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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 736/96**of 22 April 1996****on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 213 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 187 thereof,

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

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

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, for the sake of clarity, on the occasion of new amendments, it is necessary to reformulate Council Regulation (EEC) No 1056/72 of 18 May 1972 on notifying the Commission of investment projects of interest to the Community in the petroleum, natural gas and electricity sectors ⁽⁴⁾;

Whereas the introduction of a common energy policy is one of the objectives which the Community has set itself; whereas it is the task of the Commission to propose the measures to be taken for this purpose;

Whereas the information gathered pursuant to the said Regulation is necessary for the Commission's ongoing activities and whereas these data are the Commission's only official source of information on developments in production, processing and transmission capacity in the electricity, petroleum and natural gas sectors;

Whereas, after studying the communication made to it by the Commission on 18 December 1968 on initial guide-

lines for a Community energy policy, the Council, during its 88th meeting held on 13 November 1969:

- approved the basic principles of that communication in the light of the report from the Permanent Representatives Committee,
- requested the Commission to put before it as soon as possible the most urgent concrete proposals in this field,
- agreed to study these proposals as soon as possible in order to establish a Community energy policy;

Whereas obtaining an overall picture of the development of investments in the Community is one feature of such a policy, in particular in order to enable the Community to make the necessary comparisons;

Whereas the accomplishment of that task requires the most accurate information possible on investments; whereas, with regard to coal and atomic energy, undertakings are under an obligation, pursuant to the Treaty establishing the European Coal and Steel Community and the Treaty establishing the European Atomic Energy Community, to notify their investment projects; whereas it is desirable to supplement such information with particulars relating to petroleum, natural gas and electricity; whereas, to this end, the Commission should be informed of investment projects which are of interest to the Community in the sectors concerned;

Whereas, so that the Commission may carry out its task, it should also be informed in good time of any fundamental alteration in such projects, in particular as regards the period required for carrying them out and the planned capacity; whereas, as a result, communication of such particulars is similarly indispensable;

Whereas Member States should for this purpose communicate to the Commission, with any comments they may have, particulars of investment projects concerning production, storage and distribution of petroleum, natural gas or electric power planned in their territory; whereas to this end the persons and undertakings concerned must be under an obligation to communicate to the Member State the information in question;

⁽¹⁾ OJ No C 346, 23. 12. 1995, p. 10.

⁽²⁾ OJ No C 17, 22. 1. 1996.

⁽³⁾ OJ No C 18, 22. 1. 1996, p. 107.

⁽⁴⁾ OJ No L 120, 25. 5. 1972, p. 7. Regulation as last amended by Regulation (EEC) No 1215/76 (OJ No L 140, 28. 5. 1976, p. 1).

Whereas some Member States have no need to maintain this obligation on the persons and undertakings concerned in order to ascertain the investment projects which must subsequently be notified to the Commission;

Whereas, because of the technical, financial, industrial and social aspects of investment projects in the electricity sector, there is a growing tendency to formulate such projects at least five years before the expected commencement of work;

Whereas it is therefore necessary to ensure that the Commission is notified of investment projects in the electricity sector on which work is expected to commence within five years of 1 January of the current year;

Whereas, in the case of petroleum refining, investment in desulphurization plants for residues, gas oil, feedstock or other petroleum products is of increasing importance in view of the strict quality standards to be adopted within the Community in order to control pollution;

Whereas Article 41 and 42 of the Treaty establishing the European Atomic Energy Community provide that the Commission must receive notification of any kind of nuclear investment project not later than three months before the first contracts are concluded with the suppliers or three months before the works begin; whereas this means that in fact notification of projects is given when they are at a very advanced stage and then only at the initiative of and on the date chosen by the person or undertaking making the investment;

Whereas, in order to assist manufacturing industry in undertaking the investment and adjustments necessary for the supply of heavy plant under the investment programmes relating to electric power supplies, the Commission must be informed of the projects involved in these programmes sufficiently far in advance of their implementation to be able to provide industry with information — the exact form varying according to the degree of final commitment reached with regard to the construction plans — which will enable an accurate assessment to be made of the technical, financial and social risks involved;

Whereas, in the electricity and natural gas sectors, investment projects relating respectively to underground and submarine transmission cables and gas pipelines, which constitute essential links in national or international interconnecting networks as well as in the trans-European networks, are of interest to the Community; whereas the Commission needs information on such projects to enable it to carry out its task in the electricity and natural gas sectors; whereas provision should be made to ensure that such projects are communicated to the Commission;

Whereas experience has shown that the dates of 15 February and 15 January leave the persons and undertakings concerned and the Member States insufficient time to collect the information necessary;

Whereas it is desirable to enable the Commission to prescribe, where appropriate, certain practical details, such as the form and content of the notifications to be made;

Whereas experience has shown that some of the data collected impose administrative constraints which go further than necessary, in relation to the advantages which can be expected; whereas it is necessary to reduce and change the data collected;

Whereas observance of the obligations provided for in this Regulation and the confidential nature of the information collected should be ensured,

HAS ADOPTED THIS REGULATION:

Article 1

1. Member States shall, before 15 April of each year, communicate to the Commission the information they have obtained on the basis of the provisions of paragraph 2 concerning investment projects listed in the Annex which relate to the production, transport, storage and distribution of petroleum, natural gas or electric power and on which work is scheduled to start within three years, in the case of projects in the petroleum and natural gas sectors, or within five years, in the case of projects in the electricity sector; such communication must take account of the latest developments in the situation.

Member States shall add to their communications any comments they may have.

2. In order to fulfil the obligation laid down in paragraph 1, the persons and undertakings concerned shall, before 15 March of each year, communicate details of investment projects referred to in paragraph 1 to the Member States in whose territory they are planning to carry them out. However, this provision shall not apply where the Member State concerned decides to use other means of supplying the Commission with information on the investment projects referred to in paragraph 1.

3. The communication provided for in paragraphs 1 and 2 shall, moreover, indicate the volume of capacities in commission or under construction or which are scheduled to be taken out of commission within three years.

4. When calculating capacities or dimensions mentioned in the Annex, the Member States, persons or undertakings concerned shall take into account all parts of a project, insofar as together they constitute a technically indivisible whole, even where the project is carried out in several successive stages.

5. The communication provided for in paragraphs 1 and 2 shall also cover investment projects of which the major features (location, contractor, undertaking, technical features, etc.) may, in whole or in part, be subject to further review or to final authorization by a competent authority.

Article 2

1. With regard to investment projects planned or in progress, any communication as referred to in Article 1 shall indicate the following:

- the precise purpose and nature of such investments,
- the planned capacity or power,
- the probable date of commissioning,
- the type of raw materials used.

As regards any proposed withdrawal from service, communications shall indicate the following:

- the character and the capacity or power of the installations concerned,
- the probable date when the installations will be withdrawn from service.

2. Within the limits laid down by this Regulation and the Annex thereto, the Commission is authorized to adopt implementing provisions concerning the form, content and other details of the communications provided for in Article 1.

Article 3

The Commission shall place before the Council a summary of the information obtained pursuant to this Regulation.

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

Done at Brussels, 22 April 1996.

Article 4

Information forwarded pursuant to this Regulation shall be treated as confidential. This provision shall not prevent the publication of general information or of summaries not containing particulars concerning individual undertakings.

Article 5

Member States shall take appropriate measures to ensure observance of the obligations arising under Articles 1 (2) and 4.

Article 6

At the end of a period of five years, the Commission shall submit to the Council a report on the implementation of this Regulation and how it has contributed to the objectives pursued. The report shall be accompanied by the requisite proposals.

Article 7

Regulation (EEC) No 1056/72 is hereby repealed.

Article 8

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

For the Council

The President

W. LUCHETTI

*ANNEX***INVESTMENT PROJECTS****1. PETROLEUM****1.1. Refining**

- distillation plants with a capacity of not less than 1 000 000 tonnes a year,
- extension of distilling capacity beyond 1 000 000 tonnes a year,
- reforming/cracking plants with a minimum capacity of 500 tonnes a day,
- desulphurization plants for residual fuel oil/gas oil/feedstock/other petroleum products.

Chemical plants which do not produce fuel oil and/or motor fuels, or which produce them only as by-products, are excluded.

2. NATURAL GAS**2.1. Transport**

- transfrontier gas pipelines and projects of common interest identified in the guidelines established under Article 129c of the EC Treaty,
- terminals for the importation of liquefied natural gas.

Gas pipelines and terminals for military purposes and those supplying chemical plants which do not produce energy products, or which produce them only as by-products, are excluded.

2.2. Distribution

- underground storage installations with a capacity of not less than 150 000 000 m³.

Installations for military purposes and those supplying chemical plants which do not produce energy products, or which produce them only as by-products, are excluded.

3. ELECTRICITY**3.1. Production**

- thermal power stations (generators with a unit capacity of 200 MW or more),
- hydro-electric power stations (power stations having a capacity of 50 MW or more).

3.2. Transport

- overhead transmission lines, if they have been designed for a voltage of 345 kV or more,
 - underground and submarine transmission cables, if they have been designed for a voltage of 100 kV or more and constitute essential links in national or international interconnecting networks,
 - projects of common interest identified in the guidelines established under Article 129c of the EC Treaty.
-

COMMISSION REGULATION (EC) No 737/96

of 24 April 1996

fixing the export refunds on white sugar and raw sugar exported in its unaltered state

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⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

Whereas Article 19 of Regulation (EEC) No 1785/81 provides that the difference between quotations or prices on the world market for the products listed in Article 1 (1) (a) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 1785/81 provides that when refunds on white and raw sugar, undenatured and exported in its unaltered state, are being fixed account must be taken of the situation on the Community and world markets in sugar and in particular of the price and cost factors set out in Article 17a of that Regulation; whereas the same Article provides that the economic aspect of the proposed exports should also be taken into account;

Whereas the refund on raw sugar must be fixed in respect of the standard quality; whereas the latter is defined in Article 1 of Council Regulation (EEC) No 431/68 of 9 April 1968 determining the standard quality for raw sugar and fixing the Community frontier crossing point for calculating cif prices for sugar⁽³⁾, as amended by Regulation (EC) No 3290/94⁽⁴⁾; whereas, furthermore, this refund should be fixed in accordance with Article 17a (4) of Regulation (EEC) No 1785/81; whereas candy sugar is defined in Commission Regulation (EC) No 2135/95 of 7 September 1995 laying down detailed rules of application for the grant of export refunds in the sugar sector⁽⁵⁾; whereas the refund thus calculated for sugar containing added flavouring or colouring matter must apply to their sucrose content and, accordingly, be fixed per 1 % of the said content;

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

Whereas, in special cases, the amount of the refund may be fixed by other legal instruments;

Whereas Council Regulation (EEC) No 990/93⁽⁶⁾, as amended by Regulation (EC) No 1380/95⁽⁷⁾, 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 462/96⁽⁸⁾; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾, as last amended by Regulation (EC) No 150/95⁽¹⁰⁾, 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⁽¹¹⁾, as last amended by Regulation (EC) No 2853/95⁽¹²⁾;

Whereas the refund must be fixed every two weeks; whereas it may be altered in the intervening period;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The export refunds on the products listed in Article 1 (1) (a) of Regulation (EEC) No 1785/81, undenatured and exported in the natural state, are hereby fixed to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 April 1996.

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 110, 17. 5. 1995, p. 1.

⁽³⁾ OJ No L 89, 10. 4. 1968, p. 3.

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

⁽⁵⁾ OJ No L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁷⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁸⁾ OJ No L 65, 15. 3. 1996, p. 1.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹²⁾ OJ No L 299, 12. 12. 1995, p. 1.

