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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2587/95

of 3 November 1995

correcting Commission Regulation (EC) No 3115/94 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 1739/95⁽²⁾, and in particular Articles 9 and 12 thereof,

Whereas, it is necessary to rectify material errors in respect of certain duty rates established by Commission Regulation (EC) No 3115/94 of 20 December 1994 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statis-

tical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EEC) No 2658/87, certain duty rates are hereby replaced as provided for by Annexes I and II to this Regulation.

Article 2

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

Annex I shall apply from 1 January 1995.

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

Done at Brussels, 3 November 1995.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 167, 18. 7. 1995, p. 7.

⁽³⁾ OJ No L 345, 31. 12. 1994, p. 1.

ANNEX I

On page 272 :

— CN code 3503 00 10, column 4 :

for: '12'

read: '11,3';

— CN code 3503 00 80, column 4 :

for: '12'

read: '11,3';

— CN code 3504 00 00, column 4 :

for: '5,3'

read: '5'.

On page 550, CN code 8202 91 00, column 4 :

for: '6,2'

read: '5,5'.

On page 578 :

— CN code 8419 89 10, column 4 :

for: '3,8'

read: '3,6';

— CN code 8419 90 20, column 4 :

for: '3,6'

read: '3,3';

— CN code 8419 90 95, column 4 :

for: '3,8'

read: '3,6'.

On page 601 :

— CN code 8464 20 11, column 4 :

for: '3,8'

read: '3,5';

— CN code 8464 20 19, column 4 :

for: '3,8'

read: '3,5';

— CN code 8464 20 80, column 4 :

for: '3,8'

read: '3,5'.

On page 638, CN code 8538 90 90, column 4 :

for: '4,3'

read: '4'.

On page 658, CN code 8708 39 90, column 4 :

for: '6,9'

read: '6,4'.

ANNEX II

On page 569, CN code 8409 10 90, column 4:

for: '1,7'

read: '3,4'.

On page 595:

— CN code 8452 10 11, column 4:

for: '5,7'

read: '5,9';

— CN code 8452 10 19, column 4:

for: '9,7'

read: '11,5'.

On page 650:

— CN code 8607 19 01, column 4:

for: '3,4'

read: '5,3';

— CN code 8607 19 18, column 4:

for: '3,4'

read: '5,3'.

COMMISSION REGULATION (EC) No 2588/95

of 3 November 1995

correcting Regulation (EC) No 1359/95 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, and repealing Regulation (EEC) No 802/80

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 2587/95⁽²⁾, and in particular Articles 9 and 12 thereof,

Whereas, it is necessary to rectify material errors in respect of certain duty rates established by Commission Regulation (EC) No 1359/95 of 13 June 1995 amending Annexes I and II to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, and repealing Regulation (EEC) No 802/80⁽³⁾;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statis-

tical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Annex I to Regulation (EEC) No 2658/87, certain duty rates are hereby replaced as provided for by Annexes I and II to this Regulation.

Article 2

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

Annex I shall apply from 1 July 1995.

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

Done at Brussels, 3 November 1995.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ No L 142, 26. 6. 1995, p. 1.

ANNEX I

On page 64, CN code 0401 10 10, column 3:

for: '215 Ecu/100 kg/net'

read: '21,5 Ecu/100 kg/net'.

On page 66, CN code 0402 29 99, column 3:

for: '2,53 Ecu/kg + 28,2 Ecu/100 kg/net(')

read: '2,53 Ecu/kg + 26,2 Ecu/100 kg/net(').

On page 180, CN code 2009 20 91, column 4:

for: '15,5 + 24,8 Ecu/100 kg/net'

read: '14,5 + 24,8 Ecu/100 kg/net'.

On page 295:

— CN code 3503 00 10, column 4:

for: '12'

read: '11,3';

— CN code 3503 00 80, column 4:

for: '12'

read: '11,3';

— CN code 3504 00 00, column 4:

for: '5,3'

read: '5'.

On page 582, CN code 8202 91 00, column 4:

for: '6,2'

read: '5,5'.

On page 611:

— CN code 8419 89 10, column 4:

for: '3,8'

read: '3,6';

— CN code 8419 90 20, column 4:

for: '3,6'

read: '3,3';

— CN code 8419 90 95, column 4:

for: '3,8'

read: '3,6'.

On page 634:

— CN code 8464 20 11, column 4:

for: '3,8'

read: '3,5';

— CN code 8464 20 19, column 4:

for: '3,8'

read: '3,5'.

On page 635, CN code 8464 20 80, column 4 :

for: '3,8'

read: '3,5'.

On page 673, CN code 8538 90 90, column 4 :

for: '4,3'

read: '4'.

On page 695, CN code 8708 39 90, column 4 :

for: '6,9'

read: '6,4'.

ANNEX II

On page 42, CN code 0207 41 71, column 4:

for: '141,1 Ecu/100 kg/net'

read: '148,1 Ecu/100 kg/net'.

On page 74:

— CN code 0404 90 51, column 3:

for: '1,49 Ecu/100 kg/net + 34,4 Ecu/100 kg/net⁽¹⁾'

read: '1,49 Ecu/kg/net + 34,4 Ecu/100 kg/net⁽¹⁾';

— CN code 0404 90 53, column 3:

for: '2,04 Ecu/100 kg/net + 34,4 Ecu/100 kg/net⁽¹⁾'

read: '2,04 Ecu/kg/net + 34,4 Ecu/100 kg/net⁽¹⁾';

— CN code 0404 90 59, column 3:

for: '2,53 Ecu/100 kg/net + 34,4 Ecu/100 kg/net⁽¹⁾'

read: '2,53 Ecu/kg/net + 34,4 Ecu/100 kg/net⁽¹⁾';

— CN code 0404 90 91, column 3:

for: '1,49 Ecu/100 kg/net + 34,4 Ecu/100 kg/net⁽¹⁾'

read: '1,49 Ecu/kg/net + 34,4 Ecu/100 kg/net⁽¹⁾';

— CN code 0404 90 93, column 3:

for: '2,04 Ecu/100 kg/net + 34,4 Ecu/100 kg/net⁽¹⁾'

read: '2,04 Ecu/kg/net + 34,4 Ecu/100 kg/net⁽¹⁾';

— CN code 0404 90 99, column 3:

for: '2,53 Ecu/100 kg/net + 34,4 Ecu/100 kg/net⁽¹⁾'

read: '2,53 Ecu/kg/net + 34,4 Ecu/100 kg/net⁽¹⁾'.

On page 92, CN code 0711 90 40:

— column 3:

for: '12 + 23,9 Ecu/100 kg/net eda'

read: '12 + 239 Ecu/100 kg/net eda';

— column 4:

for: '11,6 + 23,1 Ecu/100 kg/net eda⁽²⁾'

read: '11,6 + 231 Ecu/100 kg/net eda⁽²⁾'.

On page 120, CN code 1106 10 00, column 4:

for: '11'

read: '11,3'.

On page 136:

— CN code 1510 00 10:

— column 3:

for: '5'

read: '137,8 Ecu/100 kg/net';

— column 4:

for: '3,3'

read: '133,2 Ecu/100 kg/net';

— CN code 1510 00 90:

— column 3:

for: '9'

read: '200,4 Ecu/100 kg/net';

— column 4:

for: '5,6'

read: '193,7 Ecu/100 kg/net';

On page 152:

- CN code 1702 30 51 :
 - column 3 :
 - for:* '41,8 Ecu/100 kg/net mas'
 - read:* '41,8 Ecu/100 kg/net';
 - column 4 :
 - for:* '39,3 Ecu/100 kg/net mas'
 - read:* '39,3 Ecu/100 kg/net';
- CN code 1702 30 59 :
 - column 3 :
 - for:* '31,2 Ecu/100 kg/net mas'
 - read:* '31,2 Ecu/100 kg/net';
 - column 4 :
 - for:* '29,3 Ecu/100 kg/net mas'
 - read:* '29,3 Ecu/100 kg/net';
- CN code 1702 30 91 :
 - column 3 :
 - for:* '41,8 Ecu/100 kg/net mas'
 - read:* '41,8 Ecu/100 kg/net';
 - column 4 :
 - for:* '39,3 Ecu/100 kg/net mas'
 - read:* '39,3 Ecu/100 kg/net';
- CN code 1702 30 99 :
 - column 3 :
 - for:* '31,2 Ecu/100 kg/net mas'
 - read:* '31,2 Ecu/100 kg/net';
 - column 4 :
 - for:* '29,3 Ecu/100 kg/net mas'
 - read:* '29,3 Ecu/100 kg/net';
- CN code 1702 60 10, column 4 :
 - for:* '61,3 Ecu/100 kg/net'
 - read:* '61,3 Ecu/100 kg/net mas';
- CN code 1702 90 30, column 4 :
 - for:* '61,3 Ecu/100 kg/net'
 - read:* '61,3 Ecu/100 kg/net mas'.

