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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 2130/95
of 7 September 1995
fixing the export refunds on beef**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal ⁽¹⁾, as last amended by Regulation (EC) No 424/95 ⁽²⁾, and in particular Article 13 thereof,

Whereas Article 13 of Regulation (EEC) No 805/68 provides that the difference between 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 (EEC) No 32/82 ⁽³⁾, as last amended by Regulation (EEC) No 3169/87 ⁽⁴⁾, Regulation (EEC) No 1964/82 ⁽⁵⁾, as amended by Regulation (EEC) No 3169/87, and Regulation (EEC) No 2388/84 ⁽⁶⁾, as last amended by Regulation (EEC) No 3661/92 ⁽⁷⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain

third countries in particular, export refunds should be granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other on adult bovine animals of a live weight of at least 300 kilograms;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 45, 1. 3. 1995, p. 2.

⁽³⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁴⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁵⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁶⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁷⁾ OJ No L 370, 19. 12. 1992, p. 16.

Whereas Commission Regulation (EEC) No 3846/87 ⁽¹⁾, as last amended by Regulation (EC) No 1628/95 ⁽²⁾, establishes the agricultural product nomenclature for the purposes of export refunds;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought in line with those on fresh or chilled cuts other than those from adult male bovine animals;

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽³⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁴⁾;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

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 und 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, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which export refunds as referred to in Article 13 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in the Annex.

Article 2

This Regulation shall enter into force on 8 September 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽²⁾ OJ No L 155, 6. 7. 1995, p. 9.

⁽³⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁴⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

ANNEX

to the Council Regulation of 7 September 1995 fixing export refunds on beef

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (?)	Refund (°) (°)	Product code	Destination (?)	Refund (°) (°)
		— Live weight —			— Net weight —
0102 10 10 120	01	95,00	0201 20 20 120	02	124,50
0102 10 10 130	02	69,50		03	86,50
	03	49,00		04	43,00
	04	24,50	0201 20 30 110 (°)	02	123,00
0102 10 30 120	01	95,00		03	84,00
0102 10 30 130	02	69,50		04	41,50
	03	49,00	0201 20 30 120	02	90,50
	04	24,50		03	63,50
0102 10 90 120	01	95,00		04	31,50
0102 90 41 100	02	85,50	0201 20 50 110 (°)	02	214,50
0102 90 51 000	02	63,00		03	143,00
	03	44,00		04	71,00
	04	22,00	0201 20 50 120	02	158,00
0102 90 59 000	02	63,00		03	109,50
	03	44,00		04	54,50
	04	22,00	0201 20 50 130 (°)	02	123,00
0102 90 61 000	02	63,00		03	84,00
	03	44,00		04	41,50
	04	22,00	0201 20 50 140	02	90,50
0102 90 69 000	02	63,00		03	63,50
	03	44,00		04	31,50
	04	22,00	0201 20 90 700	02	90,50
0102 90 71 000	02	85,50		03	63,50
	03	57,00		04	31,50
	04	28,50	0201 30 00 050 (°)	05	110,00
0102 90 79 000	02	85,50	0201 30 00 100 (°)	02	306,50
	03	57,00		03	204,50
	04	28,50		04	102,50
		— Net weight —		06	262,00
0201 10 00 110 (°)	02	123,00	0201 30 00 150 (°)	09	162,50
	03	84,00		10	137,00
	04	41,50		03	123,00
0201 10 00 120	02	90,50		04	61,50
	03	63,50		06	142,50
	04	31,50		07	88,00
0201 10 00 130 (°)	02	169,00	0201 30 00 190 (°)	02	125,50
	03	113,50		03	82,50
	04	57,00		04	41,00
0201 10 00 140	02	124,50		06	101,00
	03	86,50		07	88,00
	04	43,00			
0201 20 20 110 (°)	02	169,00			
	03	113,50			
	04	57,00			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (7)	Refund (8) (10)	Product code	Destination (7)	Refund (8) (10)
		— Net weight —			— Net weight —
0202 10 00 100	02	90,50	1602 50 10 120	02	139,50 (*)
	03	63,50		03	111,50 (*)
	04	31,50		04	111,50 (*)
0202 10 00 900	02	124,50	1602 50 10 140	02	123,00 (*)
	03	86,50		03	99,00 (*)
	04	43,00		04	99,00 (*)
0202 20 10 000	02	124,50	1602 50 10 160	02	99,00 (*)
	03	86,50		03	79,50 (*)
	04	43,00		04	79,50 (*)
0202 20 30 000	02	90,50	1602 50 10 170	02	66,00 (*)
	03	63,50		03	52,50 (*)
	04	31,50		04	52,50 (*)
0202 20 50 100	02	158,00	1602 50 10 190	02	66,00
	03	109,50		03	52,50
	04	54,50		04	52,50
0202 20 50 900	02	90,50	1602 50 10 240	02	20,50
	03	63,50		03	20,50
	04	31,50		04	20,50
0202 20 90 100	02	90,50	1602 50 10 260	02	15,50
	03	63,50		03	15,50
	04	31,50		04	15,50
0202 30 90 100 (*)	05	110,00	1602 50 10 280	02	8,50
0202 30 90 400 (*)	09	162,50		03	8,50
	10	137,00		04	8,50
	03	123,00	1602 50 31 125	01	126,00 (*)
	04	61,50	1602 50 31 135	01	79,50 (*)
	06	142,50	1602 50 31 195	01	39,00
	07	88,00	1602 50 31 325	01	112,50 (*)
0202 30 90 500 (*)	02	125,50	1602 50 31 335	01	71,00 (*)
	03	82,50	1602 50 31 395	01	39,00
	04	41,00	1602 50 39 125	01	126,00 (*)
	06	101,00	1602 50 39 135	01	79,50 (*)
	07	88,00	1602 50 39 195	01	39,00
0202 30 90 900	07	88,00	1602 50 39 325	01	112,50 (*)
0206 10 95 000	02	125,50	1602 50 39 335	01	71,00 (*)
	03	82,50	1602 50 39 395	01	39,00
	04	41,00	1602 50 39 425	01	84,00 (*)
	06	101,00	1602 50 39 435	01	52,50 (*)
0206 29 91 000	02	125,50	1602 50 39 495	01	39,00
	03	82,50	1602 50 39 505	01	39,00
	04	41,00	1602 50 39 525	01	84,00 (*)
	06	101,00	1602 50 39 535	01	52,50 (*)
0210 20 90 100	08	101,00	1602 50 39 595	01	39,00
	04	60,00			
0210 20 90 300	02	125,50			
0210 20 90 500 (*)	02	125,50			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination (7)	Refund (8) (9)	Product code	Destination (7)	Refund (8) (9)
		— Net weight —			— Net weight —
1602 50 39 615	01	39,00	1602 50 80 495	01	39,00
1602 50 39 625	01	17,50	1602 50 80 505	01	39,00
1602 50 39 705	01	20,50	1602 50 80 515	01	17,50
1602 50 39 805	01	15,50	1602 50 80 535	01	52,50 (9)
1602 50 39 905	01	8,50	1602 50 80 595	01	39,00
1602 50 80 135	01	79,50 (9)	1602 50 80 615	01	39,00
1602 50 80 195	01	39,00	1602 50 80 625	01	17,50
1602 50 80 335	01	71,00 (9)	1602 50 80 705	01	20,50
1602 50 80 395	01	39,00	1602 50 80 805	01	15,50
1602 50 80 435	01	52,50 (9)	1602 50 80 905	01	8,50

(1) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(2) Entry under this subheading is subject to compliance with the condition laid down in amended Commission Regulation (EEC) No 1964/82.

