

Official Journal

of the European Communities

ISSN 0378-6978

L 165

Volume 38

15 July 1995

English edition

Legislation

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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1730/95
of 14 July 1995
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EEC) No 1930/90⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain recipients 1 250 tonnes of vegetable oil;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it

is necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Vegetable oil shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The supply shall cover the mobilization of vegetable oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward processing arrangements.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 14 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation No** ⁽¹⁾: 1824/93
2. **Programme**: 1993
3. **Recipient** ⁽²⁾: Nicaragua
4. **Representative of the recipient**: ENIMPORT (Sr Regi Delgadillo), carretera a Masaya, frente a camino de Oriente, Managua (tel. 67 10 32, fax 78 48 43)
5. **Place or country of destination** ⁽³⁾: Nicaragua
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods** ⁽³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (1) (b))
8. **Total quantity**: 1 250 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁴⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (2) (1), IIIA (2) (3) and IIIA (3)):
 - metal casks
 - markings in Spanish
11. **Method of mobilization**: mobilization of refined sunflower oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: San Juan del Sur
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 28. 8 — 10. 9. 1995
18. **Deadline for the supply**: 1. 10. 1995
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 1. 8. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 22. 8. 1995
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 18. 9 — 1. 10. 1995
 - (c) deadline for the supply: 22. 10. 1995
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 120, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer**: —

Notes :

- (1) The operation number should be mentioned in all correspondence.
 - (2) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
 - (3) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine -131 levels.
 - (4) Article 7 (3) (g) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
 - (5) Commission delegation to be contacted by the successful tenderer : OJ No C 114, 29. 4. 1991, p. 33 (see Costa Rica).
 - (6) Notwithstanding OJ No C 114, point IIIA.3(c) is replaced by the following : 'the words "European Community"'.
 - (7) By way of derogation from OJ No C 114 : 190 to 200 litre/kilo metal casks.
The casks must be made of sheet of a minimum thickness of 1,0 mm for the cover, 0,9 mm for the body and 1,0 mm for the base (10/9/10).
-

**COMMISSION REGULATION (EC) No 1731/95
of 14 July 1995**

establishing the sugar forecast supply balance for 1995/96 to the smaller Aegean islands provided for in Council Regulation (EEC) No 2019/93

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

Having regard to Council Regulation (EEC) No 2019/93 of 19 July 1993 introducing specific measures for the smaller Aegean islands concerning certain agricultural products⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EEC) No 2958/93 lays down detailed rules for the application of Council Regulation (EEC) No 2019/93 as regards the specific arrangements for the supply of certain agricultural products⁽³⁾, as amended by Regulation (EC) No 1363/95;

Whereas Commission Regulation (EEC) No 3719/88⁽⁴⁾, as last amended by Regulation (EC) No 1199/95⁽⁵⁾, lays down the common detailed rules for the application of the system of import licences; whereas 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⁽⁶⁾, lays down special detailed rules for the sugar sector;

Whereas, in order to take account of commercial practices specific to the sugar sector, detailed rules, additional to or derogating from the provisions of Regulation (EEC) No 2958/93, should be laid down;

Whereas, pursuant to Article 2 of Regulation (EEC) No 2019/93, the forecast supply balance for sugar for the

smaller Aegean islands for the 1995/96 marketing year should be established; whereas that balance may be revised during the year on the basis of trends in the smaller islands' requirements;

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

Pursuant to Article 2 of Regulation (EEC) No 2019/93, the forecast supply balance for sugar originating in the Community for the smaller Aegean islands for the 1995/96 marketing year shall be as laid down in the Annex hereto.

Article 2

The validity of aid certificates shall expire on the final day of the second month following their issue.

Article 3

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

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

Done at Brussels, 14 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 184, 27. 7. 1993, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 267, 28. 10. 1993, p. 4.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 119, 30. 5. 1995, p. 4.

⁽⁶⁾ OJ No L 144, 28. 6. 1995, p. 14.

ANNEX

SUPPLY BALANCE FOR THE SMALLER AEGEAN ISLANDS

(in tonnes of white sugar)

Product	CN code	Quantity July 1995 to June 1996
Sugar	1701	
— Group A (*)		3 000
— Group B (*)		9 000
Total		12 000

(*) These groups are defined in Annexes I and II of Regulation (EEC) No 2958/93.

COMMISSION REGULATION (EC) No 1732/95**of 14 July 1995****establishing administrative procedures for the 1996 quantitative quotas for certain products originating in the People's Republic of China**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 520/94 of 7 March 1994 establishing a Community procedure for administering quantitative quotas, and in particular Articles 2 (3) and (4) and Articles 13 and 24 thereof ⁽¹⁾,

Whereas Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83 ⁽²⁾, as last amended by Regulation (EC) No 839/95 ⁽³⁾, introduced annual quantitative quotas for certain products originating in the People's Republic of China listed in Annex II to that Regulation; whereas the provisions of Regulation (EC) No 520/94 are applicable to those quotas;

Whereas the Commission accordingly adopted Regulation (EC) No 738/94 ⁽⁴⁾, as amended by Regulation (EC) No 1150/95 ⁽⁵⁾ laying down general rules for the implementation of Regulation (EC) No 520/94; whereas these provisions apply to the administration of the above quotas subject to the provisions of this Regulation;