On page 188:

- CN code 2106 90 30, column 3 :
 - for:* '53,4 Ecu/100 kg mas'
 - read:* '53,4 Ecu/100 kg/net mas';
- CN code 2106 90 30, column 4 :
 - for:* '51,6 Ecu/100 kg mas'
 - read:* '51,6 Ecu/100 kg/net mas';
- CN code 2106 90 51 :
 - column 3 :
 - for:* '21,8 Ecu/100 kg mas'
 - read:* '21,8 Ecu/100 kg/net';
 - column 4 :
 - for:* '20,5 Ecu/100 kg mas'
 - read:* '20,5 Ecu/100 kg/net';
- CN code 2106 90 55 :
 - column 3 :
 - for:* '31,2 Ecu/100 kg mas'
 - read:* '31,2 Ecu/100 kg/net';
 - column 4 :
 - for:* '29,3 Ecu/100 kg mas'
 - read:* '29,3 Ecu/100 kg/net';

— CN code 2106 90 59 :

— column 3 :

for: '0,5 Ecu/100 kg mas ⁽³⁾'

read: '0,5 Ecu/100 kg/net ⁽³⁾';

— column 4 :

for: '0,48 Ecu/100 kg mas ⁽³⁾'

read: '0,48 Ecu/100 kg/net ⁽³⁾'.

On page 601, CN code 8409 10 90, column 4 :

for: '1,7'

read: '3,4'.

On page 628 :

— CN code 8452 10 11, column 4 :

for: '5,7'

read: '5,9' ;

— CN code 8452 10 19, column 4 :

for: '9,7'

read: '11,5'.

On page 687 :

— CN code 8607 19 01, column 4 :

for: '3,4'

read: '5,3' ;

— CN code 8607 19 18, column 4 :

for: '3,4'

read: '5,3'.

On page 789, Annex 2, CN code 0805 20 33, column 4, lines 6/7 :

for: '9,3 + 1,8 Ecu/100 kg/net'

read: '19,3 + 1,8 Ecu/100 kg/net'.

COMMISSION REGULATION (EC) No 2589/95
of 6 November 1995
on the supply of cereals as food aid

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

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

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

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 2 060 tonnes of cereals ;

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

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

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

For lots A and B, 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, 6 November 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 No** ⁽¹⁾: see Annex II
2. **Programme**: 1994 + 1995
3. **Recipient** ⁽²⁾: Euronaid PO box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; fax 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**: common wheat flour
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1) (a))
8. **Total quantity**: 574 tonnes (786 tonnes of cereals)
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (d) and II.B (3))
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment ⁽¹¹⁾
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**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 21. 11. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 5. 12. 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 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: refund applicable on 17. 11. 1995, fixed by Commission Regulation (EC) No 2513/95 (OJ No L 258, 28. 10. 1995, p. 17)

LOT B

1. **Operation Nos** ⁽¹⁾: see Annex II
2. **Programme**: 1994 + 1995
3. **Recipient** ⁽²⁾: Euronaid, PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 33 05 757; fax 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**: oat flakes
7. **Characteristics and quality of the goods** ⁽⁴⁾ ⁽⁷⁾: OJ No C 114, 29. 4. 1991, p. 1 (under II.B (1)(e))
8. **Total quantity**: 240 tonnes (414 tonnes of cereals)
9. **Number of lots**: 1 (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾ ⁽¹⁰⁾: OJ No C 114, 29. 4. 1991, p. 1 (II.B (2)(f) and II.B (3))
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment ⁽¹¹⁾
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**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 21. 11. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 5. 12. 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 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstraat, 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** ⁽⁴⁾: refund applicable on 17. 11. 1995, fixed by Commission Regulation (EC) No 2513/95 (OJ No L 258, 28. 10. 1995, p. 17)

LOT C

1. **Operation No** ⁽¹⁾: see Annex II
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, PO box 12, NL-2501 CA Den Haag, Nederland (tel. (31 70) 33 05 757; telefax 36 41 701; telex 30960 euron nl)
4. **Representative of the recipient** ⁽³⁾: to be designated by the recipient
5. **Place or country of destination**: see Annex II
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA.1 (a))
8. **Total quantity**: 860 tonnes
9. **Number of lots**: one (see Annex II)
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾ ⁽⁹⁾ ⁽¹²⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA.2 (c) and IIA.3)
Language to be used for the marking: see Annex II
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
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**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 21. 11. 1995
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 5. 12. 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 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; fax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: refund applicable on 17. 11. 1995, fixed by Commission Regulation (EC) No 2513/95 (OJ No L 258, 28. 10. 1995, p. 17)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.
- The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1053/95 (OJ No L 107, 12. 5. 1995, p. 4), shall not apply to this amount.
- (⁵) The supplier should send a duplicate of the original invoice to Willis Corroon Scheuer, PO box 1315, NL-1000 Amsterdam.
- (⁶) Shipment to take place in 20-foot containers condition FCL/FCL (each containing 20 tonnes (A) and 12 tonnes (B) net). The supplier shall 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 shall 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 paragraph, of Regulation (EEC) No 2200/87 shall not apply.
- The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.
- The successful tenderer has to seal each container with a numbered locktainer (Sysko locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.
- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents :
- phytosanitary certificate (A3, B2 : + expiry date),
 - fumigation certificate (the cargo shall be fumigated with alumine phosphine).
- (⁸) Notwithstanding OJ No C 114, point II.A (3) (c) or II.B (3) (c) is replaced by the following : 'the words "European Community"'.
- (⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.
- (¹⁰) See fourth amendment to OJ No C 114 published in OJ No C 272, 21. 10. 1992, p. 6.
- (¹¹) For lots A and B, 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.
- (¹²) See second amendment to OJ No C 114 published in OJ No C 135, 26. 5. 1992, p. 20.
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ANEXO II — BILAG II — ANHANG II — ΠΑΡΑΡΤΗΜΑ II — ANNEX II — ANNEXE II — ALLEGATO II — BIJLAGE II —
ANEXO II — LIITE II — BILAGA II

Lote	Cantidad total (en toneladas)	Cantidades parciales (en toneladas)	Acción n°	País de destino	Lengua que se debe utilizar en la rotulación
Parti	Totalmængde (tons)	Delmængde (tons)	Aktion nr.	Bestemmelsesland	Mærkning på følgende sprog
Partie	Gesamtmenge (in Tonnen)	Teilmengen (in Tonnen)	Maßnahme Nr.	Bestimmungsland	Kennzeichnung in folgender Sprache
Παρτίδα	Συνολική ποσότητα (σε τόνους)	Μερικές ποσότητες (σε τόνους)	Δράση αριθ.	Χώρα προορισμού	Γλώσσα που πρέπει να χρησιμοποιηθεί για τη σήμανση
Lot	Total quantity (in tonnes)	Partial quantities (in tonnes)	Operation No	Country of destination	Language to be used for the marking
Lot	Quantité totale (en tonnes)	Quantités partielles (en tonnes)	Action n°	Pays de destination	Langue à utiliser pour le marquage
Lotto	Quantità totale (in tonnellate)	Quantitativi parziali (in tonnellate)	Azione n.	Paese di destinazione	Lingua da utilizzare per la marcatura
Partij	Totale hoeveelheid (in ton)	Deelhoeveelheden (in ton)	Maatregel nr.	Land van bestemming	Taal te gebruiken voor de opschriften
Lote	Quantidade total (em toneladas)	Quantidades parciais (em toneladas)	Acção n°	País de destino	Língua a utilizar na rotulagem
Erä	Kokonaismäärä (tonnia)	Osittaismäärä (tonnia)	Toimi N:o	Määrämaa	Merkinnässä käytettävä kieli
Parti	Total kvantitet (ton)	Delkvantitet (ton)	Aktion nr	Bestämmelsesland	Märkning på följande språk
A	574	A1 : 200 A2 : 174 A3 : 200	1705/94 1706/94 312/95	Haïti Haïti Perú	Français Français Español
B	240	B1 : 132 B2 : 60 B3 : 48	1704/94 310/95 311/95	Haïti Perú Malawi	Français Español English
C	860	C1 : 500 C2 : 360	313/95 314/95	Afghanistan Afghanistan	English English

