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Commission

96/269/ECSC:

- * **Commission Decision of 29 November 1995 on aid to be granted by Austria to Voest-Alpine Erzberg Gesellschaft mbH ⁽¹⁾ 17**

⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 673/96
of 12 April 1996
concerning the stopping of fishing for anchovy by vessels flying the flag of
Portugal

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

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as amended by Regulation (EC) No 2870/95⁽²⁾, and in particular Article 21 (3) thereof,

Whereas Council Regulation (EC) No 3074/95 of 22 December 1995 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished⁽³⁾, provides for anchovy quotas for 1996;

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

Whereas, according to the information communicated to the Commission, catches of anchovy in the waters of ICES divisions IX, X; CECAF 34.1.1 (EC zone) by vessels flying the flag of Portugal or registered in Portugal have reached the quota allocated for 1996; whereas Portugal has prohibited fishing for this stock as from 15 February

1996; whereas it is therefore necessary to abide by that date,

HAS ADOPTED THIS REGULATION:

Article 1

Catches of anchovy in the waters of ICES divisions IX, X; CECAF 34.1.1 (EC zone) by vessels flying the flag of Portugal or registered in Portugal are deemed to have exhausted the quota allocated to Portugal for 1996.

Fishing for anchovy in the waters of ICES divisions IX, X; CECAF 34.1.1 (EC zone) by vessels flying the flag of Portugal or registered in Portugal is prohibited, as well as the retention on board, the transshipment and the landing of such stock captured by the abovementioned vessels after the date of application of this Regulation.

Article 2

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

It shall apply with effect from 15 February 1996.

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

Done at Brussels, 12 April 1996.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 301, 14. 12. 1995, p. 1.

⁽³⁾ OJ No L 330, 30. 12. 1995, p. 1.

COMMISSION REGULATION (EC) No 674/96

of 12 April 1996

concerning the stopping of fishing for cod, haddock, whiting, plaice and common sole by vessels flying the flag of the Netherlands

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

January 1996; whereas it is therefore necessary to abide by that date,

Having regard to the Treaty establishing the European Community,

HAS ADOPTED THIS REGULATION:

Having regard to Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy⁽¹⁾, as last amended by Regulation (EC) No 2870/95⁽²⁾, and in particular Article 21 (3) thereof,

Article 1

Whereas Council Regulation (EC) No 3074/95 of 22 December 1995 fixing, for certain fish stocks and groups of fish stocks, the total allowable catches for 1996 and certain conditions under which they may be fished⁽³⁾, provides for cod, haddock, whiting, plaice and common sole quotas for 1996;

The quotas of cod in the waters of ICES division III a Skagerrak, of haddock in the waters of ICES divisions III a, III b, c, d (EC zone), of whiting in the waters of ICES division III a, of plaice in the waters of ICES division III a Skagerrak and of common sole in the waters of ICES divisions III a, III b, c, d (EC zone) and VIII a, b, allocated to the Netherlands for 1996, are deemed to be exhausted.

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

Fishing for cod in the waters of ICES division III a Skagerrak, for haddock in the waters of ICES divisions III a, III b, c, d (EC zone), for whiting in the waters of ICES division III a, for plaice in the waters of ICES division III a Skagerrak and for common sole in the waters of ICES divisions III a, III b, c, d (EC zone) and VIII a, b, by vessels flying the flag of the Netherlands or registered in the Netherlands is prohibited, as well as the retention on board, the transshipment and the landing of such stocks captured by the abovementioned vessels after the date of application of this Regulation.

Whereas the quotas of cod in the waters of ICES division III a Skagerrak, of haddock in the waters of ICES divisions III a, III b, c, d (EC zone), of whiting in the waters of ICES division III a, of plaice in the waters of ICES division III a Skagerrak and of common sole in the waters of ICES divisions III a, III b, c, d (EC zone) and VIII a, b, allocated to the Netherlands for 1996, have been exhausted by exchanges of quotas; whereas the Netherlands have prohibited fishing for these stocks as from 1

Article 2

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

It shall apply with effect from 1 January 1996.

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

Done at Brussels, 12 April 1996.

For the Commission

Emma BONINO

Member of the Commission

⁽¹⁾ OJ No L 261, 20. 10. 1993, p. 1.

⁽²⁾ OJ No L 301, 14. 12. 1995, p. 1.

⁽³⁾ OJ No L 330, 30. 12. 1995, p. 1.

