

Official Journal

of the European Communities

ISSN 0378-6978

L 21

Volume 39

27 January 1996

English edition

Legislation

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(¹) Text with EEA relevance

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 137/96

of 22 January 1996

imposing a definitive anti-dumping duty on imports of refractory chamottes
originating in the People's Republic of China

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 Article 23 thereof,

Having regard to Council Regulation (EC) No 2423/88 of 11 July 1988 against dumped or subsidized imports from countries not members of the European Economic Community⁽²⁾, and in particular Article 12 thereof,

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

Whereas :

PROVISIONAL MEASURES

- (1) By Regulation (EC) No 1878/95⁽³⁾ (hereinafter 'the provisional duty Regulation'), the Commission imposed a provisional anti-dumping duty on imports into the Community of refractory chamottes (hereinafter 'chamottes' or 'product concerned') originating in the People's Republic of China, falling within CN codes ex 2507 and ex 2508.
- (2) By Regulation (EC) No 2735/95⁽⁴⁾, the Council extended the validity of these duties for a period of two months.

SUBSEQUENT PROCEDURE

- (3) Following the imposition of the provisional anti-dumping duty, Argiles & Minéraux AGS, the complainant Community producer, and two

companies of the Community user industry made their views known in writing. A company of the user industry requested and was granted a hearing by the Commission.

- (4) The Commission continued to seek and verify all information it deemed necessary for its definitive findings. The parties were informed of the essential facts and considerations on the basis of which it was intended to recommend the imposition of a definitive anti-dumping duty and the collection of amounts secured by way of the provisional duty. The parties were also granted a reasonable period within which to make representations subsequent to the disclosures.
- (5) The parties' comments were considered and, where appropriate, taken into account.

PRODUCT UNDER CONSIDERATION AND LIKE PRODUCT

- (6) After publication of the provisional duty Regulation, a company of the Community refractory industry (user industry) raised the argument that Chinese chamottes, though comparable with the product concerned produced by the main Community producer or a large producer in the United States (which was chosen as the 'analogue country' for the determination of normal value, see recitals 11-14 of the provisional duty Regulation) in terms of its chemical characteristics, could not be compared with these products as to the end-use because of the inferior calcination of Chinese chamottes. The company has supported its arguments by pointing to the allegedly inferior quality of refractory products made from Chinese chamottes when burned at high temperatures, i.e. at temperatures of 1 450 °C and above. In order to substantiate this allegation, the company submitted

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

⁽²⁾ OJ No L 209, 2. 8. 1988, p. 1. Regulation as last amended by Council Regulation (EC) No 522/94, OJ No L 66, 10. 3. 1994, p. 10.

⁽³⁾ OJ No L 179, 29. 7. 1995, p. 56.

⁽⁴⁾ OJ No L 285, 29. 11. 1995, p. 1.

two studies it had carried out in order to examine the usage at high temperatures of the product concerned of different origins. As a result, both studies concluded that Chinese chamottes could, like the other chamottes being subject to the test, be used at temperatures of up to 1 400 °C. However, for use at temperatures of 1 450 °C and above, only chamottes of Israeli origin or chamottes produced by one US company or produced by the complainant could be used, as the study stated, without considerable disadvantages. One of the studies furthermore recommended that, for a particular kind of use within high temperature application, the use of chamottes produced by one US producer should be preferred over all the others subject to the test.

- (7) These arguments, which had already been raised prior to the provisional determination (see recitals 9 and 10 of the provisional duty Regulation), have now been supported by evidence. It remains however, as the Commission has established during its investigation, that chamottes of different origins and from different producers cannot, from a technical point of view, be absolutely identical to each other with regard to their chemical and physical specifications, due to natural chemical differences in the raw material and different burning techniques. This entails that chamottes of certain origin or produced by certain manufacturers may show advantages or disadvantages when used for particular applications. It should also be noted that contradictory opinions exist with regard to the quality of the Chinese chamottes (see recitals 9 and 10 of the provisional duty Regulation). Despite such difference in quality, however, there is only one market on which these products compete and, as the Commission has established, the product concerned of Chinese origin is, in general, used in the same applications as chamottes of other origins and has, overall, the chemical and physical characteristics defined for the product under consideration.
- (8) Therefore, the findings set out in recital 10 of the provisional duty Regulation, that the products imported from the People's Republic of China, those produced in the analogue country and those produced by the Community industry are considered to be like products, are hereby confirmed.

DUMPING

Normal value

- (9) A company of the Community user industry argued that the information obtained from one company

in the analogue country appeared not to be credible because the US producer concerned was related to the complainant. The company did not further substantiate its allegation, in particular it did not point out in which respect it presumed the information in question to be unreliable.

- (10) It was established during the investigation that one of the two producers in the analogue country which cooperated in this proceeding, and on whose information the determination of normal value was based, belongs to the same group as the complainant. The Commission services obtained from this producer, *inter alia*, specific information on sales prices of the product concerned charged to unrelated customers in the United States. This information was used for determining normal value together with the information received from another producer in the United States which cooperated in this proceeding and which was found not to be related to the complainant. The sales data submitted by the company in question was verified by the Commission. It was found that this company sold substantial quantities of the product concerned on the domestic market and that the sales were made in the ordinary course of trade. It was carefully checked whether the relationship in question had any bearing on costs of production and, consequently, on profitability of the US producer concerned. No indication was found that costs of production, profitability or sales to unrelated customers were influenced by the relationship between this company and the complainant.
- (11) In the light of the foregoing, it is considered that the information in question can be used for determining normal value, an approach confirmed by the judgment of the Court of First Instance in Case T-164/94, Ferchimex SA v. Council (').
- (12) Therefore, and in the absence of any further new arguments regarding normal value, the findings laid down in recitals 11 to 14 of the provisional duty Regulation are hereby confirmed.

Export price

- (13) In the absence of any new arguments, the findings laid down in recitals 15 and 16 of the provisional duty Regulation concerning the determination of the export price are hereby confirmed.

(') Judgment of 28 September 1995. Not yet reported.

Comparison

- (14) As already pointed out in recital 3 above, one company of the Community user industry argued that the product concerned of Chinese origin was inferior to, *inter alia*, that of a producer in the analogue country which cooperated in this proceeding. The user company did not further substantiate to what extent this alleged inferiority of Chinese chamottes had an impact on the import prices.
- (15) The Commission had established in its provisional findings (see recital 17 of the provisional duty Regulation) that, for comparison purposes, an adjustment had to be made in order to take account of certain inferior physical characteristics of Chinese chamottes. The Commission found that the adjustment could be quantified, in the absence of any other available information, by the level of the price difference found between chamottes of different alumina contents sold on the market of the analogue country in the investigation period. Since the argument raised by the user company did not give any indication that an adjustment different from that made for the purpose of the provisional findings should be applied, and in the absence of any other new argument, this finding is hereby confirmed.
- (16) In the light of the foregoing, and in the absence of any further new arguments, the findings set out in recital 17 of the provisional duty Regulation concerning comparison are hereby confirmed.

Dumping margin

- (17) Since, finally, the determination of the dumping margin remains unchanged, the findings set out in recital 18 of the provisional duty Regulation are hereby confirmed. The dumping margin is thus definitively determined at 28,4 % of the free-at-Community-frontier price, before duty.

COMMUNITY INDUSTRY

- (18) In the absence of any new arguments, the findings set out in recital 19 of the provisional duty Regulation concerning the definition of the Community industry are hereby confirmed.

INJURY

- (19) No new arguments were made with regard to the injury findings set out in recital 30 of the provi-

sional duty Regulation. They are, therefore, hereby confirmed.

CAUSATION OF INJURY

- (20) In the absence of any new arguments, the findings with regard to the causal link between dumped imports and the material injury suffered by the Community industry, set out in recital 34 of the provisional duty Regulation, are hereby confirmed.

COMMUNITY INTEREST

- (21) Two companies of the Community user industry argued that the imposition of anti-dumping measures against imports of Chinese chamottes, which would lead to a price increase of this basic material, would subsequently result in a price increase for refractory products and thus to a deterioration of the industry's sales on the Community market, where it competes with suppliers from non-Community countries, and on export markets. Such decrease of sales revenue, and consequently of profit, would have to be compensated by a decrease in the workforce of the user industry which would be more significant than the number of employees still maintained in the chamottes industry. It was further argued that the imposition of measures would lead to a deterioration of the trade relationship between the Community industry and the People's Republic of China in general, and the potential damage for the Community economy as a whole would be more significant than the remedial effect for the chamottes industry. One company claimed also that the price increase for Chinese chamottes, due to anti-dumping measures, would result in a monopolistic position of the Community producers.

The arguments concerning the effect of anti-dumping measures on sales were further substantiated by one user company which pointed out that the direct impact of the potential price increase for Chinese chamottes, as a result of the imposition of an anti-dumping duty based on a minimum-price of ECU 75 per tonne (cif Community frontier), on its sales prices would be an increase of around 1,4 %. This user company stated that a variable duty based on a minimum price of ECU 75 would lead to a relatively modest price increase for Chinese chamottes which, though disturbing, would not have a seriously damaging effect on its business. The company thus confirmed, in effect, the provisional findings set out in recital 38 of the provisional duty Regulation.

In view of the foregoing, the Commission considered the following:

(22) The purpose of anti-dumping measures is to remedy unfair trading practices which have an injurious effect on a Community industry. Such a remedy should result in the re-establishment of a fair competitive situation which, as such, is in the interest of the Community. In this proceeding, the investigation has shown that the Community industry was suffering material injury which, without a remedy, would threaten its viability. On the other hand, the imposition of anti-dumping measures would probably result in a price increase which would effect the user industry for which chamottes are a basic material. On balance, in view of the extent to which the Community industry was injured, and taking account of the very modest impact of a variable duty, based on a minimum price of ECU 75 per tonne (cif Community frontier), on the prices for Chinese chamottes, and with regard to the very limited effect of the measure on the sales prices of the user industry, the Commission considers that the disadvantage to the user industry is not sufficient to deny the Community industry protection against dumped imports of Chinese chamottes.

(23) The Community pursues a policy which aims at increasing its economic links with the People's Republic of China. However, it expects the Chinese producers and exporters to operate on the Community market in accordance with the principles of fair trade. Therefore, there is no contradiction between this policy and the defence of the Community industry against unfair trade practices. Moreover, it should be noted that the exports of chamottes to the Community represent only a very small fraction of the total Chinese exports to the Community and the fact that neither the Chinese producers and exporters nor the authorities of the People's Republic of China have cooperated in this proceeding can also be seen as an indication that the chamottes exports to the Community is not a priority issue for these parties. It is therefore considered to be unrealistic to assume that anti-dumping measures imposed to restore fair trade in this market sector will have a significant impact on the trade relationship between the Community industry and the People's Republic of China.

(24) Lastly, the argument that the imposition of anti-dumping measures might lead to a monopolistic position of the Community industry is considered to be unfounded. The measures will have the effect of maintaining the number of competing suppliers of chamottes on the Community market because they will ensure the continued presence of the Community producers together with exporters from other countries, e.g. the United States and the

Czech Republic, and the modest increase in import prices for Chinese chamottes resulting from the imposition of measures will also permit the continued presence of the Chinese exporters.

(25) Therefore, in the light of the above and in the absence of any other new arguments, it is confirmed that the imposition of measures against imports of Chinese chamottes is in the Community interest.

DUTY

(26) In the absence of any new arguments, the findings set out in recitals 36 to 38 of the provisional duty Regulation, with regard to the level and type of the measures, are hereby confirmed. Therefore, definitive anti-dumping measures should be imposed against the imports into the Community of Chinese chamottes, in the form of a viable anti-dumping duty, based on a minimum price of ECU 75 cif Community frontier, duty unpaid, per tonne.

COLLECTION OF THE PROVISIONAL DUTIES

(27) In view of the dumping margins established and the injury caused to the Community industry, it is considered necessary that the amounts secured by way of the provisional anti-dumping duty should be definitively collected,

HAS ADOPTED THIS REGULATION:

Article 1

1. A definitive anti-dumping duty is hereby imposed on imports of unprocessed (not ground or in powder form) refractory chamottes falling within CN codes ex 2507 and ex 2508 (Taric codes: 2507 00 20*10, 2507 00 80*10, 2508 10 00*10, 2508 20 00*10, 2508 30 00*10, 2508 40 00*10, 2508 50 00*10, 2508 60 00*10, 2508 70 00*10 and 2508 70 90*10) and originating in the People's Republic of China.

2. The amount of duty shall be the difference between the price of ECU 75 per tonne and the net free-at-Community frontier price, per tonne, if the latter price is lower.

3. For the purpose of calculating the duty payable, the minimum price shall be converted into the relevant national currency at the exchange rate established in the same way as that used for a calculation of customs value.

4. Unless otherwise specified, the provisions in force concerning customs duties shall apply.

Article 2

1. The amounts secured by way of the provisional anti-dumping duty on imports of unprocessed refractory chamottes originating in the People's Republic of China pursuant to Regulation (EC) No 1878/95 shall be definitively collected.

2. The provisions of Article 1 (4) shall also apply to the definitive collection of the amounts secured by way of the provisional anti-dumping duty.

Article 3

This Regulation shall enter into force on the day following its publication of 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, 22 January 1996.

For the Council

The President

L. DINI

COUNCIL REGULATION (EC) No 138/96

of 22 January 1996

amending Regulation (EC) No 520/94 establishing a Community procedure for administering quantitative quotas

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Article 2 (5) of Regulation (EC) No 520/94⁽¹⁾ provides that the quantities of quotas that are not allocated, assigned or used shall be redistributed in time to allow them to be used before the end of the period covered by the quota;

Whereas experience acquired during the administration of the 1994 quotas has shown that, as a result notably of the period of validity of licences, the information relating to the unused quantities (which account for the lion's share of the quantities liable to be redistributed) was not available until after the end of the 1994 quota period; whereas, therefore, those quantities could not be redistributed;

Whereas greater flexibility should therefore be allowed in the redistribution of the quantities that are not allocated, assigned or used; whereas, however, to avoid possible excessive accumulation of imports, the question of whether such a redistribution after the end of the quota period is appropriate should be examined on a case-by-case basis and the relevant arrangements decided on, notably with regard to the period of validity of licences, taking into account the type of product in question and the purpose for which the quotas concerned were introduced;

Whereas, if unused quantities are to be redistributed as efficiently as possible, reliable and full information is needed on the actual use made of import licences issued; whereas, for that purpose, all import licences, whether used or unused, should have to be returned to the competent national authorities within ten working days of their expiry date at the latest;

Whereas, to this end, Regulation (EC) No 520/94 should be amended,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 520/94 is hereby amended as follows:

1. Article 2 (5) shall be replaced by the following:

'5. Quantities that are not allocated, assigned or used shall be redistributed in accordance with Article 14 in time to allow them to be used before the end of the period covered by the quota.

If it is found that it has not been possible to redistribute such quantities in time, the Commission shall decide, on a case-by-case basis, in accordance with the procedure laid down in Article 23, on their possible redistribution during the following quota period.'

2. in Article 19 (1), the phrase 'which are wholly or partly unused' shall be deleted.

Article 2

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

However, Article 1, point 2, shall not apply to licences issued under Commission Regulation (EC) No 2801/94 of 17 November 1994 establishing the quantities to be allocated to importers from the first tranche of the 1995 Community quantitative quotas on certain products originating in the People's Republic of China⁽²⁾ and Commission Regulation (EC) No 1093/95 of 15 May 1995 establishing the quantities to be allocated to importers from the second tranche of the 1995 Community quantitative quotas on certain products originating in the People's Republic of China⁽³⁾.

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

W. LUCCHETTI

⁽¹⁾ OJ No L 66, 10. 3. 1994, p. 1.

⁽²⁾ OJ No L 297, 18. 11. 1994, p. 13. Regulation as amended by Regulation (EC) No 3087/94 (OJ No L 325, 17. 12. 1994, p. 47).

⁽³⁾ OJ No L 109, 16. 5. 1995, p. 27.

COUNCIL REGULATION (EC) No 139/96
of 22 January 1996
amending Regulations (EC) No 3285/94 and (EC) No 519/94 with respect to the
uniform Community surveillance document

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas Council Regulation (EC) No 3285/94 of 22 December 1994 on the common rules for imports and repealing Regulation (EC) No 518/94⁽¹⁾ and Council Regulation (EC) No 519/94 of 7 March 1994 on common rules for imports from certain third countries and repealing Regulations (EEC) No 1765/82, (EEC) No 1766/82 and (EEC) No 3420/83⁽²⁾ established a common surveillance document for use in cases of prior Community surveillance; whereas the model for the surveillance document, which is identical for both the Regulations, appears in Annex I to Regulation (EC) No 3285/94 and in Annex IV to Regulation (EC) No 519/94;

Whereas, in the interests of good administrative management and to assist Community operators, the content and layout of the abovementioned surveillance document should be aligned as far as possible on the common import licence forms provided for in Commission Regulations (EC) No 3168/94⁽³⁾, (EC) No 3169/94⁽⁴⁾ and (EC) No 1150/95⁽⁵⁾ and in Commission Recommendation No 3118/94/ECSC⁽⁶⁾, bearing in mind the technical characteristics of the surveillance document;

Whereas, under the current arrangements applications for surveillance documents must be made using a special form which itself fulfils the function of a surveillance document once completed and authenticated by the competent national authorities; whereas, in order to simplify the formalities which importers must complete, it should no longer be required that an application for a surveillance document be made using a Community form specially intended for that purpose; whereas the information which must be given in the application for a surveillance document must nevertheless be specified;

Whereas transitional arrangements expiring on 31 December 1996 should be made for Community

surveillance documents already printed and issued by the Member States by the time this Regulation enters into force,

HAS ADOPTED THIS REGULATION :

Article 1

Regulation (EC) No 3285/94 is hereby amended as follows :

1. Article 12 (1) and (2) shall be replaced by the following :

‘1. Products under prior Community surveillance may be put into free circulation only on production of a surveillance document. Such document shall be issued by the competent authority designated by Member States, free of charge, for any quantity requested and within a maximum of five working days of receipt by the national competent authority of an application by any Community importer, regardless of his place of business in the Community. This application shall be deemed to have been received by the national competent authority no later than three working days after submission, unless it is proved otherwise.

