

Official Journal

of the European Communities

ISSN 0378-6978

L 260

Volume 38

31 October 1995

English edition

Legislation

Contents

I *Acts whose publication is obligatory*

- ★ **Council Regulation (EC) No 2534/95 of 24 October 1995 on free distribution outside the Community of fruit and vegetables withdrawn from the market during the 1995/96 marketing year** 1
- ★ **Council Regulation (EC) No 2535/95 of 24 October 1995 amending Regulation (EEC) No 3730/87 laying down the general rules for the supply of food from intervention stocks to designated organizations for distribution to the most deprived persons in the Community** 3
- Commission Regulation (EC) No 2536/95 of 30 October 1995 on the supply of vegetable oil as food aid 5
- ★ **Commission Regulation (EC) No 2537/95 of 30 October 1995 amending the Regulations that fixed, prior to 1 February 1995, certain prices and amounts in the market in wine, of which the value in ecus was adapted as a consequence of abolishing the corrective factor for agricultural conversion rates** 10
- Commission Regulation (EC) No 2538/95 of 30 October 1995 on the opening of a standing invitation to tender for 39 000 tonnes of barley held by the Austrian intervention agency for processing in Spain 15
- Commission Regulation (EC) No 2539/95 of 30 October 1995 on the opening of a standing invitation to tender for 250 000 tonnes of barley held by the German intervention agency for processing in Spain 19
- Commission Regulation (EC) No 2540/95 of 30 October 1995 on the opening of a standing invitation to tender for 10 600 tonnes of common wheat fodder held by the German intervention agency for processing in Spain 23
- ★ **Commission Regulation (EC) No 2541/95 of 30 October 1995 adopting for 1996 the measures to improve the quality of olive oil production**..... 27

★ Commission Regulation (EC) No 2542/95 of 30 October 1995 establishing the forecast supply balance for olive oil for the Canary Islands under the specific measures provided for in Articles 2 and 3 of Council Regulation (EEC) No 1601/92	31
★ Commission Regulation (EC) No 2543/95 of 30 October 1995 laying down special detailed rules for the application of the system of export licences for olive oil	33
★ Commission Regulation (EC) No 2544/95 of 30 October 1995 issuing a standing invitation to tender in order to determine refunds on exports of olive oil for the 1995/96 marketing year	38
★ Commission Regulation (EC) No 2545/95 of 30 October 1995 amending Regulation (EEC) No 2026/92 on detailed rules for the application of the specific supply measures for Madeira as regards olive oil and establishing the forecast supply balance	43
★ Commission Regulation (EC) No 2546/95 of 30 October 1995 amending Commission Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty	45
★ Commission Regulation (EC) No 2547/95 of 30 October 1995 amending Regulation (EEC) No 2921/90 on aid for the production of casein and caseinates from skimmed milk	47
Commission Regulation (EC) No 2548/95 of 30 October 1995 on the issuing of export licences for products processed from fruit and vegetables	48
Commission Regulation (EC) No 2549/95 of 30 October 1995 on the issuing of export licences for fruit and vegetables with advance fixing of the refund	49
Commission Regulation (EC) No 2550/95 of 30 October 1995 establishing the standard import values for determining the entry price of certain fruit and vegetables	50
Commission Regulation (EC) No 2551/95 of 30 October 1995 amending representative prices and additional duties for the import of certain products in the sugar sector	52
Commission Regulation (EC) No 2552/95 of 30 October 1995 fixing the production refund for olive oil used in the manufacture of certain preserved foods	54
Commission Regulation (EC) No 2553/95 of 30 October 1995 fixing the export refunds on cereal-based compound feedingstuffs	55
Commission Regulation (EC) No 2554/95 of 30 October 1995 fixing the export refunds on products processed from cereals and rice	57

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 2534/95

of 24 October 1995

on free distribution outside the Community of fruit and vegetables withdrawn from the market during the 1995/96 marketing year

THE COUNCIL OF THE EUROPEAN UNION,

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⁾, and in particular Article 35 thereof,

Having regard to the proposal from the Commission,

Whereas withdrawals from the market during the 1995/96 marketing year under Regulation (EEC) No 1035/72 can be expected, particularly of apples and oranges;

Whereas Article 21 of Regulation (EEC) No 1035/72 specifies the possible recipients of withdrawn products;

Whereas in order to improve the food supply of the peoples in certain third countries, and in particular of the victims of the conflict in the former Yugoslavia, it should be made possible for apples, oranges and any other fruit and vegetables withdrawn from the market to be sent to these countries via charitable organizations approved by the Member States;

Whereas this possibility is not provided for by Article 21 of Regulation (EEC) No 1035/72; whereas, however, given the food supply difficulties for some third country peoples, and in particular the victims of the conflict in question and the volumes of apples and oranges withdrawn from the Community market, a derogation should exceptionally be made to the said Article 21 in order to enable the organizations concerned to deliver products withdrawn from the market with a view to their free distribution as humanitarian aid to the said victims;

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1. Regulation as last amended by Commission Regulation (EC) No 1363/95 (OJ No L 132, 16. 6. 1995, p. 8).

Whereas sorting, packing and transport costs for fruit and vegetables withdrawn from the market that are assigned for free distribution may be taken over pursuant to Commission Regulation (EEC) No 3587/86 of 20 November 1986 fixing the conversion factors to be applied to the buy-in prices for fruit and vegetables⁽²⁾, Commission Regulation (EEC) No 2103/90 of 23 July 1990 laying down the conditions for taking over sorting and packing costs relating to the free distribution of apples and citrus fruit⁽³⁾, and Commission Regulation (EEC) No 2276/92 of 4 August 1992 laying down detailed rules for the application of Article 21 of Council Regulation (EEC) No 1035/72 on the common organization of the market in fruit and vegetables⁽⁴⁾;

Whereas it should be borne in mind that transport costs outside the Community of the products concerned will be met by the charitable organizations carrying out the distribution operations in question;

Whereas, so that the viability of each operation can be checked, prior authorization should be required from the Commission;

Whereas it will be necessary for Member States to see that operations are properly carried out and to report subsequently to the Commission;

Whereas, if supply difficulties in a third country and the situation on the Community market so warrant, the Commission may, after consulting the Management Committee for Fruit and Vegetables, decide to apply this Regulation to other fruit and vegetables withdrawn from the market or other destinations,

⁽²⁾ OJ No L 334, 27. 11. 1986, p. 1. Regulation as last amended by Regulation (EC) No 1363/95 (OJ No L 132, 16. 6. 1995, p. 8).

⁽³⁾ OJ No L 191, 24. 7. 1990, p. 19. Regulation as last amended by Regulation (EC) No 1363/95 (OJ No L 132, 16. 6. 1995, p. 8).

⁽⁴⁾ OJ No L 220, 5. 8. 1992, p. 22. Regulation as last amended by Regulation (EC) No 1363/95 (OJ No L 132, 16. 6. 1995, p. 8).

HAS ADOPTED THIS REGULATION :

Article 1

1. Under the conditions provided for in Article 2 of this Regulation and notwithstanding Article 21 of Regulation (EEC) No 1035/72, dessert apples and oranges withdrawn from the market during the 1995/96 marketing year in accordance with that Regulation may during that marketing year be made available to charitable organizations approved by the Member States for free distribution as humanitarian aid to people in territories of the former Yugoslavia who are affected by the conflict in that region.

2. Sorting, packing and transport costs within the Community for the operations referred to in paragraph 1 shall be taken over in accordance with the provisions of Regulations (EEC) No 3587/86, (EEC) No 2103/90 and (EEC) No 2776/92.

3. No export refund shall be granted on products dispatched pursuant to paragraph 1. The customs export, transit and any T5 document issued shall carry the endorsement 'No refund'.

Article 2

Member States shall submit to the Commission proposals by their agreed charitable organizations for free distribution operations. The Commission, having regard to what assurances are available of a satisfactory outcome and to

the situation as regards market withdrawals, shall decide whether or not to authorize the operation.

Article 3

1. Member States shall take all requisite action to ensure proper execution of free distribution operations.

2. At the end of the 1995/96 marketing year, Member States shall inform the Commission of the quantities distributed under this Regulation and their recipients.

Article 4

1. Any detailed provisions required for application of this Regulation, in particular as regards coordination under the Community emergency humanitarian aid plan for the former Yugoslavia, shall be adopted as required in accordance with the procedure laid down in Article 33 of Regulation (EEC) No 1035/72.

2. The Commission may decide, in accordance with the same procedure, to respond to serious supply difficulties in third countries by applying this Regulation to other fruit and vegetables withdrawn from the market or other destinations.

Article 5

This Regulation shall enter into force on the third 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 Luxembourg, 24 October 1995.

For the Council

The President

L. ATIENZA

**COUNCIL REGULATION (EC) No 2535/95
of 24 October 1995**

**amending Regulation (EEC) No 3730/87 laying down the general rules for the
supply of food from intervention stocks to designated organizations for
distribution to the most deprived persons in the Community**

THE COUNCIL OF THE EUROPEAN UNION,

small quantities of intervention products between two or more Member States ;

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Whereas provision should be made for this Regulation to apply from the start of the implementation period of the annual supply plan,

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

HAS ADOPTED THIS REGULATION :

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

Article 1

In Article 1 of Regulation (EEC) No 3730/87 the following paragraphs shall be added :

Whereas the arrangements laid down by Regulation (EEC) No 3730/87 ⁽³⁾ for the supply of food to the most deprived persons in the Community are based on the availability of public stocks as a result of buying-in by intervention agencies, pursuant to the mechanisms for certain common market organizations ; whereas implementation of the annual plan for the supply of food can be made difficult by the temporary unavailability of certain basic products over the year ; whereas this threat is liable to increase in the light of the measures taken to control markets more effectively and to adapt production to requirements ; whereas it seems appropriate, as an interim measure in such circumstances and in order not to jeopardize implementation of the supply programmes, to provide for the possibility of mobilizing the products concerned on the Community market, but on terms which will not undermine the principle of the supply of products from intervention ;

'Where a product is temporarily unavailable in Community intervention stocks during implementation of the annual plan referred to in the first subparagraph, to the extent necessary to allow implementation of the plan in one or more Member States, the product may be mobilized on the Community market. Mobilization on the Community market may take place also where implementation of the plan would involve the transfer between Member States of small quantities of products in intervention in a Member State other than that or those in which the product is required.

When beef is unavailable in intervention stocks, purchases on the Community market may be undertaken by mobilizing any other meat product.

The conditions of mobilization on the Community market shall be laid down in accordance with the procedure provided for in Article 6.'

Article 2

Whereas, in order to guarantee the satisfactory administration of the arrangements, it is also appropriate to provide for the possibility of mobilizing the products on the Community market where implementation of the annual supply plan would entail, given the geographical location of the public stocks in the Community, the transfer of

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

It shall apply from 1 October 1995.

⁽¹⁾ OJ No C 260, 5. 10. 1995, p. 18.

⁽²⁾ Opinion delivered on 13 October 1995 (not yet published in the Official Journal).

⁽³⁾ OJ No L 352, 15. 12. 1987, p. 1.

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

Done at Luxembourg, 24 October 1995.

