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⁽¹⁾ Text with EEA relevance

I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 881/96
of 15 May 1996
altering the export refunds on white sugar and raw sugar 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 the second subparagraph of Article 19 (4) thereof,

Whereas the refunds on white sugar and raw sugar exported in the natural state were fixed by Commission Regulation (EC) No 837/96 ⁽³⁾, as amended by Regulation (EC) No 878/96 ⁽⁴⁾;

Whereas it follows from applying the detailed rules contained in Regulation (EC) No 837/96 to the information known to the Commission that the export refunds at

present in force should be altered to the amounts set out in the Annex hereto,

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, as fixed in the Annex to amended Regulation (EC) No 837/96 are hereby altered to the amounts shown in the Annex hereto.

Article 2

This Regulation shall enter into force on 16 May 1996.

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

Done at Brussels, 15 May 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 114, 8. 5. 1996, p. 2.

⁽⁴⁾ OJ No L 118, 15. 5. 1996, p. 21.

ANNEX

to the Commission Regulation of 15 May 1996 altering 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	35,34 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	36,34 ⁽¹⁾
1701 12 90 910	35,34 ⁽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	38,42
1701 99 10 950	38,42
	— 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 882/96

of 15 May 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 16 May 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, 15 May 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⁾	8,82	—	0,00
1703 90 00 ⁽¹⁾	11,80	—	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 883/96
of 15 May 1996**

**fixing the maximum export refund for white sugar for the 39th 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 39th 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 39th 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 41,437 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 16 May 1996.

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

Done at Brussels, 15 May 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 884/96**of 14 May 1996****establishing unit values for the determination of the customs value of certain perishable goods**

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

Having regard to Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾, as amended by Regulation (EEC) No 2454/93 ⁽²⁾,

Having regard to Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code, as last amended by Regulation (EC) No 482/96 ⁽³⁾, and in particular Article 173 (1) thereof,

Whereas Articles 173 to 177 of Regulation (EEC) No 2454/93 provide that the Commission shall periodically establish unit values for the products referred to in the classification in Annex 26 to that Regulation;

Whereas the result of applying the rules and criteria laid down in the abovementioned Articles to the elements

communicated to the Commission in accordance with Article 173 (2) of Regulation (EEC) No 2454/93 is that unit values set out in the Annex to this Regulation should be established in regard to the products in question,

HAS ADOPTED THIS REGULATION:

Article 1

The unit values provided for in Article 173 (1) of Regulation (EEC) No 2454/93 are hereby established as set out in the table in the Annex hereto.

Article 2

This Regulation shall enter into force on 17 May 1996.

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

Done at Brussels, 14 May 1996.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 302, 19. 10. 1992, p. 1.

⁽²⁾ OJ No L 253, 11. 10. 1993, p. 1.

⁽³⁾ OJ No L 70, 20. 3. 1996, p. 4.

ANNEX

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.10	New potatoes 0701 90 51 0701 90 59	a) b) c)	37,17 219,79 315,42	499,27 240,54 1 458,73	70,95 29,68 30,61	273,94 72 780,02	11 327,81 79,30	5 935,04 7 304,54
1.30	Onions (other than seed) 0703 10 19	a) b) c)	22,16 131,02 188,03	297,63 143,39 869,58	42,30 17,69 18,25	163,30 43 385,92	6 752,78 47,27	3 538,02 4 354,41
1.40	Garlic 0703 20 00	a) b) c)	145,96 862,99 1 238,49	1 960,38 944,46 5 727,68	278,60 116,53 120,18	1 075,63 285 769,50	44 478,46 311,37	23 303,84 28 681,16
1.50	Leeks ex 0703 90 00	a) b) c)	50,17 296,62 425,69	673,82 324,63 1 968,70	95,76 40,05 41,31	369,71 98 224,04	15 288,04 107,02	8 009,94 9 858,22
1.60	Cauliflowers 0704 10 10 0704 10 05 0704 10 80	a) b) c)	319,39 1 888,43 2 710,14	4 289,82 2 066,72 12 533,63	609,65 255,00 262,97	2 353,76 625 336,87	97 330,27 681,36	50 994,77 62 761,73
1.70	Brussels sprouts 0704 20 00	a) b) c)	53,71 317,57 455,75	721,40 347,55 2 107,71	102,52 42,88 44,22	395,82 105 159,35	16 367,48 114,58	8 575,50 10 554,28
1.80	White cabbages and red cabbages 0704 90 10	a) b) c)	69,36 410,11 588,56	931,62 448,83 2 721,93	132,40 55,38 57,11	511,17 135 804,36	21 137,21 147,97	11 074,53 13 629,96
1.90	Sprouting broccoli or calabrese (<i>Brassica oleracea</i> L. <i>convar. botrytis</i> (L.) Alef var. <i>italica</i> Plenck) ex 0704 90 90	a) b) c)	105,95 626,44 899,02	1 423,05 685,59 4 157,73	202,24 84,59 87,24	780,80 207 440,56	32 286,99 226,03	16 916,29 20 819,70
1.100	Chinese cabbage ex 0704 90 90	a) b) c)	94,88 560,99 805,09	1 274,36 613,95 3 723,32	181,11 75,75 78,12	699,22 185 766,70	28 913,57 202,41	15 148,84 18 644,41
1.110	Cabbage lettuce (head lettuce) 0705 11 10 0705 11 05 0705 11 80	a) b) c)	73,60 435,19 624,55	988,59 476,28 2 888,37	140,49 58,76 60,60	542,42 144 108,44	22 429,69 157,02	11 751,71 14 463,40
1.120	Endives ex 0705 29 00	a) b) c)	21,82 129,01 185,15	293,07 141,19 856,27	41,65 17,42 17,97	160,80 42 721,60	6 649,38 46,55	3 483,85 4 287,74
1.130	Carrots ex 0706 10 00	a) b) c)	15,26 90,23 129,50	204,98 98,75 598,88	29,13 12,18 12,57	112,47 29 879,86	4 650,64 32,56	2 436,63 2 998,88
1.140	Radishes ex 0706 90 90	a) b) c)	74,15 438,42 629,19	995,93 479,81 2 909,82	141,54 59,20 61,05	546,45 145 179,03	22 596,32 158,19	11 839,01 14 570,85
1.160	Peas (<i>Pisum sativum</i>) 0708 10 90 0708 10 20 0708 10 95	a) b) c)	75,62 447,13 641,70	1 015,72 489,35 2 967,66	144,35 60,38 62,27	557,31 148 064,40	23 045,42 161,33	12 074,31 14 860,44

