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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2045/95**of 23 August 1995****repealing Regulation (EC) No 1702/95 concerning the stopping of fishing for Atlantic redfish by vessels flying the flag of France**

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

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

Whereas Commission Regulation (EC) No 1702/95⁽²⁾ stopped fishing for Atlantic redfish in the waters of ICES divisions I, IIa, b (Norwegian waters north of 62° N) by vessels flying the flag of France or registered in France ;

Whereas, on 1 August 1995, Germany transferred to France 300 tonnes of Atlantic redfish in waters of ICES division I, IIa, b (Norwegian waters north of 62° N); whereas fishing for Atlantic redfish in the waters of ICES

divisions I, IIa, b (Norwegian waters north of 62° N) by vessels flying the flag of France or registered in France should therefore be permitted ; whereas consequently it is necessary to repeal Regulation (EC) No 1702/95,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EC) No 1702/95 is hereby repealed.

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, 23 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 162, 13. 7. 1995, p. 12.

COMMISSION REGULATION (EC) No 2046/95

of 24 August 1995

amending 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 1863/95⁽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⁾, as amended by Regulation (EC) No 1817/95⁽⁴⁾, and in particular Article 2 (1) thereof,

Wheres the import duties in the cereals sector are fixed by Regulation (EC) No 1991/95⁽⁵⁾, as amended by Regulation (EC) No 2044/95⁽⁶⁾;

Whereas Article 2 (1) of Regulation (EC) No 1991/95 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1991/95,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 1991/95 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 25 August 1995.

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

Done at Brussels, 24 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.

⁽⁴⁾ OJ No L 175, 27. 7. 1995, p. 23.

⁽⁵⁾ OJ No L 194, 17. 8. 1995, p. 1.

⁽⁶⁾ OJ No L 199, 24. 8. 1995, p. 61.

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	22,53	12,53
1001 90 99	Common high quality wheat other than for sowing ⁽⁴⁾	22,53	12,53
	medium quality	38,48	28,48
	low quality	50,37	40,37
1002 00 00	Rye	82,68	72,68
1003 00 10	Barley, seed	82,68	72,68
1003 00 90	Barley, other ⁽⁴⁾	82,68	72,68
1005 10 90	Maize seed other than hybrid	111,97	101,97
1005 90 00	Maize other than seed ⁽⁴⁾	111,97	101,97
1007 90 00	Grain sorghum other than hybrids for sowing	113,17	103,17

⁽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 16. 8. to 23. 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)	124,91	130,07	123,90	86,44	175,74 (¹)	89,05 (¹)
Gulf premium (ECU/tonne)	—	13,23	7,29	14,14	—	—
Great lake premium (ECU/tonne)	24,29	—	—	—	—	—

(¹) Fob Duluth.

2. Freight/cost : Gulf of Mexico — Rotterdam : ECU 13,18 per tonne ; Great Lakes/St Lawrence — Rotterdam : ECU 24,00 per tonne.

3. Subsidy (third paragraph of Article 4 (2) of Regulation (EC) No 1502/95 : ECU 0,00 per tonne).

COMMISSION REGULATION (EC) No 2047/95

of 24 August 1995

fixing the rates of the refunds applicable to certain cereal and rice-products
exported in the form of goods not covered by Annex II to the Treaty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 13 (3) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1530/95⁽⁴⁾, and in particular Article 14 (3) thereof,

Whereas Article 13 (1) of Regulation (EEC) No 1766/92 and Article 17 (1) of Regulation (EEC) No 1418/76 provide that the difference between quotations of prices on the world market for the products listed in Article 1 of each of those Regulations and the prices within the Community may be covered by an export refund;

Whereas Commission Regulation (EC) No 1222/94 of 30 May 1994 laying down common implementing rules for granting export refunds on certain agricultural products exported in the form of goods not covered by Annex II to the Treaty, and the criteria for fixing the amount of such refunds⁽⁵⁾, as last amended by Regulation (EC) No 1149/95⁽⁶⁾, specifies the products for which a rate of refund should be fixed, to be applied where these products are exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 as appropriate;

Whereas, in accordance with the first subparagraph of Article 4 (1) of Regulation (EC) No 1222/94, the rate of the refund per 100 kilograms for each of the basic products in question must be fixed for each month;

Whereas, now that a settlement has been reached between the European Community and the United States of

America on Community exports of pasta products to the United States and has been approved by Council Decision 87/482/EEC⁽⁷⁾, it is necessary to differentiate the refund on goods falling within CN codes 1902 11 00 and 1902 19 according to their destination;

Whereas Council Regulation (EEC) No 990/93⁽⁸⁾, as amended by Regulation (EC) No 1380/95⁽⁹⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The rates of the refunds applicable to the basic products appearing in Annex A to Regulation (EC) No 1222/94 and listed either in Article 1 of Regulation (EEC) No 1766/92 or in Article 1 (1) of Regulation (EEC) No 1418/76, exported in the form of goods listed in Annex B to Regulation (EEC) No 1766/92 or in Annex B to Regulation (EEC) No 1418/76 respectively, are hereby fixed as shown in the Annex to this Regulation.

2. Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in Regulation (EEC) No 990/93 are observed.

Article 2

This Regulation shall enter into force on 25 August 1995.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 148, 30. 6. 1995.

⁽⁵⁾ OJ No L 136, 31. 5. 1994, p. 5.

⁽⁶⁾ OJ No L 116, 23. 5. 1995, p. 1.

⁽⁷⁾ OJ No L 275, 29. 9. 1987, p. 36.

⁽⁸⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁹⁾ OJ No L 138, 21. 6. 1995, p. 1.

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

Done at Brussels, 24 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

to the Commission Regulation of 24 August 1995 altering the rates of the refunds applicable to certain cereals and rice products exported in the form of goods not covered by Annex II to the Treaty

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1001 10 00	Durum wheat : — used unprocessed : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases — used in the form of : — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — hulled grains of CN code 1104 and starch of CN code 1108 — germ of CN code 1104 — gluten of CN code 1109 — other (except flours of CN code 1101 and groats and meal of CN code 1103)	— — — — — — — —
1001 90 99	Common wheat and meslin : — used unprocessed : — on exports of goods falling within CN code 1902 11 and 1902 19 to the United States of America — in all other cases — used in the form of : — pellets of CN code 1103, or grains otherwise worked (other than hulled, kibbled, or germ) of CN code 1104 — hulled grains of CN code 1104 and starch of CN code 1108 — germ of CN code 1104 — gluten of CN code 1109 — other (except flours of CN code 1101, and groats and meal of CN code 1103)	— — — — — — — —
1002 00 00	Rye : — used unprocessed — used in the form of : — groats, meal and pellets of CN code 1103, or pearled grains of CN code 1104 — rolled or flaked grains and hulled grains of CN code 1104 — germ of CN code 1104 — starch of CN code 1108 19 90 — gluten of CN code 2303 10 90 — other (except flours of CN code 1102)	3,929 2,357 3,536 2,275 6,500 — 3,929

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1003 00 90	Barley : – used unprocessed – used in the form of : – – flours of CN code 1102, groats and meal of CN code 1103, or rolled, flaked or pearled grains of CN code 1104 – – pellets of CN code 1103 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	3,467 2,427 2,080 2,275 6,500 — 3,467
1004 00 00	Oats : – used unprocessed – used in the form of : – – pellets of CN code 1103, and pearled grains of CN code 1104 – – rolled or flaked grains and hulled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 19 90 – – gluten of CN code 2303 10 90 – – other	3,725 2,235 3,353 2,275 6,500 — 3,725
1005 90 00	Maize (Corn) : – used unprocessed – used in the form of : – – flours of CN codes 1102 20 10 and 1102 20 90 – – groats and meal of CN code 1103 and rolled or flaked grains of CN code 1104 – – pellets of CN code 1103 – – hulled or perled grains of CN code 1104 – – germs of CN code 1104 – – starch of CN code 1108 12 00 – – starch pursuant to Article 4(5) point (b) of Regulation (EC) No 1222/94 when goods listed in Annex I to amended Commission Regulation (EEC) No 1722/93 are exported ^(*) – – starch pursuant to Article 7(2) of Regulation (EC) No 1222/94 when goods listed in Annex I to amended Regulation (EEC) No 1722/93 are exported – – gluten of CN code 2303 10 11 – – glucose, glucose syrup, maltodextrine, maltodextrine syrup of CN codes 1702 30 51, 1702 30 59, 1702 30 91, 1702 30 99, 1702 40 90, 1702 90 50, 1702 90 75, 1702 90 79, 2106 90 55 ⁽³⁾ – – other ⁽³⁾	6,500 4,550 5,200 3,900 5,850 2,275 6,500 6,439 — 2,600 4,726 6,500
1006 20	Round grain husked rice Medium grains husked rice Long grain husked rice	24,955 22,218 22,218
ex 1006 30	Round grain wholly-milled rice Medium grain wholly-milled rice Long grain wholly-milled rice	32,200 32,200 32,200

CN code	Description of products ⁽¹⁾	Rate of refund per 100 kg of basic product ⁽²⁾
1006 40 00	Broken rice : — used unprocessed — used in the form of : — — flour of CN code 1102 30, groats and meal or pellets of CN code 1103 — — flaked grains of CN 1104 19 91 — — starch of CN code 1108 19 10 — — other	7,100 7,100 4,260 7,100 —
1007 00 90	Sorghum	3,467
1101 00	Wheat or meslin flour : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	— —
1102 10 00	Rye flour	5,383
1103 11 10	Groats and durum wheat meal : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	— —
1103 11 90	Common wheat groats and spelt : — on exports of goods falling within CN codes 1902 11 and 1902 19 to the United States of America — in all other cases	— —

⁽¹⁾ The quantities of semi-processed products used must be multiplied, as the case may be, by the coefficients shown in Annex I to amended Commission Regulation (EEC) No 1620/93 (OJ No L 155, 26. 6. 1993, p. 29).

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

⁽³⁾ For syrups of CN codes 1702 30 99, 1702 40 90 and 1702 60 90, obtained from mixing glucose and fructose syrup, the export refund may be granted only for the glucose syrup.

⁽⁴⁾ OJ No L 159, 1. 7. 1993, p. 112.

COMMISSION REGULATION (EC) No 2048/95**of 24 August 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 August 1995.

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

Done at Brussels, 24 August 1995.

For the Commission

Karel VAN MIERT

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 August 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	44,6	0808 10 92, 0808 10 94, 0808 10 98	512	186,0
	060	80,2		600	95,5
	066	41,7		624	100,0
	068	32,4		999	114,3
	204	50,9		039	79,3
	212	117,9		064	78,4
	624	75,0		388	61,1
	999	63,2		400	61,3
				508	68,4
0707 00 25	052	63,1	0808 20 57	512	67,1
	053	166,9		524	54,6
	060	61,0		528	60,9
	066	53,8		800	89,4
	068	60,4		804	77,5
	204	49,1		999	69,8
	624	207,3		052	79,3
	999	94,5		388	79,6
0709 90 79	052	55,6	0809 30 41, 0809 30 49	512	89,7
	204	77,5		528	54,0
	624	196,3		800	55,8
	999	109,8		804	112,9
0805 30 30	388	59,8		999	78,5
	512	77,7		052	56,5
	524	64,0		220	121,8
	528	60,0		624	106,8
	600	54,7		999	95,0
	624	78,0		064	69,9
	999	65,7		066	96,8
				068	70,9
0806 10 40	052	104,8	0809 40 30	624	152,8
	066	49,4		999	97,6
	220	110,8			
	400	135,1			
	412	132,4			

(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 2049/95

of 24 August 1995

fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 1538/95 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling

prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 17.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 181,13 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽³⁾, as last amended by Regulation (EEC) No 222/88⁽⁴⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

Whereas it follows from applying the rules set out above to the present situation on the market in milk and in particular to quotations or prices for milk products within the Community and on the world market that the refund should be as set out in the Annex to this Regulation;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾, as amended by Regulation (EC) No 1380/95⁽⁶⁾ prohibits trade between the European Community and the Federal

Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas the repeal of Commission Regulation (EEC) No 1098/68 of 27 July 1968 on detailed rules for the application of export refunds on milk and milk products⁽⁷⁾, as last amended by Regulation (EEC) No 2767/90⁽⁸⁾, makes it necessary to replace the references to destination zones with the code numbers of the destination countries listed in the Annex to Commission Regulation (EC) No 3079/94 of 16 December 1994 on the country nomenclature for the external trade statistics of the Community and statistics of trade between Member States⁽⁹⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.

Article 2

This Regulation shall enter into force on 25 August 1995.

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

Done at Brussels, 24 August 1995.

For the Commission

Karel VAN MIERT

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 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 184, 29. 7. 1968, p. 10.

⁽⁸⁾ OJ No L 267, 29. 9. 1990, p. 14.

⁽⁹⁾ OJ No L 325, 17. 12. 1994, p. 17.