COMMISSION REGULATION (EC) No 675/96
of 15 April 1996
amending Regulation (EEC) No 1517/77 fixing the list of the various groups of
hop varieties cultivated in the Community

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

Having regard to Council Regulation (EEC) No 1696/71 of 26 July 1971 on the common organization of the market in hops ⁽¹⁾, as amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94 ⁽²⁾, and in particular Article 12 (8) thereof,

Whereas Commission Regulation (EEC) No 1517/77 ⁽³⁾, as last amended by Regulation (EC) No 2133/95 ⁽⁴⁾, divides varieties of hops into 'aromatic hops', 'bitter hops' and 'others' according to commercial practice on the Community and world hops markets, with particular emphasis on the content of bitter and aromatic substances;

Whereas certain experimental varieties have now reached the stage where they can be marketed; whereas they should accordingly be added to the Annex to Regulation

(EEC) No 1517/77; whereas, however, other varieties are no longer grown in the Community; whereas they should accordingly be deleted from that Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EEC) No 1517/77 is hereby replaced by the Annex hereto.

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, 15 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 175, 4. 8. 1971, p. 1.

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

⁽³⁾ OJ No L 169, 7. 7. 1977, p. 13.

⁽⁴⁾ OJ No L 214, 8. 9. 1995, p. 10.

ANNEX

ANNEX

A. Group I: Aromatic hops	B. Group II: Bitter hops	C. Group III: Others
Aurora Bramling Cross Challenger First Gold Fuggles Goldings Hallertauer Hallertauer Tradition Hersbrücker Spät Hüller Malling Perle Phoenix Pioneer Progress Saaz Spalter Spalter Select Strisselspalt Tettnanger W.G.V.	Admiral Brewers Gold Bullion Chinook Galena H-3 Leones H-7 Leones Hallertauer Magnum Hallertauer Taurus Herald Northdown Northern Brewer Nugget Omega Orion Target Yeoman	Record Zenith Others, including experimental varieties

COMMISSION REGULATION (EC) No 676/96
of 15 April 1996
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2759/75 of 29 October 1975 on the common organization of the market in pigmeat⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾, and in particular the second paragraph of Article 13 (3) thereof,

Whereas Article 13 of Regulation (EEC) No 2759/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for these products within the Community may be covered by an export refund;

Whereas it follows from applying these rules and criteria to the present situation on the market in pigmeat that the refund should be fixed as set out below;

Whereas facilities exist at present for the export of certain products falling within CN code 0203; whereas a refund should be fixed for these products taking particular account of the conditions of competition for Community exporters on world markets;

Whereas, in the case of products falling within CN code 0210 19 81, the refund should be limited to an amount which takes account of the qualitative characteristics of each of the products falling within these codes and of the foreseeable trend of production costs on the world market; whereas it is important that the Community should continue to take part in international trade in the case of certain typical Italian products falling within CN code 0210 19 81;

Whereas, because of the conditions of competition in certain third countries, which are traditionally importers of products falling within CN codes 1601 00 and 1602, the refund for these products should be fixed so as to take this situation into account; whereas steps should be taken to ensure that the refund is granted only for the net weight of the edible substances, to the exclusion of the net weight of the bones possibly contained in the said preparations;

Whereas, since economically significant quantities of other pigmeat products are not being exported at present, there is no need to fix a refund for these products;

Whereas Article 13 of Regulation (EEC) No 2759/75 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 (1) of Regulation (EEC) No 2759/75 according to destination;

Whereas the refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87⁽³⁾, as last amended by Regulation (EC) No 310/96⁽⁴⁾;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾, as amended by Regulation (EC) No 1380/95⁽⁶⁾, 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 hereof and in Council Regulation (EC) No 462/96⁽⁷⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of products on which the export refund specified in Article 15 of Regulation (EEC) No 2759/75 is granted and the amount of the refund shall be as set out in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 April 1996.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

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

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 46, 23. 2. 1996, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 65, 15. 3. 1996, p. 1.

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

Done at Brussels, 15 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 15 April 1996 fixing the export refunds on pigmeat

<i>(ECU/100 kg net weight)</i>			<i>(ECU/100 kg net weight)</i>		
Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾
0203 11 10 000	01	14,00	0203 29 15 100	01	9,00
0203 12 11 100	01	14,00	0210 11 31 110	01	80,00
0203 12 19 100	01	14,00	0210 11 31 910	01	80,00
0203 19 11 100	01	14,00	0210 12 19 100	01	18,00
0203 19 13 100	01	14,00	0210 19 81 100	01	90,00
0203 19 15 100	01	9,00	0210 19 81 300	01	70,00
0203 21 10 000	01	14,00	1601 00 91 100	01	30,00
0203 22 11 100	01	14,00	1601 00 99 100	01	15,00
0203 22 19 100	01	14,00	1602 41 10 210	01	60,00
0203 29 11 100	01	14,00	1602 42 10 210	01	42,00
0203 29 13 100	01	14,00	1602 49 19 190	01	21,00

⁽¹⁾ The destinations are 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 462/96 are observed.