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

Done at Brussels, 24 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 24 April 1996 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	36,34 ⁽¹⁾
1701 11 90 910	36,34 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	36,34 ⁽¹⁾
1701 12 90 910	36,34 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3950
	— ECU/100 kg —
1701 99 10 100	39,50
1701 99 10 910	39,50
1701 99 10 950	39,50
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3950

⁽¹⁾ Applicable to raw sugar with a yield of 92 %; if the yield is other than 92 %, the refund applicable is calculated in accordance with the provisions of Article 17a (4) of Regulation (EEC) No 1785/81.

⁽²⁾ Fixing suspended by Commission Regulation (EEC) No 2689/85 (OJ No L 255, 26. 9. 1985, p. 12), as amended by Regulation (EEC) No 3251/85 (OJ No L 309, 21. 11. 1985, p. 14).

⁽³⁾ 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.

COMMISSION REGULATION (EC) No 738/96

of 24 April 1996

fixing the maximum export refund for white sugar for the 37th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1813/95

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⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

Whereas Commission Regulation (EC) No 1813/95 of 26 July 1995 on a standing invitation to tender to determine levies and/or refunds on exports of white sugar⁽³⁾, as amended by Regulation (EC) No 706/96⁽⁴⁾, requires partial invitations to tender to be issued for the export of this sugar;

Whereas, pursuant to Article 9 (1) of Regulation (EC) No 1813/95 a maximum export refund shall be fixed, as the case may be, account being taken in particular of the state and foreseeable development of the Community and world markets in sugar, for the partial invitation to tender in question;

Whereas, following an examination of the tenders submitted in response to the 37th partial invitation to tender, the provisions set out in Article 1 should be adopted;

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 thereof and in Council Regulation (EC) No 462/96⁽⁷⁾; 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 Sugar,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 37th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1813/95 the maximum amount of the export refund is fixed at ECU 42,611 per 100 kilograms.

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.

Article 2

This Regulation shall enter into force on 25 April 1996.

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

Done at Brussels, 24 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 175, 27. 7. 1995, p. 12.

⁽⁴⁾ OJ No L 98, 19. 4. 1996, p. 11.

⁽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.

COMMISSION REGULATION (EC) No 739/96

of 24 April 1996

fixing the representative prices and the additional import duties for molasses 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 market in sugar⁽¹⁾, as last amended by Regulation (EC) No 1101/95⁽²⁾,

Having regard to Commission Regulation (EC) No 1422/95 of 23 June 1995 laying down detailed rules of application for imports of molasses in the sugar sector and amending Regulation (EEC) No 785/68⁽³⁾, and in particular Articles 1 (2) and 3 (1) thereof,

Whereas Regulation (EC) No 1422/95 stipulates that the cif import price for molasses, hereinafter referred to as the 'representative price', should be set in accordance with Commission Regulation (EEC) No 785/68⁽⁴⁾; whereas that price should be fixed for the standard quality defined in Article 1 of the above Regulation;

Whereas the representative price for molasses is calculated at the frontier crossing point into the Community, in this case Amsterdam; whereas that price must be based on the most favourable purchasing opportunities on the world market established on the basis of the quotations or prices on that market adjusted for any deviations from the standard quality; whereas the standard quality for molasses is defined in Regulation (EEC) No 785/68;

Whereas, when the most favourable purchasing opportunities on the world market are being established, account must be taken of all available information on offers on the world market, on the prices recorded on important third-country markets and on sales concluded in international trade of which the Commission is aware, either directly or through the Member States; whereas, under Article 7 of Regulation (EEC) No 785/68, the Commission may for this purpose take an average of several prices as a basis, provided that this average is representative of actual market trends;

Whereas the information must be disregarded if the goods concerned are not of sound and fair marketable quality or if the price quoted in the offer relates only to a small

quantity that is not representative of the market; whereas offer prices which can be regarded as not representative of actual market trends must also be disregarded;

Whereas, if information on molasses of the standard quality is to be comparable, prices must, depending on the quality of the molasses offered, be increased or reduced in the light of the results achieved by applying Article 6 of Regulation (EEC) No 785/68;

Whereas a representative price may be left unchanged by way of exception for a limited period if the offer price which served as a basis for the previous calculation of the representative price is not available to the Commission and if the offer prices which are available and which appear not to be sufficiently representative of actual market trends would entail sudden and considerable changes in the representative price;

Whereas where there is a difference between the trigger price for the product in question and the representative price, additional import duties should be fixed under the conditions set out in Article 3 of Regulation (EC) No 1422/95; whereas should the import duties be suspended pursuant to Article 5 of Regulation (EC) No 1422/95, specific amounts for these duties should be fixed;

Whereas application of these provisions will have the effect of fixing the representative prices and the additional import duties for the products in question as set out in the Annex to this Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

The representative prices and the additional duties applying to imports of the products referred to in Article 1 of Regulation (EC) No 1422/95 are fixed in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 April 1996.

⁽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. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 24 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

fixing the representative prices and additional import duties applying to imports of molasses in the sugar sector

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question in the event of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	9,08	—	0,00
1703 90 00 ⁽¹⁾	11,58	—	0,00

⁽¹⁾ For the standard quality as defined in Article 1 of Regulation (EEC) No 785/68.

⁽²⁾ This amount replaces, in accordance with Article 5 of Regulation (EC) No 1422/95, the rate of the Common Customs Tariff duty fixed for these products.

COMMISSION REGULATION (EC) No 740/96

of 24 April 1996

amending Regulation (EC) No 94/96 on the opening of a standing invitation to tender for 80 000 tonnes of rye held by the Danish intervention agency for processing in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 94/96⁽⁵⁾, as amended by Regulation (EC) No 517/96⁽⁶⁾, should be postponed;

Whereas the Management Committee for Cereals has not issued an opinion within the time limit laid down by its Chairman,

Article 1

Article 7 (3) of Regulation (EC) No 94/96 is replaced by the following:

'3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 23 May 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, 24 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 18, 24. 1. 1996, p. 6.

⁽⁶⁾ OJ No L 77, 27. 3. 1996, p. 4.

COMMISSION REGULATION (EC) No 741/96**of 24 April 1996****amending Regulation (EC) No 96/96 on the opening of a standing invitation to tender for 50 000 tonnes of barley held by the German intervention agency for processing in Greece**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals ⁽¹⁾, as last amended by Regulation (EC) No 1863/95 ⁽²⁾, and in particular Article 5 thereof,Whereas Commission Regulation (EEC) No 2131/93 ⁽³⁾, as amended by Regulation (EC) No 120/94 ⁽⁴⁾, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;Whereas the last partial invitation to tender under Commission Regulation (EC) No 96/96 ⁽⁵⁾, as amended by Regulation (EC) No 516/96 ⁽⁶⁾, should be postponed;

Whereas the Management Committee for Cereals has not issued an opinion within the time limit laid down by its Chairman,

Article 1

Article 7 (3) of Regulation (EC) No 96/96 is replaced by the following:

'3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 23 May 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, 24 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 191, 31. 7. 1993, p. 76.⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.⁽⁵⁾ OJ No L 18, 24. 1. 1996, p. 11.⁽⁶⁾ OJ No L 77, 27. 3. 1996, p. 3.

COMMISSION REGULATION (EC) No 742/96
of 24 April 1996

amending Regulation (EC) No 97/96 on the opening of a standing invitation to tender for 89 000 tonnes of barley held by the Danish intervention agency for processing in Sardinia

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 97/96⁽⁵⁾, as amended by Regulation (EC) No 518/96⁽⁶⁾, should be postponed;

Whereas the Management Committee for Cereals has not issued an opinion within the time limit laid down by its Chairman,

Article 1

Article 7 (3) of Regulation (EC) No 97/96 is replaced by the following:

'3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time) on 23 May 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, 24 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 18, 24. 1. 1996, p. 15.

⁽⁶⁾ OJ No L 77, 27. 3. 1996, p. 5.

COMMISSION REGULATION (EC) No 743/96

of 24 April 1996

amending Regulation (EC) No 98/96 on the opening of a standing invitation to tender for 320 000 tonnes of rye held by the German intervention agency for processing in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 98/96⁽⁵⁾, as amended by Regulation (EC) No 519/96⁽⁶⁾, should be postponed;

Whereas the Management Committee for Cereals has not issued an opinion within the time limit laid down by its Chairman,

Article 1

Article 7 (3) of Regulation (EC) No 98/96 is replaced by the following:

'3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time), on 23 May 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, 24 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 191, 31. 7. 1993, p. 76.

⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.

⁽⁵⁾ OJ No L 18, 24. 1. 1996, p. 19.

⁽⁶⁾ OJ No L 77, 27. 3. 1996, p. 6.

COMMISSION REGULATION (EC) No 744/96
of 24 April 1996

amending Regulation (EC) No 110/96 on the opening of a standing invitation to tender for 180 000 tonnes of barley held by the German intervention agency for processing in Spain

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

Whereas Commission Regulation (EEC) No 2131/93⁽³⁾, as amended by Regulation (EC) No 120/94⁽⁴⁾, lays down the procedures and conditions governing the offer for sale of cereals held by intervention agencies;

Whereas the last partial invitation to tender under Commission Regulation (EC) No 110/96⁽⁵⁾, as amended by Regulation (EC) No 520/96⁽⁶⁾, should be postponed;

Whereas the Management Committee for Cereals has not issued an opinion within the time limit laid down by its Chairman,

HAS ADOPTED THIS REGULATION:

Article 1

Article 7 (3) of Regulation (EC) No 110/96 is replaced by the following:

‘3. The final date for the submission of tenders for the last partial invitation to tender shall expire at 9 a.m. (Brussels time), on 23 May 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, 24 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 191, 31. 7. 1993, p. 76.
⁽⁴⁾ OJ No L 21, 26. 1. 1994, p. 1.
⁽⁵⁾ OJ No L 19, 25. 1. 1996, p. 20.
⁽⁶⁾ OJ No L 77, 27. 3. 1996, p. 7.

COMMISSION REGULATION (EC) No 745/96
of 24 April 1996

laying down detailed rules for the application of Council Regulation (EC) No 1469/95 on measures to be taken with regard to certain beneficiaries of operations financed by the Guarantee Section of the EAGGF

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1469/95 of 22 June 1995 on measures to be taken with regard to certain beneficiaries of operations financed by the Guarantee Section of the EAGGF⁽¹⁾, and in particular Article 5 thereof,

Whereas Regulation (EC) No 1469/95 introduces a Community system allowing all the competent authorities of the Member States and the Commission to identify, as quickly as possible, operators presenting, in the light of experience acquired with them as regards the proper execution of their previous obligations, a risk of non-reliability, in connection with tendering procedures, the grant of export refunds or sales at reduced prices of intervention products; whereas application of the system is restricted to operators who have deliberately or as a result of serious negligence committed an irregularity prejudicial to Community funds or who are suspected on solid grounds of having done so; whereas, on that basis, there must be determined, in the light of the seriousness of the offence and depending on whether it has been established or suspected, a series of varied measures ranging from tighter controls to the exclusion of the operators concerned from taking part in operations to be determined when their fraudulent actions are established;

Whereas certain of the rules to be adopted for the implementation of the said system may, particularly with regard to the definition of irregularities in accordance with Article 1 (3) of Regulation (EC) No 1469/95, with regard to the determination of operators within the meaning of the second indent of Article 5 of that Regulation and with regard to the rules on the limitation period, henceforth refer to the pertinent horizontal provisions of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests⁽²⁾; whereas, with regard to the further specifications to be made regarding cases of founded suspicion of an irregularity requiring application of the system, it is necessary to define the 'preliminary administrative or judicial report' within the meaning of point (b) of Article 1 (2) of Regulation (EC) No 1469/95; whereas, however, the Member States should apply their relevant national rules to determine whether the irregularity has been committed or attempted, deliberately or through gross negligence;