(3) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(4) OJ No L 336, 29. 12. 1979, p. 44.

(5) OJ No L 221, 19. 8. 1984, p. 28.

(6) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210 of 1. 8. 1986, p. 39).

(7) The destinations are as follows:

01 Third countries.

02 North African, Near and Middle East third countries, west, central, eastern and southern African third countries, Gaza and Jericho, Malta, Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kirghistan, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

03 Iceland, Norway, the island of Heligoland, Faeroe Islands, Andorra, Gibraltar, Vatican City, Estonia, Latvia, Lithuania, Poland Czech Republic, Slovak Republic, Hungary, Romania, Bulgaria, Albania, Slovenia, Croatia, Bosnia-Herzegovina, Serbia and Montenegro, Territory of the Former of Macedonia, Ceuta, Melilla, Cyprus, Greenland, Pakistan, Sri Lanka, Burma, Thailand, Viet Nam, Indonesia, the Philippines, China, North Korea and Hong Kong and the destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87.

04 Switzerland.

05 The United States of America, carried out in accordance with amended Commission Regulation (EEC) No 2973/79.

06 French Polynesia and New Caledonia.

07 Canada.

08 North, West, Central, East and Southern African third countries, except Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

09 North African third countries, Near and Middle East, central, eastern and southern African third countries, Gaza and Jericho, Malta, Turkey, Ukraine, Belarus, Moldova, Russia, Georgia, Armenia, Azerbaijan, Kazakhstan, Turkmenistan, Uzbekistan, Tajikistan, Kirghistan, except Cyprus, Botswana, Kenya, Madagascar, Swaziland, Zimbabwe and Namibia.

10 West African third countries.

(8) Article 7 of amended Regulation (EEC) No 885/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(9) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Commission Regulation (EEC) No 565/80.

(10) 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 countries are as defined in Commission Regulation (EC) No 3478/93 (OJ No L 317 of 18. 12. 1993, p. 32).

The descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

COMMISSION REGULATION (EC) No 2131/95

of 7 September 1995

amending Regulation (EEC) No 2349/84 on the application of Article 85 (3) of the Treaty to certain categories of patent licensing

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

Having regard to Council Regulation No 19/65/EEC of 2 March 1965 on the application of Article 85 (3) of the Treaty to certain categories of agreements and concerted practices ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 1 thereof,

Having published the draft of this Regulation,

Having consulted the Advisory Committee on Restrictive Practices and Dominant Positions,

Whereas, pursuant to Regulation No 19/65/EEC, the Commission has power to apply Article 85 (3) of the Treaty by regulation to certain categories of bilateral licensing agreements and concerted practices coming within Article 85 (1);

Whereas Commission Regulation (EEC) No 2349/84 of 23 July 1984 on the application of Article 85 (3) of the Treaty to certain categories of patent licensing agreements ⁽²⁾, as amended by Regulation (EC) No 70/95 ⁽³⁾, limited initially to 31 December 1994, has been extended until 30 June 1995;

Whereas the Commission published on 30 June 1994 a draft Regulation on the application of Article 85 (3) of the Treaty to certain categories of technology transfer agree-

ments ⁽⁴⁾; whereas the comments received by the Commission following this publication and at the hearing on 31 January 1995 have enabled the Commission to consider carefully the problems raised and to make appropriate amendments;

Whereas procedural requirements concerning the completion of the text in all the official languages and the provision of a sufficient delay between the adoption of the regulation and its entry into force necessitate a supplementary period;

Whereas it is therefore necessary to extend for six months the validity of Regulation (EEC) No 2349/84,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 14 of Regulation (EEC) No 2349/84, '30 June 1995' is hereby replaced by '31 December 1995'.

Article 2

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

It shall apply from 1 July 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

⁽¹⁾ OJ No 36, 6. 3. 1965, p. 533/65.

⁽²⁾ OJ No L 219, 16. 8. 1984, p. 15.

⁽³⁾ OJ No L 12, 18. 1. 1995, p. 13.

⁽⁴⁾ OJ No C 178, 30. 6. 1994, p. 3.

COMMISSION REGULATION (EC) No 2132/95
of 7 September 1995

**amending Regulation (EEC) No 3077/78 on the equivalence with Community
certificates of attestations accompanying hops imported from non-member
countries**

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

Having regard to Council Regulation (EEC) No 1696/71
of 26 July 1971 on the common organization of the
market in hops ⁽¹⁾, as last amended by the Act of Acces-
sion of Austria, Finland and Sweden and Regulation (EC)
No 3290/94 of 22 December 1994 ⁽²⁾, and in particular
Article 5 (2) thereof,

Whereas Commission Regulation (EEC) No 3077/78 ⁽³⁾,
as last amended by Regulation (EC) No 972/95 ⁽⁴⁾, recog-
nizes the equivalence with Community certificates of
attestations accompanying hops imported from certain
non-member countries and adopts the list of agencies in
those countries authorized to issue attestations of equiva-
lence and of products covered; whereas, as result of the
additional information supplied by these countries, the
Annex to Regulation (EEC) No 3077/78 should therefore
be amended;

Whereas the provisions provided for in this Regulation
are in accordance with the opinion of the Management
Committee on Hops,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 3077/78 is hereby
replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

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

⁽³⁾ OJ No L 367, 28. 12. 1978, p. 28.

⁽⁴⁾ OJ No L 97, 29. 4. 1995, p. 62.

ANNEX

ORGANIZATIONS AUTHORIZED TO ISSUE ATTESTATIONS IN RESPECT OF

Hop cones

CCT heading No : ex 1210

Hop powders

CCT heading No : ex 1210

Saps and extracts of hops

CCT heading No : 1302 13 00

Country of origin	Organizations authorized	Address	Code	Telephone	Telefax
Australia	Quarantine and Quality Assurance Branch Department of Primary Industry and Fisheries	GPO Box 192B Hobart TAS 7001	+ .61.02.	33-8011	34-6785
	Ovens Research Station Department of Agriculture	PO Box 235 Myrtleford, Victoria 3737	+ .61.57.	51-1311	51-1702
Bulgaria	Institute of Brewing and Hop Production	Gorubljanе Sofia 1738	+ .359.2.	75-4153	75-6194
Canada	Plant Protection Division Animal and Plant Health Directorate Food Production and Inspection Branch Agriculture and Agri-food Canada	Floor 2, West Wing 59 Camelot Drive Napean, Ontario, Canada K 1A 0Y9	+ .1.613	952-8000	991-5612
People's Republic of China	China Tianjin Import & Export Commodity Inspection Bureau	33, Youyi Road Tianjin 300201	+ .86.22.	432-4143	832-0842
	China Xinjiang Import & Export Commodity Inspection Bureau	Fu 6, Beijing Nan Lu Wulumuqi 830011	+ .86.991.	484-2708	484-0050
	China Neimenggu Import & Export Commodity Inspection Bureau	Zhaowuda Road Huhehaote 010010	+ .86.471.	45-1156	45-1163
Hungary	Budapest/Fővárosi/Állategészségügyi és Élelmiszerellenőrző Állomás	Lehel u.43-47 1135 Budapest	+ .36.1.	129-7012	140-9394
New Zealand	Ministry of Agriculture and Fisheries	PO Box 2526 Wellington	+ .64.4.	472-0367	474-4240 472-9071
	Cawthorn Institute	Private Bag Nelson	+ .64.3.	548-2319	546-9464
Poland	Ministry of Foreign Economic Relations Quality Inspection Office	ul. Zurawia 32/34 skr. poczt. 25 00-950 Warszawa	+ .48.2.	628-2137	621-4858
Romania	Cluj-Napoca University of Agricultural Sciences	Strada Manastur no. 3 Cluj-Napoca	+ .406.	419-8792	419-3792
	Bucharest Institute of Food Chemistry	Strada Garlei no. 1 Sector 1 Bucharest	+ .40.1.	679-5090	212-0305
Federal Republic of Yugoslavia (Serbia and Montenegro)	Institut za Ratarstvo I Povrtlarstvo/Zavod sa Hmelj	Yu-21470 Backi Petrovac	+ .381.21.	780-365	621-212

