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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 92/96

of 22 January 1996

amending Regulation (EC) No 2413/95 imposing a definitive anti-dumping duty on imports of ferro-silico-manganese originating in Russia, Ukraine, Brazil and South Africa

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 3283/94 of 22 December 1994 on protection against dumped imports from countries not members of the European Community⁽¹⁾, and in particular Articles 8, 9 and 10 thereof,

Having regard to the proposal submitted by the Commission after consultation within the Advisory Committee,

Whereas :

dumping Regulation) pursuant to Article 23 of that Regulation.

B. WITHDRAWAL OF UNDERTAKING

- (3) Highveld Steel and Vanadium Corporation Limited has, by correspondence received by the Commission almost concurrently with the adoption by the Council of Regulation (EC) No 2413/95, withdrawn its undertaking.

A. BACKGROUND

- (1) In the context of the anti-dumping proceeding concerning imports of ferro-silico-manganese originating in Russia, Georgia, Ukraine, Brazil and South Africa, the Commission, by Decision 94/418/EC⁽²⁾, accepted an undertaking from, *inter alia*, the South African producer, Highveld Steel and Vanadium Corporation Limited.
- (2) The Council, by Regulation (EC) No 2413/95⁽³⁾, imposed a definitive anti-dumping duty on imports of ferro-silico-manganese originating in Russia, Ukraine, Brazil and South Africa and excluded, *inter alia*, Highveld Steel and Vanadium Corporation Limited from the application of the duty on the basis of the undertaking accepted by the Commission. Since the investigation was concluded by definitive measures adopted by the Council pursuant to Article 12 of Regulation (EEC) No 2423/88⁽⁴⁾ (the former basic Anti-dumping Regulation) the proceeding is now governed by Regulation (EC) No 3283/94 (the new basic Anti-

C. DEFINITIVE DUTY

- (4) Pursuant to Article 8 (9) of Regulation (EC) No 3283/94, in case of withdrawal of an undertaking, a definitive duty shall be imposed in accordance with Article 9, on the basis of the facts established by the investigation that led to the undertaking provided that such investigation was concluded with a final determination as to dumping and injury.
- (5) The investigation that led to the acceptance, by Decision 95/418/EC, of an undertaking from Highveld Steel and Vanadium Corporation Limited was concluded with a final determination, by the Council, of injurious dumping, as far as imports of the product produced by this company are concerned. In view of the withdrawal of the undertaking, such imports should therefore be subject to a definitive duty.
- (6) Specifically, the dumping margin finally established for Highveld Steel and Vanadium Corporation Limited was 45,3 % of the net, free-at-Community frontier prices, before duty. Since the dumping margin was lower than the injury threshold found, the duty should be set at a level that eliminates the dumping, in accordance with Article 9 (4) of Regulation (EC) No 3283/94.

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 1. Regulation as last amended by Regulation (EC) No 1251/95 (OJ No L 122, 2. 6. 1995, p. 1).

⁽²⁾ OJ No L 248, 14. 10. 1995, p. 56.

⁽³⁾ OJ No L 248, 14. 10. 1995, p. 1.

⁽⁴⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Regulation (EC) No 3283/94 (OJ No L 349, 31. 12. 1994, p. 1) in turn amended by Regulation (EC) No 1251/95 (OJ No L 122, 2. 6. 1995, p. 1).

- (7) It is recalled that, in the present proceeding, in view of the price sensitivity of the market for ferro-silico-manganese and in order to minimize the impact of the measures on users in the event of possible significant price increases, the Council considered it appropriate that the duties be imposed in the form of variable duties based on a minimum price, free-at-Community frontier, before duty. Such minimum price should be, in the case of imports of ferro-silico-manganese produced by Highveld Steel and Vanadium Corporation Limited, ECU 492 per tonne of product.
- (8) In light of the above, the Council concludes that Regulation (EC) No 2413/95 should be amended and a definitive duty imposed on imports of ferro-silico-manganese produce by Highveld Steel and Vanadium Corporation Limited. The amount of the duty should be the difference between the minimum import price of ECU 492 per tonne product and the net, free-at-Community frontier price, before duty, in all cases where the net, free-at-Community frontier price, before duty, per tonne product is less than the minimum import price.

