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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1674/95
of 7 July 1995
concerning the stopping of fishing for Atlantic redfish by vessels flying the flag
of a Member State

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, and in particular Article 21 (3) thereof,

Whereas Council Regulation (EC) No 850/95 of 6 April 1995 amending Regulation (EC) No 3366/94 laying down for 1995 certain conservation and management measures for fishery resources in the Regulatory Area as defined in the Convention on Future Multilateral Cooperation in the North West Atlantic Fisheries⁽²⁾, provides for Atlantic redfish quotas for 1995;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota available for Member States;

Whereas, according to the information communicated to the Commission, catches of Atlantic redfish in the waters of NAFO zone 3LN by vessels flying the flag of a

Member State or registered in a Member State have reached the quota available for Member States for 1995,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of Atlantic redfish in the waters of NAFO zone 3LN by vessels flying the flag of a Member State or registered in a Member State are deemed to have exhausted the quota available for Member States for 1995.

Fishing for Atlantic redfish in the waters of NAFO zone 3LN by vessels flying the flag of a Member State or registered in a Member State is prohibited, as well as the retention on board, the transhipment and the landing of such stock captured by the abovementioned vessels after the date of entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 7 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 86, 20. 4. 1995, p. 1.

COMMISSION REGULATION (EC) No 1675/95

of 10 July 1995

opening invitations to tender for the fixing of aid for the private storage of
carcasses and half-carcasses of lamb in Ireland and Northern Ireland

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

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1265/95⁽²⁾, and in particular Article 7 (2) thereof,

Whereas Commission Regulation (EEC) No 3446/90 of 27 November 1990 laying down detailed rules for granting private storage aid for sheepmeat and goatmeat⁽³⁾, as last amended by Regulation (EC) No 3533/93⁽⁴⁾, lays down in particular detailed rules on invitations to tender;

Whereas Commission Regulation (EEC) No 3447/90 of 28 November 1990 on special conditions for the granting of private storage aid for sheepmeat and goatmeat⁽⁵⁾, as last amended by Regulation (EC) No 879/95⁽⁶⁾, lays down in particular the minimum quantities in respect of which a tender may be submitted;

Whereas the application of Article 7 (2) of Regulation (EEC) No 3013/89 may result in the opening of invitations to tender for private storage aid; whereas that Article provides for the application of these measures on the basis of the situation of each quotation zone; whereas, in view of the particularly difficult market situation in Ireland and Northern Ireland, it has been judged opportune to initiate such a procedure;

Whereas it is appropriate consequently to open tenders separately for each of these zones;

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

HAS ADOPTED THIS REGULATION:

Article 1

Invitations to tender are hereby opened in Ireland and Northern Ireland, for aid to private storage for carcasses and half-carcasses of lamb.

Subject to the provisions of Regulation (EEC) No 3447/90 tenders may be submitted to the intervention agencies of the Member States concerned.

Article 2

Tenders must be submitted not later than 2 p.m. on 13 July 1995 to the relevant intervention agency.

Article 3

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

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

Done at Brussels, 10 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 123, 3. 6. 1995, p. 1.

⁽³⁾ OJ No L 333, 30. 11. 1990, p. 39.

⁽⁴⁾ OJ No L 321, 23. 12. 1993, p. 9.

⁽⁵⁾ OJ No L 333, 30. 11. 1990, p. 46.

⁽⁶⁾ OJ No L 91, 22. 4. 1995, p. 2.

COMMISSION REGULATION (EC) No 1676/95

of 10 July 1995

opening and providing for the administration of a Community tariff quota for dried onions

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Article 2

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 426/86 on the common organization of the market in products processed from fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 1032/95 ⁽²⁾, and in particular Article 12 (1) thereof,

Whereas the Community has undertaken, within the framework of the Agreement on Agriculture concluded under the Uruguay Round of multilateral trade negotiations, to open each year, subject to certain conditions, a Community tariff quota at reduced duty for dried onions;

Whereas it is for the Community, in the performance of its international obligations, to open the Community quota for dried onions; whereas all Community importers should be guaranteed equal and continuous access to the said quota, and the rates of duty laid down for the quota should be applied without interruption to all imports of the products concerned into all Member States until the quota is exhausted; whereas there is, however, no reason why the efficiency of the common administration of these quotas should not be ensured by authorizing the Member States to draw from the quota volumes the requisite quantities corresponding to actual imports;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Products Processed from Fruit and Vegetables,

HAS ADOPTED THIS REGULATION:

Article 1

Dried onions (CN code 0712 20 00) shall benefit from a rate of duty of 10 % *ad valorem* within a Community tariff quota of 12 000 tonnes (order number 09.0035) for the period 1 July 1995 to 30 June 1996 in accordance with the provisions of this Regulation.

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 105, 9. 5. 1995, p. 3.

1. In managing the quota referred to in Article 1, the Commission shall take all appropriate measures to ensure effective administration.

2. Where an importer enters a product covered by Article 1 for release for free circulation in a Member State, applying to take advantage of the tariff quota, and the entry is accepted by the customs authorities, the Member State concerned shall, by notifying the Commission, draw an amount corresponding to its needs from the volume of that quota.

Requests for drawings, showing the date on which such entries were accepted, shall be sent to the Commission without delay.

In so far as the available balance permits, drawings shall be granted by the Commission on the basis of the date of acceptance of entries for release for free circulation by the customs authorities of the Member State concerned.

3. If a Member State does not use the quantities drawn, it shall return them to the relevant quota volume for the product referred to in Article 1 as soon as possible.

4. If the quantities requested exceed the available balance of the quota volume, the balance shall be allocated among applicants in proportion to their requests. The Member States shall be informed of the quantities drawn.

Article 3

The Member States and the Commission shall cooperate closely to ensure compliance with this Regulation.

Article 4

Each Member State shall guarantee importers equal and continuous access to the quotas in so far as the balance of the quota volumes permits.

Article 5

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, 10 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1677/95

of 10 July 1995

amending Regulation (EEC) No 1150/90 as regards the transitional adjustment of certain provisions relating to imports into the Community of certain provisions relating to imports into the Community of certain milk products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT) in order to implement the Agreement on Agriculture concluded during the Uruguay Round of negotiations

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3290/94 of 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⁽¹⁾, and in particular Article 3 (1) thereof,

Whereas in order to take account of the existing import arrangements in the milk products sector and those resulting from the Agreement on Agriculture concluded during the Uruguay Round of multilateral trade negotiations, transitional measures are needed to adjust the preferential concessions in the form of a reduction in the import levy on certain milk products from the ACP States and the OCT;

Whereas Commission Regulation (EEC) No 1150/90 of 4 May 1990 laying down detailed rules for the application of the special arrangements for imports of milk and milk products originating in the African, Caribbean and Pacific States (ACP) or in the overseas countries and territories (OCT)⁽²⁾, as amended by Regulation (EC) No 3337/94⁽³⁾, lays down detailed rules for the application of the preferential conditions reducing the import levy for quotas of milk and cheese; whereas, since the levies are being replaced by customs duties from 1 July 1995, it is necessary to make transitional adjustments to those provisions;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1150/90 is hereby amended as follows for the 1995/96 marketing year:

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

⁽²⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽³⁾ OJ No L 350, 31. 12. 1994, p. 66.