COMMISSION REGULATION (EC) No 2590/95
of 6 November 1995
on the supply of common wheat 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, by its Decision of 22 October 1992 on the supply of food aid to Bangladesh, the Commission allocated to this country 155 000 tonnes of cereals to be supplied free at port of landing — undischarged ;

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

limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION :

Article 1

A tendering procedure is hereby initiated for the award of a contract for the supply of common wheat to Bangladesh in accordance with the provisions of Regulation (EEC) No 2200/87 and with the conditions laid down in Annex I hereto.

The offer submitted shall be deemed to have been drawn up taking account of the charges and constraints resulting from specific clauses set out in the exchange of letters between the Commission and the recipient, published in part in Annex II. In particular, the laydays should be assessed on the basis of an average daily discharge rate of 2 400 tonnes in such a way that dispatch to be paid to the recipient by the EC will be for the account of the successful tenderer.

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, 6 November 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

LOTS A, B, C, D and E

1. **Operation Nos** ⁽¹⁾: 317/95 (A), 1707/94 (B), 1708/94 (C), 1709/94 (D) and 1710/94 (E)
2. **Programme**: 1995 and 1994
3. **Recipient** ⁽²⁾: Bangladesh
4. **Representative of the recipient**: The Secretary, Ministry of Food, Bangladesh Secretariat, Dhaka, Bangladesh
5. **Place or country of destination** ⁽³⁾: Bangladesh
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A (1) (a))
8. **Total quantity**: 155 000 tonnes
9. **Number of lots**: five (A: 35 000 tonnes; B: 30 000 tonnes; C: 30 000 tonnes; D: 30 000 tonnes; E: 30 000 tonnes)
10. **Packaging and marking**: in bulk
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — undischarged
13. **Port of shipment** ⁽⁶⁾: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Chittagong
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 4 — 17. 12. 1995 (A); 25. 12. 1995 — 7. 1. 1996 (B); 15 — 28. 1. 1996 (C); 5 — 18. 2. 1996 (D); 26. 2 — 10. 3. 1996 (E)
18. **Deadline for the supply** ⁽⁷⁾: 1 — 14. 1. 1996 (A); 22. 1 — 4. 2. 1996 (B); 12 — 25. 2. 1996 (C); 4 — 17. 3. 1996 (D); 25. 3 — 7. 4. 1996 (E)
19. **Procedure for determining the costs of supply**: tendering
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon on 21. 11. 1995 (Brussels time)
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon on 5. 12. 1995 (Brussels time)
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 18 — 31. 12. 1995 (A); 8 — 21. 1. 1996 (B); 29. 1 — 11. 2. 1996 (C); 19. 2 — 3. 3. 1996 (D); 11 — 24. 3. 1996 (E)
 - (c) deadline for the supply ⁽⁷⁾: 15 — 28. 1. 1996 (A); 5 — 18. 2. 1996 (B); 26. 2 — 10. 3. 1996 (C); 18 — 31. 3. 1996 (D); 8 — 21. 4. 1996 (E)
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Bruxelles/Brussel (telex AGREC 22037 B; telefax (32 2) 296 20 05 / 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: refund applicable on 17. 11. 1995, fixed by Commission Regulation (EC) No 2513/95 (OJ No L 258, 28. 10. 1995, p. 17)

Notes :

- (¹) The operation number should be mentioned in all correspondence.
 - (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
 - (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
 - (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 1053/95 (OJ No L 107, 12. 5. 1995, p. 4), shall not apply to this amount.
 - (⁵) Commission delegation to be contacted by the successful tenderer : OJ No C 114, 29. 4. 1991, p. 33.
 - (⁶) 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.
 - (⁷) See Annex II point 4, second paragraph.
-

ANNEX II

The recipient shall unload the 155 000 tonnes of wheat as per the following conditions.

1. Type of vessels to be fixed

It is envisaged that five vessels (self-trimming bulk carriers) will be fixed. The vessels must have at least four hatches. Vessels to be geared and each crane/derrick to serve one or two hatches. The vessels must be capable of entering the Chittagong outer anchorage and, after necessary lighterage, be able to shift and berth at Chittagong jetties. To this end vessels should have a maximum length of 610 feet.

Charterers/shipowners must ensure that all certificated officers carry with them on board the original valid certificate of competency and that all vessels are manned strictly according to the *STCW* Convention 1978, failing which any delay to the vessel will be on owner's account.

2. Discharging facilities

Vessels will furnish at the discharge port, free of expenses to the recipient, winches and/or cranes and the power to drive them, gins and falls in good working condition and will also supply sufficient lights for night work, as on board, on deck and in the holds, if required. Vessels will provide winchmen at load and discharge ports at their own expense.

3. Vessels' ETA information

Master to wireless/cable nominees of the recipient, namely Movements Chittagong — telex 642237 CMS C BJ — (simultaneously informing Bengalship Chittagong —/telex 66277 BSC BJ — and Movestore Dhaka — telex 642230 CMS BJ) for orders regarding discharge 10 days prior to their arrival at the discharge port, i.e. Chittagong, and state ETA and draft. Orders for discharging will be transmitted to the vessel within five days of the receipt of master's request.

Master to give following notice to the recipient's nominees, i.e. Movements Chittagong, Bengalship Chittagong and Movestore Dhaka :

(a) upon sailing from load port vessels must state :

- (i) quantity loaded ;
- (ii) arrival draft ;
- (iii) TPI (tonnes per inch).

(b) 10 days ETA Chittagong port,

five days ETA Chittagong port,

72 hours, 48 hours and 24 hours ETA Chittagong port.

4. Discharging rate and discharging port time counting

The cargo is to be discharged by the recipient free of risk and expense to the vessel at the rate of 2 400 tonnes at Chittagong per weather working day of 24 consecutive hours. Time from 12 noon on Thursday or 5 p.m. on a day preceding a holiday until 9 a.m. on Saturday or next working day not to count as laytime even if used. The rate of discharge is based on four or more workable hatches. If, however, the number of workable hatches is less than the specified minimum, the discharging rate will be reduced proportionately.

Notice of readiness is to be tendered and accepted after vessel arrives at the Chittagong outer anchorage and laytime to commence 24 hours after NOR tendered during office hours, whether the vessel is in berth or not. However, in case a time period for the supply has been fixed by the Commission, laytime shall not commence before the first day of the said period. At discharge port, cost of shifting from anchorage to anchorage, anchorage to berth and berth to berth on owner's/charterer's account and time used for such shifting not to count as laytime.

Although stevedores appointed by recipients, all discharging operations to be carried out under masters' direction/approval. All necessary trimming will be at owner's time and expense.

At Chittagong anchorage, if a lighter vessel is required to cast off from the mother ship, due to heavy swell and/or bad weather, all time lost will not count as laytime. The time will stop counting from the time the lighter vessel casts off and will start counting again from the time the lighter ship is re-tied alongside the mother ship.

5. Lighterage at discharge port

All necessary lighterage at Chittagong outer anchorage will be carried out by the recipients at their own cost and time. For vessels unable to enter the Chittagong outer anchorage, due to excessive draft, lighterage may be carried out at Kutubdia anchorage by the charterers/owners at their expense and such lighterage to be treated as transshipment and lighters engaged to be discharged on identical terms as the mother vessel, and time used for lighterage at Kutubdia not to count as laytime. Collision damage, if any, during lighterage to be settled directly between the owners of the mother and the lighter vessels (notwithstanding whether engaged by owners/charterers for Kutubdia lighterage, or by the recipients for outer anchorage lighterage). In case of unsafe anchorage at Chittagong outer anchorage, any lighterage at Kutubdia is for recipients account.