ANNEX

to the Commission Regulation of 24 August 1995 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0401 10 10 000	+	5,586	0402 21 91 500	+	115,79
0401 10 90 000	+	5,586	0402 21 91 600	+	125,48
0401 20 11 100	+	5,586	0402 21 91 700	+	131,17
0401 20 11 500	+	8,635	0402 21 91 900	+	137,59
0401 20 19 100	+	5,586	0402 21 99 100	+	103,97
0401 20 19 500	+	8,635	0402 21 99 200	+	104,68
0401 20 91 100	+	11,50	0402 21 99 300	+	105,97
0401 20 91 500	+	13,40	0402 21 99 400	+	113,27
0401 20 99 100	+	11,50	0402 21 99 500	+	115,79
0401 20 99 500	+	13,40	0402 21 99 600	+	125,48
0401 30 11 100	+	17,20	0402 21 99 700	+	131,17
0401 30 11 400	+	26,53	0402 21 99 900	+	137,59
0401 30 11 700	+	39,85	0402 29 15 200	+	0,6000
0401 30 19 100	+	17,20	0402 29 15 300	+	0,9108
0401 30 19 400	+	26,53	0402 29 15 500	+	0,9596
0401 30 19 700	+	39,85	0402 29 15 900	+	1,0321
0401 30 31 100	+	47,46	0402 29 19 200	+	0,6000
0401 30 31 400	+	74,12	0402 29 19 300	+	0,9108
0401 30 31 700	+	81,73	0402 29 19 500	+	0,9596
0401 30 39 100	+	47,46	0402 29 19 900	+	1,0321
0401 30 39 400	+	74,12	0402 29 91 100	+	1,0397
0401 30 39 700	+	81,73	0402 29 91 500	+	1,1327
0401 30 91 100	+	93,15	0402 29 99 100	+	1,0397
0401 30 91 400	+	136,90	0402 29 99 500	+	1,1327
0401 30 91 700	+	159,76	0402 91 11 110	+	5,586
0401 30 99 100	+	93,15	0402 91 11 120	+	11,50
0401 30 99 400	+	136,90	0402 91 11 310	+	19,67
0401 30 99 700	+	159,76	0402 91 11 350	+	24,11
0402 10 11 000	+	60,00	0402 91 11 370	+	29,33
0402 10 19 000	+	60,00	0402 91 19 110	+	5,586
0402 10 91 000	+	0,6000	0402 91 19 120	+	11,50
0402 10 99 000	+	0,6000	0402 91 19 310	+	19,67
0402 21 11 200	+	60,00	0402 91 19 350	+	24,11
0402 21 11 300	+	91,08	0402 91 19 370	+	29,33
0402 21 11 500	+	95,96	0402 91 31 100	+	22,72
0402 21 11 900	+	103,21	0402 91 31 300	+	34,66
0402 21 17 000	+	60,00	0402 91 39 100	+	22,72
0402 21 19 300	+	91,08	0402 91 39 300	+	34,66
0402 21 19 500	+	95,96	0402 91 51 000	+	26,53
0402 21 19 900	+	103,21	0402 91 59 000	+	26,53
0402 21 91 100	+	103,97	0402 91 91 000	+	93,15
0402 21 91 200	+	104,68	0402 91 99 000	+	93,15
0402 21 91 300	+	105,97	0402 99 11 110	+	0,0559
0402 21 91 400	+	113,27	0402 99 11 130	+	0,1150

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0402 99 11 150	+	0,1877	0403 90 51 100	+	5,586
0402 99 11 310	+	22,70	0403 90 51 300	+	8,635
0402 99 11 330	+	27,23	0403 90 53 000	+	11,50
0402 99 11 350	+	36,20	0403 90 59 110	+	17,20
0402 99 19 110	+	0,0559	0403 90 59 140	+	26,53
0402 99 19 130	+	0,1150	0403 90 59 170	+	39,85
0402 99 19 150	+	0,1877	0403 90 59 310	+	47,46
0402 99 19 310	+	22,70	0403 90 59 340	+	74,12
0402 99 19 330	+	27,23	0403 90 59 370	+	81,73
0402 99 19 350	+	36,20	0403 90 59 510	+	93,15
0402 99 31 110	+	0,2463	0403 90 59 540	+	136,90
0402 99 31 150	+	37,68	0403 90 59 570	+	159,76
0402 99 31 300	+	0,4746	0403 90 61 100	+	0,0559
0402 99 31 500	+	0,8173	0403 90 61 300	+	0,0864
0402 99 39 110	+	0,2463	0403 90 63 000	+	0,1150
0402 99 39 150	+	37,68	0403 90 69 000	+	0,1720
0402 99 39 300	+	0,4746	0404 90 11 100	+	59,14
0402 99 39 500	+	0,8173	0404 90 11 910	+	5,586
0402 99 91 000	+	0,9315	0404 90 11 950	+	19,50
0402 99 99 000	+	0,9315	0404 90 13 120	+	59,14
0403 10 02 000	+	—	0404 90 13 130	+	90,27
0403 10 04 200	+	—	0404 90 13 140	+	95,10
0403 10 04 300	+	—	0404 90 13 150	+	102,29
0403 10 04 500	+	—	0404 90 13 911	+	5,586
0403 10 04 900	+	—	0404 90 13 913	+	11,50
0403 10 06 000	+	—	0404 90 13 915	+	17,20
0403 10 12 000	+	—	0404 90 13 917	+	26,53
0403 10 14 200	+	—	0404 90 13 919	+	39,85
0403 10 14 300	+	—	0404 90 13 931	+	19,50
0403 10 14 500	+	—	0404 90 13 933	+	23,92
0403 10 14 900	+	—	0404 90 13 935	+	29,08
0403 10 16 000	+	—	0404 90 13 937	+	34,37
0403 10 22 100	+	5,586	0404 90 13 939	+	35,94
0403 10 22 300	+	8,635	0404 90 19 110	+	103,05
0403 10 24 000	+	11,50	0404 90 19 115	+	103,74
0403 10 26 000	+	17,20	0404 90 19 120	+	105,03
0403 10 32 100	+	0,0559	0404 90 19 130	+	112,26
0403 10 32 300	+	0,0864	0404 90 19 135	+	114,74
0403 10 34 000	+	0,1150	0404 90 19 150	+	124,35
0403 10 36 000	+	0,1720	0404 90 19 160	+	130,00
0403 90 11 000	+	59,14	0404 90 19 180	+	136,35
0403 90 13 200	+	59,14	0404 90 31 100	+	59,14
0403 90 13 300	+	90,27	0404 90 31 910	+	5,586
0403 90 13 500	+	95,10	0404 90 31 950	+	19,50
0403 90 13 900	+	102,29	0404 90 33 120	+	59,14
0403 90 19 000	+	103,05	0404 90 33 130	+	90,27
0403 90 31 000	+	0,5914	0404 90 33 140	+	95,10
0403 90 33 200	+	0,5914	0404 90 33 150	+	102,29
0403 90 33 300	+	0,9027	0404 90 33 911	+	5,586
0403 90 33 500	+	0,9510	0404 90 33 913	+	11,50
0403 90 33 900	+	1,0229	0404 90 33 915	+	17,20
0403 90 39 000	+	1,0305	0404 90 33 917	+	26,53

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0404 90 33 919	+	39,85	0404 90 99 990	+	0,9315
0404 90 33 931	+	19,50	0405 00 11 200	+	120,98
0404 90 33 933	+	23,92	0405 00 11 300	+	152,20
0404 90 33 935	+	29,08	0405 00 11 500	+	156,10
0404 90 33 937	+	34,37	0405 00 11 700	+	160,00
0404 90 33 939	+	35,94	0405 00 19 200	+	120,98
0404 90 39 110	+	103,05	0405 00 19 300	+	152,20
0404 90 39 115	+	103,74	0405 00 19 500	+	156,10
0404 90 39 120	+	105,03	0405 00 19 700	+	160,00
0404 90 39 130	+	112,26	0405 00 90 100	+	181,13
0404 90 39 150	+	114,74	0405 00 90 900	+	233,21
0404 90 51 100	+	0,5914	0406 10 20 100	+	—
0404 90 51 910	+	0,0559	0406 10 20 230	028	—
0404 90 51 950	+	22,52		400	34,33
0404 90 53 110	+	0,5914		404	—
0404 90 53 130	+	0,9027		...	42,17
0404 90 53 150	+	0,9510	0406 10 20 290	028	—
0404 90 53 170	+	1,0229		400	34,33
0404 90 53 911	+	0,0559		404	—
0404 90 53 913	+	0,1150		...	42,17
0404 90 53 915	+	0,1720	0406 10 20 610	028	11,87
0404 90 53 917	+	0,2653		037	—
0404 90 53 919	+	0,3985		039	—
0404 90 53 931	+	22,52		400	76,69
0404 90 53 933	+	27,01		404	—
0404 90 53 935	+	35,90		...	78,67
0404 90 53 937	+	37,36	0406 10 20 620	028	17,59
0404 90 59 130	+	1,0305		037	—
0404 90 59 150	+	1,1226		039	—
0404 90 59 930	+	0,5698		400	84,55
0404 90 59 950	+	0,8173		404	—
0404 90 59 990	+	0,9315		...	86,26
0404 90 91 100	+	0,5914	0406 10 20 630	028	21,10
0404 90 91 910	+	0,0559		037	—
0404 90 91 950	+	22,52		039	—
0404 90 93 110	+	0,5914		400	96,10
0404 90 93 130	+	0,9027		404	—
0404 90 93 150	+	0,9510		...	97,40
0404 90 93 170	+	1,0229	0406 10 20 640	028	—
0404 90 93 911	+	0,0559		037	—
0404 90 93 913	+	0,1150		039	—
0404 90 93 915	+	0,1720		400	114,29
0404 90 93 917	+	0,2653		404	—
0404 90 93 919	+	0,3985		...	114,29
0404 90 93 931	+	22,52	0406 10 20 650	028	24,18
0404 90 93 933	+	27,01		037	—
0404 90 93 935	+	35,90		039	—
0404 90 93 937	+	37,36		400	57,14
0404 90 99 130	+	1,0305		404	—
0404 90 99 150	+	1,1226		...	118,98
0404 90 99 930	+	0,5698			
0404 90 99 950	+	0,8173			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 10 20 660	+	—	0406 30 10 200	028	—
0406 10 20 810	028	—		037	—
	037	—		039	—
	039	—		400	34,43
	400	18,53		404	—
	404	—		...	38,52
	...	18,53	0406 30 10 250	028	—
0406 10 20 830	028	—		037	—
	037	—		039	—
	039	—		400	34,43
	400	31,62		404	—
	404	—		...	38,52
	...	31,62	0406 30 10 300	028	—
0406 10 20 850	028	—		037	—
	037	—		039	—
	039	—		400	50,55
	400	38,34		404	—
	404	—		...	56,51
	...	38,34	0406 30 10 350	028	—
0406 10 20 870	+	—		037	—
0406 10 20 900	+	—		039	—
0406 20 90 100	+	—		400	34,43
0406 20 90 913	028	—		404	—
	400	74,68		...	38,52
	404	—	0406 30 10 400	028	—
	...	74,68		037	—
0406 20 90 915	028	—		039	—
	400	99,57		400	50,55
	404	—		404	—
	...	99,57		...	56,51
0406 20 90 917	028	—	0406 30 10 450	028	—
	400	105,78		037	—
	404	—		039	—
	...	105,78		400	73,60
0406 20 90 919	028	—		404	—
	400	118,23		...	82,23
	404	—	0406 30 10 500	+	—
	...	118,23	0406 30 10 550	028	—
0406 20 90 990	+	—		037	—
0406 30 10 100	+	—		039	—
0406 30 10 150	028	—		400	34,43
	037	—		404	15,83
	039	—		...	38,52
	400	15,85	0406 30 10 600	028	—
	404	—		037	—
	...	18,06		039	—
				400	50,55
				404	22,16
				...	56,51

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 30 10 650	028	—	0406 30 31 730	028	—
	037	—		037	—
	039	—		039	—
	400	73,60		400	50,55
	404	—		404	—
	...	82,23		...	56,51
0406 30 10 700	028	—	0406 30 31 910	028	—
	037	—		037	—
	039	—		039	—
	400	73,60		400	34,43
	404	—		404	—
	...	82,23		...	38,52
0406 30 10 750	028	—	0406 30 31 930	028	—
	037	—		037	—
	039	—		039	—
	400	87,29		400	50,55
	404	—		404	—
	...	97,53		...	56,51
0406 30 10 800	028	—	0406 30 31 950	028	—
	037	—		037	—
	039	—		039	—
	400	87,29		400	73,60
	404	—		404	—
	...	97,53		...	82,23
0406 30 31 100	+	—	0406 30 39 100	+	—
0406 30 31 300	028	—	0406 30 39 300	028	—
	037	—		037	—
	039	—		039	—
	400	15,85		400	34,43
	404	—		404	15,83
	...	18,06		...	38,52
0406 30 31 500	028	—	0406 30 39 500	028	—
	037	—		037	—
	039	—		039	—
	400	34,43		400	50,55
	404	—		404	22,16
	...	38,52		...	56,51
0406 30 31 710	028	—	0406 30 39 700	028	—
	037	—		037	—
	039	—		039	—
	400	34,43		400	73,60
	404	—		404	—
	...	38,52		...	82,23
	028	—	0406 30 39 930	028	—
	037	—		037	—
	039	—		039	—
	400	34,43		400	73,60
	404	—		404	—
	...	38,52		...	82,23

