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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1767/95

of 29 June 1995

**establishing certain concessions in the form of Community tariff quotas in 1995
for certain agricultural products, including processed products, in favour of
certain central and east European countries**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Act of Accession of Austria, Finland and Sweden,

Having regard to the proposal from the Commission,

Whereas, under the preferential agreements between the European Economic Community, of the one part, and Bulgaria, the Czech Republic, the Slovak Republic, Hungary, Poland and Romania of the other part (hereinafter called 'third countries'), concessions regarding certain agricultural products including processed products have been granted to those countries;

Whereas, as a result of the accession of Austria, Finland and Sweden, those concessions should be adjusted to take into account the arrangements for trade in agricultural products including processed products which existed between Austria, Finland and Sweden, of the one part, and Bulgaria, the Czech Republic, the Slovak Republic, Hungary, Poland and Romania, of the other part;

Whereas to that end exploratory talks are in progress with those third countries with a view to the conclusion of additional protocols to the abovementioned agreements;

Whereas, however, because of the excessively tight deadline, the additional protocols could not enter into force on 1 January 1995;

Whereas in those circumstances and pursuant to Articles 76, 102 and 128 of the Act of Accession the Community must adopt the measures required to remedy the situation; whereas those measures must take the form of autonomous Community tariff quotas covering the conventional preferential tariff concessions applied by Austria, Finland and Sweden;

Whereas the new Member States must apply the import arrangements applicable in the Community with effect from 1 January 1995,

HAS ADOPTED THIS REGULATION:

Article 1

Without prejudice to the import arrangements in the Community applicable to certain agricultural products, including processed products, pursuant to agreements concluded between the Community and Bulgaria, the Czech Republic, the Slovak Republic, Hungary, Poland and Romania existing Community tariff quotas shall be increased or, as necessary, new tariff quotas shall be opened autonomously in accordance with Annexes I and II to this Regulation.

Article 2

Articles 2 to 7 of Regulation (EC) No 1798/94⁽¹⁾ shall not apply to the tariff concessions referred to in Annex I. Article 16 of Regulation (EC) No 3448/93⁽²⁾ shall apply as regards products referred to in Annex II.

Article 3

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

It shall apply with effect from 1 January 1995.

⁽¹⁾ OJ No L 189, 23. 7. 1994, p. 1. Regulation as amended by Regulation (EC) No 2485/94 (OJ No L 265, 15. 10. 1994, p. 5).

⁽²⁾ OJ No L 318, 20. 12. 1993, p. 18.

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

Done at Luxembourg, 29 June 1995.

For the Council

The President

J. BARROT

ANNEX I

PREFERENTIAL TARIFF QUOTAS OPENED FOR 1995

A. HUNGARY

Order No	CN code	Description	Conventional quotas (tonnes) ⁽¹⁾	Autonomous quotas (tonnes)	Rate of duty applicable
09.5561	0409 00 00	Natural honey	—	450	17 %
09.5557	0704 90 10 ex 0704 90 90	White and red cabbages Chinese cabbage, from 1 July to 31 July	} —	330 ⁽²⁾	10 %
09.5563	0710 80 51	Sweet peppers, frozen	—	1 160	free
09.5565	0802 22 00	Hazelnuts, shelled	—	130	free
09.5567	0802 31 00	Walnuts, in shell	—	120	free
09.5569	0802 32 00	Walnuts, shelled	—	420	free
09.5511	0806 10 30 0806 10 40	Table grapes, from 15 July to 31 October, fresh	—	520 ⁽³⁾	12 % ⁽⁶⁾
09.5571	0807 10	Melons (including water melons), fresh	—	3 980	free
09.5159	0808 10 51 0808 10 53 0808 10 59 0808 10 61 0808 10 63 0808 10 69 0808 10 71 0808 10 73 0808 10 79 0808 10 92 0808 10 94 0808 10 98	Apples, other than cider apples } from 1 January to 31 March ⁽⁴⁾ } from 1 April to 30 June ⁽⁵⁾ } from 1 July to 31 July ⁽⁶⁾ } from 1 August to 31 December ⁽⁶⁾	} 4 200 }	700 ⁽⁷⁾	} 3,2 % } 2,4 % } 2,4 % } 5,6 %
09.5513	0808 20	Pears and quinces, fresh	—	1 100 ⁽⁸⁾	6,5 % ⁽⁹⁾
09.5515	0809 20 29 0809 20 39 0809 20 49	Cherries, other than sour cherries } from 1 May to 15 July	} —	225 ⁽⁹⁾	11 % ⁽⁶⁾
09.5573	0812 90	Other fruit and nuts, provisionally preserved, unsuitable for immediate consumption	—	770	free
09.5575	0904 20 10 0904 20 39 0904 20 90	Fruits of the genus ' <i>capsicum</i> ' or ' <i>pimenta</i> ', dried or crushed or ground	—	710	free
09.5583	2001 90 20 2001 90 70	Fruits of the genus ' <i>capsicum</i> ', other than pimentos, prepared or preserved by vinegar or acetic acid	—	200	free

Order No	CN code	Description	Conventional quotas (tonnes) ⁽¹⁾	Autonomous quotas (tonnes)	Rate of duty applicable
09.5585	2001 90 91 2001 90 96	Tropical fruit and tropical nuts and other vegetables, fruits, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid	—	140	7 %
09.5177	2002 90 31 2002 90 39	Tomatoes, prepared otherwise than by vinegar or acetic acid, with a dry matter content of not less than 12 %, but not more than 30 % by weight	5 000	2 060	7,2 %
09.5179	2002 90 91 2002 90 99	Tomatoes, prepared otherwise than by vinegar or acetic acid, with a dry matter content of more than 30 % weight	1 400	580	7,2 %
09.5587	2004 90	Other vegetables and mixtures, prepared or preserved otherwise than by vinegar or acetic acid, frozen	—	120	8 %
09.7011	ex 2204 21	Other wine in containers holding 2 litres or less	145 000 hl	11 930 hl	40 % of the basic duty rate base
09.7007	ex 2204 29	Other wine, in bulk	70 000 hl	43 460 hl	40 % of the basic duty rate

⁽¹⁾ Existing quotas opened under Community preferential agreements.

⁽²⁾ Including 142 tonnes as provided for in Annex II of Council Regulation (EC) No 3379/94 of 22 December 1994 opening and administering certain Community tariff quotas for certain agricultural products and for beer (OJ No L 366, del 31. 12. 1994, p. 3).

⁽³⁾ Including 480 tonnes as provided for in Annex II of Regulation (EC) No 3379/94.

⁽⁴⁾ Minimum duty applicable: min ECU 2,3/100 kg net.

⁽⁵⁾ Minimum duty applicable: min ECU 1,4/100 kg net.

⁽⁶⁾ The reduction concerns only the *ad valorem* part of the duty.

⁽⁷⁾ Including 480 tonnes as provided for in Annex II of Regulation (EC) No 3379/94.

⁽⁸⁾ Including 770 tonnes as provided for in Annex II of Regulation (EC) No 3379/94.

⁽⁹⁾ Including 150 tonnes as provided for in Annex II of Regulation (EC) No 3379/94.

B. POLAND

Order No	CN code	Description	Conventional quotas (tonnes) ⁽¹⁾	Autonomous quotas (tonnes)	Rate of duty applicable
09.5589	0602 99 70 0602 99 91 0602 99 99	Indoor plants	—	130	8 %
09.5123	0706 90 11 0706 90 19	} Celeriac	} 700	190	5,2 % 6,8 %
09.5125	0706 90 90	Other edible roots, excluding carrots, turnips, celeriac and horseradish	230	60	6,8 %
09.5135	0709 51 50	Flap mushrooms	340	140	2,8 %
09.5591	0709 51 30 0709 51 90	Chanterelles Other mushrooms	—	140	free
09.5563	0710 80 51	Sweet peppers, frozen	—	840	free
09.5595	0713 50	Broad beans and horse beans	—	3 930	free
09.5159	0808 10 51 0808 10 53 0808 10 59 0808 10 61 0808 10 63 0808 10 69 0808 10 71 0808 10 73 0808 10 79 0808 10 92 0808 10 94 0808 10 98	Apples, other than cider apples } from 1 January to 31 March ⁽²⁾ } from 1 April to 30 June ⁽³⁾ } from 1 July to 31 July ⁽⁴⁾ } from 1 August to 31 December ⁽⁴⁾	} 1 500	880	} 3,2 % } 2,4 % } 2,4 % } 5,6 %
09.5597	0809 20 11 0809 20 21 0809 20 31 0809 20 41 0809 20 71	Sour cherries, excluding from 16 July to 10 August	—	200	free ⁽⁴⁾
09.5519	0811 10 90 ex 0811 20 ex 0811 90	} Strawberries, frozen, not containing added sugar or other sweetening matter ⁽⁵⁾ } Other berries, frozen, excluding cherries ⁽⁵⁾	} —	9 340 ⁽⁴⁾	free
09.5573	0812 90	Other fruit and nuts provisionally preserved, unsuitable for immediate consumption	—	1 000	free
09.5599	1209 22 to 29	Seeds of forage plants, other than beet and lucerne seeds	—	1 450	free

Order No	CN code	Description	Conventional quotas (tonnes) ⁽¹⁾	Autonomous quotas (tonnes)	Rate of duty applicable
09.5589	1514 10 10	Rape, colza or mustard crude oil, for technical or industrial uses other than the manufacture of foodstuffs for human consumption	—	410	free
09.5547	1703 90 00	Molasses, other than cane molasses	—	64 650	free of levy

⁽¹⁾ Existing quotas opened under Community preferential agreements.

⁽²⁾ Minimum duty applicable: min ECU 2,3/100 kg net.

⁽³⁾ Minimum duty applicable: min ECU 1,4/100 kg net.

⁽⁴⁾ The reduction concerns only the *ad valorem* part of the duty.

⁽⁵⁾ Subject to minimum import price arrangements contained in the Appendix to this Annex.

⁽⁶⁾ Including 3 400 tonnes as provided for in Annex II of Regulation (EC) No 3379/94.