1. Article 3 (d) is replaced by the following:

(d) the heading "notes" and Section 24 of licence applications and licences shall show respectively one of the following:

- Derecho de aduana reducida en un 50 %, Producto ACP/PTOM
Reglamento (CEE) n° 715/90,
- Told netsat med 50 %, AVS/OLT-varer
forordning (EØF) nr. 715/90,
- Zoll, ermäßigt um 50 %, AKP/ÜLG-Erzeugnis
Verordnung (EWG) Nr. 715/90,
- Δασμός μειωμένος κατά 50 %, προϊόν AKE/YXE
Κανονισμός (ΕΟΚ) αριθ. 715/90,
- Customs duty reduced by 50 %, ACP/OCT-Product
Regulation (EEC) No 715/90,
- Droit de douane réduit de 50 %, produit ACP/PTOM
règlement (CEE) n° 715/90,
- Dazio doganale ridotto del 50 %, prodotto ACP/PTOM
regolamento (CEE) n. 715/90,
- Douanerecht verminderd met 50 %, ACS/LGO-produkt
Verordening (EEG) nr. 715/90,
- Direito aduaneiro reduzido de 50 % ; produto ACP/PTOM
Regulamento (CEE) n° 715/90,
- Tullia alennettu viidelläkymmenellä prosentilla, AKT/MMA-tuote
Asetus (ETY) N:o 715/90,
- Nedsättning med 50 % av tullsatsen, produkt AVS/ULT
Förordning (EEG) nr 715/90.

Article 2

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 to 30 June 1996.

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

Done at Brussels, 10 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1678/95
of 10 July 1995
on the issuing of export licences for fruit and vegetables

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 1363/95⁽²⁾, and in particular Article 26 thereof,

Having regard to Commission Regulation (EC) No 1488/95 of 28 June 1995 on detailed rules for the application of export refunds on fruit and vegetables⁽³⁾,

Whereas Commission Regulation (EC) No 1489/95⁽⁴⁾ specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

Whereas Article 4 of Regulation (EC) No 1488/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted;

Whereas, in view of the information available to the Commission as of today, the quantities of 1 138 tonnes of oranges in Annex I to Regulation (EC) No 1489/95,

reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1488/95, would be exceeded if licences were issued with advance fixing of refunds without restriction in response to applications submitted since 6 July 1995, whereas a reducing factor should accordingly be applied to the quantities applied for on 6 July 1995, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for oranges for which applications are submitted on 6 July 1995 under Article 1 of Regulation (EC) No 1489/95 shall be issued for 39,76 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above products submitted after 6 July 1995 and before 25 August shall be rejected.

Article 2

This Regulation shall enter into force on 13 July 1995.

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

Done at Brussels, 10 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 145, 28. 6. 1995, p. 68.

⁽⁴⁾ OJ No L 145, 28. 6. 1995, p. 75.

COMMISSION REGULATION (EC) No 1679/95
of 10 July 1995
fixing the aid for cotton for the 1995/96 marketing year

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 on cotton annexed thereto, as last amended by Council Regulation (EEC) No 1553/95 ⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81 ⁽²⁾, and in particular Article 5 (1) thereof,

Whereas pursuant to Article 5 of Regulation (EC) No 1554/95, aid must be granted for unginning cotton harvested in the Community when the world market price for unginning cotton is below the guide price;

Whereas the aid is equal to the difference between these two prices;

Whereas the guide price of unginning cotton for the 1995/96 marketing year is laid down in paragraph 8 of the abovementioned Protocol 4;

Whereas the third sentence of Article 7 (1) of Commission Regulation (EEC) No 1201/89 of 3 May 1989 laying down rules implementing the system of aid for cotton ⁽³⁾, as last amended by Regulation (EEC) No 2046/93 ⁽⁴⁾, provides that an application for aid may be lodged from 1 June 1995 for the 1995/96 marketing year; whereas the aid for that marketing year should therefore be fixed;

Whereas, pursuant to Article 2 (3) and (4) of Council Regulation (EEC) No 1964/87 of 2 July 1987 adjusted the system of aid for cotton introduced by Protocol 4 and annexed to the Act of Accession of Greece ⁽⁵⁾, as last amended by Regulation (EC) No 1553/95, the aid for cotton for the 1995/96 marketing year is adjusted by the reduction fixed to take account of the expected overrun of the maximum guaranteed quantity and the national guaranteed quantities fixed in that Article and also taking

account of budget funding available following the application of that reduction; whereas, in these circumstances, the abovementioned amount of aid has provisionally been calculated on the basis of a provisional overall reduction of ECU 18,284 per 100 kilograms for Greece and without reduction for Spain;

Whereas Regulation (EC) No 1554/95 provides for amendments to the methods of determining the world market price of unginning cotton which will apply to the 1995/96 marketing year; whereas, pending the adoption by the Commission of detailed rules of application for the implementation of that new method, the method referred to in Article 4 of Council Regulation (EEC) No 2169/81 ⁽⁶⁾, as last amended by Regulation (EC) No 1554/95, should be used, following the procedures referred to in Commission Regulation (EC) No 1234/95 ⁽⁷⁾, as last amended by Regulation (EC) No 1583/95 ⁽⁸⁾; whereas, when the abovementioned detailed rules of application have been adopted the amount of aid will have to be replaced by an amount calculated in accordance with the new rules,

HAS ADOPTED THIS REGULATION:

Article 1

1. The aid for unginning cotton referred to in Article 5 of Regulation (EC) No 1554/95 shall be fixed for the 1995/96 marketing year at:

- ECU 73,745 per 100 kilograms for Spain,
- ECU 55,461 per 100 kilograms for Greece.

2. However, the amount of the aid will be replaced with effect from 11 July 1995 to take account of the consequences of the stabilizer system as well as any adaptations to the aid arrangements.

Article 2

This Regulation shall enter into force on 11 July 1995.

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁴⁾ OJ No L 185, 28. 7. 1993, p. 19.

⁽⁵⁾ OJ No L 184, 3. 7. 1987, p. 14.

⁽⁶⁾ OJ No L 211, 31. 7. 1981, p. 2.

⁽⁷⁾ OJ No L 121, 1. 6. 1995, p. 21.

⁽⁸⁾ OJ No L 150, 1. 7. 1995, p. 79.

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

Done at Brussels, 10 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1680/95

of 10 July 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 11 July 1995.

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

Done at Brussels, 10 July 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 10 July 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables

(ECU/100 kg)			(ECU/100 kg)		
CN code	Third country code (*)	Standard import value	CN code	Third country code (*)	Standard import value
0702 00 35	052	49,3		508	91,1
	060	80,2		512	51,0
	066	41,7		524	50,0
	068	32,4		528	58,7
	204	50,9		800	98,8
	212	117,9		804	85,8
	624	75,0		999	73,9
	999	63,9			
0707 00 25	052	50,1	0808 20 47	388	78,6
	053	166,9		512	60,8
	060	39,2		528	61,4
	066	53,8		800	67,8
	068	60,4		804	66,5
	204	49,1		999	67,0
	624	207,3	0809 10 40	052	106,3
	999	89,5		064	133,6
0709 90 77	052	55,6		999	120,0
	204	77,5		052	206,8
	624	196,3	0809 20 41, 0809 20 49	061	170,0
	999	109,8		064	177,6
0805 30 30	388	65,4		068	63,1
	524	64,3		400	201,4
	528	46,6		624	239,5
	600	54,7		676	166,2
	624	78,0	0809 30 31, 0809 30 39	999	174,9
	999	61,8		052	113,4
0808 10 71, 0808 10 73, 0808 10 79	039	91,7		220	121,8
	388	65,3		624	106,8
	400	72,7	0809 40 30	999	114,0
				624	217,3
				999	217,3

(*) 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 1681/95**of 10 July 1995****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95 ⁽⁴⁾, as amended by Regulation (EC) No 1614/95 ⁽⁵⁾;

Whereas it follows from applying the general and detailed fixing rules contained in Regulation (EC) No 1423/95 to the information known to the Commission that the representative prices and additional duties at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION :

Article 1

The representative prices and additional duties on imports of the products referred to in Article 1 of Regulation (EC) No 1423/95 shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 11 July 1995.