D. RETROACTIVITY

- (9) In the present case, given that in the absence of an undertaking a duty should have been imposed by Regulation (EC) No 2413/95 on imports of the product produced by Highveld Steel and Vanadium Corporation Limited, it is considered appropriate that the duty apply with retroactive effect. To that end, the Commission, by Regulation (EC) No 2698/95⁽¹⁾, introduced registration with regard to such imports, in accordance with Articles 10 (5) and 14 (5) of Regulation (EC) No 3283/94.
- (10) It should be noted that, upon the entry into force of this Regulation, registration of the imports in question would serve no further purpose and Regu-

lation (EC) No 2698/95 will cease to apply in accordance with Article 1 thereof,

HAS ADOPTED THIS REGULATION :

Article 1

Article 1 (5) of Regulation (EC) No 2413/95 shall be replaced by the following :

'5. For the product originating in South Africa (Taric additional code 8818) the amount of the anti-dumping duty shall be the difference between the minimum import price of ECU 500 per tonne product and the net, free-at-Community frontier price, before duty, in all cases where the net, free-at-Community frontier price, before duty, per tonne product is less than the minimum import price, with the exception of imports produced by the following company, which will be subject to the rate of duty mentioned below.

For the product produced by Highveld Steel and Vanadium Corporation Limited (Taric additional code 8874) the amount of the anti-dumping duty shall be the difference between the minimum import price of ECU 492 per tonne product and the net, free-at-Community frontier price, before duty, in all cases where the net, free-at-Community frontier price, before duty, per tonne product is less than the minimum import price.'

Article 2

The reference to Highveld Steel and Vanadium Corporation Limited in Article 1 (7) of Regulation (EC) No 2413/95 is hereby deleted.

Article 3

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 the date of entry into force of Regulation (EC) No 2698/95.

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

Done at Brussels, 22 January 1996.

For the Council

The President

L. DINI

⁽¹⁾ OJ No L 280, 23. 11. 1995, p. 20.

COMMISSION REGULATION (EC) No 93/96
of 23 January 1996

deducting from the quantitative limits on imports of certain categories of textile products originating in the People's Republic of China amounts corresponding to those imported into the European Community in circumvention of the Agreement between the European Community and the People's Republic of China on trade in textile products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3030/93, of 12 October 1993 on common rules for imports of certain textile products from third countries⁽¹⁾, as last amended by Commission Regulation (EC) No 1616/95⁽²⁾, and in particular Article 15 thereof in conjunction with Article 17 thereof,

Whereas enquiries carried out in accordance with the procedures established in Annex IV of Council Regulation (EEC) No 3030/93 have led the Commission to conclude that certain textile products falling under categories 4, 6, 7, 8 and 78 have been imported into the European Community in circumvention of the provisions of Regulation (EEC) No 3030/93;

Whereas, on the basis of further verifications, carried out with the assistance of third countries' authorities, it has appeared that these products physically emanated from the territory of the People's Republic of China before having been imported into the European Community without Chinese origin being declared or under false declarations of origin;

Whereas consultations with the People's Republic of China have been requested and held on several occasions to clarify the situation in order to determine, on the basis in particular of the documentary evidence submitted by the European Commission, the true origin of the products concerned and to reach an agreement on an equivalent adjustment of the quantitative limits applicable to exports to the European Community of products originating in the People's Republic of China;

Whereas during the course of the consultations, the authorities of the People's Republic of China have not challenged the fact that the products in question emanated from the territory of the People's Republic of China, nor the conclusion drawn by the European Community that they were therefore of Chinese origin;

Whereas, under the Agreement between the European Community and the People's Republic of China on trade in textile products initialled on 9 December 1988, as last amended by the Agreement initialled on 14 December