Whereas, in order to ensure the proper functioning of the system and without prejudice to the Member States' obligation to prevent and prosecute all irregularities, the application of this system should be restricted to cases of irregularities of a certain magnitude; whereas, in order to apply the measures to be taken in the event of suspected or established irregularities as uniformly as possible, the scope of such measures and the criteria for their duration should be fixed;

Whereas rules governing the content and follow-up of notifications made under Regulation (EC) No 1469/95 must be adopted, including provisions for immediately removing from the current closed system of confidential identification and notification those operators who are no longer suspected on solid grounds of having committed an irregularity or with respect to whom the duration of application of the measure or measures within the meaning of Article 3 (1) of Regulation (EC) No 1469/95 has expired;

Whereas, lastly, in accordance with the third indent of Article 5 of Regulation (EC) No 1469/95, it is necessary to determine the conditions under which operators may avoid the suspension of payments by lodging a security in cases where none of the advance payment arrangements referred to in Article 18 of Commission Regulation (EEC) No 2220/85 of 22 July 1985 laying down common detailed rules for the application of the system of securities for agricultural products⁽³⁾, as last amended by Regulation (EEC) No 3403/93⁽⁴⁾, apply;

Whereas information exchanged as provided for in the system introduced by Regulation (EC) No 1469/95 concerns mainly natural persons; whereas the system is subject therefore to the rules for the protection of fundamental rights and freedoms contained in Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁽⁵⁾, and, *mutatis mutandis*, in the provisions laid down to that end relating to mutual assistance in customs and agricultural matters;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee of the European Agricultural Guidance and Guarantee Fund (EAGGF),

⁽¹⁾ OJ No L 145, 29. 6. 1995, p. 1.

⁽²⁾ OJ No L 312, 23. 12. 1995, p. 1.

⁽³⁾ OJ No L 205, 3. 8. 1985, p. 5.

⁽⁴⁾ OJ No L 310, 14. 12. 1993, p. 4.

⁽⁵⁾ OJ No L 281, 23. 11. 1995, p. 31.

HAS ADOPTED THIS REGULATION:

Chapter I: Definitions

Article 1

1. For the purposes of Regulation (EC) No 1469/95, 'irregularity', within the meaning of point (a) of Article 1 (2) thereof, shall mean any infringement of a provision of Community law, in the fields referred to in Article 1 (1) of that Regulation, that is the result of an act or omission by an economic operator which is harmful to or may be harmful to the EAGGF Guarantee Section.

2. The 'preliminary administrative or judicial report' within the meaning of point (b) of Article 1 (2) of Regulation (EC) No 1469/95 shall mean the first written assessment, even if only internal, by a competent administrative or judicial authority, concluding on the basis of concrete facts that an irregularity has been committed, deliberately or through gross negligence, without prejudice to the possibility of this conclusion being revised or withdrawn subsequently on the basis of developments in the administrative or judicial procedure.

3. For the purposes of this Regulation:

- (a) 'operators A' means the operators referred to in point (a) of Article 1 (2) of Regulation (EC) No 1469/95; and
- (b) 'operators B' means the operators referred to in point (b) of Article 1 (2) of that Regulation.

When applying the rules introduced by Regulation (EC) No 1469/95, it shall be specified in all instances whether an operator A or an operator B is concerned.

4. For the purposes of Article 1 (2), Article 3 (1) and Article 4 (1) of Regulation (EC) No 1469/95, as well as for the purposes of the provisions of this Regulation, operators A or operators B, as the case may be, shall include persons who, within the meaning of Article 7 of Regulation (EC, Euratom) No 2988/95, have participated in committing an irregularity or who are under a duty to take responsibility for an irregularity or to ensure that it is not committed.

5. Member States shall apply their relevant national legislation to determine whether the irregularity has been committed or attempted, deliberately or through gross negligence.

Chapter II: Scope

Article 2

1. Without prejudice to the obligation laid down in Article 8 (1) of Regulation (EEC) No 729/70 of the

Council⁽¹⁾ for Member States to prevent and prosecute any irregularity, Regulation (EC) No 1469/95 shall apply only to cases of irregularity which concern or would concern, alone or in combination with other irregularities committed by the same operator over a period of one year, an amount exceeding ECU 100 000.

2. The period of one year referred to in paragraph 1 shall start to run on the date on which the first irregularity was committed.

Article 3

1. Where the measure taken in respect of an operator A or of an operator B is the one referred to in point (a) of Article 3 (1) of Regulation (EC) No 1469/95, that measure shall, except in exceptional and duly substantiated cases, apply to the operations which the operator concerned carries out in any of the fields covered by Article 1 (1) of that Regulation.

2. The measure referred to in point (c) of Article 3 (1) of Regulation (EC) No 1469/95 shall apply only to the same field within the meaning of Article 1 (1) of that Regulation and to the same product sector as that in which the irregularity committed or attempted has been established.

3. In the case of the measure referred to in point (b) of Article 3 (1) of Regulation (EC) No 1469/95, the competent authorities of the Member States shall assess each individual case and determine the field or fields and product sectors concerned, taking due account of the real risks of possible further irregularities, and in particular:

- the stage of the inquiry being held, depending on whether an operator A or operator B is concerned,
- the volume of his operations within the EAGGF field,
- the amount of Community funds involved in the suspected or established irregularity,
- the seriousness of the irregularity, according to whether it has been committed or attempted, deliberately or through gross negligence.

4. The period of application of the measure or measures to be taken shall be determined on the basis of the criteria laid down in paragraph 3.

As regards the measure referred to in point (c) of Article 3 (1) of Regulation (EC) No 1469/95, the period of application is a minimum of six months, except in duly substantiated exceptional cases, and a maximum of five years.

⁽¹⁾ OJ No L 94, 28. 4. 1970, p. 13.

Article 4

Where the Commission itself awards contracts, it may choose not to take account of any applicant who has been notified to it as an operator A by a Member State.

The exclusion of an operator thus decided upon by the Commission shall be subject to the same rules as those applicable to the measure referred to in point (c) of Article 3 (1) of Regulation (EC) No 1469/95 decided on by a Member State. As regards the operator's prior hearing, the Commission shall give him the opportunity of making any comments he considers useful within a maximum period of two months.

Chapter III: Contents and follow-up of mutual notifications*Article 5*

1. Each Member State shall designate a single competent authority to make and receive notifications within the meaning of paragraph 2. The said authority shall transmit its notifications to the Commission, which will transmit them to the competent authorities of the other Member States.

2. The notifications exchanged in accordance with paragraph 1 shall be confidential and shall cover the following points:

- they shall identify the natural or legal persons within the meaning of Article 1 (4) of this Regulation in respect of whom one or more of the measures under Article 3 (1) of Regulation (EC) No 1469/95 have been taken, specifying whether the operators concerned are A or B,
- they shall give a brief indication of the concrete facts which led to the measure(s), specifying the current state of the inquiry where this has not yet been completed,
- they shall specify the measure(s) taken by the Member State concerned,
- they shall provide references to any notifications which may have been made already under Council Regulation (EEC) No 1468/81 ⁽¹⁾, Council Regulation (EEC) No 595/91 ⁽²⁾ or Regulation (EC) No 1469/95.

The Commission shall agree with the Member States a standard form for these notifications to be used by the competent authorities.

3. Each notification shall be made as soon as possible. It shall be supplemented by the competent authority which has made it when, with a view to the application of Article 6, the Commission or the competent authority of

another Member State, through the Commission, requests additional information or where new significant facts or changes need to be notified.

Article 6

Once a Member State and the Commission have received a notification within the meaning of Article 5 (2), they shall decide as soon as possible upon the measures to be applied in relation to the operator or operators concerned in respect of those of his or their operations coming under their respective responsibility, taking account of the criteria laid down in Article 3.

Member States shall, in accordance with Article 5, notify the Commission of the steps they have taken. The Commission shall inform the Member State which made the initial notification.

Article 7

1. Operators B shall be eliminated from the identification and notification system and the measures applied to them shall be discontinued as soon as the first evaluation referred to in Article 1 (2) proves to be unfounded.

2. When a Member State informs the Commission that a natural or legal person whose name had previously been notified to it under Article 5 (1) has proved, upon further investigation, not to have been implicated in the irregularity, the Commission shall without delay relay this fact to the other Member States, which shall in their turn immediately inform those to whom they had notified these personal data under Regulation (EC) No 1469/95.

That person shall then no longer be treated as a person implicated in the irregularity on the basis of the first notification.

3. Any operator shall be eliminated from the system of identification and notification at the end of the period of application of the measure concerned within the meaning of Article 3 (1) of Regulation (EC) No 1469/95.

Chapter IV: Final arrangements*Article 8*

1. The exclusion measure referred to in point (c) of Article 3 (1) of Regulation (EC) No 1469/95 may not be applied to irregularities committed before the entry into force of that Regulation.

2. The measure referred to in paragraph 1 may be applied only within a period of four years from the time when the irregularity in question was committed. The other provisions on the limitation period in Article 3 (1) of Regulation (EC, Euratom) No 2988/95 shall also apply.

⁽¹⁾ OJ No L 144, 2. 6. 1981, p. 1.

⁽²⁾ OJ No L 67, 14. 3. 1991, p. 11.

Article 9

1. Where the measure referred to in point (b) of Article 3 (1) of Regulation (EC) No 1469/95 is taken and none of the advance payment arrangements referred to in Article 18 of Regulation (EEC) No 2220/85 is applied, Member States shall be authorized to pay out the suspended payment once a security of an equivalent amount plus 15 % has been lodged.

2. The security shall be declared forfeit to the EAGGF Guarantee Section when, for the operation concerned, the irregularity has been established by means of a definitive administrative or judicial decision within the meaning of point (a) of Article 1 (2) of Regulation (EC) No 1469/95.

It shall, moreover, remain forfeit if the suspended payment is found not to be due for reasons other than the existence of an irregularity.

Where neither of these reasons for forfeiting the security are present, it shall be released immediately for the operation in question.

3. The provisions of Regulation (EEC) No 2220/85 shall apply to the security referred to in paragraph 1, which shall be regarded as a security on an advance payment within the meaning of Title IV of that Regulation.

Article 10

1. For the purposes of Regulation (EC) No 1469/95, Member States shall take all appropriate additional steps:

- (a) to ensure good internal coordination between the authorities concerned and, in particular, to provide rapid information to the authorities responsible for applying the preventive measures adopted; and
- (b) to establish direct and effective cooperation between the authority which they make specifically responsible for this matter under Article 5 (1) of this Regulation and the Commission.

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

Done at Brussels, 24 April 1996.

2. Before 1 October 1996, Member States shall notify to the Commission the steps they have taken under paragraph 1.

Article 11

1. All appropriate technical and organizational measures necessary to maintain the security of the identification and notification system shall be taken by the Member States and the Commission, each in respect of the part of the system which concerns it. The aim of the measures shall, in particular, be to prevent any unauthorized person from obtaining access to data or data media or to installations used for the processing of data.

2. Member States and the Commission shall regard the identification and notification system as a system for processing personal data and shall ensure the proper application of the personal data-protection provisions referred to in the fifth subparagraph of Article 4 (2) of Regulation (EC) No 1469/95 and in Directive 95/46/EC.

3. For the part of the system which concerns it, each Member State and the Commission shall be responsible, in accordance with national laws, regulations and procedures or equivalent Community provisions, for any injury caused to a person through the unlawful use of personal information under the system, in particular where the injury was caused as a result of the Member State or the Commission providing inaccurate data or entering inaccurate data into the system contrary to this Regulation.