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
1.170	Beans:							
1.170.1	Beans (<i>Vigna</i> spp., <i>Phaseolus</i> spp.)	a)	125,53	1 685,97	239,60	925,06	38 252,33	20 041,75
	ex 0708 20 90	b)	742,18	812,26	100,22	245 767,24	267,79	24 666,35
	ex 0708 20 20	c)	1 065,13	4 925,91	103,35			
	ex 0708 20 95							
1.170.2	Beans (<i>Phaseolus</i> spp., <i>vulgaris</i> var. <i>Compressus Savi</i>)	a)	126,31	1 696,52	241,10	930,86	38 491,79	20 167,21
	ex 0708 20 90	b)	746,83	817,34	100,85	247 305,77	269,46	24 820,76
	ex 0708 20 20	c)	1 071,80	4 956,75	104,00			
	ex 0708 20 95							
1.180	Broad beans	a)	92,83	1 246,83	177,19	684,12	28 288,83	14 821,52
	ex 0708 90 00	b)	548,87	600,69	74,12	181 752,79	198,04	18 241,56
		c)	787,70	3 642,87	76,43			
1.190	Globe artichokes	a)	—	—	—	—	—	—
	0709 10 10	b)	—	—	—	—	—	—
	0709 10 20	c)	—	—	—	—	—	—
	0709 10 30							
1.200	Asparagus:							
1.200.1	— green	a)	353,10	4 742,59	673,99	2 602,19	107 603,05	56 377,04
	ex 0709 20 00	b)	2 087,75	2 284,86	281,91	691 338,41	753,28	69 385,95
		c)	2 996,19	13 856,50	290,73			
1.200.2	— other	a)	233,69	3 138,76	446,06	1 722,19	71 214,22	37 311,65
	ex 0709 20 00	b)	1 381,72	1 512,17	186,58	457 543,99	498,54	45 921,25
		c)	1 982,95	9 170,56	192,41			
1.210	Aubergines (eggplants)	a)	100,49	1 349,69	191,81	740,55	30 622,54	16 044,23
	0709 30 00	b)	594,15	650,24	80,23	196 746,66	214,37	19 746,41
		c)	852,68	3 943,39	82,74			
1.220	Ribbed celery (<i>Apium graveolens</i> L., var. <i>dulce</i> (Mill.) Pers.)	a)	95,15	1 278,01	181,62	701,23	28 996,34	15 192,21
	ex 0709 40 00	b)	562,60	615,71	75,97	186 298,46	202,99	18 697,78
		c)	807,40	3 733,98	78,34			
1.230	Chantarelles	a)	1 046,89	14 061,09	1 998,28	7 715,11	319 027,16	167 149,60
	0709 51 30	b)	6 189,87	6 774,27	835,84	2 049 716,40	2 233,36	205 719,12
		c)	8 883,25	41 082,48	861,97			
1.240	Sweet peppers	a)	165,16	2 218,31	315,25	1 217,15	50 330,41	26 369,88
	0709 60 10	b)	976,53	1 068,72	131,86	323 367,63	352,34	32 454,69
		c)	1 401,44	6 481,26	135,99			
1.250	Fennel	a)	73,55	987,87	140,39	542,03	22 413,48	11 743,21
	0709 90 50	b)	434,87	475,93	58,72	144 004,28	156,91	14 452,94
		c)	624,10	2 886,28	60,56			
1.270	Sweet potatoes, whole, fresh (intended for human consumption)	a)	67,28	903,66	128,42	495,82	20 502,83	10 742,16
	0714 20 10	b)	397,80	435,36	53,72	131 728,58	143,53	13 220,90
		c)	570,90	2 640,24	55,40			
2.10	Chestnuts (<i>Castanea</i> spp.), fresh	a)	136,94	1 839,28	261,39	1 009,19	41 730,82	21 864,25
	ex 0802 40 00	b)	809,68	886,12	109,33	268 116,20	292,14	26 909,39
		c)	1 161,99	5 373,85	112,75			
2.30	Pineapples, fresh	a)	60,73	815,68	115,92	447,55	18 506,71	9 696,32
	ex 0804 30 00	b)	359,07	392,97	48,49	118 903,68	129,56	11 933,73
		c)	515,32	2 383,19	50,00			

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	δS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.40	Avocados, fresh ex 0804 40 90 ex 0804 40 20 ex 0804 40 95	a) b) c)	77,22 456,60 655,28	1 037,23 499,71 3 030,48	147,40 61,66 63,58	569,11 151 199,01	23 533,30 164,75	12 329,93 15 175,04
2.50	Guavas and mangoes, fresh ex 0804 50 00	a) b) c)	118,63 701,41 1 006,61	1 593,34 767,63 4 655,27	226,44 94,71 97,67	874,24 232 264,12	36 150,64 253,07	18 940,60 23 311,11
2.60	Sweet oranges, fresh:							
2.60.1	— Sanguines and semi-sanguines 0805 10 01 0805 10 11 0805 10 21 0805 10 32 0805 10 42 0805 10 51	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.2	— Navels, navelines, navelates, salustianas, vernas, Valencia lates, Maltese, shamoutis, ovalis, trovita and hamlins 0805 10 05 0805 10 15 0805 10 25 0805 10 34 0805 10 44 0805 10 55	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.60.3	— Others 0805 10 09 0805 10 19 0805 10 29 0805 10 36 0805 10 46 0805 10 59	a) b) c)	— — —	— — —	— — —	— — —	— — —	— — —
2.70	Mandarins (including tangerines and satsumas), fresh; clementines, wilkings and similar citrus hybrids, fresh:							
2.70.1	— Clementines 0805 20 21	a) b) c)	79,05 467,37 670,73	1 061,68 511,49 3 101,94	150,88 63,11 65,08	582,53 154 763,97	24 088,17 168,63	12 620,64 15 532,84
2.70.2	— Monreales and satsumas 0805 20 23	a) b) c)	67,07 396,56 569,11	900,83 433,99 2 631,96	128,02 53,55 55,22	494,27 131 315,46	20 438,53 143,08	10 708,47 13 179,43
2.70.3	— Mandarines and wilkings 0805 20 25	a) b) c)	41,37 244,61 351,04	555,65 267,70 1 623,46	78,97 33,03 34,06	304,88 80 998,74	12 607,01 88,26	6 605,26 8 129,41
2.70.4	— Tangerines and others ex 0805 20 27 ex 0805 20 29	a) b) c)	62,65 370,43 531,62	841,49 405,41 2 458,59	119,59 50,02 51,58	461,71 122 665,80	19 092,26 133,66	10 003,11 12 311,31
2.85	Limes (<i>Citrus aurantifolia</i>), fresh ex 0805 30 90	a) b) c)	131,19 775,66 1 113,17	1 762,00 848,89 5 148,07	250,41 104,74 108,01	966,78 256 851,16	39 977,48 279,86	20 945,61 25 778,78

