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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 2838/95**of 8 December 1995****amending Regulation (EEC) No 3846/87 as regards the nomenclature of
poultrymeat products for export refunds**

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

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽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 8 (12) thereof,

Whereas Commission Regulation (EC) No 2448/94 of 10 October 1995 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽³⁾ provides for the subdivision of CN codes 0105 19 10, 0105 91 00 and 0207 39 90 and a complete revision of CN heading 0207 with effect from 1 January 1996;

Whereas Commission Regulation (EEC) No 3846/87⁽⁴⁾, as last amended by Regulation (EC) No 2453/95⁽⁵⁾, esta-

blishes on the basis of the Combined Nomenclature an agricultural product nomenclature for export refunds; whereas that Regulation should be adapted to the above-mentioned distinctions;

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

HAS ADOPTED THIS REGULATION:

Article 1

That part of the Annex to Regulation (EEC) No 3846/87 which relates to Sector 7 shall be replaced by the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 1 January 1996.

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

Done at Brussels, 8 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

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

⁽³⁾ OJ No L 259, 30. 10. 1995, p. 1.

⁽⁴⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁵⁾ OJ No L 252, 20. 10. 1995, p. 15.

ANNEX

7. Poultrymeat

CN code	Description	Product code
ex 0105	Live poultry, that is to say, fowls of the species <i>Gallus domesticus</i> , ducks, geese, turkeys and guinea fowls:	
	– weighing not more than 185 g:	
0105 11	– – Fowls of the species <i>Gallus domesticus</i> :	
	– – – Grandparent and parent female chicks	
0105 11 11	– – – – Laying stocks	0105 11 11 000
0105 11 19	– – – – Other	0105 11 19 000
	– – – Other:	
0105 11 91	– – – – Laying stocks	0105 11 91 000
0105 11 99	– – – – Other	0105 11 99 000
0105 12 00	– – Turkeys	0105 12 00 000
ex 0105 19	– – Other:	
0105 19 20	– – – Geese	0105 19 20 000
ex 0207	Meat and edible offal, of the poultry heading No 0105, fresh, chilled or frozen	
	– Of fowls of the species <i>Gallus domesticus</i> :	
ex 0207 12	– – Not cut in pieces, frozen:	
ex 0207 12 10	– – – Plucked and gutted, without heads and feet but with necks, hearts, livers and gizzards, known as "70 % chickens"	
	– – – – With completely ossified sternum tips, femurs and tibias	
	– – – – Other	0207 12 10 900
ex 0207 12 90	– – – Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as "65 % chickens" or otherwise presented:	
	– – – – "65 % chickens":	
	– – – – – With completely ossified sternum tips, femurs and tibias	
	– – – – – Other	0207 12 90 190
ex 0207 14	– – Cuts and offal, frozen:	
	– – – Cuts:	
	– – – – With bone in:	
ex 0207 14 20	– – – – – Halves or quarters:	
	– – – – – Of fowl of the species <i>Gallus domesticus</i> with completely ossified sternum tips, femurs and tibias	
	– – – – – Other	0207 14 20 900
ex 0207 14 60	– – – – – Legs and cuts thereof:	
	– – – – – Of fowl of the species <i>Gallus domesticus</i> with completely ossified sternum tips, femurs and tibias	
	– – – – – Other	0207 14 60 900
ex 0207 14 70	– – – – – Other:	
	– – – – – Halves or quarters without rumps:	
	– – – – – Of fowl of the species <i>Gallus domesticus</i> with completely ossified sternum tips, femurs and tibias	
	– – – – – Other	0207 14 70 190
	– – – – – Cuts consisting of a whole leg or part of a leg and part of the back where the weight of the back does not exceed 25 % of the total weight	
	– – – – – Of fowl of the species <i>Gallus domesticus</i> with completely ossified femurs	
	– – – – – Other	0207 14 70 290

CN code	Description	Product code
0207 25	– Of turkeys :	
0207 25 10	– – Not cut in pieces, frozen :	
	– – – Plucked and drawn, without heads and feet but with necks, hearts, livers and gizzards, known as "80 % turkeys"	0207 25 10 000
0207 25 90	– – – Plucked and drawn, without heads and feet and without necks, hearts, livers and gizzards, known as "73 % turkeys", or otherwise presented :	0207 25 90 000
ex 0207 27	– – Cuts and offal, frozen :	
	– – – Cuts :	
ex 0207 27 10	– – – – Boneless :	
	– – – – – Homogenized meat, including mechanically recovered meat	
	– – – – – Other :	
	– – – – – – Other than rumps	0207 27 10 990
	– – – – – With bone in :	
	– – – – – – Legs and cuts thereof :	
0207 27 60	– – – – – – – Drumsticks and cuts thereof	0207 27 60 000
0207 27 70	– – – – – – – Other	0207 27 70 000'

COMMISSION REGULATION (EC) No 2839/95

of 8 December 1995

allocating for 1995 the Community contribution to the scrapping funds referred to in Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1101/89 on 27 April 1989 on structural improvements in inland waterway transport ⁽¹⁾, as last amended by Regulation (EC) No 2819/95 ⁽²⁾, and in particular Articles 4a (2) and 10 (3) thereof,

Whereas Regulation (EEC) No 1101/89 introduced arrangement for structural improvements in inland waterway transport involving scrapping measures coordinated at Community level;

Whereas provision has been made for a financial contribution from the Community to the scrapping funds referred to in Regulation (EEC) No 1101/89 for the scrapping of vessels on the common waiting list referred to in Commission Regulation (EEC) No 1102/89 of 27 April 1989 laying down certain measures for implementing Council Regulation (EEC) No 1101/89 on structural improvements in inland waterway transport ⁽³⁾, as last amended by Regulation (EC) No 3039/94 ⁽⁴⁾; whereas appropriations have been entered in the general budget of the Community for 1995; whereas the Commission must divide this contribution for 1995 between dry cargo vessels and pusher craft and tankers according to the current situation regarding requests for premiums and allocate it to the scrapping funds,

HAS ADOPTED THIS REGULATION:

Article 1

1. The scrapping funds referred to in Article 3 (1) of Regulation (EEC) No 1101/89 shall receive for 1995 a

financial contribution from the Community amounting to ECU 5 million for the scrapping of vessels on the common waiting list referred to in Article 8 (6) of Regulation (EEC) No 1102/89.

Of this ECU 3 650 000 shall go to the scrapping of dry cargo vessels and pusher craft and ECU 1 350 000 to the scrapping of tankers.

2. Working in conjunction with the scrapping fund authorities, the Commission shall establish the updated version, on entry into force of this Regulation, of the abovementioned common waiting list for the two separate accounts referred to in Article 3 (3) of Regulation (EEC) No 1101/89.

The budgetary appropriations of these two separate accounts shall be allocated by the funds to owners applying for scrapping premiums in order of entries on the common waiting list until the financial resources available have been completely used up. The authorities of the funds shall notify the owners of vessels forthwith of acceptance of their requests.

3. The Commission shall decide before 31 December 1995 on the allocation of the financial resources referred to in paragraph 1 between the scrapping funds as a function of the requests for premiums accepted.

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, 8 December 1995.

For the Commission

Neil KINNOCK

Member of the Commission

⁽¹⁾ OJ No L 116, 28. 4. 1989, p. 25.

