for 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 by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 17 (14) thereof,

Whereas, pursuant to the Agricultural Agreement concluded during the Uruguay Round of the GATT trade negotiations (hereinafter referred to as the 'Agreement'), export refunds on agricultural products, including milk products, are issued within each twelve-month period from 1 July 1995 up to a maximum quantity and a maximum value; whereas, in order to ensure compliance with those limits, the issue of export licences must be monitored; procedures must also be adopted for allocating the quantities which may be exported with a refund;

Whereas Regulation (EEC) No 804/68 lays down the general rules for the granting of export refunds in the milk and milk products sector, in order, in particular, to permit the monitoring of the value and quantity limits for refunds; whereas detailed rules for the application of those arrangements must be laid down;

Whereas, notwithstanding Commission Regulation (EEC) No 3665/87⁽³⁾ of 27 November 1987 laying down common detailed rules for the application of the system of export refunds on agricultural products, as last amended by Regulation (EC) No 331/95⁽⁴⁾, cases where a refund may be granted without presentation of an export licence should be defined and the maximum time that products may remain under customs control should be specified;

Whereas special provisions should be adopted for the milk and milk products sector, notwithstanding Commission Regulation (EEC) No 3719/88⁽⁵⁾, as last amended by

Regulation (EC) No 1199/95⁽⁶⁾, concerning, in particular, licences; whereas, in addition, the tolerance permitted by that Regulation as regards the quantity of goods exported compared with the quantity indicated on the licence should be reduced and, in order to ensure effective exceeding that indicated on the licence; whereas the securities to be lodged when licence applications are submitted should be sufficient to prevent speculative applications;

Whereas, in order to ensure accurate checking of products exported and to minimize the risk of speculation, the possibility of changing a product for which a licence has been issued should be restricted and penalties should be laid down for cases where the composition of the product does not conform to the description;

Whereas, to enable traders to participate in invitations to tender opened by third countries without affecting the restrictions as regards volume, a system of provisional licences should be introduced giving successful tenderers the right to a full licence;

Whereas, in order to ensure effective monitoring of licences issued, which depends on the notification of information to the Commission by the Member States, a delay of five working days should be provided for before the issue of licences; whereas, in order to ensure the smooth operation of the arrangements and, in particular, an equitable allocation of the quantities available within the limits laid down by the Agreement, various rules on administration should be laid down and, in particular, provision should be made for the issue of licences to be suspended and for a reduction coefficient to be applied to the quantities applied for;

Whereas the method for fixing the refund on milk products containing added sugar, the price of which is determined by the price of the ingredients, should be laid down according to the percentage of the ingredients contained therein;

Whereas the risk of a break in export should be averted and provision should accordingly be made for licences, valid from 1 July 1995 to be issued before that date;

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

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

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

⁽³⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 38, 18. 2. 1995, p. 1.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 119, 30. 5. 1995, p. 4.

HAS ADOPTED THIS REGULATION :

Article 1

1. Exports from the Community of products listed in Article 1 of Regulation (EEC) No 804/68 for which an export refund is requested shall be subject to the presentation of an export licence. The refund to be paid shall be that applicable on the day the licence application is lodged.

2. Section 7 of the licence application and of the licence itself shall show the code number of the country of destination as referred to in the Annex to Commission Regulation (EC) No 3079/94⁽¹⁾.

3. Licence applications lodged on a Thursday shall, pursuant to Article 15 of Regulation (EEC) No 3719/88, be deemed to have been lodged on the next working day.

Article 2

The refund shall be granted only on presentation of an export licence. Notwithstanding Article 2a of Regulation (EEC) No 3665/87 however, no licence shall be required :

- where the refund for an export declaration, calculated on the basis of the refund applicable on the first day of the month of export, is less than or equal to ECU 60,
- in the cases referred to in Articles 34, 38, 42, 43 and 44 (1) of Regulation (EEC) No 3665/87.

Article 3

1. Section 16 of the export licence application and of the licence itself shall show the eleven-figure product code for milk products in the agricultural product nomenclature for export refunds. The licence shall only be valid for the product so designated.

For products falling within CN codes 0402, 0403, 0404 and 0405, however, where the refund is identical for several codes within the same category, the code may be changed at the request of the trader concerned.