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

Done at Brussels, 10 July 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 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁵⁾ OJ No L 153, 4. 7. 1995, p. 27.

ANNEX

to the Commission Regulation of 10 July 1995 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	25,68	3,58
1701 11 90 ⁽¹⁾	25,68	8,69
1701 12 10 ⁽¹⁾	25,68	3,45
1701 12 90 ⁽¹⁾	25,68	8,26
1701 91 00 ⁽²⁾	32,30	9,08
1701 99 10 ⁽²⁾	32,30	4,65
1701 99 90 ⁽²⁾	32,30	4,65
1702 90 99 ⁽³⁾	0,32	0,34

⁽¹⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 431/68 (OJ No L 89, 10. 4. 1968, p. 3).

⁽²⁾ For the standard quality as defined in Article 1 of Council Regulation (EEC) No 793/72 (OJ No L 94, 21. 4. 1972, p. 1).

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 1682/95**of 10 July 1995****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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

Having regard to Commission Regulation (EC) No 1203/95 of 29 May 1995 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat for the period 1 July 1995 to 30 June 1996⁽¹⁾, and in particular Article 5 (3) thereof,

Whereas Commission Regulation (EC) No 1203/95 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2 (e);

Whereas Article 2 (e) of Regulation (EC) No 1203/95 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 1995 to 30 June 1996 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of

validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION:

Article 1

1. All applications for import licences from 1 until 5 July 1995 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2 (e) of Regulation (EC) No 1203/95 shall be met in full.
2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 1203/95, during the first five days of August 1995 for 1 055 tonnes.

Article 2

This Regulation shall enter into force on 11 July 1995.

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

Done at Brussels, 10 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 119, 30. 5. 1995, p. 13.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 June 1995

appointing a member of the Court of Auditors

(95/249/EC, Euratom, ECSC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 45b (3) thereof,

Having regard to the Treaty establishing the European Community, and in particular Article 188b (3) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 160b (3) thereof,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 22 thereof,

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

Whereas Mr Ole Warberg has resigned from office and he should be replaced, for the remainder of his term of office, without delay,

HAS DECIDED AS FOLLOWS:

Sole Article

Mr Joergen Mohr is hereby appointed a member of the Court of Auditors for the period 1 July 1995 to 9 February 2000 inclusive.

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ Opinion delivered on 14 June 1995 (not yet published in the Official Journal).

COUNCIL DECISION

of 29 June 1995

relating to exceptional Community aid for the reconstruction of the areas
stricken by the cyclone that hit Madeira in October 1993

(95/250/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 235 thereof,

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

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

Whereas those living in certain areas of Madeira have been seriously affected by the cyclone of October 1993 ;

Whereas steps should be taken in this quite exceptional situation to offset the consequences of this disaster on the economic and social well-being of the persons affected ;

Whereas the European Investment Bank is able to grant loans out of its own resources to help achieve this objective ;

Whereas an interest subsidy chargeable to the general budget of the European Communities should be provided on these loans ;

Whereas similar measures were adopted following the natural disasters that occurred in Italy ⁽³⁾ and in Greece ⁽⁴⁾ ;

Whereas the Treaty does not provide, for the adoption of this Decision, powers other than those of Article 235,

HAS DECIDED AS FOLLOWS :

Article 1

The Community shall provide an interest rate subsidy, chargeable to the budget of the European Communities, of 3 percentage points per annum for a maximum period of twelve years, on some loans granted by the European Investment Bank (EIB) out of its own resources and in

accordance with its usual criteria for the financing of investment in the regions devastated by the cyclone that hit Madeira in October 1993.

The total amount of subsidized loans may not exceed the equivalent of ECU 15,85 million in principal. These loans shall be directed to projects carried out between 1993 and 1997, for the reconstruction and reorganization of stricken areas (infrastructure works and secondarily housing).

The loans will be approved by the EIB, on the basis of projects put forward by the Portuguese authorities.

Article 2

The detailed arrangements for implementing this Decision shall be laid down in a cooperation agreement between the Commission and the EIB. In particular, this agreement should set out the detailed rules for the payment of the interest rate subsidies.

Article 3

The Commission will present to the European Parliament and the Council — in close cooperation with the EIB and before 31 December 1998 — a report evaluating the implementation of this Decision, and in particular on the additional effects produced by the interest subsidies.

Article 4

This Decision shall take effect on the date of its adoption.

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No C 345, 7. 12. 1994, p. 4.

⁽²⁾ OJ No C 109, 1. 5. 1995.

⁽³⁾ OJ No L 37, 20. 1. 1981, p. 21.

⁽⁴⁾ OJ No L 367, 14. 12. 1981, p. 27 ; OJ No L 309, 7. 11. 1988, p. 32.

COUNCIL DECISION

of 29 June 1995

on the progressive dismantling of certain quantitative restrictions on imports of
certain ECSC products

(95/251/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports⁽¹⁾, and in particular Article 23 thereof,

Having regard to the proposal from the Commission,

Whereas Article 26 of Regulation (EC) No 3285/94 stipulates that residual national restrictions relating to products covered by the ECSC Treaty shall be progressively dismantled in accordance with the provisions of the Agreement establishing the World Trade Organization (WTO);

Whereas the Kingdom of Spain has for many years applied quantitative restrictions to imports of certain ECSC products originating in third countries; whereas these restrictions apply to products falling within CN codes 2701 11, 2701 12 90 and 2701 19;

Whereas due account was taken, when Regulation (EC) No 3285/94 was adopted, of the Community's international obligations, particularly those deriving from the Agreement establishing the WTO;

Whereas the Agreement on Safeguards, contained in Annex IA to the WTO Agreement, requires the progressive elimination of measures of the type applied by the Kingdom of Spain which are not covered by the provisions of GATT 1994, and specifically those of Article XIX;

Whereas, under the Agreement on Safeguards, such elimination may be carried out in accordance with a timetable to be notified to the Committee on Safeguards, within a period not exceeding four years from the date of entry into force of the Agreement establishing the WTO; whereas this process of dismantling must therefore end by 31 December 1998;

Whereas, on 2 March 1995, the Commission notified the Committee on Safeguards of the national restrictions in question and the Committee should be notified by 1 July 1995 of the timetable for dismantling them;

Whereas, to this end, appropriate measures should be taken to draw up the timetable and dismantling arrangements by setting annual limits which the Spanish authorities can apply for the limitation of the imports in question, providing for a progressive increase in these imports with a view to their liberalization at the end of a period which may end on 31 December 1997,

HAS ADOPTED THIS DECISION:

Article 1

The national restrictions applied by the Kingdom of Spain to imports originating in third countries falling within CN codes 2701 11, 2701 12 90 and 2701 19 shall be eliminated by 31 December 1997 at the latest.

The Annex to this Decision gives the annual limits which Spain can apply to imports of the products listed therein during the abovementioned period.

Article 2

The Kingdom of Spain shall charge the licences already issued at the date on which this Decision takes effect against the quantities for 1995.

Article 3

This Decision is addressed to the Kingdom of Spain. It shall take effect on the day of its notification.