⁽²⁾ OJ No L 292, 7. 12. 1995, p. 7.

⁽³⁾ OJ No L 116, 28. 4. 1989, p. 30.

⁽⁴⁾ OJ No L 322, 15. 12. 1994, p. 11.

COMMISSION REGULATION (EC) No 2840/95

of 8 December 1995

amending Regulation (EC) No 1371/95 laying down detailed rules for implementing the system of export licences in the egg sector

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 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽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 3 (2) and 8 (13) thereof,

Whereas Commission Regulation (EC) No 1371/95 ⁽³⁾, as amended by Regulation (EC) No 2522/95 ⁽⁴⁾, lays down detailed rules for implementing the system of export licences in the egg sector;

Whereas, in order to guarantee exporters equal access to export licences, the submission period for applications, running from Wednesday to Friday, should be extended by one day where those days are holidays for the competent authorities of a Member State;

Whereas the amounts of security should be adapted to take account of the modified level of export refunds;

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

Article 1

Regulation (EC) No 1371/95 is amended as follows:

1. The following subparagraph is added to Article 3 (1):
'However, where those three days are holidays for the competent authorities of a Member State, applications may be lodged on the Monday following that period in the Member State in question.'
2. In the first sentence of Article 4 (2), the word 'week' is replaced by 'period'.
3. The introductory phrase of Article 7 (1) is replaced by the following:
'1. Member States shall communicate to the Commission, each Monday before 1 p.m., or, where the second subparagraph of Article 3 (1) applies, from 1 p.m., by fax for the preceding period:'
4. Annexes I and IV are replaced by Annexes I and II to this Regulation.
5. In Annex II, the words 'Wednesday ... to Friday ...' are deleted.

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, 8 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

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

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 258, 28. 10. 1995, p. 39.

ANNEX I

ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (Ecu/100 kg) Net weight
0407 00 11 000	1	—
0407 00 19 000	2	—
0407 00 30 000	3	6 ⁽²⁾ 4 ⁽³⁾
0408 11 80 100	4	27
0408 19 81 100 0408 19 89 100	5	12
0408 91 80 100	6	20
0408 99 80 100	7	5

⁽¹⁾ Commission Regulation (EEC) No 3846/87, (OJ No L 366, 24. 12. 1987, p. 1), part 8.

⁽²⁾ For destinations shown in Annex IV.

⁽³⁾ Other destinations.

*ANNEX II**'ANNEX IV*

Russia
Kuwait
Bahrain
Qatar
Oman
United Arab Emirates
Republic of Yemen
Hong Kong
South Korea
Japan
Malaysia
Thailand
Taiwan'

COMMISSION REGULATION (EC) No 2841/95

of 8 December 1995

amending Regulation (EC) No 1372/95 laying down detailed rules for implementing the system of export licences in the poultrymeat sector

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 2777/75 of 29 October 1975 on the common organization of the market in eggs ⁽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 3 (2) and 8 (12) thereof,

Whereas Commission Regulation (EC) No 1372/95 ⁽³⁾, as amended by Regulation (EC) No 2523/95 ⁽⁴⁾, lays down detailed rules for implementing the system of export licences in the egg sector;

Whereas, in order to guarantee exporters equal access to export licences, the submission period for applications, running from Monday to Wednesday, should be extended by one day where those days are holidays for the competent authorities of a Member State;

Whereas Regulation (EC) No 2838/95 ⁽⁵⁾ has modified the nomenclature for export refunds in the poultrymeat sector; whereas Annex I to Regulation (EC) No 1372/95 should therefore be amended;

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

Article 1

Regulation (EC) No 1372/95 is amended as follows :

1. The following subparagraph is added to Article 3 (1) :
'However, where those three days are holidays for the competent authorities of a Member State, applications may be lodged on the Thursday following that period in the Member State in question.'
2. The introductory phrase of Article 7 (1) is replaced by the following :
'1. Member States shall communicate to the Commission, each Wednesday from 1 p.m., or, where the second subparagraph of Article 3 (1) applies, each Thursday from 1 p.m., by fax for the preceding period.'
3. Annex I is replaced by the Annex to this Regulation.
4. In Annex II, the words 'Wednesday ... to Friday ...' are deleted.

Article 2

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

However, Article 1 point 3 shall apply from 1 January 1996.

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

Done at Brussels, 8 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

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

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽⁴⁾ OJ No L 258, 28. 10. 1995, p. 40.

⁽⁵⁾ See page 1 of this Official Journal.

ANNEX

ANNEX I

Product code of the agricultural product nomenclature for export refunds ⁽¹⁾	Category	Rate of the security (Ecu/100 kg) Net weight
0105 11 11 000 0105 11 19 000 0105 11 91 000 0105 11 99 000	1	—
0105 12 00 000 0105 19 20 000	2	—
0207 12 10 900	3	15 ⁽²⁾ 4 ⁽³⁾
0207 12 90 190	4	15 ⁽²⁾ 4 ⁽³⁾
0207 25 10 000 0207 25 90 000	5	4
0207 14 20 900 0207 14 60 900 0207 14 70 190 0207 14 70 290	6	7
0207 27 10 990	7	7
0207 27 60 000 0207 27 70 000	8	3

⁽¹⁾ Commission Regulation (EEC) No 3846/87, (OJ No L 366, 24. 12. 1987, p. 1), part 7.

⁽²⁾ For destinations shown in Annex IV.

⁽³⁾ Other destinations.

COMMISSION REGULATION (EC) No 2842/95

of 8 December 1995

derogating from Regulation (EEC) No 2700/93 on detailed rules for the application of the premium in favour of sheepmeat and goatmeat producers as regards the submission of premium applications in Sweden for the 1995 marketing year

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 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽¹⁾, as last amended by Regulation (EC) No 1265/95⁽²⁾, and in particular Article 5 (6) thereof,

Notwithstanding Article 1 (2) of Regulation (EEC) No 2700/93, Sweden may authorize those producers who did not submit in 1995 ewe premium applications for the 1995 marketing year to present an application for that year during a new period to be determined by that Member State ; however, this period may not be later than that fixed for the submission of applications for the 1996 marketing year.

Whereas Article 1 (2) of Regulation (EEC) No 2700/93⁽³⁾, as last amended by Regulation No 279/94⁽⁴⁾ lays down that applications for a premium are to be submitted during a period fixed by each Member State within a period commencing on 1 November preceding the start of the marketing year and ending on 30 April following the start of the said marketing year ; whereas, because of unfamiliarity with the new rules arising from Sweden's accession to the European Union, a number of producers in that country confused the application for entitlement to the ewe premium with the actual premium application itself ; whereas these producers did not, as a result, submit the premium applications by the end of the period for submitting the above applications ;

Article 2

In the case of the producers referred to in Article 1 :

- the retention period referred to in Article 1 (3) of Regulation (EEC) No 2700/93 shall be that applying for the 1995 marketing year, compliance with this period being confirmed by supporting documents and the updated flock register kept by the producer,
- Sweden will take administrative measures and additional controls which it shall notify these measures to the Commission.