1995, and in particular Article 7 thereof, exports to the European Community of products originating in the People's Republic of China must be set off against the quantitative limits established for the year in which the shipment of the goods is effected and must be accompanied by an export licence issued by the competent authorities of the People's Republic of China which, upon presentation to the competent authorities of the European Community, will automatically entitle the bearer to an import authorization into the European Community for the amount of products covered by the export licence if, after verification, it appears that the agreed quantitative limit has not been exhausted;

Whereas, on the basis of all the elements mentioned above, there are sufficient grounds to conclude that the products concerned imported without Chinese origin being declared or under false declarations of origin have as their origin the People's Republic of China, that they have been placed on the Community market without having been set off against the quantitative limits established under the bilateral Agreement and that they have, therefore, been imported into the European Community in circumvention of the Agreement;

Whereas under the bilateral Agreement and Regulation (EEC) No 3030/93, in such circumstances, where clear evidence of circumvention has been provided, the European Community is entitled to deduct from the established quantitative limits amounts equivalent to the products imported in circumvention of the Agreement, if within a specific time limit no satisfactory solution is reached;

Whereas on 3 November 1995 the Commission has formally requested the People's Republic of China, pursuant to Article 7 (3) of the Agreement, to make the necessary arrangements in order to ensure that adjustments of the quantitative limits could be carried out for the quota year 1995, in which the request to open consultations had been made by the European Community;

Whereas the European Community and the People's Republic of China have reached an agreement on the method by which adjustments of the quantitative limits should be made which is deemed to constitute a satisfactory solution within the meaning of Article 15 of Regulation (EEC) No 3030/93;

Whereas it is appropriate to implement the solution agreed and to this end to deduct from the quantitative limits concerned the agreed quantities;

⁽¹⁾ OJ No L 275, 8. 11. 1993, p. 1.

⁽²⁾ OJ No L 154, 5. 7. 1995, p. 3.

Whereas the adjustments made to the quantitative limits of categories 4, 6, 7, 8 and 78 should not prevent the importation into the European Community of products shipped from the People's Republic of China before the entry into force of the present Regulation ;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Textile Committee established by Regulation (EC) No 3030/93,

HAS ADOPTED THIS REGULATION :

Article 1

The amounts specified in the Annex to the present Regulation are deducted from the corresponding quantitative limits for imports of products of categories 4, 6, 7, 8 and

78 originating in the People's Republic of China as laid down for the year 1995 in Annex V of Regulation (EEC) No 3030/93.

Article 2

The adjustment referred to in Article 1 to the quantitative limits applicable to products of categories 4, 6, 7, 8 and 78 originating in the People's Republic of China shall not prevent the importation of products of the same categories provided they have been shipped from the People's Republic of China to the European Community before the date of entry into force of the present Regulation.

Article 3

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, 23 January 1996.

For the Commission

Leon BRITTAN

Vice-President

ANNEX

Adjustments to the Community quantitative limits applicable for the year 1995 to imports of textile products falling into categories 4, 6, 7, 8 and 78 and originating in the People's Republic of China

Category	Amount to be deducted from the 1995 quantitative limits ⁽¹⁾
4	13 077 778 pieces
6	121 904 pieces
7	20 016 pieces
8	15 438 pieces
78	2 tonnes

⁽¹⁾ Should this amount not be available within the quantitative limits established for the year 1995, the difference will be deducted from the quantitative limits established for the year 1996.

COMMISSION REGULATION (EC) No 94/96

of 23 January 1996

on the opening of a standing invitation to tender for 80 000 tonnes of rye held by
the Danish intervention agency for processing in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 5 thereof,

1. Notwithstanding Commission Regulation (EEC) No 2131/93⁽³⁾, the Danish intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 80 000 tonnes of rye it holds with a view to processing in Spain.