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

COMMISSION REGULATION (EC) No 677/96
of 15 April 1996
fixing the agricultural conversion rates

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

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 ⁽¹⁾, as last amended by Regulation (EC) No 150/95 ⁽²⁾, and in particular Article 3 (1) thereof,

Whereas the agricultural conversion rates were fixed by Commission Regulation (EC) No 640/96 ⁽³⁾;

Whereas Article 4 of Regulation (EEC) No 3813/92 provides that, subject to confirmation periods being triggered, the agricultural conversion rate for a currency is to be adjusted where the monetary gap between it and the representative market rate exceeds certain levels;

Whereas the representative market rates are determined on the basis of basic reference periods or, where applicable, confirmation periods, established in accordance with Article 2 of Commission Regulation (EEC) No 1068/93 of 30 April 1993 on detailed rules for determining and applying the agricultural conversion rates ⁽⁴⁾, as last amended by Regulation (EC) No 2853/95 ⁽⁵⁾; whereas paragraph 2 of that Article provides that, in cases where the absolute value of the difference between the monetary gaps in two Member States, calculated from the average of the ecu rates for three consecutive quotation days, exceeds six points, the representative market rates are to be adjusted on the basis of the three quotation days in question;

Whereas, as a consequence of the exchange rates recorded from 11 to 15 April 1996, it is necessary to fix a new agricultural conversion rate for the Finnish markka;

Whereas Article 15 (2) of Regulation (EEC) No 1068/93 provides that an agricultural conversion rate fixed in

advance is to be adjusted if the gap between that rate and the agricultural conversion rate in force at the time of the operative event applicable for the amount concerned exceeds four points; whereas, in that event, the agricultural conversion rate fixed in advance is brought more closely into line with the rate in force, up to the level of a gap of four points with that rate; whereas the rate which replaces the agricultural conversion rate fixed in advance should be specified,

HAS ADOPTED THIS REGULATION:

Article 1

The agricultural conversion rates are fixed in Annex I hereto.

Article 2

In the case referred to in Article 15 (3) of Regulation (EEC) No 1068/93, the agricultural conversion rate fixed in advance shall be replaced by the ecu rate for the currency concerned, shown in Annex II:

- Table A, where the latter rate is higher than the rate fixed in advance,
- Table B, where the latter rate is lower than the rate fixed in advance.

Article 3

Regulation (EC) No 640/96 is hereby repealed.

Article 4

This Regulation shall enter into force on 16 April 1996.

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

Done at Brussels, 15 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽²⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽³⁾ OJ No L 90, 16. 4. 1996, p. 25.

⁽⁴⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽⁵⁾ OJ No L 299, 12. 12. 1995, p. 1.

ANNEX I

Agricultural conversion rates

ECU 1 =	39,5239	Belgian and Luxembourg francs
	7,49997	Danish kroner
	1,90616	German marks
	311,761	Greek drachmas
	198,202	Portuguese escudos
	6,61023	French francs
	5,95530	Finnish marks
	2,14021	Dutch guilders
	0,829498	Irish punt
	2 096,38	Italian lire
	13,4084	Austrian schillings
	165,198	Spanish pesetas
	8,93762	Swedish kroner
	0,856563	Pound sterling

ANNEX II

Agricultural conversion rates fixed in advance and adjusted

Table A			Table B		
ECU 1 =	38,0038	Belgian and Luxembourg francs	ECU 1 =	41,1707	Belgian and Luxembourg francs
	7,21151	Danish kroner		7,81247	Danish kroner
	1,83285	German marks		1,98558	German marks
	299,770	Greek drachmas		324,751	Greek drachmas
	190,579	Portuguese escudos		206,460	Portuguese escudos
	6,35599	French francs		6,88566	French francs
	5,72625	Finnish marks		6,20344	Finnish marks
	2,05789	Dutch guilders		2,22939	Dutch guilders
	0,797594	Irish punt		0,864060	Irish punt
	2 015,75	Italian lire		2 183,73	Italian lire
	12,8927	Austrian schillings		13,9671	Austrian schillings
	158,844	Spanish pesetas		172,081	Spanish pesetas
	8,59387	Swedish kroner		9,31002	Swedish kroner
	0,823618	Pound sterling		0,892253	Pound sterling

COMMISSION REGULATION (EC) No 678/96

of 15 April 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 Commis-

sion fixes the standard values for imports from third countries, in respect of the products and periods stipulated in the Annex thereto;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 April 1996.

