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Legislation

Contents

I Acts whose publication is obligatory

Commission Regulation (EC) No 51/96 of 15 January 1996 on the supply of cereals as food aid 1

Commission Regulation (EC) No 52/96 of 15 January 1996 establishing the standard import values for determining the entry price of certain fruit and vegetables 5

II Acts whose publication is not obligatory

Commission

96/40/EC :

- ★ **Commission Decision of 20 December 1995 suspending the proceeding under Council Regulation (EC) No 3286/94 on trade barriers, concerning piracy of Community sound recordings in Thailand and its effects on Community trade in sound recordings 7**

I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 51/96
of 15 January 1996
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 2 707 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,

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 Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

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, 15 January 1996.

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

LOT A

1. **Operation No** ⁽¹⁾: 296/95
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid PO Box 12, NL-2501 CA Den Haag (tel. (31 70) 330 57 57; fax 364 17 01; telex 30960 EURON NL)
4. **Representative of the recipient** ⁽¹⁰⁾: to be designated by the recipient
5. **Place or country of destination**: Peru
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900, 1006 30 94 900, 1006 30 96 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (1) (f))
8. **Total quantity**: 576 tonnes (1037 tonnes of cereals)
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁴⁾ ⁽⁸⁾ ⁽⁹⁾ ⁽¹¹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA (2) (c) and IIA (3))
Language to be used for the marking: Spanish
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**: 19. 2 — 10. 3. 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 30. 1. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 13. 2. 1996
 - (b) period for making the goods available at the port of shipment: 4 — 24. 3. 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) 295 01 32 / 296 10 97)
25. **Refund payable on request by the successful tenderer** ⁽⁴⁾: refund applicable on 26. 1. 1996, fixed by Commission Regulation (EC) No 3007/95 (OJ No L 312, 23. 12. 1995, p. 74)

LOTS B, C and D

1. **Operation Nos** ⁽¹⁾: 363/95 (B); 372/95 (C); 374/95 (D)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: UNHCR (for the attention of Mme Seinet), Case postale 2500, CH-1211 Genève 2 Dépôt (tel. (22) 739 81 37; fax (22) 739 73 06)
4. **Representative of the recipient**:
 B: UNHCR Yaoundé B.P. 7077, Bastos Immeuble Abada Yaoundé, République du Cameroun. (Tel + fax (237) 21 35 91; telex: 8715 HCR)
 C: UNHCR Nigeria, PO Box 53874, 13 Awolowo Ikoyi, Lagos. (Tel (234-1) 269 27 44; fax: 269 32 97; tlx: 23310 HCRL NG)
 D: UNHCR Pointe-Noire, 4 av. Ngouedi, BP 1138 Pointe-Noire, République du Congo (Tel + fax: (242) 94 55 18).
5. **Place or country of destination** ⁽³⁾: B: Cameroon; C: Nigeria; D: Congo
6. **Product to be mobilized**: milled rice (product code 1006 30 94 900 / 1006 30 96 900 / 1006 30 92 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA. 1 (f))
8. **Total quantity**: 928 tonnes (1 670 tonnes of cereals)
9. **Number of lots**: 3 (B: 120 tonnes; C: 260 tonnes; D: 548 tonnes)
10. **Packaging and marking** ⁽⁸⁾ ⁽⁹⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under IIA. 2 (b) and IIA. 3) Markings in English (C) and French (B, D)
11. **Method of mobilization of product**: the Community market
12. **Stage of supply**: free at destination
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**: see point 4
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 19. 2 — 3. 3. 1996
18. **Deadline for the supply**: 31. 3. 1996
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 30. 1. 1996
21. **In the case of a second invitation to tender**:
 (a) deadline for the submission of tenders: 12 noon (Brussels time) on 13. 2. 1996
 (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 4 — 17. 3. 1996
 (c) deadline for the supply: 14. 4. 1996
22. **Amount of tendering security**: ECU 5 per tonne
23. **Amount of 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 Mr T. Vestergaard, bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstaat, B-1049 Bruxelles/Brussel (telex 22037 AGREC B; telefax (32 2) 295 01 32 / 296 10 97)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 26. 1. 1996, fixed by Commission Regulation (EC) No 3007/95 (OJ No L 312, 23. 12. 1995 p. 74)