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

2. The regions where the 80 000 tonnes of rye are stored are set out in Annex I.

Whereas that shortage may be made good by making 80 000 tonnes of rye available to Spanish stockfarmers; whereas, for its part, the Spanish intervention agency does not have fodder grain available; whereas such Community grain is available at the Danish intervention agency;

Article 2

Whereas, given the current market situation, a standing invitation to tender should be opened for 80 000 tonnes of rye held by the Danish intervention agency for compulsory dispatch to Spain;

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

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

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

Article 3

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

Whereas, as regards proof of processing in Spain, Commission Regulation (EEC) No 3002/92 of 16 October 1992 laying down common detailed rules for verifying the use and/or destination of products from intervention⁽⁴⁾, as last amended by Regulation (EEC) No 1938/93⁽⁵⁾, should apply;

Article 4

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

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

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

Article 5

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

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

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

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

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75⁽¹⁾.

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

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

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

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 1 February 1996.

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

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 28 March 1996.

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

EF-Direktoratet
Nyropsgade 26
DK-1602 København V.
(Tel. 33 92 70 00, telefax 33 92 69 48, telex 15 137).

Article 8

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

Article 9

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

Article 10

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

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

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

Article 11

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

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

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

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

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

Article 13

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

- Destinados a la transformación [Reglamento (CE) n° 94/96]
- Til forarbejdning (forordning (EF) nr. 94/96)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 94/96)
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 94/96]
- For processing (Regulation (EC) No 94/96)
- Destinées à la transformation [règlement (CE) n° 94/96]
- Destinate alla trasformazione [regolamento (CE) n. 94/96]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 94/96)
- Para transformação [Regulamento (CE) n° 94/96]
- Tarkoitettu jalostukseen [Asetus (EY) N:o 94/96]
- För bearbetning (förordning (EG) nr 94/96).

Article 14

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

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

Done at Brussels, 23 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Midt -og Nordjylland	80 000

ANNEX II

Standing invitation for the resale of 80 000 tonnes of rye held by the Danish intervention agency for dispatch to Spain

(Regulation (EC) No 94/96)

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

ANNEX III

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

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

COMMISSION REGULATION (EC) No 95/96
of 23 January 1996

amending Regulation (EC) No 1501/95 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 16 (2) thereof,

Whereas Commission Regulation (EC) No 1501/95⁽³⁾, as amended by Regulation (EC) No 2480/95⁽⁴⁾, lays down, for the application of Article 16 of Regulation (EEC) No 1766/92, measures to be taken where there is disturbance or the threat of disturbance on the Community market, and in particular the conditions of application of export taxes;

Whereas, because of the non-commercial nature of the Community and national food aid measures provided for under international agreements or other supplementary programmes, as well as other Community free supply measures, exports made for this purpose are excluded from the field of application of the export tax applicable to commercial exports in cases of disturbance on the cereals market; whereas an appropriate provision should therefore be introduced into Regulation (EC) No 1501/95;

Whereas it should be provided that this specific provision is applicable, upon presentation of appropriate supporting documents, to exports for the implementation of such measures carried out since the fixing of export taxes in application of Article 16 of Regulation (EEC) No 1766/92 and, for the first fixing in this marketing year, by Commission Regulation (EC) No 1749/95 of 18 July

1995 fixing an export tax in relation to products falling within CN codes 1001 10 00 and 1103 11 10⁽⁵⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

The following second subparagraph is hereby inserted in Article 15 of Regulation (EC) No 1501/95:

'However, no tax shall be applied to exports of cereals or cereal products carried out to implement Community and national food aid measures provided for under international agreements or other supplementary programmes, or to implement other Community free supply measures.'

Article 2

Article 1 shall be applied, at the initiative of the operators concerned upon presentation of proof that they are exporting as part of the food aid operations concerned, to exports carried out for this purpose since 19 July 1995. Any guarantees that have been lodged at the request of the competent authorities shall be released.

Article 3

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, 23 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 256, 26. 10. 1995, p. 9.

⁽⁵⁾ OJ No L 169, 19. 7. 1995, p. 21.