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 53.

ANNEX

Dismantling of national restrictions on imports of certain ECSC products

Member State	Product	CN code	1995 (tonnes)	1996 (tonnes)	1997 (tonnes)	1998 (tonnes)
Spain	Anthracite	2701 11	10 600 000	10 800 000	11 100 000	Free import
	Other bituminous coal	2701 12 90				
	Other coal	2701 19				

COUNCIL DECISION

of 29 June 1995

authorizing the United Kingdom to apply a measure derogating from Articles 6 and 17 of the Sixth Council Directive (77/388/EEC) on the harmonization of the laws of the Member States relating to turnover taxes

(95/252/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 27 (1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce special measures for derogation from that Directive, in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance;

Whereas, by registered letter to the Commission dated 22 March 1995, the United Kingdom requested authorization to introduce a measure derogating from Articles 6(2) and 17 of the said Directive;

Whereas, in accordance with Article 27 (3) of the said Directive, the other Member States were informed on 20 April 1995 of the request made by the United Kingdom;

Whereas the derogation in question, which forms part of a thorough recasting of the legislation governing the deduction of input tax on cars, aims, firstly, to restrict to 50 % the right of the hirer or lessee to deduct input tax on passenger car hire or leasing transactions where the car is used for private purposes and, secondly, to waive the value added tax payable on the private use of the car in question;

Whereas the objective of this input tax restriction is to introduce a flat-rate tax for the private use of cars hired or leased by taxable persons;

Whereas the measure, by reducing the administrative burden on traders, who are not required to keep records of private mileage, constitutes a simplification of the procedure for charging the tax within the meaning of Article 27 of Directive 77/388/EEC;

Whereas the authorization requested by the United Kingdom can be granted only temporarily, either until the entry into force of the Community rules determining what expenditure will not be eligible for a deduction of value added tax pursuant to the first subparagraph of Article 17 (6) of the said Directive or by 31 December 1997 at the latest;

Whereas the derogation in question has no adverse impact on the European Communities' own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 17 (2) and (3) of Directive 77/388/EEC, the United Kingdom is hereby authorized to restrict to 50 % the right of the hirer or lessee to deduct input tax on charges for the hire or lease of a passenger car where the car is used for private purposes.

Article 2

By way of derogation from Article 6 (2) (a) of Directive 77/388/EEC, the United Kingdom is hereby authorized not to treat as supplies of services for consideration the private use of a business car hired or leased by a taxable person.

Article 3

This authorization shall expire on the date of the entry into force of the Community rules determining what expenditure is not to be eligible for a deduction of value added tax, pursuant to the first subparagraph of Article 17 (6) of Directive 77/388/EEC, but not later than 31 December 1997.

⁽¹⁾ OJ No L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 95/7/EC (OJ No L 102, 5. 5. 1995, p. 18).

Article 4

This Decision is addressed to the United Kingdom.

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

COMMISSION

COMMISSION DECISION

of 17 January 1995

on aid awarded by the French Government to Allied Signal Fibers Europe SA,
Longwy, Meurthe-et-Moselle

(Only the French text is authentic)

(Text with EEA relevance)

(95/253/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

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

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

Having, in accordance with the abovementioned Articles, given notice to the parties concerned to submit their comments to it,

Whereas :

I

By its judgment of 24 March 1993 ⁽¹⁾, the Court of Justice annulled the decision by which the Commission refused to open the procedure provided for in Article 93 (2) in respect of aid totalling FF 160 000 000 awarded to Allied Signal Fibers Europe SA, a subsidiary of Allied Signal Inc., in June 1989 for a new facility for the production of high tenacity polyester filament yarn at Longwy, Meurthe-et-Moselle.

The aid awarded was in the form of a grant of FF 160 000 000 under the regional planning grant scheme (*Prime d'aménagement du territoire*), which is co-financed by the European Regional Development Fund (ERDF) and was authorized by the Commission in

⁽¹⁾ Case C-313/90, *Comité international de la rayonne et des fibres synthétiques and Others v. Commission*, [1993] ECR I, p. 1125.

October 1984 ⁽²⁾. By its decision on the scheme, the Commission decided that it was compatible with the common market for aid to be granted in respect of industrial projects situated in the *département* of Meurthe-et-Moselle as provided for by the scheme at a maximum rate of 25 % of the investment. Following the creation by the French, Belgian and Luxembourg Governments of a European development zone (*pôle européen de développement*), which includes the Longwy region, the Commission authorized regional aid in support of investment projects in that zone up to 30 % net grant equivalent ⁽³⁾.

To comply with the Court's judgment, the Commission decided on 30 June 1993 to open the procedure provided for in Article 93 (2) in respect of this aid, and in respect of the aid totalling FF 40 000 000 in the form of the financing of the clean-up and de-pollution of the site, which the Commission had not been aware of at the time of its earlier, annulled decision.

The French Government was informed of the Commission's decision to open the Article 93 (2) procedure by letter dated 29 July 1993. Other Member States and interested parties were informed by publication of the letter in the *Official Journal of the European Communities* ⁽⁴⁾.

II

The French Government submitted the following comments by letter dated 8 October 1993 and at meetings

⁽²⁾ OJ No L 11, 12. 1. 1985, p. 28.

⁽³⁾ Decision communicated to the French, Belgian and Luxembourg Governments by letter SG(86) D/14423, dated 1 December 1986.

⁽⁴⁾ OJ No C 215, 10. 8. 1993, p. 7.

with the Commission on 10 November 1993, 4 and 11 February 1994 and 12 March 1994.

The French Government stated that, of the aid totalling FF 160 000 000 awarded to Allied Signal Fibers Europe SA on 21 June 1989, FF 134 339 000 had already been paid to the company. The French Government also stated

that no further payments of aid would be made until the Commission had taken a final decision on the aid.

As regards the products covered by the investment, the French Government and the company argued that, while rayon yarn had for many years been the most common material used in tyre reinforcement, polyester yarn now dominated tyre production in the United States of America and Japan.

Share of the market for passenger car/light truck tyre cord made from high tenacity yarn

	United States of America	Japan	Western Europe
Polyester	98	83	15
Rayon	2	3	75
Polyamide	0	14	10

(%)

Although rayon retained the largest share of the tyre cord market in western Europe, the technical characteristics of polyester — lower density, greater strength and higher thermal resistance — had increased its share of the market from 7 % (1986) to 14,3 % (1991). Access to high tenacity polyester yarn — the product concerned in the aided investment — would be essential to the future international competitiveness of Community-based tyre manufacturers.

Yarn used in tyre reinforcement in Europe

	1986	1991	% change
Polyester	5,9 (7)	12,3 (14)	+ 109
Rayon	50,2 (60)	46,4 (54)	— 8
Polyamide	27,1 (33)	26,7 (32)	— 2
Total	83,2 (100)	85,4	+ 3

('000 tonnes (% share))

In the medium term, demand for polyester was expected to continue to increase, largely to the detriment of rayon, for which demand was already falling in line with international developments, leading to reductions in rayon production capacity in western Europe and several plant closures. Suppliers of polyamide tyre cord would not be displaced as, although their properties were similar, polyamide yarn was used in tyres for heavy duty vehicles while Allied Signal's product was mainly used in radial tyres for passenger cars and light trucks.

The French Government stated that, whereas there was overcapacity in western Europe for production of most synthetic fibres, the level of imports showed that there was undercapacity for production of high tenacity polyester yarn. Therefore, given forecast changes in the nature and level of demand for high tenacity polyester yarn, the product of the new installation would — in the short term — substitute existing imports into the Community

and — in the long term — provide a production capability to enable Community-based tyre manufacturers to respond to an inevitable shift in demand.