C. BULGARIA

Order No	CN code	Description	Conventional quotas (tonnes) ⁽¹⁾	Autonomous quotas (tonnes)	Rate of duty applicable
09.5561	0409 00 00	Natural honey	—	310	17 %
09.5629	0707 00 10 0707 00 15 0707 00 20 0707 00 35 0707 00 40	Cucumbers, fresh or chilled from 1 November to 31 May	—	5 810	free ⁽²⁾
09.5571	0807 10	Melons (including water melons), fresh	—	230	free
09.5613	0809 20 11 0809 20 21	Sour cherries, from 1 January to 20 May	—	110	free
09.5573	0812 90	Fruit and nuts, other than strawberries and cherries, provisionally preserved, unsuitable for immediate consumption	—	850	free
09.6281	2002 10	Tomatoes, whole or in pieces, prepared or preserved otherwise than by vinegar or acetic acid	7 140	300	12,6 %
09.6283	2002 90	Tomatoes, other than whole or in pieces, prepared or preserved otherwise than by vinegar or acetic acid	7 430	300	12,6 %
09.5615	2003 10 80	Mushrooms, prepared or preserved other than by vinegar or acetic acid	—	110	free
09.7003	ex 2204 21	Quality wine in containers holding not more than 2 litres, other than sparkling wine	280 400 hl	21 230 hl ⁽³⁾	40 % of basic duty
09.7005	ex 2204 29	Quality wine in containers holding more than 2 litres, other than sparkling wine	118 000 hl	10 000 hl	40 % of basic duty

⁽¹⁾ Existing quotas opened under Community preferential agreement.

⁽²⁾ The reduction concerns only the *ad valorem* part of the duty.

⁽³⁾ Including 200 hl, as provided for in Annex II of Regulation (EC) No 3379/94.

D. CZECH REPUBLIC

Order No	CN code	Description	Conventional quotas (tonnes) (¹)	Autonomous quotas (tonnes)	Rate of duty applicable
09.5561	0409 00 00	Natural honey	—	420	17 %
09.5603	0602 99 41	Forest trees	—	140	free
09.5607	0810 90	Other fruit, fresh other than berries	—	500	free
09.5579	1514 10 10	Rape, colza or mustard oil, crude, for technical or industrial uses other than the manufacture of foodstuffs for human consumption	—	9 020	free
09.5609	ex 2204	Wine, including fortified wines	—	990 hl	free

(¹) Existing quotas opened under Community preferential agreements.

E. SLOVAK REPUBLIC

Order No	CN code	Description	Conventional quotas (tonnes) (¹)	Autonomous quotas (tonnes)	Rate of duty applicable
09.5561	0409 00 00	Natural honey	—	160	17 %
09.5569	0802 32 00	Walnuts, shelled	—	180	free
09.5601	2002 90	Tomatoes, other than whole or in pieces, prepared or preserved otherwise than by vinegar or acetic acid	—	980	free

(¹) Existing quotas opened under Community preferential agreements.

F. ROMANIA

Order No	CN code	Description	Conventional quotas (tonnes) ⁽¹⁾	Autonomous quotas (tonnes)	Rate of duty applicable
09.5561	0409 00 00	Natural honey	—	190	17 %
09.6101	0702 00 15 0702 00 20 0702 00 25 0702 00 45 0702 00 50 0702 00 30 0702 00 35 0702 00 40	Tomatoes, fresh or chilled	} 3 890	525	7,7 % ⁽²⁾ } 12,6 % ⁽²⁾
09.6107	0707 00 10 0707 00 15 0707 00 20 0707 00 35 0707 00 40	Cucumbers, fresh or chilled, from 1 November to 15 May	1 880	370	6,8 % ⁽²⁾
09.5611	0707 00 25 0707 00 30	Cucumbers, fresh or chilled, from 16 May to 31 October	—	330	12 % ⁽²⁾
09.6131	0813 10 00 0813 20 00 0813 30 00 0813 40 70 0813 40 95	Dried fruit, other than peaches, pears, papaws and tamarinds	730	180	2,8 % 4,8 % 3,2 % 2,4 % 2,4 %
09.7013	ex 2204 10 ex 2204 21 ex 2204 29	Wine	130 000 hl	8 880 hl	40 % of basic duty rate

⁽¹⁾ Existing quotas opened under Community preferential agreements.⁽²⁾ The reduction concerns only the *ad valorem* part of the duty.

*Appendix to Annex I***Minimum import price arrangement for certain soft fruit for processing**

1. For Poland minimum import prices are fixed for each marketing year for the following products :

0811 10 90	Strawberries
ex 0811 20 19	Raspberries
0811 20 31	Raspberries
0811 20 39	Blackcurrants
0811 20 51	Red currants.

2. In case of non-respect of these minimum import prices, the Community may introduce measures ensuring that the minimum import price is respected for each consignment of the product concerned imported from Poland.
-

ANNEX II

PROCESSED AGRICULTURAL PRODUCTS — ADDITIONAL QUOTAS FOR 1995

A. HUNGARY

Order No	CN code	Additional quotas 1995 (tonnes)	Preference
09.5616	0403 10 51 0403 10 53 0403 10 59 0403 10 91 0403 10 93 0403 10 99	110	0 + MOBR
09.5209	0710 40 0711 90 30	5 740	0 + MOBR 0 + MOBR
09.5211	1519 12 00 1519 30 00	580	0 3,3
09.5217	1804 00 00	250	1,6
09.5221	1806 10 10*11 1806 10 10*19 1806 10 10*91 1806 10 10*99 1806 10 30*10 1806 10 30*90 1806 10 90*10 1806 10 90*90 1806 20 10 1806 20 30 1806 20 50 1806 20 70 1806 20 80*10 1806 20 80*90 1806 20 95*10 1806 20 95*90 1806 31 1806 32 1806 90 11 1806 90 19 1806 90 31 1806 90 39 1806 90 50 1806 90 60*10 1806 90 60*90 1806 90 70 1806 90 90*11 1806 90 90*91 1806 90 90*19 1806 90 90*99	110	0 2 0 + MOBR 0 + MOBR 0 + MOBR 0 + MOBR 0 + MOBR 0 + MOBR 0 + MOBR 0 + MOBR MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z 0 + MOBR 0 + MOBR MAX 27 + AD S/Z 0 + MOB MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z 0 + MOB MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z 0 + MOBR MAX 27 + AD S/Z 0 + MOB MAX 27 + AD S/Z

Order No	CN code	Additional quotas 1995 (tonnes)	Preference
09.5227	1901 90 11	120	0 + MOBR
	1901 90 19		0 + MOBR
	1901 90 90*12		0 + MOBR
	1901 90 90*14		0 + MOBR
	1901 90 90*16		0 + MOBR
	1901 90 90*18		0 + MOBR
	1901 90 90*21		0 + MOBR
	1901 90 90*23		0 + MOBR
	1901 90 90*27		0 + MOBR
	1901 90 90*29		0 + MOBR
	1901 90 90*61		0 + MOBR
	1901 90 90*63		0 + MOBR
	1901 90 90*65		0 + MOBR
	1901 90 90*67		0 + MOBR
	1901 90 90*71 to		0 + MOBR
	1901 90 90*77		
	1901 90 90*93		0 + MOBR
	1901 90 90*95		0 + MOBR
	1901 90 90*97		0 + MOBR
	1901 90 90*99		0 + MOBR
09.5228	1902 11	200	0 + MOBR
	1902 19		
	1902 20 91		
	1902 20 99		
	1902 30		
	1902 40 10		
	1902 40 90		
09.5233	1905 10	600	0 + MOBR
			MAX 24 + AD F/M
	1905 20		0 + MOBR
	1905 30 11		0 + MOBR
			MAX 35 + AD S/Z
	1905 30 19		0 + MOBR
	1905 30 30		MAX 27 + AD S/Z
	1905 30 51		
	1905 30 59		
	1905 30 91		
	1905 30 99		
			0 + MOB
	1905 40		MAX 35 + AD F/M
	1905 90 10		0 + MOBR
			0 + MOBR
	1905 90 20		MAX 20 + AD F/M
	1905 90 30		0 + MOBR
	1905 90 40		
	1905 90 45		0 + MOBR
	1905 90 55		MAX 30 + AD F/M
09.5235	2001 90 30	2 204	0 + MOBR
	2004 90 10		
	2005 80		
09.5617	2008 99 85	200	0 + MOBR
	2008 99 91		
09.5619	2102 20	260	3

Order No	CN code	Additional quotas 1995 (tonnes)	Preference
09.5241	2103 10 00*10	200	4,4
	2103 10 00*90		4,4
	2103 20 00*10		6
	2103 20 00*90		7
	2103 30 90		6,5
	2103 90 90*11		5,9
	2103 90 90*19		5,9
	2103 90 90*91		5,9
	2103 90 90*99		5
09.5251	2202 10 00	360	0
	2202 90 10*10		4,4
	2202 90 91		0 + MOBR
	2202 90 95		
	2202 90 99		

B. CZECH REPUBLIC

Order No	CN code	Additional quotas 1995 (tonnes)	Preference
09.5641	1516 20 10	314	0
09.5643	1519 11	226	0

COMMISSION REGULATION (EC) No 1768/95

of 24 July 1995

implementing rules on the agricultural exemption provided for in Article 14 (3) of Council Regulation (EC) No 2100/94 on Community plant variety rights

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (the basic Regulation)⁽¹⁾, and in particular Article 14 (3) thereof,

Whereas Article 14 of the basic Regulation provides for a derogation from Community plant variety right for the purposes of safeguarding agricultural production (agricultural exemption);

Whereas the conditions to give effect to this derogation and to safeguard the legitimate interests of the breeder and of the farmer shall be established in implementing rules, on the basis of criteria laid down in Article 14 (3) of the basic Regulation;

Whereas this Regulation establishes those conditions in specifying, in particular, the obligations of farmers, processors and holders resulting from the aforesaid criteria;

Whereas these obligations relate essentially to the payment, by farmers, of an equitable remuneration to the holder for the use made of the derogation, to the supply of information, to the safeguarding of the identity of the product of the harvest entered for processing with that resulting from processing as well as to the monitoring of compliance with the provisions on the derogation;

Whereas, also, the definition of 'small farmers' who shall not be required to pay a remuneration to the holder for the use made of the derogation, is completed in particular in respect of farmers growing certain fodder plants and potatoes;