Country of origin	Organizations authorized	Address	Code	Telephone	Telefax
Slovak Republic	Ústredný kontrolný a skúsobný ústav poľnohospodársky	Matúškova 21 833 16 Bratislava	+ .42.7.	37-5666	37-7436
Slovenia	Institut za hmeljarstvo in pivovarstvo Zalec	Ul. Zalskega tabora 2 63310 Zalec	+ .386.63	715-214	712-163
South Africa	CSIR Foodscience and Technology	PO Box 395 0001 Pretoria	+ .27.12	841-3172	841-3594
Switzerland	Versuchsstation Schweizerischer Brauereien (VSB)	Engimattstrasse 11 8059 Zürich	+ .41.1.	201-4244	201-4249
Czech Republic	Státní kontrolní a zkusební ústav zemědělský Brno odbor chmele Zatec	Chmelarské náměstí 1612 438 43 Zatec	+ .42.397.	2-751 2-752	4-003
Ukraine	Productional-Technical Centre (PTZ) Ukrhmel	Hlebnaja 27 262028 Zhitomir	+ .7.0412	37-2111	36-7331
USA	Washington Department of Agriculture State Chemical and Hop Lab	2017 South First Street Yakima, WA	+ .1.509.	575-2759	454-7699
	Idaho Department of Agriculture Hop Inspection Lab	2270 Old Penitentiary Road PO Box 790 Boise, ID 83701	+ .1.208	334-2623	334-2170
	Oregon Department of Agriculture Commodity Inspection Division	635 Capital Street NE Salem, OR 97310	+ .1.503.	986-4620	373-1479
	USDA, GIPSA, FGIS	1100 NW Front Avenue PO Box 3837 Portland, OR 97208	+ .1.503.	231-2056	231-6199
	USDA, GIPSA, FGIS Commodity Testing Laboratory	Building 306, Room 209 BARC-East Beltsville, MD 20705-2325	+ .1.301	504-9328	504-9200
Zimbabwe	Standards Association of Zimbabwe	Northern Close Northbridge Park PO Box 2259-Borrowdale Harare	+ .263.4.	88-2021/2	88-2020

COMMISSION REGULATION (EC) No 2133/95
of 7 September 1995
amending Regulation (EEC) No 1517/77 drawing up a list of the various groups
of hop varieties cultivated in the Community

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

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops ⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Council Regulation (EC) No 3290/94 of 22 December 1994 ⁽²⁾ on the adjustments and transitional arrangements required in the agriculture sector in order to implement the agreements concluded during the Uruguay Round of multilateral trade negotiations, and in particular Article 12 ⁽⁸⁾ thereof,

Whereas Commission Regulation (EEC) No 1517/77 ⁽³⁾, as last amended by Regulation (EC) No 971/95 ⁽⁴⁾ divides varieties of hops into 'aromatic hops', 'bitter hops' and 'other' according to commercial practice on the Community and world hop markets, depending in particular on whether content is made up predominantly of bitter or of aromatic substances;

Whereas certain varieties are no longer cultivated in the Community; whereas they should consequently be

deleted from the Annex to Regulation (EEC) No 1517/77; whereas, however, the group 'Other' is incomplete and should therefore be supplemented;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1517/77 is hereby replaced by the Annex hereto.

Article 2

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

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

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

⁽³⁾ OJ No L 169, 7. 7. 1977, p. 13.

⁽⁴⁾ OJ No L 97, 29. 4. 1995, p. 60.

ANNEX

A Group I: Aromatic hops	B Group II: Bitter hops	C Group III: Other
Aurora Bramling Cross Challenger Fino Alsacia Fuggles Goldings Hallertauer Hallertauer Tradition Hersbrucker Spät Hüller Malling Perle Progress Saaz Saxon Spalter Spalter Select Strisselspalt Tettnanger W.G.V.	Brewers Gold Bullion Chinook Galena H-3 Leones H-7 Leones Hallertauer Magnum Northdown Northern Brewer Nugget Omega Orion Target Yeoman	Hersbrucker Pure Kent Record Zenith Other, including experimental varieties

COMMISSION REGULATION (EC) No 2134/95

of 7 September 1995

amending Regulation (EEC) No 2814/90 and laying down certain detailed rules for the application of Council Regulation (EEC) No 3013/89 as regards the transfer of premium rights between members of the same producer groups and increasing the premium rights of certain sheepmeat and goatmeat producers in Italy and Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1265/95⁽²⁾, and in particular Article 5 (1) and (9) and Article 5a (4) thereof,

Having regard to Council Regulation (EEC) No 3901/89 of 12 December 1989 defining lambs fattened as heavy carcasses⁽³⁾, as last amended by Regulation (EC) No 1266/95⁽⁴⁾,

Whereas the last subparagraph of Article 5a (4) (b) of Regulation (EEC) No 3013/89 stipulates that the provision whereby, in the case of a transfer of premium rights without transfer of the holding, a part of the premium rights is to be surrendered without compensation to the national reserve does not apply to members of the same producer groups meeting certain conditions to be determined by the Commission in accordance with the procedure provided for in Article 30; whereas, in order to prevent irregularities, minimum conditions should consequently be laid down, the Member States being authorized, where applicable, to lay down additional conditions; whereas the penalties applying where such conditions are not met should also be specified;

Whereas the third and following subparagraphs of Article 5b (1) of Regulation (EEC) No 3013/89 provide for the establishment of special reserves with a ceiling of 600 000 rights for both Italy and Greece to permit them to grant additional rights to certain producers; whereas that Regulation lays down criteria for identifying such producers and for determining their additional rights and provides for a verification procedure by the Commission; whereas to that end provision should be made for a single centralized register to be kept by each Member State so that the

producers concerned can be located and all the details needed for such verification are available; whereas, in addition, the penultimate subparagraph of the abovementioned Article 5b (1) provides that such verification must ensure that the additional rights will be allocated in such a way that such producers do not ultimately obtain more rights than would have been granted them had the situation which led to the creation of additional rights not occurred; whereas to that end provision should be made for the contribution referred to in the first subparagraph of abovementioned Article 5b (1) not to be included in the national reserve so that producers other than those referred to above may not benefit under the measure provided for in this Regulation;