For the Council

The President

L. ATIENZA

COMMISSION REGULATION (EC) No 2536/95
of 30 October 1995
on the supply of vegetable oil as food aid

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain recipients 2 585 tonnes of vegetable oil;

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

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

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

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

Article 2

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

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 174, 7. 7. 1990, p. 6.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX I

LOT A

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined rape seed oil
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (1) (a))
8. **Total quantity**: 1 585 tonnes net
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (2) (1), IIIA (2) (3) and IIIA (3))
 - five-litre metal canisters, without cardboard cross-pieces
 - language to be used for the markings: see Annex II
11. **Method of mobilization**: mobilization of refined rape seed oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Stage of supply**: free at port of shipment ⁽⁹⁾
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 18. 12. 1995 — 7. 1. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply** ⁽⁴⁾: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 14. 11. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 28. 11. 1995
 - (b) period for making the goods available at the port of shipment: 1 — 21. 1. 1996
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer**: —

LOT B

1. **Operation No⁽¹⁾**: see Annex II
2. **Programme**: 1995
3. **Recipient⁽²⁾**: Euronaid, PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 EURON NL)
4. **Representative of the recipient⁽³⁾**: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: refined sunflower oil
7. **Characteristics and quality of the goods⁽³⁾(7)**: No C 114, 29. 4. 1991, p. 1 (under IIIA (1)(b))
8. **Total quantity**: 1 000 tonnes net
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking⁽⁶⁾(8)**: see OJ No C 114, 29. 4. 1991, p. 1 (under IIIA (2)(1), IIIA (2)(3) and IIIA (3))
 - five-litre metal canisters, without cardboard cross-pieces
 - language to be used for the marking: see Annex II
11. **Method of mobilization**: mobilization of refined sunflower oil produced in the Community. Mobilization may not involve a product manufactured and/or packaged under inward-processing arrangements
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 18. 12. 1995 — 7. 1. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply⁽⁴⁾**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 14. 11. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 28. 11. 1995
 - (b) period for making the goods available at the port of shipment: 1 — 21. 1. 1996
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 15 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities⁽¹⁾**: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer**: —

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Article 7 (3) (g) of Regulation (EEC) No 2200/87 shall not be applicable to tenders submitted.
- (⁵) The supplier should send a duplicate of the original invoice to : Willis Corroon Scheuer, PO Box 1315, NL-1000 BH Amsterdam.
- (⁶) Notwithstanding OJ No C 114, point IIIA (3)(c) is replaced by the following : 'the words "European Community"'.

The successful tenderer shall supply to the beneficiary or its representative, on delivery, a sanitary certificate (A4 : and Expiry date).
- (⁸) Shipment to take place in 20-foot containers, FCL/FCL (A4 : each containing 15 tonnes net). The supplier will be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient will be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal.
The provisions of Article 13 (2), second subparagraph, of Regulation (EEC) No 2200/87 shall not apply.
The successful tenderer must submit to the recipient's agent a complete packing list of each container, specifying the number of metal canisters belonging to each shipping number as specified in the invitation to tender. The rows of cartons (each third tier) must be separated by a hardboard layer (minimum 2 300 × 610 × 3 mm).
The successful tenderer must seal each container with a numbered locktainer (sysko locktainer 180 seal), the number of which is to be provided to the recipient's forwarder.
- (⁹) For Lot A notwithstanding Article 7 (3) (d) of Regulation (EEC) No 2200/87, the tender may indicate two ports of shipment not necessarily belonging to the same port area.

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

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción nº	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (tons)	Delmængde (tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού	Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination	Language to be used for the marking
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action nº	Pays de destination	Langue à utiliser pour le marquage
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione	Lingua da utilizzare per la marcatura
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming	Taal te gebruiken voor de opschriften
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Ação nº	País de destino	Língua a utilizar na rotulagem
Erä	Kokonaismäärä (tonnia)	Osittaismäärä (tonnia)	Toimi N:o	Määrämaa	Merkinnässä käytettävä kieli
Parti	Total kvantitet (ton)	Delkvantitet (ton)	Aktion nr	Bestämmelsesland	Mærkning på følgende språk
A	1 585	A1: 75 A2: 970 A3: 495 A4: 60	302/95 303/95 304/95 305/95	Malawi Ethiopia Pakistan Perú	English English English Español
B	1 000		301/95	Ethiopia	English

COMMISSION REGULATION (EC) No 2537/95

of 30 October 1995

amending the Regulations that fixed, prior to 1 February 1995, certain prices and amounts in the market in wine, of which the value in ecus was adapted as a consequence of abolishing the corrective factor for agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 ⁽¹⁾, as last amended by Regulation (EC) No 150/95 ⁽²⁾, and in particular Article 13 (1) thereof,

Whereas the value in ecus of certain prices and amounts was modified, with effect from 1 February 1995, by virtue of Article 13 (2) of Regulation (EEC) No 3813/92, in order to cancel the effects of abolishing the correction factor of 1,207509, which applied until 31 January 1995 to conversion rates used in agriculture; whereas the new ecu values of the prices and amounts concerned were established from 1 February 1995 in accordance with the rules laid down in Article 13 (2) of Regulation (EEC) No 3813/92 and Article 18 (1) of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽³⁾, as last amended by Regulation (EC) No 1053/95 ⁽⁴⁾;

Whereas, in accordance with Article 18 (2) of Regulation (EEC) No 1068/93, in order to avoid confusion and facilitate the application of the common agricultural policy, it is necessary to replace the value in ecus of the prices and amounts concerned where they are not of periodic application, and where they are applicable at least from:

— 1 January 1996 in respect of the amounts not concerned by a marketing year,

— the beginning of the 1995/96 marketing year in the other cases;

which appear in Regulations that came into force before 1 February 1995; whereas the Regulations concerned should therefore be amended:

1. Commission Regulation (EEC) No 3388/81 ⁽⁵⁾, as last amended by Regulation (EC) No 1685/95 ⁽⁶⁾;
2. Commission Regulation (EEC) No 1059/83 ⁽⁷⁾, as last amended by Regulation (EEC) No 2192/93 ⁽⁸⁾;
3. Council Regulation (EEC) No 1442/88 ⁽⁹⁾, as last amended by Regulation (EC) No 1548/95 ⁽¹⁰⁾;
4. Council Regulation (EEC) No 1600/92 ⁽¹¹⁾, as last amended by Commission Regulation (EC) No 2417/95 ⁽¹²⁾;
5. Council Regulation (EEC) No 1601/92 ⁽¹³⁾, as last amended by Regulation (EC) No 2417/95;
6. Commission Regulation (EEC) No 3233/92 ⁽¹⁴⁾, as last amended by Regulation (EEC) No 2192/93;
7. Commission Regulation (EC) No 3112/93 ⁽¹⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

In consequence of the adjustment applied with effect from 1 February 1995, pursuant to Article 13 (2) of Regulation (EEC) No 3813/92 and to Article 18 (1) of Regulation (EEC) No 1068/93, to certain prices and amounts in ecus in the market in wine, the Regulations referred to in Articles 2 to 8 are hereby amended in accordance with the provisions set out therein.

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁴⁾ OJ No L 107, 12. 5. 1995, p. 4.

⁽⁵⁾ OJ No L 341, 28. 11. 1981, p. 19.

⁽⁶⁾ OJ No L 161, 12. 7. 1995, p. 2.

⁽⁷⁾ OJ No L 116, 30. 4. 1983, p. 77.

⁽⁸⁾ OJ No L 196, 5. 8. 1993, p. 19.

⁽⁹⁾ OJ No L 132, 28. 5. 1988, p. 3.

⁽¹⁰⁾ OJ No L 148, 30. 6. 1995, p. 36.

⁽¹¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽¹²⁾ OJ No L 248, 14. 10. 1995, p. 39.

⁽¹³⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽¹⁴⁾ OJ No L 321, 6. 11. 1992, p. 11.

⁽¹⁵⁾ OJ No L 278, 11. 11. 1993, p. 52.

Article 2

Article 4 of Regulation (EEC) No 3388/81 is replaced by the following :

'1. The amount of the security in respect of import licences shall, according to the products, be as set out in the tables below :

CN code	Description	Amount of security (in terms of net weight or volume)	
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter :		
2009 60	— Grape juice (including grape must) :		
	— — Of a density exceeding 1,33 g/cm ³ at 20 °C :	2,415	ECU/100 kg/net
2009 60 11	— — — Of a value not exceeding ECU 22 per 100 kg net weight		
2009 60 19	— — — Other		
	— — Of a density not exceeding 1,33 g/cm ³ at 20 °C :		
	— — — Of a value exceeding ECU 18 per 100 kg net weight :		
2009 60 51	— — — — Concentrated	2,415	ECU/100 kg/net
2009 60 59	— — — — Other	1,208	ECU/100 kg/net
	— — — Of a value not exceeding ECU 18 per 100 kg net weight :		
	— — — — With an added sugar content exceeding 30 % by weight :		
2009 60 71	— — — — — Concentrated	2,415	ECU/100 kg/net
2009 60 79	— — — — — Other	1,208	ECU/100 kg/net
2009 60 90	— — — — Other	1,208	ECU/100 kg/net
2204	Wine of fresh grapes, including fortified wines ; grape must other than that of heading No 2009 :		
2204 10	— Sparkling wine	2,415	ECU/hl
	— Other wine ; grape must with fermentation prevented or arrested by the addition of alcohol :		
2204 21	— — In containers holding 2 litres or less :		
2204 21 10	— — — Wine other than that referred to in subheading 2204 10 in bottles with 'mushroom' stoppers held in place by ties or fastenings ; wine otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C	2,415	ECU/hl
	— — — Other :		
2204 21 11 to 2204 21 80	— — — — Of an actual alcoholic strength by volume not exceeding 13 % vol :	1,208	ECU/hl
2204 21 81 to 2204 21 84	— — — — Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol, excluding liqueur wine	1,208	ECU/hl

CN code	Description	Amount of security (in terms of net weight or volume)
2204 21 87 to 2204 21 94	— — — — Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol, excluding wine fortified for distillation and liqueur wine	1,208 ECU/hl
2204 21 95 to 2204 21 98	— — — — Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol, excluding wine fortified for distillation and liqueur wine	1,208 ECU/hl
2204 21 99	— — — — Of an actual alcoholic strength by volume exceeding 22 % vol, excluding wine fortified for distillation and liqueur wine	1,208 ECU/hl
ex 2204 21 Additional note 4(b) to Chapter 22	Wine fortified for distillation	1,208 ECU/hl
ex 2204 21 Additional note 4(c) to Chapter 22	Liqueur wine	2,415 ECU/hl
2204 29	— — Other :	
2204 29 10	— — — Wine other than that referred to in subheading 2204 10 in bottles with 'mushroom' stoppers held in place by ties or fastenings ; wine otherwise put up with an excess pressure due to carbon dioxide in solution of not less than 1 bar but less than 3 bar, measured at a temperature of 20 °C	2,415 ECU/hl
	— — — Other :	
2204 29 12 to 2204 29 75	— — — — Of an actual alcoholic strength by volume not exceeding 13 % vol :	1,208 ECU/hl
2204 29 81 to 2204 29 84	— — — — Of an actual alcoholic strength by volume exceeding 13 % vol but not exceeding 15 % vol, excluding liqueur wine :	1,208 ECU/hl
2204 29 87 to 2204 29 94	— — — — Of an actual alcoholic strength by volume exceeding 15 % vol but not exceeding 18 % vol, excluding wine fortified for distillation and liqueur wine :	1,208 ECU/hl
2204 29 95 to 2204 29 98	— — — — Of an actual alcoholic strength by volume exceeding 18 % vol but not exceeding 22 % vol, excluding wine fortified for distillation and liqueur wine :	1,208 ECU/hl
2204 29 99	— — — — Of an actual alcoholic strength by volume exceeding 22 % vol, excluding wine fortified for distillation and liqueur wine :	1,208 ECU/hl
ex 2204 29 Additional note 4(b) to Chapter 22	Wine fortified for distillation	1,208 ECU/hl
ex 2204 29 Additional note 4(c) to Chapter 22	Liqueur wine	2,415 ECU/hl
2204 30	— Other grape must :	1,208 ECU/hl

2. The amount of the security in respect of export licences shall be 1,208 ECU/hl'.

Article 3

Regulation (EEC) No 1059/83 is amended as follows:

1. in Article 12 (a):

- 'ECU 0,0142' is replaced by 'ECU 0,01715',
- 'ECU 0,0209' is replaced by 'ECU 0,02524';

2. in Article 12 (c):

- 'ECU 0,0169' is replaced by 'ECU 0,02041',
- 'ECU 0,0250' is replaced by 'ECU 0,03019';

3. in Article 12 (d):

- 'ECU 0,0566' is replaced by 'ECU 0,06835',
- 'ECU 0,0625' is replaced by 'ECU 0,07547';

4. in Article 12 (e):

- 'ECU 0,0566' is replaced by 'ECU 0,06835'.