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.90	Grapefruit, fresh:							
2.90.1	— white	a)	43,66	586,40	83,34	321,75	13 304,68	6 970,79
	ex 0805 40 90	b)	258,14	282,51	34,86	85 481,18	93,14	8 579,29
	ex 0805 40 20	c)	370,47	1 713,30	35,95			
	ex 0805 40 95							
2.90.2	— pink	a)	50,51	678,47	96,42	372,26	15 393,50	8 065,20
	ex 0805 40 90	b)	298,67	326,87	40,33	98 901,67	107,76	9 926,23
	ex 0805 40 20	c)	428,63	1 982,29	41,59			
	ex 0805 40 95							
2.100	Table grapes	a)	110,34	1 482,02	210,62	813,16	33 625,00	17 617,33
	0806 10 21	b)	652,40	714,00	88,10	216 037,16	235,39	21 682,50
	0806 10 29	c)	936,28	4 330,03	90,85			
	0806 10 61							
	0806 10 30							
	0806 10 69							
2.110	Water melons	a)	77,68	1 043,34	148,27	572,47	23 672,02	12 402,61
	0807 11 00	b)	459,29	502,65	62,02	152 090,25	165,72	15 264,49
		c)	659,14	3 048,35	63,96			
2.120	Melons (other than water melons):							
2.120.1	— Amarillo, cuper, honey dew (including cantalene), onteniente, piel de sapo (including verde liso), rochet, tendral, futuro	a)	87,86	1 180,06	167,70	647,48	26 773,85	14 027,77
	ex 0807 19 00	b)	519,48	568,52	70,15	172 019,23	187,43	17 264,65
		c)	745,51	3 447,78	72,34			
2.120.2	— other	a)	127,98	1 718,97	244,29	943,17	39 001,13	20 434,07
	ex 0807 19 00	b)	756,71	828,16	102,18	250 578,22	273,03	25 149,20
		c)	1 085,98	5 022,34	105,38			
2.140	Pears							
2.140.1	Pears — nashi (<i>Pyrus pyrifolia</i>)	a)	158,18	2 124,51	301,92	1 165,69	48 202,24	25 254,85
	ex 0808 20 41	b)	935,24	1 023,53	126,29	309 694,37	337,44	31 082,37
		c)	1 342,18	6 207,21	130,24			
2.140.2	Other	a)	72,35	971,76	138,10	533,19	22 047,95	11 551,70
	ex 0808 20 41	b)	427,78	468,17	57,76	141 655,77	154,35	14 217,24
		c)	613,92	2 839,21	59,57			
2.150	Apricots	a)	394,88	5 303,75	753,74	2 910,09	120 334,94	63 047,73
	0809 10 10	b)	2 334,78	2 555,21	315,27	773 139,50	842,41	77 595,89
	0809 10 50	c)	3 350,70	15 496,04	325,13			
2.160	Cherries	a)	408,95	5 492,73	780,60	3 013,78	124 622,61	65 294,18
	0809 20 11	b)	2 417,97	2 646,25	326,51	800 687,29	872,43	80 360,72
	0809 20 19	c)	3 470,09	16 048,18	336,71			
	0809 20 21							
	0809 20 29							
	0809 20 71							
	0809 20 79							
2.170	Peaches	a)	241,11	3 238,47	460,23	1 776,90	73 476,60	38 496,98
	0809 30 19	b)	1 425,62	1 560,21	192,51	472 079,51	514,38	47 380,11
	0809 30 59	c)	2 045,94	9 461,89	198,52			
2.180	Nectarines	a)	239,91	3 222,26	457,93	1 768,00	73 108,66	38 304,21
	ex 0809 30 11	b)	1 418,48	1 552,40	191,54	469 715,53	511,80	47 142,85
	ex 0809 30 51	c)	2 035,70	9 414,51	197,53			

Code	Description	Amount of unit values per 100 kg						
	Species, varieties, CN code	a) b) c)	ECU Fmk SKr	öS FF Bfrs/Lfrs	DM £ Irl £	Dkr Lit	Dr Fl	Pta Esc
2.190	Plums	a)	164,52	2 209,71	314,03	1 212,44	50 135,37	26 267,69
	0809 40 10	b)	972,74	1 064,58	131,35	322 114,57	350,97	32 328,92
	0809 40 40	c)	1 396,01	6 456,14	135,46			
2.200	Strawberries	a)	125,39	1 684,21	239,35	924,10	38 212,38	20 020,81
	0810 10 10	b)	741,41	811,41	100,11	245 510,56	267,51	24 640,59
	0810 10 05	c)	1 064,02	4 920,77	103,25			
2.205	Raspberries	a)	1 236,27	16 604,76	2 359,77	9 110,78	376 739,48	197 387,12
	0810 20 10	b)	7 309,63	7 999,74	987,04	2 420 512,05	2 637,38	242 933,90
		c)	10 490,24	48 514,34	1 017,90			
2.210	Fruit of the species <i>Vaccinium myrtillus</i>	a)	145,17	1 949,82	277,10	1 069,84	44 238,82	23 178,28
	0810 40 30	b)	858,34	939,37	115,90	284 229,79	309,70	28 526,63
		c)	1 231,82	5 696,82	119,53			
2.220	Kiwi fruit (<i>Actinidia chinensis Planch.</i>)	a)	143,42	1 926,37	273,76	1 056,97	43 706,65	22 899,46
	0810 50 00	b)	848,01	928,07	114,51	280 810,70	305,97	28 183,47
		c)	1 217,00	5 628,29	118,09			
2.230	Pomegranates	a)	115,43	1 550,37	220,33	850,67	35 175,91	18 429,90
	ex 0810 90 85	b)	682,49	746,93	92,16	226 001,55	246,25	22 682,57
		c)	979,47	4 529,75	95,04			
2.240	Khakis (including sharon fruit)	a)	266,42	3 578,36	508,54	1 963,39	81 188,05	42 537,29
	ex 0810 90 85	b)	1 575,24	1 723,96	212,71	521 624,82	568,36	52 352,70
		c)	2 260,67	10 454,93	219,36			
2.250	Lychees	a)	569,55	7 649,75	1 087,14	4 197,30	173 562,37	90 935,45
	ex 0810 90 30	b)	3 367,52	3 685,45	454,73	1 115 120,20	1 215,03	111 918,68
		c)	4 832,81	22 350,36	468,94			