Whereas it is therefore necessary to allow derogations to Article 1 (2) of Regulation (EEC) No 2700/93 on a transitional basis for the 1995 marketing year so as to ensure that Swedish producers do not suffer losses that are disproportionate to the omission made, on the condition that certain control measures are taken ;

Article 3

Notwithstanding Article 2 of Regulation (EEC) No 2700/93, Sweden shall notify the Commission before 30 April 1996 of the data relating to all the premium applications submitted for the 1995 marketing year, using the model in the Annex hereto.

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

Article 4

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

⁽¹⁾ OJ No L 289, 7. 10. 1989, p. 1.

⁽²⁾ OJ No L 123, 3. 6. 1995, p. 1.

⁽³⁾ OJ No L 245, 1. 10. 1993, p. 99.

⁽⁴⁾ OJ No L 37, 9. 2. 1994, p. 1.

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

Done at Brussels, 8 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 2843/95

of 7 December 1995

concerning the stopping of fishing for haddock by vessels flying the flag of Spain

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

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

Whereas Council Regulation (EC) No 3362/94 of 20 December 1994 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1995 and certain conditions under which they may be fished⁽²⁾, as last amended by Regulation (EC) No 2780/95⁽³⁾, provides for haddock quotas for 1995;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of haddock in the waters of ICES divisions V b (EC-zone), VI, XII, XIV by vessels flying the flag of Spain or registered in Spain have reached the quota allocated for 1995; whereas Spain has prohibited fishing for this stock as from 20 November

1995; whereas it is therefore necessary to abide by that date;

HAS ADOPTED THIS REGULATION:

Article 1

Catches of haddock in the waters of ICES divisions V b (EC-zone); VI, XII, XIV by vessels flying the flag of Spain or registered in Spain are deemed to have exhausted the quota allocated to Spain for 1995.

Fishing for haddock in the waters of ICES divisions V b (EC-zone), VI, XII, XIV by vessels flying the flag of Spain or registered in Spain is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 20 November 1995.

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

Done at Brussels, 7 December 1995.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 363, 31. 12. 1994, p. 1.

⁽³⁾ OJ No L 289, 2. 12. 1995, p. 1.

COMMISSION REGULATION (EC) No 2844/95
of 7 December 1995
concerning the stopping of fishing for salmon by vessels flying the flag of
Finland

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

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

Whereas Council Regulation (EC) No 3362/94 of 20 December 1994 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1995 and certain conditions under which they may be fished⁽²⁾, as last amended by Regulation (EC) No 2780/95⁽³⁾, provides for salmon quotas for 1995;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of salmon in the waters of ICES division III b, c, d (EC-zone) by vessels flying the flag of Finland or registered in Finland have reached the quota allocated for 1995; whereas Finland has prohibited

fishing for this stock as from 10 November 1995; whereas it is therefore necessary to abide by that date;

HAS ADOPTED THIS REGULATION:

Article 1

Catches of salmon in the waters of ICES division III b, c, d (EC-zone) by vessels flying the flag of Finland or registered in Finland are deemed to have exhausted the quota allocated to Finland for 1995.

Fishing for salmon in the waters of ICES division III b, c, d (EC-zone) by vessels flying the flag of Finland or registered in Finland is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 10 November 1995.

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

Done at Brussels, 7 December 1995.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 363, 31. 12. 1994, p. 1.

⁽³⁾ OJ No L 289, 2. 12. 1995, p. 1.

COMMISSION REGULATION (EC) No 2845/95**of 7 December 1995****concerning the stopping of fishing for common sole by vessels flying the flag of Belgium**

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

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

Whereas Council Regulation (EC) No 3362/94 of 20 December 1994 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1995 and certain conditions under which they may be fished⁽²⁾, as last amended by Regulation (EC) No 2780/95⁽³⁾, provides for common sole quotas for 1995;

Whereas, in order to ensure compliance with the provisions relating to the quantitative limitations on catches of stocks subject to quotas, it is necessary for the Commission to fix the date by which catches made by vessels flying the flag of a Member State are deemed to have exhausted the quota allocated;

Whereas, according to the information communicated to the Commission, catches of common sole in the waters of ICES division VII a by vessels flying the flag of Belgium or registered in Belgium have reached the quota allocated for 1995; whereas Belgium has prohibited fishing for this

stock as from 2 November 1995; whereas it is therefore necessary to abide by that date;

HAS ADOPTED THIS REGULATION:

Article 1

Catches of common sole in the waters of ICES division VII a by vessels flying the flag of Belgium or registered in Belgium are deemed to have exhausted the quota allocated to Belgium for 1995.

Fishing for common sole in the waters of ICES division VII a by vessels flying the flag of Belgium or registered in Belgium is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 2 November 1995.

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

Done at Brussels, 7 December 1995.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 363, 31. 12. 1994, p. 1.

⁽³⁾ OJ No L 289, 2. 12. 1995, p. 1.

COMMISSION REGULATION (EC) No 2846/95**of 7 December 1995****repealing Regulation (EC) No 1788/95 concerning the stopping of fishing for
whiting by vessels flying the flag of France**

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

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

Whereas Commission Regulation (EC) No 1788/95⁽²⁾
stopped fishing for whiting in the waters of ICES division
VIII by vessels flying the flag of France or registered in
France ;

Whereas, on 13 October 1995, Spain transferred to France
1 500 tonnes of whiting in the waters of ICES division
VIII ; whereas fishing for whiting in the waters of ICES
division VIII by vessels flying the flag of France or regis-

tered in France should therefore be permitted ; whereas
consequently it is necessary to repeal Regulation (EC) No
1788/95 ;

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EC) No 1788/95 is hereby repealed.

Article 2

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

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

Done at Brussels, 7 December 1995.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 174, 26. 7. 1995, p. 1.

COMMISSION REGULATION (EC) No 2847/95

of 8 December 1995

on the transport for the free supply to Georgia and Armenia of rye flour

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1975/95 of 4 August 1995 on actions for the free supply of agricultural products to the people of Georgia, Armenia, Azerbaijan, Kyrgyzstan and Tajikistan⁽¹⁾, and in particular Article 4 thereof,

Whereas, Commission Regulation (EC) No 2009/95⁽²⁾ established the detailed rules applicable to the free supply of agricultural products provided for by Council Regulation (EC) No 1975/95; whereas, it is appropriate to open a tendering procedure for the supply of 4 000 tonnes of rye flour intended for Georgia and Armenia,

Whereas, in view of the present difficulties in these republics and the specific problems of forwarding aid to these regions, it is appropriate to organize the supply of the abovementioned products in one lot;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A tendering procedure is hereby initiated for the supply costs of 4 000 tonnes (net) of rye flour as indicated in Annex I, in accordance with the provisions of Regulation (EC) No 2009/95, and in particular Article 2 (1) (b) thereof. The invitation to tender relates to one lot.

2. The supply costs shall relate to the take-over at the stage laid down in paragraph 3 and transport by the appropriate means to the places of destination and within the time limits indicated in Annex I.

3. The flour will be made available for loading, free on board, stowed on the ship, during a maximum period of 10 days from the dates indicated in the following manner:

— 2 000 tonnes (net) destined for Armenia made available in the port of Rotterdam with effect from 8 January 1996,

— 2 000 tonnes (net) destined for Georgia made available in the port of Rotterdam with effect from 20 January 1996.

After the expiry of ten days following the dates mentioned above, the successful tenderer shall be required to reimburse to the Commission the costs which it will have borne to cover the costs (waiting, insurance, security, guarantees etc.) referred to at Article 6 (1) (e) (4) of Regulation No 2009/95.