Whereas certain characteristics of China's economy, the seasonal nature of some of the products and the time needed for transport mean that orders for products subject to quota are generally placed before the beginning of the quota year; whereas it is therefore important to ensure that administrative constraints do not impede the realization of the planned imports; whereas in order not to affect the continuity of trade flows, the arrangements for allocating and administering the 1996 quotas should accordingly be adopted before the start of the quota year;

Whereas after examination of the different administrative methods provided for by Regulation (EC) No 520/94, the method based on traditional trade flows should be adopted; whereas under this method the quotas are divided into two portions, one of which is reserved for traditional importers and the other for other applicants;

Whereas this has proved to be the best way of ensuring the continuity of business for the Community importers concerned and avoiding any disturbance of trade flows;

Whereas, however, the introduction of a Community system must ensure progressive access by non-traditional importers; whereas the portion set aside for other applicants must make due allowance for the disparities in the Member States' previous import arrangements, in accordance with Article 6 (4) of Regulation (EC) No 520/94; whereas in the light of all these factors a balance must therefore be sought in determining the portions to be allocated to the two categories of importers;

Whereas the reference period used for allocating the portion of the quota set aside for traditional importers in earlier Regulations on the administration of these quotas should be updated to ensure open access to the quotas; whereas that update should be based on the latest period for which complete data is available; whereas the years 1992 and 1994 therefore appear to be a suitable reference period, given that they are the only recent years representative of the normal trend of trade flows in the products in question; whereas traditional importers must therefore prove that they have imported products originating in China and covered by the quotas in question in the years 1992 and 1994;

Whereas it is necessary to simplify the formalities to be fulfilled by traditional importers who already hold import licences issued when the 1994 or 1995 Community quotas were allocated; whereas the competent administrative authorities already possess the requisite evidence of 1992 imports for all traditional importers; whereas, with regard to 1992 imports, the latter need only enclose a copy of their previous licences with their new licence applications; whereas, however, use of simplified formalities should not be authorized in respect of import licence

⁽¹⁾ OJ No L 66, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 67, 10. 3. 1994, p. 89.

⁽³⁾ OJ No L 85, 19. 4. 1995, p. 9.

⁽⁴⁾ OJ No L 87, 31. 3. 1994, p. 47.

⁽⁵⁾ OJ No L 116, 23. 5. 1995, p. 3.

applications for products falling within CN codes 4203 29 91, 4203 29 99 and 6402 99 in view of the changes to the structure of the initial quota introduced by Council Regulation (EC) No 538/95⁽¹⁾;

Whereas it has been found in the past that the method provided for in Article 10 of Regulation (EC) No 520/94, which is based on the order in which applications are received, may not be an appropriate way of allocating that portion of the quota reserved for non-traditional importers; whereas, consequently, in accordance with Article 2 (4) of Regulation (EC) No 520/94, an alternative method of apportioning the quota should be determined; whereas, to this end, it is appropriate to provide for allocation in proportion to the quantities requested, on the basis of a simultaneous examination of import licence applications actually lodged, in accordance with Article 13 of Regulation (EC) No 520/94;

Whereas in order to ensure that the quotas can be efficiently allocated and used, any speculative applications should be excluded, and it is furthermore necessary to allocate economically significant quantities; whereas to this end the amount that any non-traditional importer may request should be restricted to a set volume or value;

Whereas for the purposes of quota allocation, a time limit must be set for the submission of licence applications by traditional and other importers;

Whereas with a view to optimum use of quotas, licence applications for imports of footwear under quotas which refer to several CN codes must specify the quantities required for each code;

Whereas the Member States must inform the Commission of the import licence applications received, in accordance with the procedure laid down in Article 8 of Regulation (EC) No 520/94; whereas the information about traditional importers' previous imports must be broken down by reference year and expressed in the same units as the quota in question; whereas if the quota is set in ecus, the counter-value of the currency in which previous imports are expressed must be calculated in accordance with Article 18 of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽²⁾;

Whereas in view of the special nature of transactions concerning products subject to quota, and in particular the time needed for transport, the import licences should expire on 30 September 1996; whereas, in the interests of sound administration, the competent national authorities should nevertheless be authorized to extend, at the request of the importers concerned, until 31 December 1996 the validity of licences that have been used up by at least 60 % by the expiry date of 30 September 1996;

Whereas these measures are in accordance with the opinion of the Committee for the administration of

quotas set up under Article 22 of Regulation (EC) No 520/94,

HAS ADOPTED THIS REGULATION:

Article 1

This Regulation lays down for 1996 specific provisions for the administration of the quantitative quotas referred to in Annex II to Council Regulation (EC) No 519/94 of 7 March 1994.

Regulation (EC) No 738/94 laying down general rules for the implementation of Regulation (EC) No 520/94 shall apply, subject to the specific provisions of this Regulation.

Article 2

1. The quantitative quotas referred to in Article 1 shall be allocated using the method based on traditional trade flows, referred to in Article 2 (2) (a) of Regulation (EC) No 520/94.

2. The portions of each quantitative quota set aside for traditional importers and other importers are set out in Annex I to this Regulation.

3. The portion set aside for non-traditional importers shall be apportioned using the method based on allocation in proportion to quantities requested; the volume/value requested by a single importer may not exceed that shown in Annex II.

Article 3

Applications for import licences shall be lodged from the day following the day of publication of this Regulation in the *Official Journal of the European Communities* to 11 September 1995 at 3 p.m., Brussels time, with the competent authorities listed in Annex I to Regulation (EC) No 738/94.

Article 4

1. For the purposes of allocating the portion of each-quota set aside for traditional importers, 'traditional' importers shall mean importers who can show that they have imported goods in the calendar years 1992 and 1994.