Whereas the Commission will thoroughly monitor, throughout the Community, the effects which the definition of 'small farmers' as laid down in the basic Regulation and, in particular concerning the implications of set aside and — in the case of potatoes — the maximum size of the area, in this Regulation may produce with regard to the role of the remuneration as specified in Article 5 (3) of this Regulation, and where necessary, make the appropriate proposals or take the appropriate steps with a view to establishing Community-wide coherence in respect of the ratio between the use of

licensed propagating material and that of the product of the harvest under the derogation provided for in Article 14 of the basic Regulation;

Whereas, however, it has not yet been possible to assess the extent to which use has been made of comparable derogations under the current legislations of Member States, in relation with the amounts currently charged for the licensed production of propagating material of varieties protected under the aforesaid legislations of Member States;

Whereas, therefore, the Commission can at present not properly define, within the scope of the discretion left to the Community legislator under Article 14 (3) of the basic Regulation, the level of the equitable remuneration which must be sensibly lower than the amount charged for the licensed production of propagating material;

Whereas, however, the initial level as well as the system for subsequent adaptations should be specified as soon as possible and not later than 1 July 1997;

Whereas, moreover, this Regulation aims at specifying the connection between the Community plant variety right and the rights which derive from the provisions of Article 14 of the basic Regulation, on one hand, and that between the authorization granted to the farmer and his holding, on the other hand;

Whereas, finally, the consequences of not fulfilling obligations which derive from the provisions concerned should be clarified;

Whereas the Administrative Council has been consulted;

Whereas the provisions provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plant Variety Rights,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Scope

1. This Regulation establishes the implementing rules on the conditions to give effect to the derogation provided for in Article 14 (1) of the basic Regulation.

⁽¹⁾ OJ No L 227, 1. 9. 1994, p. 1.

2. The conditions shall apply to the rights and their exercise, and to the obligations and their fulfilment, of the holder within the meaning of Article 13 (1) of the basic Regulation, as well as to the authorization and its use, and to the obligations and their fulfilment, of the farmer, to the extent that such rights, authorization and obligations derive from the provisions of Article 14 of the basic Regulation. They shall also apply in respect of rights, authorization and obligations which derive from the provisions of Article 14 (3) of the basic Regulation for others.

3. Unless otherwise specified in this Regulation, the details relating to the exercise of the rights, to the use of the authorizations or to the fulfilment of the obligations shall be governed by the law of the Member State, including its international private law, in which the farmer's holding on which the derogation is used, is located.

Article 2

Safeguarding interests

1. The conditions referred to in Article 1 shall be implemented both by the holder, representing the breeder, and by the farmer in such a way as to safeguard the legitimate interests of each other.

2. The legitimate interests shall not be considered to be safeguarded if one or more of these interests are adversely affected without account being taken of the need to maintain a reasonable balance between all of them, or of the need for proportionality between the purpose of the relevant condition and the actual effect of the implementation thereof.

CHAPTER 2

THE HOLDER AND THE FARMER

Article 3

The holder

1. The rights and obligations of the holder which derive from the provisions of Article 14 of the basic Regulation, as specified in this Regulation, other than the right on an already quantifiable payment of the equitable remuneration referred to in Article 5, may not be the object of a transfer to others. However, they shall be included in the rights and obligations which are concerned by a transfer of the Community plant variety

right in accordance with the provisions of Article 23 of the basic Regulation.

2. Rights referred to in paragraph 1 may be invoked by individual holders, collectively by several holders or by an organization of holders which is established in the Community at Community, national, regional or local level. An organization of holders may act only for its members, and only for those thereof which have given the respective mandate in writing to the organization. It shall act either through one or more of its representatives or through auditors accredited by it, within the limits of their respective mandates.

3. A representative of the holder or of an organization of holders as well as an accredited auditor shall:

- (a) be domiciled or shall have his seat or an establishment within the territory of the Community, and
- (b) be authorized by the holder or the organization in writing, and
- (c) provide evidence for the conditions laid down in (a) and (b), either through reference to relevant information published by holders or communicated by holders to organizations of farmers, or otherwise, and produce, on request, a copy of the written authorization referred to in (b), to any farmer against whom he invokes the rights.

Article 4

The farmer

1. The authorization and obligations of the farmer which derive from the provisions of Article 14 of the basic Regulation, as specified in this regulation or in provisions adopted pursuant to this Regulation, may not be the object of a transfer to others. However, they shall be included in the rights and obligations which are concerned by a transfer of the holding of the farmer, unless, in respect of the obligation to pay the equitable remuneration referred to in Article 5, otherwise agreed in the act of transfer of the holding. The transfer of the authorization and obligations shall take effect at the same time at which the transfer of the holding takes effect.

2. An 'own holding' within the meaning of Article 14(1) of the basic Regulation shall be considered to be any holding or part thereof which the farmer actually exploits for plant growing, whether as his property or otherwise managed under his own responsibility and on his own account, in particular in the case of leaseholds. The disposal of a holding or part thereof for the purpose of exploitation by others shall be regarded as transfer within the meaning of paragraph 1.

3. The person or persons to whom the holding concerned belongs as property at the time at which the fulfilment of an obligation is claimed, shall be deemed to be the farmer, unless they provide the proof that another person is the farmer who must fulfil the obligation, in accordance with the provisions of paragraphs 1 and 2.

CHAPTER 3

REMUNERATION

Article 5

Level of remuneration

1. The level of the equitable remuneration to be paid to the holder pursuant to Article 14 (3), fourth indent of the basic Regulation may form the object of a contract between the holder and the farmer concerned.

2. Where such contract has not been concluded or does not apply, the level of remuneration shall be sensibly lower than the amount charged for the licensed production of propagating material of the lowest category qualified for official certification, of the same variety in the same area.

If no licensed production of propagating material of the variety concerned has taken place in the area in which the holding of the farmer is located, and if there is no uniform level of the aforesaid amount throughout the Community, the level of remuneration shall be sensibly lower than the amount which is normally included, for the above purpose, in the price at which propagating material of the lowest category qualified for official certification, of that variety is sold in that area, provided that it is not higher than the aforesaid amount charged in the area in which that propagating material has been produced.

3. The level of remuneration shall be considered to be sensibly lower within the meaning of Article 14 (3), fourth indent of the basic Regulation as specified in paragraph 2 above, if it does not exceed the one necessary to establish or to stabilize, as an economic factor determining the extent to which use is made of the derogation, a reasonably balanced ratio between the use of licensed propagating material and the planting of the product of the harvest of the respective varieties covered by a Community plant variety right. Such ratio shall be considered to be reasonably balanced, if it ensures that the holder obtains, as a whole, a legitimate compensation for the total use of his variety.

Article 6

Individual obligation to payment

1. Without prejudice to the provisions of paragraph 2, the individual obligation of a farmer to pay the equitable remuneration shall come to existence at the time when he actually makes use of the product of the harvest for propagating purposes in the field.

The holder may determine the date and the manner of payment. However, he shall not determine a date of payment which is earlier than the date on which the obligation has come to existence.

2. In the case of a Community plant variety right granted pursuant to Article 116 of the basic Regulation, the individual obligation of a farmer entitled to invoke the provisions of Article 116 (4) second indent of the basic Regulation shall come to existence at the time when he actually makes use of the product of the harvest for propagating purposes in the field after 30 June 2001.

Article 7

Small farmers

1. An area on which plants are grown within the meaning of Article 14 (3) third indent of the basic Regulation shall be an area which has been planted for regular cultivation and harvesting. In particular, forest land, permanent pastures established for a duration of more than five years, permanent natural green land and assimilated cases as determined in the Standing Committee on Plant Variety Rights shall not be considered to be areas on which plants are grown.

2. Areas of the holding of the farmer on which plants have been grown, but which are land set aside, on a temporary or permanent basis, in the marketing year starting on 1 July and ending on 30 June of the subsequent calendar year ('the marketing year'), in which the payment of the remuneration would be due, shall be considered to be areas on which plants are still grown, if subsidies or compensatory payments are granted by the Community or by the Member State concerned in respect of that set aside.

3. Without prejudice to the provisions laid down in Article 14 (3), third indent, first sub-indent of the Basic Regulation, small farmers in the case of other plant species (Article 14 (3), third indent, second sub-indent of the Basic Regulation) shall be considered to be farmers who

(a) in the case of fodder plants coming under that latter provision : irrespective of the area on which they grow plants other than those fodder plants, do not grow those fodder plants for a duration of not more than five years on an area bigger than the area which would be needed to produce 92 tonnes of cereals per harvest,

(b) in the case of potatoes: irrespective of the area on which they grow plants other than potatoes, do not grow potatoes on an area bigger than the area which would be needed to produce 185 tonnes of potatoes per harvest.

4. The calculation of the areas referred to in paragraphs 1, 2 and 3 shall be made, for the territory of each Member State,

— in the case of plant species to which Council Regulation (EEC) No 1765/92⁽¹⁾ applies, and in the case of fodder plants other than those already coming under the provisions thereof, in accordance with the provisions of that Regulation, and in particular Articles 3 and 4 thereof, or with provisions adopted pursuant to that Regulation, and

— in the case of potatoes, on the basis of the average yield per hectare established in the Member State concerned, in accordance with the statistical information delivered pursuant to Council Regulation (EEC) No 959/93⁽²⁾ concerning statistical information to be supplied by Member States on crop products other than cereals.

5. A farmer who claims to be a 'small farmer' shall, in the case of dispute, provide the proof that the requirements for this category of farmers are met. However, the requirements for a 'small producer' within the meaning of Article 8 (1) and (2) of Council Regulation (EEC) No 1765/92 shall not be applicable for that purpose, unless the holder agrees to the contrary.

CHAPTER 4

INFORMATION

Article 8

Information by the farmer

1. The details of the relevant information to be provided by the farmer to the holder pursuant to Article 14 (3), sixth indent of the basic Regulation may form the object of a contract between the holder and the farmer concerned.