Article 2

1. In accordance with Article 4 of Regulation (EC) No 2009/95 the offers shall be presented to the following address:

Commission of the European Communities,
EAGGF-Guarantee,
Division VI/G.2 (Office 10/05 or 10/08),
Rue de la Loi/Wetstraat 130,
B-1049 Brussels.

The closing date for the lodgement of tenders shall be 18 December 1995 at 12.00 hours (Brussels time).

In the case of non-acceptance of offers on 18 December, a second closing date for the lodgement of offers shall be 28 December 1995 at 12 noon (Brussels time).

In this case all of the dates referred to in Article 1 and Annex I shall be carried forward by 10 days.

2. The offer shall relate to the supply of the total of the quantities of a lot referred to in Article 1 (3).

Tenderers, where appropriate, shall take account of the unloading and transit prices referred to in Annex V.

3. The tendering security referred to in Article 6 (1) (f) of Regulation (EC) No 2009/95 is fixed at ECU 25 per tonne of flour.

4. The security referred to in Article 8 (2) of Regulation (EC) No 2009/95 is fixed at ECU 230 per tonne of flour.

Article 3

The take-over certificate referred to in the second indent of Article 10 (1) (a) of Regulation (EC) No 2009/95 shall be established at the places and by the authorities referred to in Annex II, on the basis of the model in Annex IV and, where applicable, Annex IV (a).

⁽¹⁾ OJ No L 191, 12. 8. 1995, p. 2.

⁽²⁾ OJ No L 196, 19. 8. 1995, p. 4.

Article 4

For the payment provided for at Article 13 of Regulation (EC) No 2009/95, the designated control agency shall deliver, upon completion of that operation, a certificate certifying the total removal of the quantities for each destination, countersigned by the producer of the flour or

his representative, in accordance with the model in Annex III.

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 Brussels, 8 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

*ANNEX I***Lot**

ARMENIA : 2 000 tonnes (net) of rye flour

Delivery stage :

Airum via the ports of Poti or Batumi (goods not unloaded)

Final delivery date at the port :

— 2 000 tonnes by 11 February 1996

GEORGIA : 2 000 tonnes (net) of rye flour

Delivery stage :

Poti or Batumi (goods unloaded)

Final delivery date at the port :

— 2 000 tonnes by 23 February 1996

The choice of the port of Poti or Batumi shall be managed by the Commission in accordance with the availability of quays

*ANNEX II***(a) Place of take-over in Georgia**

1. Port of Poti or Batumi — goods unloaded.
2. Authority entitled to deliver the take-over certificate :
Gossudarstvenaya Corporatziya Chleboproductov
Ul. Didi Cheivani No 6
Tbilisi
Mr Anzar Burdjanadze
Tel : (788 32) 99 86 98
Fax (788 32) 99 67 40.

(b) Place of take-over in Armenia

1. Airum — goods not unloaded.

The quantitative and qualitative controls will be carried out at the time of sealing the rail-wagons at Poti or Batumi. The take-over certificate will be issued on arrival at the abovementioned station after verification of the integrity of the seals and the number of wagons.
 2. Authority entitled to deliver the take-over certificate :
Ministry of Agriculture and Food
375010 Yerevan
Dom Pravitelstva
Ploschad Respubliki 1
-

ANNEX III

Regulation (EC) No 2847/95

CERTIFICATE OF REMOVAL

I, the undersigned
(name/first name/position)

acting on behalf of

certify that the following goods have been taken over :

Product :	
Packaging :	
Total quantity in tonnes (net) : (gross) :	
No of sacks : No of big-bags :	
Place and date of takeover :	
Name of boat :	
Name and address of transport company :	

Name and address of the monitoring agency :

.....
.....

Name and signature of its on-the-spot representative :

.....
.....

Observations or remarks :

.....
.....
.....
.....

Signature and stamp
of the producer

.....

ANNEX IV

Regulation (EC) No 2847/95

TAKEOVER CERTIFICATE AT THE PORT OF POTI/BATUMI

I, the undersigned
 (name/first name/position)

acting on behalf of

certify that the following goods have been taken over :

Product :	
Packaging :	
Total quantity in tonnes (net) : (gross) :	
No of sacks : No of big-bags :	
Place and date of takeover :	
Name of boat :	
Name and address of transport company :	

Name and address of monitoring agency :

.....

Name and signature of its on-the-spot representative :

.....

Observations or remarks :

.....

Signature and stamp
 of the Georgian authorities

Signature and stamp
 of the authorities

.....

.....

—

ANNEX IV (a)

Regulation (EC) No 2847/95

Train No

TAKEOVER CERTIFICATE ON THE ARRIVAL OF THE RAIL-WAGONS IN THE COUNTRIES OF DESTINATION

I, the undersigned
 (name/first name/position)

acting on behalf of

certify that the goods indicated below have been taken over :

Type of product :

Place and date of takeover :

Wagon numbers	Seal numbers	Quantity (net weight)	No of packets	Date frontier crossed	Quantities ⁽¹⁾ , signature and remarks
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

⁽¹⁾ To be completed only for the wagons which have been the subject of a check, inserting the weight found.

Name and address of the transport company :

Name and address of the monitoring agency :

Observations and remarks :

Representative of monitoring agency
 Name, signature and stamp

Name, signature and stamp of the beneficiary

.....

.....

.....

.....

ANNEX V

Transit prices on Georgian territory

AZERBAIJAN

(in US dollars)

Products	Discharging cost (per tonne)	Transport cost including security of the cargo (per tonne)		Administration cost (per lot)
		Poti	Batumi	
Grain				
— grab	4	15,1	16,5	120
— vacuvator	5,5			
General cargo in covered wagons	6	15,1	16,5	120
Thermos wagons	7	30,8	33,8	120

ARMENIA

(in US dollars)

Products	Discharging cost (per tonne)	Transport cost including security of the cargo (per tonne)		Administration cost (per lot)
		Poti	Batumi	
Grain				
— grab	4	15	17	120
— vacuvator	5,5			
General cargo in covered wagons	6	15	17	120
Thermos wagons	7	31	35	120

GEORGIA

(in US dollars)

Products	Grain — grab	Grain — vacuvator	General cargo in covered wagons
Discharging cost (per tonne)	3	3,5	5

COMMISSION REGULATION (EC) No 2848/95
of 8 December 1995
amending the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EEC) No 2777/75 of the Council of 29 October 1975 on the common organization of the market in poultrymeat⁽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 8 (3) thereof,

Whereas the export refunds on poultrymeat were fixed by Commission Regulation (EC) No 2644/95⁽³⁾, as last amended by Regulation (EC) No 2787/95⁽⁴⁾;

Whereas it follows from foreseen criteria contained in Article 8 of Regulation (EEC) No 2777/75 to the informa-

tion known to the Commission that the export refunds at present in force should be altered to the amounts set out in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 paragraph 1 of Regulation (EEC) No 2777/75, exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 2644/95 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 11 December 1995.

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

Done at Brussels, 8 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

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

⁽³⁾ OJ No L 272, 15. 11. 1995, p. 3.

⁽⁴⁾ OJ No L 289, 2. 12. 1995, p. 30.