4. The Commission shall publish in the *Official Journal of the European Communities* a notice concerning the introduction of the identification and notification system.

Article 12

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

It shall apply from 1 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 746/96**of 24 April 1996****laying down detailed rules for the application of Council Regulation (EEC) No 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside⁽¹⁾, as last amended by Commission Regulation (EC) No 2772/95⁽²⁾, and in particular Article 9 thereof,

Whereas the scheme instituted by Regulation (EEC) No 2078/92 is implemented by means of programmes drawn up by Member States and regions;

Whereas experience gained during the initial stage of the preparation and implementation of the environmental programmes raised various general questions and revealed a number of administrative problems; whereas, in order to apply the measure effectively throughout the Community, it is necessary to regulate those matters by means of rules of application which will add detail to the framework provided by Regulation (EEC) No 2078/92 itself;

Whereas those rules of application should be restricted to those matters which currently need to be regulated at Community level, there being no desire to lay down exhaustive rules regarding all the problems arising during the preparation and implementation of agri-environmental programmes;

Whereas this Regulation does not prejudice the broad scope given to Member States by Regulation (EEC) No 2078/92 to determine the agri-environmental measures which are most appropriate to the various situations and natural circumstances in their own agriculture and to define in detail the conditions for the granting of aid in conformity with Article 5 of the said Regulation;

Whereas provision should be made to define certain conditions for the grant of aid which Member States must comply with when drawing up and implementing their agri-environmental programmes; whereas those conditions are based on the programme approval practice which the Commission has followed to date with the agreement of the Member States;

Whereas pursuant to Regulation (EEC) No 2078/92, the main undertakings to be given by farmers should

normally go beyond the mere implementation of good farming practice, in particular by means of a substantial reduction in the use of inputs, without prejudice to the need, under specific conditions, to help farmers to continue farming in unfavourable areas, to respect new legal constraints with regard to the environment and to maintain environmental practices already introduced;

Whereas consistency between the agri-environmental measures and other measures under the various Community policies must be ensured during the implementation of the agri-environmental programmes, in particular those environmental policies which affect agriculture and economic and social cohesion; whereas, in particular, any over-compensation owing to the combination of aid and any other inconsistency in the definition of undertakings must be avoided;

Whereas the content of the agri-environmental programmes must take account of developments in the Community's agricultural and environmental policies;

Whereas definition of the minimum conditions to be respected by farmers in connection with the various undertakings will ensure a more balanced application of the measures, taking account of the objectives of Regulation (EEC) No 2078/92;

Whereas the rules governing the cohesion of aid must be specified;

Whereas several matters of a general nature have been raised by Member States regarding the performance of undertakings; whereas common rules should be adopted in this respect so as to guarantee the necessary flexibility, in particular to take account of events which could affect the five-year undertakings given, without, however, jeopardizing the effective implementation of the scheme;

Whereas administrative provisions will permit better administration, monitoring and control of the agri-environmental measures; whereas in the interests of simplicity such provisions are based, as far as possible, on existing rules such as the integrated administration and control system set out in Council Regulation (EEC) No 3508/92⁽³⁾, as last amended by Regulation (EC) No 3235/94⁽⁴⁾;

⁽¹⁾ OJ No L 215, 30. 7. 1992, p. 85.

⁽²⁾ OJ No L 288, 1. 12. 1995, p. 35.

⁽³⁾ OJ No L 355, 5. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 338, 28. 12. 1994, p. 16.

Whereas by virtue of Council Decision 94/729/EC of 31 October 1994 concerning budgetary discipline ⁽¹⁾ and in particular Article 6 (3) thereof, the Commission is required to establish a system of financial monitoring which enables it to react within the framework of the warning system for budgetary discipline in order to respect the agriculture guideline;

Whereas a substantially new scheme such as that introduced by Regulation (EEC) No 2078/92 requires particular effort on the part of Member States and the Commission as regards its monitoring and evaluation; whereas such monitoring and evaluation will permit the early identification of any shortcomings in the implementation of programmes, requiring, where necessary, adjustments to the measures concerned in order to bring them more closely into line with specific needs and thus enabling the objectives of Regulation (EEC) No 2078/92 to be achieved;

Whereas farmers who do not fulfil their undertakings must repay the aid received and be subject to penalties respecting the principle of proportionality; whereas Member States, when fixing such penalties, must take account of the fact that it will be difficult to carry out a systematic check on compliance with certain undertakings;

Whereas the rules on reimbursement of aid and penalties contained in this Regulation apply without prejudice to the general rules established in this respect by Council Regulation (EEC) No 595/91 ⁽²⁾ and by Council Regulation (EC, Euratom) No 2988/95 ⁽³⁾;

Whereas this Regulation repeats the provisions of Commission Regulation (EC) No 1405/94 of 20 June 1994 laying down detailed rules for the financial monitoring of programmes approved under Council Regulation (EEC) No 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside ⁽⁴⁾; whereas that Regulation should therefore be repealed;

Whereas transitional provisions should ensure that the rules of this Regulation do not affect the content of undertakings already given; whereas the provisions of an administrative nature should be applied to current undertakings;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Committee on Agricultural Structures and Rural Development,

HAS ADOPTED THIS REGULATION:

CHAPTER I

CONDITIONS FOR GRANT OF AID

Article 1

Principle

The aid for farmers referred to in Article 2 (1) of Regulation (EEC) No 2078/92 shall be granted in respect of undertakings which have a positive impact on the environment and countryside. Taking into account the objectives set out in Article 1 of the said Regulation, the undertakings must make methods of production more compatible with the requirements of protection of the environment and thus contribute to an improvement in good farming practice.

Article 2

Respect for Community rules

1. Member States shall take all necessary steps to ensure that agri-environmental measures are compatible with Community rules. They shall, in preparing, implementing, as well as in monitoring and evaluating the measures, ensure coordination between the authorities responsible for the realization of the objectives set out in Article 1 of Regulation (EEC) No 2078/92.
2. In order to define the content of the various undertakings and determine the level of the different aids, Member States shall take account in particular of:
 - the common market organizations and especially the rules controlling production in the different sectors,
 - Community rules on quality products and organically produced products,
 - specific Community provisions on the protection of the agricultural environment.
3. Where necessary, agri-environmental measures shall be revised subsequently, in line with environmental aspects of Community rules concerning the markets in the various products.

Article 3

Conversion of arable land into pasture

An undertaking by a farmer to convert arable land into extensive pasture as provided for in point (b) of Article 2 (1) of Regulation (EEC) No 2078/92 shall include at least an obligation to respect the equivalent of a stocking density per hectare of land converted, which, calculated over a period of 12 months, may not in any instance exceed 1,4 LU.

⁽¹⁾ OJ No L 293, 12. 11. 1994, p. 14.

⁽²⁾ OJ No L 67, 14. 3. 1991, p. 11.

⁽³⁾ OJ No L 312, 23. 12. 1995, p. 1.

⁽⁴⁾ OJ No L 154, 21. 6. 1994, p. 12.

*Article 4***Extensification**

An undertaking by a farmer to extensify livestock production as provided for in point (c) of Article 2 (1) of Regulation (EEC) No 2078/92 shall comply, at least, with the following conditions:

- the maximum initial stocking density to be taken into consideration for the calculation of the aid shall not exceed 4,5 LU/ha of forage area,
- the maximum stocking density fixed by the Member State to be attained by the end of the first year of the undertaking and maintained until its expiry, may not in any instance exceed 2 LU/ha of forage area,
- extensification shall not be achieved by increasing the size of the intensive forage area on the holding,
- the livestock shall be distributed across the holding in such a way that the whole of the forage area is maintained, thus avoiding both over-grazing and under utilization.

Member States shall determine a minimum threshold below which extensification shall have no value or pose no threat to the environment, bearing in mind the specific situation in the regions concerned.

*Article 5***Linear units**

Where undertakings concerning other production practices compatible with the environment and the maintenance of the countryside, as provided for in point (d) of Article 2 (1) of Regulation (EEC) No 2078/92, are normally measured in linear units, the aid may be determined by converting the inherent costs in linear metres into hectare equivalents in the programme. This equivalence shall result in aid per hectare which must respect the maximum amounts contained in Article 4 (2) and (3) of Regulation (EEC) No 2078/92 in respect of the whole area of the holding.

*Article 6***Abandoned land**

1. For the purposes of point (e) of Article 2 (1) of Regulation (EEC) No 2078/92 farmland may be considered abandoned if it has not been the subject of any agricultural use or farming activity for at least three successive

years prior to the undertaking and if it has not been included in a crop-rotation scheme during that period.

2. For the purposes of point (e) of Article 2 (1) of Regulation (EEC) No 2078/92 woodland may be considered abandoned if it has not been used for any woodland purpose or if no woodland practice that may have been necessary has taken place in the 10 years prior to the undertaking, if the condition of the land poses a threat to the environment as a result of the lack of upkeep and if the owner of the land cannot be required to carry out such work.

3. Aid for the upkeep of abandoned farmland or woodland is, in principle limited to farmers. The granting of aid to persons other than farmers, where no farmers are available, is to specific terms to be determined by Member States. Works undertaken by a public authority by its own means may not be the subject of an aid for upkeep. The owner of woodland who is not a farmer may not benefit from an aid for upkeep.

*Article 7***Environmental set-aside**

The measure for long-term set-aside provided for in point (f) of Article 2 (1) of Regulation (EEC) No 2078/92 may not be applied to extensive pasture, save where, in the context of the establishment of biotope reserves, natural parks or specific measures for the protection of water, the set-aside would represent a better means of protection of the environment than the maintenance of extensive pasture.

*Article 8***Courses, traineeships and demonstration projects**

1. In the context of courses, traineeships and demonstration projects within the meaning of Articles 2 (2) and 6 of Regulation (EEC) No 2078/92, the cost of durable equipment shall be eligible for part-financing only in proportion to the use to which the equipment is put for such courses, traineeships and demonstration projects.

2. Demonstration projects within the meaning of Article 6 (2) of Regulation (EEC) No 2078/92 shall be designed to demonstrate the feasibility and viability of new farming techniques on which research has previously been carried out producing practical results. Research and development costs shall not be eligible for Community part-financing.

Member States shall see to it that the results of demonstration projects are disseminated at the appropriate level.

*Article 9***Determination of aid**

1. Member States shall determine the incentive component of the aid as provided for in point (b) of Article 5 (1) of Regulation (EEC) No 2078/92 on the basis of objective criteria. It shall not exceed 20 % of the loss of income and additional costs incurred as a result of the undertaking, except in the case of specific undertakings where a higher rate proves to be indispensable for the effective implementation of the measure. Any such higher rate, as well as any differentiation in the incentive component, must be duly substantiated, having regard to all the objectives of Regulation (EEC) No 2078/92.

2. Where a Member State provides, for the same agri-environmental practices, aid for the maintenance of those practices and aid for the introduction of those practices, it shall differentiate the aid for maintenance and the aid for introduction, if such differentiation is required having regard to the loss of income, the additional costs and the incentive component.

3. The costs of preparing aid applications shall not be taken into consideration when determining the level of the aid.

*Article 10***Combination of aids**

1. The same undertaking may not be the subject of payments simultaneously under Regulation (EEC) No 2078/92 and under another Community aid scheme.

In this context:

- agri-environmental measures on land set aside pursuant to Article 7 of Council Regulation (EEC) No 1765/92⁽¹⁾ shall qualify for aid only if the undertakings so beyond the appropriate environmental measures referred to in Article 7 (3) of that Regulation,
- in the case of extensification of beef production, the aid shall take account of the additional premium paid pursuant to point (h) of Article 4 (1) of Council Regulation (EEC) No 805/68⁽²⁾,
- agri-environmental measures on holding eligible for a compensatory allowance pursuant to Articles 17, 18 and 19 of Council Regulation (EEC) No 2328/91⁽³⁾ shall qualify for aid only if the undertakings go beyond the conditions laid down for the grant of the compensatory allowances pursuant to point (c) of Article 19 (1) of that Regulation.