Whereas the newly created additional rights constitute compensation by virtue of the fact that in Italy and Greece, 1991, which was the reference marketing year for determining rights, coincided with the switchover between two different premium systems resulting in under-estimation of rights; whereas the producers receiving such additional rights should not therefore be penalized by applying to them the condition laid down in Article 6 (1) of Commission Regulation (EEC) No 3567/92⁽⁵⁾, as last amended by Regulation (EC) No 1847/95⁽⁶⁾;

Whereas the second subparagraph of Article 1 (1) of Regulation (EEC) No 3901/89 provides for the introduction of a simplified procedure for verification of fattening as heavy carcasses with regard to lambs belonging to a limited number of meat breeds reared in geographically well-defined areas; whereas to that end Commission Regulation (EEC) No 2814/90 of 28 September 1990 laying down detailed rules for the definition of lambs fattened as heavy carcasses⁽⁷⁾, as last amended by Regulation (EC) No 277/94⁽⁸⁾, should be amended to simplify the administrative verification procedure laid down while maintaining the obligation on producers to show they have actually fattened as heavy carcasses all lambs born on

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 123, 3. 6. 1995, p. 1.

⁽³⁾ OJ No L 375, 23. 12. 1989, p. 4.

⁽⁴⁾ OJ No L 123, 3. 6. 1995, p. 3.

⁽⁵⁾ OJ No L 362, 11. 12. 1992, p. 41.

⁽⁶⁾ OJ No L 177, 28. 7. 1995, p. 32.

⁽⁷⁾ OJ No L 268, 29. 9. 1990, p. 35.

⁽⁸⁾ OJ No L 36, 8. 2. 1994, p. 3.

their holdings; whereas that obligation may be deemed to have been fulfilled where a check shows that the lambs present as a percentage of the ewes is above a minimum threshold determined by reference to normal breeding practice for the breeds and areas concerned;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. To be eligible under the fourth subparagraph of Article 5a (4) (b) of Regulation (EEC) No 3013/89, members concerned of the same producer group must meet the following conditions:

- they must continue to be members of the group for at least the three marketing years following that in respect of which the transfer of rights is notified by the producer surrendering his rights;
- they must have the status of producers as defined in Article 1 of Council Regulation (EEC) No 3493/90⁽¹⁾ and fulfil the obligations laid down in Article 2 of Commission Regulation (EEC) No 2385/91⁽²⁾ throughout the abovementioned period.

However, the above conditions shall not apply where, during the said period, the producer concerned transfers to another member of the group his remaining rights with his holding.

Furthermore, the Member States shall lay down additional conditions where necessary to avoid jeopardizing the application of the third subparagraph of Article 5a (4) (b) of Regulation (EEC) No 3013/89; they shall inform the Commission thereof.

2. Where, during the period referred to in paragraph 1, it is observed that at least one of the conditions laid down therein is not fulfilled, the third subparagraph of Article 5a (4) (b) of Regulation (EEC) No 3013/89 shall apply as from the marketing year during which failure to fulfil the condition(s) is observed; in such cases, the Member States shall immediately recover the corresponding rights. This measure shall apply without prejudice to additional penalties laid down nationally.

3. By 30 April each marketing year, the Member States shall notify the Commission of the number of producers and of animals falling within the scope of paragraph 1 during the preceding marketing year and, where applicable, the penalties as referred to in paragraph 2 and the

number of rights recovered where such penalties are applied.

Article 2

The areas of Italy referred to in the second indent of Article 5b (1) (a) of Regulation (EEC) No 3013/89 shall be as listed in the Annex.

Article 3

1. The national reserve shall not receive the percentage provided for in the first subparagraph of Article 5b (1) of Regulation (EEC) No 3013/89 following the allocation of the additional rights provided for in the third subparagraph of that paragraph.

2. Before the end of the 1995 marketing year, Italy and Greece shall complete the administrative procedure for identifying the producers referred to in the third and following subparagraphs of Article 5b (1) of Regulation (EEC) No 3013/89.

To that end, those Member States shall in particular each keep a single centralized register enabling the producers concerned to be located by administrative unit; the registers shall in particular show in respect of each producer:

- the producer's name and address,
- the number of premium rights originally granted,
- the number of premium rights already granted from the national reserve, the conditions applying and the increase provided for under this Regulation,
- the number of premiums already granted for the 1991 and 1992 marketing years,
- the producer's category in accordance with the abovementioned subparagraphs under (a) first and second indent and under (b) first and second indent.

As soon as this identification procedure has been completed, Italy and Greece shall so inform the Commission; the latter shall carry out the requisite verifications and shall notify the two Member States concerned of the number of additional rights that have been newly created. On the basis of such notification, Italy and Greece shall be authorized to pay out the advances on and the balance of the premiums corresponding to such additional rights as fixed for the 1995 marketing year; they shall inform the Commission thereof.

Article 4

Notwithstanding Article 6 (1) and Article 7 (2) of Regulation (EEC) No 3567/92, producers who have obtained additional rights under this Regulation shall be authorized to transfer such rights and/or lease them temporarily. Those paragraphs shall, however, continue to apply to rights held before such additional rights were obtained.

⁽¹⁾ OJ No L 337, 4. 12. 1990, p. 7.

⁽²⁾ OJ No L 219, 7. 8. 1991, p. 15.

Article 5

Article 2 of Regulation (EEC) No 2814/90 is hereby replaced by the following:

Article 2

1. Producers marketing sheep's milk or sheep's milk products who wish to benefit under the derogation provided for in the second subparagraph of Article 1 (1) of Regulation (EEC) No 3901/89 with regard to lambs in the geographical areas and belonging to the breeds listed in the Annex hereto shall provide the following details in their premium applications, which must be submitted in the course of a set period between 1 November and 31 December preceding the beginning of the marketing year to which the premium relates:

- the actual or expected lambing periods when the lambs to be fattened as heavy carcasses during the marketing year are born; if the actual lambing periods subsequently turn out to be significantly different from those expected as referred to above, the producer shall so notify the competent authority in writing within one month of the change,
- the number of lambs expected to be born during each period as referred to above as a percentage of total lambs born during the marketing year,
- an undertaking to rear on the holding all lambs born to ewes declared in the premium application and to fatten them as heavy carcasses.

Notwithstanding the first subparagraph of Article 1 (1) of Regulation (EEC) No 3901/89, lambs present with the ewes at the time of the inspection shall be considered to be fattened as heavy carcasses, the inspection being carried out during a period which allows the

lambs to fulfil the conditions on fattening laid down in paragraph 1 (c) of that Article.

2. Producers complying with the obligations set out in paragraph 1 shall receive the premium for the heavy category referred to in Article 5 (4) of Regulation (EEC) No 3013/89 in respect of all their eligible ewes; to that end the undertaking to rear on their holdings all lambs born to ewes declared shall be considered to have been fulfilled if, at the time of the inspection, except in duly justified exceptional circumstances, the number of lambs present as a percentage of ewes which have lambed during the lambing period covering the lambs subject to the inspection is at least 70 %; otherwise, the premium for the light category shall be paid for the eligible ewes provided that, in the view of the competent authority, the difference is not due to a false declaration made deliberately or through serious negligence.