COMMISSION REGULATION (EC) No 96/96

of 23 January 1996

on the opening of a standing invitation to tender for 50 000 tonnes of barley held
by the German intervention agency for processing in Greece

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 5 thereof,

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

Whereas that shortage may be made good by making 50 000 tonnes of barley available to Greek stockfarmers; whereas, for its part, the Greek intervention agency does not have fodder grain available; whereas such Community grain is available at the German intervention agency;

Whereas, given the current market situation, a standing invitation to tender should be opened for 50 000 tonnes of barley held by the German intervention agency for compulsory dispatch to Greece;

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

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

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

1. Notwithstanding Commission Regulation (EEC) No 2131/93⁽⁵⁾, the German intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 50 000 tonnes of barley it holds with a view to processing in Greece.

2. The regions where the 50 000 tonnes of barley are stored are set out in Annex I.

Article 2

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

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

Article 3

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

Article 4

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

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

Article 5

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

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

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

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

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75⁽¹⁾.

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

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

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

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 1 February 1996.

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

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 28 March 1996.

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

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

Article 8

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

Article 9

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

Article 10

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

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

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

Article 11

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

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

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

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

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

Article 13

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

- Destinos a la transformación [Reglamento (CE) n° 96/96]
- Til forarbejdning (forordning (EF) nr. 96/96)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 96/96)
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 96/96]
- For processing (Regulation (EC) No 96/96)
- Destinées à la transformation [règlement (CE) n° 96/96]
- Destinate alla trasformazione [regolamento (CE) n. 96/96]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 96/96)
- Para transformação [Regulamento (CE) n° 96/96]
- Tarkoitettu jalostukseen [Asetus (EY) N:o 96/96]
- För bearbetning (förordning (EG) nr 96/96).

Article 14

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

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

Done at Brussels, 23 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	15 177
Hessen/Rheinland-Pfalz/Baden- Württemberg/Saarland/Bayern	25 105
Berlin/Brandenburg/Mecklenburg- Vorpommern	464
Sachsen/Sachsen-Anhalt/Thüringen	9 270

ANNEX II

Standing invitation for the resale of 50 000 tonnes of barley held by the German intervention agency for dispatch to Greece

(Regulation (EC) No 96/96)

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

ANNEX III

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

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

COMMISSION REGULATION (EC) No 97/96

of 23 January 1996

on the opening of a standing invitation to tender for 89 000 tonnes of barley held
by the Danish intervention agency for processing in Sardinia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION :

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 5 thereof,

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

Whereas that shortage may be made good by making 89 000 tonnes of barley available to Sardinian stockfarmers ; whereas, for its part, the Italian intervention agency does not have fodder grain available ; whereas such Community grain is available at the Danish intervention agency ;

Whereas, given the current market situation, a standing invitation to tender should be opened for 89 000 tonnes of barley held by the Danish intervention agency for compulsory dispatch to Sardinia ;

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

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

Whereas the Management Committee for Cereals has not delivered an opinion within the time limit set by its chairman,

1. Notwithstanding Commission Regulation (EEC) No 2131/93⁽⁵⁾, the Danish intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 89 000 tonnes of barley it holds with a view to processing in Sardinia.

2. The regions where the 89 000 tonnes of barley are stored are set out in Annex I.

Article 2

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

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

Article 3

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

Article 4

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

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

Article 5

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

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

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

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

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75⁽¹⁾.

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

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

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

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 1 February 1996.

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

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 28 March 1996.

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

EF-Direktoratet,
Nyropsgade 26,
DK-1602 København V
(Tel. 33 92 70 00, Telefax 33 92 69 48, Telex 15137).

Article 8

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

Article 9

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

Article 10

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

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

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

Article 11

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

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

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

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

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

Article 13

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

- Destinos a la transformación [Reglamento (CE) n° 97/96]
- Til forarbejdning (forordning (EF) nr. 97/96)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 97/96)
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 97/96]
- For processing (Regulation (EC) No 97/96)
- Destinées à la transformation [règlement (CE) n° 97/96]
- Destinate alla trasformazione [regolamento (CE) n. 97/96]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 97/96)
- Para transformação [Regulamento (CE) n° 97/96]
- Tarkoitettu jalostukseen [Asetus (EY) N:o 97/96]
- För bearbetning (förordning (EG) nr 97/96).