ANNEX

to the Commission Regulation of 8 December 1995 altering the export refunds on poultrymeat

Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾
		ECU/100 units			ECU/100 kg
0105 11 11 000	01	2,20	0207 22 10 000	04	8,00
0105 11 19 000	01	2,20	0207 22 90 000	04	8,00
0105 11 91 000	01	2,20	0207 41 11 900	04	9,00
0105 11 99 000	01	2,20	0207 41 51 900	04	9,00
0105 19 10 000	01	3,50	0207 41 71 190	04	9,00
		ECU/100 kg	0207 41 71 290	04	9,00
0207 21 10 900	02	30,00	0207 42 10 990	04	15,00
	03	8,00	0207 42 51 000	04	6,50
0207 21 90 190	02	33,00	0207 42 59 000	04	6,50
	03	8,00			

⁽¹⁾ The destinations are as follows :

01 All destinations except the United States of America,

02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon, Iran, Armenia, Azerbaijan, Georgia, Russia, Uzbekistan and Tajikistan,

03 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic and those of 02 above,

04 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia and the Czech Republic.

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

NB : The product codes and the footnotes are defined in amended Commission Regulation (EEC) No 3846/87.

COMMISSION REGULATION (EC) No 2849/95

of 8 December 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 9 December 1995.

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

Done at Brussels, 8 December 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 8 December 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	63,5	0805 30 40	052	80,1
	060	80,2		388	67,5
	064	59,6		400	105,9
	066	41,7		512	54,8
	068	62,3		520	66,5
	204	71,8		524	100,8
	208	44,0		528	94,7
	212	117,9		600	71,0
	624	126,7		624	78,0
	999	74,2		999	79,9
0707 00 40	052	77,6	0808 10 92, 0808 10 94, 0808 10 98	052	80,2
	053	166,9		064	78,6
	060	61,0		388	39,2
	066	53,8		400	70,6
	068	60,4		404	57,9
	204	49,1		508	68,4
	624	122,3		512	51,2
	999	84,4		524	57,4
0709 90 79	052	100,1		528	48,0
	204	77,5		800	78,0
	624	153,6		804	21,0
	999	110,4		999	59,1
0805 10 61, 0805 10 65, 0805 10 69	052	39,1	0808 20 67	052	143,7
	204	54,8		064	70,3
	388	41,8		388	79,6
	624	45,0		400	79,9
	999	45,2		512	89,7
0805 20 31	204	73,8		528	84,1
	999	73,8		624	79,0
0805 20 33, 0805 20 35, 0805 20 37, 0805 20 39	052	64,0		728	115,4
	464	165,5		800	55,8
	624	128,8		804	112,9
	999	119,4		999	91,0

⁽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 2850/95**of 8 December 1995****on the issue of import licences for high-quality fresh, chilled or frozen beef and veal**

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

Having regard to Commission Regulation (EC) No 1203/95 of 29 May 1995 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat for the period 1 July 1995 to 30 June 1996⁽¹⁾, and in particular Article 5 (3) thereof,

Whereas Commission Regulation (EC) No 1203/95 provides in Articles 4 and 5 the conditions for applications and for the issue of import licences for meat referred to in Article 2 (e);

Whereas Article 2 (e) of Regulation (EC) No 1203/95 fixes the amount of high-quality fresh, chilled or frozen beef and veal originating in and imported from the United States of America and Canada which may be imported on special terms for the period 1 July 1995 to 30 June 1996 at 10 000 tonnes;

Whereas it should be recalled that licences issued pursuant to this Regulation will, throughout the period of

validity, be open for use only in so far as provisions on health protection in force permit,

HAS ADOPTED THIS REGULATION :

Article 1

1. All applications for import licences from 1 until 5 December 1995 for high-quality fresh, chilled or frozen beef and veal as referred to in Article 2 (e) of Regulation (EC) No 1203/95 shall be met in full.

2. Applications for licences may be submitted, in accordance with Article 5 of Regulation (EC) No 1203/95, during the first five days of January 1996 for 2 217 tonnes.

Article 2

This Regulation shall enter into force on 11 December 1995.

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

Done at Brussels, 8 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 119, 30. 5. 1995, p. 13.

COMMISSION REGULATION (EC) No 2851/95
of 8 December 1995

**determining the percentage of quantities covered by applications for export
licences for poultrymeat which may be accepted**

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

Having regard to Commission Regulation (EC) No 1372/95 of 16 June 1995 laying down detailed rules for implementing the system of export licences in the poultrymeat sector⁽¹⁾, as amended by Regulation (EC) No 2523/95⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Regulation (EC) No 1371/95 provides for specific measures where applications for export licences concern quantities and/or expenditure which exceed the normal trade patterns or where there is a risk that they will be exceeded, taking account of the limit referred to in Article 8 (12) of Council Regulation (EEC) No 2777/75⁽³⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and by Regulation (EC) No 3290/94⁽⁴⁾, and/or the corresponding expenditure during the period in question;

Whereas the market for certain poultrymeat products is affected by uncertainties; whereas the refunds currently applicable for these products could lead to applications being made for export licences for speculative purposes; whereas there is a risk that the issue of certificates for the quantities applied for from 4 to 6 December 1995 may lead to the quantities corresponding to the normal trade

patterns for the products concerned being exceeded; whereas applications for which export licences have not yet been granted should be rejected for the products concerned and acceptance coefficients applying to the quantities requested should be fixed,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for export licences for poultrymeat submitted pursuant to Regulation (EC) No 1372/95 shall be dealt with as follows:

1. for applications from 4 to 6 December 1995, 100 % of the quantities applied for in the case of categories 3, 4, 5, 7 and 8 referred to in Annex I to the abovementioned Regulation shall be accepted;
2. no further action shall be taken in respect of applications pending for certificates which should have been issued from 11 December 1995 for category 6 referred to in Annex I to the abovementioned Regulation.

Article 2

This Regulation shall enter into force on 11 December 1995.

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

Done at Brussels, 8 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽²⁾ OJ No L 258, 28. 10. 1995, p. 40.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 349, 31. 12. 1994, p. 105.

**COMMISSION REGULATION (EC) No 2852/95
of 8 December 1995**

**providing for the rejection of applications for export licences in relation to
products falling within CN code 1001 90 99**

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

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

Having regard to Commission Regulation (EC) No 1162/95 of 23 May 1995 laying down special detailed rules for the application of the system of import and export licences for cereals and rice ⁽³⁾, as last amended by Regulation (EC) No 2147/95 ⁽⁴⁾, and in particular Article 7 (3) thereof,

Whereas the quantity covered by applications for advance fixing of refunds on common wheat is of great importance and could give rise to speculation;

Whereas it has therefore been decided to reject all applications for export licences of such products made on 6, 7 and 8 December 1995,

HAS ADOPTED THIS REGULATION :

Article 1

In accordance with Article 7 (3) of Regulation (EC) No 1162/95, applications for export licences with advance fixing of refunds for products falling within CN code 1001 90 99 made on 6, 7 and 8 December 1995 shall be rejected.

Article 2

This Regulation shall enter into force on 9 December 1995.