2. The evidence referred to in Article 7 of Regulation (EC) No 520/94 shall relate to the release for free circulation during calendar years 1992 and 1994 of products originating in the People's Republic of China which are covered by the quota in respect of which the application is made.

⁽¹⁾ OJ No L 55, 11. 3. 1995, p. 1.

⁽²⁾ OJ No L 302, 19. 10. 1992, p. 1.

3. Instead of the evidence referred to in the first indent of Article 7 of Regulation (EC) No 520/94:

- applicants may enclose with their licence applications documents drawn up and certified by the competent national authorities on the basis of available customs information as evidence of the imports of the product in question during calendar years 1992 and 1994 carried out by themselves or, where applicable, by the operator whose activities they have taken over;
- in the case of imports of the products in question during 1992, except in the case of applications for products falling within CN codes 4203 29 91, 4203 29 99 and 6402 99, applicants already holding import licences issued in 1994 and/or 1995 under Commission Regulation (EC) No 1012/94 ⁽¹⁾, (EC) No 2801/94 ⁽²⁾ or (EC) No 1093/95 ⁽³⁾ for products covered by the licence application may enclose a copy of their previous licences with their licence applications. In that case they shall indicate in their licence application the aggregate value of imports of the product in question in 1992.

4. Article 18 of Regulation (EEC) No 2913/92 shall apply where evidence is expressed in foreign currency.

Article 5

Member States shall inform the Commission no later than 25 September 1995 at 10 a.m., Brussels time, of the

number and aggregate quantity of import licence applications and, in the case of applications from traditional importers, of the volume of previous imports carried out by traditional importers during each year of the reference period referred to in Article 4 (1) of this Regulation.

Article 6

No later than 30 September 1995 the Commission shall adopt the quantitative criteria to be used by the competent national authorities for the purpose of meeting importers' applications.

Article 7

Import licences shall be valid for nine months, starting on 1 January 1996.

At the request of the importers concerned, the validity of licences of which at least 60 % of the amount has been used by 30 September 1996 shall be extended by the competent national authorities to 31 December 1996.

Article 8

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, 14 July 1995.

For the Commission

Leon BRITTAN

Vice-President

⁽¹⁾ OJ No L 111, 30. 4. 1994, p. 100.

⁽²⁾ OJ No L 297, 18. 11. 1994, p. 13.

⁽³⁾ OJ No L 109, 16. 5. 1995, p. 27.

ANNEX I

Allocation of the quotas

Product description	HS/CN code	Portion reserved for traditional importers	Portion reserved for other importers
Gloves falling within HS/CN codes	4203 29 91 4203 29 99	ECU 12 596 942 (83 %)	ECU 2 580 096 (17 %)
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	32 495 729 pairs (83 %)	6 655 752 pairs (17 %)
	6403 51 6403 59	2 274 296 pairs (83 %)	465 820 pairs (17 %)
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	9 862 028 pairs (83 %)	2 019 935 pairs (17 %)
	ex 6404 11 ⁽¹⁾	15 129 887 pairs (83 %)	3 098 893 pairs (17 %)
	6404 19 10	26 475 104 pairs (83 %)	5 422 612 pairs (17 %)
Tableware, kitchenware of porcelain or china	6911 10	36 204 tonnes (83 %)	7 415 tonnes (17 %)
Ceramic tableware or kitchenware	6912 00	27 390 tonnes (83 %)	5 610 tonnes (17 %)
Glassware of a kind used for table, etc.	7013	11 794 tonnes (83 %)	2 416 tonnes (17 %)
Car radios falling within HS/CN codes	8527 21 8527 29	1 858 286 units (83 %) 125 832 units (50 %)	380 613 units (17 %) 125 832 units (50 %)
Toys falling within HS/CN codes	9503 41 9503 49 9503 90	ECU 211 568 467 ECU 102 230 726 ECU 500 088 213 (77 %)	ECU 63 195 776 ECU 30 536 451 ECU 149 376 999 (23 %)

⁽¹⁾ Excluding :

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of spikes, sprigs, stops, clips, bars or the like, with a non-injected sole ;
- (b) footwear involving special technology : shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

ANNEX II

Maximum quantity which may be requested by each importer other than traditional

Product description	HS/CN code	Predetermined maximum quantity
Gloves falling within HS/CN codes	4203 29 91 4203 29 99	ECU 30 000
Footwear falling within HS/CN codes	ex 6402 99 ⁽¹⁾	4 000 pairs
	6403 51 6403 59	4 000 pairs
	ex 6403 91 ⁽¹⁾ ex 6403 99 ⁽¹⁾	4 000 pairs
	ex 6404 11 ⁽¹⁾	4 000 pairs
	6404 19 10	4 000 pairs
Tableware, kitchenware of porcelain or china	6911 10	4 tonnes
Ceramic tableware or kitchenware	6912 00	4 tonnes
Glassware of a kind used for table, etc.	7013	3 tonnes
Car radios falling within HS/CN codes	8527 21 8527 29	4 000 units 4 000 units
Toys falling within HS/CN codes	9503 41 9503 49 9503 90	ECU 30 000 ECU 30 000 ECU 30 000

⁽¹⁾ Excluding :

- (a) footwear which is designed for a sporting activity and has, or has provision for the attachment of spikes, sprigs, stops, clips, bars or the like, with the non-injected sole ;
- (b) footwear involving special technology : shoes which have a cif price per pair of not less than ECU 9 for use in sporting activities, with a single- or multi-layer moulded sole, not injected, manufactured from synthetic materials specially designed to absorb the impact of vertical or lateral movements and with technical features such as hermetic pads containing gas or fluid, mechanical components which absorb or neutralize impact or materials such as low-density polymers.