COMMISSION REGULATION (EC) No 885/96

of 15 May 1996

adopting a protective measure applying to imports of garlic originating in China

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1035/72 of 18 May 1972 on the common organization of the market in fruit and vegetables⁽¹⁾, as last amended by Commission Regulation (EC) No 1363/95⁽²⁾, and in particular Article 28 (2) thereof,

Whereas, pursuant to Commission Regulation (EEC) No 1859/93 of 12 July 1993 on the application of the system of import licences for garlic imported from third countries⁽³⁾, as amended by Regulation (EC) No 1662/94⁽⁴⁾, the release for free circulation in the Community of garlic imported from third countries is subject to the presentation of import licences;

Whereas on 14 May 1996 the Kingdom of Spain and on 6 May 1996 the French Republic requested the Commission to take protective measures against imports of garlic;

Whereas in 1993 the Commission recorded a very sharp rise in imports of garlic originating in China as compared with preceding years; whereas, given their price, further imports could have brought about such serious disturbance of the Community market as to jeopardize the objectives of Article 39 of the EC Treaty and in particular to damage Community producers; whereas the Commission accordingly adopted a protective measure by Commission Regulation (EC) No 1213/94⁽⁵⁾, as last amended by Regulation (EC) No 2815/94⁽⁶⁾, to limit the quantity covered by import licences issued for garlic originating in China for the 1994/95 marketing year to a given quantity per month; whereas this measure was renewed by Commission Regulation (EC) No 1153/95⁽⁷⁾, as last amended by Regulation (EC) No 2944/95⁽⁸⁾, for the period 1 June 1995 to 31 May 1996;

Whereas each month import licence applications in respect of garlic originating in China have covered quantities far exceeding the monthly quantity fixed by Regulation (EEC) No 1153/95; whereas, moreover, the number of applications submitted on the first day of each monthly

period led throughout the whole marketing year concerned to import licences being issued for quantities equal to less than 1 % of the quantities applied for and to the rejection of applications submitted thereafter; whereas this systematic overrun shows that there is continuing pressure on the market for this product and that, unless protective measures are adopted, the Community market in garlic could be seriously disturbed by huge quantities imported from China; whereas it is therefore vital for the protective measure applying to garlic originating in China to be renewed;

Whereas import licences issued should be limited to a given quantity by period from 1 June 1996 to 31 May 1997 and the issuing thereof should be suspended once that quantity has been attained,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the period 1 June 1996 to 31 May 1997, import licences for garlic (CN code 0703 20 00) originating in China shall be issued for up to 12 000 tonnes only, subject to a maximum quantity for each period as set out in the Annex.
2. The maximum quantity for each period as referred to in paragraph 1 shall be equal to the sum of:
 - (a) the quantity set out in the Annex;
 - (b) quantities not applied for from the preceding period; and
 - (c) unused quantities from licences issued previously of which the Commission has been informed.
3. Where the Commission establishes, on the basis of information forwarded to it by the Member States pursuant to Article 4 of Regulation (EEC) No 1859/93, that there is a risk that the maximum quantity for any period may be exceeded, it shall lay down the conditions under which licences may be issued.
4. Operators may submit not more than two licence applications per period, separated by a minimum of five days, in respect of the product referred to in paragraph 1. Each application may cover not more than 50 % of the quantity available for that period as set out in the Annex.

Article 2

This Regulation shall enter into force on 1 June 1996.

⁽¹⁾ OJ No L 118, 20. 5. 1972, p. 1.

⁽²⁾ OJ No L 132, 16. 6. 1995, p. 8.

⁽³⁾ OJ No L 170, 13. 7. 1993, p. 10.

⁽⁴⁾ OJ No L 176, 9. 7. 1994, p. 1.

⁽⁵⁾ OJ No L 133, 28. 5. 1994, p. 36.

⁽⁶⁾ OJ No L 298, 19. 11. 1994, p. 26.

⁽⁷⁾ OJ No L 116, 23. 5. 1995, p. 23.

⁽⁸⁾ OJ No L 308, 21. 12. 1995, p. 17.

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

Done at Brussels, 15 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

(tonnes)		
Period	Period for submission of applications	Quantity
June	1 June to 4 July 1996	1 000
July	5 July to 4 August 1996	1 000
August	5 August to 5 September 1996	1 000
September	6 September to 3 October 1996	1 000
October	4 October to 5 November 1996	1 000
November	6 November to 3 December 1996	1 000
December	4 December 1996 to 5 January 1997	1 000
January	6 January to 4 February 1997	1 000
February	5 February to 4 March 1997	1 000
March	5 March to 3 April 1997	1 000
April	4 April to 4 May 1997	1 000
May	5 May to 31 May 1997	1 000

**COMMISSION REGULATION (EC) No 886/96
of 15 May 1996**

**amending Regulation (EC) No 606/96 increasing to 500 000 tonnes the quantity
of rye held by the German intervention agency for which a standing invitation to
tender for export has been opened**

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 procedure and conditions for the disposal of cereals held by the intervention agencies;

Whereas Commission Regulation (EC) No 606/96 ⁽⁵⁾ opened a standing invitation to tender for the export of 300 000 tonnes of rye held by the German intervention agency; whereas, Germany informed the Commission of the intention of its intervention agency to increase by 200 000 tonnes the quantity for which a standing invitation to tender for export has been opened; whereas the total quantity of rye held by the German intervention agency for which a standing invitation to tender for export has been opened should be increased to 500 000 tonnes;

Whereas this increase in the quantity put out to tender makes it necessary to alter the list of regions and quantities in store; whereas Annex I to Regulation (EC) No 606/96 must therefore be amended;

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

Article 1

Article 1 of Regulation (EC) No 606/96 is replaced by the following:

'Article 1

The German intervention agency issues a standing invitation to tender for the export of 500 000 tonnes of rye held by it in accordance with Regulation (EEC) No 2131/93.'