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

Done at Brussels, 8 December 1995.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁴⁾ OJ No L 215, 9. 9. 1995, p. 4.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 29 November 1995

on the equivalence of seed potatoes produced in third countries

(95/513/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/403/EEC of 14 June 1966 on the marketing of seed potatoes⁽¹⁾, and in particular Article 15(1) thereof,

Having regard to the proposal from the Commission,

Whereas there are rules on the official control of seed potatoes in Switzerland;

Whereas the abovementioned rules provide that basic seed and certified seed potato may be officially certified and their containers officially closed in accordance with the UNECE standard for seed potatoes recommended by the Working Party on Standardization of Perishable Produce and Quality Development of the Economic Commission for Europe of the United Nations;

Whereas an examination of these rules and the manner in which they are applied in Switzerland have shown that the conditions governing seed potatoes harvested and controlled in this country afford the same assurances as regards their characteristics and the arrangements for their inspection, for ensuring identity, for marking and for control, as do the conditions applicable to seed potatoes harvested and controlled within the Community;

Whereas Decision 81/956/EEC⁽²⁾, which established equivalence for seed potato produced in Switzerland, expired on 30 June 1995; whereas a new Decision is therefore necessary;

Whereas this Decision does not prevent Community findings from being revoked if it becomes apparent that the conditions on which such findings are based are no longer fulfilled; whereas, to this end, further practical information on seed potatoes produced in the abovementioned countries should be obtained by growing and checking samples of such seed within the framework of the Community comparative tests;

Whereas this Decision does not affect the requirements which Member States establish under Council Directive 77/93/EEC of 21 December 1976 on protective measures against the introduction into the Member States of organisms harmful to plants or plant products⁽³⁾,

HAS ADOPTED THIS DECISION:

Article 1

It is hereby declared that, where the conditions laid down in Part II of the Annex hereto are satisfied, seed potatoes which are harvested in the country specified in Part I of

⁽¹⁾ OJ No 125, 11. 6. 1966, p. 2320/66. Directive as last amended by Commission Decision 95/65/EC (OJ No L 56, 14. 3. 1995, p. 18).

⁽²⁾ OJ No L 351, 7. 12. 1981, p. 1. Decision amended by Decision 90/403/EEC (OJ No L 208, 7. 8. 1990, p. 29).

⁽³⁾ OJ No L 26, 31. 1. 1977, p. 20. Directive as last amended by Commission Directive 95/41/EC (OJ No L 182, 2. 8. 1995, p. 17).

the Annex hereto and officially controlled by the Authorities listed therein and which belong to the categories specified therein are equivalent to seed potatoes of corresponding categories harvested within the Community and comply with Directive 66/403/EEC.

Article 2

This Decision shall apply from 1 July 1995 to 30 June 2000.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 November 1995.

For the Council

The President

L. ATIENZA SERNA

ANNEX

PART I

Table

Country	Authority	Categories	
		In the country concerned	In the Community
1	2	3	4
SWITZERLAND	— Station fédérale de recherches agronomiques, Nyon	Plants certifiés : — Classe A — Classe B	} Certified seed potatoes
	— Eidgenössische Forschungsanstalt für Landwirtschaftlichen Pflanzenbau, Zürich	Anerkanntes Pflanzgut : — Klasse A — Klasse B	

PART II

Conditions

1. Seed potatoes shall be certified and their containers officially marked and sealed in accordance with the UNECE standard for seed potatoes recommended by the Working Party on Standardization of Perishable Produce and Quality Development of the Economic Commission for Europe of the United Nations.
2. Examination of the conditions to be satisfied by the crops, the lots and the direct progeny of seed potatoes shall be carried out by the Authorities of the producing country listed in Part I of this Annex, or by any legal person, whether governed by public or by private law of that country, acting under the responsibility of such Authorities, provided that such person derives no private gain from the result of the examination.
3. All particulars shall be provided in at least of the official languages of the Community.
4. The colour of the label shall be blue.

COUNCIL DECISION**of 29 November 1995****on the equivalence of field inspections carried out in third countries on seed producing crops and on the equivalence of seed produced in third countries**

(95/514/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 66/400/EEC of 14 June 1966 on the marketing of beet seed⁽¹⁾, and in particular Article 16 (1) thereof,

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed⁽²⁾, and in particular Article 16 (1) thereof,

Having regard to Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed⁽³⁾, and in particular Article 16 (1) thereof,

Having regard to Council Directive 69/208/EEC of 30 June 1969 on the marketing of seed of oil and fibre plants⁽⁴⁾, and in particular Article 15 (1) thereof,

Having regard to the proposal from the Commission,

Whereas there are rules on official seed control in Australia, Bulgaria, Canada, Switzerland, Croatia, the Czech Republic, Hungary, Israel, Morocco, New Zealand, Poland, Romania, Argentina, Chile, Slovakia, Slovenia, Turkey, Uruguay, the United States of America and South Africa; whereas these rules provide for an official field inspection to be carried out during the period of seed production;

Whereas the abovementioned rules provide in principle that basic seed, certified seed and certified seed of the first generation may be officially certified and their packages officially closed in accordance with the OECD schemes and for the varietal certification of seed moving in international trade; whereas, furthermore, such rules provide for seed sampling and testing in accordance with the methods of the International Seed Testing Association ('ISTA');

Whereas in the respective third countries an examination of these rules and the manner in which they are applied has shown that the prescribed field inspection of seed producing crops satisfies the relevant conditions laid down in the abovementioned Directives; whereas the conditions governing seed harvested and controlled in these countries afford the same assurances as regards the seed's characteristics, the arrangements for its examination, for ensuring identity, for marking and for control, as do the conditions applicable to seed, harvested and controlled within the Community;

Whereas Decision 85/355/EEC⁽⁵⁾, which established equivalence for field inspections in the abovementioned countries and Decision 85/356/EEC⁽⁶⁾ which established equivalences for seed produced in the abovementioned countries, expired on 30 June 1995; whereas a new decision is therefore necessary;

Whereas the OECD schemes for the varietal certification of seed moving in international trade, upon which this Decision is based, may be modified in the near future; whereas, in these circumstances, it appears desirable to limit the continuation of the equivalence under this Decision to 18 months;

Whereas this Decision is without prejudice to a possible renewal of the equivalence in respect of Cyprus where seed production and field inspections did not take place under Decisions 85/355/EEC and 85/356/EEC;

Whereas this Decision does not preclude Community findings being revoked where the conditions on which they are based cease to be satisfied; whereas, to this end, further practical information on seed produced in the abovementioned countries should be obtained by growing and checking samples of such seed in Community comparative tests;

Whereas certain provisions in this decision are subject to technical amendment; whereas, to simplify the procedures, such modifications should be dealt with under the procedure of the Standing Committee on Seeds and Propagating Material for Agriculture, Horticulture and Forestry,

(1) OJ No 125, 11. 7. 1966, p. 2290/66. Directive as last amended by the 1994 Act of Accession.

(2) OJ No 125, 11. 7. 1966, p. 2298/66. Directive as last amended by the 1994 Act of Accession.

(3) OJ No 125, 11. 7. 1966, p. 2309/66. Directive as last amended by Commission Directive 95/6/EC (OJ No L 67, 25. 3. 1995, p. 30).

(4) OJ No L 169, 10. 7. 1969, p. 3. Directive as last amended by the 1994 Act of Accession.