Article 4

Regulation (EEC) No 1442/88 is amended as follows:

1. in Article 2 (1):

- 'ECU 3 600' is replaced by 'ECU 4 347',
- 'ECU 1 200' is replaced by 'ECU 1 449',
- 'ECU 2 800' is replaced by 'ECU 3 381',
- 'ECU 3 500' is replaced by 'ECU 4 226',
- 'ECU 3 800' is replaced by 'ECU 4 589',
- 'ECU 5 250' is replaced by 'ECU 6 339',
- 'ECU 7 150' is replaced by 'ECU 8 634',
- 'ECU 9 200' is replaced by 'ECU 11 109',
- 'ECU 10 200' is replaced by 'ECU 12 317',
- 'ECU 10 800' is replaced by 'ECU 13 041',
- 'ECU 8 400' is replaced by 'ECU 10 143',
- 'ECU 7 200' is replaced by 'ECU 8 694',
- 'ECU 6 000' is replaced by 'ECU 7 245'.

2. in Article 2 (2):

- 'ECU 600' is replaced by 'ECU 724,5';

3. in Article 2 (5):

- 'ECU 2 500' is replaced by 'ECU 3 019',
- 'ECU 1 000' is replaced by 'ECU 1 208',
- 'ECU 1 600' is replaced by 'ECU 1 932',

- 'ECU 2 200' is replaced by 'ECU 2 657',
- 'ECU 2 800' is replaced by 'ECU 3 381',
- 'ECU 5 000' is replaced by 'ECU 6 038',
- 'ECU 6 200' is replaced by 'ECU 7 487',
- 'ECU 6 500' is replaced by 'ECU 7 849',
- 'ECU 5 500' is replaced by 'ECU 6 641',
- 'ECU 300' is replaced by 'ECU 362,3',
- 'ECU 3 500' is replaced by 'ECU 4 226'.

Article 5

Regulation (EEC) No 1600/92 is amended as follows:

1. in Article 21, 'ECU 0,0197' is replaced by 'ECU 0,02379',
2. in Article 22, 'ECU 394,83' is replaced by 'ECU 476,76',
3. in Article 29, 'ECU 394,83' is replaced by 'ECU 476,76'.

Article 6

In Article 19 of Regulation (EEC) No 1601/92, 'ECU 394,83' is replaced by 'ECU 476,76'.

Article 7

In Article 1 of Regulation (EEC) No 3233/92, 'ECU 10' is replaced by 'ECU 12,08'.

Article 8

Regulation (EC) No 3112/93 is hereby amended as follows:

1. in Article 1, 'ECU 394,83' is replaced by 'ECU 476,76';
2. in Article 5, 'ECU 0,0197' is replaced by 'ECU 0,02379'.

Article 9

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

It shall apply, for each amount concerned, from the date of the first application of the agricultural conversion rate introduced on 1 February 1995.

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2538/95

of 30 October 1995

on the opening of a standing invitation to tender for 39 000 tonnes of barley held
by the Austrian intervention agency for processing in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

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 5 thereof,

Whereas the drought affecting Spain in recent months has resulted in a shortage of fodder, which may induce stockfarmers to sell their livestock early, thereby adversely affecting their incomes;

Whereas that shortage may be made good by making 39 000 tonnes of barley available to Spanish stockfarmers; whereas, for its part, the Spanish intervention agency does not have fodder grain available; whereas such Community grain is available at the Austrian intervention agency;

Whereas, given the current market situation, a standing invitation to tender should be opened for 39 000 tonnes of barley held by the Austrian intervention agency for compulsory dispatch to Spain;

Whereas the aim of the measures can only be achieved if the minimum price laid down under the invitation to tender takes account of the forwarding costs between Austria and Spain but does not disturb the Spanish domestic market; whereas, under these circumstances, the most appropriate procedure is that followed for exports of cereals to third countries; whereas a special system, combining certain rules on resale on the internal market and those on exports, should therefore be laid down;

Whereas, as regards proof of processing in Spain, Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽³⁾, as last amended by Regulation (EEC) No 1938/93⁽⁴⁾, should apply;

Whereas, in view of the early harvest in Spain and if the provisions of this Regulation are to produce an effect, the measures adopted must be applied as soon as possible;

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

1. Notwithstanding Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies⁽⁵⁾, the Austrian intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 39 000 tonnes of barley it holds with a view to processing in Spain.

2. The regions where the 39 000 tonnes of barley are stored are set out in Annex I.

Article 2

1. In the notice of invitation to tender provided for in Article 5, the intervention agency shall specify for each lot the port or place of exit which may be accessed at the lowest transport costs and which has adequate technical facilities for dispatching the cereals put up for tender.

2. The lowest transport costs between the place of storage and the place of loading at the port or place of exit referred to in paragraph 1 shall be reimbursed to the successful tenderer by the intervention agency in respect of the quantities delivered.

Article 3

Tenders shall be deemed to relate to cereals delivered to, but not unloaded at, the ports or places of exit referred to in Article 2.

Article 4

When each closing date for the submission of tenders has expired, the Member State concerned shall forward to the Commission a list of tenders, without names, showing in each case in particular the quantity, the price and the price increases or reductions applying thereto. In accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, the Commission shall fix the minimum selling price or shall decide to take no action in respect of tenders received.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

The minimum selling price shall be set at a level which does not disturb the Spanish market.

Article 5

At least five days before the first closing date for the submission of tenders, the Austrian intervention agency shall publish a notice of invitation to tender setting out:

- supplementary terms and conditions of sale in accordance with this Regulation,
- the main physical and technical characteristics of the various lots as ascertained at the time of buying-in by the intervention agency or during checks conducted thereafter,
- the places of storage and the names and addresses of the storers.

The notice and any amendments thereto shall be forwarded to the Commission before the first closing date for the submission of tenders.

The Austrian intervention agency shall take all measures necessary to enable interested parties to assess the quality of the cereals put up for sale before submitting their tenders.

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize and durum wheat⁽¹⁾.

Where the quality of the cereals does not comply with the standard quality, the price of the tender accepted shall be adjusted by applying price increases or reductions pursuant to Articles 4 and 5 of Regulation (EEC) No 1766/92.

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

- proof that the tenderer has lodged a security of ECU 20 per tonne,
- proof that a contract of sale for delivery in Spain has been concluded, subject to award to the contract,
- a written undertaking by the tenderer that the cereals covered by the award will be processed in Spain by 30 June 1996 at the latest.

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 9 November 1995.

2. The time limit for the submission of tenders in response to subsequent partial invitations to tender shall expire at 9 a.m. (Brussels time) each Thursday.

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 21 December 1995.

4. Tenders must be submitted to the Austrian intervention agency at the following address:

Agrar Markt Austria,
GBII/Abt. 4,
Dresdnerstraße 70,
A-1201 Wien
Fax No (0222) 33 151-399.

Article 8

Not later than two hours after the expiry of the time limit for the submission of tenders, the Austrian intervention agency shall notify the Commission of tenders received. Such notifications shall be sent to the telex or telefax numbers set out in Annex III, using the model set out in Annex II.

Article 9

The intervention agency shall immediately inform all tenderers of the outcome of their tenders. Within three working days of such notification, it shall forward statements of award to the successful tenderers by registered letter or written telecommunication.

Article 10

Successful tenderers shall pay for the cereals before they are removed and at the latest within one month of the date of forwarding of the statements referred to in Article 9. They shall bear all risks and storage costs in respect of cereals not removed within the term of payment.

Cereals covered by contracts awarded and not removed within the term of payment shall be deemed to all effects to have been removed on expiry of that term. In such cases, the tender price shall be adjusted by reference to the quality specifications laid down in the notice of invitation to tender.

Where the successful tenderer has not paid for the cereals within the term laid down in the first paragraph, the contract shall be cancelled by the intervention agency in respect of the quantities not paid for.

Article 11

Securities as referred to in Article 6 (2) shall be released where they cover quantities in respect of which:

- the tender has not been accepted,
- the selling price is paid within the term laid down and a security covering the difference between the price accepted and the intervention price applying on the closing date for the submission of tenders, plus ECU 30/tonne, has been lodged.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

1. Securities as referred to in the second indent of Article 11 shall be released where they cover quantities in respect of which the tenderers provide proof that the product :

- has been processed in Spain by 30 June 1996 at the latest, except in cases of *force majeure*, or
- is no longer fit for human or animal consumption.

2. Proof that the cereals covered by this Regulation have been processed in Spain shall be furnished in accordance with Regulation (EEC) No 3002/92.

However, processing shall be deemed to have taken place once the barley has been delivered to a store in Spain.

Article 13

In addition to the endorsements provided for in Regulation (EEC) No 3002/92, box 104 of the T5 control copy must bear one or more of the following :

- Destinos a la transformación [Reglamento (CE) nº 2538/95]
- Til forarbejdning (forordning (EF) nr. 2538/95)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 2538/95)
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 2538/95]
- For processing (Regulation (EC) No 2538/95)
- Destinées à la transformation [règlement (CE) nº 2538/95]
- Destinate alla trasformazione [regolamento (CE) n. 2538/95]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 2538/95)
- Para transformação [Regulamento (CE) nº 2538/95]
- Tarkoitettu jalostukseen [Asetus (EY) N:o 2538/95]
- För bearbetning (förordning (EG) nr 2538/95).

Article 14

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

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Burgenland	13 389
Niederösterreich/Wien	19 486
Oberösterreich	3 468
Kärnten	2 778

ANNEX II

Standing invitation for the resale of 39 000 tonnes of barley held by the Austrian intervention agency for dispatch to Spain

(Regulation (EC) No 2538/95)

1	2	3	4	5	6
Number of tenderer	Number of lot	Quantity (tonnes)	Tender price (ECU/tonne)	Price increase (+) or reduction (-) (ECU/tonne) (p. m.)	Commercial costs (ECU/tonne)
1					
2					
3					
etc.					

ANNEX III

Only the following numbers in Brussels should be used (DG VI. (C.1) Attention : Messrs Thibault and Brus) :

- telex : — 22037 AGREC B,
 — 22070 AGREC B (Greek alphabet);
- telefax : — 295 01 32,
 — 296 10 97,
 — 295 25 15.

COMMISSION REGULATION (EC) No 2539/95

of 30 October 1995

on the opening of a standing invitation to tender for 250 000 tonnes of barley
held by the German intervention agency for processing in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

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 5 thereof,

Whereas the drought affecting Spain in recent months has resulted in a shortage of fodder, which may induce stockfarmers to sell their livestock early, thereby adversely affecting their incomes ;

Whereas that shortage may be made good by making 250 000 tonnes of barley available to Spanish stockfarmers ; whereas, for its part, the Spanish intervention agency does not have fodder grain available ; whereas such Community grain is available at the German intervention agency ;

Whereas, given the current market situation, a standing invitation to tender should be opened for 250 000 tonnes of barley held by the German intervention agency for compulsory dispatch to Spain ;

Whereas the aim of the measures can only be achieved if the minimum price laid down under the invitation to tender takes account of the forwarding costs between Germany and Spain but does not disturb the Spanish domestic market ; whereas, under these circumstances, the most appropriate procedure is that followed for exports of cereals to third countries ; whereas a special system, combining certain rules on resale on the internal market and those on exports, should therefore be laid down ;

Whereas, as regards proof of processing in Spain, Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽³⁾, as last amended by Regulation (EEC) No 1938/93⁽⁴⁾, should apply ;

Whereas, in view of the early harvest in Spain and if the provisions of this Regulation are to produce an effect, the measures adopted must be applied as soon as possible ;

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

Article 1

1. Notwithstanding Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies⁽⁵⁾, the German intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 250 000 tonnes of barley it holds with a view to processing in Spain.

2. The regions where the 250 000 tonnes of barley are stored are set out in Annex I.

Article 2

1. In the notice of invitation to tender provided for in Article 5, the intervention agency shall specify for each lot the port or place of exit which may be accessed at the lowest transport costs and which has adequate technical facilities for dispatching the cereals put up for tender.

2. The lowest transport costs between the place of storage and the place of loading at the port or place of exit referred to in paragraph 1 shall be reimbursed to the successful tenderer by the intervention agency in respect of the quantities delivered.

Article 3

Tenders shall be deemed to relate to cereals delivered to, but not unloaded at, the ports or places of exit referred to in Article 2.