COMMISSION REGULATION (EC) No 1733/95

of 14 July 1995

providing for the release of minimum stocks 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 (EEC) No 1101/95⁽²⁾, and in particular Article 12 (3) thereof,

Whereas in order to ensure normal supplies to the Community as a whole or to one of its areas, there is a standing obligation, in the European territories of the Community, for minimum stocks to be maintained by each sugar producing undertaking or sugar refinery;

Whereas Article 1 of Council Regulation (EEC) No 1789/81 of 30 June 1981 laying down general rules concerning the system of minimum stocks in the sugar sector⁽³⁾, amended by Commission Regulation (EC) No 2304/94⁽⁴⁾ fixed the level of minimum stocks to be held, as the case may be, at 5 % of the actual production within the A quota or 5 % of the quantity of sugar refined during the 12 months preceding the month in question;

Whereas by virtue of Article 12 (1) of Regulation (EEC) No 1785/81 this percentage may be reduced; whereas Article 4 of Regulation (EEC) No 1789/81 lays down that where the supplies of sugar required by the Community can no longer be ensured under normal conditions, provision may be made for the person concerned to be released, in whole or in part, from the obligation to stock the sugar in question; whereas this percentage has already been brought down to 3 % for the 1994/95 marketing year by Regulation (EEC) No 2304/94;

Whereas a further examination of the current supply situation in the Community for the 1994/95 marketing year

reveals consumption needs in certain regions which cannot be met because of the shortage of sugar resulting from a severe drought; whereas pressure on prices has moreover been registered in several regions of the Community due to strong demand and the growing scarcity of supplies; whereas it is proving to be the case, as a consequence, that the supplies required by the Community can no longer be ensured under normal conditions and that it is desirable to release that part of the minimum stocks necessary for this purpose by reducing to 0 the said level for the period needed to allow the majority of the Community sugar producing undertakings to await the new 1995/96 production for the replenishment of minimum stocks to the level of the percentage referred to in Regulation (EEC) No 1789/81;

Whereas this Regulation should enter into force from 1 July 1995 because of the urgent nature of its implementation and the mechanism of the compensation system for storage costs in the sugar sector;

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

The percentages referred to in points (a) and (b) of Article 1 of Regulation (EEC) No 1789/81 are hereby reduced to 0 % for the period 1 July to 30 November 1995.

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 with effect from 1 July 1995.

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

Done at Brussels, 14 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 177, 1. 7. 1981, p. 39.

⁽⁴⁾ OJ No L 251, 27. 9. 1994, p. 6.

COMMISSION REGULATION (EC) No 1734/95

of 14 July 1995

fixing, for the 1994/95 marketing year, the specific agricultural conversion rate applicable to the minimum sugarbeet prices and the production levy and additional levy in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 June 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 2926/94⁽²⁾, and in particular Article 1 (3) thereof,

Whereas Article 1 (1) of Regulation (EEC) No 1713/93 specifies that the minimum sugarbeet prices referred to in Article 5 of Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the market in the sugar sector⁽³⁾, as last amended by Regulation (EC) No 1101/95⁽⁴⁾, and the production levy and additional levy referred to, respectively, in Articles 28 and 28a of that Regulation shall be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural conversion rates applicable during the marketing year in question; whereas that specific agricultural conversion rate must be fixed during the month following the end of the marketing year in question;

Whereas Commission Regulation (EC) No 332/95 of 17 February 1995 determining, by way of a temporary measure, the prices and amounts fixed in ecus applicable in the sugar sector for the period 1 February to 30 June 1995 which are multiplied by the correcting factor provided for in Article 13 of Regulation (EEC) No 3813/92⁽⁵⁾, determines in particular the minimum sugarbeet prices; whereas, as a result, the agricultural conversion rates given in the Annex to this Regulation apply to the minimum sugarbeet prices and the production levies and, where appropriate, the additional levy, multiplied by the correcting factor 1,207509;

Whereas, for the 1994/95 marketing year, the entire sugar output of Austria, Finland and Sweden was produced

under national arrangements in force before 1 January 1995; whereas Article 1 (1) of Commission Regulation (EC) No 3300/94 of 21 December 1994 laying down transitional measures in the sugar sector following the accession of Austria, Finland and Sweden⁽⁶⁾, provides that Articles 28 and 28a of Regulation (EEC) No 1785/81 are not to apply to the quantities of sugar produced in Austria, Finland and Sweden in the 1994/95 marketing year; whereas, as a result, no specific agricultural conversion rates should be laid down for those three Member States;

Whereas the application of these provisions results in the fixing, for the 1994/95 marketing year, of the specific agricultural conversion rate for the conversion of minimum sugarbeet prices as well as the production levy and, where appropriate, additional levy into the various national currencies, as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specific agricultural conversion rate to be used for conversion of the minimum sugarbeet prices referred to in Article 5 of Regulation (EEC) No 1785/81 and the production levy and, where appropriate, additional levy referred to, respectively, in Articles 28 and 28a of that Regulation, into each of the national currencies, shall be fixed, for the 1994/95 marketing year, as set out in 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 1994.

⁽¹⁾ OJ No L 159, 1. 7. 1993, p. 94.

⁽²⁾ OJ No L 307, 1. 12. 1994, p. 56.