Article 2

Article 2 of Regulation (EC) No 606/96 is replaced by the following:

'Article 2

1. The invitation to tender shall cover a maximum of 500 000 tonnes of rye to be exported to all third countries.
2. The regions in which the 500 000 tonnes of rye are stored are stated in Annex I to this Regulation.'

Article 3

Annex I to Regulation (EC) No 606/96 is replaced by the Annex hereto.

Article 4

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, 15 May 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 86, 4. 4. 1996, p. 24.

ANNEX

ANNEX I

<i>(tonnes)</i>	
Place of storage	Quantity
Schleswig-Holstein/Hamburg/ Niedersachsen/Bremen/ Nordrhein-Westfalen	40 085
Hessen/Rheinland-Pfalz/ Baden-Württemberg/Saarland/Bayern	7 301
Berlin/Brandenburg/ Mecklenburg-Vorpommern	256 107
Sachsen/Sachsen-Anhalt/Thüringen	196 490 ¹

COMMISSION REGULATION (EC) No 887/96

of 15 May 1996

amending Regulation (EEC) No 2677/85 laying down implementing rules in respect of the system of consumption aid for olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden, and Council Regulation (EC) No 3290/94⁽²⁾, and in particular Article 11 (8) thereof,

Whereas Article 5 (2) of Commission Regulation (EEC) No 2677/85⁽³⁾, as last amended by Regulation (EC) No 1292/95⁽⁴⁾, provides for the application of penalties to undertakings that have committed irregularities; whereas, with a view to clarifying the facts constituting infringements and to ensuring that the penalties applied are commensurate with the gravity of each case, the provisions concerned should be amended;

Whereas a reasonable time limit should be set for the further enquiries and investigations referred to in Articles 9 (3) and 11 (2) of Regulation (EEC) No 2677/85; whereas, to clarify certain existing provisions and in particular to stipulate the percentage of extra checks to be made upstream and downstream of packaging undertakings, Article 12 of Regulation (EEC) No 2677/85 should be amended;

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

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 2677/85 is amended as follows:

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

'2. Where the competent authority in any Member State finds that the oil in question does not meet any of the definitions referred to in paragraph 1:

— if the quality ascertained meets one of the other definitions set out in the Annex to Regulation No 136/66/EEC, it shall apply a penalty equal to between 20 % and 80 % of the monthly average of consumption aid applied for in the 12 months preceding that in which the samples were taken, depending on the seriousness of the infringement;

— in all other cases, it shall immediately withdraw the undertaking's approval for a period of one to five years, depending on the seriousness of the infringement, any other penalties notwithstanding. In addition, the undertaking in question shall be required to pay the Member State an amount equal to twice the average monthly consumption applied for in the 12 months preceding that in which the samples were taken.

The penalties provided for in the first subparagraph shall not apply where the packaging undertaking proves to the satisfaction of the Member State that the failure of the oil to meet the definitions in question is the result of exceptional circumstances beyond the undertaking's control.

The amounts referred to in the first subparagraph shall be deducted from the expenditure of the European Agricultural Guidance and Guarantee Fund by the authorities or paying agencies of the Member States.

Only those months in which aid applications are lodged shall be taken into account when calculating the monthly average.

Where irregularities other than those referred to in the first subparagraph are observed, the competent authorities shall be notified immediately in each case.'

2. Article 9 (3) is replaced by the following:

'3. The Member States shall pay the aid within 150 days of submission of aid applications in respect of quantities recognized as qualifying for the aid following on-the-spot checks. However, that time limit may be extended where further investigations prove necessary following such checks. The Member States shall determine that additional time limit, which may not, however, exceed 12 months, and shall notify the Commission thereof. The additional time limit may be extended by six months in exceptional, duly substantiated cases notified to the Commission.

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

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

⁽³⁾ OJ No L 254, 25. 9. 1985, p. 5.

⁽⁴⁾ OJ No L 125, 8. 6. 1995, p. 11.

Within 45 days of on-the-spot checks and at least 20 days before the expiry of the time limit provided for in the first subparagraph, the body responsible for verifying entitlement to the aid shall report to the paying agency on the result of its checks to ascertain approved undertakings' entitlement to the aid.'

3. In Article 11 (2), the sentences:

'The Member State shall determine the new deadline and inform the Commission. Where, in such cases, the party concerned does not submit proof of the extension of the duration of validity of the existing security or of the lodging of a new security before the end of the duration of validity of the original security, that security shall be forfeit.

If, however, proof is submitted during the 10 days following the end of the duration of validity of the initial security, 50 % of that security shall be forfeit.'

are replaced by the following:

'The Member State shall determine the new time limit, which, however, may not exceed 12 months and shall inform the Commission thereof. The new time limit may be extended by six months in exceptional, duly justified cases notified to the Commission. In all cases, where the party concerned does not submit proof of extension of the validity of the existing security or of lodging of a new security before the validity of the original security expires, that security shall be forfeit. If, however, proof is submitted within 10 days of the expiry of the original security, 50 % of that security shall be forfeit.'

4. Article 12 is amended as follows:

- (a) in the first subparagraph of paragraph 1, the sentence: 'They shall also carry out random checks on the financial supporting documents relating to the transactions carried out by these undertakings,' is replaced by the following: 'They shall carry out

random checks of the financial accounts of the undertakings.';

- (b) the fourth subparagraph of paragraph 1 is deleted;

- (c) the seventh subparagraph of paragraph 1 is replaced by the following:

'As a sector-wide check, the Member State shall conduct additional checks at the premises of the suppliers of raw materials and packaging and of operators to whom the packaged oil has been supplied. Such additional checks must cover at least 10 % of approved undertakings and must be conducted in all cases where deemed necessary for purposes of recognizing entitlement to the aid. To that end, the said suppliers and operators shall keep available to the inspection authorities the requisite documentation, to be defined by the Member State.';

- (d) in the second subparagraph of paragraph 6, the words '... where the quantity for which aid has been improperly applied for exceeds the checked quantity for which entitlement to aid has been recognized by at least 20 % ...' are replaced by the following: '... where the quantity for which aid has been unduly applied for is at least 20 % of the total quantity subject to checking for which entitlement to aid has been recognized ...'.