Article 4

When each closing date for the submission of tenders has expired, the Member State concerned shall forward to the Commission a list of tenders, without names, showing in each case in particular the quantity, the price and the price increases or reductions applying thereto. In accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, the Commission shall fix the minimum selling price or shall decide to take no action in respect of tenders received.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

The minimum selling price shall be set at a level which does not disturb the Spanish market.

Article 5

At least five days before the first closing date for the submission of tenders, the German intervention agency shall publish a notice of invitation to tender setting out:

- supplementary terms and conditions of sale in accordance with this Regulation,
- the main physical and technical characteristics of the various lots as ascertained at the time of buying-in by the intervention agency or during checks conducted thereafter,
- the places of storage and the names and addresses of the storers.

The notice and any amendments thereto shall be forwarded to the Commission before the first closing date for the submission of tenders.

The German intervention agency shall take all measures necessary to enable interested parties to assess the quality of the cereals put up for sale before submitting their tenders.

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize and durum wheat⁽¹⁾.

Where the quality of the cereals does not comply with the standard quality, the price of the tender accepted shall be adjusted by applying price increases or reductions pursuant to Articles 4 and 5 of Regulation (EEC) No 1766/92.

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

- proof that the tenderer has lodged a security of ECU 20 per tonne,
- proof that a contract of sale for delivery in Spain has been concluded, subject to award to the contract,
- a written undertaking by the tenderer that the cereals covered by the award will be processed in Spain by 30 June 1996 at the latest.

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 9 November 1995.

2. The time limit for the submission of tenders in response to subsequent partial invitations to tender shall expire at 9 a.m. (Brussels time) each Thursday.

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 21 December 1995.

4. Tenders must be submitted to the German intervention agency at the following address:

Bundesanstalt für Landwirtschaft und Ernährung (BLE),
Adickesallee 40,
D-60322 Frankfurt am Main,
(Telex: 4-11475, 4-16044).

Article 8

Not later than two hours after the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notifications shall be sent to the telex or telefax numbers set out in Annex III, using the model set out in Annex II.

Article 9

The intervention agency shall immediately inform all tenderers of the outcome of their tenders. Within three working days of such notification, it shall forward statements of award to the successful tenderers by registered letter or written telecommunication.

Article 10

Successful tenderers shall pay for the cereals before they are removed and at the latest within one month of the date of forwarding of the statements referred to in Article 9. They shall bear all risks and storage costs in respect of cereals not removed within the term of payment.

Cereals covered by contracts awarded and not removed within the term of payment shall be deemed to all effects to have been removed on expiry of that term. In such cases, the tender price shall be adjusted by reference to the quality specifications laid down in the notice of invitation to tender.

Where the successful tenderer has not paid for the cereals within the term laid down in the first paragraph, the contract shall be cancelled by the intervention agency in respect of the quantities not paid for.

Article 11

Securities as referred to in Article 6 (2) shall be released where they cover quantities in respect of which:

- the tender has not been accepted,
- the selling price is paid within the term laid down and a security covering the difference between the price accepted and the intervention price applying on the closing date for the submission of tenders, plus ECU 30/tonne, has been lodged.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

1. Securities as referred to in the second indent of Article 11 shall be released where they cover quantities in respect of which the tenderers provide proof that the product :

- has been processed in Spain by 30 June 1996 at the latest, except in cases of *force majeure*, or
- is no longer fit for human or animal consumption.

2. Proof that the cereals covered by this Regulation have been processed in Spain shall be furnished in accordance with Regulation (EEC) No 3002/92.

However, processing shall be deemed to have taken place once the barley has been delivered to a store in Spain.

Article 13

In addition to the endorsements provided for in Regulation (EEC) No 3002/92, box 104 of the T5 control copy must bear one or more of the following :

- Destinos a la transformación [Reglamento (CE) n° 2539/95]
- Til forarbejdning (forordning (EF) nr. 2539/95)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 2539/95)
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 2539/95]
- For processing (Regulation (EC) No 2539/95)
- Destinées à la transformation [règlement (CE) n° 2539/95]
- Destinate alla trasformazione [regolamento (CE) n. 2539/95]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 2539/95)
- Para transformação [Regulamento (CE) n° 2539/95]
- Tarkoitettu jalostukseen [Asetus (EY) N:o 2539/95]
- För bearbetning (förordning (EG) nr 2539/95).

Article 14

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

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	50 578
Berlin/Brandenburg/ Mecklenburg-Vorpommern	122 516
Sachsen/Sachsen-Anhalt/Thüringen	76 887

ANNEX II

Standing invitation for the resale of 250 000 tonnes of barley held by the German intervention agency for dispatch to Spain

(Regulation (EC) No 2539/95)

1	2	3	4	5	6
Number of tenderer	Number of lot	Quantity (tonnes)	Tender price (ECU/tonne)	Price increase (+) or reduction (-) (ECU/tonne) (p. m.)	Commercial costs (ECU/tonne)
1					
2					
3					
etc.					

ANNEX III

Only the following numbers in Brussels should be used (DG VI. (C.1) Attention : Messrs Thibault and Brus) :

- telex : — 22037 AGREC B,
 — 22070 AGREC B (Greek alphabet);
- telefax : — 295 01 32,
 — 296 10 97,
 — 295 25 15.

COMMISSION REGULATION (EC) No 2540/95

of 30 October 1995

on the opening of a standing invitation to tender for 10 600 tonnes of common wheat fodder held by the German intervention agency for processing in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

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 5 thereof,

Whereas the drought affecting Spain in recent months has resulted in a shortage of fodder, which may induce stockfarmers to sell their livestock early, thereby adversely affecting their incomes;

Whereas that shortage may be made good by making 10 600 tonnes of common wheat fodder available to Spanish stockfarmers; whereas, for its part, the Spanish intervention agency does not have fodder grain available; whereas such Community grain is available at the German intervention agency;

Whereas, given the current market situation, a standing invitation to tender should be opened for 10 600 tonnes of common wheat fodder held by the German intervention agency for compulsory dispatch to Spain;

Whereas the aim of the measures can only be achieved if the minimum price laid down under the invitation to tender takes account of the forwarding costs between Germany and Spain but does not disturb the Spanish domestic market; whereas, under these circumstances, the most appropriate procedure is that followed for exports of cereals to third countries; whereas a special system, combining certain rules on resale on the internal market and those on exports, should therefore be laid down;

Whereas, as regards proof of processing in Spain, Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽³⁾, as last amended by Regulation (EEC) No 1938/93⁽⁴⁾, should apply;

Whereas, in view of the early harvest in Spain and if the provisions of this Regulation are to produce an effect, the measures adopted must be applied as soon as possible;

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

Article 1

1. Notwithstanding Commission Regulation (EEC) No 2131/93 of 28 July 1993 laying down the procedure and conditions for the sale of cereals held by intervention agencies⁽⁵⁾, the German intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 10 600 tonnes of common wheat fodder it holds with a view to processing in Spain.

2. The regions where the 10 600 tonnes of common wheat fodder are stored are set out in Annex I.

Article 2

1. In the notice of invitation to tender provided for in Article 5, the intervention agency shall specify for each lot the port or place of exit which may be accessed at the lowest transport costs and which has adequate technical facilities for dispatching the cereals put up for tender.

2. The lowest transport costs between the place of storage and the place of loading at the port or place of exit referred to in paragraph 1 shall be reimbursed to the successful tenderer by the intervention agency in respect of the quantities delivered.

Article 3

Tenders shall be deemed to relate to cereals delivered to, but not unloaded at, the ports or places of exit referred to in Article 2.

Article 4

When each closing date for the submission of tenders has expired, the Member State concerned shall forward to the Commission a list of tenders, without names, showing in each case in particular the quantity, the price and the price increases or reductions applying thereto. In accordance with the procedure laid down in Article 23 of Regulation (EEC) No 1766/92, the Commission shall fix the minimum selling price or shall decide to take no action in respect of tenders received.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

The minimum selling price shall be set at a level which does not disturb the Spanish market.

Article 5

At least five days before the first closing date for the submission of tenders, the German intervention agency shall publish a notice of invitation to tender setting out:

- supplementary terms and conditions of sale in accordance with this Regulation,
- the main physical and technical characteristics of the various lots as ascertained at the time of buying-in by the intervention agency or during checks conducted thereafter,
- the places of storage and the names and addresses of the storers.

The notice and any amendments thereto shall be forwarded to the Commission before the first closing date for the submission of tenders.

The German intervention agency shall take all measures necessary to enable interested parties to assess the quality of the cereals put up for sale before submitting their tenders.

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75 of 29 October 1975 fixing standard qualities for common wheat, rye, barley, maize and durum wheat⁽¹⁾.

Where the quality of the cereals does not comply with the standard quality, the price of the tender accepted shall be adjusted by applying price increases or reductions pursuant to Articles 4 and 5 of Regulation (EEC) No 1766/92.

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

- proof that the tenderer has lodged a security of ECU 20 per tonne,
- proof that a contract of sale for delivery in Spain has been concluded, subject to award to the contract,
- a written undertaking by the tenderer that the cereals covered by the award will be processed in Spain by 30 June 1996 at the latest.

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 9 November 1995.

2. The time limit for the submission of tenders in response to subsequent partial invitations to tender shall expire at 9 a.m. (Brussels time) each Thursday.

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 21 December 1995.

4. Tenders must be submitted to the German intervention agency at the following address:

Bundesanstalt für Landwirtschaft und Ernährung (BLE),
Adickesallee 40,
D-60322 Frankfurt/Main,
(Telex: 4-11475, 4-16044).

Article 8

Not later than two hours after the expiry of the time limit for the submission of tenders, the German intervention agency shall notify the Commission of tenders received. Such notifications shall be sent to the telex or telefax numbers set out in Annex III, using the model set out in Annex II.

Article 9

The intervention agency shall immediately inform all tenderers of the outcome of their tenders. Within three working days of such notification, it shall forward statements of award to the successful tenderers by registered letter or written telecommunication.

Article 10

Successful tenderers shall pay for the cereals before they are removed and at the latest within one month of the date of forwarding of the statements referred to in Article 9. They shall bear all risks and storage costs in respect of cereals not removed within the term of payment.

Cereals covered by contracts awarded and not removed within the term of payment shall be deemed to all effects to have been removed on expiry of that term. In such cases, the tender price shall be adjusted by reference to the quality specifications laid down in the notice of invitation to tender.

Where the successful tenderer has not paid for the cereals within the term laid down in the first paragraph, the contract shall be cancelled by the intervention agency in respect of the quantities not paid for.

Article 11

Securities as referred to in Article 6 (2) shall be released where they cover quantities in respect of which:

- the tender has not been accepted,
- the selling price is paid within the term laid down and a security covering the difference between the price accepted and the intervention price applying on the closing date for the submission of tenders, plus ECU 30/tonne, has been lodged.

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

1. Securities as referred to in the second indent of Article 11 shall be released where they cover quantities in respect of which the tenderers provide proof that the product :

- has been processed in Spain by 30 June 1996 at the latest, except in cases of *force majeure*, or
- is no longer fit for human or animal consumption.

2. Proof that the cereals covered by this Regulation have been processed in Spain shall be furnished in accordance with Regulation (EEC) No 3002/92.

However, processing shall be deemed to have taken place once the common wheat fodder has been delivered to a store in Spain.

Article 13

In addition to the endorsements provided for in Regulation (EEC) No 3002/92, box 104 of the T5 control copy must bear one or more of the following :

- Destinos a la transformación [Reglamento (CE) nº 2540/95]
- Til forarbejdning (forordning (EF) nr. 2540/95)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 2540/95)
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 2540/95]
- For processing (Regulation (EC) No 2540/95)
- Destinées à la transformation [règlement (CE) nº 2540/95]
- Destinate alla trasformazione [regolamento (CE) n. 2540/95]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 2540/95)
- Para transformação [Regulamento (CE) nº 2540/95]
- Tarkoitettu jalostukseen [Asetus (EY) N:o 2540/95]
- För bearbetning (förfordning (EG) nr 2540/95).