Master of the vessel(s) at all times to extend full cooperation to the recipients and/or their nominees/agents/stevedores/lighterage contractors in order to expedite discharge. Lighter vessels to supply suitable fenders to avoid damage.

6. Demurrage/Despatch

Should the vessel(s) not be discharged at the rate herein stipulated, demurrage shall be paid by the recipient at the rate stipulated in the charter party, subject to a maximum of US\$ 8 000 per day or part thereof.

For working time saved at the port of discharge, despatch money shall be paid to the recipient at the rate of 50 % of the rate of demurrage stipulated in the charter party, subject to a maximum of US\$ 4 000 per day saved.

Demurrage of despatch at the discharge port, if any, at the amounts specified above, shall be paid, as the case may be, by the recipient to the Commission or by the Commission to the recipient. Afterwards settlement of despatch/demurrage, if any, between the successful tenderer and the Commission will take place.

Laytime at port of discharge to be non-reversible.

7. Miscellaneous

Overtime expenses, if any, on account of port and customs personnel will be for the account of the party (owner/their agents or receiver/their agents) ordering the same, but if ordered by the Port Authorities, to be on the receiver's/owner's account on 50 : 50 basis. Overtime expenses for vessel's crew always to be on the owner's account.

At the port of discharge opening/closing of hatches on all occasions to be for owner's account and time not to count as laytime. First opening and last closing of hatches at port of discharge to be done by vessel's crew.

Whatever the respective destination of the goods found damaged, they must be disposed of/destroyed as per port rules prior to sailing out of the vessels.

Dock worker management board's levy or any similar levy is for owner's account.

In the case where some extra costs requested by the owner/charterer are to be pre-financed by the recipient, they may be directly paid by the Commission on the recipient's behalf to the successful tenderer.

COMMISSION REGULATION (EC) No 2591/95

of 6 November 1995

establishing the standard import values for determining the entry price of
certain fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables⁽¹⁾, as last amended by Regulation (EC) No 1740/95⁽²⁾, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the 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 7 November 1995.

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

Done at Brussels, 6 November 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 6 November 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 45	052	52,2	0806 10 50	528	94,7
	060	80,2		600	86,2
	064	59,6		624	78,0
	066	41,7		999	85,5
	068	62,3		052	100,7
	204	65,8		064	75,6
	212	117,9		066	49,4
	624	164,6		220	110,8
	999	80,5		400	158,8
				412	132,4
0707 00 35	052	98,6	0808 10 92, 0808 10 94, 0808 10 98	512	186,0
	053	166,9		600	64,5
	060	61,0		624	123,2
	066	53,8		999	111,3
	068	60,4		064	79,6
	204	49,1		388	39,2
	624	143,4		400	68,3
	999	90,5		404	68,5
0709 90 79	052	61,2		508	68,4
	204	77,5		512	48,5
	624	196,3		524	57,4
	999	111,7		528	48,0
0805 20 31	204	100,9	0808 20 67	800	51,7
	999	100,9		804	21,4
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	53,1		999	55,1
	464	159,7		052	80,6
	999	106,4		064	67,8
				388	79,6
0805 30 40	052	69,3		400	53,8
	388	67,5		512	89,7
	400	151,4		528	84,1
	512	54,8		800	55,8
	520	66,5		804	112,9
	524	100,8		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 2592/95**of 6 November 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 2586/95 ⁽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 7 November 1995.

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

Done at Brussels, 6 November 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 263, 4. 11. 1995, p. 16.

ANNEX

to the Commission Regulation of 6 November 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⁾	30,21	10,13
1701 99 10 ⁽²⁾	30,21	5,61
1701 99 90 ⁽²⁾	30,21	5,61
1702 90 99 ⁽³⁾	0,30	0,35

⁽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 2593/95
of 6 November 1995
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1502/95 of 29 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 for the 1995/96 marketing year as regards import duties in the cereals sector ⁽³⁾, as last amended by Regulation (EC) No 2481/95 ⁽⁴⁾, and in particular Article 2 (1) thereof,

Wheres the import duties in the cereals sector are fixed by Commission Regulation (EC) No 2573/95 ⁽⁵⁾;

Whereas Article 2 (1) of Regulation (EC) No 2573/95 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 2573/95,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 2573/95 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 7 November 1995.

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

Done at Brussels, 6 November 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.

⁽⁴⁾ OJ No L 256, 26. 10. 1995, p. 10.

⁽⁵⁾ OJ No L 262, 1. 11. 1995, p. 38.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	10,48	0,48
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	10,48	0,48
	medium quality	30,40	20,40
	low quality	37,54	27,54
1002 00 00	Rye	52,02	42,02
1003 00 10	Barley, seed	52,02	42,02
1003 00 90	Barley, other ⁽³⁾	52,02	42,02
1005 10 90	Maize seed other than hybrid	77,82	67,82
1005 90 00	Maize other than seed ⁽³⁾	77,82	67,82
1007 00 90	Grain sorghum other than hybrids for sowing	52,02	42,02

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1502/95, the duty applicable is that fixed for low-quality common wheat.

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

- ECU 3 per tonne, where the port of unloading is on the Mediterranean Sea, or
- ECU 2 per tonne, where the port of unloading is in Ireland, the United Kingdom, Denmark, Sweden, Finland or the Atlantic Coasts of the Iberian Peninsula.

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1502/95 are met.

ANNEX II

Factors for calculating duties (period from 31. 10. to 3. 11. 1995):

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Mid-America	Mid-America
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	139,46	142,04	137,45	97,50	186,25 ⁽¹⁾	116,23 ⁽¹⁾
Gulf premium (ECU/tonne)	—	14,39	11,84	11,51	—	—
Great lake premium (ECU/tonne)	18,52	—	—	—	—	—

⁽¹⁾ Fob Duluth.

2. Freight/cost : Gulf of Mexico — Rotterdam : ECU 9,93 per tonne ; Great Lakes/St Lawrence — Rotterdam : ECU 28,52 per tonne.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 26 October 1995

on a specific measure for the grant of an indemnity to fishermen from certain Member States of the Community who have had to suspend their fishing activities in waters under the sovereignty or jurisdiction of Morocco

(95/451/EC)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EEC) No 2080/93 of 20 July 1993 laying down provisions for implementing Regulation (EEC) No 2052/88 as regards the financial instrument for fisheries guidance⁽¹⁾, and in particular Article 6 thereof,

Having regard to the proposal from the Commission,

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

Whereas the Agreement on relations in the sea fisheries sector between the European Economic Community and the Kingdom of Morocco applicable for a period of four years from 1 May 1992⁽³⁾ provided for a mid-term review;

Whereas it was agreed at the mid-term review meeting to terminate the validity of the Agreement on 30 April 1995 and to start negotiations on a new Agreement which would apply from 1 May 1995; whereas it proved impossible to conclude these negotiations by that date;

Whereas, as a result of a notification from the Moroccan authorities, Community vessels operating in waters under the sovereignty or jurisdiction of Morocco stopped their fishing activities on 30 April 1995;

Whereas about 700 vessels flying the flags of Spain and Portugal are affected by the suspension of fishing activities and cannot work either in Community waters or elsewhere;

Whereas, under those conditions, an exceptional situation of particular seriousness arises;

Whereas, pending the outcome of the negotiations in progress, the consequences of this suspension of activities should be reduced to a minimum by the grant of an indemnity to shipowners and fishermen designed to remedy a serious disturbance in the economies of certain areas of the Member States concerned; whereas the indemnity for shipowners and fishermen may be granted only where they have had to suspend all fishing activities as a result of the failure to renew the Agreement;

Whereas the shipowners may qualify temporarily for Community financial assistance under the financial instrument for fisheries guidance pursuant to Article 14 of Council Regulation (EC) No 3699/93 of 21 December 1993 laying down the criteria and arrangements regarding Community structural assistance in the fisheries and aquaculture sector and the processing and marketing of its products⁽⁴⁾;

Whereas an indemnity for fishermen constitutes a specific measure within the meaning of the last indent of Article 3 (1) of Regulation (EEC) No 2080/93;

⁽¹⁾ OJ No L 193, 31. 7. 1993, p. 1.