5. In Article 12a (2), the words 'In duly justified, exceptional cases ...' are replaced by the following: 'In duly justified cases ...'.

Article 2

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

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

Done at Brussels, 15 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 888/96

of 15 May 1996

on the opening and administration of an import tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 for the period 1 July 1996 to 30 June 1997

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 805/68 of 27 June 1968 on the common organization of the market in beef and veal⁽¹⁾, as last amended by Commission Regulation (EC) No 2417/95⁽²⁾, and in particular Article 12 (1) and (4) thereof,

Whereas, under the arrangements concluded during the Uruguay Round multilateral trade negotiations, the Community agreed to open an annual tariff quota of 1 500 tonnes for frozen thin skirt of bovine animals falling within CN code 0206 29 91; whereas the detailed rules for the application of that quota for the period 1 July 1996 to 30 June 1997 must be laid down;

Whereas there should be a guarantee of equal and continuing access by all interested traders within the Community to the said quota and of uninterrupted application of the customs duty laid down for that quota to all imports of the products in question until the quota is exhausted;

Whereas Commission Regulation (EEC) No 3719/88⁽³⁾, as last amended by Regulation (EC) No 2137/95⁽⁴⁾, lays down detailed rules for the application of the system of import and export licences and advance-fixing certificates for agricultural products; whereas Commission Regulation (EC) No 1445/95⁽⁵⁾, as last amended by Regulation (EC) No 2856/95⁽⁶⁾, lays down detailed rules for implementing the arrangements for import licences for beef and veal;

Whereas, in order to ensure efficient administration of the import of meat originating in and coming from Argentina, that country must issue certificates of authenticity guaranteeing the origin of those products; whereas the form and layout of those certificates and the procedures for using them must be specified;

Whereas certificates of authenticity must be issued by an appropriate authority in Argentina; whereas that authority

must present all the necessary guarantees to ensure that the arrangements in question operate properly;

Whereas, for other countries, the quota should be managed only on the basis of Community import licences, with derogations in certain particular respects from the applicable provisions;

Whereas provision must be made for the Member States to forward information on the imports in question;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. A tariff quota for frozen thin skirt of bovine animals falling within CN code 0206 29 91 of 1 500 tonnes is hereby opened for a period from 1 July 1996 to 30 June 1997.
2. The *ad valorem* customs duty to the quota referred to in paragraph 1 shall be 4 %.
3. The quota shall be allocated as follows:
 - (a) 700 tonnes originating in and coming from Argentina;
 - (b) 800 tonnes originating in and coming from third countries.
4. Only whole thin skirt may be imported under the quota.
5. For the purposes of this Regulation, thin skirt which is frozen, with an internal temperature of not more than - 12 °C when it enters the customs territory of the Community shall be deemed to be 'frozen thin skirt'.

Article 2

1. The import of the meat referred to in Article 1 (3) (a) and (b) under this Regulation shall be subject to the presentation of an import licence.

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 248, 14. 10. 1995, p. 39.

⁽³⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁴⁾ OJ No L 214, 8. 9. 1995, p. 21.

⁽⁵⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁶⁾ OJ No L 299, 12. 12. 1995, p. 10.

2. The security for import licences shall be ECU 12 per 100 kilograms net weight. The security shall be lodged when the licence is issued.

3. Validity of import licences shall expire, at the latest, on 30 June 1997.

4. Without prejudice to the provisions of this Regulation, the provisions of Regulations (EEC) No 3719/88 and (EC) No 1445/95 shall apply.

Article 3

1. Notwithstanding Article 2 (1), the import of meat originating in and coming from Argentina under this Regulation shall be subject to the presentation, when it is released for free circulation, of a certificate of authenticity covering the same quantity as indicated on the relevant import licence.

2. Certificates of authenticity shall be made out in one original and at least one copy on a form corresponding to the specimen in Annex I.

The form shall measure approximately 210 × 297 millimetres. The paper shall weigh not less than 40 grams per square metre.

3. Forms shall be printed and completed in one of the official languages of the Community and also, if desired, in the official language of Argentina.

4. Each certificate of authenticity shall bear an individual serial number assigned by the issuing authority referred to in Article 4. The copies shall bear the same serial number as the original.

Article 4

1. Certificates of authenticity shall be valid only if they are duly completed and endorsed, in accordance with the instructions in Annex I, by the issuing authority listed in Annex II.

2. A certificate of authenticity shall be deemed to have been duly endorsed if it specifies the date and place of issue and if it bears the stamp of the issuing authority and the signature of the persons empowered to sign it.

The stamp may be replaced on the original certificate of authenticity and its copies by a printed seal.

Article 5

1. The issuing authority appearing in Annex II shall:

- (a) be recognized as competent by Argentina;
- (b) undertake to check the particulars on certificates of authenticity;
- (c) undertake to supply the Commission and the Member States, on request, with any information enabling the

particulars on certificates of authenticity to be evaluated.

2. The Commission shall revise the list if an issuing authority ceases to be recognized or fails to fulfil one of the obligations incumbent on it or if a new issuing authority is designated.

Article 6

1. Certificates of authenticity shall be valid for three months from the date of issue. However, certificates may not be presented after 30 June 1997.

2. The original certificate of authenticity and one copy shall be presented to the customs authorities when the product covered by the certificate is released for free circulation.

3. The copy of the endorsed certificate of authenticity shall be forwarded by the customs authorities of the Member States in which the product is released for free circulation to the authorities designated by that Member State for the purposes of the notification provided for in Article 9.

Article 7

1. In order to qualify for the import arrangements referred to in Article 1 (3) (b):

- (a) applicants must be natural or legal persons who, at the time the application is submitted, have for at least 12 months been engaged in trade in beef and/or veal between Member States or with third countries and who are registered in a Member State for VAT purposes;
- (b) the licence application lodged by the applicant may relate to a maximum of 800 tonnes;
- (c) the country of origin shall be indicated in Section 8 of licence applications and of the licences themselves;
- (d) Section 20 of licence applications and of the licences themselves shall contain one of the following endorsements:

- Músculos del diafragma y delgados [Reglamento (CE) n° 888/96]
- Mellemgulv (forordning (EF) nr. 888/96)
- Saumfleisch (Verordnung (EG) Nr. 888/96)
- Διάφραγμα [κανονισμός (ΕΚ) αριθ. 888/96]
- Thin skirt (Regulation (EC) No 888/96)
- Hampe [règlement (CE) n° 888/96]
- Pezzi detti «hampes» [regolamento (CE) n. 888/96]
- Omloop (Verordening (EG) nr. 888/96)
- Diafragma [Regulamento (CE) n° 888/96]
- Kuveliha [asetus (EY) N:o 888/96]
- Mellangärde (förordning (EG) nr 888/96).