2. Where such contract has not been concluded or does not apply, the farmer shall, without prejudice to information requirements under other Community legislation or under legislation of Member States, on request of the holder, be required to provide a statement of relevant

information to the holder. The following items shall be considered to be relevant:

- (a) the name of the farmer, the place of his domicile and the address of his holding,
- (b) the fact whether the farmer has made use of the product of the harvest belonging to one or more varieties of the holder for planting in the field or fields of his holding,
- (c) if the farmer has made such use, the amount of the product of the harvest belonging to the variety or varieties concerned, which has been used by the farmer in accordance with Article 14 (1) of the basic Regulation,
- (d) under the same condition, the name and address of the person or persons who have supplied a service of processing the relevant product of the harvest for him for planting,
- (e) if the information obtained under (b), (c) or (d) cannot be confirmed in accordance with the provisions of Article 14, the amount of licensed propagating material of the varieties concerned used as well as the name and address of the supplier or suppliers thereof, and
- (f) in the case of a farmer invoking the provisions of Article 116 (4) second indent of the Basic Regulation, whether he has already used the variety concerned for the purpose described in Article 14 (1) of the Basic Regulation without payment of a remuneration, and if so, since when.

3. The information under paragraph 2 (b), (c), (d) and (e) shall refer to the current marketing year, and to one or more of the three preceding marketing years for which the farmer had not previously provided relevant information on request made by the holder in accordance with the provisions of paragraphs 4 or 5.

However, the first marketing year to which the information refers, shall be not earlier than the one in which the first of such requests for information was made in respect of the variety or varieties and the farmer concerned, or, alternatively, in which the farmer acquired propagating material of the variety or varieties concerned, if this was accompanied by information at least on the filing of the application for the grant of a Community plant variety right or on the grant of such right as well as on possible conditions relating to the use of that propagating material.

In the case of varieties coming under the provisions of Article 116 of the Basic Regulation and in respect of farmers entitled to invoke the provisions of Article 116 (4), second indent of the basic Regulation, the first marketing year shall be 2001/02.

4. In his request, the holder shall specify his name and address, the variety or varieties in respect of which he is interested in information, as well as the reference or references to the relevant Community plant variety right

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 98, 24. 4. 1993, p. 1.

or rights. If required by the farmer, the request shall be made in writing, and evidence for holdership shall be provided. Without prejudice to the provisions of paragraph 5, the request shall be made directly to the farmer concerned.

5. A request which has not been made directly to the farmer concerned, shall be considered to comply with the provisions of paragraph 4, third sentence, if it is sent to farmers through the following bodies or persons, with their prior agreement respectively:

- organizations of farmers or cooperatives, concerning all farmers who are members of such organization or cooperative, or,
- processors, concerning all farmers to whom they have supplied a service of processing the relevant product of the harvest for planting, in the current marketing year and in the three preceding marketing years, starting in the marketing year as specified in paragraph 3, or,
- suppliers of licensed propagating material of varieties of the holder, concerning all farmers to whom they have supplied such propagating material in the current marketing year and in the three preceding marketing years, starting in the marketing year as specified in paragraph 3.

6. For a request made in accordance with the provisions of paragraph 5, the specification of individual farmers is not required. The organizations, cooperatives, processors or suppliers may be authorized by the farmers concerned to forward the required information to the holder.

Article 9

Information by the processor

1. The details of the relevant information to be provided by the processor to the holder pursuant to Article 14 (3), sixth indent of the basic Regulation may form the object of a contract between the holder and the processor concerned.

2. Where such contract has not been concluded or does not apply, the processor shall, without prejudice to information requirements under other Community legislation or under legislation of Member States, on request of the holder, be required to provide a statement of relevant information to the holder. The following items shall be considered to be relevant:

- (a) the name of the processor, the place of his domicile and the name and address registered for his business;
- (b) the fact whether the processor has supplied a service of processing the product of the harvest belonging to

one or more varieties of the holder for planting, where the variety or varieties were declared or otherwise known to the processor;

- (c) if the processor has supplied such service, the amount of the product of the harvest belonging to the variety or varieties concerned, which has been processed for planting, by the processor, and the total amount resulting from that processing;
- (d) the dates and places of the processing referred to in (c); and
- (e) the name and address of the person or persons to whom he has supplied the service of processing referred to in (c), and the respective amounts.

3. The information under paragraph 2 (b), (c), (d) and (e) shall refer to the current marketing year and to one or more of the three preceding marketing years for which the holder has not yet made an earlier request in accordance with the provisions of paragraphs 4 or 5; however, the first marketing year to which the information refers, shall be the one in which the first of such requests was made in respect of the variety or varieties and the processor concerned.

4. The provisions of Article 8 (4) shall apply *mutatis mutandis*.

5. A request which has not been made directly to the processor concerned, shall be considered to comply with the provisions of Article 8 (4), third sentence, if it is sent to processors through the following bodies or persons, with their prior agreement respectively:

- organizations of processors in the Community which are established at Community, national, regional or local level, concerning all processors who are members of, or represented in, such organization,
- farmers, concerning all processors who have supplied a service of processing the relevant product of the harvest to them for planting, in the current marketing year and in the three preceding marketing years, starting in the marketing year as specified in paragraph 3.

6. For a request made in accordance with the provisions of paragraph 5, the specification of individual processors is not required. The organizations or farmers may be authorized by the processors concerned to forward the required information to the holder.

Article 10

Information by the holder

1. The details of the information to be provided by the holder to the farmer pursuant to Article 14 (3), fourth indent of the basic Regulation may form the object of a contract between the farmer and the holder concerned.

2. Where such contract has not been concluded or does not apply, the holder shall, without prejudice to information requirements under other Community legislation or under legislation of Member States, on request of the farmer from whom the holder has claimed the payment of the remuneration referred to in Article 5, be required to provide a statement of relevant information to the farmer. The following items shall be considered to be relevant :

- the amount charged for the licensed production of propagating material of the lowest category qualified for official certification, of the same variety in the area in which the holding of the farmer is located, or,
- if no licensed production of propagating material of the variety concerned has taken place in the area in which the holding of the farmer is located, and if there is no uniform level of the aforesaid amount throughout the Community, the amount which is normally included, for the above purpose, in the price at which propagating material of the lowest category qualified for official certification, of that variety is sold in that area, as well as the aforesaid amount charged in the area in which that propagating material has been produced.

Article 11

Information by official bodies

1. A request for information on the actual use of material, by planting, of specific species or varieties, or on the results of such use, which a holder addresses to an official body, must be made in writing. In this request, the holder shall specify his name and address, the variety or varieties in respect of which he is interested in information and the type of information he seeks. He also shall provide evidence for his holdership.
2. The official body may, without prejudice to the provisions of Article 12, withhold the requested information only, if
 - it is not involved in the monitoring of agricultural production, or
 - it is not allowed, under Community rules or rules of Member States governing the general discretion applicable in respect of activities of official bodies, to provide such information to holders, or
 - it is under its discretion, pursuant to the Community legislation or the legislation of Member States under which the information has been collected, to withhold such information, or
 - the requested information is not or no longer available, or
 - such information cannot be obtained through ordinary performance of the tasks of the official body, or

- such information can only be obtained with additional burden or costs, or
- such information relates specifically to material which does not belong to varieties of the holder.

The official bodies concerned shall inform the Commission on the manner in which they exercise the discretion referred to in the third indent above.

3. In providing the information, the official body shall not differentiate between holders. The official body may provide the requested information in making copies available to the holder, which have been produced from documents containing information additional to that relating to material belonging to varieties of the holder, provided that it is ensured that any possibility to identify individuals protected under the provisions referred to in Article 12 has been removed.

4. If the official body takes the decision to withhold the requested information, it shall inform the requesting holder thereof in writing and indicate the reason for this decision.

Article 12

Protection of personal data

1. Any person who is providing or receiving information under the provisions of Articles 8, 9, 10 or 11 shall be subject, in respect of personal data, to the provisions of Community legislation or of legislation of Member States on the protection of individuals with regard to the processing and free movement of personal data.
2. Any person receiving information under the provisions of Articles 8, 9, 10 or 11 shall not, without prior consent of the person who has supplied the information, pass any of this information to another person or use it for any purpose other than for the exercise of the Community plant variety right or for the use of the authorization provided for in Article 14 of the Basic Regulation, respectively.

CHAPTER 5

OTHER OBLIGATIONS

Article 13

Obligations in the case of processing outside the holding of the farmer

1. Without prejudice to the restrictions which Member States may have established pursuant to Article 14 (3) second indent of the basic Regulation, the product of the harvest of a variety which is covered by a Community plant variety right shall not, without the prior consent of the holder, be moved from the holding on which it was obtained, for the purpose of being processed for planting, unless the farmer :

(a) has implemented appropriate measures to ensure identity of the product entered for processing with that resulting from processing; and

(b) makes sure that the actual processing is carried out by a processor for the supply of services of processing the product of the harvest for planting, who has:

— either been registered under legislation of the Member State concerned adopted on the grounds of public interest, or has undertaken to the farmer to notify this activity, as far as varieties covered by a Community plant variety right are concerned, to the competent body established, designated or authorized in the Member State for that purpose, either by an official body or by an organization of holders, farmers or processors, for subsequent inclusion in a list established by the said competent body, and

— has undertaken to the farmer to also implement appropriate measures to ensure identity of the product entered by the farmer for processing with that resulting from processing.

2. For the purpose of the listing of processors as specified in paragraph 1, Member States may lay down requirements of qualification to be met by processors.

3. The registers and the lists referred to in paragraph 1 shall be published or be made available to organisations of holders, farmers and processors respectively.

4. The lists referred to in paragraph 1 shall be established not later than 1 July 1997.

CHAPTER 6

MONITORING BY THE HOLDER

Article 14

Monitoring of farmers

1. For the purpose of monitoring, by the holder, compliance with the provisions of Article 14 of the basic Regulation as specified in this Regulation, as far as the fulfilment of obligations of the farmer is concerned, the farmer shall, on request of the holder:

(a) provide evidence supporting his statements of information under Article 8, through disclosure of available relevant documents such as invoices, used labels, or any other appropriate device such as that required pursuant Article 13 (1) (a), relating to:

— the supply of services of processing the product of the harvest of a variety of the holder for planting, by any third person, or

— in the case of Articles 8 (2) (e), the supply of propagating material of a variety of the holder, or through the demonstration of land or storage facilities.

(b) make available or accessible the proof required under Article 4 (3) or 7 (5).

2. Without prejudice to other Community legislation or to legislation of Member States, farmers shall be required to conserve any of such document or device referred to in paragraph 1 for at least the period of time specified in Article 8 (3), provided that, in the case of used labels, the information by which the propagating material referred to in Article 8 (3) second subparagraph was accompanied included the advice for the conservation of the label relating to that material.