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

Done at Brussels, 15 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 15 April 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 20	052	53,5	0805 30 20	052	132,1
	060	80,2		204	88,8
	064	59,6		220	74,0
	066	41,7		388	92,1
	068	62,3		400	68,8
	204	52,8		512	54,8
	208	44,0		520	66,5
	212	97,5		524	100,8
	624	115,2		528	87,4
	999	67,4		600	70,3
				624	84,8
0707 00 15	052	104,3	0808 10 61, 0808 10 63, 0808 10 69	999	83,7
	053	156,2		052	64,0
	060	61,0		064	78,6
	066	53,8		388	71,4
	068	69,1		400	68,1
	204	144,3		404	64,5
	624	87,1		416	72,7
	999	96,5		508	78,5
0709 10 10	220	79,1		512	74,3
	999	79,1		524	77,0
0709 90 75	052	104,3		528	78,7
	204	77,5		624	86,5
	412	54,2		728	107,3
	624	209,6		800	78,0
	999	111,4		804	106,2
0805 10 11, 0805 10 15, 0805 10 19	052	41,0	0808 20 37	999	79,0
	204	44,0		039	90,4
	208	58,0		052	86,2
	212	66,5		064	72,5
	220	53,3		388	66,7
	388	40,5		400	71,5
	400	38,6		512	70,7
	436	41,6		528	71,5
	448	28,0		624	79,0
	600	46,0		728	115,4
	624	52,4		800	55,8
	999	46,4		804	112,9
				999	81,1

(1) Country nomenclature as fixed by Commission Regulation (EC) No 3079/94 (OJ No L 325, 17. 12. 1994, p. 17). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 679/96
of 15 April 1996
amending the import duties in the cereals sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Having regard to Commission Regulation (EC) No 1502/95 of 29 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 for the 1995/96 marketing year as regards import duties in the cereals sector⁽³⁾, as last amended by Regulation (EC) No 346/96⁽⁴⁾, and in particular Article 2 (1) thereof,

Whereas the import duties in the cereals sector are fixed by Commission Regulation (EC) No 642/96⁽⁵⁾, as amended by Regulation (EC) No 656/96⁽⁶⁾;

Whereas Article 2 (1) of Regulation (EC) No 642/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 642/96,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to amended Regulation (EC) No 642/96 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 16 April 1996.

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

Done at Brussels, 15 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 179, 29. 7. 1995, p. 1.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 13.

⁽⁴⁾ OJ No L 49, 28. 2. 1996, p. 5.

⁽⁵⁾ OJ No L 90, 11. 4. 1996, p. 30.

⁽⁶⁾ OJ No L 91, 12. 4. 1996, p. 41.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	8,51	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	0,27	0,00
	low quality	8,32	0,00
1002 00 00	Rye	43,68	33,68
1003 00 10	Barley, seed	43,68	33,68
1003 00 90	Barley, other ⁽³⁾	43,68	33,68
1005 10 90	Maize seed other than hybrid	46,14	36,14
1005 90 00	Maize other than seed ⁽³⁾	46,14	36,14
1007 00 90	Grain sorghum other than hybrids for sowing	43,68	33,68

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

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

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

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1502/95 are met.

ANNEX II

Factors for calculating duties (period from 10. 4. 1996 to 15. 4. 1996):

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

Exchange quotations	Minneapolis	Kansas-City	Chicago	Chicago	Mid-America	Mid-America
Product (% proteins at 12 % humidity)	HRS2. 14 %	HRW2. 11 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	159,05	171,55	163,99	138,04	187,58 ⁽²⁾	152,41 ⁽²⁾
Gulf premium (ECU/tonne)	43,47	23,89	23,40	11,80	—	—
Great lake premium (ECU/tonne)	—	—	—	—	—	—

⁽¹⁾ Fob Duluth.

⁽²⁾ Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,12 per tonne; Great Lakes/St Lawrence — Rotterdam: ECU 24,28 per tonne.

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

COMMISSION REGULATION (EC) No 680/96

of 15 April 1996

amending representative prices and additional duties for the import of certain products in the sugar sector

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

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

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

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1568/95⁽⁵⁾, as last amended by Regulation (EC) No 672/96⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 April 1996.