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 2853/95 (OJ No L 229, 12. 12. 1995, p. 1), 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) Shipment to take place in 20-foot containers condition FCL/FCL. (A : each containing 18 tonnes 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 (A + expiry date),
 - lot A : fumigation certificate (the cargo shall be fumigated with alumine phosphine).
- (⁸) Notwithstanding OJ No C 114, point II.A (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) The supplier should send a duplicate of the original invoice to Willis Corroon Scheuer, PO box 1315, NL-1000 BH Amsterdam.
- (¹¹) See second amendment to OJ No C 114 published in OJ No C 135, 26. 5. 1992, p. 20.
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COMMISSION REGULATION (EC) No 52/96

of 15 January 1996

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 2933/95 ⁽²⁾, and in particular Article 4 (1) thereof,Having regard to Council Regulation (EEC) No 3813/92 of 28 December 1992 on the unit of account and the conversion rates to be applied for the purposes of the common agricultural policy ⁽³⁾, as last amended by Regulation (EC) No 150/95 ⁽⁴⁾, and in particular Article 3 (3) thereof,

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from

third countries, in respect of the products and periods stipulated in the Annex thereto;

Whereas, in compliance with the above criteria, the standard import values must be fixed at the levels set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 4 of Regulation (EC) No 3223/94 shall be fixed as indicated in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 January 1996.

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

Done at Brussels, 15 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.⁽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 15 January 1996 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 15	052	64,5	0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	61,7
	060	80,2		464	177,3
	064	59,6		624	81,0
	066	41,7		999	106,7
	068	62,3	0805 30 20	052	67,0
	204	38,8		204	45,8
	208	44,0		388	67,5
	212	117,9		400	42,9
	624	98,2		512	54,8
	999	67,5		520	66,5
0707 00 10	052	111,6		524	100,8
	053	166,9		528	94,7
	060	61,0		600	82,1
	066	53,8		624	41,6
	068	60,4		999	66,4
	204	144,3	0808 10 51, 0808 10 53, 0808 10 59	052	64,0
	624	135,0		064	78,6
	999	104,7		388	39,2
0709 10 10	220	125,7		400	81,9
	999	125,7		404	73,2
0709 90 71	052	126,9		508	68,4
	204	77,5		512	51,2
	412	54,2		524	57,4
	624	209,5		528	48,0
	999	117,0		728	107,3
0805 10 01, 0805 10 05, 0805 10 09	052	42,6		800	78,0
	204	53,5		804	21,0
	208	68,2	0808 20 31	999	64,0
	212	47,8		052	86,3
	388	40,5		064	72,5
	448	32,6		388	79,6
	600	63,7		400	84,7
	624	53,6		512	89,7
	999	50,3		528	84,1
	052	67,2		624	79,0
0805 20 11	204	71,1		728	115,4
	624	86,6		800	55,8
	999	75,0		804	112,9
				999	86,0

⁽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'.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 December 1995

suspending the proceeding under Council Regulation (EC) No 3286/94 on trade barriers, concerning piracy of Community sound recordings in Thailand and its effects on Community trade in sound recordings

(96/40/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3286/94 of 22 December 1994 laying down Community procedures in the field of the common policy in order to ensure the exercise of the Community's rights under international trade rules, in particular those established under the auspices of the World Trade Organization⁽¹⁾, as last amended by Regulation (EC) No 365/95⁽²⁾, in particular Articles 11 and 14 thereof,

Following consultations in the Advisory Committee,

Whereas :

On 5 June 1991 the Commission received a complaint, under Regulation (EEC) No 2641/84 of 17 September 1984 on the strengthening of the common commercial policy with regard in particular to protection against illicit commercial practices⁽³⁾, as last amended by Regulation (EC) No 522/94⁽⁴⁾, from the European Office of the International Federation of the Phonographic Industry (IFPI), representing virtually all producers of sound recordings in the Community. The complaint alleged that piracy of Community sound recordings was taking place on a massive scale in Thailand and that such piracy was

causing injury to the Community industry, notably by affecting exports of Community sound recordings to Thailand as well as to other third markets.

As the complaint provided sufficient evidence, within the meaning of Article 6 (1) of Regulation (EEC) No 2641/84, of the existence of an illicit commercial practice attributable to Thailand and of consequent injury, the Commission announced in a notice published in the *Official Journal of the European Communities*⁽⁵⁾ the initiation of an examination procedure concerning piracy of Community sound recordings in Thailand.