Article 15

Monitoring of processors

1. For the purpose of monitoring, by the holder, compliance with the provisions of Article 14 of the basic Regulation as specified in this Regulation, as far as the fulfilment of obligations of the processor is concerned, the processor shall, on request of the holder, provide evidence supporting his statements of information under Article 9, through disclosure of available relevant documents such as invoices, devices suitable for the identification of material, or any other appropriate device such as that required pursuant to Article 13 (1) (b), second indent, or samples of processed material, relating to his supply of services of processing the product of the harvest of a variety of the holder to farmers for planting, or through the demonstration of processing or storage facilities.

2. Without prejudice to other Community legislation or to legislation of Member States, processors shall be required to conserve any of such document or device referred to in paragraph 1 for at least the period of time specified in Article 9 (3).

Article 16

Manner of monitoring

1. The monitoring shall be carried out by the holder. He may make appropriate arrangements to ensure assistance from organizations of farmers, processors, cooperatives or other circles of the agricultural community.

2. Conditions relating to the methods of monitoring laid down in agreements between organizations of holders and of farmers or processors, which are established in the Community at Community, national, regional or local level respectively, shall be used as guidelines, if these agreements have been notified to the Commission in writing by authorized representatives of the relevant organizations and published in the 'Official Gazette' issued by the Community Plant Variety Office.

CHAPTER 7**INFRINGEMENT AND SPECIAL CIVIL LAW CLAIMS***Article 17***Infringement**

The holder may invoke the rights conferred by the Community plant variety right against a person who contravenes any of the conditions or limitations attached to the derogation pursuant to Article 14 of the basic Regulation as specified in this Regulation.

*Article 18***Special civil law claims**

1. A person referred to in Article 17 may be sued by the holder to fulfil his obligations pursuant to Article 14 (3) of the basic Regulation as specified in this Regulation.
2. If such person has repeatedly and intentionally not complied with his obligation pursuant to Article 14 (3) 4th indent of the basic Regulation, in respect of one or

more varieties of the same holder, the liability to compensate the holder for any further damage pursuant to Article 94 (2) of the basic Regulation shall cover at least a lump sum calculated on the basis of the quadruple average amount charged for the licensed production of a corresponding quantity of propagating material of protected varieties of the plant species concerned in the same area, without prejudice to the compensation of any higher damage.

CHAPTER 8**FINAL PROVISIONS***Article 19***Entry into force**

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, 18 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1769/95

of 24 July 1995

altering, for the 1995/96 marketing year, the adjustment aid and additional aid to the sugar refining industry

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾, and in particular Article 36 (6) thereof,

Whereas Article 36 of Regulation (EEC) No 1785/81 provides that during the 1995/96 to 2000/01 marketing years adjustment aid of ECU 0,10 per 100 kilograms of sugar expressed as white sugar is to be granted as an intervention measure to the Community's imported preferential raw cane sugar refining industry; whereas, as provided for in those provisions, additional aid equal to that amount is to be granted during the same period for the refining of raw cane sugar produced in the French overseas departments;

Whereas Article 36 (4) of Regulation (EEC) No 1785/81 provides that the adjustment aid and the additional aid referred to above shall be altered in respect of a given marketing year in the light of the storage levy fixed for that year and previous adjustments; whereas the storage levy for the 1995/96 marketing year was fixed by Commission Regulation (EC) No 1611/95⁽³⁾ at ECU 3,62 per 100 kilograms of white sugar; whereas that amount

represents the same as that applicable for the 1994/95 marketing year converted into new ecus; whereas, after taking into account previous adjustments, the amount of these aids should consequently be fixed for the 1995/96 marketing year at ECU 1,30 per 100 kilograms of sugar exported as white sugar;

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 amounts of the adjustment aid and of the additional aid provided for respectively in paragraphs 1 and 3 of Article 36 of Regulation (EEC) No 1785/81 shall be fixed at ECU 1,30 per 100 kilograms of sugar expressed as white sugar for the 1995/96 marketing year.

Article 2

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

It shall apply from 1 July 1995.

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

Done at Brussels, 24 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 153, 4. 7. 1995, p. 22.

COMMISSION REGULATION (EC) No 1770/95
of 24 July 1995
amending Regulation (EC) No 360/95 opening individual sales by invitation to
tender for the export of vinous alcohol held by intervention agencies

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

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules on the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽¹⁾,

Whereas Commission Regulation (EEC) No 377/93 ⁽²⁾, as last amended by Regulation (EC) No 3152/94 ⁽³⁾, lays down the detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87 ⁽⁴⁾, as last amended by Regulation (EC) No 1544/95 ⁽⁵⁾, and held by intervention agencies;

Whereas it is in the interests of the Community that sales of alcohol under Commission Regulation (EC) No 360/95 ⁽⁶⁾ opening individual sales by invitations to tender Nos 170/94 EC and 171/94 EC should take place in compliance with the conditions provided for, in particular with regard to use and processing; whereas, in these circumstances, the successful bidder should be allowed to postpone payment for the alcohol concerned until 26 September 1995;

Whereas, however, it should also be ensured that traders are equally treated and whereas, therefore, the date initi-

ally set for accepting responsibility for the cost of storage of the alcohol should be maintained;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 6(2) of Regulation (EC) No 360/95 shall be replaced by the following:

'2. The successful tenderer shall pay for the alcohol and accept responsibility for the risk of theft, loss and destruction of the alcohol covered by the invitations to tender referred to in this Regulation not later than 26 September 1995. The successful tenderer shall take responsibility for the costs of storage of the alcohol not later than 26 June 1995.'

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 26 June 1995.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽²⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽³⁾ OJ No L 332, 22. 12. 1994, p. 34.

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁵⁾ OJ No L 148, 30. 6. 1995, p. 31.

⁽⁶⁾ OJ No L 41, 23. 2. 1995, p. 14.

COMMISSION REGULATION (EC) No 1771/95

of 24 July 1995

amending for the sixth time Regulation (EC) No 3146/94 adopting exceptional support measures for the market in pigmeat in Germany

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

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market, in pigmeat⁽¹⁾, as last amended by Commission Regulation (EC) No 3290/94⁽²⁾, and in particular Article 20 thereof,

Whereas, because on the outbreak of classical swine fever in certain production regions in Germany, exceptional support measures for the market in pigmeat were adopted for that Member State in Commission Regulation (EC) No 3146/94⁽³⁾, as last amended by Regulation (EC) No 1211/95⁽⁴⁾;

Whereas, pursuant to Article 4 of Regulation (EC) No 3146/94, processed products produced from delivered fattened pigs should be exported before 1 July 1995; whereas it is appropriate to allow the continuation of these exports beyond that date, taking into account the present animal health situation and the fact that the volume of these exports remains insignificant in comparison to the total exports of processed products;

Whereas new outbreaks of classical swine fever took place in the district of Diepholz in Lower Saxony; whereas it is therefore appropriate to include this area in the support measures provided for by Regulation (EC) No 3146/94;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 3146/94 is amended as follows:

1. in Article 4 (2), 'before 1 July 1995' is deleted;
2. 'DIEPHOLZ' is added to Annex II, point 1.

Article 2

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, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

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

⁽³⁾ OJ No L 332, 22. 12. 1994, p. 23.

⁽⁴⁾ OJ No L 120, 31. 5. 1995, p. 3.

COMMISSION REGULATION (EC) No 1772/95

of 24 July 1995

suspending Regulations (EC) No 986/95, (EC) No 987/95, (EC) No 1071/95, (EC) No 1072/95, (EC) No 1178/95, (EC) No 1179/95 and (EC) No 1180/95 opening standing invitations to tender for the export of cereals held by the intervention agencies

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 1664/95⁽²⁾, and in particular Article 5 thereof,

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions for the disposal of cereals held by the intervention agencies;

Whereas for economical reasons, it is appropriate to suspend until 7 September 1995 the period during which the invitations to tender under Commission Regulations (EC) No 986/95⁽⁵⁾, (EC) No 987/95⁽⁶⁾, (EC) No 1071/95⁽⁷⁾, as amended by Regulation (EC) No 1213/95⁽⁸⁾, (EC) No 1072/95⁽⁹⁾, (EC) No 1178/95⁽¹⁰⁾, (EC) No 1179/95⁽¹¹⁾, (EC) No 1180/95⁽¹²⁾ remain open;

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

HAS ADOPTED THIS REGULATION:

Article 1

The tenders under Regulations (EC) No 986/95, (EC) No 987/95, (EC) No 1071/95, (EC) No 1072/95, (EC) No 1178/95, (EC) No 1179/95 and (EC) No 1180/95 are hereby suspended until 7 September 1995.

Article 2

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, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 158, 8. 7. 1995, p. 13.

⁽³⁾ OJ No L 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 100, 3. 5. 1995, p. 4.

⁽⁶⁾ OJ No L 100, 3. 5. 1995, p. 9.

⁽⁷⁾ OJ No L 108, 13. 5. 1995, p. 38.

⁽⁸⁾ OJ No L 120, 31. 5. 1995, p. 6.

⁽⁹⁾ OJ No L 108, 13. 5. 1995, p. 43.

⁽¹⁰⁾ OJ No L 118, 25. 5. 1995, p. 25.

⁽¹¹⁾ OJ No L 118, 25. 5. 1995, p. 30.

⁽¹²⁾ OJ No L 118, 25. 5. 1995, p. 35.