Allied Signal's product was innovative and technologically advanced compared to other types of high tenacity polyester yarn. Its high modulus and low shrink properties gave it dimensional stability similar to that of rayon and make it especially suitable for tyre reinforcement. It would be uneconomic and technically difficult to adapt the installation to produce regular — rather than high — tenacity yarn; and similarly unattractive for other synthetic fibres producers to meet increased demand by converting capacity to produce high tenacity yarns.

The French Government stressed the regional aspects of the investment in question, particularly the pivotal nature of the aided investment within Longwy, one of only two regions in France where the authorized regional aid ceiling was more than 30 %. Since 1975, the contraction

of the French steel industry and consequent de-industrialization of Longwy had resulted in a 20 % fall in the town's population and, between 1982 and 1990, there had been an 11 % decrease in the level of employment. Allied Signal's installation was by far the most important installation in Longwy, creating 280 jobs, and having wider beneficial effects on local finances, the environment, infrastructure and training in an area of high unemployment and social hardship, weak infrastructure and pollution. The total cost of the aided investment would exceed FF 1 000 000 000 and Allied Signal had incurred significant additional costs in connection with the installation, in particular because of the shortage of skilled manpower, obsolete infrastructure and state of the site. Furthermore, Allied Signal's production process was less-polluting than the analogous process for rayon.

Taking all these factors into account, the French Government considered that the aid awarded to the company was compatible with the common market.

The French Government also responded to the Commission's specific concerns about the fact that the company had not had to meet the cost of the clean-up and de-pollution of the site of the aided investment, estimated at FF 40 000 000.

Since the early 1980s there had been a concerted drive to reclaim the coalfields and sites of steelworks throughout the Lorraine region. The process was expensive and time-consuming, requiring demolition of disused buildings, the removal of foundations, cleaning of heavily polluted land, new landscaping and the installation of retail premises, basic services and utilities. Allied Signal's new installation was sited in the new International Business Park, built on the site of the former steelworks of Longwy. Initial clean-up of the affected land of the Park was carried out by the steelworks responsible for the pollution, and the estimated total cost of FF 297 000 000 financed jointly by the ERDF, the State and local authorities. The work had not been carried out with the intention of benefiting any specific company but to restore the land to a condition where it could be used by a new enterprise. The aid identified by the Commission represented the proportional cost of cleaning that part of the Park that subsequently became the site of Allied Signal's new installation. Secondary costs associated with the construction of the plant were met by Allied Signal. Therefore, the French Government considered that the financing of the clean-up and de-pollution of the site did not constitute aid within the meaning of Article 92 (1).

As a supplement to the comments of the French Government, Allied Signal commented by letters dated 10, 13 and 14 September 1993, and 26 November 1993, and at meetings with the Commission on 10 November 1993, 4 and 11 February 1994 and 12 March 1994.

Quoting data provided by European tyre manufacturers, Allied Signal forecast that European tyre production and consumption of polyester in tyres would continue to rise ; and that, by 2000, the market for all end uses of high tenacity polyester yarn would have increased by 60 000 tonnes, of which approximately half would be for use in tyres.

Therefore, at the time it was considering whether or not to locate in the Community, the company concluded that, without new production capacity in the Community, the anticipated increase in demand would be met by increased imports from the United States of America, Japan or South Korea. Similarly, increasing demand for replacement polyester-reinforced car tyres would promote imports if Community-based tyre manufacturers were unable to satisfy the demand. Accordingly, the company had decided to locate a new installation in Europe. Allied Signal reiterated that the availability of aid had been an essential pre-condition of their locating in Longwy and noted that, at meetings with the company on 27 July and 24 October 1989, officials of the Commission had confirmed the French Government's view that the aid had been awarded at a time when, because of the nature of Allied's product, it was outside the scope of the code on aid to the synthetic fibres industry.

According to Allied Signal, western European tyre manufacturers' continued preference for rayon reinforcement of passenger car/light truck tyres resulted from what they claimed was a duopoly in the supply of tyre cord with high barriers to entry as well as inadequate supplies of suitable, competitively priced high tenacity polyester yarn generally and severe undercapacity for production of advanced high tenacity yarns such as Allied Signal's product. In support of its forecasts, Allied Signal cited a multi-client consultancy study⁽¹⁾ which forecast that, taking into account Allied Signal's new installation, demand for polyester tyre cord in western Europe would increase by over 60 % by 1995.

⁽¹⁾ 'Tyre Cord : Prospects in Europe and North America in the 1990s', Landell Mills Commodities Studies Ltd & Landell Mills Commodities Inc. (April 1992).

Allied Signal stated that the aid, though a determining factor in the decision to locate and operate the plant in Longwy rather than any of the other locations considered by the company, would probably not wholly offset the initial cost disadvantages given that its principal competitors were already established in Europe and could expand existing facilities less expensively. If production costs had been the only consideration, it would have been significantly less costly for Allied Signal to have responded to the forecast increased demand in Europe for polyester tyre cord and other end-uses by expanding its operations in the United States of America, which were currently sold out, and increasing its exports to the Community.

Furthermore, secondary costs — for which no aid had been awarded — had been higher than forecast: recruitment and training costs were much higher than was usual with a new installation because of the shortage of skilled construction labour and engineers, language difficulties and the need for overseas training; the workforce was generally unfamiliar with modern technology and would take time to gain experience in operation of the plant, resulting in initial losses in yields and quality; the costs of the installation of services and building construction had exceeded forecasts because of the unreliability of electric power and, despite the clean-up and de-pollution of the site that had already been carried out, secondary de-pollution and site preparation was required.

Allied Signal accepted the initial cost disadvantages of location and operation in Longwy because they were satisfied that the expected growth of demand from European-based tyre manufacturers warranted the company's presence in Europe, and because the superior technological quality of their product would ensure a satisfactory share of the market.

Allied Signal stated that the new installation, whose annual production capacity was 19 000 tonnes, had commenced operations on 19 September 1993, six weeks ahead of schedule. The company forecast that, once full output was reached in 1996, sales of tyre cord would account for 67 % of production with other products accounting for 29 % and exports only 4 %. Furthermore, the investment would allow Allied Signal to reduce its own exports of high tenacity polyester yarn to Europe from the current level of approximately 6 000 tonnes annually.

Allied Signal believed that their new capacity would reduce but not eliminate the existing undercapacity and, if their forecast proved correct, they might seek to extend the new plant. If, however, the western European tyre cord market did not develop as forecast, the company would increase exports to the United States of America

and Asia or divert the output of the plant to any of the numerous other growing markets in the Community for high tenacity polyester yarns, for example airbags or industrial rubber applications for which Allied Signal currently exported 2 800 tonnes of yarn to Europe.

Allied Signal argued that, as its product was innovative, authorization of the aid awarded would be in line with the Commission's decisions to authorize aid to Filature du Hainaut⁽¹⁾ and Faserwerk Bottrop GmbH⁽²⁾, both of which had concerned investment in new capacity for production of an innovative synthetic fibre by an innovative process. Allied Signal claimed that, at the time the aid was awarded by the French Government, no Community producer of synthetic fibres was supplying high tenacity polyester yarn to any Community tyre manufacturer for use in radial tyres for light trucks and passenger cars.