For the purposes of this Regulation, 'categories' means the following groups of products: butter and butteroil, skimmed milk powder, cheeses, other milk products.

2. Where the exported product does not conform to the description given in the licence but falls within the same CN code :

- (a) where the refund applicable to the actual description is higher than that applicable to that indicated on the licence, the latter refund shall apply,
- (b) where the refund applicable to the actual description is lower than that applicable to that indicated on the

licence, Article 11 of Regulation (EEC) No 3665/87 shall apply.

Article 4

Export licences shall be valid from the day of issue, within the meaning of Article 21 (2) of Regulation (EEC) No 3719/88, until :

- (a) the end of the third month following issue in the case of products falling within CN code 0406 ;
- (b) the end of the fourth month following issue for the other products referred to in Article 1 of Regulation (EEC) No 804/68 ;
- (c) the date by which the obligations rising under invitations to tender provided for in Article 6 must be fulfilled and by the end of the eighth month following issue of the full licence referred to in Article 6 (3) at the latest.

At the request of the trader concerned, however, the validity of the licence may be extended by one month for the products referred to in point (a), two months for those referred to in point (b) and by three months in the case referred to in point (c).

Article 5

Notwithstanding Articles 27 (5) and 28 (5) of Regulation (EEC) No 3665/87, the period during which the products referred to in Article 1 of Regulation (EEC) No 804/68 may remain covered by the arrangements provided for in Council Regulation (EEC) No 565/80⁽²⁾ shall be equal to the remainder of the term of validity of the export licence.

Article 6

1. In the case of an invitation to tender issued by one of the agencies referred to in the Annex to Commission Regulation (EEC) No 2730/81⁽³⁾, except for invitations to tender concerning products falling within CN code 0406, traders may apply for a provisional export licence for the quantity covered by their tender subject to the lodging of a security. The security for provisional licences shall be equal to 75 % of the rate fixed in Article 7.

2. Provisional licences shall be issued on the fifth working day following that on which the application is lodged, provided that the special measures referred to in Article 8 (3) are not adopted in the meantime.

3. Notwithstanding Article 44 (5) of Regulation (EEC) No 3719/88, the period of 21 days shall be replaced by 60 days. Before the end of that period, the trader shall apply for the full export licence, which shall be issued on presentation of proof that he has been awarded a contract.

⁽¹⁾ OJ No L 325, 17. 12. 1994, p. 17.

⁽²⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽³⁾ OJ No L 272, 26. 9. 1981, p. 25.

On presentation of proof that this tender has been rejected or that he has been awarded a contract for a quantity less than that indicated on the provisional licence, the whole or part of the security shall be released as appropriate.

4. Licence applications referred to in paragraphs 2 and 3 shall be made in accordance with Article 13 of Regulation (EEC) No 3719/88.

5. The provisions of this Regulation, with the exception of Article 8, shall apply to full licences.

Article 7

1. The security referred to in Article 14 (2) of Regulation (EEC) No 3719/88 shall, depending on the refund applicable on the day the export licence application is lodged, be :

- (a) 5 % of the refund for products falling within CN codes 0402 10 and 0405 ;
- (b) 20 % of the refund for products falling within CN code 0406 ;
- (c) 10 % of the refund for other products.

2. Where the term of validity of the export licence is extended pursuant to the second paragraph of Article 4, the security fixed pursuant to paragraph 1 shall be increased by 30 %.

Article 8

1. Export licences shall be issued on the fifth working day following the day on which the application is lodged, provided that the special measures referred to in paragraph 3 are not adopted in the meantime.

2. Where :

- (a) the issue of the licences applied for appears likely to result, in an overrun in the budgetary amounts available or in the exhaustion of the maximum quantities which may be exported with a refund during the twelve-month period in question in a shorter or in a shorter period to be determined pursuant to Article 9 ; or
- (b) the issue of the licences applied for does not allow the continuity of exports to be guaranteed during the rest of the period concerned. In such cases, account shall be taken, as regards the product in question, of :
 - the seasonal nature of trade, the market situation and in particular the trend in prices on the market and the export conditions resulting therefrom,
 - the need to prevent speculative applications leading to distortion of competition between traders,

a decision may be taken to adopt one or more of the special measures provided for in paragraph 3.