⁽³⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽⁴⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽⁵⁾ OJ No L 38, 18. 2. 1995, p. 3.

⁽⁶⁾ OJ No L 341, 30. 12. 1994, p. 39.

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

Done at Brussels, 14 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 14 July 1995 fixing, for the 1994/1995 marketing year, the specific agricultural conversion rate applicable to the minimum sugarbeet prices and the production levies and, where appropriate, the additional levy in the sugar sector

Specific agricultural conversion rate		
ECU 1 =	40,8086	Belgian and Luxembourg francs
	7,74166	Danish kroner
	1,94962	German marks
	294,384	Greek drachmas
	163,334	Spanish pesetas
	6,61023	French francs
	0,814678	Irish pounds
	2 053,71	Italian lire
	2,19672	Dutch guilders
	198,202	Portuguese escudos
	0,803063	Pound sterling

COMMISSION REGULATION (EC) No 1735/95**of 14 July 1995****on the issuing of export licences for products processed from 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 426/86 of 24 February 1986 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⁾,

Having regard to Commission Regulation (EC) No 1429/95 of 23 June 1995 on implementing rules for export refunds on products processed from fruit and vegetables, other than those granted for added sugars, and in particular Article 4 (1) thereof⁽³⁾,

Whereas Commission Regulation (EC) No 1430/95⁽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 1429/95 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 quantity of 333 tonnes of orange juice with a sugar content of 10 ° Brix or more but less than 22 ° Brix in the Annex to Regulation (EC) No

1430/95, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1429/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 11 July 1995, whereas a reducing factor should accordingly be applied to the quantities applied for on 11 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 orange juice with a sugar content of 10 ° Brix or more but less than 22 ° Brix for which applications are submitted on 11 July 1995 under Article 1 of Regulation (EC) No 1430/95 shall be issued for 33,15 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above product submitted after 11 July 1995 and before 25 August 1995 shall be rejected.

Article 2

This Regulation shall enter into force on 15 July 1995.

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

Done at Brussels, 14 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 49, 27. 2. 1986, p. 1.

⁽²⁾ OJ No L 105, 9. 5. 1995, p. 3.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 28.

⁽⁴⁾ OJ No L 141, 24. 6. 1995, p. 32.

COMMISSION REGULATION (EC) No 1736/95
of 14 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 last 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 15 July 1995.

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

Done at Brussels, 14 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 14 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 (1)	Standard import value	CN code	Third country code (1)	Standard import value		
0702 00 35	052	47,6		508	74,8		
	060	80,2		512	49,0		
	066	41,7		524	47,5		
	068	32,4		528	23,4		
	204	50,9		800	92,8		
	212	117,9		804	87,7		
	624	75,0		999	65,5		
	999	63,7		0808 20 47	388	78,8	
	0707 00 25	052		50,1		512	63,3
053		166,9	528	67,6			
060		39,2	800	64,8			
066		53,8	804	69,9			
068		60,4	999	68,9			
204		49,1	0809 10 40	052		106,3	
624		207,3	064	104,4			
999		89,5	999	105,4			
0709 90 77		052	55,6	0809 20 41, 0809 20 49		052	176,1
	204	77,5	061		170,0		
	624	196,3	064		177,6		
	999	109,8	068		63,1		
0805 30 30	388	62,0		400	193,3		
	512	55,7		624	239,5		
	524	60,3		676	166,2		
	528	52,2		999	169,4		
	600	54,7		0809 30 31, 0809 30 39	052	113,4	
	624	78,0		220	121,8		
	999	60,5		624	106,8		
	0808 10 71, 0808 10 73, 0808 10 79	039		83,5	0809 40 30	999	114,0
		388		66,6		624	218,3
400		63,8	999	218,3			

⁽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 1737/95
of 14 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 (EC) 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 74,321 per 100 kilograms for Spain,
- ECU 56,037 per 100 kilograms for Greece.

2. However, the amount of the aid will be replaced with effect from 15 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 15 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, 14 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 28 June 1995

concerning the validity of certain binding tariff information

(Only the English text is authentic)

(95/266/EC)

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽¹⁾, and in particular Articles 12 (5) (c) and 249 (4) thereof,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code⁽²⁾, as last amended by Regulation (EC) No 3254/94⁽³⁾, and in particular Article 9 thereof,

Whereas the binding tariff information referred to in the Annex to this Decision is inconsistent with other binding tariff information, and the tariff classification it contains is incompatible with the general rules for the interpretation of the combined nomenclature set out in Section I A of Part I of Annex I to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽⁴⁾, as last amended by Commission Regulation (EC) No 1359/95⁽⁵⁾;

Whereas the said binding tariff information should cease to be valid and whereas, therefore, the customs administrations which issued the information should revoke it as soon as possible and notify the Commission to that effect;

Whereas under Article 14 (1) of Regulation (EEC) No 2454/93 the holder may make use for a given period of time of the possibility of invoking such binding tariff information which has ceased to be valid;

Whereas the measures provided for in this Decision are in accordance with the opinion of the tariff and statistical nomenclature section of the Customs Code Committee,

HAS ADOPTED THIS DECISION:

Article 1

The binding tariff information referred to by number in column 1 of the table set out in the Annex, issued by the customs authorities named in column 2 in respect of the tariff classification shown in column 3, must be revoked as soon as possible but not later than the 21st day following that of the publication of this Decision in the *Official Journal of the European Communities*.

Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 28 June 1995.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 346, 31. 12. 1994, p. 1.