Where the competent authority finds that the information contained in a premium application pursuant to paragraph 1 constitutes a false declaration made deliberately or through serious negligence, the producer concerned shall also lose the right to the premium in accordance with Article 5 (3) of Regulation (EEC) No 3013/89 for the marketing year in respect of which the false declaration is found to have been made.

Article 6

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

It shall apply to premiums to be granted in respect of 1995 and subsequent marketing years.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX***List of areas of Italy referred to in the second indent of Article 5b (1) (a) of Regulation
(EEC) No 3013/89***Regions :*

- Marche } whole territory
 - Sardinia }
 - Piedmont : provinces of Novara and Vercelli
 - Provincia Autonoma di Trento : whole territory
-

COMMISSION REGULATION (EC) No 2135/95**of 7 September 1995****laying down detailed rules of application for the grant of export refunds in the sugar sector**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾, and in particular Article 17 (15) thereof;

Whereas the Agreement on Agriculture reached during the Uruguay Round multilateral trade negotiations, hereinafter referred to as the 'Agreement', requires in particular that the regulations applicable to exports of sugar be adapted; whereas Title II (Trade with third countries) of the basic Regulation (EEC) No 1785/81 was revised as a result of that Agreement by Council Regulation (EC) No 3290/94⁽³⁾; whereas, consequently, the detailed rules of application for granting export refunds on sugar laid down by Commission Regulations (EEC) No 394/70⁽⁴⁾, as last amended by Regulation (EC) No 2529/94⁽⁵⁾, and (EEC) No 1469/77⁽⁶⁾, as amended by Regulation (EEC) No 1714/88⁽⁷⁾, should also be reviewed, the Regulations being repealed while those provisions still relevant to the application of the refund system are carried over;

Whereas candy sugar, which is manufactured from white sugar or refined raw sugar, very often has a degree of polarization of less than 99,5 %; whereas, in view of the high degree of purity of the raw material used, the refund on candy sugar should be as close as possible to the refund on white sugar; whereas a precise definition of candy sugar should be laid down;

Whereas the intervention prices for white sugar and raw sugar are fixed without taking account of the storage levy provided for in Article 8 of Regulation (EEC) No 1785/81; whereas, however, account should be taken of

the impact of that levy on sugar prices and the export refunds should be determined accordingly;

Whereas, in order to ensure equal treatment of all parties concerned in the Community, a standard method for determining the sucrose content of certain products should be laid down; whereas special provisions must be laid down to cover cases where that method does not allow the total sucrose content to be determined;

Whereas, in the case of syrups with a relatively low degree of purity, the sucrose content should be fixed at a flat rate on the basis of the extractable sugar content;

Whereas exports of white sugar to third countries are more and more frequently preceded by storage in bulk in port warehouses or silos, bagging being carried out at the last minute when the ship is ready to be loaded or on board the vessel itself; whereas, as a result, such operations imply the shared use at the port concerned of a silo in which sugar from various sugar companies is stored and therefore mixed; whereas, as the regulations now stand, in order to qualify for advance payment of refunds, since sugar must be stored under conditions permitting it to be identified physically, mixing with other sugar is not permitted; whereas this situation thus prevents a major percentage of Community sugar exported to third countries from qualifying for advance payment of export refunds;

Whereas, furthermore, the special features of white sugar, namely its high degree of technical and commercial homogeneity, make it possible to relax the regulatory constraints on that product while still ensuring that the product is actually exported after payment of the refund; whereas, under these circumstances, mixing white sugar from various sources at one place of storage should under certain conditions (in particular subject to controls) be permitted for the purposes of the advance payment of export refunds, by amending the relevant provisions on the sugar sector;

Whereas, with a view to granting export refunds on isoglucose and inulin syrup, limits should be laid down as regards the fructose and polysaccharide content in order to ensure that the refund is granted only on the true product as such; whereas, as regards inulin syrup, the

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

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

⁽⁴⁾ OJ No L 50, 4. 3. 1970, p. 1.

⁽⁵⁾ OJ No L 269, 20. 10. 1994, p. 14.

⁽⁶⁾ OJ No L 162, 1. 7. 1977, p. 9.

⁽⁷⁾ OJ No L 152, 18. 6. 1988, p. 23.

production quotas and production levies are established at the same level as for sugar and isoglucose by applying a coefficient of 1,9; whereas, as a result, the refund on inulin syrup should be established using that coefficient; whereas the export refund on isoglucose and inulin syrup should be fixed each month in line with the monthly fixing of other refunds in the sugar sector;

Whereas it is economically desirable to provide for the possibility of refunds being adjusted in cases where changes occur in the intervention prices and the price for molasses between the time they are fixed and actual export;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of Article 17 of Regulation (EEC) No 1785/81, 'candy sugar' means sugar which:

- (a) comprises large crystals at least 5 mm in length, obtained by cooling and slow crystallization of a sufficiently concentrated sugar solution, and
- (b) contains 96 % or more sucrose by weight in the dry state, determined in accordance with the polarimetric method.

Article 2

For the purposes of Articles 17a (2) (b) and 17c of Regulation (EEC) No 1785/81, the export refund shall be fixed taking account of the storage levy referred to in Article 8 of Regulation (EEC) No 1785/81 which is fixed for the marketing year in question.

Article 3

1. The export refund per 100 kg of products listed in Article 1 (1) (d) of Regulation (EEC) No 1785/81 shall be equal to a basic amount multiplied by the sucrose content of the product in question as determined plus, where applicable, the content of other sugars calculated in sucrose equivalent.

2. Without prejudice to paragraphs 3 and 4, the sucrose content plus, where applicable, the content of other sugars expressed as sucrose shall be the total sugar content resulting from application of the Lane and Eynon method (copper reduction method) to the inverted solu-

tion in accordance with Clerger-Herzfeld. The total sugar content determined in accordance with that method shall be converted into sucrose by multiplying it by a coefficient of 0,95.

3. In the case of syrups of a purity of not less than 85 % but less than 94,5 %, the sucrose content plus, where applicable, the content of other sugars expressed as sucrose shall be fixed at a flat rate of 73 % by weight in the dry state. The percentage purity of syrups shall be calculated by dividing the total sugar content by the dry matter content and multiplying the result by 100. The total sugar content shall be determined in accordance with the method referred to in paragraph 2 and the dry matter content in accordance with the areometric method.

4. In the case of caramel obtained exclusively from non-denatured sugar covered by CN code 1701, the sucrose content plus, where applicable, the content of other sugars expressed as sucrose shall be determined on the basis of the dry matter content. The dry matter content shall be determined on the basis of the density of the diluted solution in a weighted ratio of one to one. The result of the determination of the dry matter content shall be expressed as sucrose by multiplying it by a coefficient of one.

However, on request, to take account of caramel as referred to above, the actual amount used of sucrose plus, where applicable, of other sugars expressed as sucrose may be determined where the candy has been manufactured under a customs warehousing or free zone procedure providing equivalent guarantees.