2. The surveillance document shall be made out on a form corresponding to the model in Annex I.

Except where the decision to impose surveillance provides otherwise, the importer's application for surveillance documents shall contain only the following :

- (a) the full name and address of the applicant (including telephone and fax numbers and any number identifying the applicant to the competent national authority), plus the applicant's VAT registration number if he is liable for VAT;
- (b) where appropriate, the full name and address of the declarant or of any representative appointed by the applicant (including telephone and fax numbers);
- (c) a description of the goods giving :
 - their trade name,
 - their combined nomenclature code,
 - their place of origin and place of consignment;
- (d) the quantity declared, in kilograms and, where appropriate, any other additional unit (pairs, items, etc.);

⁽¹⁾ OJ No L 349, 31. 12. 1994, p. 53.

⁽²⁾ OJ No L 67, 10. 3. 1994, p. 89.

⁽³⁾ OJ No L 335, 23. 12. 1994, p. 23. Regulation as amended by Regulation (EC) No 1627/95 (OJ No L 155, 6. 7. 1995, p. 8).

⁽⁴⁾ OJ No L 335, 23. 12. 1994, p. 33.

⁽⁵⁾ OJ No L 116, 23. 5. 1995, p. 3.

⁽⁶⁾ OJ No L 330, 21. 12. 1994, p. 6. Recommendation as last amended by Recommendation No 393/95/ECSC (OJ No L 43, 25. 2. 1995, p. 23).

(e) the value of the goods, cif at Community frontier, in ecus ;

(f) the statement below, dated and signed by the applicant, with the applicant's name spelt out in capital letters :

"I, the undersigned, certify that the information provided in this application is true and given in good faith, and that I am established in the Community."

2. The following paragraphs shall be added to Article 12 :

8. Surveillance document forms and extracts thereof shall be drawn up in duplicate, one copy, marked "Holder's copy" and bearing the number 1, to be issued to the applicant, and the other, marked "Copy for the competent authority" and bearing the number 2, to be kept by the authority issuing the document. For administrative purposes the competent authority may add supplementary copies to form 2.

9. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 grams per square metre. Their size shall be 210 × 297 mm ; the type space between the lines shall be 4,24 mm (one sixth of an inch) ; the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the surveillance document itself, shall in addition have a yellow printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

10. Member States shall be responsible for having the forms printed. The forms may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an indication of the printer's name and address or a mark enabling the printer to be identified.'

3. Article 14 (1) and (2) shall be replaced by the following :

'1. Products under regional surveillance may be put into free circulation in the region concerned only on production of a surveillance document. Such document shall be issued by the competent authority designated by the Member State(s) concerned, free of charge, for any quantity requested and within a maximum of five working days of receipt by the national competent authority of an application by any Community importer, regardless of his place of business in the Community. This application shall be deemed to have been received by the national competent authority no later than three working days after submission, unless it is proved otherwise. Surveillance documents may be used only for such time as arrangements for imports remain liberalized in respect of the transactions concerned.

2. Article 12 (2) shall apply.'

4. Annex I is hereby replaced by the Annex in Annex I to this Regulation.

Article 2

Regulation (EC) No 519/94 is hereby amended as follows :

1. Article 10 (1) and (2) shall be replaced by the following :

'1. Products under prior Community surveillance may be put into free circulation only on production of a surveillance document. Such document shall be issued by the competent authority designated by Member States, free of charge, for any quantity requested and within a maximum of five working days following receipt by the national competent authority of an application by any Community importer, regardless of his place of business in the Community. This application shall be deemed to be received by the national competent authority no later than three working days after submission, unless it is proved otherwise.

2. The surveillance document shall be made out on a form corresponding to the model in Annex IV.

Except where the decision to impose surveillance provides otherwise, the importer's application for a surveillance document shall contain only the following :

(a) the full name and address of the applicant (including telephone and fax numbers and any number identifying the applicant to the competent national authority), plus the applicant's VAT registration number if he is liable for VAT ;

(b) where appropriate, the full name and address of the declarant or of any representative appointed by the applicant (including telephone and fax numbers) ;

(c) a description of the goods giving :

- their trade name,
- their combined nomenclature code,
- their place of origin and place of consignment ;

(d) the quantity declared, in kilograms and, where appropriate, any other additional units (pairs, items, etc.) ;

(e) the value of the goods, cif at Community frontier, in ecus ;

(f) the statement below, dated and signed by the applicant, with the applicant's name spelt out in capital letters :

"I, the undersigned, certify that the information provided in this application is true and given in good faith, and that I am established in the Community."

2. The following paragraphs shall be added to Article 10 :

'8. Surveillance document forms and extracts thereof shall be drawn up in duplicate, one copy, marked "Holder's copy" and bearing the number 1, to be issued to the applicant, and the other, marked "Copy for the competent authority" and bearing the number 2, to be kept by the authority issuing the document. For administrative purposes the competent authority may add supplementary copies to form 2.

9. Forms shall be printed on white paper free of mechanical pulp, dressed for writing and weighing between 55 and 65 grams per square metre. Their size shall be 210 × 297 mm ; the type space between the lines shall be 4,24 mm (one sixth of an inch); the layout of the forms shall be followed precisely. Both sides of copy No 1, which is the surveillance document itself, shall in addition have a yellow printed guilloche pattern background so as to reveal any falsification by mechanical or chemical means.

10. Member States shall be responsible for having the forms printed. The forms may also be printed by printers appointed by the Member State in which they are established. In the latter case, reference to the appointment by the Member State must appear on each form. Each form shall bear an indication of the printer's name and address or a mark enabling the printer to be identified.'

3. Article 13 (1) and (2) shall be replaced by the following :

'1. Products under regional surveillance may be put into free circulation in the region concerned only on production of a surveillance document. Such document

shall be issued by the competent authority designated by the Member State(s) concerned, free of charge, for any quantity requested and within a maximum of five working days of receipt by the national competent authority of an application by any Community importer, regardless of his place of business in the Community. This application shall be deemed to have been received by the national competent authority no later than three working days after submission, unless it is proved otherwise. Surveillance documents may be used only for such time as arrangements for imports remain liberalized in respect of the transactions concerned.

2. Article 10 (2) shall apply.'

4. Annex IV is hereby replaced by the Annex in Annex II to this Regulation.

Article 3

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

It shall apply with effect from 1 January 1996. However, Member States may, until 30 June 1996, make out the surveillance documents on the forms in Annex I to Regulation (EC) No 3285/94 and Annex IV to Regulation (EC) No 519/94. Surveillance documents issued before that date may be used until the date of their expiry and until 31 December 1996 at the latest.

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

W. LUCCHETTI

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

Holder's copy	1	1. Consignee <i>(name, full address, country, VAT number)</i>	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue <i>(name, address and telephone No)</i>
		5. Declarant/representative as applicable <i>(name and full address)</i>	6. Country of origin <i>(and geonomenclature code)</i>
			7. Country of consignment <i>(and geonomenclature code)</i>
	1		8. Last day of validity
9. Description of goods		10. CN code and category	
		11. Quantity in kilograms (net mass) or in additional units	
		12. Value in ecus, cif at Community frontier	
13. Additional remarks			
14. Competent authority's endorsement Date: Signature: Stamp			

15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
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Extension pages to be attached hereto.

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

2	1. Consignee (name, full address, country, VAT number)	2. Issue number
		3. Proposed place and date of import
		4. Authority responsible for issue (name, address and telephone No)
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
		7. Country of consignment (and geonomenclature code)
		8. Last day of validity
2	9. Description of goods	10. CN code and category
		11. Quantity in kilograms (net mass) or in additional units
		12. Value in ecus, cif at Community frontier
13. Additional remarks		
14. Competent authority's endorsement Date: Signature: Stamp		

15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
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Extension pages to be attached hereto.'

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

1	Holder's copy	1. Consignee (name, full address, country, VAT number)	2. Issue number
			3. Proposed place and date of import
			4. Authority responsible for issue (name, address and telephone No)
		5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)
		7. Country of consignment (and geonomenclature code)	
1		8. Last day of validity	
9. Description of goods		10. CN code and category	
		11. Quantity in kilograms (net mass) or in additional units	
		12. Value in ecus, cif at Community frontier	
13. Additional remarks			
14. Competent authority's endorsement			
Date:			
Signature: Stamp			

15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
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Extension pages to be attached hereto.

EUROPEAN COMMUNITY

SURVEILLANCE DOCUMENT

2	1. Consignee (name, full address, country, VAT number)	2. Issue number	
		3. Proposed place and date of import	
		4. Authority responsible for issue (name, address and telephone No)	
	5. Declarant/representative as applicable (name and full address)	6. Country of origin (and geonomenclature code)	
		7. Country of consignment (and geonomenclature code)	
8. Last day of validity			
Copy for the competent authority	9. Description of goods	10. CN code and category	
		11. Quantity in kilograms (net mass) or in additional units	
		12. Value in ecus, cif at Community frontier	
13. Additional remarks			
14. Competent authority's endorsement			
Date:			
Signature: Stamp			

15. ATTRIBUTIONS

Indicate the quantity available in part 1 of column 17 and the quantity attributed in part 2 thereof.

16. Net quantity (net mass or other unit of measure stating the unit)		19. Customs document (form and number) or extract No and date of attribution	20. Name, Member State, stamp and signature of the attributing authority
17. In figures	18. In words for the quantity attributed		
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Extension pages to be attached hereto.'

COMMISSION REGULATION (EC) No 140/96

of 26 January 1996

fixing the refunds applicable to cereal and rice sector products supplied as
Community and national food aid

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1863/95 ⁽²⁾, and in particular the third subparagraph of Article 13 (2) thereof,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽³⁾, as last amended by Regulation (EC) No 1530/95 ⁽⁴⁾, and in particular Article 11 (2) thereof,

Whereas Article 2 of Council Regulation (EEC) No 2681/74 of 21 October 1974 on Community financing of expenditure incurred in respect of the supply of agricultural products as food aid ⁽⁵⁾ lays down that the portion of the expenditure corresponding to the export refunds on the products in question fixed under Community rules is to be charged to the European Agricultural Guidance and Guarantee Fund, Guarantee Section;

Whereas, in order to make it easier to draw up and manage the budget for Community food aid actions and to enable the Member States to know the extent of Community participation in the financing of national food aid actions, the level of the refunds granted for these actions should be determined;

Whereas the general and implementing rules provided for in Article 13 of Regulation (EEC) No 1766/92 and in

Article 17 of Regulation (EEC) No 1418/76 on export refunds are applicable *mutatis mutandis* to the above-mentioned operations;

Whereas the specific criteria to be used for calculating the export refund on rice are set out in Article 3 of Regulation (EEC) No 1418/76;

Whereas the refunds fixed by this Regulation are applicable without any variations, for all destinations;

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

HAS ADOPTED THIS REGULATION:

Article 1

For Community and national food aid operations under international agreements or other supplementary programmes, the refunds applicable to cereals and rice sector products shall be as set out in the Annex.

Article 2

The refunds fixed in this Regulation shall not be regarded as refunds varying according to destination.

Article 3

This Regulation shall enter into force on 1 February 1996.

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

Done at Brussels, 26 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 166, 25. 6. 1976, p. 1.

⁽⁴⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽⁵⁾ OJ No L 288, 25. 10. 1974, p. 1.

ANNEX

to the Commission Regulation of 26 January 1996 fixing the refunds applicable to cereal and rice sector products supplied as Community and national food aid

(ECU/tonne)	
Product code	Refund
1001 10 00 400	0,00
1001 90 99 000	0,00
1002 00 00 000	35,00
1003 00 90 000	0,00
1004 00 00 400	7,00
1005 90 00 000	30,00
1006 20 92 000	221,00
1006 20 94 000	221,00
1006 30 42 000	276,00
1006 30 44 000	276,00
1006 30 92 100	276,00
1006 30 92 900	276,00
1006 30 94 100	276,00
1006 30 94 900	276,00
1006 30 96 100	276,00
1006 30 96 900	276,00
1006 40 00 000	—
1007 00 90 000	30,00
1101 00 15 100	0,00
1101 00 15 130	0,00
1102 20 10 200	42,00
1102 20 10 400	36,00
1102 30 00 000	—
1102 90 10 100	0,00
1103 11 10 200	0,00
1103 11 90 200	0,00
1103 13 10 100	54,00
1103 14 00 000	—
1104 12 90 100	16,00
1104 21 50 100	0,00

NB: The product codes and the footnotes are defined in Commission Regulation (EEC) No 3846/87 (OJ No L 366, 24. 12. 1987, p. 1), amended.

COMMISSION REGULATION (EC) No 141/96
of 26 January 1996
fixing the export refunds on rice and broken rice

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 1530/95 ⁽²⁾, and in particular the second subparagraph of Article 14 (3) thereof,

Whereas Article 14 of Regulation (EEC) No 1418/76 provides that the difference between quotations or prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Article 14 (4) of Regulation (EEC) No 1418/76, provides that when refunds are being fixed account must be taken of the existing situation and the future trend with regard to prices and availabilities of rice and broken rice on the Community market on the one hand and prices for rice and broken rice on the world market on the other; whereas the same Article provides that it is also important to ensure equilibrium and the natural development of prices and trade on the rice market and, furthermore, to take into account the economic aspect of the proposed exports and the need to avoid disturbances of the Community market;

Whereas Commission Regulation (EEC) No 1361/76 ⁽³⁾ lays down the maximum percentage of broken rice allowed in rice for which an export refund is fixed and specifies the percentage by which that refund is to be reduced where the proportion of broken rice in the rice exported exceeds that maximum;

Whereas Article 14 (5) of Regulation (EEC) No 1418/76 defines the specific criteria to be taken into account when the export refund on rice and broken rice is being calculated;

Whereas the world market situation or the specific requirements of certain markets may make it necessary to vary the refund for certain products according to destination;

Whereas a separate refund should be fixed for packaged long grain rice to accommodate current demand for the product on certain markets;

Whereas the refund must be fixed at least once a month; whereas it may be altered in the intervening period;

Whereas it follows from applying these rules and criteria to the present situation on the market in rice and in particular to quotations or prices for rice and broken rice within the Community and on the world market, that the refund should be fixed as set out in the Annex hereto;

Whereas Council Regulation (EEC) No 990/93 ⁽⁴⁾, as amended by Regulation (EC) No 1380/95 ⁽⁵⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 2815/95 ⁽⁶⁾; whereas account should be taken of this fact when fixing the refunds;

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 export refunds on the products listed in Article 1 of Regulation (EEC) No 1418/76 with the exception of those listed in paragraph 1 (c) of that Article, exported in the natural state, shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1996.

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 5.

⁽³⁾ OJ No L 154, 15. 6. 1976, p. 11.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁶⁾ OJ No L 297, 9. 12. 1995, p. 1.

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

Done at Brussels, 26 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 26 January 1996 fixing the export refunds on rice and broken rice

(ECU / tonne)			(ECU / tonne)		
Product code	Destination ⁽¹⁾	Amount of refunds ⁽²⁾	Product code	Destination ⁽¹⁾	Amount of refunds ⁽²⁾
1006 20 11 000	01	208,00	1006 30 65 100	01	260,00
1006 20 13 000	01	208,00		02	266,00
1006 20 15 000	01	208,00		03	271,00
1006 20 17 000	—	—		04	260,00
1006 20 92 000	01	208,00	1006 30 65 900	01	260,00
1006 20 94 000	01	208,00		04	260,00
1006 20 96 000	01	208,00	1006 30 67 100	—	—
1006 20 98 000	—	—	1006 30 67 900	—	—
1006 30 21 000	01	208,00	1006 30 92 100	01	260,00
1006 30 23 000	01	208,00		02	266,00
1006 30 25 000	01	208,00		03	271,00
1006 30 27 000	—	—		04	260,00
1006 30 42 000	01	208,00	1006 30 92 900	01	260,00
1006 30 44 000	01	208,00		04	260,00
1006 30 46 000	01	208,00	1006 30 94 100	01	260,00
1006 30 48 000	—	—		02	266,00
1006 30 61 100	01	260,00		03	271,00
	02	266,00		04	260,00
	03	271,00	1006 30 94 900	01	260,00
	04	260,00		04	260,00
1006 30 61 900	01	260,00	1006 30 96 100	01	260,00
	04	260,00		02	266,00
1006 30 63 100	01	260,00		03	271,00
	02	266,00		04	260,00
	03	271,00	1006 30 96 900	01	260,00
	04	260,00		04	260,00
1006 30 63 900	01	260,00	1006 30 98 100	—	—
	04	260,00	1006 30 98 900	—	—
			1006 40 00 000	—	—

⁽¹⁾ The destinations are identified as follows:

- 01 Liechtenstein, Switzerland, the communes of Livigno and Campione d'Italia,
- 02 Zones I, II, III, VI, Ceuta and Melilla,
- 03 Zones IV, V, VII (c), Canada and Zone VIII excluding Surinam, Guyana and Madagascar,
- 04 Destinations mentioned in Article 34 of amended Commission Regulation (EEC) No 3665/87

⁽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 zones are those defined in the Annex to amended Commission Regulation (EEC) No 2145/92.