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 12.

⁽²⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽³⁾ OJ No L 218, 6. 8. 1991, p. 1.

2. The various aid accruing to undertakings provided for in Article 2 of Regulation (EEC) No 2078/92 may be combined with one another and with other Community aid provided that the terms of the undertakings are complementary and compatible.

Where there is such a combination, the level of the aid shall take account of income losses and specific additional costs arising from the combination.

Aid for long-term set-aside as provided for in point (f) of Article 2 (1) of Regulation (EEC) No 2078/92 may not be aggregated with compensation for loss of income in the context of afforestation (Article 2 of Council Regulation (EEC) No 2080/92⁽⁴⁾).

CHAPTER II**PERFORMANCE OF UNDERTAKINGS***Article 11***Transfer of holding**

1. When, during the period of an undertaking, a beneficiary transfers all or part of his holding to another person, the latter may take on the undertaking for the remainder of the period. If such a continuation does not take place, the beneficiary shall reimburse, in accordance with Article 20 (1), the aid paid. Member States may choose not to require such reimbursement if, in the case of a definitive cessation of agricultural activities by a beneficiary who has already completed three years of his undertaking, a continuation of the undertaking by a successor proves not to be feasible.

Member States may take specific measures, in the case of minor changes to the situation of the holding, to avoid that the application of the first subparagraph leads to inappropriate results in the light of the undertaking entered into.

2. Where a beneficiary is unable to continue to comply with undertakings given by virtue of the fact that the holding is subject to reparcellation or other similar public exercise of land consolidation, Member States shall take the measures necessary to provide for the adaptation of the undertakings to the new situation of the holding. If such adaptation proves impossible, the undertaking shall expire and reimbursement shall not be required in respect of the period in which the undertaking was effective.

⁽⁴⁾ OJ No L 215, 30. 7. 1992, p. 96.

Article 12

Force majeure

1. Without prejudice to actual circumstances to be taken into consideration in individual cases, Member States may recognize, in particular, the following cases of *force majeure*:

- (a) death of the farmer;
- (b) long-term professional incapacity of the farmer;
- (c) expropriation of a large part of the holding if such expropriation could not be anticipated on the day the undertaking was given;
- (d) a severe natural disaster gravely affecting the holdings' agricultural land;
- (e) the accidental destruction of livestock buildings on the holding;
- (f) an epizootic affecting part or all the farmer's livestock.

Member States shall notify the Commission of cases which they recognize as *force majeure*.

2. Cases of *force majeure* with relevant evidence to the satisfaction of the competent authority must be lodged in writing with the competent authority within 10 working days of the date on which the farmer is in a position to do so.

Article 13

Transformation of undertakings

Member States may authorize the transfer from one undertaking to another undertaking during the period of operation of the undertakings on condition that:

- any such transfer is of unquestionable benefit to the environment,
- the existing undertaking is significantly reinforced, and
- the approved programme includes the measures concerned.

Under the conditions set out in the first subparagraph, first and second indents, a transfer from an undertaking under Regulation (EEC) No 2078/92 to an undertaking for afforestation under Regulation (EEC) No 2080/92 may be authorized. The undertaking under Regulation (EEC) No 2078/92 shall cease without reimbursement being required.

CHAPTER III

ADMINISTRATIVE PROVISIONS

Article 14

Rules governing undertakings and payment procedures

1. The date on which an undertaking takes effect shall be fixed in the beneficiary's undertaking so as to enable

effective verification. This date shall in no circumstances be earlier than the date of submission of the initial application.

2. Except in duly substantiated cases, aid shall be paid to beneficiaries at least once per year. It shall be paid within a period to be determined by the Member State. This period must expire not later than four months after the end of the period in respect of which the payment must be made.

3. Where aid is paid to beneficiaries at least once per year, payments subsequent to that for the first year in which an application is submitted shall be made on the basis of an annual request for payment of the aid. In any event, changes which have taken place or are planned and which have a bearing on the undertaking entered into, must be reported by the beneficiary, at least on an annual basis.

Article 15

Information and publicity

Member States shall ensure that the agri-environmental measures are given adequate publicity in order to:

- alert potential beneficiaries and farming organizations to the specific objectives of the agri-environmental measures and the opportunities afforded,
- alert beneficiaries and the general public to the role played by the Community in relation to the aid scheme.

Article 16

Monitoring and evaluation

1. Member States shall be responsible for the monitoring and evaluation of agri-environmental measures.

2. Monitoring must make it possible to determine how the undertakings have been implemented in practice. In addition, monitoring shall facilitate, if necessary, the adjustment of the agri-environmental measures on the basis of the needs that come to light during implementation.

3. The evaluation of agri-environmental measures shall take account of the objectives of Regulation (EEC) No 2078/92 and of the specific objectives of the measure in question and cover the socioeconomic, agricultural and environmental aspects. Evaluation shall be devised on the basis of trends in and the characteristics of the area of application.

4. Member States shall inform the Commission of the plans and procedures for, and the results of, monitoring and evaluation carried out for the various agri-environmental measures.

Article 17

Financial monitoring

1. Member States shall forward information on progress in implementing each programme approved under Regulation (EEC) No 2078/92 as at 15 April and 15 October of each financial year using the table set out in Annex I hereto and distinguishing, where applicable, between Objective 1 regions and other regions. The information must reach the Commission within 45 days of the stated dates.

2. Member States shall also forward forecasts of expenditure to the Commission each quarter using the table set out in Annex II.

The forecasts must reach the Commission by 31 March, 30 June, 30 September and 31 December.

Article 18

Amendment of programmes

Without prejudice to Article 3 (3) of Regulation (EEC) No 2078/92, amendments of programmes shall be duly substantiated. Requests for amendments shall contain, in particular:

- the reasons and problems of implementation, if any, justifying adjustment of the programme,
- the expected effects of the amendment,
- the implications for financing and verification of undertakings.

Article 19

Verification

1. Initial applications to a scheme and successive applications for payment shall be checked in a manner which ensures effective verification of compliance with the conditions for the granting of the aid. In line with the nature of the undertakings, Member States shall define the systems and means for their verification as well as the persons who shall be subject to checks. In all appropriate cases, Member States shall have recourse to the integrated administration and control system established by Regulation (EEC) No 3508/92.

2. Verifications shall be carried out by means of administrative and on-the-spot checks.

3. Administrative checks shall be exhaustive and include cross-checks, *inter alia* in all appropriate cases with data from the integrated administration and control system, on areas of land and livestock covered by an undertaking in order to avoid all unjustified double payments of aid in respect of the same application year. Compliance with the five-year undertaking shall also be checked.

4. On-the-spot checks shall be undertaken in accordance with Articles 6 and 7 of Commission Regulation (EEC) No 3887/92⁽¹⁾. They shall concern at least 5 % of beneficiaries each year, covering all the different types of undertaking set out in the programmes.

In as far as possible, all undertakings given by a beneficiary shall be the subject of checking. If necessary, checks on specific undertakings shall be made at different times of the year.

5. Land areas and animals shall be identified in accordance with Articles 4 and 5 of Regulation (EEC) No 3508/92.

Where the application for payment is included with an application for 'area' aid in the integrated control system, the Member State shall ensure that parcels for which the aid set out in Article 2 (1) of Regulation (EEC) No 2078/92 is requested are declared separately in the application for 'area' aid in the integrated control system.

Article 20

Reimbursement of aid and penalties

1. In cases of wrongful payment, the farmer concerned shall be required to reimburse the amount in question plus interest for the period between payment and the reimbursement by the beneficiary.

The rate of interest applicable shall be calculated in accordance with the provisions of national law and shall, in no case, be lower than the interest rate applicable in the case of recovery of national amounts.

No interest or, at the most, an amount to be determined by the Member State corresponding to the undue benefit, shall be levied if the wrongful payment was an error of the competent authority.

However, Member States may decide that the amount owed should not be reimbursed but deducted from the first advance or first payment due to the farmer concerned after the date on which the reimbursement decision was taken. No interest shall run after the beneficiary has been informed of the wrongful payment.

⁽¹⁾ OJ No L 391, 31. 12. 1992, p. 36.

Member States may decide not to claim repayment of amounts of ECU 100 or less per farmer per calendar year provided that their national law includes corresponding non-recovery rules for similar circumstances.

2. Member States shall determine a system of penalties to be imposed in the event of breaches of undertakings entered into and of regulatory provisions applicable to the case, and take all necessary steps to put the system into operation. Such penalties shall be effective, shall be commensurate with their purpose and shall have adequate deterrent effect. Member States shall inform the Commission of their system of penalties.

3. Where a false declaration is made intentionally or as a result of gross negligence, the farmer in question shall be excluded from all aid under Regulation (EEC) No 2078/92. He may provide a new agri-environment undertaking only after a period of two years. This penalty shall apply without prejudice to additional penalties provided for under national rules.

CHAPTER IV

FINAL PROVISIONS

Article 21

State aid

This Regulation shall apply without prejudice to the right of Member States to apply additional aid measures

pursuant to Article 10 (1) of Regulation (EEC) No 2078/92. This Regulation shall not affect the authorization of such aid by the Commission.

Article 22

Regulation (EEC) No 1405/94 is repealed.

Article 23

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

2. Articles 1 to 10 shall apply to undertakings given from 1 January 1997.

Articles 11 to 14 and Articles 19 and 20 shall apply with effect from 1 January 1997. As regards undertakings given before that date, the said Articles shall apply only in respect of actions taken and events occurring from that date.

3. Member States shall, if necessary, adopt their programmes to the provisions of this Regulation and submit them to the Commission by 30 September 1996. These changes shall be considered to conform to this Regulation if the Commission raises no objection within a period of three months from the date of receipt.

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

Done at Brussels, 24 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Information to be forwarded under Regulation (EEC) No 2078/92

Member State:

Programme:

Objective 1 regions / non-Objective 1 regions (delete as appropriate):

Scheme concerned (please specify):

Period for submission of requests by farmers:

Duration of individual undertakings (years):

Number of outstanding applications to the scheme:

	Previous cumulative position at ...	Period from ... to ... ⁽²⁾		New cumulative position at ...
		Withdrawals from scheme following expiry or termination of contracts	New undertakings	
I. Applications to scheme accepted, following scrutiny				
(a) Number of beneficiaries whose applications have been accepted				
(b) Number of:				
— hectares ⁽¹⁾				
— LU ⁽¹⁾				
for which undertakings have been given				
(c) Average annual eligible premium				
— per hectare ⁽¹⁾				
— per LU ⁽¹⁾				
II. Budget cost of applications accepted	Up to 15.10.199.. financial year (t) ⁽³⁾	Financial year (t+1)	Financial year (t+2)	Financial year (t+3)
(a) Total for new cumulative position (estimate)				Financial year (t+4)
of which:				
(b) EAGGF Guarantee Section				

⁽¹⁾ Depending on scheme being declared.⁽²⁾ For the declaration of the situation at 15 April, the period runs from 16 October of the previous year to 15 April of the current one. For that at 15 October, the period runs from 16 April to 15 October of the current year.⁽³⁾ For the declaration of the situation at 15 April, the financial year (t) refers to the current EAGGF financial year. For that at 15 October, the financial year (t) refers to the one just ended.

ANNEX II

Expenditure forecasts to be forwarded under Regulation (EEC) No 2078/92

Member State:

Notification of (1) ...