Article 14

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

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	2 385
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	4 046
Berlin/Brandenburg/ Mecklenburg-Vorpommern	2 755
Sachsen/Sachsen-Anhalt/Thüringen	1 420

ANNEX II

Standing invitation for the resale of 10 600 tonnes of common wheat fodder held by the German intervention agency for dispatch to Spain

(Regulation (EC) No 2540/95)

1	2	3	4	5	6
Number of tenderer	Number of lot	Quantity (tonnes)	Tender price (ECU/tonne)	Price increase (+) or reduction (−) (ECU/tonne) (p. m.)	Commercial costs (ECU/tonne)
1					
2					
3					
etc.					

ANNEX III

Only the following numbers in Brussels should be used (DG VI. (C.1) Attention : Messrs Thibault and Brus) :

- telex : — 22037 AGREC B,
 — 22070 AGREC B (Greek alphabet);
- telefax : — 295 01 32,
 — 296 10 97,
 — 295 25 15.

COMMISSION REGULATION (EC) No 2541/95
of 30 October 1995
adopting for 1996 the measures to improve the quality of olive oil production

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 5 (5) thereof,

Whereas, pursuant to Article 5 (4) of Regulation No 136/66/EEC, a percentage of the production aid earmarked for olive oil producers may be allocated to financing action at regional level to improve the quality of olive oil production; whereas, under Article 4 of Council Regulation (EC) No 1875/94⁽³⁾, 1,4 % of the production aid earmarked for olive oil producers in the relevant Member States has been allocated to financing action to improve the quality of olive oil in those countries;

Whereas rules for the execution and monitoring of the operations in question should be laid down; whereas the tasks that may be assigned to producers' organizations should also be defined;

Whereas the measures laid down for 1995 should be maintained so as to provide for a wide selection on the basis of the requirements and opportunities existing in each Member State;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. This Regulation specifies the action to be taken during the period 1 January to 31 December 1996 to improve the quality of olive oil production.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

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

⁽³⁾ OJ No L 197, 30. 7. 1994, p. 14.

2. Action shall be taken in the following areas:

- (a) control of the olive fly (*Dacus oleae*) and, where appropriate, other harmful organisms;
- (b) improvement of the treatment of olive trees, of the cropping, storage and processing of olives and of the storage of the oils produced;
- (c) technical assistance during the year to olive growers and to mills with a view to improving the quality, production and processing of olives into oil;
- (d) the installation and/or the management of tasting rooms to assess the organoleptic characteristics of the virgin olive oils;
- (e) the installation and/or the management at regional or provincial level of laboratories to analyse the physical and chemical properties of olive oils;
- (f) collaboration with bodies specializing in research programmes to improve the quality of olive oil.

Article 2

Expenditure on action as defined in this Regulation shall be financed by resources arising from the deduction made from the production aid pursuant to Article 4 of Regulation (EC) No 1875/94. The distribution of resources for the financing of action shall be based on the amount withheld in each Member State.

Article 3

On the basis of the resources available, each Member State shall draw up a programme covering part or all of the field of action indicated in Article 1.

Article 4

In the case of action as indicated in Article 1 (2) (a), the programme shall comprise:

- (a) a list of the olive oil production zones in which action against the olive fly is to be considered a matter of priority in view of the likely impact of the programme on the quality of the oil produced and the impact of the production volume involved;
- (b) where regional situations so dictate, a list of the olive oil production zones in which action against other harmful organisms is to be considered a matter of priority in view of the likely impact of the programme on the quality of the oil produced and the impact of the production volume involved;

(c) a plan for establishing or maintaining a monitoring, warning and assessment system in each priority production zone, comprising in particular:

- means of measuring the population of olive fly or of other harmful organisms,
- a warning and treatment prescription mechanism,
- means of training and briefing producers,
- means of assessing the warning mechanism and the effects of treatment;

(d) a draft plan for effecting treatment necessary in each production zone.

Article 5

In the case of action as indicated in Article 1 (2) (b), the programme shall comprise:

- a product training course covering treatment of olive trees, the optimum cropping period and cropping and processing methods,
- a training course for mill managers and technical staff on olive storage and processing methods and on the quality and storage of the oils produced.

Article 6

In the case of action as indicated in Article 1 (2) (c), the programme shall comprise a detailed description of the technical assistance contract, the area involved, the proposed objectives and the means to be used to achieve them.

Article 7

In the case of action as indicated in Article 1 (2) (d), the programme shall comprise the specifications proposed for the installation and/or management of tasting rooms, account being taken of the information set out in Annex XII to Commission Regulation (EEC) No 2568/91⁽¹⁾.

Article 8

In the case of action as indicated in Article 1 (2) (e), the programme shall comprise a description of the analyses to be carried out, and of the equipment to be acquired.

Article 9

In the case of action under Article 1 (2) (f), the programme shall include a detailed description of the scientific research, aims and methods, and whether the

research organization or organizations specialize in research.

Article 10

1. Each Member State concerned shall transmit its action programme to the Commission by 30 November 1995 at the latest.

The programme shall comprise:

- (a) a detailed description of the action planned, giving duration and costs;
- (b) a list of all products and equipment required, with unit costs;
- (c) a list of the centres, bodies or producers' organizations responsible for execution of the various actions.

2. Within 30 days of receipt of the programme, the Commission may ask the Member State to make any changes it considers desirable. The Member State shall adjust the programme in accordance with the Commission's requests.

3. The programme shall be adopted definitively by the Member State by 31 January 1996 at the latest and transmitted immediately to the Commission.

The contracts or agreements with the centres, bodies or producers' organizations responsible for implementing the measures or the administrative provisions adopted by the Member State with regard to the said centres, bodies or producers' organizations shall be concluded or adopted to take effect on 1 March 1996.

Those contracts or agreements may be multiannual and shall be subject to adjustments resulting from the approval by the Commission of subsequent programmes.

The Member States shall use the standard contract provided by the Commission.

The Member State shall be responsible for execution of the programme.

4. Expenditure arising from the programme adopted by the Member State, as adjusted in line with any requests made by the Commission, shall be eligible under this Regulation.

However, expenditure on:

- carrying out treatment as referred to in Article 4,
- testers' allowances and the salaries of laboratory personnel;

shall be chargeable only to a maximum of 75 %.

5. The contractor's general costs, including any subcontracting costs, shall be limited to a maximum of 2 % of the overall eligible expenditure.

⁽¹⁾ OJ No L 248, 5. 9. 1991, p. 1.

Article 11

Treatments may be carried out by olive oil producer groups or associations thereof recognized under Article 20c of Regulation No 136/66/EEC.

When insecticides are used in anti-olive-fly treatment, such treatment must be carried out in conjunction with protein traps. However, in special circumstances and under the direction of the bodies responsible for prescribing treatment, different procedures for insecticide use may be authorized. Insecticides and application methods must be such that no residue can be detected in oil produced from olives from treated zones.

Integrated biological pest control methods may also be used.

Article 12

Payments in connection with :

- contracts and agreements concluded or adopted by the Member State with the centres, bodies or organizations referred to in Article 10 (1) (c), or
- the administrative arrangements made by the Member State with regard to such centres, bodies or organizations,

shall be made-up on presentation of documentary proof of the expenditure incurred and after the competent authorities have checked the said documents and have verified that the obligations laid down have been observed.

At the time of signing of the contract or agreement, the contractor shall lodge a security equal to at least 4 % of the value of the contract or the agreement to guarantee its performance. Where contracts or agreements cover a period of more than one year, the security shall be calculated on the basis of the value of each annual part of the contract.

The security shall be released subject to verification by the Member State of performance of the measure provided for in the contract or agreement within the time limits laid down therein or during the annual period applicable.

Advances of up to 30 % may be paid following the signing of the contract or agreement or on adoption of the administrative provisions, against the lodging of a security for an equivalent amount.

Further advances may be decided, against the lodging of an equal amount as security, when the Member State has been provided with supporting documents for expenditure effected using funds advanced previously.

Release of the security shall be subject to :

- (a) transmission to the Member State of the documentary evidence in support of the expenditure effected,

- (b) verification of such documentation and acknowledgment that the obligations laid down have been observed.

However, the Member State may stand surety for the centres and bodies referred to in Article 10 (1) (c) having the status of public establishments.

Where securities are forfeited they shall be deducted from the expenditure incurred by the European Agricultural Guidance and Guarantee Fund, Guarantee Section.

All centres, bodies or producer organizations responsible for carrying out the measures shall forward to the Member State within two months of the final date set in the contract for carrying out the measures, a detailed report on use of the Community funds and the results of the measures concerned. If the report is forwarded after the time limit of two months, 10 % of the Community funding per measure shall be deducted for each month or part thereof after the expiry of the time limit. The penalty shall be deducted from the expenditure incurred by the European Agricultural Guidance and Guarantee Fund, Guarantee Section.

Article 13

The Member States concerned shall monitor the application of their programmes in order to ensure that operations for which financing is granted are executed correctly. To this end, the Member States concerned shall carry out :

- administrative and accounting checks to verify the costs for which assistance was given,
- checks — on-the-spot checks in particular — to verify that the measures have been carried out in conformity with the provisions of the contract, the agreement or the administrative arrangements.

They shall inform the Commission of the monitoring measures provided for when transmitting the programme referred to in Article 3.

The Commission may also, if it deems advisable, request any amendment to the control arrangements.

A report on the execution of the programme and the monitoring measures carried out with reference to the forecasts shall be drawn up by the Member States concerned and transmitted to the Commission before 1 May 1997.

Article 14

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, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2542/95

of 30 October 1995

establishing the forecast supply balance for olive oil for the Canary Islands under the specific measures provided for in Articles 2 and 3 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 Commission Regulation (EC) No 2417/95⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 2790/94 of 16 November 1994 laying down common detailed rules for the implementation of Council Regulation (EEC) No 1601/92 concerning specific measures for the Canary Islands with regard to certain agricultural products⁽³⁾, as amended by Regulation (EC) No 2883/94⁽⁴⁾, establishes specific measures for the Canary Islands with regard to certain agricultural products;

Whereas Commission Regulation (EC) No 1705/95⁽⁵⁾ establishes the forecast supply balance for olive oil for the period 1 July to 31 October 1995;

Whereas, in order to enable the Canary Islands to be supplied with olive oil for the entire 1995/96 marketing year, an additional forecast supply balance must be adopted for the period 1 November 1995 to 31 October 1996;

Whereas, in order to avoid any interruption in the arrangements, this Regulation should apply from 1 November 1995;

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

HAS ADOPTED THIS REGULATION:

Article 1

For the application of Articles 2 and 3 of Regulation (EEC) No 1601/92, the forecast balance for the supply of olive oil sector products benefiting from exemption from duties on imports from third countries or benefiting from Community aid shall be as laid out in the Annex hereto.

Article 2

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

It shall apply from 1 November 1995.

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 248, 14. 10. 1995, p. 39.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 162, 13. 7. 1995, p. 15.

ANNEX

Forecast supply balance for olive oil for the Canary Islands for the period 1 November 1995 to 31 October 1996

<i>(in tonnes)</i>		
Product code	Description of goods	Quantity
1509 10 90 100	Virgin olive oil in immediate packings of a net content of 5 litres or less	600
1509 10 90 900	Virgin olive oil in immediate packings of a net content greater than 5 litres	600
1509 90 00 100	Olive oil (Riviera) in immediate packings of a net content of 5 litres or less	11 200
1509 90 00 900	Olive oil (Riviera) in immediate packings of a net content greater than 5 litres	1 500
1510 00 90 100	Pomace oil in immediate packings of a net content of 5 litres or less	350
1510 00 90 900	Pomace oil in immediate packings of a net content greater than 5 litres	150
Total		14 400

The quantities fixed may be exceeded up to a maximum of 20 % provided that the combined quantity for the products concerned is not exceeded.