Accordingly, as no existing Community synthetic fibres producers would be disadvantaged as a result of the aid awarded to Allied Signal Fibers Europe SA, the aid should be authorized by the Commission for the same reasons as it decided to authorize the proposal to award aid to Filature du Hainaut. The company also noted that the Commission had authorized aid for a similar investment in new capacity for production of another type of advanced generation high tenacity polyester yarn by Hoechst Guben GmbH⁽³⁾.

Furthermore, Allied Signal stressed the environmental advantages of polyester over rayon both for the region and for the workforce of the new installation. In particular the production processes differed significantly in that polyester production involved lower emissions and, whereas the hazardous by-products of rayon production required treatment and large containment facilities, the by-product of Allied Signal's one-step computer-controlled process was water which was easily treatable in a conventional biological system. The use of polyester tyre cord would also result in significant savings for tyre manufacturers through lower material costs because the material was less expensive and because less material would be required.

The company stated that the investment and, consequently, the aid did not solely concern fibre production. The investment, for which total costs were estimated at FF 1 093 000 000 could be broken down into three elements:

- ⁽¹⁾ Decision communicated to the French Government by letter SG(88) D/9703, dated 9 August 1988, and to other Member States by letter SG(89) D/439, dated 3 January 1989.
- ⁽²⁾ Decision communicated to the German Government by letter SG(88) D/8126, dated 5 July 1988, and to other Member States by letter SG(88) D/11325, dated 4 October 1988.
- ⁽³⁾ Decision communicated to the German Government by letter SG(92) D/13324, dated 6 December 1992.

Investments costs (FF 000 000)	Purpose
392	Equipment and engineering associated with synthetic fibres production
256	Equipment and engineering associated with polymerization and related chemical facilities to produce raw materials for the fibre production and high-viscosity resin chips primarily for sale to plastic bottle producers.
445	Equipment, facilities and engineering associated with the buildings, utilities, land and infrastructure to service current and future fibre and non-fibre operations on the site

Finally, the company expressed the view that, as polymerization was only brought within the scope of the Code in 1992, aid in support of the investment in equipment and engineering in polymerization and related chemical facilities should be excluded from the Commission's assessment. The company also doubted that the assessment should include the aid in support of the investment in equipment, facilities and engineering associated with the buildings, utilities, land and infrastructure.

At the request of the Commission, the French Government, by fax dated 20 April 1994, provided additional information, comprising an updated estimate of the total

cost of the investment, an explanation of how much of the total cost had been considered eligible for aid, and a breakdown of the supported costs to show those associated with polymerization and related-chemical activities and those associated with the production of synthetic fibres. In other words, the expenditure on support activities isolated in the company's submission (i.e. FF 445 000 000) was split over fibre and non-fibre operations. Some of it was not eligible for aid.

The French Government advised that the costs eligible for aid totalled FF 842 000 000, which is not very different from the planned figure of FF 840 000 000.

Investment costs	(FF 000 000)	Purpose
Supported by aid	386	Polymerization and related chemical facilities to produce raw materials for the fibre production and high-viscosity resin chips primarily for sale to plastic bottle producers
	456	Synthetic fibres production
Not supported by aid	207	
Total	1 049	

The costs of the project not supported by aid included the land and associated costs, i.e. surface improvements, fire protection, roads and paving, streetlighting and water, the cost of the main building, the administrative building and associated costs.

competitive and given the international trend away from rayon tyre cord, Community-based tyre manufacturers would have to switch to polyester tyre reinforcement. Polyester tyre cord was not currently available in sufficient quantities or at prices that were competitive with suppliers from outside the Community.

III

In commenting under the Article 93 (2) procedure, two tyre manufacturers supported authorization of the aid on the grounds that, in order to remain internationally

However, the United Kingdom Government and the Apparel, Knitwear & Textiles Alliance opposed the aid on the grounds that it would give Allied Signal Fibers Europe SA an unfair competitive advantage at a time when other synthetic fibres producers were generally adapting to

changing marked conditions either without aid or with aid authorized by the Commission as compatible with the common market. In view of the continuing decline seen by the European vehicles industry in sales of new vehicles and hence original equipment, including tyres, the output of the new installation would either exacerbate the current under-utilization of tyre production capacity in the Community, or be diverted to other markets for high tenacity polyester yarn which did not show any signs of growth so that existing suppliers would be displaced. The International Rayon & Synthetic Fibres Committee also welcomed the opening of the procedure and expressed its support for the Commission in its intention to pursue a coherent policy for the synthetic fibres sector.

The comments submitted under the procedure were sent to the French Government.

IV

The Article 93 (2) procedure was opened in respect of two types of aid to Allied Signal Fibers Europe SA.

- First, the aid totalling FF 160 000 000 awarded under the regional planning grant scheme. A payment by public authorities to a company to cover all or part of the cost of an investment at a particular site constitutes aid to that company within the meaning of Article 92 (1) of the Treaty and Article 61 (1) of the Agreement. For the assessment of the compatibility of such aid with the common market, whether the cost at any other site would have been less is irrelevant as would be the argument that the aid in question represented only the difference between the cost of the investment at the two sites. This is in accordance with the well-established policy of the Commission concern-

ing payments to companies that accept additional cost by investing in less-favoured regions or which assume additional investment cost in order to adapt existing installations for environmental reasons. Accordingly, the aid totalling FF 160 000 000 constitutes aid to Allied Signal Fibers Europe SA within the meaning of Article 92 (1) of the Treaty and Article 61 (1) of the Agreement as it has allowed the company to carry out the investment without having to bear all of the cost.

- Second, the aid implicit in the financing of the clean-up and de-pollution of the site, estimated at FF 40 000 000. On the information provided by the French Government, it is clear that the clean-up of the industrial park to which public resources contributed was decided upon before the sale of the plot to Allied Signal and would have been necessary regardless of the activities and identity of the new user. Moreover, Allied Signal paid FF 50 per m² which is the uniform price at which all other plots of the park were sold and corresponds to the market value for non-polluted industrial land. Therefore, the financing cannot be said to have favoured Allied Signal Fibers Europe SA within the meaning of Article 92 (1) of the Treaty or Article 61 (1) of the Agreement and, therefore, does not constitute aid.

Accordingly, the assessment is focused solely on the compatibility with the common market of the aid awarded to Allied Signal Fibers Europe SA under the regional planning grant scheme.

There is significant trade in high tenacity polyester yarn among Member States and within the EEA and, consequently, significant competition between European producers and their products.

Trade in high tenacity polyester yarn

	('000 tonnes)				
	1988	1989	1990	1991	1992
Intra-EEA trade	51	56	63	56	63
Extra-EEA trade					
Imports	28	29	30	30	32
Exports	1	1	1	1	1
Balance	(27)	(28)	(29)	(29)	(31)

Despite the existence of imports — mainly from the United States of America, Switzerland, Japan, South Africa, Mexico, Canada and South Korea — the level of utilization of capacity for the production of high tenacity polyester yarn was significantly below 100 % in 1989 and has since deteriorated, albeit partly as a result of the unification of Germany.

Capacity and production of high tenacity polyester yarn

	(000 tonnes)				
	1988	1989	1990	1991	1992
Production	89	92	94	84	91
Capacity	102	104	109	114	122
Capacity utilization (%)	87	88	86	74	75

These figures do not take account of the new capacity of the aided investment, which — not accounting for any other changes that might occur — will reduce capacity utilization to approximately 65 % and depress prices to the detriment of other synthetic fibres producers, not only of high tenacity polyester yarn but also of high tenacity polyamide yarn and high tenacity rayon yarn with which Allied Signal's yarn will compete in the tyre market and other markets, such as airbags, sewing yarns, conveyor and transportation belts, layering wovens, marquees and air suspension halls, transmission belt, belts, hoses, ropes and sailing materials.