COMMISSION REGULATION (EC) No 142/96

of 26 January 1996

setting the amounts of aid for the supply of rice products from the Community to the Canary Islands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1601/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Canary Islands⁽¹⁾, as last amended by Commission Regulation (EC) No 2537/95⁽²⁾, and in particular Article 3 thereof,

Whereas, pursuant to Article 3 of Regulation (EEC) No 1601/92, the requirements of the Canary Islands for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EC) No 2790/94⁽³⁾, as amended by Regulation (EC) No 2883/94⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Canary Islands;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁵⁾, as last amended by Regulation (EC) No 150/95⁽⁶⁾, are used to convert amounts expressed in third country currencies

and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁷⁾, as last amended by Regulation (EC) No 2853/95⁽⁸⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market, the aid for supply to the Canary Islands should be set at the amounts given in the Annex;

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

Pursuant to Article 3 of Regulation (EEC) No 1601/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Canary Islands shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1996.

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

Done at Brussels, 26 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁶⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁷⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁸⁾ OJ No L 299, 12. 12. 1995, p. 1.

ANNEX

to the Commission Regulation of 26 January 1996 setting the amounts of aid for the supply
of rice products from the Community to the Canary Islands

Product (CN code)	<i>(ECU/tonne)</i>	
	Amount of aid	
	Canary Islands	
Milled rice (1006 30)	281,00	
Broken rice (1006 40)	62,00	

COMMISSION REGULATION (EC) No 143/96

of 26 January 1996

setting the amounts of aid for the supply of rice products from the Community
to the Azores and Madeira

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1600/92 of 15 June 1992 introducing specific measures in respect of certain agricultural products for the benefit of the Azores and Madeira⁽¹⁾, as last amended by Commission Regulation (EC) No 2537/95⁽²⁾, and in particular Article 10 thereof,

Whereas, pursuant to Article 10 of Regulation (EEC) No 1600/92, the requirements of the Azores and Madeira for rice are to be covered in terms of quantity, price and quality by the mobilization, on disposal terms equivalent to exemption from the levy, of Community rice, which involves the grant of an aid for supplies of Community origin; whereas this aid is to be fixed with particular reference to the costs of the various sources of supply and in particular is to be based on the prices applied to exports to third countries;

Whereas Commission Regulation (EEC) No 1696/92⁽³⁾, as last amended by Regulation (EEC) No 2596/93⁽⁴⁾, lays down common detailed rules for implementation of the specific arrangements for the supply of certain agricultural products, including rice, to the Azores and Madeira; whereas Commission Regulation (EEC) No 1983/92 of 16 July 1992 laying down detailed rules for implementation of the specific arrangements for the supply of rice products to the Azores and Madeira and establishing the forecast supply balance for these products⁽⁵⁾, as last amended by Regulation (EC) No 1683/94⁽⁶⁾, lays down detailed rules which complement or derogate from the provisions of the aforementioned Regulation;

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

Done at Brussels, 26 January 1996.

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁷⁾, as last amended by Regulation (EC) No 150/95⁽⁸⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽⁹⁾, as last amended by Regulation (EC) No 2853/95⁽¹⁰⁾;

Whereas, as a result of the application of these detailed rules to the current market situation in the rice sector, and in particular to the rates of prices for these products in the European part of the Community and on the world market the aid for supply to the Azores and Madeira should be set at the amounts given in the Annex;

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

Pursuant to Article 10 of Regulation (EEC) No 1600/92, the amount of aid for the supply of rice of Community origin under the specific arrangements for the supply of the Azores and Madeira shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 1 February 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 1.
⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.
⁽³⁾ OJ No L 179, 1. 7. 1992, p. 6.
⁽⁴⁾ OJ No L 238, 23. 9. 1993, p. 24.
⁽⁵⁾ OJ No L 198, 17. 7. 1992, p. 37.
⁽⁶⁾ OJ No L 178, 12. 7. 1994, p. 53.

⁽⁷⁾ OJ No L 387, 31. 12. 1992, p. 1.
⁽⁸⁾ OJ No L 22, 31. 1. 1995, p. 1.
⁽⁹⁾ OJ No L 108, 1. 5. 1993, p. 106.
⁽¹⁰⁾ OJ No L 299, 12. 12. 1995, p. 1.

ANNEX

to the Commission Regulation of 26 January 1996 setting the amounts of aid for the supply of rice products from the Community to the Azores and Madeira

(ECU/tonne)

Product (CN code)	Amount of aid	
	Destination	
	Azores	Madeira
Milled rice (1006 30)	281,00	281,00

COMMISSION REGULATION (EC) No 144/96

of 26 January 1996

amending Regulation (EC) No 360/95 opening individual sales by invitation to tender for the export of vinous alcohol held by intervention agencies

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules on the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies⁽¹⁾,

Whereas Commission Regulation (EEC) No 377/93⁽²⁾, as last amended by Regulation (EC) No 3152/94⁽³⁾, lays down the detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Council Regulation (EEC) No 822/87⁽⁴⁾, as last amended by Regulation (EC) No 1544/95⁽⁵⁾, and held by intervention agencies;

Whereas, certain types of alcohol which were the subject of individual sales by invitation to tender Nos 170/94 EC and 171/94 EC and were awarded under Commission Regulation (EC) No 360/95⁽⁶⁾, as last amended by Regulation (EC) No 2304/95⁽⁷⁾, must be processed in order to comply with Brazilian rules on the fuel sector; whereas in the light of the limited processing capacity available for this purpose in the Community and the postponement of the payment deadline to 16 October 1995 for alcohols

awarded under the individual invitations to tender Nos 170/94 EC and 171/94 EC, it has proved necessary to grant an additional extension of the deadline for processing the alcohol and, therefore, to postpone the deadline fixed for the export of that alcohol to Brazil;

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

HAS ADOPTED THIS REGULATION:

Article 1

Article 6 (4) of Regulation (EC) No 360/95 is hereby replaced by the following:

'4. Alcohol awarded under the sales by invitation to tender provided for in this Regulation must be exported not later than 30 June 1996.'

Article 2

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, 26 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽²⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽³⁾ OJ No L 332, 22. 12. 1994, p. 34.

⁽⁴⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽⁵⁾ OJ No L 148, 30. 6. 1995, p. 31.

⁽⁶⁾ OJ No L 41, 23. 2. 1995, p. 14.

⁽⁷⁾ OJ No L 233, 30. 9. 1995, p. 44.

COMMISSION REGULATION (EC) No 145/96

of 26 January 1996

on the removal of certain residual stocks of dried fodder produced during the 1994/95 marketing year

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 603/95 of 21 February 1995 on the common organization of the market in dried fodder⁽¹⁾, as last amended by Regulation (EC) No 1347/95⁽²⁾, and in particular Article 18 thereof,

Whereas Commission Regulation (EC) No 785/95 of 6 April 1995 laying down detailed rules for the application of Council Regulation (EC) No 603/95 on the common organization of the market in dried fodder⁽³⁾, as amended by Regulation (EC) No 1362/95⁽⁴⁾, lays down the conditions to be complied with so that dried fodder produced during the 1995/96 marketing year can qualify for the aid provided for in Regulation (EC) No 603/95;

Whereas certain fodder stocks produced during the 1994/95 marketing year did not leave certain processing undertakings before 31 March 1995; whereas those stocks should be allowed to leave the stores of the processing undertakings and qualify for the aid provided for in Regulation (EC) No 603/95 on the basis of a simplified procedure during the current marketing year while being accounted for as part of the national guaranteed quantities allocated to the Member States concerned for the 1995/96 marketing year;

Whereas the measures provided for in this Regulation are in accordance with the Management Committee for Dried Fodder,

HAS ADOPTED THIS REGULATION:

Article 1

1. Dried fodder produced during the marketing year 1994/95 which did not leave the processing undertaking or one of the storage places referred to in Article 3 (1) (a) of Regulation (EC) No 785/95 before 31 March 1995 may qualify for the aid provided for in Article 3 of Regulation (EC) No 603/95 in the 1995/96 marketing year, provided that:

- the fodder complies with Article 3 of Regulation (EC) No 785/95,
- it leaves the processing undertaking under the supervision of the competent authority and under the conditions laid down in Article 11 of that Regulation,
- it is accounted for as part of the guaranteed national quantities allocated to the Member States concerned for the 1995/96 marketing year.

2. The competent authorities in the Member States concerned shall adopt any supervisory measures necessary to ensure that the provisions of paragraph 1 are complied with.

Article 2

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

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

Done at Brussels, 26 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 63, 21. 3. 1995, p. 1.

⁽²⁾ OJ No L 131, 15. 6. 1995, p. 1.

⁽³⁾ OJ No L 79, 7. 4. 1995, p. 5.

⁽⁴⁾ OJ No L 132, 16. 6. 1995, p. 6.

COMMISSION REGULATION (EC) No 146/96

of 26 January 1996

opening individual invitations to tender for the sale for export of vinous alcohol

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine ⁽¹⁾, as last amended by Regulation (EC) No 1544/95 ⁽²⁾,

Having regard to Council Regulation (EEC) No 3877/88 of 12 December 1988 laying down general rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies ⁽³⁾,

Whereas Commission Regulation (EEC) No 377/93 ⁽⁴⁾, as last amended by Regulation (EC) No 3152/94 ⁽⁵⁾, lays down detailed rules for the disposal of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by intervention agencies;

Whereas individual invitations to tender for the export of vinous alcohol to certain Caribbean and Central American countries so as to guarantee continuity of supplies to those countries;

Whereas the amount of the performance guarantee should take account of the possible storage of a large quantity of alcohol in Caribbean countries, guarantee the export of the alcohol put up for sale within the first year of application of the commitments entered into under the General Agreement on Tariffs and Trade in the alcohol sector, and the end use of the alcohol in the motor fuel sector;

Whereas Commission Regulation (EEC) No 2192/93 ⁽⁶⁾, concerning the operative events for the agricultural conversion rates used in the wine sector and amending Regulation (EEC) No 377/93 specifies the agricultural conversion rates to be used to convert the payments and securities provided for in connection with individual invitations to tender into national currency;

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

HAS ADOPTED THIS REGULATION:

Article 1

Four sales by individual invitation to tender Nos 189/95 EC, 190/95 EC, 191/95 EC and 192/95 EC, shall be held for a total quantity of 300 000 hectolitres of alcohol obtained from the distillation operations referred to in Articles 35, 36 and 39 of Regulation (EEC) No 822/87 and held by the Italian, Spanish and French intervention agencies.

Each of the individual invitations to tender Nos 189/95 EC, 190/95 EC, 191/95 EC and 192/95 EC, covers a quantity of 75 000 hectolitres of alcohol at 100 % vol.

Article 2

The alcohol offered for sale:

- shall be for export outside the European Community,
- must be imported into and dehydrated:
 - in the case of individual invitation to tender No 189/95 EC, to:
 - Costa Rica,
 - Guatemala,
 - Honduras, including the Swan Islands,
 - El Salvador,
 - in the case of individual invitations to tender Nos 190/95 EC, 191/95 EC and 192/95 EC to one of the following countries:
 - Saint Christopher and Nevis,
 - Bahamas,
 - Dominican Republic,
 - Antigua and Barbuda,
 - Dominica,
 - British Virgin Islands and Montserrat,
 - Jamaica,
 - Saint Lucia,
 - Saint Vincent, including the Northern Grenadines,
 - Barbados,
 - Trinidad and Tobago,
 - Belize,

⁽¹⁾ OJ No L 84, 27. 3. 1987, p. 1.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 31.

⁽³⁾ OJ No L 346, 15. 12. 1988, p. 7.

⁽⁴⁾ OJ No L 43, 20. 2. 1993, p. 6.

⁽⁵⁾ OJ No L 332, 22. 12. 1994, p. 34.

⁽⁶⁾ OJ No L 196, 5. 8. 1993, p. 19.

- Grenada, including the Southern Grenadines,
- Aruba,
- Netherlands Antilles (Curaçao, Bonaire, Saint Eustace, Saba and the southern part of Saint Martin),
- Guyana,
- United States Virgin Islands,
- Haiti,

— must be used only as motor fuel.

Article 3

The location and reference numbers of the vats concerned, the quantity of alcohol contained in each vat, the alcoholic strength and the characteristics of the alcohol as well as certain specific conditions are given in Annex I hereto.

Article 4

The sale shall take place in accordance with Articles 13 to 18 and Articles 30 to 38 of Regulation (EEC) No 377/93.

Article 5

1. The tendering security referred to in Article 15 of Regulation (EEC) No 377/93 shall be ECU 3,622 per hectolitre of alcohol at 100 % volume and shall be lodged for the total quantity of alcohol offered for sale in each of the invitations to tender referred to in Article 1.

Maintenance of the tender after the time limit submitting tenders and the lodging of a performance guarantee shall constitute the primary requirements within the meaning of Article 20 of Commission Regulation (EEC) No 2220/85⁽¹⁾, as regards the tendering security.

The tendering security lodged for each of the invitations to tender referred to in Article 1 of this Regulation shall be released immediately if the tender is not accepted or if the successful tenderer has lodged the entire performance guarantee for the invitation to tender concerned.

2. The performance guarantee shall be ECU 30,19 per hectolitre of alcohol at 100 % volume.

Notwithstanding Article 17 (2) of Regulation (EEC) No 377/93, the successful tenderer shall furnish proof that the performance guarantee has been lodged with each intervention agency concerned not later than the day of issue of a removal order for the quantity of alcohol concerned.

The guarantee shall be released in accordance with Article 34 (3) (b) of Regulation (EEC) No 377/93.

Article 6

1. The alcohol awarded under the invitation to tender referred to in Article 1 shall be exported by 30 June 1996 at the latest.

2. The alcohol awarded shall be used within three years from the date of first removal.

Article 7

To be valid, tenders must indicate the place where end use of the alcohol awarded is to take place and must include an undertaking by the tenderer to the effect that the alcohol will be sent to that destination and used for that purpose. The tender shall also include proof that the tenderer has binding commitments with an operator in the motor fuel sector in one of the third countries listed in Article 2 who has undertaken to dehydrate the alcohol awarded in one of those countries and to export it for use solely as motor fuel.

Article 8

1. Before the awarded alcohol is removed, the intervention agency and the successful tenderer shall take a reference sample and shall analyse that sample to verify the alcoholic strength expressed in % vol of the alcohol in question.

Where the final results of the analysis of the sample show a difference between the alcoholic strength by volume of the alcohol to be removed and the minimum alcoholic strength by volume stated in the notice of invitation to tender, the following provisions shall apply:

- (i) the intervention agency shall, the same day, inform the Commission thereof in accordance with Annex II, as well as the storer and the successful tenderer;
- (ii) the successful tenderer may:

- either agree to take over the lot with its characteristics as established, subject to the Commission's agreement,
- or refuse to take over the lot in question.

In either case, the successful tenderer shall, the same day, inform the intervention agency and the Commission thereof in accordance with Annex III.

Once these formalities have been completed, if he has refused to take over the lot concerned, he shall be immediately released from all his obligations relating to that lot.

⁽¹⁾ OJ No L 205, 3. 8. 1985, p. 5.

2. Where the successful tenderer refuses the merchandise, as provided for in paragraph 1, the intervention agency shall supply him with another quantity of alcohol of the requisite quality, at no extra charge, within a maximum of eight days.

3. If physical removal of the alcohol is delayed by more than five working days in relation to the date of acceptance of the lot to be removed by the successful tenderer for reasons attributable to the intervention agency, the Member State shall be responsible for the payment of compensation.

Article 9

1. Successful tenderers for the individual invitations to tender Nos 190/95 EC, 191/95 EC and 192/95 EC, may, be common agreement, exchange an equal quantity of alcohol stored in the designated vats in the same Member State for the purposes provided for in those invitations to tender.

2. Such exchange shall not affect the obligations of the tenderers concerned, particularly as regards the price to be paid and the time limit for removal and use of the alcohol awarded to them indicated in the invitation to tender concerned.

3. Successful tenderers who wish to make such an exchange must give prior notice to the intervention agencies concerned.

4. If such exchange affects the planned timetable for physical removal of the alcohol, that timetable shall immediately be amended and that amendment notified to the Commission.