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 39 950	028	—	0406 90 06 900	+	—
	037	—	0406 90 07 000	028	—
	039	—		037	—
	400	87,29		039	—
	404	—		400	114,29
	***	97,53		404	—
0406 30 90 000	028	—		***	140,08
	037	—	0406 90 08 100	028	—
	039	—		037	—
	400	87,29		039	—
	404	—		400	114,29
	***	97,53		404	—
0406 40 50 000	028	—		***	140,08
	400	105,52	0406 90 08 900	+	—
	404	—	0406 90 09 100	028	—
	***	111,22		037	—
0406 40 90 000	028	—		039	—
	400	105,52		400	114,29
	404	—		404	—
	***	111,22		***	140,08
0406 90 02 100	028	—	0406 90 09 900	+	—
	037	—	0406 90 12 000	028	—
	039	—		037	—
	400	114,29		039	—
	404	—		400	114,29
	***	140,08		404	—
0406 90 02 900	+	—		***	140,08
0406 90 03 100	028	—	0406 90 14 100	028	—
	037	—		037	—
	039	—		039	—
	400	114,29		400	114,29
	404	—		404	—
	***	140,08		***	140,08
0406 90 03 900	+	—	0406 90 14 900	+	—
0406 90 04 100	028	—	0406 90 16 100	028	—
	037	—		037	—
	039	—		039	—
	400	114,29		400	114,29
	404	—		404	—
	***	140,08		***	140,08
0406 90 04 900	+	—	0406 90 16 900	+	—
0406 90 05 100	028	—	0406 90 21 900	028	—
	037	—		037	—
	039	—		039	—
	400	114,29		400	114,29
	404	—		404	—
	***	140,08		***	133,36
0406 90 05 900	+	—	0406 90 23 900	028	—
0406 90 06 100	028	—		037	—
	037	—		039	—
	039	—		400	57,14
	400	114,29		404	—
	404	—		***	118,98
	***	140,08			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 25 900	028	—	0406 90 35 990	028	—
	037	—		037	—
	039	—		039	—
	400	57,14		400	114,29
	404	—		404	—
	...	118,98		...	114,29
0406 90 27 900	028	—	0406 90 37 000	028	—
	037	—		037	—
	039	—		039	—
	400	49,34		400	114,29
	404	—		404	—
	...	100,83		...	140,08
0406 90 31 119	028	—	0406 90 61 000	028	—
	037	—		037	79,13
	039	—		039	79,13
	400	54,92		400	162,64
	404	14,07		404	123,07
	...	79,08		...	162,64
0406 90 31 151	028	—	0406 90 63 100	028	—
	037	—		037	92,33
	039	—		039	92,33
	400	51,33		400	186,48
	404	13,15		404	140,66
	...	73,71		...	186,48
0406 90 31 159	+	—	0406 90 63 900	028	—
0406 90 33 119	028	—		037	61,55
	037	—		039	61,55
	039	—		400	131,87
	400	54,92		404	70,33
	404	14,07		...	145,05
	...	79,08	0406 90 69 100	+	—
0406 90 33 151	028	—		028	—
	037	—		037	61,55
	039	—		039	61,55
	400	51,33		400	131,87
	404	13,15		404	70,33
	...	73,71		...	145,05
0406 90 33 919	028	—	0406 90 73 900	028	—
	037	—		037	37,51
	039	—		039	37,51
	400	54,92		400	132,76
	404	14,07		404	105,52
	...	79,08		...	132,76
0406 90 33 951	028	—	0406 90 75 900	028	—
	037	—		037	—
	039	—		039	—
	400	51,33		400	57,14
	404	13,15		404	—
	...	73,71		...	110,74
0406 90 35 190	028	—	0406 90 76 100	028	21,10
	037	37,51		037	—
	039	37,51		039	—
	400	139,38		400	51,66
	404	79,13		404	—
	...	139,38		...	97,40

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 76 300	028	—	0406 90 85 995	028	24,18
	037	—		037	—
	039	—		039	—
	400	57,14		400	57,14
	404	—		404	—
0406 90 76 500	...	118,98	0406 90 85 999	...	118,98
	028	—		+	—
	037	—		+	—
	039	—		028	11,87
	400	65,94		037	—
0406 90 78 100	404	—	0406 90 86 100	039	—
	...	118,98		400	78,67
	028	21,10		404	—
	037	—		...	78,67
	039	—	0406 90 86 300	028	17,59
0406 90 78 300	400	51,66		037	—
	404	—		039	—
	...	97,40		400	84,55
	028	—		404	—
0406 90 78 500	037	—		...	86,26
	039	—	0406 90 86 400	028	21,10
	400	57,14		037	—
	404	—		039	—
	...	118,98		400	96,10
0406 90 79 900	028	—	0406 90 86 900	404	—
	037	—		...	97,40
	039	—		028	—
	400	65,94		037	—
	404	—	0406 90 87 100	039	—
0406 90 81 900	...	118,98		400	114,29
	028	—		404	—
	037	—		...	114,29
	039	—	0406 90 87 200	+	—
	400	49,34		028	11,87
0406 90 85 910	404	—		037	—
	...	100,83		039	—
	028	—		400	78,67
	037	—	0406 90 87 300	404	—
	039	—		...	78,67
0406 90 85 991	400	114,29		028	17,59
	404	—		037	—
	...	114,29		039	—
	028	—	0406 90 87 400	400	84,55
	037	37,51		404	—
0406 90 85 991	039	37,51		...	86,26
	400	139,38		028	21,10
	404	79,13		037	—
	...	139,38		039	—
	028	—		400	96,10
0406 90 85 991	037	—		404	—
	039	—		...	97,40
	400	114,29			
	404	—			
	...	114,29			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 87 951	028	—	2309 10 15 500	+	—
	037	37,51	2309 10 15 700	+	—
	039	37,51	2309 10 19 010	+	—
	400	132,76	2309 10 19 100	+	—
	404	79,13	2309 10 19 200	+	—
0406 90 87 971	...	132,76	2309 10 19 300	+	—
	028	24,18	2309 10 19 400	+	—
	037	—	2309 10 19 500	+	—
	039	—	2309 10 19 600	+	—
	400	65,06	2309 10 19 700	+	—
0406 90 87 972	404	—	2309 10 19 800	+	—
	...	118,98	2309 10 70 010	+	—
	028	—	2309 10 70 100	+	19,03
	400	34,33	2309 10 70 200	+	25,37
	404	—	2309 10 70 300	+	31,72
0406 90 87 979	...	42,17	2309 10 70 500	+	38,05
	028	24,18	2309 10 70 600	+	44,39
	037	—	2309 10 70 700	+	50,74
	039	—	2309 10 70 800	+	55,82
	400	65,06	2309 90 35 010	+	—
0406 90 88 100	404	—	2309 90 35 100	+	—
	...	118,98	2309 90 35 200	+	—
	+	—	2309 90 35 300	+	—
	028	11,87	2309 90 35 400	+	—
	037	—	2309 90 35 500	+	—
0406 90 88 200	039	—	2309 90 35 700	+	—
	400	78,67	2309 90 39 010	+	—
	404	—	2309 90 39 100	+	—
	...	78,67	2309 90 39 200	+	—
	028	17,59	2309 90 39 300	+	—
0406 90 88 300	037	—	2309 90 39 400	+	—
	039	—	2309 90 39 500	+	—
	400	84,55	2309 90 39 600	+	—
	404	—	2309 90 39 700	+	—
	...	86,26	2309 90 39 800	+	—
2309 10 15 010	+	—	2309 90 70 010	+	—
2309 10 15 100	+	—	2309 90 70 100	+	19,03
2309 10 15 200	+	—	2309 90 70 200	+	25,37
2309 10 15 300	+	—	2309 90 70 300	+	31,72
2309 10 15 400	+	—	2309 90 70 500	+	38,05
			2309 90 70 600	+	44,39
			2309 90 70 700	+	50,74
			2309 90 70 800	+	55,82

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by ***.

Where no destination (+) is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2).

(**) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

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

COMMISSION REGULATION (EC) No 2050/95
of 24 August 1995

amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk products to the Canary Islands under the arrangements provided for in Articles 2 to 4 of Council Regulation (EEC) No 1601/92

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 concerning specific measures for the Canary Islands with regard to certain agricultural products ⁽¹⁾, as last amended by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 3 ⁽⁴⁾ thereof,

Whereas Commission Regulation (EC) No 2790/94 ⁽³⁾, as amended by Regulation (EC) No 2883/94 ⁽⁴⁾, lays down in particular the detailed rules for the application of the specific arrangements for the supply of certain agricultural products to the Canary Islands;

Whereas Commission Regulation (EC) No 2993/94 ⁽⁵⁾, as last amended by Regulation (EC) No 1859/95 ⁽⁶⁾, fixed the amount of aid for milk products;

Whereas Commission Regulation (EC) No 2049/95 of 24 August 1995 fixing the export refunds on milk and milk products ⁽⁷⁾, adjusts the refunds on certain milk products; whereas the aid for certain products listed in the Annex to Regulation (EC) No 2993/94 should be adapted to take account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EC) No 2993/94 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 25 August 1995.

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

Done at Brussels, 24 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.
⁽²⁾ OJ No L 349, 31. 12. 1994, p. 105.
⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.
⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.
⁽⁵⁾ OJ No L 316, 9. 12. 1994, p. 11.
⁽⁶⁾ OJ No L 177, 28. 7. 1995, p. 70.

⁽⁷⁾ See page 12 of this Official Journal.

ANNEX

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ⁽¹⁾ :			
0401 10	— Of a fat content, by weight, not exceeding 1 % :			
0401 10 10	— — In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(¹)	5,586
0401 10 90	— — Other	0401 10 90 000	(¹)	5,586
0401 20	— Of a fat content, by weight, exceeding 1 % but not exceeding 6 % :			
	— — Not exceeding 3 % :			
0401 20 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(¹)	5,586
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	8,635
0401 20 19	— — — Other :			
	— — — — Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	5,586
	— — — — Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	8,635
	— — — Exceeding 3 % :			
0401 20 91	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(¹)	11,50
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	13,40
0401 20 99	— — — Other :			
	— — — — Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	11,50
	— — — — Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	13,40
0401 30	— Of a fat content, by weight, exceeding 6 % :			
	— — Not exceeding 21 % :			
0401 30 11	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 10 %	0401 30 11 100	(¹)	17,20
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	26,53
	— — — — — Exceeding 17 %	0401 30 11 700	(¹)	39,85
0401 30 19	— — — Other :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 10 %	0401 30 19 100	(¹)	17,20
	— — — — — Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	26,53
	— — — — — Exceeding 17 %	0401 30 19 700	(¹)	39,85
	— — — Exceeding 21 % but not exceeding 45 % :			
0401 30 31	— — — In immediate packings of a net content not exceeding 2 litres :			
	— — — — Of a fat content, by weight :			
	— — — — — Not exceeding 35 %	0401 30 31 100	(¹)	47,46
	— — — — — Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	74,12
	— — — — — Exceeding 39 %	0401 30 31 700	(¹)	81,73

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	- - - Other : - Of a fat content, by weight : - Not exceeding 35 % - Exceeding 35 % but not exceeding 39 % - Exceeding 39 % - - Exceeding 45 % :			
		0401 30 39 100	(¹)	47,46
		0401 30 39 400	(¹)	74,12
		0401 30 39 700	(¹)	81,73
0401 30 91	- - - In immediate packings of a net content not exceeding 2 litres : - Of a fat content, by weight : - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %			
		0401 30 91 100	(¹)	93,15
		0401 30 91 400	(¹)	136,90
		0401 30 91 700	(¹)	159,76
0401 30 99	- - - Other : - Of a fat content, by weight : - Not exceeding 68 % - Exceeding 68 % but not exceeding 80 % - Exceeding 80 %			
		0401 30 99 100	(¹)	93,15
		0401 30 99 400	(¹)	136,90
		0401 30 99 700	(¹)	159,76
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter :			
0402 10	- In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (⁷) : - - Not containing added sugar or other sweetening matter (²) :			
0402 10 11	- - - In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(²)	60,00
0402 10 19	- - - Other	0402 10 19 000	(²)	60,00
	- - Other (³) :			
0402 10 91	- - - In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(³)	0,6000
0402 10 99	- - - Other	0402 10 99 000	(³)	0,6000
	- In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (⁷) :			
0402 21	- - Not containing added sugar or other sweetening matter (²) : - - - Of a fat content, by weight, not exceeding 27 % :			
0402 21 11	- - - - In immediate packings of a net content not exceeding 2,5 kg :			
	- Of a fat content, by weight :			
	- Not exceeding 11 %	0402 21 11 200	(²)	60,00
	- Exceeding 11 % but not exceeding 17 %	0402 21 11 300	(²)	91,08
	- Exceeding 17 % but not exceeding 25 %	0402 21 11 500	(²)	95,96
	- Exceeding 25 %	0402 21 11 900	(²)	103,21
	- - - - Other :			
0402 21 17	- - - - - Of a fat content, by weight, not exceeding 11 %	0402 21 17 000	(²)	60,00
0402 21 19	- - - - - Of a fat content, by weight, exceeding 11 % but not exceeding 27 % :			
	- Not exceeding 17 %	0402 21 19 300	(³)	91,08
	- Exceeding 17 % but not exceeding 25 %	0402 21 19 500	(²)	95,96
	- Exceeding 25 %	0402 21 19 900	(²)	103,21
	- - - Of a fat content, by weight, exceeding 27 % :			

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 7 %	0402 21 91 100 0402 21 91 200 0402 21 91 300 0402 21 91 400 0402 21 91 500 0402 21 91 600 0402 21 91 700 0402 21 91 900	(2) (2) (2) (2) (2) (2) (2) (2)	103,97 104,68 105,97 113,27 115,79 125,48 131,17 137,59
0402 21 99	— — — — Other : — Of a fat content, by weight : — Not exceeding 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 %	0402 21 99 100 0402 21 99 200 0402 21 99 300 0402 21 99 400 0402 21 99 500 0402 21 99 600 0402 21 99 700 0402 21 99 900	(2) (2) (2) (2) (2) (2) (2) (2)	103,97 104,68 105,97 113,27 115,79 125,48 131,17 137,59
ex 0402 29	— — Other ⁽³⁾ : — — — Of a fat content, by weight, not exceeding 27 % : — — — — Other :			
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 29 15 200 0402 29 15 300 0402 29 15 500 0402 29 15 900	(3) (3) (3) (3)	0,6000 0,9108 0,9596 1,0321
0402 29 19	— — — — — Other : — Of a fat content, by weight : — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 % :	0402 29 19 200 0402 29 19 300 0402 29 19 500 0402 29 19 900	(3) (3) (3) (3)	0,6000 0,9108 0,9596 1,0321