5. The basic amount referred to in paragraph 1 shall not apply to syrups with a purity of less than 85 %.

Article 4

Where white sugar covered by CN code 1701 99 10 and produced from beet or cane harvested in the Community or from raw sugar imported into the Community under preferential arrangements is stored in bulk under a customs warehousing or free zone procedure laid down for advance payment of the refund as defined in Council Regulation (EEC) No 565/80⁽¹⁾, the sugar may, in addition to the operations provided for in Article 28 (4) of Commission Regulation (EEC) No 3665/87⁽²⁾, be mixed at the same place of storage with other white sugar also covered by CN code 1701 99 10, of the same origin as referred to above, of the same commercial quality and with equivalent technical characteristics.

⁽¹⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽²⁾ OJ No L 351, 14. 12. 1987, p. 1.

Article 5

Export refunds may only be granted on the products listed in Article 1 (1) (f) and (g) of Regulation (EEC) No 1785/81 where the products:

- are obtained by isomerization of glucose,
- have a fructose content by weight in the dry state of not less than 41 %, and
- have a total content by weight in the dry state of polysaccharides and oligosaccharides, including di- and trisaccharides, of not more than 8,5 %.

The dry matter content of isoglucose shall be determined on the basis of the density of the diluted solution in a proportion by weight of one to one or, in the case of products with a very high consistency, by drying. The refund shall be fixed each month.

Article 6

Export refunds may only be granted on the products listed in Article 1 (1) (h) of Regulation (EEC) No 1785/81 where the products:

- are obtained immediately after hydrolysis of inulin or oligofructose,
- have a fructose content by weight in the dry state of at least 80 %, and
- have a total content by weight in the dry state of polysaccharides and oligosaccharides, including di- and trisaccharides, of not more than 8,5 %.

The export refund on the products listed in Article 1 (1) (h) of Regulation (EEC) No 1785/81 shall be equal, per 100 kg of dry matter, to the export refund fixed for the product referred to in Article 1 (1) (f) of that Regulation multiplied by a coefficient of 1,9. The refund shall be fixed each month.

Article 7

If, during the period between:

- the day of lodging of the application for an export licence where the refund is fixed periodically, or
- the closing date for the submission of tenders where the refund is fixed by invitation to tender

and the day of export, there is a change in the prices of sugar or molasses fixed pursuant to Regulation (EEC) No 1785/81, provision may be made for the refund to be adjusted.

Article 8

Regulations (EEC) No 394/70 and (EEC) No 1469/77 are hereby repealed.

Article 9

This Regulation shall enter into force on 1 October 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2136/95

of 7 September 1995

amending Regulation (EC) No 1464/95 on special detailed rules for application of the system of import and export licences in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on common organization of the markets in the sugar sector⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾, and in particular Articles 13 (2) and 39 thereof,

Whereas special detailed rules of application for import and export licences in the sugar sector were adopted by Commission Regulation (EC) No 1464/95⁽³⁾;

Whereas respect for the export volume obligations arising from the Agreement on Agriculture resulting from the Uruguay multilateral negotiations is ensured using export licences issued with a set refund; whereas to this end the licences applied for should be issued following a reflection period in which the Commission will be able to take whatever action may be needed in cases where acceptance of the applications in question would result in an overshoot or risk of overshoot of the volume and/or appropriations set in the Agreement on Agriculture for the marketing year in question;

Whereas to enable the Commission to assess during this period what if any action needs to be taken Member States should be required to notify without delay all applications for licences involving periodically fixed refunds; whereas such measures may cover pending applications; whereas applicants for licences should be able on certain terms to withdraw their application if an acceptance percentage has been set;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1464/95 is hereby amended as follows:

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 14.

1. Article 2 first subparagraph is replaced by:

'By way of derogation from the fourth indent of the first subparagraph and from the second subparagraph of Article 5 (1) of Regulation (EEC) No 3719/88 and from the first indent of the second subparagraph of Article 2a of Commission Regulation (EEC) No 3665/87, no export licence shall be required for the purposes of export operations relating to a quantity not exceeding two tonnes of sugar produced under quotas falling within CN code 1701 and of sugar syrups falling within CN codes 1702 60 90, 1702 90 99, 1702 90 71 and 2106 90 59.'

2. Article 9 (1) is replaced by:

'1. Without prejudice to application of Article 21 of Regulation (EEC) No 1785/81, licences for sugar falling within CN code 1701 for quantities exceeding 10 tonnes, excluding:

- (a) C sugar;
- (b) candy sugar;
- (c) flavoured sugar; sugar with added colouring matter;
- (d) preferential sugar for importation into the Community in accordance with Regulation (EEC) No 2782/76;
- (e) special preferential sugar for importation into the community under Article 37 of Regulation (EEC) No 1785/81

shall be issued

- in the case of import licences, on the third working day following that on which the application was lodged,
- in the case of export licences, on the fifth working day following that on which the application was lodged.'

3. The following Article 9a is added:

'Article 9a

1. If a stage is reached at which applications for export licences bearing on quantities and/or expenditure commitments overshoot or risk overshooting the volume and/or appropriations set in the Agreement on Agriculture, account taken of Article 9 thereof, for the marketing year in question the Commission may decide:

- (a) to set a flat-rate percentage level for acceptance by Member States of the quantities applied for but for which licences have not yet been issued;

- (b) that Member States will reject applications for which export licences have not yet been issued;
- (c) to suspend the lodging of applications for export licences for five working days; it may prolong suspension, the procedure specified in Article 41 of Regulation (EEC) No 1785/81 applying. Export licence applications made during the suspension period shall be invalid.

2. Should the quantities applied for be reduced or refused the security against the licence shall be immediately released for the quantities not granted.

3. Applicants may withdraw their licence applications within 10 working days of publication in the *Official Journal of the European Communities* of a flat-rate acceptance percentage as indicated at (b) in

paragraph 1 if it is less than 80 %. Member States shall thereupon release the security.

4. Member States shall immediately notify to the Commission :

- (a) all applications for export licences for quantities exceeding 10 tonnes involving a periodically fixed refund ;
- (b) the quantities affected by action taken in application of paragraph 1.'

Article 2

This Regulation shall enter into force on 1 October 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2137/95

of 7 September 1995

amending Regulation (EEC) No 3719/88 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products

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 9 (2) and Article 13 (11) thereof, as well as the corresponding provisions in other Regulations on the common organization of the market in agricultural products,

Whereas Article 23 (1) of Commission Regulation (EEC) No 3719/88 ⁽³⁾, as last amended by Regulation (EC) No 1199/95 ⁽⁴⁾, provides that where products exported are not subject to the production of an export licence and a licence is not required for those products in order for them to benefit from advance fixing of the refund, a Member State may establish a simplified procedure under which the advance fixing certificate may be kept by the authority in the Member State which is competent both for issuing the certificate and paying the refund, without the certificate having to be presented to the exporting customs authorities; whereas that simplified procedure was provided for because, in the case of an advance fixing certificate, all that is needed is a method of fixing the refund in advance, not a real export licence;

Whereas Council Regulation (EC) No 3290/94 ⁽⁵⁾ provides that the refund must only be granted where an application is submitted and an export licence including advance fixing of the refund is presented; whereas, in the case of several products, a licence is only required for the granting of the refund;

Whereas the terms 'advance fixing certificate' and 'export licence including advance fixing of the refund' as they appear in the different language versions of Community agricultural legislation may create confusions concerning the scope of application of Article 23 of Regulation (EEC) No 3719/88; whereas the conditions of application of that Article should therefore be made clear;

Whereas the measures provided for in this Regulation are in accordance with the opinions of the Management Committees concerned,

HAS ADOPTED THIS REGULATION:

Article 1

A fifth paragraph is added to Article 23 of Regulation (EEC) No 3719/88 as follows:

'5. This Article shall also apply to products for which an export licence comprising advance fixing of the refund is only required for the granting of the refund.'