Article 10

Notwithstanding the first subparagraph of Article 36 (2) of Regulation (EEC) No 377/93, the alcohol contained in the vats indicated in the communication from the Member States referred to in Article 36 of Regulation (EEC) No 377/93 and covered by the invitation to tender referred to in Article 1 of this Regulation may be substituted by alcohol of the same type by the intervention agencies holding the alcohol concerned in agreement with the Commission, or mixed with other alcohol delivered to the intervention agency until a removal order is issued for that alcohol, in particular for logistical reasons.

Article 11

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, 26 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

INDIVIDUAL INVITATION TO TENDER No 189/95 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
FRANCE	DEULEP	72	12 310	35 + 36	Raw alcohol
	Boulevard Chanzy		5 431	35 + 36	Raw alcohol
	F-30800 Saint-Gilles-du-Gard		9 149	35 + 36	Raw alcohol
	Port-La-Nouvelle Avenue Adolphe-Turrel Boîte postale 62 F-11210 Port-la-Nouvelle	1	48 110	35 + 36	Raw alcohol
	Total		75 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in French francs, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 75 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked "Tender for individual sale No 189/95 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group", which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 13. 2. 1996.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 189/95 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- SAV par délégation de l'Onivins, zone industrielle, avenue de la Ballastière, boîte postale 231, F-33505 Libourne Cedex (tel. 57 51 03 03; telex 572 025; fax 57 25 07 05).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 190/95 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
ITALY	Dist. Soc. vinicola adriatica		1 650	39	Raw alcohol
	Dist. D'Auria SpA		2 000	39	Raw alcohol
	Industria italiana alcol		2 000	39	Raw alcohol
	Dist. Sapis SpA		2 500	39	Raw alcohol
	Dist. SASRIV SpA		1 500	39	Raw alcohol
	Dist. Aniello Esposito Sas		750	36	Raw alcohol
	Dist. F. Palma SpA		2 500	36	Raw alcohol
	Dist. lavorazione sociale vinacce Modena Srl		2 500	35	Raw alcohol
	Dist. emiliane SpA		2 600	39	Raw alcohol
	Dist. Villapana SpA		2 500	35	Raw alcohol
	Dist. Mazzari SpA		3 350	35	Raw alcohol
	Dister coop Srl		1 750	39	Raw alcohol
	Dist. Neri Srl		6 000	35 + 39	Raw alcohol
	Dist. Bonollo SpA		6 000	39	Raw alcohol
	Dist. centro adriatico SpA		1 500	35	Raw alcohol
	Dist. del Sud SpA		3 100	36	Raw alcohol
	Dist. Giacomo De Luca Sas		750	35	Raw alcohol
	CAVIRO Srl		6 250	39	Raw alcohol
	Dist. di Trani SpA		5 000	39	Raw alcohol
	Dist. Sadz SpA		2 050	36 + 39	Raw alcohol
	DI.CO.VI.SA. Srl		2 500	35	Raw alcohol
	Enodistil SpA		2 500	39	Raw alcohol
	Dist. Bertolino SpA		2 500	35	Raw alcohol
	Dist. Kronion Srl		750	39	Raw alcohol
	GEDIS. SpA		3 000	35	Raw alcohol
	Dist. Italcol		1 400	35	Raw alcohol
	Dist. F.lli Cipriani SpA		1 500	35	Raw alcohol
	Dist. G. Di Lorenzo Srl		3 500	35	Raw alcohol
	Dist. ind. chimica valenzana SpA		1 100	39	Raw alcohol
	Total		75 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Italian lire, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 75 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must :

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 190/95 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 13. 2. 1996.

5. Tenders must state the name and address of the tenderer and must :

- (a) include a reference to individual sale by tender No 190/95 EC ;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol ;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency :

- EIMA, via Palestro 81, I-00185 Roma (tel. 47 49 91 ; telex 62 03 31, 62 02 52, 61 30 03 ; fax 445 39 40, 495 39 40).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 191/95 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tarancón	C-8	1 866	39	Raw alcohol
	Tarancón	F-3	26 604	39	Raw alcohol
	Tarancón	F-5	8 358	39	Raw alcohol
	Villarrobledo	17	38 172	39	Raw alcohol
	Total		75 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 75 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 191/95 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 13. 2. 1996.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 191/95 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- SENPA, Beneficencia 8, E-28004 Madrid (tel. 347 65 00; telex 23427 SENPA; fax 521 98 32).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

INDIVIDUAL INVITATION TO TENDER No 192/95 EC

I. Place of storage, volume and characteristics of the alcohol offered for sale

Member State	Location	Reference number of vat	Volume in hectolitres of pure alcohol	Reference to Regulation (EEC) No 822/87	Type of alcohol
SPAIN	Tarancón	C-6	11 501	39	Raw alcohol
	Tarancón	D-6	26 283	39	Raw alcohol
	Tarancón	C-7	27 258	39	Raw alcohol
	Tarancón	C-8	9 958	39	Raw alcohol
	Total		75 000		

Any interested party may, on application to the intervention agency concerned and on payment of ECU 2,415 per litre or the equivalent thereof in Spanish pesetas, obtain samples of the alcohol offered for sale. Such samples shall be taken by a representative of the intervention agency concerned.

II. Destination and use of the alcohol

The alcohol offered for sale must be exported from the Community. It must be imported into and dehydrated in one of the non-member countries listed in Article 2 of this Regulation as for use exclusively as motor fuel.

Evidence relating to the destination and use of the alcohol is to be obtained by an international security company and transmitted to the intervention agency concerned.

The costs thus incurred are to be borne by the successful tenderer.

III. Submission of tenders

1. Tenders should be submitted for a quantity of 75 000 hectolitres of alcohol, expressed in hectolitres of alcohol at 100 % vol.

Any tender relating to a smaller quantity will not be considered.

2. Tenders must:

- be sent by registered mail to the Commission of the European Communities, 200 rue de la Loi/Wetstraat, B-1049 Brussels, or
- be submitted at the reception of the Loi 130 building of the Commission of the European Communities, 130 rue de la Loi/Wetstraat, B-1049 Brussels, between 11 a.m. and 12 noon on the date mentioned in point 4.

3. Tenders must be enclosed in a sealed envelope marked 'Tender for individual sale No 192/95 EC (alcohol), DG VI (E-2), to be opened only at the meeting of the group', which itself must be enclosed in an envelope addressed to the Commission.

4. Tenders must reach the Commission not later than 12 noon (Brussels time) on 13. 2. 1996.

5. Tenders must state the name and address of the tenderer and must:

- (a) include a reference to individual sale by tender No 192/95 EC;
- (b) specify the price tendered, expressed in ecus per hectolitre of alcohol at 100 % vol;
- (c) include all the undertakings and statements referred to in Article 31 of Regulation (EEC) No 377/93, specify the final destination of the alcohol awarded and include proof of a commitment with an operator for dehydration and use solely as motor fuel.

6. Each tender must be accompanied by attestations of the lodging of a tendering security, issued by the following intervention agency:

- SENPA, Beneficencia 8, E-28004 Madrid (tel. 347 65 00; telex 23427 SENPA; fax 521 98 32).

This security must correspond to a sum of ECU 3,622 per hectolitre of alcohol at 100 % vol.

ANNEX II

The only telex and fax numbers in Brussels to be used are :

DG VI (E-2) (for the attention of Mr Chiappone/Mr Van der Stappen)

- telex : 22037 AGREC B,
 22070 AGREC B (Greek characters),
— fax : (32 2) 295 92 52.

ANNEX III

Communication of refusal or acceptance of lots under the individual invitation to tender for the export of vinous alcohol opened by Regulation (EC) No 146/96

- Name of the successful tenderer :
— Date of award of contract :
— Date of refusal or acceptance of the lot by the successful tenderer :

Lot No	Quantity in hectolitres	Location of alcohol	Reason for refusal or acceptance to take over

COMMISSION REGULATION (EC) No 147/96

of 26 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 27 January 1996.

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

Done at Brussels, 26 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 26 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	65,3
	060	80,2		464	189,4
	064	59,6		624	81,3
	066	41,7		999	112,0
	068	62,3	0805 30 20	052	68,9
	204	57,4		204	45,8
	208	44,0		388	67,5
	212	97,3		400	48,9
	624	89,1		512	54,8
	999	65,7		520	66,5
				524	100,8
0707 00 10	052	111,6		528	87,1
	053	157,8		600	73,3
	060	61,0		624	57,1
	066	53,8		999	67,1
	068	104,8	0808 10 51, 0808 10 53, 0808 10 59	052	64,0
	204	144,3		064	78,6
	624	191,3		388	39,2
	999	117,8		400	72,3
0709 10 10	220	451,7		404	59,6
	999	451,7		508	68,4
0709 90 71	052	139,0		512	51,2
	204	77,5		524	57,4
	412	54,2		528	48,0
	624	241,6		624	86,5
0805 10 01, 0805 10 05, 0805 10 09	999	128,1		728	107,3
	052	42,7	0808 20 31	800	78,0
	204	38,3		804	21,0
	208	68,2		999	64,0
	212	38,9		052	86,3
	388	40,5		064	72,5
	436	41,6		388	79,6
	448	36,0		400	96,7
	600	37,6		512	89,7
	624	59,9		528	84,1
	999	44,9		624	79,0
0805 20 11	052	44,9		728	115,4
	204	71,2		800	55,8
	624	94,2		804	112,9
	999	70,1		999	87,2

⁽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 148/96

of 26 January 1996

altering the export refunds on cereals and on wheat or rye flour, groats and meal

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 Commission Regulation (EC) No 1863/95 ⁽²⁾, and in particular the fourth subparagraph of Article 13(2) thereof,

Whereas the export refunds on cereals and on wheat or rye flour, groats and meal were fixed by Commission Regulation (EC) No 129/96 ⁽³⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 129/96 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;

Whereas export possibilities exist for a quantity of 120 000 tonnes of common wheat flour to certain destinations; whereas the procedure laid down in Article 7(4) of Commission Regulation (EC) No 1162/95 ⁽⁴⁾, as last amended by Regulation (EC) No 2993/95 ⁽⁵⁾ should be used; whereas account should be taken of this when the refunds are fixed;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92 ⁽⁶⁾, as

last amended by Regulation (EC) No 150/95 ⁽⁷⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93 ⁽⁸⁾, as last amended by Regulation (EC) No 2853 ⁽⁹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1(a), (b) and (c) of Regulation (EEC) No 1766/92, exported in the natural state, as fixed in the Annex to Regulation (EC) No 129/96 are hereby altered as shown in the Annex to this Regulation in respect of the products set out therein.

Article 2

This Regulation shall enter into force on 27 January 1996.

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

Done at Brussels, 26 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 20, 26. 1. 1996, p. 23.

⁽⁴⁾ OJ No L 117, 24. 5. 1995, p. 2.

⁽⁵⁾ OJ No L 312, 23. 12. 1995, p. 25.

⁽⁶⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁷⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽⁸⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁹⁾ OJ No L 299, 12. 12. 1995, p. 1.

ANNEX

to the Commission Regulation of 26 January 1996 altering the export refunds on cereals and on wheat or rye flour, groats and meal

(ECU/tonne)			(ECU/tonne)		
Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination ⁽¹⁾	Amount of refund ⁽²⁾
0709 90 60 000	—	—	1101 00 11 000	—	—
0712 90 19 000	—	—	1101 00 15 100	01	0 ⁽⁴⁾
1001 10 00 200	—	—	1101 00 15 130	01	0 ⁽⁴⁾
1001 10 00 400	—	—	1101 00 15 150	—	—
1001 90 91 000	—	—	1101 00 15 170	—	—
1001 90 99 000	—	—	1101 00 15 180	—	—
1002 00 00 000	01	0	1101 00 15 190	—	—
1003 00 10 000	—	—	1101 00 90 000	—	—
1003 00 90 000	—	—	1102 10 00 500	01	45,00
1004 00 00 200	—	—	1102 10 00 700	—	—
1004 00 00 400	—	—	1102 10 00 900	—	—
1005 10 90 000	—	—	1103 11 10 200	—	— ⁽³⁾
1005 90 00 000	—	—	1103 11 10 400	—	— ⁽³⁾
1007 00 90 000	—	—	1103 11 10 900	—	—
1008 20 00 000	—	—	1103 11 90 200	—	— ⁽³⁾
			1103 11 90 800	—	—

⁽¹⁾ The destinations are identified as follows:

01 All third countries.

⁽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.

⁽³⁾ No refund is granted when this product contains compressed meal.

⁽⁴⁾ Refund fixed under the procedure laid down in Article 7 (4) of amended Regulation (EC) No 1162/95 in respect of a quantity of 120 000 tonnes of wheat flour for export to third countries.

NB: The zones are those defined in amended Commission Regulation (EEC) No 2145/92 (OJ No L 214, 30. 7. 1992, p. 20).

COMMISSION DIRECTIVE 96/3/EC

of 26 January 1996

**granting a derogation from certain provisions of Council Directive 93/43/EEC
on the hygiene of foodstuffs as regards the transport of bulk liquid oils and fats
by sea**

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European
Community,

Having regard to Council Directive 93/43/EEC of 14
June 1993 on the hygiene of foodstuffs⁽¹⁾, and in parti-
cular Article 3 (3) thereof,

Whereas information shows that the application of the
second subparagraph of paragraph 2 of Chapter IV of the
Annex to Directive 93/43/EEC relating to the transport of
bulk foodstuffs in liquid, granulate or powdered form in
receptacles and/or containers/tankers reserved for the
transport of foodstuffs, is not practical and imposes an
unduly onerous burden on food business when applied to
the transport in sea-going vessels of liquid oils and fats
intended for, or likely to be used for, human consump-
tion ;

Whereas, however, it is necessary to ensure that the
granting of a derogation provides equivalent protection to
public health, by attaching conditions to the terms of
such derogation ;

Whereas the availability of sea-going vessels reserved for
the transport of foodstuffs is insufficient to serve the
continuing trade in oils and fats intended for or likely to
be used for human consumption ;

Whereas experience acquired during the past years has
shown that contamination of liquid oils and fats can be
avoided where tanks used for their transport are made of
readily cleansable materials or where the three previous
cargoes are of such a nature that they do not leave unac-
ceptable contamination ; whereas on the other hand it
should be established that tanks that have been used
previously for transportation have been effectively
cleaned ;

Whereas it is incumbent on Member States by virtue of
Article 8 of Directive 93/43/EEC to carry out controls to
ensure the application of this Directive ;

Whereas this specific derogation should be without preju-
dice to the general provisions of Directive 93/43/EEC ;

Whereas, pursuant to Article 1 (2) of Directive
93/43/EEC, this derogation should not concern foods to
which more specific Community hygiene rules apply ;

Whereas the measures provided for in this Directive are
in compliance with the opinion of the Standing
Committee for Foodstuffs,

HAS ADOPTED THIS DIRECTIVE :

Article 1

This Directive derogates from the second subparagraph of
paragraph 2 of Chapter IV of the Annex to Directive
93/43/EEC and lays down equivalent conditions to ensure
the protection of public health and the safety and whole-
someness of the foodstuffs concerned.

Article 2

1. The bulk transport in sea-going vessels of liquid oils
or fats which are to be processed, and which are intended
for or likely to be used for human consumption, is
permitted in tanks that are not exclusively reserved for
the transport of foodstuffs, subject to the following condi-
tions :

- (a) that, where the oil or fat is transported in a stainless
steel tank, or tank lined with epoxy resin or technical
equivalent, the immediately previous cargo trans-
ported in the tank shall have been a foodstuff, or a
cargo from the list of acceptable previous cargoes set
out in the Annex ;
- (b) that, where the oil or fat is transported in a tank of
materials other than those in point (a), the three
previous cargoes transported in the tanks shall have
been foodstuffs, or from the list of acceptable previous
cargoes set out in the Annex.

2. The bulk transport in sea-going vessels of liquid oils
or fats which are not to be further processed, and which
are intended for or likely to be used for human consump-
tion, is permitted in tanks that are not exclusively
reserved for the transport of foodstuffs, subject to the
following conditions :

- (a) that the tank shall be of stainless steel or lined with
epoxy resin or technical equivalent ;
- (b) that the three previous cargoes transported in the tank
shall have been foodstuffs.

⁽¹⁾ OJ No L 175, 19. 7. 1993, p. 1.

Article 3

1. The captain of the sea-going vessel transporting, in tanks, bulk liquid oils and fats intended for or likely to be used for human consumption shall keep accurate documentary evidence relating to the three previous cargoes carried in the tanks concerned, and the effectiveness of the cleaning process applied between these cargoes.

2. Where the cargo has been trans-shipped, in addition to the documentary evidence required in paragraph 1, the captain of the receiving vessel shall keep accurate documentary evidence that the transport of the bulk liquid oil or fat complied with the provisions in Article 2 during previous shipment and of the effectiveness of the cleaning process used between these cargoes on the other vessel.

3. Upon request, the captain of the vessel shall provide the competent official control authorities with the documentary evidence described in paragraphs 1 and 2.

Article 4

This Directive shall be reviewed where one or more Member States, or the Commission, consider that amendments are necessary in order to take account of scientific or technical developments. In any case the Annex shall be reviewed within one year of the entry into force of this Directive.

Article 5

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive on 12 February 1996. They shall immediately inform the Commission thereof.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

Article 6

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

Article 7

This Directive is addressed to the Member States.

Done at Brussels, 26 January 1996.