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

Done at Brussels, 15 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 258, 28. 10. 1995, p. 50.

⁽⁵⁾ OJ No L 150, 1. 7. 1995, p. 36.

⁽⁶⁾ OJ No L 92, 13. 4. 1996, p. 21.

ANNEX

to the Commission Regulation of 15 April 1996 amending representative prices and the amounts of additional duties applicable to imports of white sugar, raw sugar and products covered by CN code 1702 90 99

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	24,20	4,20
1701 11 90 ⁽¹⁾	24,20	9,43
1701 12 10 ⁽¹⁾	24,20	4,01
1701 12 90 ⁽¹⁾	24,20	9,00
1701 91 00 ⁽²⁾	31,43	9,52
1701 99 10 ⁽²⁾	31,43	5,00
1701 99 90 ⁽²⁾	31,43	5,00
1702 90 99 ⁽³⁾	0,31	0,34

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

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

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 29 November 1995

on aid to be granted by Austria to Voest-Alpine Erzberg Gesellschaft mbH

(Only the German text is authentic)

(Text with EEA relevance)

(96/269/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular the first and second paragraphs of Article 95 thereof,

After consulting the Consultative Committee and with the unanimous assent of the Council,

Whereas:

I

The Voest-Alpine Erzberg Gesellschaft mbH (hereinafter referred to as VAEG) is held by ÖIA Bergbauholding Aktiengesellschaft, which belongs to the wholly State-owned Österreichische Industrieholding Aktiengesellschaft. VAEG is involved in the mining of ore of low iron density (32 % Fe). The open pit mine consists of 23 layers approximately 24 metres in height and 860 metres in length. Underground mining accounts for only a small portion of the total production.

The history of mining activities in the area dates back to the third century. The region has experienced a sharp decline in mining activities and is now being opened up to tourism. The iron ore mine is to be closed. Safety and environmental measures are to be taken to facilitate the setting-up of tourist facilities.

In January 1995 Austria notified the Commission that it intended to grant aid to VAEG. It provided further information in a number of communications between March and September 1995.

VAEG on the one hand and Voest-Alpine Stahl Linz GmbH and Voest-Alpine Stahl Donawitz GmbH on the other hand signed a contract on 30 April 1993 concerning the annual supply of 1 to 1,3 million tonnes of iron ore containing 32 % Fe per tonne in the period 1994 to 1998. The price is negotiated annually. The buyers also obtain iron ore from South Africa and the Ukraine and the price they have to pay for this iron ore is taken as the guideline for determining the price of the Austrian iron ore. The price negotiated with VAEG is equal to, or higher than the price paid for imported ore. Both steel companies are going to be privatized in the near future. For 1995 the price per tonne of ore was set at ÖS 139, giving VAEG revenues of ÖS 180,7 million for 1,3 million tonnes of ore. The costs of producing this quantity are, however, ÖS 174 per tonne, i.e. ÖS 226,2 million in total.

The difference between revenues and costs is to be covered by State aid. It is expected that revenues will in the longer term remain below costs, and Austria has therefore proposed a degressive maximum amount of production aid to make up this difference. Actual payments of this type of aid may, however, be lower if the gap between costs and revenues so allows.

VAEG is pursuing its mine-closure operations, which started in the 1980s. The following table gives an overview of the cuts in output and in the workforce up to 1994.

	Production in tonnes	Reduction compared to previous year	Employees	Reduction in workforce	Reduction in workforce in %
1985	3 281 583	— 329 569	1 429		
1986	3 131 730	— 149 853	1 330	99	7,0
1987	3 060 807	— 70 923	987	343	24,0
1988	2 311 101	— 749 706	813	174	12,0
1989	2 420 824	+ 109 723	720	93	6,5
1990	2 310 710	— 110 114	682	38	2,7
1991	2 130 274	— 180 436	493	189	13,2
1992	1 627 475	— 502 799	435	58	4,0
1993	1 427 000	— 200 475	343	92	6,4
1994	1 644 000	+ 217 000	299	44	3,0

VAEG plans to produce the following quantities (in tonnes) in the years 1995 to 2002:

— 1995:	1 300 000,
— 1996:	1 300 000,
— 1997:	1 300 000,
— 1998:	1 300 000,
— 1999:	1 000 000,
— 2000:	1 000 000,
— 2001:	1 000 000,
— 2002:	700 000.