2. Notwithstanding Article 8 (4) of Regulation (EEC) No 3719/88, the full import duty laid down in the Common Customs Tariff (CCT) shall be charged on all quantities exceeding those indicated in the import licence.

Article 8

1. The applications referred to in Article 7 may be lodged with the competent authorities up to 8 July 1996 in the Member State in which the applicant is registered. If an applicant lodges more than one application, none of the applications shall be considered.

2. Member States shall notify the Commission up to 26 July 1996 of the total quantity covered by applications.

That notification shall cover the list of applicants and the countries of origin indicated. All notifications including

nil returns, shall be made by telex and shall be sent before 4 p.m. on the stipulated day.

3. The Commission shall decide with due speed to what extent applications may be accepted. If the quantities for which licences are applied for exceed the quantities available, the Commission shall reduce the amounts applied for by a fixed percentage.

4. Following the Commission's decision on acceptance of applications, licences shall be issued with due speed.

Article 9

The Member States shall notify the Commission, in respect of each month and not later than 15 days after that period, of the quantities of products referred to in Article 1 that have been released for free circulation, broken down by their country of origin.

Article 10

This Regulation shall enter into force on 1 July 1996.

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

Done at Brussels, 15 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

1. Exporter (name and address)	2. Certificate No	ORIGINAL	
4. Consignee (name and address)	3. Issuing authority		
6. Means of transport	5. CERTIFICATE OF AUTHENTICITY BEEF AND VEAL Thin skirt		
7. Marks, numbers, number and kind of packages; description of goods		8. Gross weight (kg)	9. Net weight (kg)
10. Net weight (in words)			
11. CERTIFICATION BY THE ISSUING AUTHORITY I hereby certify that the thin skirt described in this certificate complies with the specifications given in Article 1 (5) of Commission Regulation (EC) No 888/96 within the limit stipulated in Article 1 (3) (a) of that Regulation and that it originates in Argentina. Place: Date: Signature and stamp (or printed seal)			

*ANNEX II***LIST OF AUTHORITIES IN ARGENTINA EMPOWERED TO ISSUE CERTIFICATES OF AUTHENTICITY**

SECRETARÍA DE AGRICULTURA, GANADERÍA Y PESCA

for thin skirt originating in Argentina as specified in Article 1 (3) (a).

COMMISSION REGULATION (EC) No 889/96

of 15 May 1996

fixing the maximum export refunds for olive oil for the 12th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2544/95

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

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats⁽¹⁾, as last amended by the Act of Accession of Austria, Finland and Sweden and by Regulation (EC) No 3290/94⁽²⁾, and in particular Article 3 thereof,

Whereas Commission Regulation (EC) No 2544/95⁽³⁾ issued a standing invitation to tender with a view to determining the export refunds on olive oil;

Whereas Council Regulation (EEC) No 990/93⁽⁴⁾, as amended by Regulation (EC) No 1380/95⁽⁵⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁶⁾; whereas account should be taken of this fact when fixing the refunds;

Whereas Article 6 of Regulation (EC) No 2544/95 provides that maximum amounts are to be fixed for the export refunds in the light in particular of the current

situation and foreseeable developments on the Community and world olive-oil markets and on the basis of the tenders received; whereas contracts are awarded to any tenderer who submits a tender at the level of the maximum refund or at a lower level;

Whereas, for the purposes of applying the abovementioned provisions, the maximum export refunds should be set at the levels specified in the Annex;

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 12th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2544/95 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 May 1996.

Article 2

This Regulation shall enter into force on 16 May 1996.

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

Done at Brussels, 15 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No 172, 30. 9. 1966, p. 3025/66.

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

⁽³⁾ OJ No L 260, 31. 10. 1995, p. 38.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁶⁾ OJ No L 65, 15. 3. 1996, p. 1.

ANNEX

to the Commission Regulation of 15 May 1996 fixing the maximum export refunds for olive oil for the 12th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2544/95

(ECU/100 kg)

Product code	Amount of refund ⁽¹⁾
1509 10 90 100	44,40
1509 10 90 900	—
1509 90 00 100	52,50
1509 90 00 900	—
1510 00 90 100	11,20
1510 00 90 900	—

⁽¹⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

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

COMMISSION REGULATION (EC) No 890/96
of 15 May 1996
fixing the export refunds on milk and milk products

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 804/68 of 27 June 1968 on the common organization of the market in milk and milk products ⁽¹⁾, as last amended by Regulation (EC) No 2931/95 ⁽²⁾, and in particular Article 17 (3) thereof,

Whereas Article 17 of Regulation (EEC) No 804/68 provides that the difference between prices in international trade for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund within the limits resulting from agreements concluded in accordance with Article 228 of the Treaty;

Whereas Regulation (EEC) No 804/68 provides that when the refunds on the products listed in Article 1 of the abovementioned Regulation, exported in the natural state, are being fixed account must be taken of:

- the existing situation and the future trend with regard to prices and availabilities of milk and milk products on the Community market and prices for milk and milk products in international trade,
- marketing costs and the most favourable transport charges from Community markets to ports or other points of export in the Community, as well as costs incurred in placing the goods on the market of the country of destination,
- the aims of the common organization of the market in milk and milk products which are to ensure equilibrium and the natural development of prices and trade on this market,
- the limits resulting from agreements concluded in accordance with Article 228 of the Treaty, and
- the need to avoid disturbances on the Community market, and
- the economic aspect of the proposed exports;

Whereas Article 17 (5) of Regulation (EEC) No 804/68 provides that when prices within the Community are being determined account should be taken of the ruling prices which are most favourable for exportation, and that when prices in international trade are being determined particular account should be taken of:

- (a) prices ruling on third country markets;
- (b) the most favourable prices in third countries of destination for third country imports;
- (c) producer prices recorded in exporting third countries, account being taken, where appropriate, of subsidies granted by those countries; and
- (d) free-at-Community-frontier offer prices;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the world market situation or the specific requirements of certain markets may make it necessary to vary the refund on the products listed in Article 1 of the abovementioned Regulation according to destination;