3. In the cases referred to in paragraph 2 :

- (a) the Commission may decide for the product or products in question :

- to suspend the issue of licences for a maximum of five working days,
- to apply a reduction coefficient to the quantities applied for.

Where a coefficient of less than 0,8 is applied to the quantities applied for, the party concerned may, within three working days of publication of the decision fixing the coefficient, request the cancellation of his licence application and the release of his security ;

- (b) in accordance with the procedure provided for in Article 30 of Regulation (EEC) No 804/68, the Commission may decide :

- to suspend the issue of licences for the product or products concerned for a period exceeding five working days ;
- at the end of the period of suspension, to fix refunds by invitation to tender for products falling within CN codes 0402 10 19, 0405 00 90 and 0405 00 19. The relevant licences shall then be issued.

4. Licence applications submitted during the period of suspension shall not be admissible.

Article 9

Where the global quantity covered by licence applications submitted is such that there is a risk of early exhaustion of the maximum quantities which may be exported with a refund during the twelve-month period in question, the Commission may decide, in accordance with the procedure provided for in Article 30 of Regulation (EEC) No 804/68, to allocate those maximum quantities over periods to be determined.

Article 10

1. No refund shall be paid for the additional quantity exported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88.

One of the following forms of wording shall be entered in section 22 ('special conditions') of the licence :

- Restitución válida por ... (cantidad por la que se expida el certificado),
- Restitution gyldig for ... (den mængde, som licensen er udstedt for),
- Erstattung anwendbar für ... (Menge, für die die Lizenz erteilt wurde),
- Επιστροφή που ισχύει για ... (ποσότητα για την οποία εκδόθηκε το πιστοποιητικό),
- Refund valid for ... (quantity for which the licence is issued),
- Restitution valable pour ... (quantité pour laquelle le certificat est délivré),
- Restituzione valida per ... (quantitativo per cui è rilasciato il titolo),

- Restitutie geldig voor ... (hoeveelheid waarvoor het certificaat wordt afgegeven),
- Restituição válida para ... (quantidade em relação à qual é emitido o certificado),
- Tuki on voimassa ... (määrä, jolle todistus myönnetään),
- Bidrag giltigt för ... (den kvantitet som licensen är utfärdad för).

2. Notwithstanding Article 8 (5) of Regulation (EEC) No 3719/88, where the quantity exported falls no more than 2 % below the quantity indicated on the licence, the obligation to export shall be deemed to be fulfilled.

Article 11

Article 21 of Regulation (EEC) No 3665/87 shall only apply to licences issued :

- for products on which refunds vary according to destination,
- pursuant to the provisions referred to in Article 6 (3).

Article 12

1. For milk products containing added sugar, the refund shall be equal to the sum of the following components :

- (a) a component representing the quantity of milk products ;
- (b) a component representing the quantity of added sucrose.

However, the latter component shall apply only if the added sucrose has been produced from beet or cane harvested in the Community.

2. For concentrated milk products containing added sugar with a fat content by weight lower than or equal to 9,5 %, the component referred to in paragraph 1 (a) shall be fixed per 100 kilograms of the whole product.

For other products referred to in paragraph 1, the component referred to in paragraph 1 (a) shall be calculated by multiplying the basic amount by the milk product content of the product in question.

The basic amount referred to in the preceding subparagraph shall be the refund on one kilogram of milk products contained in the product.

3. The component referred to in paragraph 1 (b) shall be calculated by multiplying the sucrose content of the whole product by the basic amount of the refund applicable on the day the licence application is lodged for the

products listed in Article 1 (1) (d) of Council Regulation (EEC) No 1785/81 ⁽¹⁾.

4. For the purposes of paragraph 1 (b), sucrose :

(a) imported into the Community under :

- Protocol No 3 on sugar annexed to the ACP-EEC Lomé Convention,
- the Agreement on sugar cane between the European Economic Community and the Republic of India ; or

(b) obtained from products imported under the provisions referred to in subparagraph (a),

shall be treated as sucrose produced from beet or cane harvested in the Community.

Article 13

Regulations (EEC) No 3665/87 and (EEC) No 3719/88 shall apply subject to the provisions of this Regulation.

Article 14

Commission Regulations (EEC) No 1098/68 ⁽²⁾ and (EEC) No 2729/81 ⁽³⁾ are hereby repealed. They shall apply, however, to licences issued against applications lodged before 1 July 1995.