Iron ore production will be terminated by 31 December 2002. There will then be a gradual closure process which will be completed in 2003, instead of an immediate closure and liquidation which would lead to severe environmental and social problems. The workforce will gradually shift from production to (the preparation of) closure activities so as to allow an environmentally friendly shutdown to be carried out.

In order to facilitate this process of gradual closure, the difference between revenues and costs is to be covered by the Austrian State. The maximum amounts of aid per year for this purpose are:

	ÖS million	ECU million
1995	45	3,42
1996	42	3,19
1997	39	2,96
1998	36	2,73
1999	34	2,58
2000	30	2,28
2001	26	1,97
2002	20	1,52
Total	272	20,65

During this period, VAEG has to embark upon closure and safety activities that will allow a safe and environmentally friendly withdrawal from ore mining such as securing of endangered layers, securing of the edges of layers, etc. The total cost of these measures amounts to ÖS 454,5 million, of which a total of ÖS 136 million (30 % of the total cost) is to be made available by the Austrian State.

Austria is proposing to grant the following subsidies for these purposes:

	ÖS million	ECU million
1995	5	0,38
1996	8	0,61
1997	11	0,83
1998	11	0,83
1999	23	1,75
2000	22	1,67
2001	26	1,97
2002	30	2,28
Total	136	10,32

A breakdown of the closure costs is given in the following table:

	Cost up to the year 2002	Closure aid	1995	1996	1997	1998	1999	2000	2001	2002
Securing of endangered layers	26,7	13,4	3,0	3,0	3,7	3,7	0	0	0	0
Securing of the edges of layers	41,7	8,3	1,0	1,0	1,0	1,0	1,0	1,0	1,0	1,3
Easing the strain on the roofs of deposits	54,0	0	0	0	0	0	0	0	0	0
Creation of compartments to catch falling material	4,5	3,6	0,5	1,0	1,0	0,5	0	0	0	0,6
Closure of open cast sites	1,0	0,1	0	0	0	0	0	0	0	0,1
Diversion of surface water	3,5	1,4	0	0,5	0,5	0	0	0	0	0,4
Pulling down of processing plant, transport facilities and buildings	45,0	40,5	0	0	2,0	3,0	9,0	8,5	9,0	9,0
Demolition of equipment and buildings	25,0	18,3	0	1,0	1,2	1,2	4,4	4,5	3,0	3,0
Demolition of other mining facilities	16,2	2,4	0	0,6	0,6	0,6	0,6	0	0	0
Redevelopment of dumphills and mud basins	1,4	0	0	0	0	0	0	0	0	0
Recultivation and forestry activities	50,2	12,6	0,5	0,9	1,0	1,0	2,0	2,0	2,6	2,6
Treatment of polluted soil	35,0	0	0	0	0	0	0	0	0	0
Treatment of polluted slag dump	10,0	0	0	0	0	0	0	0	0	0
Social measures	104,3	35,4	0	0	0	0	6,0	6,0	10,4	13,0
Total	454,5	136,0	5,0	8,0	11,0	11,0	23,0	22,0	26,0	30,0

The planned production levels and the necessary closure activities require the following workforce:

	1995	1996	1997	1998	1999	2000	2001	2002
Workforce	286	286	286	286	274	262	241	215
Engaged in production	280	276	273	273	254	242	210	181
Engaged in closure activities	6	10	13	13	20	20	31	34

III

The European Union is only a minor producer of iron ore, and the mining of this product within the EU is expected to continue to decline gradually in competition with larger, higher quality and cheaper-to-mine deposits overseas. The Community is a net importer of iron ore. In 1994 it imported approximately 134 tonnes. There are no significant exports from the Community to third countries. Imports come mostly from South Africa, Brazil, Australia and Canada.

In the Community there is only one major producer, which is LKAB of Sweden. It produces iron ore of high quality (60 % Fe). It has 3 000 employees and produces 20 million tonnes per year.

In France the company Mines de Fer de l'Arbed produces iron ore of low iron content for Usinor Sacilor and Arbed. Its production in 1994 was 2,4 million tonnes (1990: 8,7 million tonnes, 1991: 7,5 million tonnes, 1992: 5,7 million tonnes, 1993: 3,5 million tonnes). Its workforce is around 240.

The Spanish company Compañía Andaluza de Minas produced the following amounts over the past few years: 1990: 3,03 million tonnes, 1991: 3,9 million tonnes, 1992: 2,7 million tonnes, 1993: 2,1 million tonnes, 1994: 2,2 million tonnes.