For the Commission

Martin BANGEMANN

Member of the Commission

ANNEX

List of acceptable previous cargoes

Substance	CAS No
Acetic acid (ethanoic acid ; vinegar acid ; methane carboxylic acid)	64-19-7
Acetone — dimethylketone ; 2-propanone	67-64-1
Acid oils and fatty acid distillates — from vegetable oils and fats and/or mixtures thereof and animal and marine fats and oils	
Ammonium hydroxyde — (ammonium hydrate ; ammonia solution ; aqua ammonia)	1336-21-6
Animal, marine and vegetable oils and fats (other than cashew shell nut and crude tall oil)	
Beeswax	8012-89-3
Benzyl alcohol (NF and reagent grades only)	100-51-6
Butyl acetates — (n- ; sec- ; tert-)	123-86-4 105-46-4 540-88-5
Calcium chloride solution	10043-52-4
Calcium lignosulphonate	
Candelilla wax	8006-44-8
Carnauba wax — (Brazil wax)	8015-86-9
Cyclohexane — (hexamethylene ; hexanaphthene ; hexahydrobenzene)	110-82-7
Cyclohexanol (hexahydrophenol)	108-93-0
Epoxidised soyabean oil (with a minimum 7 % oxirane oxygen content)	8013-07-8
Ethanol (ethyl alcohol ;)	64-17-5
Ethyl acetate — (acetic ether, acetic ester, vinegar naphtha)	141-78-6
2-Ethylhexanol — (2-ethylhexyl alcohol)	104-76-7
Fatty acids :	
Butyric acid — (n-butyric acid ; butanoic acid ; ethyl acetic acid ; propyl formic acid)	107-92-6
Valeric acid — (n-pentanoic acid ; valerianic acid)	109-52-4
Caproic acid — (n-hexanoic acid)	142-62-1
Heptoic acid — (n-heptanoic acid)	111-14-8
Caprylic acid — (n-octanoic acid)	124-07-2
Pelargonic acid — (n-nonanoic acid)	112-05-0
Capric acid — (n-decanoic acid)	334-48-5
Lauric acid — (n-dodecanoic acid)	143-07-7
Lauroleic acid — (dodecanoic acid)	4998-71-4
Myristic acid — (n-tetradecanoic acid)	544-63-8
Myristoleic acid — (n-tetradecenoic acid)	544-64-9
Palmitic acid — (n-hexadecanoic acid)	57-10-3
Palmitoleic acid — (cis-9-hexadecenoic acid)	373-49-9
Stearic acid — (n-octadecanoic acid)	57-11-4
Ricinoleic acid — (cis 12-hydroxy octadec-9 enoic acid ; Castor oil acid)	141-22-0
Oleic acid — (n-octadecenoic acid)	112-80-1
Linoleic acid — (9,12-octadecadienoic acid)	60-33-3
Linolenic acid — (9,12,15-octadecatrienoic acid)	463-40-1
Arachidic acid — (eicosanoic acid)	506-30-9

Substance	CAS No
Behenic acid — (docosanoic acid)	112-85-6
Erucic acid — (cis 13-docosenoic acid)	112-86-7
Fatty alcohols — natural alcohols	
Butyl alcohol — (1-butanol; butyric alcohol)	71-36-3
Caproyl alcohol — (1-hexanol; hexyl alcohol)	111-27-3
Enanthyl alcohol — (1-heptanol; heptyl alcohol)	110-70-6
Capryl alcohol — (1-n-octanol)	111-87-5
Nonyl alcohol — (1-nonanol; Pelargonic alcohol; octyl carbinol)	143-08-8
Decyl alcohol — (1-decanol)	112-30-1
Lauryl alcohol — (n-dodecanol; dodecyl alcohol)	112-53-8
Tridecyl alcohol — (1-tridecanol)	27458-92-0
Myristyl alcohol — (-tetradecanol; tetradecanol)	112-72-1
Cetyl alcohol — (alcohol C-16; 1-hexadecanol; cetylic alcohol; palmityl alcohol; n-primary hexadecyl alcohol)	36653-82-4
Stearyl alcohol — (1-octadecanol)	112-92-5
Oleyl alcohol — (Octadecenol)	143-28-2
Lauryl myristyl alcohol — (C12-C14 blend)	
Cetyl stearyl alcohol — (C16-C18 blend)	
Fatty acids esters — any ester produced by the combination of any of the above listed fatty acids with any of the above listed fatty alcohols. Examples of these are butyl myristate, oleyl palmitate and cetyl stearate.	
Fatty acid — methyl esters	
Methyl laurate — (methyl dodecanoate)	111-82-0
Methyl palmitate — (methyl hexadecanoate)	112-39-0
Methyl stearate — (methyl octadecanoate)	112-61-8
Methyl oleate — (methyl octadecenoate)	112-62-9
Formic acid — (methanoic acid; hydrogen carboxylic acid)	64-18-6
Glycerine — (glycerol; glycerin)	56-81-5
Glycols	
Butanediol — (1,3-butylene glycol; 1-3 butanediol; 1,4-butylene glycol; 1,4-butanediol; 2,3-butylene glycol; 2,3-butanediol; Butylene glycol)	107-88-0
	110-63-4
	513-85-9
Polypropylene glycol — (molecular weight greater than 400)	25322-69-4
Propylene glycol — (1,2 propylene glycol; 1,2-propanediol; 1,2-dihydroxypropane; monopropylene glycol (MPG); methyl glycol)	57-55-6
1,3-Propylene glycol — (Trimethylene glycol; 1,3-propanediol)	504-63-2
n-Heptane —	142-82-5
n-Hexane (technical grades)	110-54-3
	64742-49-0
iso-Butanol — (2-methyl-1-propanol;)	78-83-1
iso-Butyl acetate	110-19-0
iso-Decanol (isodecyl alcohol)	25339-17-7
iso-Nonal (isononyl alcohol)	27458-94-2
iso-Octanol (isooctyl alcohol)	26952-21-6
iso-Propanol — (isopropyl alcohol; IPA)	67-63-0
Limonene — (dipentene)	138-86-3
Magnesium chloride solution	7786-30-3
Methanol — (methyl alcohol)	67-56-1
Methyl ethyl ketone — (2-butanone)	78-93-3

Substance	CAS No
Methyl isobutyl ketone — (4-methyl-2-pentanone ;)	108-10-1
Methyl tertiary butyl ether — (MTBE)	1634-04-4
Micro silica	7631-86-9
Molasses	57-50-1
Montan wax	8002-53-7
Nonane	111-84-2
Parafin (edible grade)	
Pentane —	109-66-0
Phosphoric acid — (ortho phosphoric acid)	7664-38-2
Potable water is acceptable as a previous cargo only where the immediate previous cargo to it is on this list	
Potassium hydroxide (caustic potash)	1310-58-3
n-Propyl acetate	109-60-4
Sodium hydroxide (caustic soda, lye)	1310-73-2
Sorbitol (D-sorbitol ; hexahydric alcohol ; d-Sorte)	50-70-4
Iphuric acid	7664-93-9
Urea ammonia nitrate solution — (UAN)	
Wine lees — (vinasses, vinaccia, argol, vini, argil arcilla, weinstein, crude cream of tartare, crude potassium biturate)	868-14-4

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 19 December 1995

concerning the approval by the European Community of the Grains Trade Convention and the Food Aid Convention, constituting the International Grains Agreement 1995

(96/88/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Treaty establishing the European Community, and in particular Articles 113 and 130y, in conjunction with the first sentence of Article 228 (2) and the first subparagraph of paragraph 3 thereof,

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

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

Whereas the Grains Trade Convention and the Food Aid Convention, together constituting the International Grains Agreement, 1995, have been the subject of negotiations to replace the International Wheat Agreement, 1949; whereas originally the new agreement was open until 30 June 1995 for signature and deposit of instruments of ratification, acceptance or approval; whereas the Agreement entered into force with effect from 1 July 1995 by Decision of the Conference of Governments, meeting in London on 6 July 1995; whereas at that time the deadline for the deposit of the abovementioned instruments was extended to 30 June 1996;

Whereas, on 30 June 1995, following the Council Decision of 29 June 1995 ⁽³⁾, the Community, subject to subsequent ratification, signed the two conventions constituting the said Agreement and deposited a declaration of provisional application; whereas these conventions should now be approved;

Whereas, pursuant to Article 130u of the Treaty, Community policy in the sphere of development cooperation

should foster the sustainable economic and social development of the developing countries, their smooth and gradual integration into the world economy and the campaign against poverty in those countries;

Whereas, with regard to food aid, application of the International Grains Agreement, 1995, implies in part both action by the Community and by the Member States;

Whereas all Member States have expressed their intention to become contracting parties to the Food Aid Convention,

HAS DECIDED AS FOLLOWS:

Article 1

The Grains Trade Convention and the Food Aid Convention, constituting the International Grains Agreement, 1995, are hereby approved on behalf of the European Community.

The texts of the Conventions are attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to deposit the instruments of approval of the two Conventions.

⁽¹⁾ OJ No C 191, 25. 7. 1995, p. 4.

⁽²⁾ OJ No C 287, 30. 10. 1995.

⁽³⁾ OJ No C 204, 9. 8. 1995, p. 1.

Article 3

On depositing the instrument of approval of the Grains Trade Convention, the European Community will deposit the following declaration :

'The Republic of Austria, the Republic of Finland and the Kingdom of Sweden, having become Member States of the European Community on 1 January 1995, will no longer be individual members of this Convention but will be covered by the Community's membership thereof. The European Community accordingly also undertakes to exercise the rights and perform the undertakings laid down in this Convention for those three States.'

Article 4

This Decision shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 19 December 1995.

For the Council

The President

L. ATIENZA SERNA

INTERNATIONAL GRAINS AGREEMENT, 1995**PREAMBLE****THE SIGNATORIES TO THIS AGREEMENT**

Considering that the International Wheat Agreement, 1949 was revised, renewed, updated or extended on successive occasions leading to the conclusion of the International Wheat Agreement, 1986,

Considering that the provisions of the International Wheat Agreement, 1986, consisting of the Wheat Trade Convention, 1986, on the one hand, and the Food Aid Convention, 1986, on the other, as extended, will expire on 30 June 1995, and that it is desirable to conclude an agreement for a new period,

HAVE AGREED

that the International Wheat Agreement, 1986 shall be updated and renamed the International Grains Agreement, 1995, which shall consist of two separate legal instruments :

- (a) the Grains Trade Convention, 1995 and
- (b) the Food Aid Convention, 1995,

and that each of these two Conventions, or either of them as appropriate, shall be submitted for signature and ratification, acceptance or approval, in conformity with their respective constitutional or institutional procedures, by the Governments concerned.

GRAINS TRADE CONVENTION, 1995

PART I

GENERAL

*Article 1***Objectives**

The objectives of this Convention are :

- (a) to further international cooperation in all aspects of trade in grains, especially in so far as these affect the food grain situation ;
- (b) to promote the expansion of international trade in grains, and to secure the freest possible flow of this trade, including the elimination of trade barriers and unfair and discriminatory practices, in the interest of all members, in particular developing members ;
- (c) to contribute to the fullest extent possible to the stability of international grain markets in the interest of all members, to enhance world food security, and to contribute to the development of countries whose economies are heavily dependent on commercial sales of grain ; and
- (d) to provide a forum for exchange of information and discussion of members concerns regarding trade in grains.

*Article 2***Definitions**

For the purposes of this Convention :

- 1. (a) 'Council' means the International Grains Council established by the International Wheat Agreement, 1949 and continued in being by Article 9 ;
- (b) (i) 'member' means a party to this Convention ;
(ii) 'exporting member' means member so designated pursuant to Article 12 ;
(iii) 'importing member' means a member so designated pursuant to Article 12 ;
- (c) 'Executive Committee' means the Committee established pursuant to Article 15 ;
- (d) 'Market Conditions Committee' means the Committee established pursuant to Article 16 ;
- (e) 'grain' or 'grains' means barley, maize, millet, oats, rye, sorghum, triticale and wheat, and their

products, and such other grains and products as the Council may decide ;

- (f) (i) 'purchase' means a purchase of grain for import, or the quantity of grain so purchased, as the context requires ;
(ii) 'sale' means a sale of grain for export, or the quantity of such grain so sold, as the context requires ;
(iii) where reference is made in this Convention to a purchase or sale, it shall be understood to refer not only to purchases or sales concluded between the Governments concerned, but also to purchases or sales concluded between private traders, and to purchases or sales concluded between a private trader and the Government concerned ;
- (g) 'special vote' means a vote requiring at least two thirds of the votes (as calculated under Article 12) cast by the exporting members present and voting, and at least two thirds of the votes (as calculated under Article 12) cast by the importing members present and voting, counted separately ;
- (h) 'crop year' or 'fiscal year' means the period from 1 July to the following 30 June ;
- (i) 'working day' means working day at the headquarters of the Council.

2. Any reference in this Convention to a 'Government' or 'Governments' or 'member' shall be construed as including a reference to the European Community (hereinafter referred to as the EC). Accordingly, any reference in this Convention to 'signature' or to the 'deposit of instruments of ratification, acceptance, or approval' or 'an instrument of accession' or 'a declaration of provisional application' by a Government shall, in the case of the EC, be construed as including signature or declaration of provisional application on behalf of the EC by its competent authority and the deposit of the instrument required by the institutional procedures of the EC to be deposited for the conclusion of an international agreement.

3. Any reference in this Convention to 'Government', 'Governments' or 'member' shall be construed, where required, as covering all separate customs territory within the meaning of the General Agreement on Tariffs and Trade or the Agreement establishing the World Trade Organization.

*Article 3***Information, reports and studies**

1. To facilitate the achievement of the objectives in Article 1, to make possible a fuller exchange of views at Council sessions, and to provide information on a continuing basis to serve the general interest of members, arrangements shall be made for regular reports and exchange of information, and also special studies, as appropriate, covering grains, focusing primarily upon the following :

- (a) supply, demand and market conditions ;
- (b) developments in national policies and their effects on the international market ;
- (c) developments concerning the improvement and expansion of trade, utilization, storage and transportation, especially in developing countries.

2. To improve the collection and presentation of information for those reports and studies referred to in paragraph 1 of this Article, to make it possible for more members to participate directly in the work of the Council, and to supplement the guidance already given by the Council in the course of its sessions, there shall be established a Market Conditions Committee, whose meetings shall be open to all members of the Council. The Committee shall have the functions specified in Article 16.

*Article 4***Consultations on market developments**

1. If the Market Conditions Committee, in the course of its continuous review of the market pursuant to Article 16, is of the opinion that developments in the international grain market seriously threaten to affect the interests of members, or if such developments are called to the Committee's attention by the executive director on his own initiative or at the request of any member of the Council, it shall immediately report the facts concerned to the Executive Committee. The Market Conditions Committee, in so informing the Executive Committee, shall give particular regard to those circumstances which threaten to affect the interests of members.

2. The Executive Committee shall meet within 10 working days to review such developments and, if it deems it appropriate, request the chairman of the Council to convene a session of the Council to consider the situation.

*Article 5***Commercial purchases and special transactions**

1. A commercial purchase for the purposes of this Convention is a purchase as defined in Article 2 which conforms to the usual commercial practices in international trade and which does not include those transactions referred to in paragraph 2, of this Article.

2. A special transaction for the purposes of this Convention is one which includes features introduced by the Government of a member concerned which do not conform to usual commercial practices. Special transactions include the following :

- (a) sales on credit in which, as a result of government intervention, the interest rate, period of payment, or rather related terms do not conform to the commercial rates, periods or terms prevailing in the world market ;
- (b) sales in which the funds for the purchase of grain are obtained under a loan from the Government of the exporting member tied to the purchase of grain ;
- (c) sales for currency of the importing member which is not transferable or convertible into currency or goods for use in the exporting member ;
- (d) sales under trade agreements with special payments arrangements which include clearing accounts for settling credit balances bilaterally through the exchange of goods, except where the exporting member and the importing member concerned agree that the sale shall be regarded as commercial ;
- (e) barter transactions :
 - (i) which result from the intervention of governments where grain is exchanged at other than prevailing world prices ; or
 - (ii) which involve sponsorship under a government purchase programme, except where the purchase of grain results from a barter transaction in which the country of final destination was not named in the original barter contract ;
- (f) a gift of grain or a purchase of grain out of a monetary grant by the exporting member made for that specific purpose ;
- (g) any other categories of transactions, as the Council may prescribe, that include features introduced by the Government of a member concerned which do not conform to usual commercial practices.

3. Any question raised by the executive director or by any member as to whether a transaction is a commercial purchase as defined in paragraph 1 of this Article or a special transaction as defined in paragraph 2 of this Article shall be decided by the Council.

*Article 6***Guidelines relating to concessional transactions**

1. Members undertake to conduct any concessional transactions in grains in such a way as to avoid harmful interference with normal patterns of production and international commercial trade.

2. To this end both supplying and recipient members shall undertake appropriate measures to ensure that concessional transactions are additional to commercial sales which could reasonably be anticipated in the absence of such transactions, and would increase consumption or stocks in the recipient country. Such measures shall, for countries which are members of the Food and Agricultural Organization (FAO), be consistent with the FAO Principles of surplus disposal and guiding lines and the consultative obligations of FAO members, and may include the requirement that a specified level of commercial imports of grains agreed with the recipient country be maintained on a global basis by that country. In establishing or adjusting this level, full regard shall be had to the commercial import levels in a representative period, to recent trends in utilization and imports, and to the economic circumstances of the recipient country, including, in particular, its balance-of-payments situation.