COMMISSION REGULATION (EC) No 2543/95**of 30 October 1995****laying down special detailed rules for the application of the system of export
licences for olive oil**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and by Regulation (EC) No 3290/94⁽²⁾, and in particular Articles 2 and 3 thereof,

Whereas Regulation No 136/66/EEC provides that from 1 November 1995 all exports for which export refunds are requested shall be subject to the presentation of an export licence with advance fixing of the refund; whereas, therefore, specific implementing rules should be laid down for the olive oil sector which should in particular include provisions for the submission of the applications and the information which must appear on the applications and licences, in addition to those contained in Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system of import and export licences and advance fixing licences for agricultural products⁽³⁾, as last amended by Regulation (EC) No 2137/95⁽⁴⁾;

Whereas, in order to assure proper administration of the system, the rate of the security for and the duration of validity of export licences under the said system should be fixed;

Whereas Article 3 (9) of Regulation No 136/66/EEC provides that compliance with the obligations arising from agreements concluded during the Uruguay Round of multilateral trade negotiations regarding export volume shall be ensured on the basis of export licences; whereas, therefore, a detailed schedule for the lodging of applications and for the issuing of licences should be laid down;

Whereas, in addition, the decision regarding applications for export licences should be communicated only after a period of consideration; whereas this period would allow the Commission to assess the quantities applied for as well as the expenditure involved and, if appropriate, to take specific measures applicable in particular to the applications which are pending; whereas it is in the interest of traders to allow the licence application to be withdrawn after the acceptance coefficient has been fixed;

Whereas, in order to ensure an exact follow up of the quantities to be exported, a derogation from the rules regarding the tolerances laid down in Regulation (EEC) No 3719/88 should be laid down;

Whereas the Commission must dispose of precise information concerning applications for licences and the use of licences issued, in order to be able to manage this system; whereas, in the interests of efficient administration, the notifications from Member States to the Commission should be made according to a uniform model;

Whereas the provisions of Commission Regulation (EEC) No 2041/75 of 25 July 1975 on special detailed rules for the application of the system of import and export licences and advance fixing certificates for oils and fats⁽⁵⁾, as last amended by Regulation (EEC) No 557/91⁽⁶⁾, are replaced by the provisions of this Regulation and Commission Regulation (EC) No 1476/95⁽⁷⁾ and should therefore be repealed;

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

HAS ADOPTED THIS REGULATION:

Article 1

As from 1 November 1995, all exports of products in the olive oil sector for which an export refund is requested shall be subject to the presentation of an export licence with advance fixing of the refund.

Article 2

1. Export licences shall be valid from the date of issue, within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88, until the end of the third month following that date.

2. Applications for licences and licences shall bear, in section 15, the description of the product and, in section 16, the 11-digit product code of the agricultural product nomenclature for export refunds.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

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

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 214, 8. 9. 1995, p. 21.

⁽⁵⁾ OJ No L 213, 11. 8. 1975, p. 1.

⁽⁶⁾ OJ No L 62, 8. 3. 1991, p. 23.

⁽⁷⁾ OJ No L 145, 29. 6. 1995, p. 35.

3. The security for export licences shall be ECU 12 per 100 kilograms net.

Article 3

1. Applications for export licences may be lodged with the competent authorities from Monday to Wednesday of each week.

Applications lodged on Thursday or Friday shall be deemed to have been lodged on the following Monday.

2. Export licences are issued on the first working day of the week following the period referred to in paragraph 1, provided that none of the particular measures referred to in paragraph 4 have since been taken by the Commission.

3. Where :

- (a) the issue of the licences applied for appears likely to result in an overrun in the budgetary amounts available or in the exhaustion of the total quantities for disposal, taking account of the limits laid down in Article 3 (1) of Regulation No 136/66/EEC and/or the relevant expenditure during the period under consideration ; or
- (b) the issue of the licences applied for does not allow the continuity of exports to be guaranteed during the rest of the marketing year. In such cases, account shall be taken, as regards the product in question, of :
 - the seasonal nature of trade, the market situation and in particular the trend in prices on the market and the export conditions resulting therefrom,
 - the need to prevent speculative applications leading to distortion of competition between traders,

the Commission may :

- set a single percentage by which the quantities applied for are accepted,
- refuse the applications for which export licences have not yet been awarded,
- suspend the lodging of applications for export licences for a maximum of five working days. A suspension for a longer period may be decided in accordance with the procedure provided for in Article 38 of Regulation No 136/66/EEC. In these cases, applications for export licences lodged during the suspension period shall be inadmissible.

These measures may be adjusted according to the product.

4. Where quantities applied for are rejected or reduced, the security shall be released immediately for all quantities for which an application was not satisfied.

5. Notwithstanding paragraph 2, where a single percentage of acceptance less than 80 % is set, the licence shall be issued at the latest by the 11th working day

following publication of that percentage in the *Official Journal of the European Communities*. During the 10 working days following its publication, the operator may :

- either withdraw his application, in which case the security is released immediately,
- or request immediate issuing of the licence, in which case the competent authority shall issue it without delay but no sooner than the Monday following the lodging of the licence application.

Article 4

The quantity exported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88 shall not give entitlement to payment of the refund.

In section 22 of the licence, at least one of the following shall be indicated :

- Restitución válida por ... toneladas (cantidad por la que se expida el certificado)
- Restitutionen omfatter ... tons (den mængde, licensen vedrører)
- Erstattung gültig für ... Tonnen (Menge, für welche die Lizenz ausgestellt wurde)
- Επιστροφή ισχύουσα για ... τόνους (ποσότητα για την οποία έχει εκδοθεί το πιστοποιητικό)
- Refund valid for ... tonnes (quantity for which the licence is issued)
- Restitution valable pour ... tonnes (quantité pour laquelle le certificat est délivré)
- Restituzione valida per ... t (quantitativo per il quale il titolo è rilasciato)
- Restitutie geldig voor ... ton (hoeveelheid waarvoor het certificaat wordt afgegeven)
- Restituição válida para ... toneladas (quantidade relativamente à qual é emitido o certificado)
- Tuki on voimassa ... tonnille (määrä, jolle todistus on myönnetty)
- Ger rätt till exportbidrag för ... ton (den kvantitet för vilken licensen utfärdats).

This Article shall only apply to licences for the export of products for which a refund is payable.

Article 5

1. Member States shall communicate to the Commission by 2 p.m. each Thursday at the latest, by fax :

- (a) the applications for export licences referred to in Article 1 which were lodged from Monday to Wednesday of the same week ;
- (b) the quantities for which export licences have been issued on the preceding Monday ;
- (c) the quantities for which applications for export licences have been withdrawn pursuant to Article 3 (5) during the preceding week.

2. The notification of the applications referred to in point (a) of paragraph 1 shall specify :

- the quantity for each quality and type of packaging,
- the breakdown by destination in the case where the rate of refund varies according to the destination,
- the rate of refund applicable,
- the total amount of refund in ecu per category.

3. Member States shall communicate to the Commission on a monthly basis following the expiry of the validity of the export licences the unused quantity of export licences.

4. All notifications referred to in paragraphs 1 and 3, including 'nil' notifications, shall be made in accordance with the model set out in the Annex.

Article 6

Commission Regulations (EEC) No 3665/87 ⁽¹⁾ and (EEC) No 3719/88 shall apply except where otherwise provided for in this Regulation.

Article 7

Regulation (EEC) No 2041/75 is repealed.

It shall remain applicable, however, for advance fixing certificates issued before 1 November 1995 pursuant to that Regulation.

Article 8

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

It shall apply to export licences applied for pursuant to this Regulation as from 1 November 1995.

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 351, 14. 12. 1987, p. 1.

ANNEX

Application of Regulation (EC) No 2543/95

COMMISSION OF THE EUROPEAN COMMUNITIES — DG VI/C/4 — Olive oil sector

Application for export licences — olive oil

Sender :

Date :

Period : Monday ... to Wednesday ...

Member State :

Person to contact :

Telephone :

Fax :

Addressee : DG VI/C/4 — fax : (32 2) 296 60 09

— Part A — Weekly notification (to be completed separately for each category)

Category	Quantity	Rate of refund (ECU/100 kg)	Total amount of prefixed refunds
Total per category			

Category	Total quantities applied for by categories

— Part B — Weekly notification

Category	Total quantities issued by categories on Monday

— Part C — Weekly notification

Category	Total quantities withdrawn by category during the previous week

— Part D — Monthly notification

Category	Unused quantities

COMMISSION REGULATION (EC) No 2544/95
of 30 October 1995

**issuing a standing invitation to tender in order to determine refunds on exports
of olive oil for the 1995/96 marketing year**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and Regulation (EC) No 3290/94⁽²⁾, and in particular Article 3 thereof,

Whereas the export refunds for olive oil cannot be fixed solely in accordance with the standard procedure, since there is insufficient information available on the world market situation; whereas provision should therefore be made for issuing a standing invitation to tender so that the refunds can, in the coming months, be determined by tender;

Whereas, in view of the demand for olive oil on the world market in certain special cases, provision should be made for amending certain conditions in the standing invitation to tender;

Whereas, in view of the specific nature of the tendering procedure, detailed rules should be laid down which will enable operators in the various Member States to take part on equal terms, while providing certain guarantees regarding the validity of the tenders;

Whereas, in order to ensure the smooth operation of the tendering procedure, the arrangements for determining the refunds and awarding the contract should be specified;

Whereas Commission Regulation (EEC) No 3665/87⁽³⁾, as last amended by Regulation (EC) No 1384/95⁽⁴⁾, lays down common detailed rules for the application of the system of export refunds on agricultural products; whereas Commission Regulation (EEC) No 3719/88⁽⁵⁾, as last amended by Regulation (EC) No 2137/95⁽⁶⁾, lays down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products; whereas those Regulations apply to olive oil; whereas those common provisions should be supplemented by certain specific provisions;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A standing invitation to tender is hereby issued in order to determine export refunds on olive oil falling within the following CN codes:

- 1509 10 90,
- 1509 90 00,
- 1510 00 90.

2. The standing invitation to tender shall remain open until 31 October 1996. During its period of validity partial invitations to tender shall be issued.

Article 2

Pursuant to this tendering procedure the Commission may, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC:

- (a) issue invitations to tender in respect of specific destinations (specific invitations to tender) in response to demand for olive oil in certain third countries;
- (b) impose restrictions on the quantities and qualities of oil for which offers may be submitted;
- (c) cancel one or more partial invitations to tender before the deadline for submitting tenders;
- (d) exclude certain countries of destination from an invitation to tender or differentiate the refund according to the country of destination.

Article 3

1. The periods during which tenders may be submitted in response to the partial invitations to tender shall be as follows:

- for January, February, March, April, May, June, July, September, October and November: from the fifth day to 1 p.m. on the ninth day of each month and from the 19th day to 1 p.m. on the 23rd day of each month,
- for August: from the 19th day to 1 p.m. on the 23rd day of the month,
- for December: from the 10th day to 1 p.m. on the 14th day of the month.

That deadline shall be in Belgian time. Where the day on which the deadline expires in a Member State is a holiday for the authority responsible for receiving the tenders, the deadline shall be 1 p.m. on the last preceding working day.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

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

⁽³⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 134, 20. 6. 1995, p. 14.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 214, 8. 9. 1995, p. 21.

2. Offers in connection with this invitation to tender must be in writing, and must be either delivered by hand, against a receipt, to the competent authority in a Member State, or addressed to that authority by registered letter, telex, fax or telegram.

Separate tenders must be submitted where they relate to several qualities, presentations or, where applicable, several countries of destination.

3. An offer must indicate :

- (a) the reference number of the Regulation issuing the invitation to tender, and of the partial or specific invitation to tender in response to which the offer is being made ;
- (b) the name and address of the tenderer ;
- (c) the quantity, quality and subheadings of the olive oil to be exported and the presentation of the oil, specifying whether it is put up in immediate containers of a net capacity of five litres or less or whether it is otherwise presented ;
- (d) the country of destination, where the refund is differentiated according to the country of destination ;
- (e) the amount of the export refund per 100 kilograms of olive oil, expressed in ecus ;
- (f) the minimum amount of the security to be lodged covering the quantity of olive oil indicated in (c), expressed in the currency of the Member State in which the tender is submitted.

4. An offer shall be valid only if :

- (a) the quantity to be exported is not less than five tonnes of a single quality in the case of olive oil put up in immediate containers of a net capacity of five litres or less, and not less than 20 tonnes of a single quality in the case of olive oil otherwise presented ;
- (b) proof is furnished before expiry of the time limit for the submission of tenders that the tenderer has lodged the security indicated in the tender ;
- (c) it contains all the information required under paragraph 3.