⁽²⁾ Opinion delivered on 24 October 1995 (not yet published in the Official Journal).

⁽³⁾ OJ No L 407, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 346, 31. 12. 1993, p. 1.

Whereas in view of the deterioration in the circumstances of fishermen as a result of the exceptional length of the crisis, the indemnity should be increased from 1 September 1995;

Whereas a number of Spanish and Portuguese vessels have been forced to suspend all activities on account of the interruption of fishing in Moroccan waters; whereas this period of inactivity should be taken into consideration, therefore, in the calculation of fishing activity for the purposes of eligibility for structural aid measures,

HAS ADOPTED THIS DECISION:

Article 1

1. A specific measure is hereby introduced for the grant of an indemnity to fishermen who are nationals of a Member State and who are entered on the books of a fishing vessel flying the flag of the Kingdom of Spain or the Portuguese Republic and who have had to suspend their fishing activities in waters under the sovereignty or jurisdiction of Morocco.

2. The indemnity is intended for fishermen from those Member States, in order to help minimize, pending the outcome of the negotiations in progress on a new fisheries agreement, the loss of income they are suffering as a result of the total suspension of their fishing activities in the waters under the sovereignty or jurisdiction of Morocco.

Article 2

1. The indemnity shall be granted from 1 May 1995 up to the date on which fishing activities recommence under a new agreement with the Kingdom of Morocco and up to 31 December 1995 at the latest.

2. The amount of the indemnity paid by the Member States to the fishermen shall not exceed ECU 454 per man per month for the period 1 May to 31 August 1995 and ECU 620 per man per month for the period 1 September to 31 December 1995.

The financial contribution from the Community shall not exceed 75 % of the amounts actually paid.

Only fishermen employed on board vessels which have had to suspend all fishing activities as a result of the

failure to renew the Fisheries Agreement between the European Economic Community and the Kingdom of Morocco shall be eligible for the indemnity.

The maximum number of fishermen qualifying for the standby indemnity is estimated at 7 402, comprising 6 285 in Spain and 1 117 in Portugal.

3. Payment of the Community contribution shall be subject to the actual suspension of activities by vessels and their crews during the indemnity period.

Article 3

The period of inactivity of Spanish and Portuguese fishing vessels which are entitled to the indemnity provided for in this Decision shall be taken into consideration as days on which a fishing activity has been carried on within the meaning of point 1.1 of Annex III to Regulation (EC) No 3699/93, within the limit of the number of days on which those vessels have carried on a fishing activity, under the Agreement between the European Economic Community and the Kingdom of Morocco, during the same period in 1994.

Article 4

The Member States concerned shall forward to the Commission the programme of assistance containing details of the indemnity arrangements.

The Commission shall approve the programme after considering its conformity with this Decision and the Community provisions concerning the Financial Instrument for Fisheries Guidance.

Article 5

This Decision is addressed to the Kingdom of Spain and the Portuguese Republic.

Done at Luxembourg, 26 October 1995.

For the Council

The President

L. ATIENZA SERNA

COMMISSION

COMMISSION DECISION

of 12 April 1995

on State aid in the form of tax concessions to undertakings operating in the Centro di Servizi Finanziari ed Assicurativi di Trieste pursuant to Article 3 of Italian Law No 19 of 9 January 1991

(Only the Italian text is authentic)

(Text with EEA relevance)

(95/452/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having given interested parties notice to submit their comments, as required by Article 93,

Whereas :

of the Commission on 2 June and 2 December 1993. A technical meeting between officials took place in Rome on 30 June 1993.

No comments were received from other Member States or interested parties.

III

I

- (1) By letter dated 3 December 1992 the Commission informed the Italian Government that it had decided to initiate proceedings pursuant to Article 93 (2) of the Treaty in respect of tax concessions which were provided for in Article 3 of Italian Law No 19 of 9 June 1991, and which were to apply to transactions at the Centro di Servizi Finanziari ed Assicurativi that was to be set up in the city of Trieste under that same provision. The Commission asked the Italian Government to submit its comments within one month of receipt of the letter, and asked other interested parties to do the same within one month of publication of the relevant notice ⁽¹⁾.

II

- (2) The Italian Government submitted its comments in letters dated 1 February, 24 May, 15 June, 16 September and 3 November 1993 and 31 January 1994. The Italian Minister for Foreign Affairs discussed the matter with the responsible Member

- (3) The scheme the Commission described in its original letter of 3 December 1992 was as follows.

Pursuant to Article 3 of Law No 19 of 9 January 1991, the Italian authorities are to set up in Trieste a Centro di Servizi Finanziari ed Assicurativi (financial services and insurance centre) to engage in financial activities focusing mainly on Austria and the east European countries ('the Centre'); funds would be raised on the international markets from non-residents, and would be used solely outside Italy in transactions with non-residents. The Centre would also house foreign undertakings providing intermediary and assistance services to international business. The undertakings operating at the Centre (banks, insurers, financial intermediaries, stock exchange operators, etc., admitted in accordance with the Community rules on freedom of establishment) would be deemed to be non-resident in Italy for banking and currency market purposes. They would enjoy tax concessions on revenue generated at the Centre in the form of exemption from corporation tax and from 50 % of local income tax. For 10 years following the opening of the Centre there would be total exemption from local income tax on the incomes of undertakings belonging to the east European countries and on any capital gains on acquisitions of holdings and medium- and

⁽¹⁾ OJ No C 78, 15. 3. 1994, p. 2.

long-term investments in those countries. There is also provision for a reduction in indirect taxes on business. The total budgetary cost of these concessions is estimated in the Law at Lit 65 billion (ECU 34,2 million).

IV

- (4) The tax concessions to be allowed by Italy under these rules are caught by Article 92 (1) of the Treaty. They are to be given to undertakings engaging in particular classes of business in a particular section of Italian territory, and confer an advantage on those undertakings over competitors who do not operate in the same place. Given that this is being done in a context of extensive intra-Community trade in financial and insurance services, the concessions constitute State aid measures incompatible with the common market unless they qualify for one of the derogations provided for in the Treaty.
- (5) In its observations the Italian Government seeks to justify exemption on the ground that in Decision 91/500/EEC⁽¹⁾ the Commission accepted that Trieste's difficulties made it eligible for exemption pursuant to Article 92 (3) (c), and that matters have deteriorated rapidly since, especially as a result of the situation in the former Yugoslavia.

The Italian Government also argues that the measures in any event qualify for exemption pursuant to the same Article 92 (3) (c) because they are intended to facilitate an activity of great and indisputable interest to the Community. Private capital is to be mobilized to encourage the creation of a financial market in the countries of eastern Europe. The distortion of competition caused by the State aid involved would thus be amply offset by a substantial *quid pro quo* in the interests of the Community; the distortion would in any event be very limited, and would not reach a level which might be contrary to the common interest. The Government has supplied the Commission with figures showing that the region's trade with the former Yugoslavia, Hungary and Poland fell from Lit 730 913 million in 1990 to Lit 459 230 million in 1992. In the Government's view this demonstrates the need for specific measures to revive the economy in the neighbouring countries.

- (6) As regards the possibility of exemption on regional development grounds, the Commission would observe that in the province of Trieste the socio-economic indicators described in the Commission

communication on the method for the application of Article 92 (3) (a) and (c) to regional aid ('the method')⁽²⁾ are not at present at a level which would justify aid under the regional provision in Article 92 (3) (c). Those indicators currently stand at 117,1 in the case of GDP/GVA and 68,6 in the case of structural unemployment, on the basis of a national index figure of 100; thus they do not reach the thresholds of < 85 % and > 110 % of the national index figures.

In Decision 91/500/EEC the Commission nevertheless accepted that the province of Trieste's special economic and geographic circumstances qualified it for exemption pursuant to Article 92 (3) (c) for regional aid at the second stage of analysis contemplated by the method. The Commission confirmed this exemption in its decision of 1 March 1995 on the general system of regional aid in Italy.