	Financial years	
	Up to 15. 10. 19... financial year (t)	Financial year (t+1)
A. Forecast of total expenditure eligible for Community part-financing (in national currency) of which: expenditure in Objective 1 regions		
B. Expenditure chargeable to the EAGGF Guarantee Section		

(1) Give date.

Notes:

1. The forecasts must not be confined to applications that have received final approval but must also cover other prospective payments.
2. Financial year (t) is the current EAGGF financial year.

COMMISSION REGULATION (EC) No 747/96

of 24 April 1996

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of large-flowered roses originating in Morocco

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 4088/87 of 21 December 1987 fixing conditions for the application of preferential customs duties on imports of certain flowers originating in Cyprus, Israel, Jordan and Morocco⁽¹⁾, as last amended by Regulation (EC) No 539/96⁽²⁾, and in particular Article 5 (2) (b) thereof,

Whereas Regulation (EEC) No 4088/87 lays down the conditions for applying a preferential duty on large-flowered roses, small-flowered roses, uniflorous (bloom) carnations and multiflorous (spray) carnations within the limit of tariff quotas opened annually for imports into the Community of fresh cut flowers;

Whereas Council Regulation (EC) No 1981/94⁽³⁾, as last amended by Regulation (EC) No 585/96⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

Whereas Article 2 of Regulation (EEC) No 4088/87 provides, on the one hand, that for a given product of a given origin, the preferential customs duty is to be applicable only if the price of the imported product is at least equal to 85 % of the Community producer price; whereas, on the other hand, the preferential customs duty is, except in exceptional cases, suspended and the Common Customs Tariff duty introduced for a given product of a given origin:

- (a) if, on two successive market days, the prices of the imported product are less than 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on representative import markets;

or

- (b) if, over a period of five to seven successive market days, the prices of the imported product are alternatively above and below 85 % of the Community producer price in respect of at least 30 % of the quantities for which prices are available on the representative import markets and if, for three days

during that period, the prices of the import product have been below that level;

Whereas Commission Regulation (EC) No 2524/95⁽⁵⁾ fixes the Community producer prices for carnations and roses for the application of the import arrangements;

Whereas Commission Regulation (EEC) No 700/88⁽⁶⁾, as last amended by Regulation (EEC) No 2917/93⁽⁷⁾, lays down the detailed rules for the application of the arrangements;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, 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⁽¹⁰⁾, as last amended by Regulation (EC) No 2853/95⁽¹¹⁾;

Whereas, on the basis of prices recorded pursuant to Regulations (EEC) No 4088/87 and (EEC) No 700/88, it must be concluded that the conditions laid down in Article 2 (2) of Regulation (EEC) No 4088/87 for suspension of the preferential customs duty are met for large-flowered roses originating in Morocco; whereas the Common Customs Tariff duty should be re-established,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of large-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) originating in Morocco, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 25 April 1996.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 84, 3. 4. 1996, p. 8.

⁽⁵⁾ OJ No L 258, 28. 10. 1995, p. 42.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 299, 12. 12. 1995, p. 1.

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

Done at Brussels, 24 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 748/96
of 24 April 1996
fixing the import duties in the rice sector

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 3072/95⁽²⁾,

Having regard to Commission Regulation (EC) No 1573/95 of 30 June 1995 laying down detailed rules for the application of Council Regulation (EEC) No 1418/76 as regards import duties in the rice sector⁽³⁾, as last amended by Regulation (EC) No 321/96⁽⁴⁾, and in particular Article 4 (1) thereof,

Whereas Article 12 of Regulation (EEC) No 1418/76 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention buying price valid for such products on importation and increased by a certain percentage according to whether it is Indica or Japonica rice and also husked or milled rice, minus the cif import price applicable to the consignment in question provided that duty does not exceed the rate of the Common Customs Tariff duties;

Whereas, pursuant to Article 12 (4) of Regulation (EEC) No 1418/76, the cif import prices are calculated on the basis of the prices for the product in question on the world market;

Whereas Regulation (EC) No 1573/95 lays down detailed rules for the application of Regulation (EEC) No 1418/76 as regards import duties in the rice sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference referred to in Annex I to Regulation (EC) No 1573/95 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1573/95 results in import duties being fixed as set out in the Annexes to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the rice sector referred to in Article 12 (1) and (2) of Regulation (EEC) No 1418/76 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 25 April 1996.

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

Done at Brussels, 24 April 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽³⁾ OJ No L 150, 1. 7. 1995, p. 53.

⁽⁴⁾ OJ No L 45, 23. 2. 1996, p. 3.

ANNEX I

to the Commission Regulation of 24 April 1996 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties (*)				
	Third countries (except ACP and Bangladesh) (°) (°)	ACP Bangladesh (°) (°) (°) (°)	Basmati India (°) Article 4, Regulation (EC) No 1573/95	Basmati Pakistan (°) Article 4, Regulation (EC) No 1573/95	Arrangement in Regulation (EEC) No 3877/86 (°)
1006 10 21	(°)	150,76			
1006 10 23	(°)	150,76			
1006 10 25	(°)	150,76			
1006 10 27	(°)	150,76			—
1006 10 92	(°)	150,76			
1006 10 94	(°)	150,76			
1006 10 96	(°)	150,76			
1006 10 98	(°)	150,76			—
1006 20 11	267,54	129,43			
1006 20 13	267,54	129,43			
1006 20 15	267,54	129,43			
1006 20 17	346,12	168,72	96,12	296,12	—
1006 20 92	267,54	129,43			
1006 20 94	267,54	129,43			
1006 20 96	267,54	129,43			
1006 20 98	346,12	168,72	96,12	296,12	—
1006 30 21	520,64	245,41			
1006 30 23	520,64	245,41			
1006 30 25	520,64	245,41			
1006 30 27	(°)	290,59			—
1006 30 42	520,64	245,41			
1006 30 44	520,64	245,41			
1006 30 46	520,64	245,41			
1006 30 48	(°)	290,59			—
1006 30 61	520,64	245,41			
1006 30 63	520,64	245,41			
1006 30 65	520,64	245,41			
1006 30 67	(°)	290,59			—
1006 30 92	520,64	245,41			
1006 30 94	520,64	245,41			
1006 30 96	520,64	245,41			
1006 30 98	(°)	290,59			—
1006 40 00	(°)	90,38			

(*) Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

(°) In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

(°) The import levy on rice entering the overseas department of Réunion is specified in Article 12 (3) of Regulation (EEC) No 1418/76.

(°) The duty on imports of rice not including broken rice (CN code 1006 40 00), originating in Bangladesh is applicable under the arrangements laid down in Council Regulation (EEC) No 3491/90 (OJ No L 337, 4. 12. 1990, p. 1) and amended Commission Regulation (EEC) No 862/91 (OJ No L 88, 9. 4. 1991, p. 7).

- (¹) Only for imports of rice of the long-grain aromatic Basmati variety under the arrangements laid down in amended Council Regulation (EEC) No 3877/86 (OJ No L 361, 20. 12. 1986, p. 1).
- (²) No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).
- (³) For husked rice of the Basmati variety originating in India and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 250 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁴) For husked rice of the Basmati variety originating in Pakistan and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 50 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁵) Duties fixed in the Common Customs Tariff.

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)(¹)	(²)	346,12	611,00	267,54	520,64	(¹)
2. Elements of calculation:						
(a) Arag cif price (\$/tonne)	—	380,37	387,89	480,00	505,00	—
(b) fob price (\$/tonne)	—	—	—	450,00	475,00	—
(c) Sea freight (\$/tonne)	—	—	—	30,00	30,00	—
(d) Source	—	USDA	USDA	Operators	Operators	—

(¹) Where rice is imported during the month following fixing, these import duties must be adjusted in accordance with the fourth subparagraph of Article 4 (1) of Regulation (EC) No 1573/95.

(²) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 749/96**of 24 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 25 April 1996.

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

Done at Brussels, 24 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 24 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	97,0	0805 30 20	052	128,2
	060	80,2		204	88,8
	064	59,6		220	74,0
	066	41,7		388	87,3
	068	62,3		400	66,7
	204	92,8		512	54,8
	208	44,0		520	66,5
	212	97,5		524	100,8
	624	119,8		528	74,9
	999	77,2		600	71,7
0707 00 15	052	97,0	0808 10 61, 0808 10 63, 0808 10 69	624	84,0
	053	156,2		999	81,6
	060	61,0		052	64,0
	066	53,8		064	78,6
	068	69,1		284	75,5
	204	144,3		388	73,9
	624	87,1		400	74,3
	999	95,5		404	72,7
	220	123,5		416	72,7
	999	123,5		508	93,3
0709 10 10	052	72,5		512	70,7
	204	77,5		524	85,1
	412	54,2		528	80,2
	624	199,7		624	86,5
0709 90 75	999	101,0		728	107,3
	052	44,8		800	78,0
	204	42,2		804	87,4
	208	58,0		999	80,0
0805 10 11, 0805 10 15, 0805 10 19	212	71,7	0808 20 37	039	90,4
	220	53,3		052	138,2
	388	40,5		064	72,5
	400	39,9		388	67,3
	436	41,6		400	78,2
	448	27,4		512	68,0
	528	53,6		528	75,8
	600	56,5		624	79,0
	624	44,0		728	115,4
	625	36,7		800	55,8
	999	46,9		804	112,9
				999	86,7

(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 750/96

of 24 April 1996

altering the export refunds on syrups and certain other sugar sector products
exported in the natural state

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⁾, and in particular Article 17 (5) thereof,Whereas the refunds on syrups and certain other sugar products were fixed by Commission Regulation (EC) No 558/96⁽³⁾, as amended by Regulation (EC) No 629/96⁽⁴⁾;

Whereas it follows from applying the rules, criteria and other provisions contained in amended Regulation (EC)

No 558/96 to the information at present available to the Commission that the export refunds at present in force should be altered as shown in the Annex hereto,

HAS ADOPTED THIS REGULATION:

Article 1

The refunds to be granted on the products listed in Article 1 (1) (d), (f) and (g) of Regulation (EEC) No 1785/81, exported in the natural state, as fixed in the Annex to amended Regulation (EC) No 558/96 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 25 April 1996.

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

Done at Brussels, 24 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 80, 30. 3. 1996, p. 25.
⁽⁴⁾ OJ No L 89, 10. 4. 1996, p. 26.

ANNEX

to the Commission Regulation of 24 April 1996 altering the export refunds on syrups and certain other sugar products exported in the natural state

Product code	Amount of refund
	— ECU/100 kg dry matter —
1702 40 10 100	39,50 ⁽²⁾ ⁽³⁾
1702 60 10 000	39,50 ⁽²⁾ ⁽³⁾
1702 60 90 200	75,05 ⁽³⁾ ⁽⁵⁾
	— ECU/1 % sucrose × 100 kg —
1702 60 90 800	0,3950 ⁽¹⁾ ⁽³⁾
	— ECU/100 kg dry matter —
1702 90 30 000	39,50 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
1702 90 60 000	0,3950 ⁽¹⁾ ⁽³⁾
1702 90 71 000	0,3950 ⁽¹⁾ ⁽³⁾
1702 90 99 900	0,3950 ⁽¹⁾ ⁽³⁾ ⁽⁴⁾
	— ECU/100 kg dry matter —
2106 90 30 000	39,50 ⁽²⁾ ⁽³⁾
	— ECU/1 % sucrose × 100 kg —
2106 90 59 000	0,3950 ⁽¹⁾ ⁽³⁾

⁽¹⁾ The basic amount is not applicable to syrups which are less than 85 % pure (Regulation (EEC) No 394/70). Sucrose content is determined in accordance with Article 13 of Regulation (EEC) No 394/70.

⁽²⁾ Applicable only to products referred to in Article 3 of Regulation (EEC) No 1469/77.