3. Members, when engaging in concessional export transactions, shall consult with exporting members whose commercial sales might be affected by such transactions to the maximum possible extent before such arrangements are concluded with recipient countries.

4. The secretariat shall periodically report to the Council on developments in concessional transactions in grains.

*Article 7***Reporting and recording**

1. Members shall provide regular reports, and the Council shall maintain records for each crop year, showing separately commercial and special transactions, of all shipments of grain by members and all imports of grain from non-members. The Council shall also maintain, to the extent possible, records of all shipments between non-members.

2. Members shall provide, as far as possible, such information as the Council may require concerning their grain supply and demand, and report promptly all changes in their national grain policies.

3. For the purposes of this Article :

(a) members shall send to the executive director such information concerning the quantities of grain involved in commercial sales and purchases and

special transactions as the Council within its competence may require, including :

(i) in relation to special transactions, such detail of the transactions as will enable them to be classified in accordance with Article 5 ;

(ii) such information as may be available as to the type, class, grade and quality of the grains concerned ;

(b) any member when exporting grain shall send to the executive director such information relating to their export prices as the Council may require ;

(c) the Council shall obtain regular information on currently prevailing grain transportation costs, and members shall report such supplementary information as the Council may require.

4. In the case of any grain which reaches the country of final destination after resale in, passage through, or transshipment from the ports of, a country other than that in which it originated, members shall to the maximum extent possible make available such information as will enable the shipment to be entered in the records as a shipment between the country of origin and the country of final destination. In the case of a resale, the provisions of this paragraph shall apply if the grain originated in the country of origin during the same crop year.

5. The Council shall make rules of procedure for the reports and records referred to in this Article. Those rules shall prescribe the frequency and the manner in which those reports shall be made and shall prescribe the duties of members with regard thereto. The Council shall also make provision for the amendment of any records or statements kept by it, including provision for the settlement of any dispute arising in connection therewith. If any member repeatedly and unreasonably fails to make reports as required by this Article, the Executive Committee shall arrange consultations with that member to remedy the situation.

*Article 8***Disputes and complaints**

1. Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of any member which is a party to the dispute, be referred to the Council for decision.

2. Any member which considers that its interests as a party to this Convention have been seriously prejudiced by actions of any one or more members affecting the operation of this Convention may bring the matter before the Council. In such a case, the Council shall immediately consult with the members concerned in order to resolve the matter. If the matter is not resolved through such consultations, the Council shall consider the matter further and may make recommendations to the members concerned.

PART II

ADMINISTRATION

*Article 9***Constitution of the Council**

1. The Council (formerly the International Wheat Council, as established by the International Wheat Agreement, 1949, and now renamed the International Grains Council) shall continue in being for the purposes of administering this Convention with the membership, powers and functions provided in this Convention.

2. Members may be represented at Council meetings by delegates, alternates and advisers.

3. The Council shall elect a chairman and a vice-chairman who shall hold office for one crop year. The chairman shall have no vote and the vice-chairman shall have no vote while acting as chairman.

*Article 10***Powers and functions of the Council**

1. The Council shall establish its rules of procedure.

2. The Council shall keep such records as are required by the terms of this Convention and may keep such other records as it considers desirable.

3. In order to enable the Council to discharge its functions under this Convention, the Council may request, and members undertake to supply, subject to the provisions of paragraph 2 of Article 7, such statistics and information as are necessary for this purpose.

4. The Council may, by special vote, delegate to any of its committees, or to the executive director, the exercise of powers or functions other than the following:

- (a) decisions on matters pursuant to Article 8;
- (b) review, pursuant to Article 11, of the votes of members listed in the Annex;
- (c) determination of exporting and importing members and distribution of their votes pursuant to Article 12;
- (d) location of the seat of the Council pursuant to paragraph 1 of Article 13;
- (e) appointment of the executive director pursuant to paragraph 2 of Article 17;
- (f) adoption of the budget and assessment of members' contributions pursuant to Article 21;
- (g) suspension of the voting rights of a member pursuant to paragraph 6 of Article 21;
- (h) any request to the Secretary-General of Unctad to convene a negotiating conference pursuant to Article 22;

(i) exclusion of a member from the Council pursuant to Article 30;

(j) recommendation of an amendment pursuant to Article 32;

(k) extension or termination of this Convention pursuant to Article 33.

The Council may at any time revoke such delegation by a majority of the votes cast.

5. Any decision made under any powers or functions delegated by the Council in accordance with paragraph 4 of this Article shall be subject to review by the Council at the request of any member made within a period which the Council shall prescribe. Any decision in respect of which no request for review has been made within the prescribed period shall be binding on all members.

6. In addition to the powers and functions specified in this Convention the Council shall have such other powers and perform such other functions as are necessary to carry out the terms of this Convention.

*Article 11***Votes for entry into force and budgetary procedures**

1. For the purposes of the entry into force of this Convention, the calculations pursuant to paragraph 1 of Article 28 shall be based on the votes as set out in part A of the Annex.

2. For the purposes of the assessment of financial contributions pursuant to Article 21, the votes of members shall be based on those set out in the Annex, subject to the provisions of this Article and the associated rules of procedure.

3. Whenever this Convention is extended pursuant to paragraph 2 of Article 33, the Council shall review and adjust the votes of members under this Article. Such adjustments shall bring the distribution of votes more closely into line with current grain trade patterns, and shall be in accordance with the methods specified in the rules of procedure.

4. If the Council decides that a significant shift in world grain trading patterns has occurred it shall review, and may adjust, the votes of members. Such adjustments shall be regarded as amendments to this Convention, and shall be subject to the provisions of Article 32, except that an adjustment of votes may take effect only at the beginning of a fiscal year. After any adjustment to members' votes under this paragraph has taken effect, no further such adjustment may be put into effect before three years have elapsed.

5. All redistributions of votes under this Article shall be conducted in accordance with the rules of procedure.

6. For all purposes regarding the administration of this Convention, other than its entry into force pursuant to paragraph 1 of Article 28 and the assessment of financial contributions pursuant to Article 21, the votes to be exercised by members shall be as determined pursuant to Article 12.

Article 12

Determination of exporting and importing members and distribution of their votes

1. At the first session held under this Convention, the Council shall establish which members shall be exporting members and which members shall be importing members for the purposes of this Convention. In so deciding, the Council shall take account of the grain trading patterns of those members and of their own views.

2. As soon as the Council has determined which members shall be exporting and which shall be importing members under this Convention, the exporting members, on the basis of their votes pursuant to Article 11, shall divide their votes among them as they shall decide, subject to the conditions laid down in paragraph 3 of this Article, and the importing members shall similarly divide their votes.

3. For the purposes of the allocation of votes pursuant to paragraph 2 of this Article, the exporting members shall together hold 1 000 votes, and the importing members shall together hold 1 000 votes. No member shall hold more than 333 votes as an exporting member or more than 333 votes as an importing member. There shall be no fractional votes.

4. The lists of exporting and importing members shall be reviewed by the Council, in the light of changing patterns in their grain trade, after a period of three years following the entry into force of this Convention. They shall also be reviewed whenever this Convention is extended pursuant to paragraph 2 of Article 33.

5. At the request of any member, the Council may, at the beginning of any fiscal year, agree by special vote to the transfer of that member from the list of exporting members to the list of importing members, or from the list of importing members to the list of exporting members, as appropriate.

6. The distribution of the votes of exporting and importing members shall be reviewed by the Council whenever the lists of the exporting and importing members are changed pursuant to paragraphs 4 or 5 of this Article. Any redistribution of votes under this paragraph shall be subject to the conditions set out in paragraph 3 of this Article.

7. Whenever any Government becomes, or ceases to be, a party to this Convention, the Council shall redistribute the votes of the other exporting or importing

members, as appropriate, in proportion to the number of votes held by each member, subject to the conditions set out in paragraph 3 of this Article.

8. Any exporting member may authorize any other exporting member, and any importing member may authorize any other importing member, to represent its interests and to exercise its votes at any meeting or meetings of the Council. Satisfactory evidence of such authorization shall be submitted to the Council.

9. If at any meeting of the Council a member is not represented by an accredited delegate and has not authorized another member to exercise its votes in accordance with paragraph 8 of this Article, or if at the date of any meeting any member has forfeited, has been deprived of, or has recovered its votes under any provisions of this Convention, the total votes to be exercised by the exporting members at that meeting shall be adjusted to a figure equal to the total of votes to be exercised at that meeting by the importing members and redistributed among exporting members in proportion to their votes.

Article 13

Seat, sessions and quorum

1. The seat of the Council shall be in London unless the Council decides otherwise.

2. The Council shall meet at least once during each half of each fiscal year and at such other times as the chairman may decide, or as otherwise required by this Convention.

3. The chairman shall convene a session of the Council if so requested by (a) five members or (b) one or more members holding a total of not less than 10 % of the total votes or (c) the Executive Committee.

4. The presence of delegates with a majority of the votes held by the exporting members and a majority of the votes held by the importing members, prior to any adjustment of votes pursuant to paragraph 9 of Article 12, shall be necessary to constitute a quorum at any meeting of the Council.

Article 14

Decisions

1. Except where otherwise specified in this Convention, decisions of the Council shall be by a majority of the votes cast by the exporting members and a majority of the votes cast by the importing members, counted separately.

2. Without prejudice to the complete liberty of action of any member in the determination and administration of its agricultural and price policies, each member undertakes to accept as binding all decisions of the Council under the provisions of this Convention.

*Article 15***Executive Committee**

1. The Council shall establish an Executive Committee consisting of not more than six exporting members elected annually by the exporting members and not more than eight importing members elected annually by the importing members. The Council shall appoint the chairman of the Executive Committee and may appoint a vice-chairman.

2. The Executive Committee shall be responsible to and work under the general direction of the Council. It shall have such powers and functions as are expressly assigned to it under this Convention and such other powers and functions as the Council may delegate to it pursuant to paragraph 4 of Article 10.

3. The exporting members on the Executive Committee shall have the same total number of votes as the importing members. The votes of the exporting members on the Executive Committee shall be divided among them as they shall decide, provided that no such exporting member shall have more than 40 % of the total votes of those exporting members. The votes of the importing members on the Executive Committee shall be divided among them as they shall decide, provided that no such importing member shall have more than 40 % of the total votes of those importing members.

4. The Council shall prescribe rules of procedure regarding voting in the Executive Committee and may make such other provision regarding rules of procedure in the Executive Committee as it thinks fit. A decision of the Executive Committee shall require the same majority of votes as this Convention prescribes for the Council when making a decision on a similar matter.

5. Any member of the Council which is not a member of the Executive Committee may participate, without voting, in the discussion of any question before the Executive Committee whenever the latter considers that the interests of that member are affected.

*Article 16***Market Conditions Committee**

1. The Council shall establish a Market Conditions Committee, which shall be a Committee of the whole. The chairman of the Market Conditions Committee shall be the executive director, unless the Council decides otherwise.

2. Invitations to attend the meeting of the Market Conditions Committee as observers may be extended to representatives of non-member Governments and international organizations, as the chairman of the Committee considers appropriate.

3. The Committee shall keep under continuous review, and report to members on, all matters affecting the world grain economy. The Committee shall take account in its

review of relevant information supplied by any member of the Council.

4. The Committee shall supplement the guidance given by the Council to assist the secretariat in carrying out the work envisaged in Article 3.

5. The Committee shall advise in accordance with the relevant Articles of this Convention and on any matters which the Council or the Executive Committee may refer to it.

*Article 17***Secretariat**

1. The Council shall have a secretariat consisting of an executive director, who shall be its chief administrative officer, and such staff as may be required for the work of the Council and its Committees.

2. The Council shall appoint the executive director who shall be responsible for the performance of the duties devolving upon the secretariat in the administration of this Convention, and for the performance of such other duties as are assigned to him by the Council and its Committees.

3. The staff shall be appointed by the executive director in accordance with regulations established by the Council.

4. It shall be a condition of employment of the executive director and of the staff that they do not hold or shall cease to hold financial interest in the grain trade and that they shall not seek or receive instructions regarding their duties under this Convention from any Government or from any other authority external to the Council.

*Article 18***Admission of observers**

The Council may invite any non-member State, and any intergovernmental organization, to attend any of its meetings as an observer.

*Article 19***Cooperation with other intergovernmental organizations**

1. The Council may make whatever arrangements are appropriate for consultation or cooperation with the United Nations, its organs, and such other specialized agencies and intergovernmental organizations as may be appropriate, in particular the United Nations Conference on Trade and Development, the Food and Agriculture Organization, the Common Fund for Commodities and the World Food Programme.

2. The Council, bearing in mind the particular role of the United Nations Conference on Trade and Development in international commodity trade, will, as it considers appropriate, keep the United Nations Conference on Trade and Development informed of its activities and programmes of work.

3. If the Council finds that any terms of this Convention are materially inconsistent with such requirements as may be laid down by the United Nations through its appropriate organs or by its specialized agencies regarding intergovernmental commodity agreements, the inconsistency shall be deemed to be a circumstance affecting adversely the operation of this Convention and the procedure prescribed in Article 32 shall be applied.

Article 20

Privileges and immunities

1. The Council shall have legal personality. It shall in particular have the capacity to contract, acquire and dispose of movable and immovable property and to institute legal proceedings.

2. The status, privileges and immunities of the Council in the territory of the United Kingdom shall continue to be governed by the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the International Wheat Council signed at London on 28 November 1968.

3. The Agreement referred to in paragraph 2 of this Article shall be independent of the present Convention. It shall however terminate :

- (a) by agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Council ; or
- (b) in the event of the seat of the Council being moved from the United Kingdom ; or
- (c) in the event of the Council ceasing to exist.

4. In the event of the seat of the Council being moved from the United Kingdom, the Government of the member in which the seat of the Council is situated shall conclude with the Council an international agreement relating to the status, privileges and immunities of the Council, its executive director, its staff and representatives of members at meetings convened by the Council.

Article 21

Finance

1. The expenses of delegations to the Council and of representatives on its Committees and working groups shall be met by their respective Governments. The other expenses necessary for the administration of this Convention shall be met by annual contributions from all members. The contribution of each member for each fiscal year shall be in the proportion which the number of its votes in the Annex bears to the total of the votes of members in the Annex, as adjusted pursuant to Article 11 to reflect the membership of the Convention at the time when the budget for that fiscal year is adopted.

2. At its first session after this Convention comes into force, the Council shall approve its budget for the fiscal year ending 30 June 1996, and assess the contribution to be paid by each member.

3. The Council shall, at a session during the second half of each fiscal year, approve its budget for the following fiscal year and assess the contribution to be paid by each member for that fiscal year.

4. The initial contribution of any member acceding to this Convention pursuant to paragraph 2 of Article 27 shall be assessed on the basis of the votes agreed with the Council as a condition for its accession, and the period of the current fiscal year remaining at the time of accession, but the assessments of contributions to be paid by the other members in that fiscal year shall not be altered.

5. Contributions shall be payable immediately upon assessment.

6. If, at the end of six months following the date on which its contribution is due in accordance with paragraph 5 of this Article, a member has not paid its full contribution, the executive director shall request the member to make payment as quickly as possible. If, at the expiration of six months after the request of the executive director, the member has still not paid its contribution, its voting rights in the Council and in the Executive Committee shall be suspended until such time as it has made full payment of the contribution.

7. A member whose voting rights have been suspended pursuant to paragraph 6 of this Article shall not be deprived of any of its other rights or relieved of any of its obligations under this Convention, unless the Council so decides by special vote. It shall remain liable to pay its contribution and to meet any other of its financial obligations under this Convention.

8. The Council shall, each fiscal year, publish an audited statement of its receipts and expenditures in the previous fiscal year.

9. The Council shall, prior to its dissolution, provide for the settlement of its liabilities and the disposal of its records and assets.

Article 22

Economic provisions

The Council may, at an appropriate time, examine the possibility of the negotiation of a new international agreement or convention with economic provisions, and report to members, making such recommendations as it deems appropriate. The Council may, when it is judged that such a negotiation could be successfully concluded, request the Secretary-General of the United Nations Conference on Trade and Development to convene a negotiating conference.

PART III

FINAL PROVISIONS

*Article 23***Depositary**

1. The Secretary-General of the United Nations is hereby designated as the depositary of this Convention.
2. The depositary shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, provisional application of, and accession to, this Convention, as well as each notification and notice received pursuant to Articles 29 and 32.

*Article 24***Signature**

This Convention shall be open for signature at the United Nations headquarters from 1 May 1995 until and including 30 June 1995 by the Governments listed in the Annex.

*Article 25***Ratification, acceptance, approval**

1. This Convention shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its respective constitutional procedures.
2. Instruments of ratification, acceptance or approval shall be deposited with the depositary not later than 30 June 1995. The Council may, however, grant one or more extensions of time to any signatory Government which is unable to deposit its instrument by that date. The Council shall inform the depositary of all such extensions of time.