⁽⁴⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽⁵⁾ OJ No L 142, 26. 6. 1995, p. 1.

ANNEX

Binding Tariff Information No	Customs authority	Tariff classification
No 1 UK 43450	H. M. Customs and Excise Tariff and Statistical Office - UK	6210 50 00
No 2 UK 43451	H. M. Customs and Excise Tariff and Statistical Office - UK	6210 50 00

COMMISSION DECISION

of 30 June 1995

on financial assistance from the Community for storage in France of antigen for
production of foot-and-mouth disease vaccine

(Text with EEA relevance)

(95/267/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC on 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 94/370/EC ⁽²⁾, and in particular Article 14 thereof,

Whereas by virtue of Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines ⁽³⁾, establishment of antigen banks is part of the Community's action to create Community reserves of foot-and-mouth vaccine;

Whereas Article 3 of that Decision designates the Laboratoire de pathologie bovine du Centre national d'études vétérinaires et alimentaires at Lyons in France as an antigen bank holding Community reserves;

Whereas the functions and duties of these antigen banks are specified in Article 4 of that Decision; whereas Community assistance must be conditional on accomplishment of these;

Whereas Community financial assistance should be granted to these banks to enable them to carry out the said functions and duties;

Whereas for budgetary reasons the Community assistance should be granted for a period of one year;

Whereas for supervisory purposes Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on financing of the common agricultural policy ⁽⁴⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁵⁾, should apply;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

Article 1

The Community shall grant France financial assistance for the stocking of antigen for production of foot-and-mouth disease vaccine.

Article 2

The Laboratoire de pathologie bovine at Lyons in France shall hold the stock of antigen to which Article 1 relates. The provisions of Article 4 of Council Decision 91/666/EEC shall apply.

Article 3

The Community's financial assistance shall be a maximum of ECU 70 000 for the period 1 January to 31 December 1995.

Article 4

The Community's financial assistance shall be paid as follows:

- 70 % by way of an advance at France's request,
- the balance following presentation of supporting documents.

These documents must be presented before 1 February 1996.

Article 5

Articles 8 and 9 of Council Regulation (EEC) No 729/70 shall apply *mutatis mutandis*.

Article 6

This Decision is addressed to the French Republic.

Done at Brussels, 30 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.

⁽³⁾ OJ No L 368, 31. 12. 1991, p. 21.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 185, 15. 7. 1988, p. 1.

COMMISSION DECISION

of 30 June 1995

on financial assistance from the Community for storage in Italy of antigen for
production of foot-and-mouth disease vaccine

(Text with EEA relevance)

(95/268/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC on 26 June 1990 on expenditure in the veterinary field⁽¹⁾, as last amended by Decision 94/370/EC⁽²⁾, and in particular Article 14 thereof,

Whereas by virtue of Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines⁽³⁾, establishment of antigen banks is part of the Community's action to create Community reserves of foot-and-mouth vaccine;

Whereas Article 3 of that Decision designates the Istituto Zooprofilattico Sperimentale at Brescia in Italy as an antigen bank holding Community reserves;

Whereas the functions and duties of these antigen banks are specified in Article 4 of that Decision; whereas Community assistance must be conditional on accomplishment of these;

Whereas Community financial assistance should be granted to these banks to enable them to carry out the said functions and duties;

Whereas for budgetary reasons the Community assistance should be granted for a period of one year;

Whereas for supervisory purposes Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on financing of the common agricultural policy⁽⁴⁾, as last amended by Regulation (EEC) No 2048/88⁽⁵⁾, should apply;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Community shall grant Italy financial assistance for the stocking of antigen for production of foot-and-mouth disease vaccine.

Article 2

The Istituto Zooprofilattico Sperimentale at Brescia in Italy shall hold the stock of antigen to which Article 1 relates. The provisions of Article 4 of Council Decision 91/666/EEC shall apply.

Article 3

The Community's financial assistance shall be a maximum of ECU 70 000 for the period 1 August 1994 to 31 July 1995.

Article 4

The Community's financial assistance shall be paid as follows:

- 70 % by way of an advance at Italy's request,
- the balance following presentation of supporting documents.

These documents must be presented before 1 October 1995.

Article 5

Articles 8 and 9 of Council Regulation (EEC) No 729/70 shall apply *mutatis mutandis*.

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 30 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.

⁽³⁾ OJ No L 368, 31. 12. 1991, p. 21.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 185, 15. 7. 1988, p. 1.

COMMISSION DECISION

of 30 June 1995

on financial assistance from the Community for storage in the United Kingdom
of antigen for production of foot-and-mouth disease vaccine

(Text with EEA relevance)

(95/269/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Decision 90/424/EEC on 26 June 1990 on expenditure in the veterinary field ⁽¹⁾, as last amended by Decision 94/370/EC ⁽²⁾, and in particular Article 14 thereof,

Whereas by virtue of Council Decision 91/666/EEC of 11 December 1991 establishing Community reserves of foot-and-mouth disease vaccines ⁽³⁾, establishment of antigen banks is part of the Community's action to create Community reserves of foot-and-mouth vaccine;

Whereas Article 3 of that Decision designates the Institute for Animal Health at Pirbright in the United Kingdom as an antigen bank holding Community reserves;

Whereas the functions and duties of these antigen banks are specified in Article 4 of that Decision; whereas Community assistance must be conditional on accomplishment of these;

Whereas Community financial assistance should be granted to these banks to enable them to carry out the said functions and duties;

Whereas for budgetary reasons the Community assistance should be granted for a period of one year;

Whereas for supervisory purposes Articles 8 and 9 of Council Regulation (EEC) No 729/70 of 21 April 1970 on financing of the common agricultural policy ⁽⁴⁾, as last amended by Regulation (EEC) No 2048/88 ⁽⁵⁾, should apply;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Community shall grant the United Kingdom financial assistance for the stocking of antigen for production of foot-and-mouth disease vaccine.