Article 2

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

It shall apply from 1 July 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

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 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 119, 30. 5. 1995, p. 4.

⁽⁵⁾ OJ No L 349, 31. 12. 1994, p. 105.

COMMISSION REGULATION (EC) No 2138/95

of 7 September 1995

fixing, for August 1995, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

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

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

Having regard to 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⁾,

Having regard to Commission Regulation (EEC) No 1713/93 of 30 July 1993 establishing special detailed rules for applying the agricultural conversion rate in the sugar sector ⁽⁵⁾, as last amended by Regulation (EC) No 2926/94 ⁽⁶⁾, and in particular Article 1 (3) thereof,

Whereas Article 1 (2) of Regulation (EEC) No 1713/93 provides that the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 is to be converted into national currency using a specific agricultural conversion rate equal to the average, calculated *pro rata temporis*, of the agricultural

conversion rates applicable during the month of storage ; whereas that specific rate must be fixed each month for the previous month ;

Whereas application of these provisions will lead to the fixing, for August 1995, of the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the various national currencies as indicated in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION :

Article 1

The specific agricultural conversion rate to be used to convert the amount of the reimbursement of storage costs referred to in Article 8 of Regulation (EEC) No 1785/81 into each of the national currencies for August 1995 shall be as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 September 1995.

It shall apply with effect from 1 August 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁵⁾ OJ No L 159, 1. 7. 1993, p. 94.

⁽⁶⁾ OJ No L 307, 1. 12. 1994, p. 56.

ANNEX

to the Commission Regulation of 7 September 1995 fixing, for August 1995, the specific agricultural conversion rate for the amount of the reimbursement of storage costs in the sugar sector

Agricultural conversion rates		
ECU 1 =	39,5239	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,90616	German marks
	302,927	Greek drachmas
	165,198	Spanish pesetas
	6,61023	French francs
	0,829498	Irish punt
	2 218,41	Italian lire
	2,14021	Dutch guilders
	13,4084	Austrian schillings
	198,202	Portuguese escudos
	5,88000	Finnish marks
	9,91834	Swedish kroner
	0,843954	Pound sterling

COMMISSION REGULATION (EC) No 2139/95

of 7 September 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 8 September 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 7 September 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)	77,00	1104 23 10 100	82,50
1102 20 10 400 (2)	66,00	1104 23 10 300	63,25
1102 20 90 200 (2)	66,00	1104 29 11 000	0,00
1102 90 10 100	69,41	1104 29 51 000	0,00
1102 90 10 900	47,20	1104 29 55 000	0,00
1102 90 30 100	45,00	1104 30 10 000	0,00
1103 12 00 100	45,00	1104 30 90 000	13,75
1103 13 10 100 (2)	99,00	1107 10 11 000	0,00
1103 13 10 300 (2)	77,00	1107 10 91 000	82,36
1103 13 10 500 (2)	66,00	1108 11 00 200	0,00
1103 13 90 100 (2)	66,00	1108 11 00 300	0,00
1103 19 10 000	37,70	1108 12 00 200	88,00
1103 19 30 100	71,72	1108 12 00 300	88,00
1103 21 00 000	0,00	1108 13 00 200	88,00
1103 29 20 000	47,20	1108 13 00 300	88,00
1104 11 90 100	69,41	1108 19 10 200	97,28
1104 12 90 100	50,00	1108 19 10 300	97,28
1104 12 90 300	40,00	1109 00 00 100	0,00
1104 19 10 000	0,00	1702 30 51 000 (3)	86,21
1104 19 50 110	88,00	1702 30 59 000 (3)	66,00
1104 19 50 130	71,50	1702 30 91 000	86,21
1104 21 10 100	69,41	1702 30 99 000	66,00
1104 21 30 100	69,41	1702 40 90 000	66,00
1104 21 50 100	92,54	1702 90 50 100	86,21
1104 21 50 300	74,03	1702 90 50 900	66,00
1104 22 10 100	40,00	1702 90 75 000	90,34
1104 22 30 100	42,50	1702 90 79 000	62,70
1104 22 99 100	0,00	2106 90 55 000	66,00

(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 2140/95

of 7 September 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 Regu-
lation (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 multi-
lateral trade negotiations, the criteria whereby the
Commission 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 stan-
dard 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 8 September
1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 167, 18. 7. 1995, p. 10.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 7 September 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	18,2	0808 10 92, 0808 10 94, 0808 10 98	412	132,4
	060	80,2		512	186,0
	066	41,7		600	64,5
	068	32,4		624	123,2
	204	50,9		999	110,4
	212	117,9		039	79,3
	624	75,0		064	79,3
	999	59,5		388	65,5
				400	53,2
ex 0707 00 25	052	70,1	0808 20 57	508	68,4
	053	166,9		512	64,0
	060	61,0		524	57,4
	066	53,8		528	59,1
	068	60,4		800	77,2
	204	49,1		804	70,7
	624	207,3		999	67,4
	999	95,5		052	78,1
				388	79,6
0709 90 79	052	55,6	0809 30 41, 0809 30 49	512	89,7
	204	77,5		528	84,1
	624	196,3		800	55,8
	999	109,8		804	112,9
0805 30 30	052	80,1	0809 40 30	999	83,4
	064	67,5		052	56,5
	388	60,6		220	121,8
	512	85,9		624	106,8
	520	63,5		999	95,0
	524	66,0		064	56,6
	528	63,0		066	66,2
	600	54,7		068	70,9
	624	78,0		624	174,3
0806 10 40	999	68,8		676	68,6
	052	80,8		999	87,3
	066	49,4			
	220	110,8			
	400	135,9			

⁽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 2141/95
of 7 September 1995
on the issue of import licences for garlic originating in China

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

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1363/95⁽²⁾,

Having regard to Council Regulation (EC) No 1153/95 of 22 May 1995 concerning a protective measure applicable to imports of garlic from China⁽³⁾, and in particular Article 1 (3) thereof,

Whereas pursuant to Commission Regulation (EEC) No 1859/93⁽⁴⁾, as amended by Regulation (EC) No 1662/94⁽⁵⁾, the release for free circulation in the Community of garlic imported from third countries is subject to presentation of an import licence;

Whereas Article 1 (1) of Commission Regulation (EC) No 1153/95, restricts the issue of import licences for garlic originating in China to a maximum monthly quantity in the case of applications lodged from 1 June 1995 to 31 May 1996;

Whereas, given the criteria laid down in Article 1 (2) of that Regulation and the import licences already issued, the quantity applied for at 5 September 1995 is in excess

of the maximum monthly quantity for September 1995; whereas it is therefore necessary to determine to what extent import licences may be issued in response to these applications; whereas the issue of licences in response to these applications; whereas the issue of licences in response to applications lodged after 5 September 1995 and before 5 October 1995 should be refused,

HAS ADOPTED THIS REGULATION:

Article 1

Import licences applied for under Article 1 of Regulation (EEC) No 1859/93 at 5 September 1995 for garlic falling within CN code 0703 20 00 originating in China shall be issued for 0,37889 % of the quantity applied for, having regard to the information available to the Commission on 6 September 1995.