Intra-Community trade, with the exception of Sweden, is not very significant. In 1993 Spain exported 1,37 million tonnes to Belgium, France, Italy, the Netherlands and the UK. In the same year it imported 6,66 million tonnes from third countries. France exported 2,76 million tonnes to Luxembourg and consumed 1,44 million tonnes of its own production. Imports from third countries amounted to 16,6 million tonnes. In 1993 Sweden exported 13,6 million tonnes to the Community, notably to the UK, Germany, Belgium and the Netherlands. Austria does not import from other Member States, but from South Africa and the Ukraine; it does not export iron ore.

IV

According to Article 4 (c) of the Treaty, subsidies or aid granted by Member States to ECSC undertakings are incompatible with the common market for coal and steel. Iron ore (except pyrites) is listed in Annex I to the Treaty as one of the raw materials for iron and steel production, and therefore the Treaty applies in this case. Article 95 of the Treaty states that in all cases not provided for in the Treaty where it becomes apparent that a decision of the High Authority is necessary to attain, within the common

market in coal and steel and in accordance with Article 5, one of the objectives of the Community set out in Articles 2, 3 and 4, the decision may be taken with the unanimous assent of the Council and after the Consultative Committee has been consulted.

Austria proposes to grant production aid and closure aid to its iron ore mining industry with the aim of phasing out the activities of this industry under conditions that are both environmentally and socially acceptable. The Commission considers these aims to fall within the scope of Article 3 (d) and (e) of the Treaty.

The Steel Aid Code (Commission Decision No 3855/91/ECSC⁽¹⁾) is applicable to the iron ore industry, but the provisions of that Decision do not allow the authorization of the aid for the purposes pursued in the present case.

The Austrian authorities do not expect VAEG to be able to return to viability in the sense of a company that can stand up to competition without State support, owing to the level of production costs and the geological situation. The closure of VAEG's iron ore mining activities is therefore the only viable solution. Austria intends to pursue its policy of gradual closure started in the 1980s until 2002, culminating in final closure in 2003.

A comparison of (expected) revenues and costs shows that costs are higher than income. If this gap were not covered by State aid, a gradual closure would have to be replaced by an immediate full closure, which would create regional and environmental problems. The workforce needed to carry out the closure activities would not be available and the site would have to be abandoned in its present condition. On the social side it is to be noted that the workforce has already been reduced considerably from 1 627 in 1982 to 286 at present.

The town where the company is established recorded a 22,9 % decline in population from 1981 to 1991 (compared with 3,2 % growth in the population of Austria as a whole). It is expected that population numbers in the district will continue to decrease by 4,5 % in 1991 to 2001 and by 11,7 % in 2001 to 2011. The unemployment rate for the region was 11,5 % in 1993. In February 1995 the Commission designated the territory as an Objective 2 region. The region qualifies for aid under Article 92 (3) (c) of the EC Treaty.

In order to smooth the path of a gradual closure, Austria is proposing the following production levels and amounts of State aid:

⁽¹⁾ OJ No L 362, 31. 12. 1991, p. 57.

	Production	Total aid		Operating aid		Closure aid	
	Million tonnes	ÖS million	ECU million	ÖS million	ECU million	ÖS million	ECU million
1995	1,3	50	3,80	45	3,42	5	0,38
1996	1,3	50	3,80	42	3,19	8	0,61
1997	1,3	50	3,80	39	2,96	11	0,84
1998	1,3	47	3,56	36	2,73	11	0,84
1999	1,0	57	4,33	34	2,58	23	1,75
2000	1,0	52	3,95	30	2,28	22	1,68
2001	1,0	52	3,95	26	1,97	26	1,97
2002	0,7	50	3,80	20	1,52	30	2,28
Total	8,9	408	31,00	272	20,65	136	10,35

Austria has stipulated that no further production is to take place in 2003 and that no more production aid will be made available after 2002. The production figures and the operating aid show a degressive tendency over the years ahead. The workforce active in production will also be cut from 280 in 1995 to 181 in 2002.

The closure aid is intended for safety and environmental measures and, partly, for providing social support for workers made redundant. In order to comply with Austrian mining legislation, the company has to carry out these safety and environmental measures. However, it is not possible for the company to pay all the expenses itself and State support is therefore necessary during the phase-out period. The impact of such aid on the common market is negligible.

The social measures are payments to workers made redundant. Because of long-term employment their unemployment benefit is to be supplemented in pursuance of a social plan. Part of these costs (ÖS 35,4 million out of ÖS 140,3 million) is to be paid by the Austrian State, the rest by the company.