Article 2

The Institute for Animal Health at Pirbright in the United Kingdom shall hold the stock of antigen to which Article 1 relates. The provisions of Article 4 of Council Decision 91/666/EEC shall apply.

Article 3

The Community's financial assistance shall be a maximum of ECU 60 000 for the period 1 August 1994 to 31 July 1995.

Article 4

The Community's financial assistance shall be paid as follows:

- 70 % by way of an advance at the United Kingdom's request,
- the balance following presentation of supporting documents.

These documents must be presented before 1 October 1995.

Article 5

Articles 8 and 9 of Council Regulation (EEC) No 729/70 shall apply *mutatis mutandis*.

Article 6

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 30 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 224, 18. 8. 1990, p. 19.

⁽²⁾ OJ No L 168, 2. 7. 1994, p. 31.

⁽³⁾ OJ No L 368, 31. 12. 1991, p. 21.

⁽⁴⁾ OJ No L 94, 28. 4. 1970, p. 13.

⁽⁵⁾ OJ No L 185, 15. 7. 1988, p. 1.

COMMISSION DECISION

of 30 June 1995

amending Decision 94/360/EC on the reduced frequency of physical checks of consignments of certain products to be imported from third countries

(Text with EEA relevance)

(95/270/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/675/EEC of 10 December 1990 laying down the principles governing the organization of veterinary checks on products entering the Community from third countries⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and particularly Article 8 (3) thereof,

Whereas in Decision 94/360/EC⁽²⁾, as last amended by 95/54/EC⁽³⁾, the Commission adopted measures on the reduction in frequency of physical checks of consignments of products to be imported from third countries; whereas these frequencies should apply from 1 July 1995, following a review of the frequencies on the basis of the results of all checks on imported consignments of products;

Whereas further progress is necessary on the harmonization of imported conditions on imported products;

Whereas further experience of Member States checks on consignments is necessary to carry out the review of the frequencies foreseen in Article 3 (3); whereas it is therefore necessary to defer the date of application of the frequencies to 1 February 1996;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

HAS ADOPTED THIS DECISION:

Article 1

Commission Decision 94/360/EC shall be amended as follows:

- In Article 3 (1), the date of '1 May 1995' is replaced by '1 December 1995',
- In Article 3 (3), the date of '1 July 1995' is replaced by '1 February 1996',
- In Article 7, the date of '1 July 1995' is replaced by '1 February 1996'.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 30 June 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 373, 31. 12. 1990, p. 1.

⁽²⁾ OJ No L 158, 25. 6. 1994, p. 41.

⁽³⁾ OJ No L 53, 9. 3. 1995, p. 36.

COMMISSION DECISION

of 3 July 1995

amending Decision 92/558/EEC on transitional measures in relation to plants processing high risk material in the *Länder* of West Mecklenburg-Pomerania, Brandenburg, Saxonia-Anhalt, Saxony and Thuringia in the Federal Republic of Germany

(Only the German text is authentic)

(Text with EEA relevance)

(95/271/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DECISION :

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/667/EEC of 27 November 1990 laying down the veterinary rules for the disposal and processing of animal waste, for its placing on the market and for the prevention of pathogens in feedingstuffs of animal or fish origin and amending Directive 90/425/EEC⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, in particular Article 21 thereof,

Whereas the Commission, in Decision 92/558/EEC⁽²⁾ adopted transitional measures in relation to plants processing high risk material in some *Länder* in the Federal Republic of Germany; whereas these measures expire on 31 December 1995;

Whereas Germany has informed the Commission that it is necessary to extend further these transitional measures for processing plants in the territory of the *Länder* of West Mecklenburg-Pomerania; whereas in order to complete the necessary works, it is necessary to grant an additional year;

Whereas the measures provided for in this Decision are in accordance with the opinion of the Standing Veterinary Committee,

Article 1

Article 1 of Decision 92/558/EEC is replaced by :

Article 1

1. For processing plants in the territory of the *Länder* of Brandenburg, Saxony-Anhalt, Saxony and Thuringia, the Federal Republic of Germany shall have until 31 December 1995 to comply with Directive 90/667/EEC.

2. For processing plants in the territory of the *Länder* of West Mecklenburg-Pomerania, the Federal Republic of Germany shall have until 31 December 1996 to comply with the Directive 90/667/EEC.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 3 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 363, 27. 12. 1990, p. 51.

⁽²⁾ OJ No L 358, 8. 12. 1992, p. 24.