Article 15

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

It shall apply from 1 July 1995.

However, licences may be applied for under this Regulation as from its entry into force. In that case, notwithstanding the introductory part of Article 4, licences shall be valid from 1 July 1995 only and section 22 thereof shall bear one of the following forms :

- Certificado GATT utilizable a partir del 1 de julio de 1995,
- GATT-licens kan anvendes fra den 1. juli 1995,
- GATT-Lizenz, gültig ab 1. Juli 1995,
- Πιστοποιητικό της GATT το οποίο μπορεί να χρησιμοποιηθεί μετά την 1η Ιουλίου 1995,
- GATT licence valid from 1 July 1995,
- Certificat GATT utilisable à partir du 1^{er} juillet 1995,
- Titolo GATT utilizzabile a partire dal 1^o luglio 1995,
- GATT-certificaat op of na 1 juli 1995 te gebruiken,
- Certificado GATT utilizável a partir de 1 de Julho de 1995,
- GATT-todistus voimassa 1 päivästä heinäkuuta 1995,
- GATT-licens giltigt från och med den 1 juli 1995.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽³⁾ OJ No L 272, 26. 9. 1981, p. 19.

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

Done at Brussels, 27 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1467/95
of 27 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 1363/95⁽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 28 June 1995.

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

Done at Brussels, 27 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 132, 16. 6. 1995, p. 8.

⁽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 27 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	49,3
	060	80,2
	066	41,7
	068	32,4
	204	50,9
	212	117,9
	624	75,0
	999	63,9
0707 00 25	052	52,2
	053	166,9
	060	39,2
	066	53,8
	068	60,4
	204	49,1
	624	207,3
	999	89,8
0709 90 77	052	55,4
	204	77,5
	624	196,3
	999	109,7
0805 30 30	388	67,4
	528	46,4
	600	54,7
	624	78,0
	999	61,6
0809 10 30	052	133,4
	064	133,6
	999	133,5
0809 20 41, 0809 20 49	052	207,7
	064	161,0
	068	238,5
	400	208,0
	624	282,4
	676	166,2
	999	210,6
	220	121,8
0809 30 31, 0809 30 39	624	106,8
	999	114,3
	624	262,7
0809 40 20	624	262,7
	999	262,7

(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 1468/95**of 27 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 26 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 28 June 1995.

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

Done at Brussels, 27 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 27 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	109,20 ⁽²⁾ ⁽³⁾
0712 90 19	109,20 ⁽²⁾ ⁽³⁾
1001 10 00	47,20 ⁽¹⁾ ⁽⁷⁾ ⁽¹¹⁾
1001 90 91	81,06
1001 90 99	81,06 ⁽⁹⁾ ⁽¹¹⁾
1002 00 00	122,71 ⁽⁶⁾
1003 00 10	102,11
1003 00 90	102,11 ⁽⁹⁾
1004 00 00	102,98
1005 10 90	109,20 ⁽²⁾ ⁽³⁾
1005 90 00	109,20 ⁽²⁾ ⁽³⁾
1007 00 90	111,24 ⁽⁴⁾
1008 10 00	60,58 ⁽⁹⁾
1008 20 00	65,17 ⁽⁴⁾ ⁽⁹⁾
1008 30 00	0 ⁽⁷⁾
1008 90 10	(7)
1008 90 90	0
1101 00 11	159,07 ⁽⁹⁾
1101 00 15	159,07 ⁽⁹⁾
1101 00 90	159,07 ⁽⁹⁾
1102 10 00	217,38
1103 11 10	116,49
1103 11 90	186,66
1107 10 11	157,43
1107 10 19	120,95
1107 10 91	194,90 ⁽¹⁰⁾
1107 10 99	148,95 ⁽⁹⁾
1107 20 00	171,41 ⁽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.

CORRIGENDA

Corrigendum to Council Regulation (EC) No 3290/94 of 22 December 1994 on the adjustments and transitional arrangements required in the agricultural sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations

(Official Journal of the European Communities No L 349 of 31 December 1994)

On page 188 in Annex XVI (I), Article 53 (2):

for: '2. For musts falling within CN code 2204 30 ...',

read: '2. For musts falling within CN codes 2009 60 and 2204 30 ...'.