5. Tenders shall be valid in respect of only one partial invitation to tender or, where applicable, one specific invitation to tender. A tender may stipulate that it is to be regarded as having been submitted only if the quantity awarded represents all or a specified part of the tendered quantity.

6. The tender, the proof and the declarations referred to in paragraphs 3 and 4 above shall be drafted in the official language or one of the official languages of the Member State to whose competent authority the tender is addressed.

7. A tender which is not submitted in accordance with the provisions of this Regulation or which contains terms other than those indicated herein shall not be considered.

8. Once submitted, a tender may not be withdrawn.

Article 4

1. A security of ECU 12 per 100 kilograms of olive oil to be exported must be lodged by each tenderer. This security shall in the case of successful tenderers become the security for the export licence.

2. The provisions of Commission Regulation (EEC) No 2220/85⁽¹⁾ shall apply to the securities referred to in this Regulation. The primary requirements within the meaning of Article 20 of Regulation (EEC) No 2220/85 shall be the obligations set out in paragraph 3 (b) and compliance with the time limit set.

3. Except in case of *force majeure*, the security shall be released :

- (a) to tenderers only in respect of the quantity for which no award was made ;
- (b) to successful tenderers, only
 - for the quantity in respect of which they have fulfilled the obligation to export conferred by the licence referred to in Article 9, the provisions of Article 33 of Regulation (EEC) No 3719/88 remaining applicable,
 - for the quantity relating to applications withdrawn pursuant to Article 8 (3),
 - if proof is furnished that the olive oil has reached its destination, in cases where the refund applicable in respect of the invitation to tender is valid for certain third countries only.

Article 5

1. Tenders shall be examined in private by the competent authority of the Member State concerned. Subject to paragraph 2, persons present at the examination shall be under an obligation not to disclose any particulars relating thereto.

2. Tenders shall be communicated by telex or by fax to the Commission forthwith and in such a manner that the tenderers remain anonymous.

Article 6

1. In the light, in particular, of the current situation and foreseeable development of the Community and world olive-oil markets and on the basis of the tenders received, a maximum refund shall be fixed, in accordance with the procedure laid down in Article 38 of Regulation No 136/66/EEC, for exports of each of the products falling within the CN codes listed in Article 1. Refunds shall be fixed no later than the eighth working day after the expiry of each deadline for the submission of tenders.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

2. It may also be decided, in accordance with that same procedure :

- to fix a maximum quantity in respect of each partial invitation to tender,
- not to award a contract in response to a partial or specific invitation to tender.

3. The refunds shall be differentiated according to whether the olive oil is put up in immediate containers of a net capacity of five litres or less or is otherwise presented.

4. Where refunds are differentiated according to destination, they shall be fixed in the light of the specific situation in each country of destination.

5. Without prejudice to the provisions of the first indent of paragraph 2, in cases where a maximum export refund is fixed, a contract shall be awarded to the tenderer or tenderers whose tender quotes a rate of refund equal to or less than such maximum refund for the quantity stated in the tender.

Article 7

1. The competent authority of the Member State concerned shall immediately notify the applicants of the result of their participation in the invitation to tender. In addition, the competent authority shall issue to the successful tenderers, not later than the third working day following publication of the maximum refund in the *Official Journal of the European Communities*, an export licence for the quantity awarded, indicating in box 22 the export refund quoted in the tender and stating the quality, presentation and, where appropriate, destination of the oil.

2. The export licence shall be valid from the actual date of issue until the end of the third month following that date.

Article 8

1. If a maximum quantity is fixed in respect of a partial invitation to tender, a contract shall be awarded to the tenderer whose tender quotes the lowest export refund and, if necessary, to the tenderer whose tender quotes the next lowest refund, and so on until the entire maximum quantity has been accounted for.

2. However, where an award to a particular tenderer in accordance with the provisions of paragraph 1 would result in the maximum quantity being exceeded, that award shall be limited to such quantity as is still available. Where two or more tenders quote the same refund, and awards to all of them would result in the maximum quantity being exceeded, the quantity available shall be allocated to the tenderers concerned :

- either in proportion to the total quantities in each of their tenders, or
- up to a maximum tonnage to be determined for each of them.

3. Notwithstanding Article 7, where the quantity awarded, pursuant to paragraph 2, is less than 80 % of the quantity applied for, the licence shall be issued not later than the eleventh working day following publication of the award in the *Official Journal of the European Communities*. Within ten working days of publication, applicants may :

- either withdraw the application, in which case the security shall be released immediately,
- or request immediate issue of the licence, in which case the competent authority shall issue it immediately.

Article 9

Successful tenderers shall have an obligation to export, during the period of validity of the export licence awarded to them and, where applicable, to the country indicated in the tender, the tendered quantity of olive oil of the quality and presentation stated in the tender.

These rights and obligations are not transferable.

Article 10

1. Member States shall notify the Commission of the quantities for which applications for export licences have been withdrawn, pursuant to Article 8 (3), within 15 days of publication of the award in the *Official Journal of the European Communities*.

2. Member States shall notify the Commission on a monthly basis, following the expiry of validity of export licences, of the quantity of unused export licences.

3. All notifications referred to in paragraphs 1 and 2, including 'nil' notifications, shall be made in accordance with the model set out in the Annex.

Article 11

The additional quantity exported within the tolerance referred to in Article 8 (4) of Regulation (EEC) No 3719/88 shall not be eligible for the refund.

At least one of the following shall be entered in box 22 :

- Restitución válida por ... toneladas (cantidad por la que se expida el certificado)
- Restitutionen omfatter ... tons (den mængde, licensen vedrører)
- Erstattung gültig für ... Tonnen (Menge, für welche die Lizenz ausgestellt wurde)

- Επιστροφή ισχύουσα για ... τόνους (ποσότητα για την οποία έχει εκδοθεί το πιστοποιητικό)
- Refund valid for ... tonnes (quantity for which the licence is issued)
- Restitution valable pour ... tonnes (quantité pour laquelle le certificat est délivré)
- Restituzione valida per ... t (quantitativo per il quale il titolo è rilasciato)
- Restitutie geldig voor ... ton (hoeveelheid waarvoor het certificaat wordt afgegeven)
- Restituição válida para ... toneladas (quantidade relativamente à qual é emitido o certificado)
- Tuki on voimassa ... tonnille (määrä, jolle todistus on myönnetty)

- Ger rätt till exportbidrag för ... ton (den kvantitet för vilken licensen utfärdats).

This Article shall only apply to licences for the export of products for which a refund is payable.

Article 12

The provisions of Commission Regulation (EC) 2543/95⁽¹⁾ shall apply, except where otherwise indicated in this Regulation.

Article 13

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, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ See page 33 of this Official Journal.

ANNEX

Application of Regulation (EC) No 2544/95

COMMISSION OF THE EUROPEAN COMMUNITIES — DG VI/C.4 — olive oil sector

Export licence applications — olive oil sector

Applicant :

Date :

Member State :

Person to contact :

Telephone :

Fax :

Addressee : DG VI/C.4 — Fax : (32 2) 296 60 09

— Part A : Notification concerning invitation to tender of ...

Category	Total quantities in each category withdrawn pursuant to the first subparagraph of Article 8 (3)

— Part B : Monthly notification

Category	Unused quantities

COMMISSION REGULATION (EC) No 2545/95

of 30 October 1995

amending Regulation (EEC) No 2026/92 on detailed rules for the application of the specific supply measures for Madeira as regards olive oil and establishing the forecast supply balance

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 concerning specific measures for the Azores and Madeira relating to certain agricultural products ⁽¹⁾, as last amended by Commission Regulation (EC) No 2417/95 ⁽²⁾, and in particular Article 10 thereof,

Whereas Commission Regulation (EEC) No 2026/92 ⁽³⁾, as last amended by Regulation (EC) No 2661/94 ⁽⁴⁾, fixes the forecast supply balance for olive oil for Madeira for the period 1 November 1994 to 31 October 1995; whereas, in order to permit supplies of olive oil to be made to Madeira during the 1995/96 marketing year, a forecast supply balance must be established for the period 1 November 1995 to 31 October 1996;

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

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EEC) No 2026/92 is hereby amended as follows :

1. In the first subparagraph of Article 1 (1), '1 November 1994 to 31 October 1995' is replaced by '1 November 1995 to 31 October 1996'.
2. The Annex is replaced by the Annex hereto.

Article 2

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

It shall apply from 1 November 1995.

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.

⁽²⁾ OJ No L 248, 14. 10. 1995, p. 39.

⁽³⁾ OJ No L 207, 23. 7. 1992, p. 18.

⁽⁴⁾ OJ No L 284, 1. 11. 1994, p. 31.

ANNEX

Forecast supply balance for olive oil for Madeira for the period 1 November 1995 to 31 October 1996

<i>(in tonnes)</i>		
Code	Description	Quantity
1509 10 90 100	Virgin olive oil in immediate containers holding no more than 5 litres	100
1509 10 90 900	Virgin olive oil in immediate containers holding more than 5 litres	—
1509 90 00 100	Olive oil ('Riviera') in immediate containers holding no more than 5 litres	650
1509 90 00 900	Olive oil ('Riviera') in immediate containers holding more than 5 litres	—
1510 00 90 100	Olive-residue oil in immediate containers holding no more than 5 litres	—
1510 00 90 900	Olive-residue oil in immediate containers holding more than 5 litres	—
Total		750

COMMISSION REGULATION (EC) No 2546/95

of 30 October 1995

amending Commission Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/83/EEC of 19 October 1992 on the harmonization of the structures of excise duties on alcohol and alcoholic beverages ⁽¹⁾, and in particular Article 27 (4) thereof,

Having regard to Council Directive 92/12/EEC of 25 February 1992 on the general arrangements for products subject to excise duty and on the holding movement and monitoring of such products ⁽²⁾, as last amended by Directive 94/74/EC ⁽³⁾, and in particular Article 24 thereof,

Having regard to Commission Regulation (EC) No 3199/93 ⁽⁴⁾ on the mutual recognition of procedures for the complete denaturing of alcohol for the purpose of exemption from excise duty,

Having regard to the opinion of the Committee on Excise Duties,

Whereas under Article 27 (1) (a) of Council Directive 92/83/EEC, Member States are required to exempt from excise duty alcohol which has been completely denatured in accordance with the requirements of any Member State, provided that such requirements have been duly notified and accepted in accordance with the conditions laid down in paragraphs 3 and 4 of that Article;

Whereas Portugal, Finland, Austria and Sweden have communicated the denaturants which they intend to employ;

Whereas Italy has communicated an amendment to the denaturant authorized by Commission Regulation (EC) No 3199/93,

HAS ADOPTED THIS REGULATION:

Article 1

Commission Regulation (EC) No 3199/93 is hereby amended as follows:

(a) The following paragraphs shall be added to the Annex:

'Portugal:

Impure ethyl alcohol containing per hectolitre a minimum of 5 litres of methanol and higher alcohols,

of an alcoholic strength by volume of not less than 90 % and not more than 96 %, to which is added per hectolitre:

- 2 litres of essence of turpentine or petroleum, and
- 2 grams of malachite green or methylene blue.

Finland:

Per hectolitre of ethyl alcohol:

1. 2 litres methylethylketone, and 3 litres methylisobutylketone,
2. 2 litres acetone, and 3 litres methylisobutylketone,
3. 3 litres acetone, and 2 grams of denatonium benzoate.

Austria:

1. Per hectolitre of ethyl alcohol: 0,5 kilogram of fusel oil (by-product of alcohol rectification), 0,05 kilogram of gas oil from CN code 2710 and 1 kilogram of methylethylketone; or
2. per hectolitre of ethyl alcohol in the form of feints as a by-product of the rectification of agricultural alcohol:
 - 1 kilogram of fusel oil (by-product of alcohol rectification),
 - 0,01 kilogram of gas oil from CN code 2710 and
 - 0,2 kilogram of methylethylketone.