Accordingly, by favouring Allied Signal Fibers Europe SA, and regardless of whether or not the company's forecasts of growth in tyre production and demand for polyester tyre cord and other products incorporating high tenacity yarns are correct, the aid in question has strengthened its position compared as compatible with the common market. Therefore the aid distorts competition and affects trade within the meaning of Article 92 (1) of the Treaty and Article 61 of the Agreement.

V

Article 92 (1) lays down the principle that, except where otherwise allowable, aid which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods is, in so far as it affects trade among Member States, incompatible with the common market. However, Article 92 (2) and Article 92 (3) describe the circumstances in which such aid is or may be allowed.

Article 92 (2) specifies certain types of aid that are compatible with the common market. Because of the character, location and purpose of the aid in question, none is applicable.

Article 92 (3) specifies aid that may be compatible with the common market. Compatibility must be determined in the context of the Community and not of a single Member State. In order to safeguard the proper functioning of the common market and, taking into account the principles of Article 3 (g), the exceptions to the principle of Article 92 (1) set out in Article 92 (3) must be construed narrowly when scrutinizing any aid scheme or individual award.

In particular, they may be applied only when the Commission is satisfied that the free play of market forces alone, without the aid, would not induce the prospective aid recipient to adopt a course of action contributing to attainment of one of the said objectives.

To apply the exceptions to cases not contributing to such an objective or where aid was not necessary to that end would give an unfair advantage to certain Member States' industries or undertakings, whose financial positions would merely be bolstered, thereby affecting trading conditions among Member States and distorting competition.

The exception provided for in Article 92 (3) (a) relates to aid intended to promote the economic development of certain areas. As the standard of living in Longwy is not abnormally low nor is there serious under-employment within the meaning of Article 92 (3) (a), it is not applicable in this case.

The exception provided for in Article 92 (3) (b) relates to aid intended to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of any Member State. Evidently, it is not applicable to the aid in question.

The exception provided for in Article 92 (3) (c) relates to aid intended to facilitate the development of certain economic areas or activities where such aid does not adversely affect trading conditions to an extent contrary to the common interest.

The aided investment by Allied Signal Fibers Europe SA has facilitated the development of Longwy by creating 280 jobs in an area that has suffered significant job losses with the decline of the steel industry and which is classed as a region eligible for regional aid by virtue of Article 92 (3) (c) and is also among the regions eligible for support under Objective 2 of the Structural Funds. However, the sectoral effects of regional aid to the synthetic fibres industry have to be controlled even for the most underdeveloped areas of the Community — which do not include Longwy — and the aid in question has therefore to be examined in the framework of the Community interest. Since 1977, the conditions under which aid may be awarded to the synthetic fibres industry have been prescribed by a Code whose terms and scope have been revised from time to time, most recently in 1992⁽¹⁾.

In this case, the Commission has been required to take a new decision taken in 1990 on aid awarded on 21 June 1989. Accordingly, as in the earlier, annulled decision, the aid has to be assessed in the light of the 1987 to 1989 Code which was in force on that date⁽²⁾.

Allied Signal expressed doubts as to whether the whole of the aid awarded in support of the investment under the regional planning grant scheme should be included in the Commission's assessment.

The Commission agrees that polymerization was not brought within the scope of the Code until the introduction of the current Code in December 1992. Furthermore, the related chemical activities for the production of high-viscosity resin chips also involved in the investment, for which the company was awarded aid, have never been covered by any version of the Code on aid to the synthetic fibres industry. Therefore, polymerization and related chemical activities were not covered by the 1987 to 1989 Code and aid awarded to the company in support of equipment, facilities and engineering for these activities may be excluded from the Commission's assessment. Accordingly, this aid is compatible with the common market by virtue of Article 92 (3) (c) to the extent that it is awarded in conformity with the approved regional aid system. Therefore, it is also compatible with the functioning of the EEA Agreement. In accordance with the terms of the Commission's authorization of aid in support of investments in the *pôle européen de développement* permitting aid up to 30 % net grant equivalent of the eligible investment, aid totalling FF 133 718 000 may be

awarded in support of these activities. This figure is arrived at by multiplying the eligible investment not linked to synthetic fibres of FF 386 000 000 by 30 % divided by the factor 0,866 which converts a net aid into a gross aid.

Therefore, the Commission has to consider solely whether or not aid awarded to the company in support of the production of synthetic fibres conforms with the 1987 to 1989 Code and is compatible with the common market.

In its letter dated 7 July 1987, which extended the system of control of aid for a further two-year period ending on 19 July 1989, the Commission informed Member States that it would continue to express an unfavourable a priori opinion with regard to proposed aid, whether sectoral, regional or general, that would have the effect of increasing the net production capacity of companies in the synthetic fibres sector (acrylic, polyester, polypropylene and polyamide fibre and yarn and texturization of these yarns). It also reminded Member States that it would continue to give sympathetic consideration only to proposals to grant aid for the purpose of solving serious social or regional problems by speeding up or facilitating the process of conversion away from synthetic fibres into other activities or restructuring leading to reductions in capacity. The aid in question has neither accelerated nor brought about the process of conversion away from synthetic fibres into other activities or restructuring leading to reductions in capacity. On the contrary, it has increased capacity for the production of high tenacity polyester yarn, lowered Allied Signal's costs and weakened the position of other producers. Therefore, the aid does not fulfil the requirements of the Code.

Allied Signal noted the Commission's decisions to authorize aid to Filature du Hainaut and Faserwerk Bottrop GmbH, both of which were taken in the light of the 1987 to 1989 Code and were considered relevant to the Commission's assessment of the aid in question. The company also noted that Hoechst GmbH had been awarded aid in support of the production of advanced high tenacity polyester filament yarn. As to these references the Commission can limit its arguments to the principle established by the Court of Justice in Case C-313/90 that a framework with general impact cannot be altered by the Commission's decisions in individual cases.

The 1987 to 1989 Code, as with all other versions of the Code, does not allow for aid in support of the production of fibres covered by the Code to be exempted from the need to conform with the Code on the grounds that future demand is considered likely to outstrip current

⁽¹⁾ OJ No C 246, 30. 12. 1992, p. 2.

⁽²⁾ OJ No C 183, 11. 7. 1987, p. 4.

supply. Therefore, the Commission does not need to take a view on the accuracy of Allied Signal's forecast of the size and timing of an increase in demand from Community-based tyre manufacturers for high tenacity polyester yarn in tyre reinforcement, nor to speculate on the extent to which such a change in demand might only occur as a specific consequence of the arrival on the market of the additional capacity of the new installation at Longwy. However, it should be noted that, as indicated in the consultants' report cited by Allied Signal, further improvements in the properties of rayon, especially its tenacity, could help blunt the growing challenge from the new generation of synthetic fibres.

Similarly, the Commission does not need to consider the company's views on the reasons for European tyre manufacturers' continued preference for rayon over polyester other than to note that, as the consultancy study cited by Allied Signal makes clear, the choice of tyre reinforcement material is always determined by the performance requirements for the tyre which differ between the United States of America and western Europe for various historical and other reasons. For example, European driving conditions are different, with higher speed limits and twistier roads, and require a tyre with high modulus reinforcement for safe high speed driving; European car manufacturers dislike the sidewall indentation that can occur with polyester reinforcement.