COMMISSION DECISION

of 14 July 1995

suspending the definitive anti-dumping duty imposed on imports of certain types of electronic microcircuits known as EPROMs (erasable programmable read only memories) originating in Japan

(95/272/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Article 14 (4) thereof,

After consultation with the Advisory Committee,

Whereas :

- (1) The Council, by Regulation (EEC) No 577/91⁽²⁾, as last amended by Regulation (EEC) No 2860/93⁽³⁾ imposed a definitive anti-dumping duty on imports into the Community of certain types of electronic microcircuits known as EPROMs (erasable programmable read only memories) originating in Japan, and falling under CN codes :
 - 8542 11 33, 8542 11 34, 8542 11 35 or 8542 11 36 for finished UV erasable EPROMs,
 - ex 8542 11 38 for finished Flash E²PROMs,
 - ex 8542 11 76 for OTPs,
 - ex 8542 11 01 for wafers for all types of EPROMs and
 - ex 8542 11 05 for dice and chips for all types of EPROMs.
- (2) The basic anti-dumping Regulation, i.e. Council Regulation (EC) No 3283/94 at Article 14 (4) provides for the suspension of anti-dumping measures imposed on the grounds that market conditions have temporarily changed to an extent that injury would be unlikely to resume as a result of such a suspension. Article 14 (4) further specifies that the anti-dumping measures concerned may be reinstated at any time if the reason for suspension is no longer applicable.
- (3) As in the case of another type of electronic microcircuit, i.e. DRAMs⁽⁴⁾, since the end of 1993 and the beginning of 1994, due to a strong and growing demand for EPROMs, in particular by telecommunication equipment manufacturers, prices of EPROMs, on a world-wide basis, have remained stable.

With respect to the Community market in particular, the Commission has been able to follow developments as almost all known Japanese EPROM producers supply the Commission on a regular basis with their detailed sales reports pursuant to undertakings which the Commission has accepted in the framework of the abovementioned anti-dumping proceeding⁽⁵⁾. An analysis of these reports has confirmed that the market behaviour of the exporters concerned is in line with the general evaluation of price developments made by market research companies, some of which monitor the semiconductor market particularly closely.

- (4) With regard to the situation of the Community EPROM industry, the Commission has furthermore received information confirming that this industry has also benefited from the current market situation. Indeed, following the stabilization of the situation of the Community industry concurrently with the introduction of the above anti-dumping measures and following the substantial investments made for the production of the newest generations of EPROMs the Community industry's revenues stemming from an increase in EPROM sales volumes and in EPROM prices have had the effect that the Community industry is no longer suffering financial losses on current sales, but rather generating increased returns.
- (5) The anti-dumping duty was imposed in order to underpin the undertakings and in order to ensure that imports of any EPROMs outside the scope of the undertakings would not be made at an injurious price level. The present market situation is one of strong demand, where market forces are sustaining a level of prices for EPROMs which is at or above the prices at which the above companies have undertaken to sell in the Community. It appears therefore that the absence of injurious dumping of EPROMs on the Community market at present is not dependent on the maintenance of the anti-dumping measures. Whilst the minimum prices applicable pursuant to the undertakings have been overtaken by market prices, the continued exis-

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1.

⁽²⁾ OJ No L 65, 12. 3. 1991, p. 1.

⁽³⁾ OJ No L 262, 21. 10. 1993, p. 1.

⁽⁴⁾ By Decision 95/197/EC, (OJ No L 126, 9. 6. 1995, p. 58) the anti-dumping duties imposed concerning DRAMs originating in Japan and Korea were suspended.

⁽⁵⁾ By Decisions 91/131/EEC and 93/538/EEC (OJ No L 65, 12. 3. 1991, p. 42 and OJ No L 262, 21. 10. 1993, p. 64), the Commission accepted undertakings from certain Japanese EPROM-producers.

tence of the *ad valorem* anti-dumping duty constitutes an unnecessary barrier to entry to the Community market for EPROMs not covered by an undertaking.

- (6) However, based on previous experience gained in the EPROM-market, it appears reasonable to conclude that this development in prices may well be temporary. Indeed, the EPROM-market is a cyclical market characterised by sharp up and downturns in prices. The likelihood that current market conditions are a temporary phenomenon leads to the conclusion that this situation should be dealt with by a temporary suspension of the anti-dumping duty.
- (7) In conclusion, the Commission considers that all requirements to suspend the anti-dumping duty concerned pursuant to Article 14 (4) are met and that therefore this duty should be suspended for a period of nine months. This conclusion has been reached on the basis of:
- reliable sales information collected in the course of the anti-dumping proceeding concerned, reflecting market prices in the Community,
 - the overall situation of the world EPROM market which, given the extensive market research data available, is inherently transparent, and
 - experience of the cyclical nature of this industry.
- (8) The Commission will continue to closely monitor the development of the EPROM market and the behaviour of individual market participants, in particular with respect to the newest generation of EPROMs. Should a situation arise in which a resumption of injury to the Community industry occurs, the Commission will reinstate the above anti-dumping measures without delay.
- (9) To this end, the obligation to submit reports on sales and prices pursuant to the undertakings will enable the Commission to monitor the EPROM

market. However, the Commission considers that, during the period of the suspension of the anti-dumping duty, the obligation to adhere to the minimum price provisions of these undertakings should be discontinued. The quarterly calculation and communication of such prices to these companies by the Commission will therefore be discontinued during this period.

- (10) In accordance with the provisions of Article 14 (4) of the basic Regulation the Commission has informed the complainant of its intention to suspend the above anti-dumping measures and has provided it with an opportunity to comment. These comments have been taken into account reaching the present decision.
- (11) The Advisory Committee was consulted on the suspension of the anti-dumping measures and raised no objections,

HAS DECIDED AS FOLLOWS:

Sole Article

The definitive anti-dumping duty imposed on imports of certain types of electronic microcircuits known as EPROMs (erasable programmable read only memories) originating in Japan by Council Regulation (EEC) No 577/91 is hereby suspended for a period of nine months.

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

Done at Brussels, 14 July 1995.

For the Commission

Leon BRITTAN
Vice-President