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 29 91	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a fat content, by weight : — Not exceeding 41 % — Exceeding 41 %	0402 29 91 100 0402 29 91 500	(3) (3)	1,0397 1,1327
0402 29 99	— — — — Other : — Of a fat content, by weight : — Not exceeding 41 % — Exceeding 41 % — Other :	0402 29 99 100 0402 29 99 500	(3) (3)	1,0397 1,1327
0402 91	— — Not containing added sugar or other sweetening matter⁽²⁾ : — — — Of a fat content, by weight, not exceeding 8 % :			
0402 91 11	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a non-fat lactic dry matter content : — Of less than 15 % and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 %	0402 91 11 110 0402 91 11 120 0402 91 11 310 0402 91 11 350 0402 91 11 370	(2) (2) (2) (2) (2)	5,586 11,50 19,67 24,11 29,33
0402 91 19	— — — — Other : — Of a non-fat lactic dry matter content : — Of less than 15 % and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight : — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 % — — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 % :	0402 91 19 110 0402 91 19 120 0402 91 19 310 0402 91 19 350 0402 91 19 370	(2) (2) (2) (2) (2)	5,586 11,50 19,67 24,11 29,33
0402 91 31	— — — — In immediate packings of a net content not exceeding 2,5 kg : — Of a non-fat lactic dry matter content : — Of less than 15 % — Of 15 % or more	0402 91 31 100 0402 91 31 300	(2) (2)	22,72 34,66
0402 91 39	— — — — Other : — Of a non-fat lactic dry matter content : — Of less than 15 % — Of 15 % or more — — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 % :	0402 91 39 100 0402 91 39 300	(2) (2)	22,72 34,66
0402 91 51	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 000	(2)	26,53
0402 91 59	— — — — Other — — — Of a fat content, by weight, exceeding 45 % :	0402 91 59 000	(2)	26,53
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 000	(2)	93,15
0402 91 99	— — — — Other	0402 91 99 000	(2)	93,15

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 99	— — Other :			
	— — — Of a fat content, by weight, not exceeding 9,5 % :			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 11 110	(3)	0,0559
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	(3)	0,1150
	— Exceeding 6,9 %	0402 99 11 150	(3)	0,1877
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 11 310	(4)	22,70
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	(4)	27,23
	— Exceeding 6,9 %	0402 99 11 350	(4)	36,20
0402 99 19	— — — — Other :			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight ⁽³⁾ :			
	— Not exceeding 3 %	0402 99 19 110	(3)	0,0559
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	(3)	0,1150
	— Exceeding 6,9 %	0402 99 19 150	(3)	0,1877
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight ⁽⁴⁾ :			
	— Not exceeding 3 %	0402 99 19 310	(4)	22,70
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	(4)	27,23
	— Exceeding 6,9 %	0402 99 19 350	(4)	36,20
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 % :			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 31 110	(3)	0,2463
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 31 150	(4)	37,68
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 31 300	(3)	0,4746
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 31 500	(3)	0,8173
0402 99 39	— — — — Other :			
	— Of a fat content, by weight, not exceeding 21 % :			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾	0402 99 39 110	(3)	0,2463
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾	0402 99 39 150	(4)	37,68
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾	0402 99 39 300	(3)	0,4746
	— Of a fat content, by weight, exceeding 39 % ⁽³⁾	0402 99 39 500	(3)	0,8173
	— — — Of a fat content, by weight, exceeding 45 % :			
0402 99 91	— — — — In immediate packings not exceeding 2,5 kg ⁽³⁾	0402 99 91 000	(3)	0,9315
0402 99 99	— — — — Other ⁽³⁾	0402 99 99 000	(3)	0,9315

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0405 00	Butter and other fats and oils derived from milk :			
0405 00 11	— Of a fat content, by weight, not exceeding 85 % :			
	— — In immediate packings of a net content not exceeding 1 kg			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 11 000		—
	— Of 62 % or more but less than 78 %	0405 00 11 200		120,98
	— Of 78 % or more but less than 80 %	0405 00 11 300		152,20
	— Of 80 % or more but less than 82 %	0405 00 11 500		156,10
	— Of 82 % or more	0405 00 11 700		160,00
0405 00 19	— — Other :			
	— Of a fat content, by weight, not exceeding 85 % :			
	— Of less than 62 %	0405 00 19 100		—
	— Of 62 % or more but less than 78 %	0405 00 19 200		120,98
	— Of 78 % or more but less than 80 %	0405 00 19 300		152,20
	— Of 80 % or more but less than 82 %	0405 00 19 500		156,10
	— Of 82 % or more	0405 00 19 700		160,00
0405 00 90	— Other :			
	— Of a fat content, by weight :			
	— Not exceeding 99,5 %	0405 00 90 100		181,13
	— Exceeding 99,5 %	0405 00 90 900		233,21
0406	— Cheese :			
0406 30	— Processed, cheese, not grated or powdered (°) :			
0406 30 10	— — In the blending of which only Emmentaler, Gruyere and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger) ; put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 % :			
	— — — In the blending of which only Emmentaler and Gruyere have been used of a fat content by weight in the dry matter, not exceeding 56 % :			
	— — — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :			
	— — — — — Not exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 27 %	0406 30 10 100		—
	— Of 27 % or more but less than 33 %	0406 30 10 150		18,06
	— Of 33 % or more but less than 38 %	0406 30 10 200		38,52
	— Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 10 250		38,52
	— Of 20 % or more	0406 30 10 300		56,51
	— Of 43 % or more and of a fat content, by weight, in the dry matter :			
	— Of less than 20 %	0406 30 10 350		38,52
	— Of 20 % or more but less than 40 %	0406 30 10 400		56,51
	— Of 40 % or more	0406 30 10 450		82,23
	— — — — — Exceeding 48 % :			
	— Of a dry matter content, by weight :			
	— Of less than 33 %	0406 30 10 500		—
	— Of 33 % or more but less than 38 %	0406 30 10 550		38,52
	— Of 38 % or more but less than 43 %	0406 30 10 600		56,51

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 30 10 (cont'd)	— Of 43 % or more but less than 46 % — Of 46 % or more and of a fat content, by weight, in the dry matter : — Of less than 55 % — Of 55 % or more — — — Of a fat content, by weight, exceeding 36 % — — — Other — — — Other : — — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter :	0406 30 10 650 0406 30 10 700 0406 30 10 750 0406 30 10 800 0406 30 10 900		82,23 82,23 97,53 97,53 —
0406 30 31	— — — Not exceeding 48 % : — Of a dry matter content, by weight : — Of less than 27 % — Of 27 % or more but less than 33 % — Of 33 % or more but less than 38 % — Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter : — Of less than 20 % — Of 20 % or more — Of 43 % or more and of a fat content, by weight, in the dry matter : — Of less than 20 % — Of 20 % or more but less than 40 % — Of 40 % or more	0406 30 31 100 0406 30 31 300 0406 30 31 500 0406 30 31 710 0406 30 31 730 0406 30 31 910 0406 30 31 930 0406 30 31 950	 (°) (°) (°) (°) (°) (°) (°)	 18,06 38,52 38,52 56,51 38,52 56,51 82,23
0406 30 39	— — — — Exceeding 48 % : — Of a dry matter content, by weight : — Of less than 33 % — Of 33 % or more but less than 38 % — Of 38 % or more but less than 43 % — Of 43 % or more but less than 46 % — Of 46 % or more and of a fat content, by weight, in the dry matter : — Of less than 55 % — Of 55 % or more	0406 30 39 100 0406 30 39 300 0406 30 39 500 0406 30 39 700 0406 30 39 930 0406 30 39 950	 (°) (°) (°) (°) (°)	 38,52 56,51 82,23 82,23 97,53
0406 30 90	— — — Of a fat content, by weight, exceeding 36 %	0406 30 90 000	(°)	97,53
0406 90 23	— — — Edam : — Of a fat content, by weight, in the dry matter : — Of less than 39 % — Of 39 % or more	0406 90 23 100 0406 90 23 900	 (°)	 118,98
0406 90 25	— — — Tilsit : — Of a fat content, by weight, in the dry matter : — Of less than 39 % — Of 39 % or more	0406 90 25 100 0406 90 25 900	 (°)	 118,98

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 27	— — — Butterkäse : — Of a fat content, by weight, in the dry matter : — Of less than 39 % — Of 39 % or more	0406 90 27 100 0406 90 27 900	 (⁵)	 — 100,83
0406 90 76	— — — — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 76 100 0406 90 76 300 0406 90 76 500	(⁵) (⁵) (⁵)	97,40 118,98 118,98
0406 90 78	— — — — — — — Gouda : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more — — — — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter	0406 90 78 100 0406 90 78 300 0406 90 78 500	(⁵) (⁵) (⁵)	97,40 118,98 118,98
0406 90 79	— — — — — — — Estrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin and Taleggio : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 100 0406 90 79 900	 (⁵)	 — 100,83
0406 90 81	— — — — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby and Monterey : — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 100 0406 90 81 900	 (⁵)	 — 114,29
0406 90 86	— — — — — — — Exceeding 47 % but not exceeding 52 % : — Cheeses produced from whey — Other : — Of a fat content, by weight, in the dry matter : — Of less than 5 % — Of 5 % or more but less than 19 % — Of 19 % or more but less than 39 % — Of more than 39 %	0406 90 86 100 0406 90 86 200 0406 90 86 300 0406 90 86 400 0406 90 86 900	 (⁵) (⁵) (⁵) (⁵)	 — 78,67 86,26 97,40 114,29

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 87	— — — — — Exceeding 52 % but not exceeding 62 % : — Cheeses produced from whey — Other : — Of a fat content, by weight, in the dry matter : — Of less than 5 % — Of 5 % or more but less than 19 % — Of 19 % or more but less than 39 % — Of more than 39 % : — Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk — Maasdam — Manouri, of a fat content, by weight, of 30 % or more — Other	0406 90 87 100 0406 90 87 200 0406 90 87 300 0406 90 87 400 0406 90 87 951 0406 90 87 971 0406 90 87 972 0406 90 87 979	(¹) (¹) (¹) (¹) (¹) (¹) (¹) (¹)	— 78,67 86,26 97,40 132,76 118,98 42,17 118,98
0406 90 88	— — — — — Exceeding 62 % but not exceeding 72 % : — Cheeses produced from whey — Other : — Of a fat content, by weight, in the dry matter : — Of less than 5 % and of a dry matter content, by weight, of 32 % or more — Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more — Other	0406 90 88 100 0406 90 88 200 0406 90 88 300 0406 90 88 900	(¹) (¹) (¹)	— 78,67 86,26 —

(¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

(²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

(³) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.

The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components :

- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product ;

(b) a component calculated in accordance with the provisions of Article 2 (3) of amended Regulation (EEC) No 1098/68 (OJ No L 184, 29. 7. 1968, p. 10).

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
- the lactose content of the added whey.

(*) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements :

(a) the amount per 100 kilograms shown ; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be :

- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
- divided by the weight of the lactic part contained in 100 kilograms of product ;

(b) a component calculated in accordance with the provisions of Article 2 (3) of Regulation (EEC) No 1098/68.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case :

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
- the lactose content of the added whey.

(*) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(*) Where the product contains casein and/or caseinates, the part corresponding to the casein and/or the added caseinates will not be taken into account for the purpose of calculating the aid.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.

(*) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

COMMISSION REGULATION (EC) No 2051/95**of 24 August 1995****fixing the export refunds on products processed from cereals and rice**

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 1863/95⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice⁽³⁾, as last amended by Regulation (EC) No 1530/95⁽⁴⁾, and in particular the fourth subparagraph of Article 17 (2) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 and Article 17 of Regulation (EEC) No 1418/76 provide that the difference between quotations or prices on the world market for the products listed in Article 1 of those Regulations and prices for those products within the Community may be covered by an export refund;

Whereas Article 2 of Council Regulation (EEC) No 1431/76⁽⁵⁾ laying down general rules for granting export refunds on rice and criteria for fixing the amount of such refunds, provide that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of cereals, rice and broken rice on the Community market on the one hand and prices for cereals, rice, broken rice and cereal products on the world market on the other; whereas the same Articles provide that it is also important to ensure equilibrium and the natural development of prices and trade on the markets in cereals and rice and, furthermore, to take into account the economic aspect of the proposed exports, and the need to avoid disturbances on the Community market;

Whereas Article 4 of Council Regulation (EC) No 1518/95⁽⁶⁾, on the import and export system for products

processed from cereals and from rice defines the specific criteria to be taken into account when the refund on these products is being calculated;

Whereas the refund to be granted in respect of certain processed products should be graduated on the basis of the ash, crude fibre, tegument, protein, fat and starch content of the individual product concerned, this content being a particularly good indicator of the quantity of basic product actually incorporated in the processed product;

Whereas there is no need at present to fix an export refund for manioc, other tropical roots and tubers or flours obtained therefrom, given the economic aspect of potential exports and in particular the nature and origin of these products; whereas, for certain products processed from cereals, the insignificance of Community participation in world trade makes it unnecessary to fix an export refund at the present time;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 990/93⁽⁷⁾, as amended by Regulation (EC) 1380/95⁽⁸⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

Whereas certain processed maize products may undergo a heat treatment following which a refund might be granted that does not correspond to the quality of the product; whereas it should therefore be specified that on these products, containing pregelatinized starch, no export refund is to be granted;

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽⁵⁾ OJ No L 166, 25. 6. 1976, p. 36.