Finally, whether or not Allied Signal's product and its production process are more benign in terms of the environment than competing products and their production processes is not relevant to the assessment of this case as it is clear that the environmental characteristics of Allied Signal's product and its production process did not determine the availability or size of the regional aid awarded to the company.

By favouring Allied Signal Fibers Europe SA so that its market position is no longer determined by its own efficiency, merit and power and, thereby, increasing the difficulties of other synthetic fibres producers which adapt to change without aid or with aid authorized as compatible with the common market, the aid in favour of synthetic fibres production cannot be regarded as having facilitated a development that, from the Community's perspective, is sufficient to counteract the resulting distortion of trade.

Therefore, while it has facilitated the development of an area within the meaning of Article 92 (3) (c), the aid in question has adversely affected trading conditions to an extent contrary to the common interest and the condi-

tions which have to be fulfilled in order to apply the exception provided for in Article 92 (3) (c) are not satisfied.

The exception provided for in Article 92 (3) (d) relates to aid intended to promote culture or heritage conservation. Evidently it does not apply to the aid in question.

In view of all the foregoing considerations, the aid in support of the production of synthetic fibres is illegal because the French Government did not fulfil its obligations pursuant to Article 93 (3) and, moreover, as it does not meet the conditions which must be satisfied in order to apply any of the exceptions set out in Article 92, the aid is incompatible with the common market. Therefore, it is also incompatible with the functioning of the EEA Agreement,

HAS ADOPTED THIS DECISION :

Article 1

The aid, totalling FF 133 718 000, awarded to Allied Signal Fibers Europe SA by the French Government under the regional planning grant scheme in support of polymerization and related chemical activities at its new facility at Longwy, Meurthe-et-Moselle, is compatible with the common market by virtue of Article 92 (3) (c) and, therefore, is compatible with the functioning of the EEA Agreement.

Article 2

The remainder of the aid, totalling FF 26 282 000, awarded to Allied Signal Fibers Europe SA by the French Government under the regional planning grant scheme in support of the production of synthetic fibres at its new facility at Longwy, Meurthe-et-Moselle, is illegal and incompatible with the common market within the meaning of Article 92 (1) and, therefore, is incompatible with the functioning of the EEA Agreement.

Article 3

The French Government shall recover from Allied Signal Fibers Europe SA FF 621 000, being the difference between the amount of aid referred to in Article 2 and the amount of aid already paid to the company, and shall charge interest on this amount from the date of the payment of the aid at the percentage value on that date of the reference rate used for the calculation of the net grant equivalent of the various types of aid in France.

Article 4

The French Government shall not now pay to Allied Signal Fibers Europe SA FF 25 661 000, being the balance of the total aid awarded by the French Government under the regional planning grant scheme in support of its new facility at Longwy, Meurthe-et-Moselle but not already paid to the company.

Article 5

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

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 17 January 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EEC) No 761/93 of 24 March 1993 amending Council Regulation (EEC) No 3037/90 on the statistical classification of economic activities in the European Community*(Official Journal of the European Communities No L 83 of 3 April 1993)*

On page 2, Class 05.03:

delete: '05.03 Service activities incidental to fishing 0500 x';

on page 3, SUBSECTION CA:

for: '... ENERGY-PRODUCING MATERIALS',

read: '... ENERGY PRODUCING MATERIALS';

on page 3, Class 11.10:

for: '1110 x',

read: '1110';

on page 3, SUBSECTION CB:

for: '... EXCEPT ENERGY-PRODUCING MATERIALS',

read: '... EXCEPT ENERGY PRODUCING MATERIALS';

on page 5, Class 15.98:

for: '1554 x',

read: '1554';

on page 5, Class 17.17:

for: '... of textile fibres',

read: '... of other textile fibres';

on page 6, Class 18.24:

for: '... and accessories',

read: '... and accessories n.e.c.';

on page 7, Group 20.5:

for: '... products of wood, manufacture of articles ...',

read: '... products of wood; manufacture of articles ...';

on page 10, Class 27.32:

for: 'Cold rolling of narrow strips',

read: 'Cold rolling of narrow strip';

on page 12, Group 31.6:

for: 'Manufacture of other electrical ...',

read: 'Manufacture of electrical ...';

on page 16, Class 51.44:

for: '... and glassware, varnish, paint, wallpaper and ...',

read: '... and glassware, wallpaper and ...';

on page 16, Class 51.53:

for: 'Wholesale of wood and of construction ...',

read: 'Wholesale of wood, construction ...';

on page 16, Class 51.62:

for: 'Wholesale of of construction ...',

read: 'Wholesale of construction ...';

on page 17, Class 52.45:

for: 'Retail sale of household appliances ...',

read: 'Retail sale of electrical household appliances ...';

on page 18, Class 55.21:

for: 'Youth hotels and ...',

read: 'Youth hostels and ...';

on page 18, Class 60.23 :

for: 'Other land road passenger transport 0022 x',

read: 'Other land passenger transport 6022 x';

on page 18, Class 60.24 :

for: 'Other land passenger transport 6022 x',

read: 'Freight transport by road 6023';

on page 18, Class 60.25 :

delete: '60.25 Freight transport by road 6023';

on page 18, Class 61.11 :

for: '61.11 Sea water transport 6110 x',

read: '61.10 Sea and coastal water transport 6110';

on page 18, Class 61.12

delete : '61.12 Coastal water transport 6110 x';

on page 19, Group 62.2 :

for: 'Non scheduled air transport',

read: 'Non-scheduled air transport';

on page 19, Class 62.20 :

for: 'Non scheduled air transport',

read: 'Non-scheduled air transport';

on page 20, Group 70.1 :

for: '... with own or leased property',

read: '... with own property';

on page 20, Class 70.12 :

for: '... of own or leased real estate',

read: '... of own real estate';

on page 20, Class 71.32 :

for: '... and civil engineering machines and equipment',

read: '... and civil engineering machinery and equipment';

on page 21, Class 72.50 :

for: 'Maintenance and repair of ...',

read: 'Maintenance and repair of ...';

on page 21, Group 73.1 :

for: '... and engineering (NSE)',

read: '... and engineering';

on page 21, Class 73.10 :

for: '... and engineering (NSE)',

read: '... and engineering';

on page 21, Group 73.2 :

for: '... and humanities (SSH)',

read: '... and humanities';

on page 21, Class 73.20 :

for: '... and humanities (SSH)',

read: '... and humanities';

on page 21, Class 74.15 :

for: 'Management holding companies',

read: 'Management activities of holding companies'.

Corrigendum to Commission Regulation (EC) No 1659/95 of 6 July 1995 altering the export refunds on milk and milk products

(Official Journal of the European Communities No L 156 of 7 July 1995)

On page 66, in column 'Amount of refund ("')' for product code 0402 21 91 100 :

for: '103,21',

read: '103,97'.

Corrigendum to Commission Regulation (EC) No 1660/95 of 6 July 1995 temporarily suspending the issuing of export licences for certain milk products and determining what proportion of the amounts covered by pending applications for export licences may be allocated

(Official Journal of the European Communities No L 156 of 7 July 1995)

On page 75 in Article 1 :

for: '...is hereby suspended as from 7 July 1995',

read: '...is hereby suspended on 7 July 1995.'

Corrigendum to Commission Regulation (EC) No 1666/95 of 7 July 1995 altering the rates of the refunds applicable to certain milk products exported in the form of goods not covered by Annex II to the Treaty

(Official Journal of the European Communities No L 158 of 8 July 1995)

On page 25 in the Annex, under the column 'Rate of refund' :

for: '54,41',

read: '55,41'.