Sweden:

Per hectolitre of ethyl alcohol:

1. 2 litres methylethylketone, and 3 litres methylisobutylketone'

(b) The paragraph containing Italy's denaturant shall be amended to read as follows:

'Italy:

Per hectolitre of ethyl alcohol of an alcoholic strength of at least 90 % vol., add:

- 125 grams of tiofene,
- 0,8 grams of denatonium benzoate,
- 0,4 grams of CI acid red 51 (red colorant),
- 2 litres of methylethylktone.'

Article 2

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

⁽¹⁾ OJ No L 316, 31. 10. 1992, p. 21.

⁽²⁾ OJ No L 76, 23. 3. 1992, p. 1.

⁽³⁾ OJ No L 365, 31. 12. 1994, p. 46.

⁽⁴⁾ OJ No L 288, 23. 11. 1993, p. 12.

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

Done at Brussels, 30 October 1995.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION REGULATION (EC) No 2547/95

of 30 October 1995

amending Regulation (EEC) No 2921/90 on aid for the production of casein and caseinates from skimmed milk

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 11 (3) thereof,Whereas Article 2 (1) of Commission Regulation (EEC) No 2921/90 ⁽³⁾, as last amended by Regulation (EC) No 1638/95 ⁽⁴⁾, sets the aid for skimmed milk processed into casein or caseinates; whereas given the market trend for these products and that for skimmed milk powder the aid should be reduced;

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

In Article 2 (1) of Regulation (EEC) No 2921/90 the amount of 'ECU 6,75' is replaced by 'ECU 6,25'.

*Article 2*This Regulation shall enter into force on the third 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, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.⁽²⁾ OJ No L 148, 30. 6. 1995, p. 17.⁽³⁾ OJ No L 279, 11. 10. 1990, p. 22.⁽⁴⁾ OJ No L 133, 17. 6. 1995, p. 4.

COMMISSION REGULATION (EC) No 2548/95

of 30 October 1995

on the issuing of export licences for products processed from fruit and vegetables

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

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

Whereas Commission Regulation (EC) No 1430/95 ⁽²⁾ specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

Whereas Article 4 of Regulation (EC) No 1429/95 lays down the conditions under which special measures may be taken by the Commission to prevent an overrun in the quantities for which export licence applications may be submitted;

Whereas, in view of the information available to the Commission as of today, the quantity of 2 440 tonnes of provisionally preserved cherries and the quantity of 23 063 tonnes of peeled tomatoes, in the Annex to Regulation (EC) No 1430/95, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1429/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in

response to applications submitted since 25 October 1995; whereas a reducing factor should accordingly be applied to the quantities applied for on 25 October 1995, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for provisionally preserved cherries and peeled tomatoes for which applications are submitted on 25 October 1995 under Article 1 of Regulation (EC) No 1430/95 shall be issued for 95,90 and 57,08 % of the quantities applied for of provisionally preserved cherries and peeled tomatoes respectively.

Applications for export licences with advance fixing of refunds for the above products submitted after 25 October 1995 and before 23 February 1996 shall be rejected.

Article 2

This Regulation shall enter into force on 31 October 1995.

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 141, 24. 6. 1995, p. 28.

⁽²⁾ OJ No L 141, 24. 6. 1995, p. 32.

**COMMISSION REGULATION (EC) No 2549/95
of 30 October 1995**

on the issuing of export licences for fruit and vegetables with advance fixing of the refund

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1488/95 of 28 June 1995 on implementing rules for export refunds on fruit and vegetables ⁽¹⁾, as amended by Regulation (EC) No 2349/95 ⁽²⁾ and in particular Article 4 (1) thereof,

Whereas Commission Regulation (EC) No 1489/95 ⁽³⁾, as amended by Regulation (EC) No 2490/95 ⁽⁴⁾, specifies the quantities which may be covered by applications submitted for export licences with advance fixing of the refund other than those applied for in connection with food aid;

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

Whereas, in view of the information available to the Commission as of today, the quantities of 3 879 tonnes of tomatoes, 87 tonnes of hazelnuts in shell, 241 tonnes of walnuts in shell, 30 631 tonnes of oranges, 10 201 tonnes of lemons and 8 616 tonnes of apples in Annex I to Regulation (EC) No 1489/95, reduced or increased by the quantities referred to in Article 4 (1) of Regulation (EC) No 1488/95, would be exceeded if licences were issued with advanced fixing of refunds without restriction in response to applications submitted since 25 October 1995;

Whereas a reducing factor should accordingly be applied to the quantities of tomatoes, hazelnuts in shell, walnuts

in shell, oranges, lemons and apples applied for on 25 October 1995, and applications for export licences with advance fixing of refunds submitted subsequently with a view to such licences being issued during the current period should be rejected;

Whereas no quantities are laid down for table grapes; whereas, therefore, all applications for licences with advance fixing of the refund for that product with the view to such licences being issued during the current period should be rejected,

HAS ADOPTED THIS REGULATION:

Article 1

Export licences with advance fixing of the refund for the tomatoes, hazelnuts in shell, walnuts in shell, oranges, lemons and apples for which applications are submitted on 25 October 1995 under Article 1 of Regulation (EC) No 1489/95 shall be issued for respectively 4,22 %, 65,27 %, 93,58 %, 0,76 %, 2,81 % and 3,93 % of the quantities applied for.

Applications for export licences with advance fixing of the refund for the above products submitted after 25 October 1995 and before 22 December 1995 shall be rejected.

Article 2

This Regulation shall enter into force on 31 October 1995.

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 145, 29. 6. 1995, p. 68.

⁽²⁾ OJ No L 239, 7. 10. 1995, p. 1.

⁽³⁾ OJ No L 145, 29. 6. 1995, p. 75.

⁽⁴⁾ OJ No L 256, 26. 10. 1995, p. 31.

COMMISSION REGULATION (EC) No 2550/95
of 30 October 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 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 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 31 October 1995.

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

Done at Brussels, 30 October 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 30 October 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 40	052	54,3	0806 10 40	052	95,5
	060	80,2		064	75,6
	064	59,6		066	49,4
	066	41,7		220	110,8
	068	62,3		400	152,1
	204	50,2		412	132,4
	212	117,9		512	186,0
	624	130,3		600	64,5
	999	74,6		624	123,2
	999	74,6		999	109,9
ex 0707 00 30	052	99,1	0808 10 92, 0808 10 94, 0808 10 98	064	76,4
	053	166,9		388	39,2
	060	61,0		400	66,9
	066	53,8		404	59,7
	068	60,4		508	68,4
	204	49,1		512	38,0
	624	143,4		524	57,4
	999	90,5		528	48,0
	999	90,5		800	46,7
	999	113,8		804	25,7
0709 90 79	052	67,6	0808 20 57	999	52,6
	204	77,5		052	99,0
	624	196,3		064	76,7
	999	113,8		388	79,6
	999	113,8		400	53,8
0805 30 30	052	65,6		512	89,7
	388	67,5		528	84,1
	400	151,4		800	55,8
	512	54,8		804	112,9
	520	66,5		999	81,4
	524	50,3			
	528	73,9			
	600	94,4			
	624	78,0			
	999	78,0			

⁽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 2551/95

of 30 October 1995

amending representative prices and additional duties for the import of certain products in the sugar sector

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

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

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses ⁽³⁾, as amended by Regulation (EC) No 2528/95 ⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95 ⁽⁵⁾, as last amended by Regulation (EC) No 2532/95 ⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION :

Article 1

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

Article 2

This Regulation shall enter into force on 31 October 1995.

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 258, 28. 10. 1995, p. 50.

⁽⁵⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁶⁾ OJ No L 258, 28. 10. 1995, p. 59.

ANNEX

to the Commission Regulation of 30 October 1995 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	23,09	4,75
1701 11 90 ⁽¹⁾	23,09	9,99
1701 12 10 ⁽¹⁾	23,09	4,56
1701 12 90 ⁽¹⁾	23,09	9,56
1701 91 00 ⁽²⁾	27,61	11,43
1701 99 10 ⁽²⁾	27,61	6,91
1701 99 90 ⁽²⁾	27,61	6,91
1702 90 99 ⁽³⁾	0,28	0,37

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 2552/95

of 30 October 1995

fixing the production refund for olive oil used in the manufacture of certain preserved foods

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 20a thereof,

Whereas Article 20a of Regulation No 136/66/EEC provides for the granting of a production refund for olive oil used in the preserving industry; whereas under paragraph 6 of that Article, and without prejudice to paragraph 3 thereof, the Commission shall fix this refund every two months;

Whereas by virtue of Article 20a (2) of the abovementioned Regulation, the production refund must be fixed on the basis of the gap between prices on the world market and on the Community market, taking account of the import charge applicable to olive oil falling within CN subheading 1509 90 00 and the factors used for fixing the export refunds for those olive oils during the reference period; whereas it is appropriate to take as a reference period the two-month period preceding the beginning of the term of validity of the production

refund; whereas, however, if the oil used in the manufacture of preserved foods was produced in the Community, the above amount is to be increased by an amount equal to the consumption aid in force on the day that the said refund is applied;

Whereas the application of the above criteria results in the refund being fixed as shown below,

HAS ADOPTED THIS REGULATION:

Article 1

For the months of November and December 1995, the amount of the production refund referred to in Article 20a (2) of Regulation No 136/66/EEC shall be:

- ECU 67,18 per 100 kilograms for olive oil produced in the Community,
- ECU 55,11 per 100 kilograms for olive oil other than that referred to in the preceding indent.

Article 2

This Regulation shall enter into force on 1 November 1995.

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

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

COMMISSION REGULATION (EC) No 2553/95

of 30 October 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 account 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 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 1 November 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, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 30 October 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	46,85
Cereal products ⁽²⁾ excluding maize and maize products	7,57

⁽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.

⁽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.

COMMISSION REGULATION (EC) No 2554/95

of 30 October 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 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 of Regulation (EEC) No 1766/92 and Article 14 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 14 of Regulation (EEC) No 1418/76 provides 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⁽⁵⁾, 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⁽⁶⁾, as amended by Regulation (EC) 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 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 147, 30. 6. 1995, p. 55.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁷⁾ 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 1 November 1995.

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

Done at Brussels, 30 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 30 October 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⁾	65,59	1104 23 10 100	70,28
1102 20 10 400 ⁽²⁾	56,22	1104 23 10 300	53,88
1102 20 90 200 ⁽²⁾	56,22	1104 29 11 000	0,00
1102 90 10 100	22,71	1104 29 51 000	0,00
1102 90 10 900	15,44	1104 29 55 000	0,00
1102 90 30 100	37,64	1104 30 10 000	0,00
1103 12 00 100	37,64	1104 30 90 000	11,71
1103 13 10 100 ⁽²⁾	84,33	1107 10 11 000	0,00
1103 13 10 300 ⁽²⁾	65,59	1107 10 91 000	26,95
1103 13 10 500 ⁽²⁾	56,22	1108 11 00 200	0,00
1103 13 90 100 ⁽²⁾	56,22	1108 11 00 300	0,00
1103 19 10 000	36,04	1108 12 00 200	74,96
1103 19 30 100	23,47	1108 12 00 300	74,96
1103 21 00 000	0,00	1108 13 00 200	52,46
1103 29 20 000	15,44	1108 13 00 300	52,46
1104 11 90 100	22,71	1108 19 10 200	69,92
1104 12 90 100	41,82	1108 19 10 300	69,92
1104 12 90 300	33,46	1109 00 00 100	0,00
1104 19 10 000	0,00	1702 30 51 000 ⁽³⁾	73,44
1104 19 50 110	74,96	1702 30 59 000 ⁽³⁾	56,22
1104 19 50 130	60,91	1702 30 91 000	73,44
1104 21 10 100	22,71	1702 30 99 000	56,22
1104 21 30 100	22,71	1702 40 90 000	56,22
1104 21 50 100	30,28	1702 90 50 100	73,44
1104 21 50 300	24,22	1702 90 50 900	56,22
1104 22 10 100	33,46	1702 90 75 000	76,95
1104 22 30 100	35,55	1702 90 79 000	53,41
1104 22 99 100	0,00	2106 90 55 000	56,22

⁽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.