Following the initiation of the proceeding, the Commission conducted a factual and legal examination and presented on 20 February 1992 its examination report to the Advisory Committee established under Regulation (EC) No 2641/84. From this it appeared that, during the reference period, and essentially as a result of the Thai authorities' failure to properly enforce the then Thai legislation on copyright, the level of piracy of sound recordings (international repertoire) was likely to have reached 90 %, and that this situation resulted in material injury to the Community industry, notably in the form of lost sales on the Thai market (as well as certain other third markets). Consequently, it appeared that Thailand had therefore violated its international obligation to provide Community producers of sound recordings with effective protection against piracy of their products. This obligation followed from the national treatment provision which

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 71.

⁽²⁾ OJ No L 41, 23. 2. 1995, p. 3.

⁽³⁾ OJ No L 252, 20. 9. 1984, p. 1.

⁽⁴⁾ OJ No L 66, 10. 3. 1994, p. 10.

⁽⁵⁾ OJ No C 189, 20. 7. 1991, p. 26.

Article 4 of the Berlin Act of the Berne Convention for the Protection of Literary and Artistic Works stipulates to which Thailand is a signatory.

The Commission then held consultations with the Thai authorities which brought about the commitment of the Thai government, in September 1992, to bring down piracy of EC sound recordings to negligible levels within the shortest possible time span and, in a first stage, to achieve a substantial reduction within one year.

On the basis of this commitment, with the favourable opinion of the Advisory Committee, and subject to a regular evaluation of the situation, no further steps in the proceeding appeared appropriate in the immediate future.

In December 1993 a mission took place to Thailand to evaluate the progress achieved. Following this mission the Commission reported again to the Committee established under Regulation (EEC) No 2641/84. The first finding of the mission was that the actual level of audio cassettes' piracy had fallen to approximately 50 % in the first year following the undertaking by the Thai Government, thus confirming the Thai Government's willingness to abide by its commitment. However further progress was considered to have been slow and, moreover, concern was expressed about the possible resurgence in piracy of sound recordings, notably as a result of sales of pirated compact discs (CDs). In this context, and with the favourable opinion of the Advisory Committee, it appeared that further time should be allowed to give Thailand the opportunity to adopt new legislation on copyright, which was already in the form of a Bill being discussed in Parliamentary committee and which contained more appropriate provisions to combat piracy and to effectively enforce it.

The information gathered by the Commission since the beginning of 1994 shows that no further significant improvement occurred regarding the actual level of piracy of EC sound recordings. However important positive developments took place on the legislative side. The new Thai Copyright Act entered into force on 21 March 1995. It introduced numerous provisions aimed at simplifying action against the pirates and including the necessary deterrent effects against potential as well as actual infringers, notably through much increased penalties.

Under these circumstances and account being taken of both the maintenance of a significant level of piracy, in particular as regards CDs, and of the prospects of its reduction to negligible levels on a permanent basis through the effective enforcement of the new Thai legislation, the Commission considers that at this stage neither the termination of the procedure nor the adoption of commercial policy measures against Thailand is appropriate. However, a close monitoring of the situation remains necessary.

As from 1 January 1995 Regulation (EC) No 3286/94, which repealed Regulation (EEC) No 2641/84, applies to the present proceeding.

Regulation (EC) No 3286/94 introduced in Article 11 (2) (a) the possibility to formally suspend a proceeding. In such a case, the Commission has the task of supervising the proper application of the measures taken by the third country concerned, as provided for in Article 11 (2) (b) of that Regulation.

Under Article 13 (1) of Regulation (EC) No 3286/94, this suspension Decision is adopted in accordance with Article 14 of the same Regulation. The latter provides, in particular, that the Commission shall adopt a decision which it shall communicate to the Member States and which shall apply after a period of 10 days if during this period no Member State has referred the matter to the Council.

It should also be recalled that Article 11 (2) (c) of Regulation (EC) No 3286/94 provides that where the measures taken by the third country have been rescinded, suspended or improperly implemented or where the Commission has grounds for believing this to be the case or, finally, where a request for information made by the Commission has not been granted, any commercial policy measures may be adopted in accordance with the appropriate provisions of the Regulation.

The proceeding concerning piracy of Community sound recordings in Thailand should therefore be suspended. The Commission should continue to monitor the situation on a permanent basis and regularly inform the Advisory Committee established under Regulation (EC) No 3286/94,

HAS ADOPTED THIS DECISION :

Article 1

The proceeding concerning piracy of Community sound recordings in Thailand is hereby suspended.

Article 2

This Decision shall apply as from the day of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 20 December 1995.

For the Commission

Leon BRITTAN

Vice-President