**COMMISSION REGULATION (EC) No 1773/95
of 24 July 1995
on the supply of cereals 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 beneficiaries 12 144 tonnes of cereals ;

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

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

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, 24 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⁾: 1505/94 (A1) and 118/95 (A2)
2. **Programme**: 1994 and 1995
3. **Recipient** ⁽²⁾: Euronaid, PO box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 euron nl)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: Ethiopia
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A.1 (a))
8. **Total quantity**: 12 144 tonnes
9. **Number of lots**: one in two parts (A1: 144 tonnes and A2: 12 000 tonnes)
10. **Packaging and marking** ⁽⁸⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A.2 (a) and II.A.3)
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment — fob stowed ⁽⁶⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 4 — 24. 9. 1995
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 8. 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: 18. 9 — 8. 10. 1995
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 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, rue de la Loi/Wetstraat 200, B-1049 Brussels (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** ⁽⁴⁾: refund applicable on 31. 7. 1995, fixed by Commission Regulation (EC) No 1578/95 (OJ No L 150, 1. 7. 1995, p. 68)

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) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1053/95 (OJ No L 107, 12. 5. 1995, p. 4) shall not apply to this amount.
- (⁵) The supplier should send a duplicate of the original invoice to: Willis Corron Schuer, PO Box 1315, NL-1000 BH Amsterdam.
- (⁶) Notwithstanding Articles 7 (3) (f) and 13 (2) of Regulation (EEC) No 2200/87, the price tendered must include all loading, handling and stowage costs.
- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate,
 - fumigation certificate : (the cargo shall be fumigated with alumine phosphine).
- (⁸) Notwithstanding OJ No C 114, point II.A.(3)(c) is replaced by the following : 'the words "European Community"'.
- (⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
-

COMMISSION REGULATION (EC) No 1774/95
of 24 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 1 465 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;

Whereas, for a given lot, given the small quantities to be supplied, the packaging methods and the large number of

destinations of the supplies, provision should be made for the possibility for tenderers to indicate two ports of loading, where necessary not belonging to the same port area,

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 Annexes, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annexes. 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.

For lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

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, 24 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 I

LOT A

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1994 and 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (1) (a))
8. **Total quantity**: 1 065 tonnes net
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (2) (1), IIIA (2) (3) and IIIA (3))
 - five-litre metal canisters, without cardboard cross-pieces
 - language to be used for the markings: see Annex II
 - supplementary markings (A10): 'Expiry date: ...'
11. **Method of mobilization**: mobilization of refined rape seed 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 shipment ⁽⁹⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 11. 9 — 1. 10. 1995
18. **Deadline for the supply**: —
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 8. 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: 25. 9 — 15. 10. 1995
 - (c) deadline for the supply: —
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, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer**: —

LOT B

1. **Operation No** ⁽¹⁾: 92/95
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: Egypt
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: No C 114, 29. 4. 1991, p. 1 (under IIIA (1) (b))
8. **Total quantity**: 400 tonnes net
9. **Number of lots**: one
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (2) (1), IIIA (2) (3) and IIIA (3))
Five-litre metal canisters, without cardboard cross-pieces
Markings in English
Supplementary markings: 'Expiry date:...' (date of manufacture + 18 months)
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 shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 11. 9 — 1. 10. 1995
18. **Deadline for the supply**: —
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 8. 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: 25. 9 — 15. 10. 1995
 - (c) deadline for the supply: —
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, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (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.
A10 + B : the radioactivity certificate (lot B : and the certificate of origin) must be legalized by the diplomatic representation in the country of origin of the goods.
 - (⁴) Article 7 (3) (g) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
 - (⁵) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
 - (⁶) Notwithstanding OJ No C 114, point III.A (3) (c) is replaced by the following : 'the words "European Community"'.

(⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, a sanitary certificate (Lot B : and Expiry date).
 - (⁸) Shipment to take place in 20-foot containers, FLC/FCL. The supplier will be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient will be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
The successful tenderer must submit to the recipient's agent a complete packing list of each container, specifying the number of metal canisters belonging to each shipping number as specified in the invitation to tender. The rows of cartons (each third tier) must be separated by a hardboard layer (minimum 2 300 × 610 × 3 mm).
The successful tenderer must seal each container with a numbered locktainer (sysko locktainer 180 seal), the number of which is to be provided to the recipient's forwarder.
 - (⁹) For Lot A, notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.
-

ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II —
ANEXO II — LIITE II — BILAGA II

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (tons)	Delmængde (tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού	Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination	Language to be used for the marking
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination	Langue à utiliser pour le marquage
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione	Lingua da utilizzare per la marcatura
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming	Taal te gebruiken voor de opschriften
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Ação n°	País de destino	Língua a utilizar na rotulagem
Erä	Kokonaismäärä (tonnia)	Osittaismäärä (tonnia)	Toimi N:o	Määrämaa	Merkinnässä käytettävä kieli
Parti	Total kvantitet (ton)	Delkvantitet (ton)	Aktion nr	Bestämmelseland	Märkning på följande språk
A	1 065	A1: 30	1620/94	República Dominicana	Español
		A2: 75	1621/94	Haïti	Français
		A3: 75	1622/94	Haïti	Français
		A4: 135	1624/94	Namibia	English
		A5: 60	1625/94	Niger	Français
		A6: 180	1626/94	Eritrea	English
		A7: 30	1627/94	Ethiopia	English
		A8: 45	84/95	Ethiopia	English
		A9: 90	85/95	Sudan	English
		A10: 135	86/95	Kenya	English
		A11: 30	87/95	Madagascar	Français
		A12: 15	88/95	Togo	Français
		A13: 165	89/95	Togo	Français

COMMISSION REGULATION (EC) No 1775/95

of 24 July 1995

determining the extent to which applications lodged in July 1995 for import certificates for certain cheeses covered by the arrangements provided for in the Interim Agreements concluded by the Community with Bulgaria and Romania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1588/94 of 30 June 1994 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community on the one part, and Bulgaria and Romania on the other part⁽¹⁾, as last amended by Regulation (EC) No 1637/95⁽²⁾, and in particular Article 4 (4) thereof,

Whereas the applications made for licences for products mentioned in Regulation (EC) No 1588/94 are for quantities lower than those available; whereas these applications can therefore be met in full,

Article 1

Applications for import licences for the period 1 July to 30 October 1995 submitted pursuant to Regulation (EC) No 1588/94 shall be met in full, for products mentioned in Regulation (EC) No 1588/94.

Article 2

This Regulation shall enter into force on 25 July 1995.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 167, 1. 7. 1994, p. 8.

⁽²⁾ OJ No L 155, 6. 7. 1995, p. 29.

COMMISSION REGULATION (EC) No 1776/95**of 24 July 1995**

determining the extent to which applications lodged in July 1995 for import licences for certain milk products and products covered by the arrangements provided for in the Europe Agreements concluded by the Community with the Republic of Poland and the Republic of Hungary, the Czech Republic and the Slovak Republic can be accepted

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

Having regard to Commission Regulation (EEC) No 584/92 of 6 March 1992 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic⁽¹⁾, as last amended by Regulation (EC) No 1637/95⁽²⁾, and in particular Article 4 (5) thereof,

Whereas applications for import licences lodged for the products referred to in Regulation (EEC) No 584/92 concern quantities greater than those available for certain products; whereas, therefore reduction percentages should

be fixed for certain of the quantities applied for the period 1 July to 30 September 1995,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for products falling within the CN codes listed in the Annex hereto, lodged under Regulation (EEC) No 584/92 for the period 1 July to 30 September 1995, shall be accepted, per country of origin, up to the percentages indicated.

Article 2

This Regulation shall enter into force on 25 July 1995.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽²⁾ OJ No L 155, 6. 7. 1995, p. 29.

ANNEX

(%)

Country	Poland			Czech Republic			Slovak Republic			Hungary
CN code and product	0402 10 19 0402 21 19 0402 21 99	0405 00 11 0405 00 19 butter	0406 cheese	0402 10 19 0402 21 19 0402 21 91	0405 00 11 0405 00 19 butter	ex 0406 40-Niva ex 0406 90- Moravsky block (*)	0402 10 19 0402 21 19 0402 21 91	0405 00 11 0405 00 19 butter	ex 0406 40-Niva ex 0406 90- Moravsky block (*)	ex 0406 90 86 ex 0406 90 87 ex 0406 90 88 Balaton (2)
%	2,5	2,9	7,7	2,5	2,7	6,7	4,—	10,1	13,1	100,—

(1) Primator, Otava, Javor, Uzeny block, Kaskhaval, Akawi, Istambul, Jadel Hermelin, Ostepek, Koliba, Inovec.
 (2) Cream-white, Hajdu, Marvany, Ovari, Pannonia, Trappista, Bakony, Bacska, Ban, Delicacy cheese 'Moson', Delicacy cheese 'Pelso', Goya, Ham-shaped, Karavan, Lajta, Parenjica, Sed, Tihany.

COMMISSION REGULATION (EC) No 1777/95**of 24 July 1995****determining the extent to which the applications for import licences submitted in July 1995 for certain cheeses under certain tariff quotas for Hungary and Bulgaria opened by Council Regulation (EC) No 3379/94 can be accepted**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 629/95 of 23 March 1995 laying down detailed rules for the application to milk and milk products of certain tariff quotas for Hungary and Bulgaria opened by Council Regulation (EC) No 3379/94 ⁽¹⁾, as amended by Regulation (EC) No 1637/95 ⁽²⁾, and in particular Article 4 (4) thereof,

Whereas applications for import licences lodged for the products referred to in Regulation (EC) No 629/95 concern quantities greater than those available for certain products; whereas, therefore, reduction percentages should be fixed for certain of the quantities applied for the period 1 July to 30 September 1995,

Article 1

Applications for import licences for products falling within the CN codes listed in the Annex hereto, lodged under Regulation (EC) No 629/95 for the period 1 July to 30 September 1995, shall be accepted, per country of origin, up to the percentages indicated.

Article 2

This Regulation shall enter into force on 25 July 1995.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 66, 24. 3. 1995, p. 6.⁽²⁾ OJ No L 155, 6. 7. 1995, p. 29.

*ANNEX***Products originating in Bulgaria**

CN code	Product	%
ex 0406 90	Cheese other than cheese of cow's milk	27,9

Products originating in Hungary

CN code	Product	%
ex 0406 90 86 ex 0406 90 87 ex 0406 90 88	Balaton, Cream-white, Hajdu, Marvany Ovari, Pannonia, Trappista	100

COMMISSION REGULATION (EC) No 1778/95

of 24 July 1995

determining the extent to which applications lodged in July 1995 for import licences for certain pigmeat sector products under the regime provided for by Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products can be accepted

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

Having regard to Commission Regulation (EC) No 1432/94 of 22 June 1994 laying down detailed rules for the application in the pigmeat sector of the import arrangements provided for in Council Regulation (EC) No 774/94 opening and providing for the administration of certain Community tariff quotas for pigmeat and certain other agricultural products⁽¹⁾, as amended by Regulation (EC) No 1593/95⁽²⁾, and in particular Article 4 (4) thereof,

Whereas the applications for import licences lodged for the period from 1 July to 30 September 1995 are, in the case of some products, for quantities less than the quantities available and can therefore be met in full;

Whereas, in the case of the smaller quantities requested the surplus to be added to the quantity available for the following period should be determined;

Whereas it is appropriate to draw the attention of operators to the fact that licences may only be used for

products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1995 submitted under Regulation (EC) No 1432/94 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1995 applications may be lodged pursuant to Regulation (EC) No 1432/94 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 25 July 1995.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 156, 23. 6. 1994, p. 14.