⁽⁶⁾ OJ No L 147, 30. 6. 1995, p. 55.

⁽⁷⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁸⁾ OJ No L 138, 21. 6. 1995, p. 1.

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

(c) of Regulation (EEC) No 1418/76 and subject to Regulation (EC) No 1518/95 are hereby fixed as shown in the Annex to this Regulation.

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (d) of Regulation (EEC) No 1766/92 and in Article 1 (1)

Article 2

This Regulation shall enter into force on 25 August 1995.

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

Done at Brussels, 24 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

to the Commission Regulation of 24 August 1995 fixing the export refunds on products processed from cereals and rice

(ECU/tonne)		(ECU/tonne)	
Product code	Refund (1)	Product code	Refund (1)
1102 20 10 200 (2)	91,00	1104 23 10 100	97,50
1102 20 10 400 (2)	78,00	1104 23 10 300	74,75
1102 20 90 200 (2)	78,00	1104 29 11 000	0,00
1102 90 10 100	52,01	1104 29 51 000	0,00
1102 90 10 900	35,36	1104 29 55 000	0,00
1102 90 30 100	67,05	1104 30 10 000	0,00
1103 12 00 100	67,05	1104 30 90 000	16,25
1103 13 10 100 (2)	117,00	1107 10 11 000	0,00
1103 13 10 300 (2)	91,00	1107 10 91 000	61,71
1103 13 10 500 (2)	78,00	1108 11 00 200	0,00
1103 13 90 100 (2)	78,00	1108 11 00 300	0,00
1103 19 10 000	39,29	1108 12 00 200	104,00
1103 19 30 100	53,74	1108 12 00 300	104,00
1103 21 00 000	0,00	1108 13 00 200	104,00
1103 29 20 000	35,36	1108 13 00 300	104,00
1104 11 90 100	52,01	1108 19 10 200	107,92
1104 12 90 100	74,50	1108 19 10 300	107,92
1104 12 90 300	59,60	1109 00 00 100	0,00
1104 19 10 000	0,00	1702 30 51 000 (3)	98,77
1104 19 50 110	104,00	1702 30 59 000 (3)	75,62
1104 19 50 130	84,50	1702 30 91 000	98,77
1104 21 10 100	52,01	1702 30 99 000	75,62
1104 21 30 100	52,01	1702 40 90 000	75,62
1104 21 50 100	69,34	1702 90 50 100	98,77
1104 21 50 300	55,47	1702 90 50 900	75,62
1104 22 10 100	59,60	1702 90 75 000	103,50
1104 22 30 100	63,33	1702 90 79 000	71,84
1104 22 99 100	0,00	2106 90 55 000	75,62

(1) Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

(2) No refund shall be granted on products given a heat treatment resulting in pregelatinization of the starch.

(3) Refunds are granted in accordance with Regulation (EEC) No 2730/75 (OJ No L 281, 1. 11. 1975, p. 20), amended.

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

COMMISSION REGULATION (EC) No 2052/95

of 24 August 1995

fixing the export refunds on cereal-based compound feedingstuffs

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 1863/95⁽²⁾, and in particular the third subparagraph of Article 13 (4) thereof,

Whereas Article 13 of Regulation (EEC) No 1766/92 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EC) No 1517/95 of 29 June 1995 laying down detailed rules for the application of Regulation (EEC) No 1766/92 as regards the arrangements for the export and import of compound feedingstuffs based on cereals and amending Regulation (EC) No 1162/95 laying down special detailed rules for the application of the system of import and export licences for cereals and rice⁽³⁾ in Article 2 lays down general rules for fixing the amount of such refunds;

Whereas Commission Regulation (EEC) No 1913/69 of 29 September 1969 on the granting and the advance fixing of the export refund on cereal-based compound feedingstuffs⁽⁴⁾, as last amended by Regulation (EC) No 1517/95, provides that calculation of the export refund must take account of, in particular, the averages of the refunds granted and the levies calculated on the most commonly used basic cereals, adjusted on the basis of the threshold price in force during the current month;

Whereas that calculation must also take account of the cereal products content; whereas in the interest of simplification, the refund should be paid in respect of two categories of 'cereal products', namely for maize, the most commonly used cereal in exported compound feeds and maize products, and for 'other cereals', these being eligible cereal products excluding maize and maize products; whereas a refund should be granted in respect of the quantity of cereal products present in the compound feedingstuff;

Whereas furthermore, the amount of the refund must also take into account the possibilities and conditions for the sale of those products on the world market, the need to avoid disturbances on the Community market and the economic aspect of the export;

Whereas, however, in fixing the rate of refund it would seem advisable to base it at this time on the difference in the cost of raw inputs widely used in compound feedingstuffs as the Community and world markers, allowing more accurate accounts to be taken of the commercial conditions under which such products are exported;

Whereas under the terms of Article 4 of Commission Regulation (EEC) No 1619/93⁽⁵⁾, the refund may be varied on the basis of the destination;

Whereas the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 930/93⁽⁶⁾, as amended by Regulation (EC) No 1380/95⁽⁷⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situation as comprehensively listed in Articles 2, 4, 5 and 7 thereof; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the compound feedingstuffs covered by Regulation (EEC) No 1766/92 and subject to Regulation (EC) No 1517/95 are hereby fixed as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 25 August 1995.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 51.

⁽⁴⁾ OJ No L 246, 30. 9. 1969, p. 11.

⁽⁵⁾ OJ No L 155, 26. 6. 1993, p. 24.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁷⁾ OJ No L 138, 21. 6. 1995, p. 1.

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

Done at Brussels, 24 August 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

ANNEX

to the Commission Regulation of 24 August 1995 fixing the export refunds on cereal-based compound feedingstuffs

Product code benefitting from export refund⁽¹⁾:

2309 10 11 000, 2309 10 13 000, 2309 10 31 000,
2309 10 33 000, 2309 10 51 000, 2309 10 53 000,
2309 90 31 000, 2309 90 33 000, 2309 90 41 000,
2309 90 43 000, 2309 90 51 000, 2309 90 53 000.

(ECU/tonne)

Cereal products ⁽²⁾	Amount of refund ⁽³⁾
Maize and maize products : CN codes 0709 90 60, 0712 90 19, 1005, 1102 20, 1103 13, 1103 29 40, 1104 19 50, 1104 23, 1904 10 10	65,—
Cereal products ⁽²⁾ excluding maize and maize products	20,81

⁽¹⁾ The product codes are defined in Sector 5 of the Annex to Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p 1), amended.

⁽²⁾ For the purposes of the refund only the starch coming from cereal products is taken into account.

Cereal products means the products falling within subheadings 0709 90 60 and 0712 90 19, Chapter 10, and headings Nos 1101, 1102, 1103 and 1104 (excluding subheading 1104 30) and the cereals content of the products falling within subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature. The cereals content in products under subheadings 1904 10 10 and 1904 10 90 of the combined nomenclature is considered to be equal to the weight of this final product.

No refund is paid for cereals where the origin of the starch cannot be clearly established by analysis.

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 are observed.

II

(Acts whose publication is not obligatory)

COUNCIL

**DECISION No 1/95 OF THE ASSOCIATION COUNCIL, ASSOCIATION
BETWEEN THE EUROPEAN COMMUNITIES AND THEIR MEMBER
STATES, OF THE ONE PART, AND THE REPUBLIC OF HUNGARY, OF THE
OTHER PART**

of 17 July 1995

**amending Protocol 4 to the Europe Agreement establishing an association
between the European Communities and their Member States, of the one part,
and the Republic of Hungary, of the other part**

(95/347/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part ⁽¹⁾, signed on 16 December 1991, and in particular Article 32 of Protocol 4,

Whereas a number of technical difficulties arose in the interpretation of the opening Articles of Protocol 4 on cumulation following the entry into force of the said Agreement ;

Whereas, it has proved necessary to amend the format of the said provisions ; whereas for these reasons of presentation and ease of reading, it appears appropriate to replace the whole text of Protocol 4 with a new text,

HAS DECIDED AS FOLLOWS :

Article 1

Articles 1 to 38 and Annex I of Protocol 4 of the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Hungary, of the other part, shall be replaced by the text attached hereto.

Article 2

This Decision shall enter into force on 1 October 1995.

Done at Brussels, 17 July 1995.

For the Association Council

The Chairman

L. KOVACS

⁽¹⁾ OJ No L 347, 31. 12. 1993, p. 2.

PROTOCOL 4

concerning the definition of the concept of 'originating products' and methods of administrative cooperation

TITLE I

Article 3

DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'

Cumulation with materials originating in Poland, the Czech Republic or in the Slovak Republic

Article 1

Origin criteria

For the purpose of implementing this Agreement and without prejudice to the provisions of Articles 2 and 3 of this Protocol, the following products shall be considered as :

1. products originating in the Community :
 - (a) products wholly obtained in the Community within the meaning of Article 4 of this Protocol ;
 - (b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the Community within the meaning of Article 5 of this Protocol ;
2. products originating in Hungary :
 - (a) products wholly obtained in Hungary within the meaning of Article 4 of this Protocol ;
 - (b) products obtained in Hungary incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in Hungary within the meaning of Article 5 of this Protocol.

Article 2

Bilateral cumulation

1. Notwithstanding Article 1 (1) (b), materials originating in Hungary within the meaning of this Protocol shall be considered as materials originating in the Community and it shall not be necessary that such materials have undergone sufficient working or processing there, provided however that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.
2. Notwithstanding Article 1 (2) (b), materials originating in the Community within the meaning of this Protocol shall be considered as materials originating in Hungary and it shall not be necessary that such materials have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.

1. (a) Notwithstanding Article 1 (1) (b) and subject to the provisions of paragraphs 2 and 4, materials originating in Poland, the Czech Republic or in the Slovak Republic within the meaning of Protocol 4 annexed to the Agreements between the Community and these countries shall be considered as originating in the Community and it shall not be necessary that such materials have undergone sufficient working or processing there, provided however that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.

- (b) Notwithstanding Article 1 (2) (b) and subject to the provisions of paragraphs 2 and 4, materials originating in Poland, the Czech Republic or in the Slovak Republic within the meaning of Protocol 4 annexed to the Agreements between the Community and these countries shall be considered as originating in Hungary and it shall not be necessary that such materials have undergone sufficient working or processing there, provided however that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.

2. Products which have acquired originating status by virtue of paragraph 1 shall only continue to be considered as products originating in the Community or in Hungary respectively when the value added there exceeds the value of the materials used originating in Poland, the Czech Republic or in the Slovak Republic. If this is not so, the products concerned shall be considered, for the purpose of implementing this Agreement or the Agreements between the Community and Poland, and the Czech Republic and the Slovak Republic, or the agreements between Hungary and Poland and the Czech and Slovak Republics as originating in Poland, in the Czech Republic or in the Slovak Republic, according to which of these countries accounts for the highest value of originating materials used.

No account shall be taken in this allocation of materials originating in Poland, in the Czech Republic or in the Slovak Republic which have undergone sufficient working or processing in the Community or in Hungary.

3. 'Value added' shall be taken to be the ex-works price of the products minus the customs value of all the materials used which do not originate in the country or the group of countries where these products are obtained.

4. For the purpose of this Article identical rules of origin to those in this Protocol shall be applied in trade between the Community and Poland, the Czech Republic and the Slovak Republic, and between Hungary and these three countries, and also between each of these three countries themselves.

Article 4

Wholly obtained products

1. Within the meaning of Article 1 (1) (a) and (2) (a), the following shall be considered as wholly obtained either in the Community or in Hungary:

- (a) mineral products extracted from their soil or from their seabed;
- (b) vegetable products harvested there;
- (c) live animals born and raised there;
- (d) products from live animals raised there;
- (e) products obtained by hunting or fishing conducted there;
- (f) products of sea fishing and other products taken from the sea by their vessels;
- (g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);
- (h) used articles collected there fit only for the recovery of raw materials;
- (i) waste and scrap resulting from manufacturing operations conducted there;
- (j) goods produced there exclusively from the products specified in subparagraphs (a) to (i).

2. The term 'their vessels' in paragraph 1 (f) shall apply only to vessels:

- which are registered or recorded in Hungary or in a Member State of the Community,
- which sail under the flag of Hungary or of a Member State of the Community,
- which are owned to an extent of at least 50 % by nationals of Hungary or of Member States of the Community, or by a company with its head office in one of these States or in Hungary, of which the manager or managers, chairman of the board of direc-

tors or the supervisory board, and the majority of the members of such boards are nationals of Hungary or of Member States of the Community and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to these States, to their public bodies or to their nationals,

- of which the master and officers are nationals of Hungary or of Member States of the Community,
- of which at least 75 % of the crew are nationals of Hungary or of Member States of the Community.

3. The terms 'Hungary' and 'the Community' shall also cover the territorial waters which surround Hungary and the Member States of the Community.

Sea-going vessels, including factory ships on which the fish caught is worked or processed, shall be considered as part of the territory of the Community or of Hungary provided that they satisfy the conditions set out in paragraph 2.