⁽³⁾ 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.

⁽⁴⁾ The basic amount is not applicable to the product defined under point 2 of the Annex to Regulation (EEC) No 3513/92 (OJ No L 355, 5. 12. 1992, p. 12).

⁽⁵⁾ Applicable only to products defined under Article 13 (3) of Regulation (EEC) No 394/70.

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

COMMISSION REGULATION (EC) No 751/96
of 24 April 1996
fixing 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 Article 10 of Regulation (EEC) No 1766/92 provides that the rates of duty in the Common Customs Tariff are to be charged on import of the products referred to in Article 1 of that Regulation; whereas, however, in the case of the products referred to in paragraph 2 of that Article, the import duty is to be equal to the intervention price valid for such products on importation and increased by 55 %, minus the cif import price applicable to the consignment in question;

Whereas, pursuant to Article 10 (3) of Regulation (EEC) No 1766/92, the cif import prices are calculated on the basis of the representative prices for the product in question on the world market;

Whereas Regulation (EC) No 1502/95 lays 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;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1502/95 during the two weeks preceding the next periodical fixing;

Whereas, in order to allow the import duty system to function normally, the representative market rates recorded during a reference period should be used for calculating the duties;

Whereas application of Regulation (EC) No 1502/95 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The import duties in the cereals sector referred to in Article 10 (2) of Regulation (EEC) No 1766/92 shall be those fixed in Annex I to this Regulation on the basis of the information given in Annex II.

Article 2

This Regulation shall enter into force on 25 April 1996.

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

Done at Brussels, 24 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.

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⁾	5,47	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	0,00	0,00
	low quality	0,00	0,00
1002 00 00	Rye	41,12	31,12
1003 00 10	Barley, seed	41,12	31,12
1003 00 90	Barley, other ⁽³⁾	41,12	31,12
1005 10 90	Maize seed other than hybrid	42,53	32,53
1005 90 00	Maize other than seed ⁽³⁾	42,53	32,53
1007 00 90	Grain sorghum other than hybrids for sowing	41,12	31,12

⁽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 23. 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)	170,33	179,38	172,04	142,08	190,11 ⁽¹⁾	154,47 ⁽²⁾
Gulf premium (ECU/tonne)	37,54	23,81	23,66	10,98	—	—
Great lake premium (ECU/tonne)	—	—	—	—	—	—

⁽¹⁾ Fob Duluth.

⁽²⁾ Fob Gulf.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 11,25 per tonne; Great Lakes/St Lawrence — Rotterdam: ECU 23,88 per tonne.

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

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 22 April 1996

authorizing certain Member States to apply or to continue to apply to certain mineral oils, when used for specific purposes, reduced rates of excise duty or exemptions from excise duty, in accordance with the procedure provided for in Article 8 (4) of Directive 92/81/EEC

(96/273/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 92/81/EEC of 19 October 1992 on the harmonization of the structures of excise duties on mineral oils⁽¹⁾, and in particular Article 8 (4) thereof,

Having regard to the proposal from the Commission⁽²⁾,

Whereas, pursuant to Article 8 (4) of Directive 92/81/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce further exemptions or reductions in the excise duty charged on mineral oils for special policy considerations;

Whereas the Commission has been informed by the Member States concerned of their intention to continue to apply certain exemptions or reductions which are already provided for in their taxation law or to introduce exemptions or reductions and to which the procedure provided for under the said Article 8 (4) should be applied;

Whereas the other Member States have been informed thereof;

Whereas it is accepted by the Commission and by all Member States that all of these exemptions or reductions

are well founded in terms of specific policies and do not give rise to distortions in competition or interfere with the working of the internal market;

Whereas the reductions or exemptions will be regularly reviewed by the Commission to ensure their compatibility with the operation of the internal market or Community policy in the area of protection of the environment;

Whereas, pursuant to Article 8 (6) of Directive 92/81/EEC, the Council is required to review the situation at the latest by 31 December 1996 on the basis of a report from the Commission,

HAS ADOPTED THIS DECISION:

Article 1

Until 31 December 1996, in accordance with Article 8 (4) of Directive 92/81/EEC and notwithstanding the obligations imposed by Directive 92/82/EEC⁽³⁾, the following Member States are authorized to apply or to continue to apply the reductions in or exemptions from excise duty herein specified:

1. Italian Republic:

- reduction in excise duty on petrol consumed on the territory of Friuli-Venezia Giulia,
- exemption from excise duty on mineral oils used as fuel for alumina production in Sardinia;

⁽¹⁾ OJ No L 316, 31. 10. 1992, p. 12. Directive as amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

⁽²⁾ OJ No C 215, 5. 8. 1994, p. 19.

⁽³⁾ OJ No L 316, 31. 10. 1992, p. 19. Directive amended by Directive 94/74/EC (OJ No L 365, 31. 12. 1994, p. 46).

2. Republic of Austria:

reduction in or exemption from excise duty for:

- natural gas,
- methane;

differential rates of tax on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law.

3. Kingdom of Sweden:

- exemption from excise duty on aviation gasoline and aviation kerosene used for private pleasure flying,

- differential rates of tax on unleaded petrol to reflect different environmental categories, provided that such rates at all times respect the minimum rates of duty on mineral oils as provided for in Community law;

Article 2

This Decision is addressed to the Italian Republic, the Republic of Austria, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland.

Done at Luxembourg, 22 April 1996.

4. United Kingdom of Great Britain and Northern Ireland:

For the Council

The President

S. AGNELLI

COMMISSION

COMMISSION DECISION

of 7 February 1996

concerning additional financial aid by the United Kingdom in respect of the coal industry in the 1995/96 financial year

(Only the English text is authentic)

(96/274/ECSC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

II

Having regard to the Treaty establishing the European Coal and Steel Community,

Having regard to Commission Decision No 3632/93/ECSC of 28 December 1993 establishing Community rules for State aid to the coal industry⁽¹⁾,

Having regard to Decision 94/995/ECSC of 3 November 1994 ruling on financial measures by the United Kingdom in respect of the coal industry in the 1994/95 and 1995/96 financial years⁽²⁾,

Whereas:

I

In a letter dated 7 November 1995 the United Kingdom notified the Commission, pursuant to Article 9 (1) of Decision No 3632/93/ECSC, of further financial aid which it intends to grant to the coal industry in the 1995/96 financial year in addition to the aid authorized by Decision 94/995/ECSC, and of a technical change concerning the allocation of one of the forms of aid authorized by the same Decision.

The measures which the United Kingdom intends to take in respect of the coal industry fall within the scope of Article 1 (1) of Decision No 3632/93/ECSC. The Commission must therefore give a ruling pursuant to Article 9 (4) of the Decision on whether they comply with the objectives and criteria set out in the Decision and are compatible with the proper functioning of the common market.

By Decision 94/995/ECSC the Commission, applying the criteria set out in Decision No 3632/93/ECSC, authorized the United Kingdom to grant various aids for the 1995/96 financial year, notably:

- aid not exceeding £ 130 million to the Coal Authority, a public-sector body, to cover liabilities for environmental and physical damage caused by coal production activities before the privatization of the British Coal Corporation,
- aid not exceeding £ 30 million for the 1995/96 financial year to cover compensation for industrial injury and damage to health suffered by workers and former workers of the British Coal Corporation during that part of their employment in the Corporation between 1947 and the date of privatization of the Corporation,
- aid not exceeding £ 1 million for the 1995/96 financial year for concessionary fuel entitlement to coal or smokeless fuel or, in certain cases, cash-in-lieu to British Coal Corporation workers who have retired or been made redundant as a result of the restructuring, rationalization and modernization of the coal industry in the United Kingdom, and their dependants, for that part of their employment in the Corporation falling between 31 March 1990 and the date of privatization of the Corporation.

III

The notification of 7 November 1995 advised that certain aid authorized by Decision 94/995/ECSC for payment in 1994/95 had been transferred to 1995/96; this transfer requires no further authorization.

⁽¹⁾ OJ No L 329, 30. 12. 1993, p. 12.

⁽²⁾ OJ No L 379, 31. 12. 1994, p. 6.

The notification also indicated that, in the case of two of the three abovementioned measures, further aid in addition to the aid authorized by Decision 94/995/ECSC was planned in the 1995/96 financial year and that, out of concern for efficient technical management, one of the other forms of aid needed to be reallocated. The Commission must therefore give a ruling on these three changes.

The additional aid for the 1995/96 financial year consists on the one hand of a further £ 16 million, in addition to the £ 30 million already authorized by Decision 94/995/ECSC, to cover compensation for industrial injury and damage to health suffered by former workers of the British Coal Corporation, of which £ 14 million is to be allocated to the British Coal Corporation and £ 2 million directly to employees of the private undertakings in respect of claims arising from the period before privatization, and on the other hand, of a further £ 95 million, in addition to the £ 1 million already authorized by Decision 94/995/ECSC, for concessionary fuel entitlement to coal or smokeless fuel, or, in certain cases, cash-in-lieu to British Coal Corporation workers who have retired or have been made redundant as a result of the modernization, rationalization and restructuring of the coal industry in the United Kingdom, and their dependants, for that part of their employment in the Corporation up to 31 March 1990.

The technical change concerning reallocation for the 1995/96 financial year concerns the aid to cover environmental damage, where the total is to remain limited to £ 110 million, but will no longer all be paid to the Coal Authority. Instead, the Coal Authority will receive only £ 57 million and the British Coal Corporation the remaining £ 53 million.

IV

The additional aid not exceeding £ 16 million to cover compensation for former workers of the British Coal Corporation, in addition to £ 30 million already authorized by Decision 94/995/ECSC, is designed to cover compensation for industrial injury and damage to health during their employment in the Corporation before privatization. The companies succeeding the British Coal Corporation have assumed all the liabilities relating to industrial injury and damage to health suffered by their workers during the part of their employment falling after privatization.

To compensate former workers of the British Coal Corporation for industrial injury and damage to health arising from employment between 1947 and privatization of the Corporation, the United Kingdom proposes to pay aid not exceeding £ 46 million for the 1995/96 financial year instead of £ 30 million initially authorized in Decision 94/995/ECSC. The £ 16 million increase, compared with the amount authorized, can be attributed partly to the fact

that the average compensation costs are markedly higher than the amount on which the initial estimates were based due, essentially, to unforeseen claims resulting from the inclusion of claims and insurance previously excluded and partly to the acceptance of the costs for administering the compensation files which were not foreseen.

This additional aid is therefore intended to cover the actual costs arising from the modernization, rationalization or restructuring of the coal industry which are not related to current production (inherited liabilities). In accordance with Article 5 of Decision No 3632/93/ECSC, this aid, which is explicitly mentioned in the Annex to the Decision, namely residual costs to cover former miners' health insurance, can be considered compatible with the common market in that the amount paid does not exceed the costs.

V

Decision 94/995/ECSC expressly provided that the aid to cover liabilities for the environmental damage caused by underground production activities before privatization of the British Coal Corporation would be granted to the Coal Authority. After privatization the Coal Authority was expected to assume all British Coal Corporation's relevant liabilities. In practice, for technical and efficiency reasons, these functions have been transferred from the British Coal Corporation to the Coal Authority more slowly than originally foreseen. Consequently, in the 1995/96 financial year some of these tasks will still be performed by the remaining departments of the British Coal Corporation. Although the nature of the aid remains unchanged, the amount proposed has been divided between the Coal Authority and the remaining departments of the British Coal Corporation. The notification from the United Kingdom Government indicates that the aid provided to the British Coal Corporation will be used only for the purposes specified. This simple technical change to Article 2 of Decision 94/995/ECSC makes no difference to the compatibility of this measure with the objectives and criteria set out in Decision No 3632/93/ECSC.