Article 14

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

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

Done at Brussels, 23 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Falster	4 700
Sjælland	17 300
Sønderjylland	24 300
Midt- og Nordjylland	42 700

ANNEX II

Standing invitation for the resale of 89 000 tonnes of barley held by the Danish intervention agency for dispatch to Sardinia

(Regulation (EC) No 97/96)

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

ANNEX III

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

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

COMMISSION REGULATION (EC) No 98/96

of 23 January 1996

on the opening of a standing invitation to tender for 320 000 tonnes of rye held
by the German intervention agency for processing in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 1863/95⁽²⁾, and in particular Article 5 thereof,

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

Whereas that shortage may be made good by making 320 000 tonnes of rye available to Spanish stockfarmers; whereas, for its part, the Spanish intervention agency does not have fodder grain available; whereas such Community grain is available at the German intervention agency;

Whereas, given the current market situation, a standing invitation to tender should be opened for 320 000 tonnes of rye held by the German intervention agency for compulsory dispatch to Spain;

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

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

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

1. Notwithstanding Commission Regulation (EEC) No 2131/93⁽⁵⁾, the German intervention agency shall organize a standing invitation to tender under the conditions laid down hereunder for 320 000 tonnes of rye it holds with a view to processing in Spain.

2. The regions where the 320 000 tonnes of rye are stored are set out in Annex I.

Article 2

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

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

Article 3

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

Article 4

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

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 301, 17. 10. 1992, p. 17.

⁽⁴⁾ OJ No L 176, 20. 7. 1993, p. 12.

⁽⁵⁾ OJ No L 191, 31. 7. 1993, p. 76.

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

Article 5

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

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

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

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

Article 6

1. Tenders shall refer to the standard quality defined in Council Regulation (EEC) No 2731/75⁽¹⁾.

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

2. Tenders submitted may not be adjusted or withdrawn.

Tenders shall only be valid if they are accompanied by:

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

Article 7

1. The time limit for the submission of tenders in response to the first partial invitation to tender shall expire at 9 a.m. (Brussels time) on 1 February 1996.

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

3. The closing date for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 28 March 1996.

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

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

Article 8

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

Article 9

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

Article 10

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

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

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

Article 11

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

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

⁽¹⁾ OJ No L 281, 1. 11. 1975, p. 22.

Article 12

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

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

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

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

Article 13

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

- Destinos a la transformación [Reglamento (CE) n° 98/96]
- Til forarbejdning (forordning (EF) nr. 98/96)
- Zur Verarbeitung bestimmt (Verordnung (EG) Nr. 98/96)
- Προορίζονται για μεταποίηση [Κανονισμός (ΕΚ) αριθ. 98/96]
- For processing (Regulation (EC) No 98/96)
- Destinées à la transformation [règlement (CE) n° 98/96]
- Destinate alla trasformazione [regolamento (CE) n. 98/96]
- Bestemd om te worden verwerkt (Verordening (EG) nr. 98/96)
- Para transformação [Regulamento (CE) n° 98/96]
- Tarkoitettu jalostukseen [Asetus (EY) N:o 98/96]
- För bearbetning (förordning (EG) nr 98/96).

Article 14

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

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

Done at Brussels, 23 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

(tonnes)	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	184 871
Hessen/Rheinland-Pfalz/Baden- Württemberg/Saarland/Bayern	58 549
Berlin/Brandenburg/Mecklenburg- Vorpommern	25 002
Sachsen/Sachsen-Anhalt/Thüringen	51 377

ANNEX II

Standing invitation for the resale of 320 000 tonnes of rye held by the German intervention agency for dispatch to Spain

(Regulation (EC) No 98/96)

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

ANNEX III

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

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

COMMISSION REGULATION (EC) No 99/96
of 23 January 1996
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 Regulation (EC) No 2916/95 ⁽²⁾, and in particular Article 8 (3) thereof,

Whereas the export refunds on poultrymeat were fixed by Commission Regulation (EC) No 54/96 ⁽³⁾;

Whereas it follows from foreseen criteria contained in Article 8 of Regulation (EEC) No 2777/75 to the information 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 Regulation (EC) No 54/96 are hereby altered as shown in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on 24 January 1996.