Article 5

Sufficiently processed products

1. For the purposes of Article 1, non-originating materials are considered to be sufficiently worked or processed when the product obtained is classified in a heading which is different from that in which all the non-originating materials used in its manufacture are classified, subject to paragraphs 2 and 3.

The expressions 'chapters' and 'headings' used in this Protocol shall mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System (hereinafter referred to as 'the Harmonized System' or HS).

The expression 'classified' shall refer to the classification of a product or material under a particular heading.

2. For a product mentioned in columns 1 and 2 of the list in Annex II, the conditions set out in column 3 for the product concerned must be fulfilled instead of the rule in paragraph 1.

- (a) Where in the list in Annex II a percentage rule is applied in determining the originating status of a product obtained in the Community or in Hungary, the value added by the working or processing shall correspond to the ex-works price of the product obtained, less the value of third-country materials imported into the Community or Hungary.

- (b) the term 'value' in the list in Annex II shall mean the customs value at the time of the import of the non-originating materials used or, if this is not known and cannot be ascertained, the first ascertainable price paid for these materials in the territory concerned.

Where the value of the originating materials used needs to be established, the provisions of the above subparagraph shall be applied *mutatis mutandis*.

- (c) The term 'ex-works price' in the list in Annex II shall mean the price paid for the product obtained to the manufacturer in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used in manufacture, minus any internal taxes which are, or may be repaid when the product obtained is exported.

- (d) 'Customs value' shall be understood as the value determined in accordance with the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, established in Geneva on 12 April 1979.

3. For the purpose of implementing paragraphs 1 and 2 the following shall be considered as insufficient working or processing to confer the status of originating products, whether or not there is a change of heading :

- (a) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;
- (c) (i) changes of packaging and breaking up and assembly of consignments;
- (ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards etc., and all other simple packaging operations;
- (d) affixing marks, labels and other like distinguishing signs on products or their packaging;
- (e) simple mixing of products, whether or not of different kinds, where one or more components of the mixture do not meet the conditions laid down in this Protocol to enable them to be considered as originating either in the Community or in Hungary;
- (f) simple assembly of parts of articles to constitute a complete article;
- (g) a combination of two or more operations specified in subparagraphs (a) to (f);

- (h) slaughter of animals.

Article 6

Neutral elements

In order to determine whether a product originates in the Community or in Hungary it shall not be necessary to establish the origin of the electrical power, fuel, plant and equipment and machines and tools used to obtain such product nor of materials which do not enter into their final composition.

Article 7

Accessories, spare parts and tools

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle which are part of the normal equipment and included in the price thereof or are not separately invoiced are regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

Article 8

Sets

Sets, as defined in General Rule 3 of the Harmonized System, shall be regarded as originating when all component articles are originating products. Nevertheless, when a set is composed of originating and non-originating articles, the set as a whole shall be regarded as originating provided that the value of the non-originating articles does not exceed 15 % of ex-works price of the set.

Article 9

Direct transport

1. The preferential treatment provided for under this Agreement or, when the provisions of Article 3 (2) are applied, under the Agreements between the Community and Poland, and the Czech Republic and the Slovak Republic, applies only to products or materials which are transported between the territories of the Community and Hungary without entering any other territory. However, originating goods constituting one single consignment which is not split up may be transported through territory other than that of the Community or Hungary with, should the occasion arise, transshipment or temporary warehousing in such territory, provided that the goods have remained under the surveillance of the customs authorities in the country of transit or of warehousing and that they have not undergone operations other than unloading, reloading or any operation designed to preserve them in good condition.

2. Evidence that the conditions referred to in paragraph 1 have been fulfilled shall be supplied to the responsible customs authorities by the production of:

- (a) a single transport document issued in the exporting country covering the passage through the country of transit;
- (b) or a certificate issued by the customs authorities of the country of transit:
 - giving an exact description of the goods,
 - stating the dates of unloading and reloading of the goods or of the embarkation or disembarkation, identifying the ships or other means of transport used, and
 - certifying the conditions under which the goods remained in the transit country;
- (c) or failing these, any substantiating documents.

Article 10

Territorial requirement

The conditions set out in this Title relative to the acquisition of originating status must be fulfilled without interruption in the Community or in Hungary except as provided for in Articles 2 and 3.

If originating products exported from the Community or Hungary to another country are returned, except in so far as provided for in Articles 2 and 3, they must be considered as non-originating unless it can be demonstrated to the satisfaction of the customs authorities that:

- the goods returned are the same goods as those exported, and
- they have not undergone any operation beyond that necessary to preserve them in good condition while in that country.

TITLE II

PROOF OF ORIGIN

Article 11

Movement certificate EUR.1

Evidence of originating status of products, within the meaning of this Protocol, shall be given by a movement certificate EUR.1, a specimen of which appears in Annex III to this Protocol.

Article 12

Normal procedure for the issue of certificates

1. A movement certificate EUR.1 shall be issued only on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative. Such application shall be made on a form, a specimen of which appears in Annex III to this Protocol, which shall be completed in accordance with this Protocol.

Applications for movement certificates EUR.1 must be preserved for at least two years by the customs authorities of the exporting State.

2. The exporter or his representative shall submit with his request any appropriate supporting document proving that the products to be exported are such as to qualify for the issue of a movement certificate EUR.1.

He shall undertake to submit, at the request of the appropriate authorities, any supplementary evidence they may require for the purpose of establishing the correctness of the originating status of the products eligible for preferential treatment and shall undertake to agree to any inspection of his accounts and to any check on the processes of the obtaining of the above products carried out by the said authorities.

Exporters must keep for at least two years the supporting documents referred to in this paragraph.

3. A movement certificate EUR.1 may be issued only where it can serve as the documentary evidence required for the purpose of implementing this Agreement or the Agreements between the Community and Poland, and the Czech Republic and the Slovak Republic.

4. The movement certificate EUR.1 shall be issued by the customs authorities of a Member State of the European Community if the goods to be exported can be considered as products originating in the Community within the meaning of Article 1 (1) or as products originating in Poland, the Czech Republic or in the Slovak Republic within the meaning of Article 3 (2) of this Protocol. The movement certificate EUR.1 shall be issued by the customs authorities of Hungary if the goods to be exported can be considered as products originating in Hungary within the meaning of Article 1 (2) or as products originating in Poland, the Czech Republic or the Slovak Republic within the meaning of Article 3 (2) of this Protocol.

5. Where the cumulation provisions of Article 2 or 3 are applied, the customs authorities of the Member States of the Community or of Hungary may issue movement certificates EUR.1 under the conditions laid down in this Protocol if the goods to be exported can be considered as originating products within the meaning of this Protocol and provided that the goods covered by the movement certificates EUR.1 are in the Community or in Hungary.

In these cases movement certificates EUR.1 shall be issued subject to the presentation of the proof of origin previously issued or made out. This proof of origin must be kept for at least two years by the customs authorities of the exporting State.

6. Since the movement certificate EUR.1 constitutes the documentary evidence for the application of the preferential tariff arrangements laid down in the Agreement, it shall be the responsibility of the customs authorities of the exporting country to take any steps necessary to verify the origin of the goods and to check the other statements on the certificate.

7. For the purpose of verifying whether the conditions for issuing EUR.1 certificates have been met, the customs authorities shall have the right to call for any documentary evidence or to carry out any check which they consider appropriate.

8. It shall be the responsibility of the customs authorities of the exporting State to ensure that the forms referred to in paragraph 1 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions. To this end, the description of the products must be indicated without leaving any blank lines. Where the space is not completely filled a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

9. The date of issue of the movement certificate must be indicated in the part of the certificate reserved for the customs authorities.

10. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting State when the products to which it relates are exported. It shall be made available to the exporter as soon as actual export has been effected or ensured.

Article 13

Long-term certificates EUR.1

1. Notwithstanding the provisions of Article 12 (10), a movement certificate EUR.1 may be issued by the customs authorities of the exporting State when only part of the products to which it relates is exported, in the case of a certificate covering a series of exportations of the same products from the same exporter to the same importer over a maximum period of one year from the date of issue, hereinafter referred to as an 'LT certificate'.

2. LT certificates shall be issued, in accordance with the provisions of Article 12, at the discretion of the customs authorities of the exporting State and according to their own judgment of the need for this procedure, only where the originating status of the goods to be

exported is expected to remain unchanged for the period of validity of the LT certificate. If any goods are no longer covered by the LT certificate, the exporter shall immediately inform the customs authorities who issued the certificate.

3. Where the LT certificate procedure applies, the customs authorities of the exporting State may prescribe the use of EUR.1 certificates bearing a distinctive sign by which they may be identified.

4. Box 11 'Customs endorsement' of the EUR.1 certificate must be endorsed as usual by the customs authorities of the exporting State.

5. One of the following phrases shall be entered in box 7 of the EUR.1 certificate:

'CERTIFICADO LT VÁLIDO HASTA EL ...'
'LT-CERTIFIKAT GYLDIGT INDTIL ...'
'LT-CERTIFICATE GÜLTIG BIS ...'
'ΠΙΣΤΟΠΟΙΗΤΙΚΟ LT ΙΞΥΟΝ ΜΕΧΡΙ ...'
'LT CERTIFICATE VALID UNTIL ...'
'CERTIFICAT LT VALABLE JUSQU'AU ...'
'CERTIFICATO LT VALIDO FINO AL ...'
'LT-CERTIFICAAT GELDIG TOT EN MET ...'
'CERTIFICADO LT VÁLIDO ATÉ ...'
'LT-TODISTUS VOIMASSA ... ASTI'
'LT-CERTIFIKAT GILTIGT TILL ...'
'LT-SWIADECTWO WAZNE DO ...'
'LT-BIZONYITVANY ÉRVÉNYES ...-IG'
'LT OSVĚDČENÍ PLATNÉ DO ...'
'LT OSVĚDČENIE PLATNÉ DO ...'

(date indicated in Arabic numerals)

6. Reference is not required in box 8 and box 9 of the LT certificate to the marks and numbers and number and kind of packages and the gross weight (kg) or other measures (litres, m³, etc.). Box 8 must, however, contain a description and designation of the goods which is sufficiently precise to allow for their identification.

7. Notwithstanding Article 18, the LT certificate must be submitted to the customs office of import at or before the first importation of any goods to which it relates. When the importer carries out the customs clearance at several customs offices in the State of importation, the customs authorities may require him to produce a copy of the LT certificate to all of those offices.

8. Where an LT certificate has been submitted to the customs authorities, the evidence of the originating status of the imported goods shall, during the validity of the LT certificate, be given by invoices which satisfy the following conditions:

(a) when an invoice includes both originating goods and non-originating goods, the exporter shall distinguish clearly between these two categories;

- (b) the exporter shall state on each invoice the number of the LT certificate which covers the goods and the date of expiry of the certificate and the names of the country or countries in which the goods originate.

The statement on the invoice, made by the exporter, of the number of the LT certificate with the indication of the country of origin shall constitute a declaration that the goods fulfil the conditions laid down in this Protocol for the acquisition of preferential origin status.

The customs authorities of the exporting State may require that the entries which, under the above provisions, must appear on the invoice, be supported by the manuscript signature followed by the name of the signatory in clear script;

- (c) the description and the designation of the goods on the invoice shall be in sufficient detail to show clearly that the goods are also listed on the LT certificate to which the invoice refers;
- (d) the invoices can be made out only for the goods exported during the period of validity of the relevant LT certificate. They may, however, be produced at the customs office of importation within four months of their being made out by the exporter.

9. In the framework of the LT certificate procedure, invoices which satisfy the conditions of this Article may be made out and/or transmitted using telecommunications or electronic data-processing methods. Such invoices shall be accepted by the customs authorities of the importing State as evidence of the originating status of the goods imported in accordance with the procedures laid down by the customs authorities there.

10. Should the customs authorities of the exporting State identify that a certificate and/or invoice issued under the provisions of this Article is invalid in relation to any goods supplied, they shall immediately notify the customs authorities of the importing State of the facts.

11. The provisions of this Article shall not prejudice application of the rules of the Community, the Member States and Hungary on customs formalities and the use of customs documents.

Article 14

Issue of EUR.1 retrospectively

1. In exceptional circumstances a movement certificate EUR.1 may also be issued after export of the products to which it relates if it was not issued at the time of export because of errors or involuntary omissions or special circumstances.

2. For the implementation of paragraph 1, the exporter must in the written application:

- indicate the place and date of export of the products to which the certificate relates,
- certify that no movement certificate EUR.1 was issued at the time of export of the products in question, and state the reasons.

3. The customs authorities may issue a movement certificate EUR.1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

Certificates issued retrospectively must be endorsed with one of the following phrases:

'NACHTRÄGLICH AUSGESTELLT', 'DÉLIVRÉ A POSTERIORI', 'RILASCIATO A POSTERIORI', 'AFGE-GEVEN A POSTERIORI', 'ISSUED RETROSPECTIVELY', 'UDSTEDT EFTERFØLGENDE', 'ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ', 'EXPEDIDO A POSTERIORI', 'EMITIDO A POSTERIORI', 'ANNETTU JÄLKIKÄTEEN', 'UTFÄRDAT I EFTERHAND', 'WYSTAWIONE RETROSPEKTYWNIĘ', 'KIADVA VISSZAMENŐLEGES HATÁLLYAL', 'VYSTAVENO DODATEČNĚ', 'VYSTAVENÉ DODATOČNE'.

4. The endorsement referred to in paragraph 3 shall be inserted in the 'Remarks' box on the movement certificate EUR.1.

Article 15

Issue of a duplicate EUR.1

1. In the event of the theft, loss or destruction of a movement certificate EUR.1, the exporter may apply in writing to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession.