*Article 26***Provisional application**

Any signatory Government and any other Government eligible to sign this Convention, or whose application for accession is approved by the Council, may deposit with the depositary a declaration of provisional application. Any Government depositing such a declaration shall provisionally apply this Convention in accordance with its laws and regulations and be provisionally regarded as a party thereto.

*Article 27***Accession**

1. Any Government listed in the Annex may accede to the present Convention until and including 30 June 1995, except that the Council may grant one or more

extensions of time to any Government which has not deposited its instrument by that date.

2. This Convention shall be open for accession after 30 June 1995 by the Governments of all States upon such conditions as the Council considers appropriate. Accession shall be effected by the deposit of an instrument of accession with the depositary. Such instruments of accession shall state that the Government accepts all the conditions established by the Council.

3. Where, for the purposes of the operation of this Convention, reference is made to members listed in the Annex, any member the Government of which has acceded to this Convention on conditions prescribed by the Council in accordance with this Article shall be deemed to be listed in the Annex.

*Article 28***Entry into force**

1. This Convention shall enter into force on 1 July 1995 if instruments of ratification, acceptance, approval or accession, or declarations of provisional application have been deposited not later than 30 June 1995 on behalf of Governments listed in part A of the Annex holding, at least, 88 % of the total votes set out in part A of the Annex.
2. If this Convention does not enter into force in accordance with paragraph 1 of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by mutual consent that it shall enter into force between themselves, or may take whatever action they consider the situation requires.

*Article 29***Withdrawal**

Any member may withdraw from this Convention at the end of any fiscal year by giving written notice of withdrawal to the depositary at least 90 days prior to the end of that fiscal year, but shall not thereby be released from any obligations under this Convention which have not been discharged by the end of that fiscal year. The member shall simultaneously inform the Council of the action it has taken.

*Article 30***Exclusion**

If the Council finds that any member is in breach of its obligations under this Convention and decides further that such breach significantly impairs the operation of this Convention, it may, by special vote, exclude such member from the Council. The Council shall immedi-

tely notify the depositary of any such decision. Ninety days after the date of the Council's decision, that member shall cease to be a member of the Council.

Article 31

Settlement of accounts

1. The Council shall determine any settlement of accounts which it finds equitable with a member which has withdrawn from this Convention or which has been excluded from the Council, or has otherwise ceased to be a party to this Convention. The Council shall retain any amounts already paid by such member. Such member shall be bound to pay any amounts due from it to the Council.

2. Upon termination of this Convention, any member referred to in paragraph 1 of this Article shall not be entitled to any share of the proceeds of the liquidation or the other assets of the Council; nor shall it be burdened with any part of the deficit, if any, of the Council.

Article 32

Amendment

1. The Council may by special vote recommend to members an amendment of this Convention. The amendment shall become effective 100 days after the depositary has received notifications of acceptance from exporting members which hold two thirds of the votes of the exporting members and by importing members which hold two thirds of the votes of the importing members, or on such later date as the Council may have determined by special vote. The Council may fix a time within which each member shall notify the depositary of its acceptance of the amendment and, if the amendment has not become effective by such time, it shall be considered withdrawn. The Council shall provide the depositary with the information necessary to determine whether the notifications of acceptance received are sufficient to make the amendment effective.

2. Any member on behalf of which notification of acceptance of an amendment has not been made by the date on which such amendment becomes effective shall

as of that date cease to be a party to this Convention, unless such member has satisfied the Council that acceptance could not be secured in time owing to difficulties in completing its constitutional procedures and the Council decides to extend for such member the period fixed for acceptance. Such member shall not be bound by the amendment before it has notified its acceptance thereof.

Article 33

Duration, extension and termination

1. This Convention shall remain in force until 30 June 1998, unless extended pursuant paragraph 2 of this Article, or terminated earlier under paragraph 3 of this Article, or replaced before that date by a new agreement or convention negotiated pursuant to Article 22.

2. The Council may, by special vote, extend this Convention beyond 30 June 1998 for successive periods not exceeding two years on each occasion. Any member which does not accept such extension of this Convention shall so inform the Council at least 30 days prior to the extension coming into force. Such a member shall cease to be a party to this Convention from the beginning of the period of extension, but it shall not thereby be released from any obligations under this Convention which have not been discharged prior to that date.

3. The Council may at any time decide, by special vote, to terminate this Convention with effect from such date and subject to such conditions as it may determine.

4. Upon termination of this Convention, the Council shall continue in being for such time as may be required to carry out its liquidation and shall have such powers and exercise such functions as may be necessary for that purpose.

5. The Council shall notify the depositary of any action taken pursuant to paragraph 2 or paragraph 3 of this Article.

Article 34

Relationship of Preamble to Convention

This Convention includes the Preamble to the International Grains Agreement, 1995.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments, have signed this Convention on the dates appearing opposite their signatures.

Established at London, this 7 December 1994, the texts of this Convention in the English, French, Russian and Spanish languages being equally authentic.

ANNEX
TO THE GRAINS TRADE CONVENTION, 1995

Votes pursuant to Article 11
(from 1 July 1995 to 30 June 1998)

PART A

Algeria	15	India	32
Saudi Arabia	17	Iraq	9
Argentina	97	Iran	9
Australia	122	Israel	8
Austria	5	Malta	5
Barbados	5	Morocco	10
Bolivia	5	Mauritius	5
Canada	243	Norway	11
Vatican City	5	Pakistan	14
European Community	443	Panama	5
Korea (Republic of)	26	Yemen Arab Republic	5
Côte d'Ivoire	5	South Africa	16
Cuba	6	United States of America	475
Ecuador	5	Sweden	10
Egypt (Arab Republic of)	55	Switzerland	15
Russian Federation	100	Tunisia	5
Finland	5	Turkey	7
Japan	187	Hungary	13
			<u>2 000</u>

PART B

Bangladesh	9	Nigeria	6
Belarus	5	New Zealand	5
Brazil	32	Paraguay	5
Bulgaria	7	Peru	9
Chile	6	Poland	31
China (People's Republic of)	77	Dominican Republic	5
Cyprus	5	Czech Republic	6
Colombia	5	Syrian Arab Republic	7
El Salvador	5	Romania	14
Estonia	5	Senegal	5
Ethiopia	5	Slovakia	6
Philippines	7	Sri Lanka	5
Ghana	5	Sudan	5
Jamaica	5	Thailand	17
Jordan	5	Taiwan	26
Guatemala	5	Tanzania	5
Indonesia	9	Trinidad and Tobago	5
Kazakhstan	5	Ukraine	8
Kenya	5	Uruguay	5
Kuwait	5	Uzbekistan	14
Latvia	5	Venezuela	13
Lithuania	5	Vietnam	5
Malaysia	8	Zaire	5
Mexico	28	Zambia	5
		Zimbabwe	5

FOOD AID CONVENTION, 1995

PART I

OBJECTIVE AND DEFINITIONS

*Article I***Objective**

The objective of this Convention is to secure, through a joint effort by the international community, the achievement of the World Food Conference target of at least 10 million tonnes of food aid annually to developing countries in the form of grain suitable for human consumption, and as determined by the provisions of this Convention.

*Article II***Definitions**

1. For the purposes of this Convention :

- (a) 'cif' means cost, insurance and freight ;
- (b) 'Committee' means the Food Aid Committee referred to in Article 9 of this Convention ;
- (c) 'Convention' means the Food Aid Convention, 1995 ;
- (d) 'developing country', unless the Committee decides otherwise, means any country or territory which is recognized by the Development Assistance Committee of OECD as a developing country or territory ;
- (e) 'executive director' means the executive director of the International Grains Council ;
- (f) 'fob' means free on board ;
- (g) 'pulses' includes the following species :
 - Cicer arietinum*,
 - Lens culinaris*,
 - Lupinus angustifolius/albus*,
 - Phaseolus vulgaris/lunatus*,
 - Pisum sativum*,
 - Vicia faba*,
 - Vigna angularis/sinensis/unguiculata*,
 - Vigna radiata/mungo*
 and any other species which the Committee may decide.
- (h) 'member' means a party to this Convention ;
- (i) 'products of primary processing' include :
 - (i) cereal flours ;
 - (ii) cereal groats and cereal meal ;
 - (iii) other worked cereal grains (e.g. rolled, flaked, polished, pearled and kibbled, but not further prepared) except husked, glazed, polished or broken rice ;
- (iv) germ of cereals, whole, rolled, flaked or ground ;
- (v) bulgur ; and
- (vi) any other similar grain product which the Committee may decide ;
- (j) 'products of secondary processing' include :
 - (i) macaroni, spaghetti and similar products ; and
 - (ii) any other product, whose manufacture involves the use of a product of primary processing, which the Committee may decide ;
- (k) 'rice' includes husked, glazed, polished or broken rice ;
- (l) 'secretariat' means the secretariat of the International Grains Council ;
- (m) 'tonne' means of metric tonne of 1 000 kilograms ;
- (n) 'usual marketing requirement' or 'UMR' is the term, as currently used by the FAO and other responsible international organizations, for the commitment by a country receiving a concessional transaction to maintain the normal level of commercial imports of the commodity concerned, in addition to the imports provided under the concessional transaction ;
- (o) 'wheat equivalent' means the amount of a member's contribution, whether provided in grain, in grain products, in rice or in cash, as evaluated in terms of wheat in accordance with the provisions of Article 6 of this Convention ;
- (p) 'year' means the period from 1 July to the following 30 June, unless otherwise stated.

2. Any reference in this Convention to a 'Government' or 'Governments' or a 'member' shall be construed as including a reference to the European Community (hereinafter referred to as the EC). Accordingly, any reference in this Convention to 'signature' or to the 'deposit of instruments of ratification, acceptance or approval' or 'an instrument of accession' or to a 'declaration of provisional application' by a Government shall, in the case of the EC, be construed as including signature or declaration of provisional application on behalf of the EC by its competent authority, and the deposit of the instrument required by the institutional procedures of the EC to be deposited for the conclusion of an international agreement.

PART II

MAIN PROVISIONS

*Article III***Contributions of members**

1. The members of this Convention agree to contribute to developing countries' grains as food aid, suitable for human consumption and of an acceptable type and quality, or the cash equivalent thereof, in the minimum annual amounts specified in paragraph 4 below. In supplying grain under this Convention, priority is to be given to countries or territories with food import needs which are classified by the Development Assistance Committee of the OECD as least developed countries (LDCs), other low-income countries (LICs) or lower middle-income countries (LMICs).

2. For the purposes of paragraph 1 of this Article, 'grain' or 'grains' means wheat, barley, maize, millet, oats, rye, sorghum and rice, or the products (including products of primary and secondary processing) derived therefrom, and also pulses, subject to the provisions of paragraph 3 of this Article, and any other type of grain or grain product, suitable for human consumption and of an acceptable type and quality, that the Committee may decide.

3. At the request of recipient countries, donors may provide limited quantities of pulses against their obligations under this Convention, provided these are of an acceptable type and quality and are suitable for human consumption. The Committee shall establish a rule of procedure to determine the maximum percentage of the wheat equivalent of members' minimum annual contributions, as set out in paragraph 4 of this Article, which may be provided in the form of pulses.

4. The minimum annual contribution, in wheat equivalent, of each member towards the achievement of the objective of Article 1 is as follows, subject to paragraph 9 of this Article :

<i>Member</i>	<i>Tonnes</i>
Argentina	35 000
Australia	300 000
Canada	400 000
European Community and its Member States	1 755 000
Japan	300 000
Norway	20 000
Switzerland	40 000
United States of America	2 500 000

5. For the purposes of the operation of this Convention, any member which has acceded to this Convention pursuant to paragraph 2 of Article XX shall be deemed to be listed in paragraph 4 of this Article together with its minimum contribution as determined under the provisions of Article XX.

6. Contributions in the form of grains shall be placed in a fob, forward position by members. However, donors are encouraged, as appropriate, to bear the costs of transporting their grain contributions under this Convention beyond the fob stage, especially in emergency situations or in the case of shipments to low-income, food deficit countries. Due reference to the payment of such costs shall be made in any review of the performance of members in this Convention.

7. Cash contributions under subparagraph (b) of Article IV :

(a) shall be used, as far as possible, to buy grain from developing countries. Preference shall be given to developing members of the Grains Trade and Food Aid Conventions, with first priority to developing members of the Food Aid Convention. However, in all transactions resulting from cash contributions, special regard shall be had, when deciding on a source of supply, to the quality of the grain, the cif. price advantages of using that particular supplier, the possibilities of speedy delivery to the recipient country and the specific requirements of the recipient country ;

(b) shall not normally be made to purchase grain which is of the same type that the country that is the source of supply has received as bilateral or multilateral food aid in the same year as the purchase, or in a previous year if the grain then received is still being used.

8. To the maximum extent possible, contributions shall be made by members on a forward planning basis, so that recipient countries may be able to take account, in their development programmes, of the likely flow of food aid they will receive during each year of this Convention. Furthermore, members should, to the extent possible, indicate in advance the amount of their contributions to be made in the form of gifts, and the grant element of any aid which is not in the form of gifts.

9. If a member is unable to provide the amount specified in paragraph 4 of this Article in a particular year, the unfulfilled amount shall be added to its amount in the following year, unless the Committee decides otherwise owing to high transport costs.

10. Members shall provide regular and timely reports to the Committee on the amount, content, channelling and terms of their contributions under this Convention.

Article IV

Terms of food aid contributions

Food aid under this Convention may be supplied on any of the following terms:

- (a) gifts of grain;
- (b) gifts or grants of cash to be used to purchase grain for the recipient country;
- (c) sales of grain for the currency of the recipient country which is not transferable and is not convertible into currency or goods and services for use by the donor members ⁽¹⁾;
- (d) sales of grain on credit, with payment to be made in reasonable annual amounts over periods of 20 years or more and with interest at rates which are below commercial rates prevailing in world markets ⁽²⁾;

on the understanding that such aid shall be supplied to the maximum extent possible by way of gifts, especially in the case of least developed countries, low per capita income countries and other developing countries in serious economic difficulties.

Article V

Channelling of contributions

- 1. Members may, in respect of their contributions under this Convention, specify a recipient country or countries.
- 2. Members may make their contributions bilaterally or through intergovernmental organizations and/or non-governmental organizations.

⁽¹⁾ Under exceptional circumstances an exemption of not more than 10 % may be granted. This limitation may be waived for transactions which are to be used for the expansion of economic development activity in the recipient country, provided that the currency of the recipient country is not transferable or convertible in less than 10 years.

⁽²⁾ The credit sales agreement may provide for payment of up to 15 % of principal upon delivery of the grain.

3. Members shall give full consideration to the advantages of directing a greater proportion of food aid through multilateral channels, in particular the World Food Programme.

Article VI

Wheat equivalents

1. For the purposes of this Convention, all contributions under Article III shall be evaluated in terms of their wheat equivalent. The evaluation shall take account, where appropriate, of the grain content of grain products, and the commercial value of the contribution relative to wheat.

2. Contributions of rice shall be evaluated in terms of wheat equivalent in accordance with the international export price relationship between rice and wheat. The Committee shall establish a rule of procedure for the annual determination of the wheat equivalent of rice.

3. Contributions of cash under subparagraph (b) of Article 4 shall be evaluated at prevailing international market prices of wheat. The Committee shall establish a rule of procedure for the annual determination of the 'prevailing international market price'.

4. The Committee shall establish rules of procedure for the determination of the wheat equivalent of contributions made in forms other than wheat, rice or cash.

Article VII

Impact on trade and agricultural production, and conduct of aid transactions

1. Members undertake to conduct all aid transactions under this Convention in such a way as to avoid harmful interference with normal patterns of production and international commercial trade.

2. Members shall ensure in particular:

- (a) that the provision of international food aid is not tied directly or indirectly to commercial exports of agricultural products to recipient countries;
- (b) that international food aid transactions, including bilateral food aid which is monetized, shall be carried out in a manner consistent with the FAO 'principles of surplus disposal and consultative obligations' including, where appropriate, the system of usual marketing requirements (UMRs).

3. Members shall, as appropriate, act in accordance with the current guidelines and criteria for food aid, as approved by the governing body of the World Food Programme.

Article VIII

Special provision for exceptional needs

1. The Committee shall keep the food situation in developing countries under regular review.
2. If it appears that, because of a substantial food production shortfall, or other circumstances, a particular country, region or regions is faced with exceptional food needs, the Committee shall consider the matter. The Committee may recommend that members should respond to the situation by increasing the amount of food aid available.

Article IX

Food Aid Committee

1. The Food Aid Committee, established by the Food Aid Convention of the International Grains Arrangement, 1967, shall continue in being for the purpose of administering this Convention, with the powers and functions provided in this Convention.
2. The membership of the Committee shall consist of all parties to this Convention.
3. The Committee shall appoint a chairman and a vice-chairman.

Article X

Powers and functions of the Committee

1. The Committee shall keep under review the way in which the obligations undertaken under this Convention have been fulfilled.
2. The Committees shall exchange information on a regular basis on the functioning of the food aid arrangements under this Convention.
3. The Committee may receive information from recipient countries and consult with them.
4. The Committee shall issue reports as necessary.
5. The Committee shall establish such rules of procedures as are necessary to carry out the provisions of this Convention.