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

Done at Brussels, 23 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 12, 17. 1. 1996, p. 3.

ANNEX

to the Commission Regulation of 23 January 1996 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	1,80	0207 25 10 000	04	8,00
0105 11 19 000	01	1,80	0207 25 90 000	04	8,00
0105 11 91 000	01	1,80	0207 14 20 900	05	4,50
0105 11 99 000	01	1,80	0207 14 60 900	05	4,50
0105 12 00 000	01	2,20	0207 14 70 190	05	4,50
0105 19 20 000	01	2,20	0207 14 70 290	05	4,50
		ECU/100 kg	0207 27 10 990	04	15,00
0207 12 10 900	02	30,00	0207 27 60 000	04	6,50
	03	8,00	0207 27 70 000	04	6,50
0207 12 90 190	02	33,00			
	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,

05 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia and Latvia.

(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 and Regulation (EC) No 2815/95 are observed.

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

COMMISSION REGULATION (EC) No 100/96**of 23 January 1996****amending representative prices and additional duties for the import of certain products in the sugar sector**

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

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

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95⁽⁵⁾, as last amended by Regulation (EC) No 91/96⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 24 January 1996.

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

Done at Brussels, 23 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 258, 28. 10. 1995, p. 50.

⁽⁵⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁶⁾ OJ No L 17, 23. 1. 1996, p. 27.

ANNEX

to the Commission Regulation of 23 January 1996 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,29	4,16
1701 11 90 ⁽¹⁾	24,29	9,39
1701 12 10 ⁽¹⁾	24,29	3,96
1701 12 90 ⁽¹⁾	24,29	8,96
1701 91 00 ⁽²⁾	29,87	10,30
1701 99 10 ⁽²⁾	29,87	5,78
1701 99 90 ⁽²⁾	29,87	5,78
1702 90 99 ⁽³⁾	0,30	0,35

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

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

⁽³⁾ By 1 % sucrose content.

COMMISSION REGULATION (EC) No 101/96
of 23 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 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 24 January 1996.

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

Done at Brussels, 23 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 23 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	59,6	0805 20 13, 0805 20 15, 0805 20 17, 0805 20 19	052	48,2
	060	80,2		464	177,9
	064	59,6		624	80,6
	066	41,7		999	102,2
	068	62,3	0805 30 20	052	68,1
	204	49,8		204	45,8
	208	44,0		388	67,5
	212	117,9		400	48,9
	624	91,3		512	54,8
	999	67,4		520	66,5
0707 00 10	052	111,6		524	100,8
	053	164,5		528	87,1
	060	61,0		600	72,7
	066	53,8		624	57,1
	068	103,2		999	66,9
	204	144,3	0808 10 51, 0808 10 53, 0808 10 59	052	64,0
	624	191,3		064	78,6
0709 10 10	999	118,5		388	39,2
	220	390,2		400	71,8
0709 90 71	999	390,2		404	61,0
	052	139,0		508	68,4
	204	77,5		512	51,2
	412	54,2		524	57,4
	624	241,6		528	48,0
0805 10 01, 0805 10 05, 0805 10 09	999	128,1		624	86,5
	052	40,0		728	107,3
	204	49,4		800	78,0
	208	68,2		804	21,0
	212	41,5	0808 20 31	999	64,0
	388	40,5		052	86,3
	436	41,6		064	72,5
	448	30,9		388	79,6
	600	64,3		400	95,8
	624	59,1		512	89,7
	999	48,4		528	84,1
0805 20 11	052	70,0		624	79,0
	204	78,2		728	115,4
	624	79,3		800	55,8
	999	75,8		804	112,9
				999	87,1

⁽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'.