2. The duplicate issued in this way must be endorsed with one of the following words:

'DUPLIKAT', 'DUPLICATA', 'DUPLICATO', 'DUPLICAT', 'DUPLICATE', 'ΑΝΤΙΓΡΑΦΟ', 'DUPLICADO', 'SEGUNDA VIA', 'KAKSOISKAPPALE', 'DUPLIKAT', 'DUPLIKÁT', 'MÁSOLAT'.

3. The endorsement referred to in paragraph 2 shall be inserted in the 'Remarks' box on the movement certificate EUR.1.

4. The duplicate, which must bear the date of issue of the original movement certificate EUR.1, shall take effect as from that date.

Article 16

Simplified procedure for the issue of certificates

1. By way of derogation from Articles 12, 14 and 15 of this Protocol, a simplified procedure for the issue of EUR.1 movement certificates can be used in accordance with the following provisions.

2. The customs authorities in the exporting State may authorize any exporter, hereinafter referred to as 'approved exporter', making frequent shipments for which EUR.1 movement certificates may be issued and who offers, to the satisfaction of the competent authorities, all guarantees necessary to verify the originating status of the products, not to submit to the customs office of the exporting State at the time of export either the goods or the application for an EUR.1 certificate relating to those goods, for the purpose of obtaining an EUR.1 certificate under the conditions laid down in Article 12 of this Protocol.

3. The authorization referred to in paragraph 2 shall stipulate, at the choice of the competent authorities, that box No 11 'Customs endorsement' of the EUR.1 movement certificate must either:

- (a) be endorsed beforehand with the stamp of the competent customs office of the exporting State and the signature, which may be a facsimile, of an official of that office; or
- (b) be endorsed by the approved exporter with a special stamp which has been approved by the customs authorities of the exporting State and corresponds to the specimen given in Annex V of this Protocol. Such stamp may be pre-printed on the forms.

4. In the cases referred to in paragraph 3 (a), one of the following phrases shall be entered in box No 7 'Remarks' of the EUR.1 movement certificate:

'PROCEDIMIENTO SIMPLIFICADO', 'FORENKLET PROCEDURE', 'VEREINFACHTES VERFAHREN', 'ΑΠΛΟΥΣΤΕΥΜΕΝΗ ΔΙΑΔΙΚΑΣΙΑ', 'SIMPLIFIED PROCEDURE', 'PROCÉDURE SIMPLIFIÉE', 'PROCEDURA SEMPLIFICATA', 'VEREENVoudigde PROCEDURE', 'PROCEDIMENTO SIMPLIFICADO', 'YKSINKERTAISTETTU MENETTELY', 'FÖRENKLAD PROCEDUR', 'UPROSZCZONA PROCEDURA', 'EGYSZERUSÍTETT ELJÁRÁS', 'ZJEDNODUŠENÉ ŘÍZENÍ', 'ZJEDNODUŠENÉ KONANIE'.

5. Box No 11 'Customs endorsement' of the EUR.1 certificate shall be completed if necessary by the approved exporter.

6. The approved exporter shall, if necessary, indicate in box No 13 'Request for verification' of the EUR.1 certificate the name and address of the authority competent to verify such certificate.

7. Where the simplified procedure is applied, the customs authorities of the exporting State may prescribe the use of EUR.1 certificates bearing a distinctive sign by which they may be identified.

8. In the authorization referred to in paragraph 2 the competent authorities shall specify in particular:

- (a) the conditions under which the applications for EUR.1 certificates are to be made;
- (b) the conditions under which these applications are to be kept for at least two years;
- (c) in the cases referred to in paragraph 3 (b) the authority competent to carry out the subsequent verification referred to in Article 28 of this Protocol.

9. The Customs authorities of the exporting State may declare certain categories of goods ineligible for the special treatment provided for in paragraph 2.

10. The customs authorities shall refuse the authorization referred to in paragraph 2 to exporters who do not offer all the guarantees which they consider necessary. The competent authorities may withdraw the authorization at any time. They must do so where the approved exporter no longer satisfies the conditions or no longer offers these guarantees.

11. The approved exporter may be required to inform the competent authorities, in accordance with the rules which they lay down, of the goods to be dispatched by him, so that such authorities may make any verification they think necessary before the departure of the goods.

12. The customs authorities of the exporting State may carry out any check on approved exporters which they consider necessary. Such exporters must allow this to be done.

13. The provisions of this Article shall be without prejudice to the application of the rules of the Community, the Member States and Hungary, concerning customs formalities and the use of customs documents.

Article 17

Replacement of certificates

1. It shall at any time be possible to replace one or more movement certificates EUR.1 by one or more other certificates provided that this is done by the customs office or other competent authorities responsible for controlling the goods.

2. When products originating in the Community, Hungary, Poland, the Czech Republic or the Slovak Republic, and imported into a free zone under cover of an EUR.1 certificate undergo treatment or processing, the authorities concerned must issue a new EUR.1 certificate at the exporter's request if the treatment or processing undergone is in conformity with the provisions of this Protocol.

3. The replacement certificate shall be regarded as a definite movement certificate EUR.1 for the purposes of the application of this Protocol, including the provisions of this Article.

4. The replacement certificate shall be issued on the basis of a written request from the re-exporter, after the authorities concerned have verified the information supplied in the applicant's request. The date and serial number of the original movement certificate EUR.1 shall be given in box 7.

Article 18

Validity of certificates

1. A movement certificate EUR.1 must be submitted, within four months of the date of issue by the customs authorities of the exporting State, to the customs office of the importing State where the products are entered.

2. Movement certificates EUR.1 which are submitted to the customs authorities of the importing State after the final date of presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit the certificates by the final date set is due to reasons of *force majeure* or exceptional circumstances.

3. In other cases of belated presentation, the customs authorities of the importing State may accept the certificates where the products have been submitted to them before the said final date.

Article 19

Exhibitions

1. Products sent from the Community or Hungary for exhibition in a country other than Hungary or a Member State of the Community and sold after the exhibition for importation into Hungary or the Community shall benefit on importation from the provisions of the Agreement on condition that the products meet the requirements of this Protocol entitling them to be recognized as originating in the Community or Hungary provided that it is shown to the satisfaction of the customs authorities that :

- (a) an exporter has consigned these products from the Community or Hungary to the country in which the exhibition is held and has exhibited them there ;
- (b) the products have been sold or otherwise disposed of by that exporter to someone in the Community or Hungary ;
- (c) the products have been consigned during the exhibition or immediately thereafter to the Community or Hungary in the state in which they were sent for exhibition ;
- (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A movement certificate EUR.1 must be produced to the customs authorities in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the nature of the products and the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

Article 20

Submission of certificates

Movement certificates EUR.1 shall be submitted to the customs authorities in the importing State in accordance with the procedures laid down by that State. The said authorities may require a translation of a certificate. They may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of the Agreement.

Article 21

Importation by instalments

Without prejudice to Article 5 (3) of this Protocol, where, at the request of the person declaring the goods at the customs, a dismantled or non-assembled article falling within Chapter 84 or 85 of the harmonized system is imported by instalments on the conditions laid down by the competent authorities, it shall be considered to be a single article and a movement certificate may be submitted for the whole article upon import of the first instalment.

Article 22

Preservation of certificates

Movement certificates EUR.1 shall be preserved by the customs authorities of the importing State in accordance with the rules in force in that State.

Article 23

Form EUR.2

1. Notwithstanding Article 11, the evidence of originating status, within the meaning of this Protocol, for consignments containing only originating products and whose value does not exceed ECU 5 110 per consignment, may be given by a form EUR.2, a specimen of which appears in Annex IV to this Protocol.

2. The form EUR.2 shall be completed and signed by the exporter or, under the exporter's responsibility, by his authorized representative in accordance with this Protocol.
3. A form EUR.2 shall be completed for each consignment.
4. The exporter who has issued the form EUR.2 shall submit at the request of the customs authorities of the exporting State all supporting documents concerning the use of this form.
5. Articles 18, 20 and 22 shall apply *mutatis mutandis* to forms EUR.2.

Article 24

Discrepancies

The discovery of slight discrepancies between the statements made in the movement certificate EUR.1 or in the form EUR.2 and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the document null and void if it is duly established that it corresponds to the products submitted.

Article 25

Exemptions from proof of origin

1. Products sent as small packages from private persons to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring the production of a movement certificate EUR.1 or the completion of form EUR.2, provided that such products are not imported by way of trade and have been declared as meeting the conditions required for the application of the agreement, and where there is no doubt as to the veracity of such declaration.
2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.

Furthermore, the total value of these products must not exceed ECU 365 in the case of small packages or ECU 1 025 in the case of the contents of travellers' personal luggage.

Article 26

Amounts expressed in ecu

1. Amounts in the national currency of the exporting State equivalent to the amounts expressed in ecu shall be

fixed by the exporting State and communicated to the other parties to this Agreement and to the Agreements between the Community and Poland, and the Czech Republic and the Slovak Republic. When the amounts are more than the corresponding amounts fixed by the importing State, the latter shall accept them if the goods are invoiced in the currency of the exporting State.

If the goods are invoiced in the currency of another Member State of the Community or in that of Hungary, Poland, the Czech Republic or the Slovak Republic, the importing State shall recognize the amount notified by the country concerned.

2. Up to and including 30 April 1993, the ecu, to be used in any given national currency shall be the equivalent in that national currency of the ecu as at 3 October 1990. For each successive period of two years, it shall be the equivalent in that national currency of the ecu as at the first working day in October in the year immediately preceding that two-year period.

TITLE III

ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

Article 27

Communication of stamps and addresses

The customs authorities of the Member States and of Hungary shall provide each other, through the Commission of the European Communities, with specimen impressions of stamps used in their customs offices for the issue of EUR.1 certificates and with the addresses of the customs authorities responsible for issuing movement certificates EUR.1 and for verifying those certificates and forms EUR.2.

Article 28

Verification of movement certificates EUR.1 and of forms EUR.2

1. Subsequent verification of movement certificates EUR.1 and of forms EUR.2 shall be carried out at random or whenever the customs authorities of the importing State have reasonable doubts as to the authenticity of the document or the accuracy of the information regarding the true origin of the products in question.
2. For the purpose of the subsequent verification of movement certificates EUR.1, the customs authorities of the exporting State must keep copies of the certificates, as well as any export documents referring to them, for at least two years.

3. In order to ensure the proper application of this Protocol, Hungary and the Member States of the Community shall assist each other, through their respective customs administrations, in checking the authenticity of movement certificates EUR.1, including those issued under Article 12 (5), and the forms EUR.2 and the accuracy of the information concerning the actual origin of the products concerned.

4. For the purpose of implementing paragraph 1, the customs authorities of the importing State shall return the movement certificate EUR.1 or form EUR.2, or a photocopy thereof, to the customs authorities of the exporting State, giving, where appropriate, the reasons of form or substance for an enquiry.

The relevant commercial documents or a copy thereof, shall be attached to the certificate EUR.1 or form EUR.2 and the customs authorities shall forward any information that has been obtained suggesting that the particulars given on the said certificate or the said form are inaccurate.

5. If the customs authorities of the importing State decide to suspend execution of the provisions of the agreement while awaiting the results of the verification, they shall offer to release the products to the importer subject to any precautionary measures judged necessary.

6. The customs authorities of the importing State shall be informed of the results of the verification as soon as possible. These results must be such as to make it possible to determine whether the disputed movement certificate EUR.1 or form EUR.2 apply to the products in question and whether those products can, in fact, qualify for the application of the preferential arrangements.

If in cases of reasonable doubt there is no reply within ten months of the date of the verification request, or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting authorities shall refuse, except in the case of *force majeure* or exceptional circumstances, any benefit from the treatment laid down in the Agreement concerned.

7. Disputes which cannot be settled between the customs authorities of the importing State and those of the exporting State, or which raise a question as to the interpretation of this Protocol, shall be submitted to the Customs Cooperation Committee.

8. In all cases the settlement of disputes between the importer and the customs authorities of the importing State shall be under the legislation of the said State.

9. Where the verification procedure or any other available information appears to indicate that the provi-

sions of this Protocol are being contravened, the Community or Hungary shall on its own initiative or at the request of the other party carry out appropriate enquiries or arrange for such enquiries to be carried out with due urgency to identify and prevent such contraventions, and for this purpose the Community or Hungary may invite the participation of the other party in these enquiries.

10. Where the verification procedure or any other available information appears to indicate that the provisions of this Protocol are being contravened, the products would be accepted as originating products under this Protocol only after completion of such aspects of administrative cooperation set down in this Protocol which may have been activated, including in particular the verification procedure.

Likewise, products would be refused treatment as originating products only after the completion of the verification procedure.

Article 29

Penalties

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect particulars for the purpose of obtaining preferential treatment for products.

Article 30

Free zones

The Member States and Hungary shall take all necessary steps to ensure that products traded under cover of a movement certificate EUR.1, which in the course of transport use a free zone situated in their territory, are not substituted by other goods and that they do not undergo handling other than normal operations designed to prevent their deterioration.

TITLE IV

CEUTA AND MELILLA

Article 31

Application of the Protocol

1. The term 'Community' used in this Protocol does not cover Ceuta or Melilla. The term 'products originating in the Community' does not cover products originating in these zones.

2. This Protocol shall apply *mutatis mutandis* to products originating in Ceuta and Melilla, subject to particular conditions set out in Article 32.