(5) OJ No L 195, 26. 7. 1985, p. 1. Decision as last amended by Decision 95/20/EC (OJ No L 28, 7. 2. 1995, p. 11).

(6) OJ No L 195, 26. 7. 1985, p. 20. Decision as last amended by Decision 95/20/EC (OJ No L 28, 7. 2. 1995, p. 11).

HAS ADOPTED THIS DECISION :

Article 1

It is hereby declared that field inspections of seed producing crops of the categories 'certified seed' and 'certified seed for the first generation', carried out in the countries and by the Authorities listed in Part I of the Annex hereto, and in respect of the group of species or species specified therein, satisfy the conditions laid down in Part A of Annex I to Directive 66/400/EEC and in Annex I to Directives 66/401/EEC, 66/402/EEC and 69/208/EEC in so far as the conditions laid down in Part II (A) of the Annex hereto are satisfied.

Article 2

It is hereby also declared that where the conditions laid down in Part II (B) of the Annex hereto are satisfied, seed of the categories 'basic seed', 'certified seed' and 'certified seed of the first generation' harvested in the countries listed in Part I of the Annex and officially controlled by the respective Authorities also listed in Part I of the Annex and belonging to the group of species or species specified therein, is equivalent to seed of the corresponding categories harvested within the Community and complying with Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC.

Article 3

1. Seed which has not been officially certified by an Authority of the producer country is also equivalent within the meaning of Article 2 in so far as the following conditions are fulfilled :

- the seed has been harvested in the Community and been subjected to the prescribed field inspection, and
- the seed has been officially certified by an Authority referred to in the Annex for the species concerned and belonging to the country where the seeds of the previous generation, which shall have been produced either in the Community or in that country, were officially certified.

2. By way of derogation from the first indent of paragraph 1 of this Article, equivalence may be granted to seeds harvested in certain specific third countries, in accordance with the procedure laid down in Article 21 of

Directives 66/400/EEC, 66/401/EEC and 66/402/EEC and in Article 20 of Directive 69/208/EEC, on condition that such countries enjoy, under this Decision, equivalence of field inspections carried out in third countries and have been subject in those countries to the prescribed field inspection.

Article 4

Where 'relabelling and refastening' as referred to in the OECD schemes takes place within the Community, the provisions laid down in Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and 69/208/EEC with respect to reclosing of packages of seed produced within the Community shall apply *mutatis mutandis*, without prejudice to the OECD rules applicable to such operations. EC labels shall not be used for this purpose.

The conditions under which exceptions to the prohibition referred to in the first paragraph may be provided for shall be decided on, where appropriate, in accordance with the procedure laid down for in Article 21 of Directives 66/400/EEC, 66/401/EEC and 66/402/EEC and in Article 20 of Directive 69/208/EEC.

Article 5

Technical and administrative amendments to be made to Annex I, with exception of those concerning column 1 of the table in Part I of that Annex, shall be adopted in accordance with the procedure laid down in Article 21 of Directives 66/400/EEC, 66/401/EEC, 66/402/EEC and in Article 20 of Directive 69/208/EEC.

Article 6

This Decision shall apply from 1 July 1995 to 31 December 1996.

Article 7

This Decision is addressed to the Member States.

Done at Brussels, 29 November 1995.

For the Council

The President

L. ATIENZA SERNA

ANNEX

PART I

Countries, authorities and species

Country	Authority	Species referred to in the following Directives
1	2	3
Australia	Department of Primary Industries and Energy, Canberra	66/401/EEC 66/402/EEC — except <i>Sorghum</i> spp. and <i>Zea mays</i> 69/208/EEC
Bulgaria	Sortovi Semena I Posadatchen Materiel, Sofia	66/400/EEC 66/401/EEC 66/402/EEC 69/208/EEC
Canada	Agriculture Canada, Ottawa	66/401/EEC 66/402/EEC 69/208/EEC
Switzerland	Eidgenössische Forschungsanstalt für Landwirtschaftlichen Pflanzenbau, Zürich Station fédérale de recherches agronomiques, Nyon	66/401/EEC 66/402/EEC 69/208/EEC
Croatia	Ministry of Agriculture and Forestry, Zagreb	66/402/EEC — only in respect of <i>Zea mays</i>
Czech Republic	Ministry of Agriculture, Praha	66/400/EEC 66/401/EEC 66/402/EEC 69/208/EEC
Hungary	Institute for Agricultural Quality Control, Budapest	66/400/EEC 66/401/EEC 66/402/EEC 69/208/EEC
Israel	Ministry of Agriculture, Bet-Dagan	66/401/EEC 66/402/EEC 69/208/EEC
Morocco	Ministère de l'Agriculture et de la réforme agraire, Rabat	66/401/EEC 66/402/EEC 69/208/EEC
New Zealand	Ministry of Agriculture and Fisheries, Wellington	66/400/EEC 66/401/EEC 66/402/EEC 69/208/EEC
Poland	Ministère de l'Agriculture et de l'économie alimentaire, Warszawa	66/400/EEC 66/401/EEC 66/402/EEC — other than <i>Zea</i> <i>mays</i> 69/208/EEC
Romania	Ministère de l'Agriculture et de l'alimentation, Bucarest	66/400/EEC 66/401/EEC 66/402/EEC 69/208/EEC

Country	Authority	Species referred to in the following Directives
1	2	3
Argentina	Secretaría de Estado de Agricultura y Ganadería, Buenos Aires	66/401/EEC 66/402/EEC 69/208/EEC
Chile	Ministerio de Agricultura, Santiago	66/400/EEC 66/401/EEC 66/402/EEC 69/208/EEC
Slovakia	Central Control and Testing Institute for Agriculture, Bratislava	66/400/EEC 66/401/EEC 66/402/EEC 69/208/EEC
Slovenia	Ministry of Agriculture and Forestry, Ljubljana	66/402/EEC — only in respect of <i>Zea mays</i>
Turkey	Ministry of Agriculture, Forestry and Rural Affairs, Ankara	66/400/EEC 66/402/EEC 69/208/EEC
Uruguay	Ministerio de Ganadería, Agricultura y Pesca, Montevideo	66/401/EEC 66/402/EEC — only in respect of <i>Zea mays</i> 69/208/EEC
United States of America	US Department of Agriculture, Beltsville, Maryland	66/400/EEC 66/401/EEC 66/402/EEC 69/208/EEC
South Africa	Department of Agriculture, Pretoria	66/401/EEC 66/402/EEC — only in respect of <i>Zea mays</i> and <i>Sorghum</i> spp. 69/208/EEC

PART II

A. Conditions relating to field inspections carried out in third countries on seed producing crops

1. Field inspections shall be carried out in accordance with national rules for the application of the OECD schemes for the varietal certification of seed moving in international trade as follows :

- sugar beet seed and fodder beet seed, in the case of *Beta vulgaris* referred to in Directive 66/400/EEC,
- herbage and oil seed, in the case of the species referred to in Directives 66/401/EEC and 69/208/EEC,
- cereal seed, in the case of seed of the species referred to in Directive 66/402/EEC, other than *Zea mays* and *Sorghum* spp.,
- maize and sorghum seed, in the case of seed of *Zea mays* and *Sorghum* spp. referred to in Directive 66/402/EEC.