It must be pointed out that even though the general situation of the area has been adversely affected by the situation in the former Yugoslavia, the socio-economic indicator for the region, measured in terms of per capita GDP/PPS, does not in any event reach the threshold of < 75 % of the Community average: it is currently equal to 119 % of the average. This means that the region does not satisfy the method's tests of eligibility for regional aid pursuant to point (a) of Article 92 (3).

Because operating aid tends to shore up the *status quo* in a particularly dangerous fashion, the method itself states that it may be granted as regional aid only in regions satisfying the tests of point (a) of Article 92 (3); and there can be no doubt that 'operating aid' includes tax concessions granted not on the basis of the initial investment but instead on the profits recorded by the undertaking.

As the area in question does not satisfy the tests of point (a) of Article 92 (3), it follows that operating aid cannot be granted on regional development grounds.

- (7) Turning to the provision in point (c) of Article 92 (3) which allows the exemption of aid to develop a particular economic activity of interest to the Community, it has to be recognized that the development of a capital market in the countries of eastern Europe through the mobilization of private capital is indeed of vital importance to the Community: in fact the Community and its Member States have been sparing no financial

⁽¹⁾ OJ No L 262, 19. 9. 1991, p. 29.

⁽²⁾ OJ No C 212, 12. 8. 1988, p. 2.

effort to provide public funds to make up for the lack of private initiative. A measure which expressly stimulates private investment is thus very much in line with an important aspect of external relations policy.

The city of Trieste, with its tradition of openness to the east, its Slavic-speaking minority and its experience of insurance and banking, is in a specially advantageous position, unique in the Community, to promote initiatives of this kind, and to facilitate the vital work of reconstruction in the regions of the former Yugoslavia which have been hardest hit by the war. The figures supplied by the Italian Government demonstrate the desirability of a rapid revival of the economies of the countries of the east, and especially in the regions for which Trieste has traditionally been a point of reference in trade and capital movements.

- (8) When the Commission decided to initiate proceedings pursuant to Article 93 (2), however, it drew attention to the fact that the tax concessions were not confined to financial business with east European countries, but were also available for business with Austria, and indeed with any other country as long as the business which the enterprise conducted at the Centre was 'mainly' with eastern Europe and Austria. No Community interest could have justified aid so wide in scope. In its observations the Italian Government undertook to confine the tax concessions to profits which derive from business with or concerning the countries of eastern Europe, so that the measure would in fact be confined to securing an important Community interest. Tax inspection measures would also be taken to prevent triangular financial transactions which might in reality involve countries other than those of eastern Europe.
- (9) The Commission accepts that if the transactions qualifying for aid are limited in this way, the aid can indeed be considered necessary for the achievement of the objective pursued: the financial measures already taken by the Community and the Member States show that there is a need for public initiative to interest investors in the markets in question. It is also true that only tax concessions proportional to profits can provide an effective incentive in the financial sector, where investment in fixed assets accounts for only a small proportion of costs.
- (10) With regard to the distorting effect the concessions may have on competition, the Italian Government has calculated that under the domestic system of taxation the benefit would be equal to 48 % of profits, assuming the profits are in fact sufficiently

high to bring them into the top tax bracket. This tax advantage would enable the undertakings benefiting to reduce their interest rates by comparison with market rates. The Commission considers that such distortion would not be strong enough to be contrary to the common interest; but it takes the view that this conclusion must be kept under careful review, as only experience will show whether the initial estimate of the extent of distortion was an accurate one. For this reason, and in order to limit the potentially distorting effect of the tax concession — it being clearly understood that purely speculative operations must be excluded — the total amount of aid granted must be subject to both of the following conditions:

- (a) the total amount of budgetary resources forgone must be limited to Lit 65 billion. The amount forgone is the difference between the sum actually paid in profits tax, local tax and indirect taxes on the transactions to which the special scheme applies and the sum which would have been payable under the ordinary Italian tax arrangements if the special scheme had not applied;
- (b) the total amount of loans or investments in eastern Europe to which the special scheme applies must not exceed ECU 3,5 billion.

The Italian Government is of the opinion that these two conditions are roughly equivalent (on the basis of a return of 2 % on loans or investments, taxed at 48 %). Given the relative uncertainty of the estimate of the tax base and the rate of tax payable, which may also vary over time, it is nevertheless advisable that the effects of the scheme should also be measures in terms of the investments carried out. The Commission further considers that for a proper balance between the costs and benefits of the Centre its operations must not be confined to undertakings with their residence outside Italy.

- (11) The Commission accordingly takes the view that the aid measures planned by Italy are necessary to facilitate the development of an activity which is indisputably in the interests of the Community, and do not adversely affect trading conditions to an extent contrary to the common interest. But this conclusion must be kept under constant review in order to establish that the forecast proves accurate.

The limitation of the measure to the territory of Trieste confers an advantage on the city as a whole and puts it in a better position to absorb the difficulties associated with its proximity to the countries of the east and its position on the border of the former Yugoslavia; at the same time, by

comparison with what would have happened if the scheme had extended to the whole of Italy, it reduces the overall distorting effect and the adverse effect which the aid might have on cohesion as regards the less-developed regions of the Community.

- (12) It can accordingly be concluded for the purposes both of Articles 92 and 93 of the EC Treaty and of Articles 61 and 62 of the EEA Agreement that the aid measure at issue, if confined to transactions with the countries of eastern Europe, may be considered compatible with the common market, but that its distorting effect on the market in financial services should be kept under strict review over the period in which it is applied. The measure should accordingly be limited in time, and Italy should be required to supply very detailed regular reports on the results, so as to enable the Commission to take appropriate measures in good time if the effects do not match the estimates made beforehand.

Conditions should accordingly be imposed with reference to the restriction to the countries of eastern Europe, to the limitation of the scheme in time, and to the reporting requirement. The scheme should not be allowed to become permanent, and its duration should accordingly be restricted to five years. It must be clearly understood that this assessment pursuant to Articles 92 and 93 of the EC Treaty and Articles 61 and 62 of the EEA Agreement is without prejudice to any decisions that other Member States may take under their own tax laws,

HAS ADOPTED THIS DECISION :

Article 1

The aid measures provided for in Article 3 of Italian Law No 19 of 9 January 1991, taking the form of tax concessions for financial undertakings operating at the Centro di Servizi Finanziari ed Assicurativi di Trieste ('the Centre'), are compatible with the common market on the conditions set out in Articles 2 to 5.

Article 2

Natural and legal persons resident for tax purposes in Italy shall be permitted to engage in all classes of business carried on at the Centre.

Article 3

The total tax concessions granted shall not exceed Lit 65 billion in respect of investments and ECU 3,5 billion in respect of loans, and shall be granted only on profits from

transactions with the countries of eastern Europe. They shall be granted only on profits made at the Centre in the first five years of its operation.

Before the Centre begins operations Italy shall take the tax inspection measures necessary to prevent transactions from being offset in such a way that the transactions in respect of which aid is granted is in reality with countries other than those of eastern Europe, and shall inform the Commission of these measures as soon as they are taken. The measures must include a unilateral declaration to be secured from the countries receiving investments or loans from the Centre to the effect that they will ensure access to information on the destination and real ownership of the funds involved in order to guarantee the transparency of transactions.

Article 4

Italy shall inform the Commission of every general measure implementing Article 3 of Law No 19 of 9 January 1991 within 15 days of the adoption of that measure.

Article 5

1. Italy shall inform the Commission of the date on which the Centre begins operations within 15 days of that date.

2. By 30 June every year Italy shall supply the Commission with a detailed report on the previous calendar year's activities. That report shall contain the following information :

- a list of the undertakings permitted to operate at the Centre,
- the number and the overall financial volume of the transactions carried out, broken down into the classes of business qualifying for tax concessions,
- the average rate of interest applied at the Centre for each class of business qualifying for tax concessions,
- the total amount of the tax concessions actually granted, broken down by category of tax ; the tax benefit must be shown, being the difference between the amount of each tax actually paid on the transactions to which the special scheme applies and the amount which would have been payable under the ordinary Italian tax arrangements.

3. Italy shall without delay supply the Commission with any detailed information on the operation of the Centre which the Commission may request. If the Commission finds that the inspection measures taken are ineffective, and especially if the funds are directly or indirectly reinvested in countries outside eastern Europe, Italy shall take such inspection measures as the Commission shall indicate.