VI

Commission Decision 90/634/ECSC⁽¹⁾ authorized aid totalling £ 2 000 million to the British Coal Corporation for the constitution of a provision for concessionary supplies of coal, smokeless fuel or in certain cases a payment in kind to mineworkers on retirement, former mineworkers or their beneficiaries in respect of production activities prior to 1990/91. In March 1995 the liability in respect of former British Coal employees and their beneficiaries was transferred from the British Coal Corpo-

⁽¹⁾ OJ No L 346, 11. 12. 1990, p. 22.

ration to the United Kingdom Government; the corresponding provision within British Coal's accounts was reserved, and the authorization of £ 2 000 million under Decision 90/634/ECSC accordingly lapsed. It is therefore necessary to re-authorize the expenditure expected to be incurred under this heading in 1995/96; this amounts to £ 95 million, and is in addition to the sum not exceeding £ 1 million authorized to be granted to the coal industry under Article 2 of Decision 94/995/ECSC in respect of the concessionary fuel entitlement to former British Coal Corporation workers and their dependants for that part of their employment in the Corporation running from 31 March 1990 to the date of privatization of the Corporation.

VII

In the light of the foregoing and based on the information supplied by the United Kingdom Government, the aid measures referred to in this Decision satisfy the requirements of Article 5 of Decision No 3632/93/ECSC since the objective is to cover the costs of modernization, rationalization and restructuring of the coal industry which are not related to current production (inherited liabilities). These measures are therefore compatible with the proper functioning of the common market,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom is hereby authorized to grant to the British Coal Corporation for the 1995/96 financial year further aid not exceeding £ 14 million, in addition to the aid authorized by Decision 94/995/ECSC, to cover compensation for former workers for industrial injury and damage to health and to grant additional aid not exceeding £ 2 million to cover the same compensation for the

1995/96 financial year direct to former miners transferred to the private undertakings for claims arising from the period before privatization.

Article 2

The United Kingdom is hereby authorized to grant aid not exceeding £ 53 million for the financial year 1995/96, out of the total amount of aid authorized by Decision 94/995/ECSC, to the British Coal Corporation to cover environmental damage.

Article 3

The United Kingdom is hereby authorized to grant aid for the 1995/96 financial year not exceeding £ 95 million for concessionary fuel entitlement to coal or smokeless fuel, or, in certain cases, cash-in-lieu to British Coal Corporation workers who have retired or have been made redundant as a result of the modernization, rationalization and restructuring of the coal industry in the United Kingdom, and their dependants, for that part of their employment in the Corporation up to 31 March 1990.

Article 4

The United Kingdom shall inform the Commission of the actual payments made for each category of the aid covered by this Decision.

Article 5

This Decision is addressed to the United Kingdom.

Done at Brussels, 7 February 1996.

For the Commission

Christos PAPOUTSIS

Member of the Commission

EUROPEAN ECONOMIC AREA

THE EEA JOINT COMMITTEE

DECISION OF THE EEA JOINT COMMITTEE

No 4/96

of 29 February 1996

amending Protocol 47 to the EEA Agreement on the abolition of technical barriers to trade in wine

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Protocol 47 to the Agreement was amended by Decision of the EEA Joint Committee No 1/95⁽¹⁾;

Whereas the adaptations to Council Regulations (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to quality wines produced in specified regions, (EEC) No 2392/89 of 24 July 1989 laying down general rules for the description and presentation of wines and grape musts and (EEC) No 2333/92 of 13 July 1992 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines, made by Chapter V.B.VII, points 3, 6 and 9 of Annex I to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded⁽²⁾ are to be incorporated into the Agreement;

Whereas Commission Regulation (EC) No 2733/94 of 9 November 1994 authorizing the United Kingdom to permit an additional increase in the alcoholic strength of table wines and of quality wines produced in a specified region⁽³⁾ is to be incorporated into the Agreement;

Whereas Commission Regulation (EC) No 60/95 of 16 January 1995 amending Regulation (EEC) No 2676/90 determining Community methods for the analysis of wines⁽⁴⁾ is to be incorporated into the Agreement;

Whereas Commission Regulation (EC) No 554/95 of 13 March 1995 laying down detailed rules for the description and presentation of sparkling and aerated sparkling wines⁽⁵⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Appendix 1 to Protocol 47 to the Agreement shall be amended as specified in the Annex to this Decision.

⁽¹⁾ OJ No L 47, 2. 3. 1995, p. 19.

⁽²⁾ OJ No C 241, 29. 8. 1994, p. 21, as adjusted by OJ No L 1, 1. 1. 1995, p. 1.

⁽³⁾ OJ No L 289, 10. 11. 1994, p. 5.

⁽⁴⁾ OJ No L 11, 17. 1. 1995, p. 19.

⁽⁵⁾ OJ No L 56, 14. 3. 1995, p. 3.

Article 2

The texts of the adaptations to Regulations (EEC) No 823/87, (EEC) No 2392/89 and (EEC) No 2333/92 made by Chapter V.B.VII, points 3, 6 and 9 of Annex I to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded and the texts of Regulations (EC) No 2733/94, (EC) No 60/95 and (EC) No 554/95 in the Icelandic and Norwegian languages, which are annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 March 1996, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 29 February 1996.

For the EEA Joint Committee

The President

P. BENAVIDES

ANNEX

to Decision No 4/96 of the EEA Joint Committee

APPENDIX 1 to PROTOCOL 47 ON THE ABOLITION OF TECHNICAL BARRIERS TO TRADE IN WINE to the EEA Agreement shall be amended as follows:

1. The text of point 14 (Commission Regulation (EEC) No 2707/86) shall be deleted.
 2. The following indent shall be added in point 16 (Council Regulation (EC) No 823/87):
 - **194 N:** Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ No C 241, 29. 8. 1994, p. 21 as adjusted by OJ No L 1, 1. 1. 1995, p. 1).'
 3. The following indent shall be added in point 22 (Council Regulation (EEC) No 2392/89):
 - **194 N:** Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ No C 241, 29. 8. 1994, p. 21 as adjusted by OJ No L 1, 1. 1. 1995, p. 1).'
 4. The text of point 23 (Council Regulation (EEC) No 3677/89) shall be deleted.
 5. The following indent shall be added in point 25 (Commission Regulation (EEC) No 2676/90):
 - **395 R 0060:** Commission Regulation (EC) No 60/95 of 16 January 1995 (OJ No L 11, 17. 1. 1995, p. 19).'
 6. The following indent shall be added in point 39 (Council Regulation (EC) No 2333/92):
 - ‘, as amended by:
 - **194 N:** Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ No C 241, 29. 8. 1994, p. 21 as adjusted by OJ No L 1, 1. 1. 1995, p. 1).'
 7. The following points shall be inserted after point 42a (Commission Regulation (EC) No 3111/93):
 - ‘42b. **394 R 2733:** Commission Regulation (EC) No 2733/94 of 9 November 1994 authorizing the United Kingdom to permit an additional increase in the alcoholic strength of table wines and of quality wines produced in a specified region (OJ No L 289, 10. 11. 1994, p. 5).
 - 42c. **395 R 0554:** Commission Regulation (EC) No 554/95 of 13 March 1995 laying down detailed rules for the description and presentation of sparkling and aerated sparkling wines (OJ No L 56, 14. 3. 1995, p. 3).'
 8. The following shall be added in point 45 (list of table wines):
 - ‘, as amended by:
 - the list published in OJ No C 203, 27. 7. 1993, p. 4.’
-

DECISION OF THE EEA JOINT COMMITTEE

No 5/96

of 29 February 1996

amending Annex XI (Telecommunication services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex XI to the Agreement was amended by Decision of the EEA Joint Committee No 26/95⁽¹⁾;

Whereas Council resolution 95/C 188/02 of 29 June 1995 on the further development of mobile and personal communications in the European Union⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 26b (Council resolution 94/C 379/04) in Annex XI to the Agreement:

'26c. 395 Y 0722(02): Council resolution 95/C 188/02 of 29 June 1995 on the further development of mobile and personal communications in the European Union (OJ No C 188, 22. 7. 1995, p. 3).'

Article 2

The texts of resolution 95/C 188/02 in the Icelandic and Norwegian languages, annexed to the representative language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 March 1996, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 29 February 1996.

For the EEA Joint Committee

The President

P. BENAVIDES

⁽¹⁾ OJ No L 273, 16. 11. 1995, p. 47.

⁽²⁾ OJ No C 188, 22. 7. 1995, p. 3.

DECISION OF THE EEA JOINT COMMITTEE

No 6/96

of 29 February 1996

amending Annex XI (Telecommunication services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex XI to the Agreement was amended by Decision of the EEA Joint Committee No 26/95⁽¹⁾;

Whereas Council resolution 95/C 258/01 of 18 September 1995 on the implementation of the future regulatory framework for telecommunications⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 26c (Council resolution 95/C 188/02) in Annex XI to the Agreement:

'26d. **395 Y 1003(01)**: Council resolution 95/C 258/01 of 18 September 1995 on the implementation of the future regulatory framework for telecommunications (OJ No C 258, 3. 10. 1995, p. 1).'

Article 2

The texts of resolution 95/C 258/01 in the Icelandic and Norwegian languages, annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 March 1996, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 29 February 1996.

*For the EEA Joint Committee**The President*

P. BENAVIDES

⁽¹⁾ OJ No L 273, 16. 11. 1995, p. 47.

⁽²⁾ OJ No C 258, 3. 10. 1995, p. 1.

DECISION OF THE EEA JOINT COMMITTEE

No 7/96

of 29 February 1996

amending Annex XI (Telecommunication services) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex XI to the Agreement was amended by Decision of the EEA Joint Committee No 26/95⁽¹⁾;

Whereas Council recommendation 95/144/EC of 7 April 1995 on common information technology security evaluation criteria⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following point shall be inserted after point 28 (Council resolution 94/C 181/01) of Annex XI to the Agreement:

'29. **395 X 0144:** Council recommendation 95/144/EC of 7 April 1995 on common information technology security evaluation criteria (OJ No L 93, 26. 4. 1995, p. 27).'

Article 2

The texts of recommendation 95/144/EC in the Icelandic and Norwegian languages, annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 March 1996, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section of, and the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 29 February 1996.

For the EEA Joint Committee

The President

P. BENAVIDES

⁽¹⁾ OJ No L 273, 16. 11. 1995, p. 47.

⁽²⁾ OJ No L 93, 26. 4. 1995, p. 27.

DECISION OF THE EEA JOINT COMMITTEE
No 8/96
of 29 February 1996
amending Annex XIII (Transport) to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol Adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas Annex XIII to the Agreement was amended by Decision of the EEA Joint Committee No 60/95 ⁽¹⁾;

Whereas Commission Regulation 2479/95 of 25 October 1995 adapting to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport ⁽²⁾ is to be incorporated into the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The following indent shall be added in point 21 (Council Regulation (EEC) No 3821/85) in Annex XIII to the Agreement:

— 395 R 2479: Commission Regulation (EC) No 2479/95 of 25 October 1995 (OJ No L 256, 26. 10. 1995, p. 8).'

Article 2

The texts of Regulation (EC) No 2479/95 in the Icelandic and Norwegian languages, annexed to the respective language versions of this Decision, are authentic.

Article 3

This Decision shall enter into force on 1 March 1996, provided that all the notifications pursuant to Article 103 (1) of the Agreement have been made to the EEA Joint Committee.

Article 4

This Decision shall be published in the EEA Section, and the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 29 February 1996.

For the EEA Joint Committee

The President

P. BENAVIDES

⁽¹⁾ Not yet published in the Official Journal.

⁽²⁾ OJ No L 256, 26. 10. 1995, p. 8.