⁽²⁾ OJ No L 150, 1. 7. 1995, p. 94.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1995
1	100,00

*ANNEX II**(tonnes)*

Group No	Total quantity available for the period 1 October to 31 December 1995
1	4 563

COMMISSION REGULATION (EC) No 1779/95**of 24 July 1995****on import licences for milk and milk products originating in the African, Caribbean and Pacific States (ACP States) or in the overseas countries and territories (OCT)**

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

Having regard to Council Regulation (EEC) No 715/90 of 5 March 1990 on the arrangements applicable to agricultural products and certain goods resulting from the processing of agricultural goods originating in the ACP States or in the overseas countries and territories (OCT) ⁽¹⁾, as last amended Regulation (EC) No 2484/94 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC) No 1150/90 ⁽³⁾, as last amended by Regulation (EC) No 1677/95 ⁽⁴⁾, provides that the Commission is to decide to what extent quantities may be awarded in respect of applications for import licences; whereas, however, imports must not exceed the quotas;

Whereas applications for licences have been made for a total quantity not greater than that available; whereas, therefore, all applications submitted should be accepted,

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications lodged pursuant to Article 4 of Regulation (EEC) No 1150/90 from 1 to 10 July 1995 and notified to the Commission are hereby accepted.

Article 2

This Regulation shall enter into force on 25 July 1995.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 265, 15. 10. 1994, p. 3.

⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁴⁾ OJ No L 159, 11. 7. 1995, p. 5.

COMMISSION REGULATION (EC) No 1780/95

of 24 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 ⁽³⁾, and in particular Article 4 (1) thereof,

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 2 440 tonnes of provisionally preserved cherries in the Annex to Regula-

tion (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 20 July 1995; whereas a reducing factor should accordingly be applied to the quantities applied for on 20 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 provisionally preserved cherries for which applications are submitted on 20 July 1995 under Article 1 of Regulation (EC) No 1489/95 shall be issued for 94,59 % of the quantities applied for.

Applications for export licences with advance fixing of refunds for the above product submitted after 20 July 1995 and before 20 October 1995 shall be rejected.

Article 2

This Regulation shall enter into force on 25 July 1995.

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

Done at Brussels, 24 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 1781/95**of 24 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 last amended by Regulation (EC) No 1750/95 ⁽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 25 July 1995.

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

Done at Brussels, 24 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 169, 19. 7. 1995, p. 23.

ANNEX

to the Commission Regulation of 24 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⁾	25,75	3,56
1701 11 90 ⁽¹⁾	25,75	8,66
1701 12 10 ⁽¹⁾	25,75	3,43
1701 12 90 ⁽¹⁾	25,75	8,23
1701 91 00 ⁽²⁾	33,32	8,57
1701 99 10 ⁽²⁾	33,32	4,34
1701 99 90 ⁽²⁾	33,32	4,34
1702 90 99 ⁽³⁾	0,33	0,33

⁽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 1782/95
of 24 July 1995

determining the extent to which application lodged in July 1995 for import licences for certain pigmeat products under the regime provided for by the Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic can be accepted

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

Having regard to Commission Regulation (EEC) No 2698/93 ⁽¹⁾ laying down detailed rules for the application in the pigmeat sector of the arrangements provided for by the Agreements between the European Economic Community and the Republic of Poland, the Republic of Hungary and the former Czech and Slovak Federal Republic, as last amended by Regulation (EC) No 1594/95 ⁽²⁾, and in particular Article 4 (5) thereof,

Whereas the applications for import licences lodged for the third quarter of 1995 are for quantities less than the quantities available and can therefore be met in full;

Whereas the surplus to be added to the quantity available for the following period should be determined;

Whereas, it is appropriate, for the first mentioned category of products, to draw the attention of operators to the fact that licences may only be used for products which comply with all veterinary rules currently in force in the Community,

HAS ADOPTED THIS REGULATION:

Article 1

1. Applications for import licences for the period 1 July to 30 September 1995 submitted pursuant to Regulation (EEC) No 2698/93 shall be met as referred to in Annex I.
2. During the first 10 days of the period 1 October to 31 December 1995 applications may be lodged pursuant to Regulation (EEC) No 2698/93 for import licences for a total quantity as referred to in Annex II.
3. Licences may only be used for products which comply with all veterinary rules currently in force in the Community.

Article 2

This Regulation shall enter into force on 25 July 1995.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 245, 1. 10. 1993, p. 80.

⁽²⁾ OJ No L 150, 1. 7. 1995, p. 95.

ANNEX I

Group No	Percentage of acceptance of import licences submitted for the period 1 July to 30 September 1995
1	100,0
2	100,0
3	100,0
4	100,0
5	100,0
6	100,0
7	100,0
8	100,0
9	100,0
10	100,0
11	100,0
12	100,0
13	100,0

ANNEX II

Group No	Total quantity available for the period 1 October to 31 December 1995 (tonnes)
1	2 024,4
2	123,1
3	726,4
4	12 178,0
5	1 485,0
6	932,0
7	4 725,0
8	700,0
9	4 900,0
10	2 135,0
11	300,0
12	1 065,0
13	105,0

COMMISSION REGULATION (EC) No 1783/95
of 24 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 1740/95⁽²⁾, and in particular Article 4 (1) thereof,

Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy⁽³⁾, as last amended by Regulation (EC) No 150/95⁽⁴⁾, and in particular Article 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 25 July 1995.

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

Done at Brussels, 24 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 167, 18. 7. 1995, p. 10.

⁽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 24 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	47,7		508	86,9
	060	80,2		512	58,4
	066	41,7		524	45,8
	068	32,4		528	72,3
	204	50,9		800	101,3
	212	117,9		804	80,6
	624	75,0		999	73,4
	999	63,7			
0707 00 25	052	50,1	0808 20 51	052	84,9
	053	166,9		388	76,4
	060	39,2		512	51,7
	066	53,8		528	63,7
	068	60,4		800	55,7
	204	49,1		804	64,8
	624	207,3		999	66,2
	999	89,5			
0709 90 77	052	55,6	0809 10 40	052	64,6
	204	77,5		064	78,8
	624	196,3		999	71,7
	999	109,8			
0805 30 30	388	63,4	0809 20 51, 0809 20 59	052	148,8
	512	72,6		061	170,0
	524	58,4		064	254,1
	528	56,3		068	262,6
	600	54,7		400	170,2
	624	78,0		624	239,5
	999	63,9		676	166,2
				999	201,6
0808 10 71, 0808 10 73, 0808 10 79	039	79,4	0809 30 31, 0809 30 39	052	59,2
	388	65,9		220	121,8
	400	70,3		624	106,8
				999	95,9
			0809 40 30	624	245,1
				999	245,1

⁽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 1784/95
of 24 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 unginned cotton harvested in the Community when the world market price for unginned cotton is below the guide price;

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

Whereas the guide price of unginned 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 unginned 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 unginned cotton referred to in Article 5 of Regulation (EC) No 1554/95 shall be fixed for the 1995/96 marketing year at:

- ECU 75,064 per 100 kilograms for Spain,
- ECU 56,780 per 100 kilograms for Greece.

2. However, the amount of the aid will be replaced with effect from 25 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 25 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, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1785/95
of 24 July 1995
fixing the import duties in the cereals sector

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1664/95 ⁽²⁾,

Having regard to Commission Regulation (EC) No 1502/95 of 29 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 for the 1995/96 marketing year as regards import duties in the cereals sector ⁽³⁾, and in particular Article 2 (1) thereof,

Whereas Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1502/95 lays down detailed rules for the application of Council Regulation (EEC) No

1766/92 for the 1995/96 marketing year as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1502/95 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1502/95 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 25 July 1995.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 158, 8. 7. 1995, p. 13.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.

ANNEX I

Import duties for the products listed in Article 10 (2) of Regulation (EEC) No 1766/92

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne) ⁽¹⁾	Import duty by sea from other ports ⁽²⁾ (ECU/tonne) ⁽¹⁾
1001 10 00	Durum wheat ⁽²⁾	10,00	0
1001 90 91	Common wheat seed	11,96	1,96
1001 90 99	Common high quality wheat other than for sowing ⁽⁴⁾	11,96	1,96
	medium quality	35,81	25,81
	low quality	50,78	40,78
1002 00 00	Rye	86,80	76,80
1003 00 10	Barley, seed	86,80	76,80
1003 00 90	Barley, other ⁽⁴⁾	86,80	76,80
1005 10 90	Maize seed other than hybrid	119,61	109,61
1005 90 00	Maize other than seed ⁽⁴⁾	119,61	109,61
1007 90 00	Grain sorghum other than hybrids for sowing	117,29	107,29

⁽¹⁾ Where import takes place in the month following the month of fixing, these import duty amounts are to be adjusted in accordance with the third subparagraph of Article 2 (1) of Regulation (EC) No 1502/95.

⁽²⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1502/95, the duty applicable is that fixed for low-quality common wheat.

⁽³⁾ For goods arriving in the Community via the Atlantic Ocean (Article 2 (4) of Regulation (EC) No 1502/95), the importer may benefit from a reduction in the duty of:

— ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or

— ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽⁴⁾ The importer may benefit from a flat-rate reduction of ECU 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1502/95 are met.

ANNEX II

Factors for calculating duties (period from 19. 7. to 2. 8. 1995):

1. Averages over the two-week period preceding the day of fixing:

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Mid-America	Mid-America
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	135,07	132,34	126,94	83,45	175,78 (¹)	86,54 (¹)
Gulf premium (ECU/tonne)	—	14,53	8,22	10,05	—	—
Great lake premium (ECU/tonne)	25,89	—	—	—	—	—

(¹) Fob Duluth.