Article 6

This Decision is addressed to the Italian Republic.

Done at Brussels, 12 April 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

COMMISSION DECISION

of 23 October 1995

laying down special conditions for the import of live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in the Republic of Korea

(Text with EEA relevance)

(95/453/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/492/EEC of 15 July 1991 laying down the health conditions for the production and placing on the market of live bivalve molluscs⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 9 (3) (b) thereof,

Whereas legislation of the Republic of Korea makes the 'Ministry of Agriculture, Forestry and Fisheries — National Fisheries Administration — National Fishery Products Inspection Station (NFPIS)' responsible for inspecting the health of live bivalve molluscs, echinoderms, tunicates and marine gastropods and for monitoring the hygiene and sanitary conditions of production; whereas the same legislation empowers NFPIS to authorize or prohibit the harvesting of bivalve molluscs, echinoderms, tunicates and marine gastropods from certain zones;

Whereas the NFPIS and its laboratories are capable of effectively verifying the application of the laws in force in the Republic of Korea;

Whereas the competent authorities of the Republic of Korea have undertaken to communicate regularly and quickly to the Commission data on the presence of plankton containing toxins in the harvest zones;

Whereas the competent authorities of the Republic of Korea have provided official assurances regarding compliance with the requirements specified in Chapter V of the Annex to Directive 91/492/EEC and with requirements equivalent to those prescribed in that Directive for the classification of production and relaying zones, approval of dispatch and purification centres and public health control and production monitoring; whereas in particular any possible change in harvesting zones is to be communicated to the Community;

Whereas the Republic of Korea is eligible for inclusion in the list of third countries fulfilling the conditions of equi-

valence referred to in Article 9 (3) (a) of Directive 91/492/EEC;

Whereas the Republic of Korea wishes to export to the Community frozen or processed bivalve molluscs, echinoderms, tunicates and marine gastropods;

Whereas, for this purpose, in accordance with Article 9 (3) (b) (ii) of Directive 91/492/EEC, the production areas from which bivalve molluscs, echinoderms, tunicates and marine gastropods may be harvested and exported to the Community must be designated;

Whereas the special import conditions apply without prejudice to decisions taken pursuant to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽²⁾, as last amended by the Act of Accession of Austria, Finland and Sweden;

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

HAS ADOPTED THIS DECISION:

Article 1

The 'Ministry of Agriculture, Forestry and Fisheries — National Fisheries Administration — National Fishery Products Inspection Station (NFPIS)' shall be the competent authority in the Republic of Korea for verifying and certifying that live bivalve molluscs, echinoderms, tunicates and marine gastropods fulfil the requirements of Directive 91/492/EEC.

Article 2

Live bivalve molluscs, echinoderms, tunicates and marine gastropods originating in the Republic of Korea and intended for human consumption must originate in the authorized production areas listed in the Annex hereto.

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 1.

⁽²⁾ OJ No L 46, 19. 2. 1991, p. 1.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 23 October 1995.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

**PRODUCTION ZONES IN COMPLIANCE WITH THE PROVISIONS LAID DOWN IN
ANNEX I, 1 (a) TO DIRECTIVE 91/492/EEC**

Geographical boundaries	Code number
Hansando Kojeman	1
Charanman Saryangdo	2
Mirukto	3
Kamakman	4

COMMISSION DECISION

of 23 October 1995

laying down special conditions governing imports of fishery and aquaculture products originating in the Republic of Korea

(Text with EEA relevance)

(95/454/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/493/EEC of 22 July 1991 laying down the health conditions for the production and the placing on the market of fishery products⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Article 11 thereof,

Whereas a Commission expert has conducted an inspection visit to the Republic of Korea to verify the conditions under which fishery products are produced, stored and dispatched to the Community;

Whereas the provisions of legislation of the Republic of Korea on health inspection and monitoring of fishery products may be considered equivalent to those laid down in Directive 91/493/EEC;

Whereas, in the Republic of Korea the Ministry of Agriculture, Forestry and Fisheries — National Fisheries Administrations — National Fisheries Products Inspection Station (NFPIS) is capable of effectively verifying the application of the laws in force;

Whereas the procedure for obtaining the health certificate referred to in Article 11 (4) (a) of Directive 91/493/EEC must also cover the definition of a model certificate, the minimum requirements regarding the language(s) in which it must be drafted and the grade of the person empowered to sign it;

Whereas, pursuant to Article 11 (4) (b) of Directive 91/493/EEC, a mark should be affixed to packages of fishery products giving the name of the third country and the approval number of the establishment of origin;

Whereas, pursuant to Article 11 (4) (c) of Directive 91/493/EEC, a list of approved establishments must be drawn up; whereas that list must be drawn up on the basis of a communication from the NFPIS to the Commission; whereas it is therefore for the NFPIS to

ensure compliance with the provisions laid down to that end in Article 11 (4) of Directive 91/493/EEC;

Whereas the NFPIS has provided official assurances regarding compliance with the rules set out in Chapter V of the Annex to Directive 91/493/EEC and regarding the fulfilment of requirements equivalent to those laid down by that Directive for the approval of establishments;

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

HAS ADOPTED THIS DECISION:

Article 1

The Ministry of Agriculture, Forestry and Fisheries — National Fisheries Administration — National Fishery Products Inspection Station (NFPIS) shall be the competent authority in the Republic of Korea for verifying and certifying compliance of fishery and aquaculture products with the requirements of Directive 91/493/EEC.

Article 2

Fishery and aquaculture products originating in the Republic of Korea must meet the following conditions:

1. Each consignment must be accompanied by a numbered original health certificate, duly completed, signed, dated and comprising a single sheet in accordance with the model in Annex A hereto.
2. The products must come from approved establishments listed in Annex B hereto.
3. Except in the case of frozen fishery products in bulk and intended for the manufacture of preserved foods, all packages must bear the words 'REPUBLIC OF KOREA' and the approval number of the establishment of origin in indelible letters.

Article 3

1. Certificates as referred to in Article 2 (1) must be drawn up in at least one official language of the Member State where the checks are carried out.

⁽¹⁾ OJ No L 268, 24. 9. 1991, p. 15.

2. Certificates must bear the name, capacity and signature of the representative of the NFPIS and the latter's official stamp in a colour different from that of other endorsements.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 23 October 1995.

Article 4

This Decision shall apply from 1 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX A

HEALTH CERTIFICATE

for fishery and aquaculture products originating in the Republic of Korea and intended for export to the European Community

Reference No :

Country of dispatch : REPUBLIC OF KOREA

Competent authority : *Ministry of Agriculture, Forestry and Fisheries — National Fisheries Administration — National Fishery Products Inspection Station (NFPIS)*

I. Details identifying the fishery products

Description of fishery — aquaculture products⁽¹⁾ :

— species (scientific name) :

— presentation of product and type of treatment⁽²⁾ :

Code No (where available) :

Type of packaging :

Number of packages :

Net weight :

Requisite storage and transport temperature :

II. Origin of products

Name(s) and official approval number(s) of establishment(s) approved by the NFPIS for export to the EC :

.....

III. Destination of products

The products are dispatched

from :

(place of dispatch)

to :

(country and place of destination)

by the following means of transport :

Name and address of dispatcher :

.....

.....

Name of consignee and address at place of destination :

.....

.....

⁽¹⁾ Delete where applicable.

⁽²⁾ Live, refrigerated, frozen, salted, smoked, preserved, etc.