Field inspections shall be carried out by the Authorities of the producing country listed in column 2 of the table in Part I of this Annex, or any legal person, whether governed by public or by private law of that country, acting under the responsibility of such Authorities, provided that such person derives no private gain from the result of the inspection.

2. Harvested seed shall be packed in officially closed packages which bear a special label provided for by the OECD for seed which is not finally certified ; the label shall give the following additional information :

- reference number of the basic seed,
- name of the Member State which certified the basic seed.

3. Harvested seed shall be accompanied by an official certificate giving the following information :

- area cultivated,
- quantity of seed,
- the attestation that the conditions that have to be satisfied by the crops from which the seed comes have been fulfilled.

4. In the case of South Africa, the conditions laid down in the fourth indent of paragraph 1 is not applicable. In such case, field inspections shall be carried out in accordance with the national rules.

B. Conditions relating to seed produced in third countries

1. Basic seed, certified seed and certified seed of the first generation shall be officially certified and its packages officially closed and marked in accordance with the OECD schemes for the varietal certification of seed moving in international trade specified below, and the seed lots shall be accompanied by the certificates required under those OECD schemes :

- sugar beet seed and fodder beet seed, in the case of seed of *Beta vulgaris* referred to in Directive 66/400/EEC,
- herbage and oil seed, in the case of the seed of the species referred to in Directives 66/401/EEC and 69/208/EEC,
- cereal seed, in the case of seed of the species referred to in Directive 66/402/EEC, other than *Zea mays* and *Sorghum* spp.,
- maize and sorghum seed in the case of *Zea mays* and *Sorghum* spp. referred to in Directive 66/402/EEC.

Moreover, seed shall satisfy the conditions of Community rules other than those relating to varietal identity and varietal purity.

2. Field inspections and examination of the conditions to be satisfied by the seed shall be carried out by the Authorities of the producing country listed in column 2 of the table referred to in Part I of this Annex, or by any legal person whether governed by public or by private law of that country, acting under the responsibility of such Authorities, provided that such person derives no private gain from the result of the inspection or examination.

3. The conditions which seed shall satisfy in accordance with the second subparagraph of paragraph 1 are laid down in the following Directives :

- Directive 66/400/EEC, Annex I (B)
- Directive 66/401/EEC, Annex II
- Directive 66/402/EEC, Annex II
- Directive 69/208/EEC, Annex II.

For the purpose of the examination to check whether the abovementioned conditions have been satisfied, samples shall be taken officially in accordance with the ISTA rules and their weights shall conform to the weight stipulated under such methods, taking into account those specified in the following Directives :

- Directive 66/400/EEC, Annex II, second line,
- Directive 66/401/EEC, Annex III, columns 3 and 4,
- Directive 66/402/EEC, Annex III, columns 3 and 4,
- Directive 69/208/EEC, Annex III, columns 3 and 4.

The examination shall be carried out officially in accordance with the rules established under the ISTA rules.

4. Seed shall satisfy the following additional conditions in respect of package marking :

- 4.1. The following official information shall be given :

- in the case of certified seed, reference number of basic seed and name of the country where that seed was officially certified,
- a statement that the seed satisfied the conditions of Community rules other than those relating to varietal identity and varietal purity : 'the seed complies with EC rules and standards',
- a statement that the seed has been sampled and tested in accordance with current international methods : 'Sampled and analyzed according to ISTA rules for oranges or green certificates by ... , (name or initials of the ISTA seed testing station)',
- date of official closing,
- where seed lots have been 'relabelled and refastened' within the meaning of the OECD schemes, also a statement that this operation took place, the most recent date of reclosing and the Authorities responsible therefore,
- country of production,
- declared net or gross weight or declared number of pure seeds or, in the case of beet seed, clusters,
- where weight is indicated and granulated pesticides, pelleting substances or other solid additives are used, the nature of the additive and also the approximate ratio between the weight of pure seed and the total weight.

This information may be given either on the OECD label or on an additional official label which shall give the name of the service and the country. Any suppliers' labels shall be drawn up in such a manner that they cannot be confused with the additional official label.

- 4.2. An official notice placed inside the package shall give at least the reference number of the lot, the species and the variety ; in addition, in the case of beet seed, it shall be stated where appropriate whether the seed is monogerm or precision seed.

This notice is not necessary if the minimum information is printed indelibly on the package or if an adhesive label or a label of non-tear material is used.

- 4.3. Any chemical treatment of the seed and the active substance shall be noted either on the official label or on a special label as well as on the container or inside it.
- 4.4. All information required for official labels, for official notices and for packages shall be given in at least one of the official languages of the Community.

5. The seed lots shall be accompanied by an orange or green ISTA certificate giving the information relating to the conditions in paragraph 3.

6. In the case of basic seed of varieties which are exclusively maintained within the Community, the seed of the preceding generations shall have been produced within the Community.

In the case of basic seed of other varieties, the seed of the preceding generations shall have been produced under the responsibility of the persons responsible for the maintenance breeding, referred to in the Common Catalogue of Varieties of Agricultural Plant Species or, where the variety is not yet listed there, in the National Catalogue of the Member State of admission, either within the Community or in a third country which has been granted, under Decision 92/420/EEC ⁽¹⁾, the equivalence of checks on practices for the maintenance of varieties carried out in third countries.

In the case of basic seed of hybrid varieties, the seed of the preceding generation may also have been produced, under the responsibility of the above person, in a third country where the variety components are maintained.

7. In the case of certified seed of the first generation, the basic seed from which it is derived shall have been produced and officially controlled and certified :

- either within the Community, or
- in a third country which has been granted equivalence under this Decision for the production of basic seed of the species concerned, provided that it has been produced from seed produced in accordance with paragraph 6.

8. In the case of the United States of America, by way of derogation from paragraph 4.1, third indent and paragraph 5, sampling, testing and issue of seed analysis certificates may be carried out by Official Seed Testing State Laboratories according to the rules of the Association of Official Seed Analysis (AOSA) applicable to lot inspection. In this case :

- the following statement shall be given under paragraph 4.1 : 'Sampled and analysed according to AOSA by ...', (name or initials of the Official Seed Testing State Laboratory), and
- the certificates required under paragraph 5 shall be the Lot Inspection Certificate issued by the Official Seed Testing Laboratory under the authority of the State Seed Testing Agency.

Specific cases in which this derogation shall not apply may be defined in accordance with the procedure laid down in Article 21 of Directives 66/400/EEC, 66/401/EEC and 66/402/EEC and in Article 20 of Directive 69/208/EEC.

9. In the case of South Africa, the condition laid down in the fourth indent of paragraph 1 is not applicable. In such case the seed shall be officially certified and its packages closed in accordance with national rules.

An official label shall give at least the following information, without prejudice to those laid down in paragraph 4.1 above :

- certification service and country,
- reference number of the lot,
- where seed lots have been relabelled and refastened, also a statement that this operation took place, the most recent date of reclosing and the authorities responsible therefore,
- species,
- variety,
- in the case of hybrids :
 - for seed of the category 'basic seed' : inbred line or hybrid,
 - for seed of the category 'certified seed' : type of hybrid and, where basic seed has not been certified within the Community, a statement that the basic seed has been officially examined,
- country of production.

The colour of the label shall be :

- white for basic seed,
- blue for certified seed.

⁽¹⁾ OJ No L 231, 13. 8. 1992, p. 22.