On the one hand the region is clearly suffering from industrial decline, while the production of iron ore and the production aid are decreasing over time. On the other hand the mining of iron ore in the Community is not very significant in terms of size, with the exception of Sweden. There are no imports or exports between Austria and other Member States.

On balance, competition and intra-Community trade and hence the common market are not likely to be affected by the proposed State aid, and the negative effects of a closure will be spread over time.

It should be noted that the Community is currently operating a system for the coal sector that is more or less equivalent to the one proposed by Austria for iron ore

mining, namely Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry⁽¹⁾. The problems of the iron ore sector in the Community are comparable to those of the coal sector: Community production remains uncompetitive with imports from outside the Community, while unfavourable geological conditions limit the scope for rationalization.

Under the Decision cited above, operating aid to cover the difference between production costs and the selling price freely agreed between the Contracting Parties in the light of the conditions prevailing on the world market may be considered compatible with the common market, provided that certain conditions are met. The system allows transitional operating aid in the context of proposed closures.

The linkage of maximum aid to actual level of yearly losses and to world market prices for iron ore imported from third countries ensures that the aid will not exceed what is absolutely necessary.

V

In previous Article 95 decisions concerning the steel sector, the Commission has allowed State aid only if competition in the common market was not unduly affected. In practice this means that companies that receive State aid in order to return to viability must in return undertake to cut their production capacity so as to reduce the anti-competitive effect of the State aid received.

In the case of VAEG, no production will take place after 31 December 2002. In the years 1995 to 2002 production will be gradually reduced and so will the production aid that will cover the difference between revenues and costs.

⁽¹⁾ OJ No L 329, 30. 12. 1993, p. 12.

This constitutes the essential element of the Austrian plan. The aid will therefore not lead to an unlimited continuation of operations or to an increase in production capacity and will moreover be degressive.

The State aid in the present case has to be seen in the context of the common market, where there is virtually no competition between Community producers. VAEG does not export iron ore, nor does Austria import it from other EU Member States.

Furthermore, it is clear that the process proposed by Austria will ease the social and regional problems of the territory concerned,

HAS ADOPTED THIS DECISION:

Article 1

The following maximum amounts of aid which Austria plans to grant to Voest-Alpine Erzberg GmbH (VAEG) are compatible with the orderly functioning of the common market, subject to the condition that the production figures given below are not exceeded:

	Production in million tonnes	Operating aid in ÖS million	Closure aid in ÖS million
1995	1,3	45	5
1996	1,3	42	8
1997	1,3	39	11
1998	1,3	36	11
1999	1,0	34	23
2000	1,0	30	22
2001	1,0	26	26
2002	0,7	20	30

Article 2

The operating aid granted annually by Austria shall not exceed the upper limits specified in Article 1. It shall under no circumstances exceed the difference between income from the sale of iron ore and production costs. The price agreed with the customers of VAEG shall be in line with the average market price and shall not be lower than the price such customers pay for iron ore imported from third countries.

Article 3

1. Austria shall cooperate fully in the implementation of the following arrangements for monitoring this Decision.

2. Austria shall supply the Commission twice a year, and not later than 15 March and 15 September respectively, with monitoring reports. The first report shall be presented to the Commission by 15 March 1996 and the last report by 15 March 2003.

3. The reports shall contain full information on the recipient company, the aid amounts paid to it for the different purposes as approved by the Commission, its closure activities, its production, the redundancies made and the switching of staff from production to closure activities.

The reports shall also contain all the information which the Commission requires for monitoring the closure of the iron ore mine and shall show sufficient financial data to allow the Commission to assess whether the aid is being used in accordance with the plan notified and whether the conditions specified in Articles 1 and 2 are being complied with.

4. Austria shall require the recipient company to disclose all relevant data, including those which are otherwise considered confidential.

Article 4

The Commission shall, on the basis of the reports referred to in Article 3, draw up half-yearly reports which will be submitted to the Council not later than 1 May and 1 November of each year.

Article 5

The Commission may have any necessary checks made on the recipient company in accordance with Article 47 of the ECSC Treaty in order to verify the accuracy of the information given in the monitoring reports and in particular compliance with the conditions laid down in this Decision.

Article 6

Should Austria fail to fulfil its obligations under this Decision, Article 88 of the ECSC Treaty shall apply, without prejudice to any penalties the Commission may impose by virtue of the ECSC Treaty.

Article 7

This Decision is addressed to the Republic of Austria.

Done at Brussels, 29 November 1995.

For the Commission

Karel VAN MIERT

Member of the Commission