Article 32

Special conditions

1. The following provisions shall apply instead of Article 1 and references to that Article shall apply *mutatis mutandis* to this Article.

2. Providing they have been transported directly in accordance with the provisions of Article 9, the following shall be considered as :

1. products originating in Ceuta and Melilla :

- (a) products wholly obtained in Ceuta and Melilla ;
- (b) products obtained in Ceuta and Melilla incorporating materials which have not been wholly obtained there, provided that :
 - (i) such materials have undergone sufficient working or processing within the meaning of Article 5 of this Protocol ; or that
 - (ii) such materials originate in Hungary or the Community within the meaning of this Protocol provided, however, that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol ;

2. products originating in Hungary :

- (a) products wholly obtained in Hungary ;
- (b) products obtained in Hungary incorporating materials which have not been wholly obtained there, provided that :
 - (i) such materials have undergone sufficient working or processing within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in Ceuta and Melilla or the Community within the meaning of this Protocol provided, however, that they have undergone working or processing going beyond that referred to in Article 5 (3) of this Protocol.

3. Ceuta and Melilla shall be considered as a single territory.

4. The exporter or his authorized representative shall enter 'Hungary' and 'Ceuta and Melilla' in box 2 of movement certificates EUR.1. In addition, in the case of

products originating in Ceuta and Melilla, this shall be indicated in box 4 of movement certificates EUR.1.

5. The Spanish customs authorities shall be responsible for the application of this Protocol in Ceuta and Melilla.

TITLE V

FINAL PROVISIONS

Article 33

Amendments to the Protocol

The Association Council shall examine at two-yearly intervals, or whenever Hungary or the Community so request, the application of the provisions of this Protocol, with a view to making any necessary amendments or adaptations.

Such examination shall take into account in particular the participation of the contracting parties in free trade zones or customs unions with third countries.

Article 34

Customs Cooperation Committee

1. A Customs Cooperation Committee shall be set up, charged with carrying out administrative cooperation with a view to the correct and uniform application of this Protocol and with carrying out any other task in the customs field which may be entrusted to it.

2. The Committee shall be composed, on the one hand, of experts of the Member States and of officials of the departments of the Commission of the European Communities who are responsible for customs questions and, on the other hand, of experts nominated by Hungary.

Article 35

Petroleum products

The products set out in Annex VI shall be temporarily excluded from the scope of this Protocol. Nevertheless, the arrangements regarding administrative cooperation shall apply, *mutatis mutandis*, to these products.

Article 36

Annexes

The Annexes to this Protocol shall form an integral part thereof.

*Article 37***Implementation of the Protocol**

The Community and Hungary shall each take the steps necessary to implement this Protocol.

*Article 38***Arrangements with Poland and the Czech Republic and the Slovak Republic**

The contracting parties shall take any measures necessary for the conclusion of arrangements with Poland, and the Czech Republic and the Slovak Republic enabling this

Protocol to be applied. The contracting parties shall notify each other of measures taken to this effect.

*Article 39***Goods in transit or storage**

The provisions of the Agreement may be applied to goods which comply with the provisions of this Protocol and which on the date of entry into force of the Agreement are either in transit or are in the Community or in Hungary, in temporary storage in bonded warehouses or in free zones, subject to the submission to the customs authorities of the importing State, within four months of that date, of a certificate EUR. 1 endorsed retrospectively by the competent authorities of the exporting State together with the documents showing that the goods have been transported directly.

ANNEX I

Notes

Foreword

These notes shall apply, where appropriate, to all manufactured products using non-originating materials, even if they are not subject to specific conditions contained in the list in Annex II but are subject instead to the change of heading rule set out in Article 5 (1).

Note 1

- 1.1. The first two columns in the list describe the product obtained. The first column gives the heading number or chapter number used in the Harmonized System and the second column gives the description of goods used in that system for that heading or chapter. For each entry in the first two columns a rule is specified in column 3. Where, in some cases, the entry in the first column is preceded by an 'ex', this signifies that the rule in column 3 applies only to the part of that heading or chapter as described in column 2.
- 1.2. Where several heading numbers are grouped together in column 1 or a chapter number is given and the description of products in column 2 is therefore given in general terms, the adjacent rule in column 3 applies to all products which, under the Harmonized System, are classified in headings of the chapter or in any of the headings grouped together in column 1.
- 1.3. Where there are different rules in the list applying to different products within a heading, each indent contains the description of that part of the heading covered by the adjacent rule in column 3.

Note 2

- 2.1. The term 'manufacture' covers any kind of working or processing including 'assembly' or specific operations. However, see Note 3.5 below.
- 2.2. The term 'material' covers any ingredient, raw material, component or part, etc., used in the manufacture of the product.
- 2.3. The term 'product' refers to the product being manufactured, even if it is intended for later use in another manufacturing operation.
- 2.4. The term 'goods' covers both materials and products.

Note 3

- 3.1. In the case of any heading not in the list or any part of a heading that is not in the list, the 'change of heading' rule set out in Article 5 (1) applies. If a 'change of heading' condition applies to any entry in the list, then it is contained in the rule in column 3.
- 3.2. The working or processing required by a rule in column 3 has to be carried out only in relation to the non-originating materials used. The restrictions contained in a rule in column 3 likewise apply only to the non-originating materials used.
- 3.3. Where a rule states that 'materials of any heading' may be used, materials of the same heading as the product may also be used, subject, however, to any specific limitations which may also be contained in the rule. However, the expression 'manufacture from materials of any heading, including other materials of heading No ...' means that only materials classified in the same heading as the product of a different description than that of the product as given in column 2 of the list may be used.
- 3.4. If a product made from non-originating materials which has acquired originating status during manufacture by virtue of the change of heading rule or its own list rule is used as a material in the process of manufacture of another product, then the rule applicable to the product in which it is incorporated does not apply to it.

For example:

An engine of heading No 8407, for which the rule states that the value of the non-originating materials which may be incorporated may not exceed 40 % of the ex-works price, is made from 'other alloy steel roughly shaped by forging' of heading No 7224.

If this forging has been forged in the country concerned from a non-originating ingot then the forging has already acquired origin by virtue of the rule for heading No ex 7224 in the list. It can then count as originating in the value calculation for the engine regardless of whether it was produced in the same factory or another. The value of the non-originating ingot is thus not taken into account when adding up the value of the non-originating materials used.

- 3.5. Even if the change of heading rule or the other rules contained in the list are satisfied, a product shall not acquire originating status if the processing carried out, taken as a whole, is insufficient within the meaning of Article 5 (3).
- 3.6. The unit of qualification for the application of the origin rules shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the Harmonized System. In the case of sets of products which are classified by virtue of General Rule 3 for the interpretation of the Harmonized System, the unit of qualification shall be determined in respect of each item in the set: this provision is equally applicable to sets of headings Nos 6308, 8206 and 9605.

Accordingly, it follows that:

- when a product composed of a group or assembly of articles is classified under the terms of the Harmonized System in a single heading, the whole constitutes the unit of qualification,
- when a consignment consists of a number of identical products classified under the same heading of the Harmonized System, each product must be taken individually when applying the origin rules,
- where, under General Rule 5 of the Harmonized System, packing is included with the product for classification purposes, it shall be included for the purposes of determining origin.

Note 4

- 4.1. The rule in the list represents the minimum amount of working or processing required and the carrying out of more working or processing also confers originating status; conversely, the carrying out of less working or processing cannot confer origin. Thus if a rule says that non-originating material at a certain level of manufacture may be used, the use of such material at an earlier stage of manufacture is allowed and the use of such material at a later stage is not.
- 4.2. When a rule in the list specifies that a product may be manufactured from more than one material, this means that any one or more materials may be used. It does not require that all be used.

For example:

The rule for fabrics says that natural fibres may be used and that chemical materials, among other materials, may also be used. This does not mean that both have to be used; one can use one or the other or both.

If, however, a restriction applies to one material and other restrictions apply to other materials in the same rule, then the restrictions only apply to the materials actually used.

For example:

The rule for sewing machines specifies that both the thread tension mechanism used and the zigzag mechanism used must originate; these two restrictions only apply if the mechanisms concerned are actually incorporated into the sewing machine.

- 4.3. When a rule in the list specifies that a product must be manufactured from a particular material, the condition obviously does not prevent the use of other materials which, because of their inherent nature, cannot satisfy the rule.

For example:

The rule for heading No 1904 which specifically excludes the use of cereals or their derivatives does not prevent the use of mineral salts, chemicals and other additives which are not produced from cereals.

For example:

In the case of an article made from non-woven materials, if the use of only non-originating yarn is allowed for this class of article, it is not possible to start from non-woven cloth — even if non-woven cloths cannot normally be made from yarn. In such cases, the starting material would normally be at the stage before yarn — that is the fibre stage.

See also Note 7.3 in relation to textiles.

- 4.4. If in a rule in the list two or more percentages are given for the maximum value of non-originating materials that can be used, then these percentages may not be added together. The maximum value of all the non-originating materials used may never exceed the highest of the percentages given. Furthermore, the individual percentages must not be exceeded in relation to the particular materials they apply to.

Note 5

- 5.1. The term 'natural fibres' is used in the list to refer to fibres other than artificial or synthetic fibres and is restricted to the stages before spinning takes place, including waste, and, unless otherwise specified, the term 'natural fibres' includes fibres that have been carded, combed or otherwise processed but not spun.
- 5.2. The term 'natural fibres' includes horsehair of heading No 0503, silk of heading Nos 5002 and 5003 as well as the wool fibres, fine or coarse animal hair of heading Nos 5101 to 5105, the cotton fibres of heading Nos 5201 to 5203 and the other vegetable fibres of heading Nos 5301 to 5305.
- 5.3. The terms 'textile pulp', 'chemical materials' and 'paper-making materials' are used in the list to describe the materials not classified in Chapters 50 to 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.
- 5.4. The term 'man-made staple fibres' is used in the list to refer to synthetic or artificial filament tow, staple fibres or waste, of heading Nos 5501 to 5507.

Note 6

- 6.1. In the case of the products classified within those headings in the list to which a reference is made to this Note, the conditions set out in column 3 of the list shall not be applied to any basic textile materials used in their manufacture which, taken together, represent 10 % or less of the total weight of all the basic textile materials used (but see also Notes 6.3 and 6.4 below).
- 6.2. However, this tolerance may only be applied to mixed products which have been made from two or more basic textile materials.

The following are the basic textile materials :

- silk,
- wool,
- coarse animal hair,
- fine animal hair,
- horsehair,
- cotton,
- paper-making materials and paper,
- flax,
- true hemp,
- jute and other textile bast fibres,
- sisal and other textile fibres of the genus *Agave*,
- coconut, abaca, ramie and other vegetable textile fibres,
- synthetic man-made filaments,
- artificial man-made filaments,
- synthetic man-made staple fibres,
- artificial man-made staple fibres.

For example :

A yarn of heading No 5205 made from cotton fibres of heading No 5203 and synthetic staple fibres of heading No 5506 is a mixed yarn. Therefore, non-originating synthetic staple fibres that do not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) may be used up to a weight of 10 % of the yarn.

For example :

A woollen fabric of heading No 5112 made from woollen yarn of heading No 5107 and synthetic yarn of staple fibres of heading No 5509 is a mixed fabric. Therefore synthetic yarn which does not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) or woollen yarn that does not satisfy the origin rules (which require manufacture from natural fibres, not carded or combed or otherwise prepared for spinning) or a combination of the two may be used up to a weight of 10 % of the fabric.

For example :

Tufted textile fabric of heading No 5802 made from cotton yarn of heading No 5205 and cotton fabric of heading No 5210 is only a mixed product if the cotton fabric is itself a mixed fabric being made from yarns classified in two separate headings or if the cotton yarns used are themselves mixtures.

For example :

If the tufted textile fabric concerned had been made from cotton yarn of heading No 5205 and synthetic fabric of heading No 5407, then, obviously, the yarns used are two separate basic textile materials and the tufted textile fabric is accordingly a mixed product.

For example :

A carpet with tufts made from both artificial yarns and cotton yarns and with a jute backing is a mixed product because three basic textile materials are used. Thus, any non-originating materials that are at a later stage of manufacture than the rule allows may be used, provided their total weight taken together does not exceed 10 % of the weight of the textile materials in the carpet. Thus, both the jute backing and/or the artificial yarns could be imported at that stage of manufacture, provided the weight conditions are met.

- 6.3. In the case of fabrics incorporating 'yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped' this tolerance is 20 % in respect of this yarn.
- 6.4. In the case of fabrics incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of an adhesive between two films of plastic film, this tolerance is 30 % in respect of this strip.

Note 7

- 7.1. In the case of those textile products which are marked in the list by a footnote referring to this note, textile materials with the exception of linings and interlinings which do not satisfy the rule set out in the list in column 3 for the made-up products concerned may be used provided that they are classified in a heading other than of the product and that their value does not exceed 8 % of the ex-works price of the product.
- 7.2. Any non-textile trimmings and accessories or other materials used which contain textiles do not have to satisfy the conditions set out in column 3 even though they fall outside the scope of Note 4.3.
- 7.3. In accordance with Note 4.3, any non-originating non-textile trimmings and accessories or other product, which do not contain any textiles, may, anyway, be used freely where they cannot be made from the materials listed in column 3.

For example :

If a rule in the list says that for a particular textile item, such as a blouse, yarn must be used, this does not prevent the use of metal items, such as buttons, because they cannot be made from textile materials.

- 7.4. Where a percentage rule applies, the value of trimmings and accessories must be taken into account when calculating the value of the non-originating materials incorporated.
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