6. In addition to the powers and functions specified in this Article, the Committee shall have such other powers and perform such other functions as are necessary to carry out the provisions of this Convention.

Article XI

Seat, sessions and quorum

1. The seat of the Committee shall be in London.
2. The Committee shall meet at least twice a year in conjunction with the statutory sessions of the International Grains Council. The Committee shall meet also at such other times as the chairman shall decide; or at the request of three members; or as otherwise required by this Convention.
3. The presence of delegates representing two thirds of the membership of the Committee shall be necessary to constitute a quorum at any session of the Committee.

Article XII

Decisions

The decisions of the Committee shall be reached by consensus.

Article XIII

Admission of observers

The Committee may, when appropriate, invite any non-member State and representatives from other international organizations to attend its open meetings as observers.

Article XIV

Administrative provisions

The Committee shall use the services of the secretariat for the performance of such administrative duties as the Committee may request, including the processing and distribution of documentation and reports.

Article XV

Defaults and disputes

In the case of a dispute concerning the interpretation or application of this Convention, or of a default in obligations under this Convention, the Committee shall meet and take appropriate action.

PART III

FINAL PROVISIONS

*Article XVI***Depositary**

The Secretary-General of the United Nations is hereby designated as the depositary of this Convention.

*Article XVII***Signature**

This Convention shall be open for signature at the United Nations headquarters from 1 May 1995 until and including 30 June 1995 by the Governments referred to in paragraph 4 of Article III.

*Article XVIII***Ratification, acceptance or approval**

This Convention shall be subject to ratification, acceptance or approval by each signatory Government in accordance with its constitutional procedures. Instruments of ratification, acceptance or approval shall be deposited with the depositary not later than 30 June 1995, except that the Committee may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance or approval by that date.

*Article XIX***Provisional application**

Any signatory Government may deposit with the depositary a declaration of provisional application of this Convention. Any such Government shall provisionally apply this Convention in accordance with its laws and regulations and be provisionally regarded as a party thereto.

*Article XX***Accession**

1. This Convention shall be open for accession by any Government referred to in paragraph 4 of Article III that has not signed this Convention. Instruments of accession shall be deposited with the depositary not later than 30 June 1995, except that the Committee may grant one or more extensions of time to any Government that has not deposited its instrument of accession by that date.

2. Once this Convention has entered into force in accordance with Article XXI, it shall be open for accession by any Government other than those referred to in paragraph 4 of Article III, upon such conditions as the

Committee considers appropriate. Instruments of accession shall be deposited with the depositary.

3. Any Government acceding to this Convention pursuant to paragraph 1 of this Article, or whose accession has been agreed by the Committee pursuant to paragraph 2 of this Article, may deposit with the depositary a declaration of provisional application of this Convention pending the deposit of its instrument of accession. Any such Government shall provisionally apply this Convention in accordance with its laws and regulations and be provisionally regarded as a party thereto.

*Article XXI***Entry into force**

1. This Convention shall enter into force on 1 July 1995 if by 30 June 1995 the Governments, whose combined minimum contributions, as listed in paragraph 4 of Article III, equal at least 75 % of the total contributions of all governments listed in that paragraph, have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, and provided that the Grains Trade Convention, 1995 is in force.

2. If this Convention does not enter into force in accordance with paragraph 1 of this Article, the Governments which have deposited instruments of ratification, acceptance, approval or accession, or declarations of provisional application, may decide by unanimous consent that it shall enter into force among themselves provided that the Grains Trade Convention 1995 is in force.

*Article XXII***Duration, extension and termination**

1. This Convention shall remain in force until and including 30 June 1998, unless extended pursuant to paragraph 2 of this Article to terminated earlier pursuant to paragraph 4 of this Article, provided that the Grains Trade Convention, 1995, or a new Grains Trade Convention replacing it, remains in force until and including that date.

2. The Committee may extend the Convention beyond 30 June 1998 for successive periods not exceeding two years on each occasion, provided always that the Grains Trade Convention, 1995, or a new Grains Trade Convention replacing it, remains in force during the period of the extension.

3. If the Convention is extended pursuant to paragraph 2 of this Article, the annual contributions of members pursuant to paragraph 4 of Article III may be subject to review by members before the entry into force of each extension. Their respective obligations, as reviewed, shall remain unchanged for the duration of each extension.

4. In the event of this Convention being terminated, the Committee shall continue in being for such time as may be required to carry out its liquidation, and shall have such powers, and exercise such functions, as may be necessary for that purpose.

Article XXIII

Withdrawal and rejoining

1. Any member may withdraw from this Convention at the end of any year by giving written notice of withdrawal to the depositary at least 90 days prior to the end of that year, but shall not thereby be released from any obligations incurred under this Convention which have not been discharged by the end of that year. The member shall simultaneously inform the Committee of the action it has taken.

2. Any member which withdraws from this Convention may thereafter rejoin by giving notice to the Committee. It shall be a condition of rejoining the Convention that the member shall be responsible for fulfilling its full annual obligations with effect from the year in which it rejoins.

Article XXIV

Relationship of this Convention to the International Grains Agreement, 1995

This Convention shall replace the Food Aid Convention, 1986, as extended, and shall be one of the constituent instruments of the International Grains Agreement, 1995.

Article XXV

Notification by depositary

The Secretary-General of the United Nations as depositary shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, provisional application of, and accession to, this Convention.

Article XXVI

Authentic texts

The texts of this Convention in the English, French, Russian and Spanish languages shall all be equally authentic.

COUNCIL DECISION**of 12 January 1996****appointing two members and three alternate members of the Committee of the Regions**

(96/89/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 198a thereof,

Having regard to the Council Decision 94/65/EC of 26 January 1994 appointing members and alternate members of the Committee of the Regions for the period 26 January 1994 to 25 January 1998⁽¹⁾,

Whereas two members' seats have become vacant on the Committee of the Regions following the resignations of Mr Sergio Cortopassi and Mr Johannes Rau, which were notified to the Council on 24 October 1995 and 9 January 1996 respectively;

Whereas three alternate members' seats have become vacant on the Committee of the Regions following the resignations of Mr Guiseppe Martellotta, Mr Erwin Huber and Mr Wolfgang Clement, which were notified to the Council on 30 November 1995, 4 December 1995 and 9 January 1996 respectively;

Having regard to the proposals from the German and Italian Governments,

HAS DECIDED AS FOLLOWS:

Sole Article

1. Mr Gianfranco Lamberti is hereby appointed a member of the Committee of the Regions in place of

Mr Sergio Cortopassi for the remainder of the latter's term of office, which runs until 25 January 1998.

Mr Loke Mernizka is hereby appointed a member of the Committee of the Regions in place of Mr Johannes Rau for the remainder of the latter's term of office, which runs until 25 January 1998.

2. Mr Salvatore di Stasio is hereby appointed an alternate member of the Committee of the Regions in place of Mr Guiseppe Martellotta for the remainder of the latter's term of office, which runs until 25 January 1998.

Mr Kurt Falthäuser is hereby appointed an alternate member of the Committee of the Regions in place of Mr Erwin Huber for the remainder of the latter's term of office, which runs until 25 January 1998.

Mr Michael Vesper is hereby appointed an alternate member of the Committee of the Regions in place of Mr Wolfgang Clement for the remainder of the latter's term of office, which runs until 25 January 1998.

Done at Brussels, 12 January 1996.

*For the Council**The President*

W. LUCCHETTI

⁽¹⁾ OJ No L 31, 4. 2. 1994, p. 29.

COUNCIL DECISION

of 22 January 1996

extending the period of application of Decision 82/530/EEC authorizing the United Kingdom to permit the Isle of Man authorities to apply a system of special import licences to sheepmeat and beef and veal

(96/90/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Protocol 3 to the 1972 Act of Accession, and in particular Article 1 (2) and the second paragraph of Article 5 thereof,

Having regard to the proposal from the Commission,

Whereas Community rules concerning trade with third countries in agricultural products subject to a common organization of the market apply to the Isle of Man in accordance with Article 1 (2) of Protocol 3 to the 1972 Act of Accession and with Council Regulation (EEC) No 706/73 of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products⁽¹⁾;

Whereas livestock production is a traditional activity in the Isle of Man and plays a central part in the Island's agriculture;

Whereas, prior to the introduction of the common organization of the market in sheepmeat and goatmeat within the Community, the Isle of Man, as part of its local market organization, applied certain mechanisms to control imports of sheepmeat into the Island in order to ensure that the need to supply requirements of trade could be met whilst avoiding distortions in the pattern of sheep production and, indirectly, in cattle production and the Island and in its own agricultural support system;

Whereas, therefore, by Decision 82/530/EEC⁽²⁾, the United Kingdom was authorized to permit the Isle of Man Government to apply a system of special licences for imports of sheepmeat and beef and veal originating in third countries and in the Member States, without prejudice to the measures concerning trade with third countries provided for by Council Regulation (EEC)

No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽³⁾ and Council Regulation (EEC) No 3013/89 of 25 September 1989 on the common organization of the market in sheepmeat and goatmeat⁽⁴⁾; whereas this authorization was granted for a period ending on 31 January 1996;

Whereas under the Agreement on Agriculture concluded in the framework of the Uruguay Round of multilateral trade negotiations⁽⁵⁾ the Community has undertaken to replace the special trade arrangements with third countries on imports of products in the sheep and beef sector by a system of 0 tariff quotas; whereas this system applies to the Isle of Man, subject to provisions which govern the relationship between the Island and the Community;

Whereas it is desirable in the light of experience gained during the application of Decision 82/530/EEC to extend the system of special import licences for a further period with the possibility of further reviewing the situation before the end of that period and without prejudice to the international obligations of the Community;

Whereas Article 2 of Decision 82/530/EEC should therefore be amended,

HAS ADOPTED THIS DECISION:

Article 1

Article 2 of Decision 82/530/EEC is hereby replaced by the following:

Article 2

This Decision shall apply until 31 December 2000.

Before 1 July 2000 the Commission shall present to the Council a report on the application of the system, together with any proposals for the retention of, or amendment to, this Decision.'

⁽¹⁾ OJ No L 68, 15. 3. 1973, p. 1.

⁽²⁾ OJ No L 234, 9. 8. 1982, p. 7. Decision as last amended by Decision 92/153/EEC (OJ No L 65, 11. 3. 1992, p. 33).

⁽³⁾ OJ No L 148, 28. 6. 1968, p. 24. Regulation as last amended by Regulation (EC) No 424/95 (OJ No L 45, 1. 3. 1995, p. 2).

⁽⁴⁾ OJ No L 289, 7. 10. 1989, p. 1. Regulation as last amended by Regulation (EC) No 1265/95 (OJ No L 123, 3. 6. 1995, p. 1).

⁽⁵⁾ OJ No L 336, 23. 12. 1994, p. 22.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 22 January 1996.

For the Council

The President

W. LUCCHETTI

COUNCIL DECISION**of 22 January 1996****concerning the approval of the amendment to Article VII of the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts**

(96/91/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43, in conjunction with the first subparagraph of Article 228 (3) thereof,

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

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

Whereas the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts, signed in Gdansk on 13 September 1973, was amended by the Protocol to the Conference of the representatives of the State Parties to the Convention, signed in Warsaw on 11 November 1982;

Whereas the Community acceded to the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts on 18 March 1984 ⁽³⁾;

Whereas negotiations have taken place during the 20th Session of the International Baltic Sea fishery Commission with a view to amending Article VII of that Convention, to establish a closer link between the financial contributions of the Contracting Parties and the size of the fishery resources allocated to them pursuant to the Convention;

Whereas the proposed amendment will enter into force 90 days after the Depository Government has received notification of acceptance of that amendment from all Contracting Parties;

Whereas, in the light of the fishing possibilities accruing to the Community under the Convention, it is in the Community's interest to approve the proposed amendment,

HAS DECIDED AS FOLLOWS:

Article 1

The amendment to Article VII of the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts is hereby approved by the Community.

The text of the amendment is annexed to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to notify the Depository Government of the Community's approval in accordance with Article XVI of the Convention.

Done at Brussels, 22 January 1996.

For the Council

The President

W. LUCCHETTI

⁽¹⁾ OJ No C 252, 28. 9. 1995, p. 8.

⁽²⁾ Opinion delivered on 15 December 1995 (not yet published in the Official Journal).

⁽³⁾ OJ No L 237, 26. 8. 1983, p. 4.

ANNEX

Article VII of the Convention on fishing and conservation of the living resources in the Baltic Sea and the Belts is amended as follows :

‘The total amount of the budget including any supplementary budget shall be contributed to by the Contracting Parties according to the following formula :

- (a) one-third of the budget shall be divided equally among the Contracting Parties ;
 - (b) two-thirds of the budget shall be divided in proportion to the TACs available to the Contracting Parties in accordance with the financial regulations for the Commission.’
-

COMMISSION

COMMISSION DECISION

of 11 January 1996

amending Decision 91/449/EEC laying down the specimen animal health certificates in respect of meat products imported from third countries, to take account of certain products imported from Uruguay

(Text with EEA relevance)

(96/92/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 72/462/EEC of 12 December 1972 on health and veterinary inspection problems upon importation of bovine, ovine and caprine animals and swine, fresh meat or meat products from third countries⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and in particular Articles 21a and 22 thereof,

Whereas Commission Decision 91/449/EEC⁽²⁾, as last amended by Decision 95/140/EC⁽³⁾, lays down the specimen animal health certificates in respect of meat products from third countries;

Whereas no outbreaks of foot-and-mouth disease have been officially recorded in Uruguay since June 1990; whereas vaccination against that disease has not been carried out since 15 June 1995; whereas the competent authorities in Uruguay have provided for measures to eliminate and destroy any animals suffering from foot-and-mouth disease should it reappear;

Whereas the categories of meat products that can be imported from third countries depend on the health situation in the country of production;

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 91/449/EEC is hereby amended as follows:

1. In Annex A, second part, the following country is added:

‘Uruguay (except for products based on pigmeat)’.

2. In Annex E, second part, delete:

‘Uruguay’.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 302, 31. 12. 1972, p. 28.

⁽²⁾ OJ No L 240, 29. 8. 1991, p. 28.

⁽³⁾ OJ No L 91, 22. 4. 1995, p. 56.

COMMISSION DECISION**of 12 January 1996****authorizing Sweden to maintain its national measures as regards turkey
rhinotracheitis in application of Article 14 (4) of Council Directive 90/539/EEC****(Text with EEA relevance)****(96/93/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs⁽¹⁾, as last amended by the Act of Accession of Austria, Sweden and Finland, and in particular Article 14 (4) thereof,

Whereas Sweden considers that its territory is free from a number of animal diseases and has submitted an application for additional trade guarantees to the Commission; whereas the applications have been examined by the Commission; whereas a more detailed examination is necessary in the case of the application relating to turkey rhinotracheitis;

Whereas it is necessary to extend the special measures which apply to trade in poultry and hatching eggs to Sweden while this examination is being carried out;

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

HAS ADOPTED THIS DECISION:

Article 1

Sweden is authorized to maintain its national measures relating to turkey rhinotracheitis until 31 December 1996.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 303, 31. 10. 1990, p. 6.

COMMISSION DECISION**of 12 January 1996****authorizing Sweden to maintain its national measures as regards infectious pancreatic necrosis and bacterial kidney disease in application of Article 12 (4) of Council Directive 91/67/EEC****(Text with EEA relevance)****(96/94/EC)**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 91/67/EEC of 28 January 1991 concerning the animal health conditions governing the placing on the market of aquaculture animals and products⁽¹⁾, as last amended by Council Directive 95/22/EC⁽²⁾, and in particular Article 12 (4) thereof,

Whereas Sweden has presented programmes for the control of a number of animal diseases and has submitted an application for additional trade guarantees to the Commission; whereas the applications have been examined by the Commission; whereas a more detailed examination is necessary in the case of the application relating to infectious pancreatic necrosis and bacterial kidney disease;

Whereas it is necessary to extend the special measures which apply to trade in fish to Sweden while this examination is being carried out;

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

HAS ADOPTED THIS DECISION:

Article 1

Sweden is authorized to maintain its national measures relating to infectious pancreatic necrosis and bacterial kidney disease until 31 December 1996.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 46, 19. 2. 1991, p. 1.

⁽²⁾ OJ No L 243, 11. 10. 1995, p. 1.

COMMISSION DECISION

of 12 January 1996

authorizing Sweden to maintain its national measures as regards transmissible gastroenteritis in application of Article 10 (4) of Council Directive 64/432/EEC

(Text with EEA relevance)

(96/95/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, as last amended by Council Directive 95/25/EC ⁽²⁾, and in particular Article 10 (4) thereof,

Whereas Sweden considers that its territory is free from a number of animal diseases and has submitted an application for additional trade guarantees to the Commission; whereas the applications have been examined by the Commission; whereas a more detailed examination is necessary in the case of the application relating to transmissible gastroenteritis;

Whereas it is necessary to extend the special measures which apply to trade in pigs and hatching eggs to Sweden while this examination is being carried out;

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

HAS ADOPTED THIS DECISION:

Article 1

Sweden is authorized to maintain its national measures relating to transmissible gastroenteritis until 31 December 1996.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 January 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 121, 29. 7. 1964, p. 1977/64.

⁽²⁾ OJ No L 243, 11. 10. 1995, p. 16.