For the abovementioned products applications for import licences lodged after 5 September 1995 and before 5 October 1995 shall be refused.

Article 2

This Regulation shall enter into force on 8 September 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 116, 23. 5. 1995, p. 23.

⁽⁴⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁵⁾ OJ No L 176, 9. 7. 1994, p. 1.

COMMISSION REGULATION (EC) No 2142/95
of 7 September 1995
correcting Regulation (EC) No 2128/95 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,

Whereas Commission Regulation (EC) No 2128/95⁽⁵⁾ has amended the import duties in the cereals sector;

Whereas a check has shown that an error in calculation appears in Annexes I and II to this Regulation; whereas the Regulation in question should accordingly be corrected,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2128/95 are hereby replaced by Annexes I and II hereto.

Article 2

This Regulation shall enter into force on 8 September 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

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 212, 7. 9. 1995, p. 26.

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	19,32	9,32
1001 90 99	Common high quality wheat other than for sowing ⁽¹⁾	19,32	9,32
	medium quality	36,32	26,32
	low quality	42,83	32,83
1002 00 00	Rye	83,28	73,28
1003 00 10	Barley, seed	83,28	73,28
1003 00 90	Barley, other ⁽¹⁾	83,28	73,28
1005 10 90	Maize seed other than hybrid	109,87	99,87
1005 90 00	Maize other than seed ⁽¹⁾	109,87	99,87
1007 90 00	Grain sorghum other than hybrids for sowing	113,70	103,70

⁽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 30. 8. to 5. 9. 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)	129,93	131,29	130,48	88,06	180,00 (1)	86,30 (1)
Gulf premium (ECU/tonne)	—	13,51	7,59	13,68	—	—
Great lake premium (ECU/tonne)	20,33	—	—	—	—	—

(1) Fob Duluth.

2. Freight/cost : Gulf of Mexico — Rotterdam : ECU 13,84 per tonne ; Great Lakes/St Lawrence — Rotterdam : ECU 25,16 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 2143/95**of 7 September 1995****fixing the corrective amount applicable to the refund on cereals**

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 (4) thereof,

Whereas Article 13 (4) of Regulation (EEC) No 1766/92 provides that the export refund applicable to cereals on the day on which application for an export licence is made, adjusted for the threshold price in force during the month of exportation, must be applied on request to exports to be effected during the period of validity of the export licence; whereas, in this case, a corrective amount may be applied to the refund;

Whereas Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules under Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, allows for the fixing of a corrective amount for the products listed in Article 1 (1) (c) of Regulation (EEC) No 1766/92; whereas that corrective amount must be calculated taking account of the factors referred to in Article 1 of Regulation (EC) No 1501/95;

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

Whereas the corrective amount must be fixed at the same time as the refund and according to the same procedure; whereas it may be altered in the period between fixings;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁴⁾, as last amended by Regulation (EC) No 150/95⁽⁵⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁶⁾, as last amended by Regulation (EC) No 1053/95⁽⁷⁾;

Whereas it follows from applying the provisions set out above that the corrective amount must be as set out in the Annex hereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

The corrective amount referred to in Article 1 (1) (a), (b) and (c) of Regulation (EEC) No 1766/92 which is applicable to export refunds fixed in advance in respect of malt shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 8 September 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

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. 7.

⁽⁴⁾ OJ No L 341, 30. 12. 1994, p. 48.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

ANNEX

to the Commission Regulation of 7 September 1995 fixing the corrective amount
applicable to the refund on cereals

(ECU/tonne)

Product code	Destination (1)	Current 9	1st period 10	2nd period 11	3rd period 12	4th period 1	5th period 2	6th period 3
0709 90 60 000	—	—	—	—	—	—	—	—
0712 90 19 000	—	—	—	—	—	—	—	—
1001 10 00 200	—	—	—	—	—	—	—	—
1001 10 00 400	—	—	—	—	—	—	—	—
1001 90 91 000	—	—	—	—	—	—	—	—
1001 90 99 000	—	—	—	—	—	—	—	—
1002 00 00 000	—	—	—	—	—	—	—	—
1003 00 10 000	—	—	—	—	—	—	—	—
1003 00 90 000	—	—	—	—	—	—	—	—
1004 00 00 200	—	—	—	—	—	—	—	—
1004 00 00 400	—	—	—	—	—	—	—	—
1005 10 90 000	—	—	—	—	—	—	—	—
1005 90 00 000	—	—	—	—	—	—	—	—
1007 00 90 000	—	—	—	—	—	—	—	—
1008 20 00 000	—	—	—	—	—	—	—	—
1101 00 11 000	—	—	—	—	—	—	—	—
1101 00 15 100	01	0	-1,78	-3,56	-5,34	-7,12	—	—
1101 00 15 130	01	0	-1,78	-3,56	-5,34	-7,12	—	—
1101 00 15 150	—	—	—	—	—	—	—	—
1101 00 15 170	—	—	—	—	—	—	—	—
1101 00 15 180	—	—	—	—	—	—	—	—
1101 00 15 190	—	—	—	—	—	—	—	—
1101 00 90 000	—	—	—	—	—	—	—	—
1102 10 00 500	01	0	0	0	0	0	—	—
1102 10 00 700	—	—	—	—	—	—	—	—
1102 10 00 900	—	—	—	—	—	—	—	—
1103 11 10 200	—	—	—	—	—	—	—	—
1103 11 10 400	—	—	—	—	—	—	—	—
1103 11 10 900	—	—	—	—	—	—	—	—
1103 11 90 200	—	—	—	—	—	—	—	—
1103 11 90 800	—	—	—	—	—	—	—	—

(1) The destinations are identified as follows:

01 all third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION REGULATION (EC) No 2144/95
of 7 September 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 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 the refund must be fixed once a month; whereas it may be altered in the intervening period;

Whereas Council Regulation (EEC) No 930/93⁽⁴⁾, as amended by Regulation (EC) No 1380/95⁽⁵⁾, 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

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 8 September 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 102, 28. 4. 1993, p. 14.

⁽⁵⁾ 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, 7 September 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 7 September 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 ⁽²⁾
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	55,—
Cereal products ⁽²⁾ excluding maize and maize products	23,14

⁽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.

COMMISSION REGULATION (EC) No 2145/95**of 7 September 1995****providing for the rejection of applications for export licences in relation to
products falling within CN code 1108 13 00**

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 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 1861/95 ⁽⁴⁾, and in particular Article 7 (3) thereof,

Whereas the quantity covered by applications for advance fixing of refunds on potato starch is greater than that normally disposed of;

Whereas it has therefore been decided to reject all applications for export licences of such products made on 5, 6 and 7 September 1995,

HAS ADOPTED THIS REGULATION :

Article 1

In accordance with Article 7 (3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN codes 1108 13 00 made on 5, 6 and 7 September 1995 shall be rejected.

Article 2

This Regulation shall enter into force on 8 September 1995.

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

Done at Brussels, 7 September 1995.

For the Commission

Franz FISCHLER

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 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ No L 177, 28. 7. 1995, p. 86.