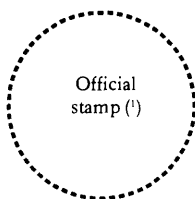
IV. Health attestation

The official inspector hereby certifies that the fishery of aquaculture products specified above :

1. were caught and handled on board vessels in accordance with the health rules laid down by Directive 92/48/EEC ;
2. were landed, handled and where appropriate packaged, prepared, processed, frozen, thawed and stored hygienically in compliance with the requirements laid down in Chapters II, III and IV of the Annex to Directive 91/493/EEC ;
3. have undergone health controls in accordance with Chapter V of the Annex to Directive 91/493/EEC ;
4. are packaged, marked, stored and transported in accordance with Chapters VI, VII and VIII of the Annex to Directive 91/493/EEC ;
5. do not come from toxic species or species containing biotoxins ;
6. have satisfactorily undergone the organoleptic, parasitological, chemical and microbiological checks laid down for certain categories of fishery products by Directive 91/493/EEC and in the implementing decisions thereto ;
7. in addition, where the fishery products are frozen or processed bivalve molluscs : the molluscs were obtained from approved production areas laid down by the Annex to Commission Decision 95/453/EC of 23 October 1995 laying down special conditions for the import of live bivalve molluscs echinoderms, tunicates, and marine gastropods originating in the Republic of Korea.

The undersigned official inspector hereby declares that he is aware of the provisions of Directive 91/493/EEC, Directive 92/48/EEC and Decision 95/453/EC.

Done at, on
(Place) (Date)



.....
Signature of official inspector (1)

.....
(Name in capital letters, capacity and qualifications of person signing) (1)

(1) The colour of the stamp and signature must be different from that of the other particulars in the certificate.

ANNEX B

LIST OF APPROVED ESTABLISHMENTS AND FACTORY VESSELS

I. Establishments

Approval No	Establishment	Address	Approved until
KORP-001	CHUNIL FOODS MANUFACTURING CO., LTD	BUK-GU, INCHEON-SI	30.10.1996
KORP-002	OYANG CORPORATION	SEO-GU, PUSAN-SI	30.10.1996
KORP-003	DONGYUNG FOODS CO., LTD	ANSUNG-GUN, KYUNGGI-DO	30.10.1996
KORP-005	JINJUHAM CO., LTD	YANGSAN-GUN, KYUNGSANGNAM-DO	30.10.1996
KORP-006	DONGWON INDUSTRIES CO., LTD	CHANGWON-CITY, KYUNGSANGNAM-DO	30.10.1996
KORP-007	HANSUNG ENTERPRISE CO., LTD	KIMHAE-CITY, KYUNGSANGNAM-DO	30.10.1996
KORP-008	DAERIM CORPORATION	SEO-GU, PUSAN-SI	30.10.1996
KORP-009	TAIHOON INDUSTRIAL CO., LTD	YOUNGDUK-GUN, KYUNGSANGBUK-DO	30.10.1996
KORP-010	SILLA SEA FOOD CO., LTD	SASANG-GU, PUSAN-SI	30.10.1996
KORP-011	SUNGJIN FISHERY CO., LTD	JINHAE-CITY, KYUNGSANGNAM-DO	30.10.1996
KORP-014	YOUNGSIN FISHERIES CO., LTD	YEOCHUN-GUN, CHONLANAM-DO	30.10.1996
KORP-015	JEIL REFRIGERATING CO., LTD	YEOSU-CITY, CHONLANAM-DO	30.10.1996
KORP-018	DONGMYUNG IND CO., LTD	JINHAE-CITY, KYUNGSANGNAM-DO	30.10.1996
KORP-019	DONGWON FISHERY CO.	SEO-GO, PUSAN-SI	30.10.1996
KORP-020	SAMJIN TRADING CO., LTD	SAHA-GU, PUSAN-SI	30.10.1996
KORP-022	HEECHANG TRADING CO., LTD	SEO-GU, PUSAN-SI	30.10.1996
KORP-023	DAIHUNG MULSAN CO.	TONGYUNG-CITY, KYUNGSANGNAM-DO	30.10.1996
KORP-024	TRANSOCEAN ENTERPRISE CO., LTD	ULCHIN-GUN, KYUNGSANGBUK-DO	30.10.1996
KORP-025	SEWON FISHERY CO., LTD (HUPO PLANT)	ULCHIN-GUN, KYUNGSANGBUK-DO	30.10.1996
KORP-026	Taelim Co., Ltd	ULCHIN-GUN, KYUNGSANGBUK-DO	30.10.1996
KORP-027	SAMHONG INDUSTRIAL CO., LTD	ULCHIN-GU, KYUNGSANGBUK-DO	30.10.1996
KORP-028	DAEHU ENTERPRISE CO., LTD	ULCHIN-GUN, KYUNGSANGBUK-DO	30.10.1996
KORP-029	SEUNG FISHERIES CO., LTD	YOUNGDUK-GUN, KYUNGSANGBUK-DO	30.10.1996
KORP-030	MOFICO., LTD	YOUNGDUK-GUN, KYUNGSANGBUK-DO	30.10.1996
KORP-031	HANSUNG FOODS CO., LTD	DANGJIN-GUN, CHOONGCHUNGNAM-DO	30.10.1996
KORP-032	CHANGWOO MOOLSAN CO., LTD	SOCKCHO-CITY, KANGWON-DO	30.10.1996
KORP-035	JINYANG FISHERY CO., LTD	GEOJE-CITY, KYUNGSANGNAM-DO	30.10.1996
KORP-036	CENTRAL FISHERIES CO., LTD	GEOJE-CITY, KYUNGSANGNAM-DO	30.10.1996
KORP-040	SEWON FISHERY CO., LTD (SAMYUL PLANT)	ULCHIN-GUN, KYUNGSANGBUK-DO	30.10.1996
KORP-047	SAMYUNG FISHERY CO.	KANGREUNG-CITY, KANGWON-DO	30.10.1996
KORP-049	KUMHAE CORPORATION	KWANGYANG-GUN, CHONLANAM-DO	30.10.1996
KORP-050	KUMHAE FISHERY CO., LTD	YEOSU-CITY, CHONLANAM-DO	30.10.1996
KORP-052	SAMKYUNG INDUSTRIAL CO., LTD	GOHUNG-CITY, CHONLANAM-DO	30.10.1996
KORP-053	SAMJIN GENERAL FOOD CO., LTD	NAJU-CITY, CHONLANAM-DO	30.10.1996
KORP-054	DONGRIM FOODS CO., LTD	CHANGYOUNG-GUN, KYUNGSANGNAM-DO	30.10.1996
KORP-059	YANGPO FOODS CO., LTD	POHANG-CITY, KYUNGSANGBUK-DO	30.10.1996
KORP-060	JINRO GENERAL FOODS CO., LTD	POHANG-CITY, KYUNGSANGBUK-DO	30.10.1996
KORP-063	YUSUNG MULSAN CO., LTD	TONGYUNG-CITY, KYUNGSANGNAM-DO	30.10.1996
KORP-064	BUKWANG FOOD CO., LTD	GEOJE-CITY, KYUNGSANGNAM-DO	30.10.1996
KORP-065	MYUNG SUNG FOOD CO., LTD	GOSUNG-GUN, KYUNGSANGNAM-DO	30.10.1996
KORP-066	SAMHO COMPANY LTD	SUNGNAM-CITY, KYUNGGI-DO	30.10.1996
KORP-068	DAERIM CORPORATION (ANSAN PLANT)	ANSAN-CITY, KYUNGGI-DO	30.10.1996
KORP-069	FREEKO CO., LTD	PAJU-GUN, KYUNGGI-DO	30.10.1996

Approval No	Establishment	Address	Approved until
KORP-070	HANSUNG FISHERY CO., LTD	POHANG-CITY, KYUNGSANGBUK-DO	30. 10. 1996
KORP-071	KUMKANG TECH CO., LTD	YUNKI-GUN, CHOONGCHUNGNAM-DO	30. 10. 1996
KORP-072	DAEIL FISHERIES CO., LTD	GEOJE-CITY, KYUNGSANGNAM-DO	30. 10. 1996
KORP-073	SHINJIN MOOLSAN CO., LTD	HAMAN-GUN, KYUNGSANGNAM-DO	30. 10. 1996
KORP-074	DAEWOO CO., LTD	ULCHIN-GUN, KYUNGSANGBUK-DO	30. 10. 1996

II. Factory vessels

Approval No	Name	Name and address of owner	Approval granted until
KORF-019	JUNSUNG HO	HANSUNG ENTERPRISE CO., LTD YEONGDO-GU, PUSAN-SI	30. 10. 1996
KORF-020	DAESUNG-HO	HANSUNG ENTERPRISE CO., LTD YEONGDO-GU, PUSAN-SI	30. 10. 1996