2. Freight/cost : Gulf of Mexico — Rotterdam : ECU 12,05 per tonne ; Great Lakes/St Lawrence — Rotterdam : ECU 21,82 per tonne.

3. Subsidy (third paragraph of Article 4 (2) of Regulation (EC) No 1502/95 : ECU 3,25 per tonne).

COMMISSION REGULATION (EC) No 1786/95

of 24 July 1995

re-establishing the preferential customs duty on imports of small-flowered roses
originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

Whereas Article 2 (3) of Regulation (EEC) No 4088/87 stipulates that the preferential customs duty shall be reintroduced for a given product of a given origin if the prices of the imported product (full rate customs duty not deducted) are, for at least 70 % of the quantities for which prices are available on representative Community import markets, not less than 85 % of the Community producer price for a period, calculated from the actual date of suspension of the actual preferential customs duty,

- of two successive market days, after suspension under Article 2 (2) (a) of that Regulation,
- of three successive market days, after suspension under Article 2 (2) (b) of that Regulation;

Whereas Commission Regulation (EC) No 2578/94⁽⁵⁾ fixed Community producer prices for carnations and roses for application of the arrangements for importation from the countries in question;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, laid

down detailed rules for the application of these arrangements;

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

Whereas the preferential customs duty fixed for small-flowered roses originating in Israel by Regulation (EC) No 1981/94 was suspended by Commission Regulation (EC) No 1254/95⁽¹²⁾;

Whereas on the basis of price recordings made as specified in Regulations (EEC) No 4088/87 and (EEC) No 700/88 it must be concluded that the requirement for reintroduction of the preferential customs duty laid down in the last indent of Article 2 (3) of Regulation (EEC) No 4088/87 is met for small-flowered roses originating in Israel; whereas the preferential customs duty should be reintroduced,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Israel the preferential customs duty set by amended Regulation (EC) No 1981/94 is reintroduced.

Article 2

This Regulation shall enter into force on 26 July 1995.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 311, 17. 11. 1988, p. 1.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 35, 15. 2. 1995, p. 1.

⁽⁵⁾ OJ No L 273, 25. 10. 1994, p. 4.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 320, 22. 12. 1993, p. 32.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 96.

⁽¹¹⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽¹²⁾ OJ No L 122, 2. 6. 1995, p. 6.

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

Done at Brussels, 24 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COUNCIL REGULATION (EC) No 1787/95

of 24 July 1995

opening and providing for the administration of a Community tariff quota for rum, tafia and arrack originating in the African, Caribbean and Pacific (ACP) States (second half 1995)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas the Fourth ACP-EEC Convention⁽¹⁾ entered into force on 1 September 1991;

Whereas Protocol 6 of that Convention stipulates that products originating in the African, Caribbean and Pacific (ACP) States which fall within CN codes 2208 40 10, 2208 40 90, 2208 90 11 and 2208 90 19 shall, until the entry into force of a common organization of the market in spirits, be allowed into the Community free of customs duties under conditions such as to permit the development of traditional trade flows between the ACP States and the Community; whereas the Community shall until 31 December 1995 fix each year the quantities which may be imported free of customs duties;

Whereas by Regulation (EC) No 1989/94⁽²⁾ the Council opened, for the period 1 July 1994 to 30 June 1995, a Community tariff quota (Order No 09.1605) for rum, tafia and arrack of 244 87 hl of pure alcohol;

Whereas pursuant to Article 2 (a) of the said Protocol 6 the volume of the tariff quota for the period from 1 July 1995 to 31 December 1995 will be equivalent to half that of the previous year increased by 10 000 hl of pure alcohol;

Whereas Article 2 (c) of the said Protocol provides that, in cases where the application of that provision hampers the development of a traditional trade flow between the ACP States and the Community, the latter should take appropriate measures to remedy that situation, and Article 2 (d) thereof provides that to the extent that the consumption of rum increases significantly in the Community, the Community undertakes to carry out a new examination of the annual rate of increase;

Whereas economic data currently available leads to the conclusion that the traditional trade flows between the ACP States and the Community with respect to rum have greatly increased;

Whereas taking into account in particular the consumption requirements of the three new Member States, the quota should be aligned in accordance with Article 2 (d) of the said Protocol,

HAS ADOPTED THIS REGULATION:

Article 1

From 1 July 1995 to 31 December 1995 the following products originating in the ACP States shall be imported into the Community free of customs duty within the limits of the relevant Community tariff quota shown below:

Order No	CN code	Description	Quota volume (in hl of pure alcohol)	Quota duty
09.1605	2208 40 10 2208 40 90 2208 90 11 2208 90 19	Rum, tafia and arrack	207 414	Free

⁽¹⁾ OJ No L 229, 17. 8. 1991, p. 3.

⁽²⁾ OJ No L 200, 3. 8. 1994, p. 2.

Article 2

The tariff quota referred to in Article 1 shall be administered by the Commission which may take all administrative measures to ensure the effective administration thereof.

Article 3

If an importer presents in a Member State a declaration of entry for free circulation together with a request for preferential treatment for a product referred to in Article 1 and the declaration is accepted by the customs authorities, the Member State concerned shall inform the Commission and draw an amount corresponding to these requirements from the quota volume.

Requests to draw from the quota, indicating the date of acceptance of the said declarations, must be transmitted to the Commission without delay.

Drawings shall be granted by the Commission by reference to the date of acceptance by the customs authorities of the Member State concerned, of the declarations of entry for free circulation, provided the residual balance so permits.

If a Member State does not use the quantities drawn, it shall return them to the quota as soon as possible.

If the quantities requested are greater than the available balance of the quota volume, allocation shall be made on a pro rata basis. The Member States shall be informed by the Commission of the drawings granted.

Article 4

Each Member State shall ensure that importers of the products concerned have equal and continuous access to the quota volume as long as the residual balance so permits.

Article 5

The Member States and the Commission shall cooperate closely to ensure that this Regulation is complied with.

Article 6

Council Regulation (EEC) No 3705/90 of 18 December 1990 on the safeguard measures provided for in the Fourth ACP-EEC Convention⁽¹⁾ shall apply to the products covered by this Regulation.

Article 7

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.

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

Done at Brussels, 24 July 1995.

For the Council
The President
P. SOLBES MIRA

⁽¹⁾ OJ No L 358, 21. 12. 1990, p. 4.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 17 July 1995

on Finnish State aid for seeds

(Only the Finnish text is authentic)

(95/282/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2358/71 of 26 October 1971 on the common organization of the market in seeds⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and Regulation (EC) No 3290/94⁽²⁾, and in particular the second subparagraph of Article 8 thereof,

Whereas, pursuant to the aforementioned provisions, Finland may, subject to authorization by the Commission, grant aid for certain quantities of seeds produced solely in Finland because of its specific climatic conditions;

Whereas, on 24 March 1995, Finland notified the Commission of a draft decision granting State aid for the production of certain forage seeds; whereas this notification was amended by letter of 18 May 1995 in which Finland sent to the Commission the text of decision No 531 adopted in this respect by the Finnish Council of State on 7 April 1995;

Whereas the abovementioned decision provides for the granting of aid, on a per-hectare basis, for certain areas sown with red clover, timothy, meadow fescue, cocksfoot and rye-grass; whereas that aid, the maximum amount of

which varies between Fmk 1 350 to 2 700 per hectare according to species, has been granted to varieties listed on the Finnish national list and will be paid only for certified and 'commercial' seed;

Whereas only some of the varieties included under the abovementioned species (those produced solely in Finland, with the exception of limited quantities grown in very remote regions) fulfil the conditions provided for in the second subparagraph of Article 8 of Regulation (EEC) No 2358/71;

Whereas the area covered by the Finnish decision is, for most of the species concerned, that necessary for the production of quantities of seed corresponding to the country's domestic requirements and is the equivalent of Finland's average production during the period 1989 to 1993; whereas that area only substantially exceeds the area necessary to meet the abovementioned requirements in the case of red clover and rye-grass; whereas it is therefore appropriate, in the case of these two species, to limit the authorization to a number of hectares that takes account of both fluctuations in production and the need to avoid risks of disturbance on the Community market;

Whereas, subject to the aforementioned aspects, the aid in question is in line with Community objectives in the seeds sector and meets the conditions laid down in the second subparagraph of Article 8 of Regulation (EEC) No 2358/71 and should therefore be authorized; whereas such authorization should include aid for commercial seeds, given that Article 151 of the Act of Accession, by

⁽¹⁾ OJ No L 246, 5. 11. 1971, p. 1.

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

way of derogation from Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽¹⁾, as last amended by Commission Directive 92/19/EEC⁽²⁾, provides that Finland may maintain until 31 December 1996 at the latest the marketing of those seeds on its territory;

Whereas provision should be made for the Commission to be informed of the measures taken by Finland to comply with the limits laid down in this Decision and, with a view to drawing up the report provided for in the third subparagraph of Article 8 of Regulation (EEC) No 2358/71, of the practical results of those measures,

HAS ADOPTED THIS DECISION:

Article 1

Finland is hereby authorized to grant, within the limits and subject to the conditions established by this Decision, the aid granted for 1995 in decision No 531 adopted on 7 April 1995 by the Finnish Council of State on State aid for forage production.

Article 2

The aid referred to in Article 1 shall be authorized:

(a) within the limits of the following maximum areas:

red clover	320 hectares
timothy	5 000 hectares
meadow fescue	1 200 hectares

cocksfoot	30 hectares
rye-grass	60 hectares;

(b) where the aid concerns varieties of the species listed under (a) which are listed in Finland's national list and which, with the exception of limited quantities cultivated in very remote regions, are produced solely in Finland.

Article 3

Finland shall notify the Commission before 30 November 1995 of decisions taken to comply with the limits laid down in Article 2.

Article 4

The Finnish authorities shall communicate to the Commission, not later than 30 April 1996, a report on the application of this Decision. In particular, the report shall provide information on the amounts of aid actually granted, the area cultivated, production and marketing of each species and variety for which aid is granted.

Article 5

This Decision is addressed to the Republic of Finland.

Done at Brussels, 17 July 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 125, 11. 7. 1966, p. 2298/66.

⁽²⁾ OJ No L 104, 22. 4. 1992, p. 61.