Whereas Article 17 (3) of Regulation (EEC) No 804/68 provides that the list of products on which export refunds are granted and the amount of such refunds should be fixed at least once every four weeks; whereas the amount of the refund may, however, remain at the same level for more than four weeks;

Whereas, in accordance with Article 12 of Commission Regulation (EC) No 1466/95 of 27 June 1995 on specific detailed rules for the application of export refunds on milk and milk products ⁽³⁾, as last amended by Regulation (EC) No 823/96 ⁽⁴⁾, the refund granted for milk products containing added sugar is equal to the sum of the two components, one of which is intended to take account of the quantity of milk products and the other is intended to take account of the quantity of added sucrose; whereas, however, the latter component is applied only if the added sucrose was produced from sugar beet or cane harvested in the Community; whereas, for products falling within CN codes ex 0402 99 11, ex 0402 99 19, ex 0404 90 51, ex 0404 90 53, ex 0404 90 91 and ex 0404 90 93, with a fat content by weight not exceeding 9,5 % and a non-fatty milk content in the dry matter equal to or greater than 15 % by weight, the former abovementioned component is fixed for 100 kilograms of the whole product; whereas, for the other products containing added sugar falling within CN codes 0402 and 0404, that component is calculated by multiplying the basic amount by the milk products content of the product concerned; whereas that basic amount is equal to the refund to be fixed for one kilogram of milk products contained in the whole product;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.
⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.
⁽⁴⁾ OJ No L 111, 4. 5. 1996, p. 9.

Whereas the second component is calculated by multiplying the sucrose content of the product by the basic amount of the refund valid on the day of exportation for the products listed in Article 1 (1) (d) of 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⁾;

Whereas the level of refund for cheeses is calculated for products intended for direct consumption; whereas the cheese rinds and cheese wastes are not products intended for this purpose; whereas, to avoid any confusion in interpretation, it should be specified that there will be no refund for cheeses of a free-at-frontier value less than ECU 230,00 per 100 kilograms;

Whereas Commission Regulation (EEC) No 896/84⁽³⁾, as last amended by Regulation (EEC) No 222/88⁽⁴⁾, laid down additional provisions concerning the granting of refunds on the change from one milk year to another; whereas those provisions provide for the possibility of varying refunds according to the date of manufacture of the products;

Whereas for the calculation of the refund for processed cheese provision must be made where casein or caseinates are added for that quantity not to be taken into account;

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

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, with a view to better management of cheese exports in the light of the new constraints affecting subsidized exports, the refunds applying to some cheeses on export to certain destinations should be reduced;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. The export refunds referred to in Article 17 of Regulation (EEC) No 804/68 on products exported in the natural state shall be as set out in the Annex.
2. There shall be no refunds for exports to destination No 400 for products falling within CN codes 0401, 0402, 0403, 0404, 0405 and 2309.
3. There shall be no refunds for exports to destinations No 022, 028, 043, 044 and 045 for products falling within CN code 0406.

Article 2

This Regulation shall enter into force on 16 May 1996.

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

Done at Brussels, 15 May 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 91, 1. 4. 1984, p. 71.

⁽⁴⁾ OJ No L 28, 1. 2. 1988, p. 1.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 65, 15. 3. 1996, p. 1.

ANNEX

to the Commission Regulation of 15 May 1996 fixing the export refunds on milk and milk products

(in ECU/100 kg net weight unless otherwise indicated)

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0401 10 10 000	+	4,748	0402 21 99 500	+	110,00
0401 10 90 000	+	4,748	0402 21 99 600	+	119,21
0401 20 11 100	+	4,748	0402 21 99 700	+	124,61
0401 20 11 500	+	7,340	0402 21 99 900	+	130,71
0401 20 19 100	+	4,748	0402 29 15 200	+	0,4900
0401 20 19 500	+	7,340	0402 29 15 300	+	0,8653
0401 20 91 100	+	9,775	0402 29 15 500	+	0,9116
0401 20 91 500	+	11,39	0402 29 15 900	+	0,9805
0401 20 99 100	+	9,775	0402 29 19 200	+	0,4900
0401 20 99 500	+	11,39	0402 29 19 300	+	0,8653
0401 30 11 100	+	14,62	0402 29 19 500	+	0,9116
0401 30 11 400	+	22,55	0402 29 19 900	+	0,9805
0401 30 11 700	+	33,87	0402 29 91 100	+	0,9877
0401 30 19 100	+	14,62	0402 29 91 500	+	1,0761
0401 30 19 400	+	22,55	0402 29 99 100	+	0,9877
0401 30 19 700	+	33,87	0402 29 99 500	+	1,0761
0401 30 31 100	+	40,34	0402 91 11 110	+	4,748
0401 30 31 400	+	63,00	0402 91 11 120	+	9,775
0401 30 31 700	+	69,47	0402 91 11 310	+	14,72
0401 30 39 100	+	40,34	0402 91 11 350	+	18,05
0401 30 39 400	+	63,00	0402 91 11 370	+	21,95
0401 30 39 700	+	69,47	0402 91 19 110	+	4,748
0401 30 91 100	+	79,18	0402 91 19 120	+	9,775
0401 30 91 400	+	116,37	0402 91 19 310	+	14,72
0401 30 91 700	+	135,80	0402 91 19 350	+	18,05
0401 30 99 100	+	79,18	0402 91 19 370	+	21,95
0401 30 99 400	+	116,37	0402 91 31 100	+	19,31
0401 30 99 700	+	135,80	0402 91 31 300	+	25,95
0402 10 11 000	+	49,00	0402 91 39 100	+	19,31
0402 10 19 000	+	49,00	0402 91 39 300	+	25,95
0402 10 91 000	+	0,4900	0402 91 51 000	+	22,55
0402 10 99 000	+	0,4900	0402 91 59 000	+	22,55
0402 21 11 200	+	49,00	0402 91 91 000	+	79,18
0402 21 11 300	+	86,53	0402 91 99 000	+	79,18
0402 21 11 500	+	91,16	0402 99 11 110	+	0,0475
0402 21 11 900	+	98,05	0402 99 11 130	+	0,0978
0402 21 17 000	+	49,00	0402 99 11 150	+	0,1406
0402 21 19 300	+	86,53	0402 99 11 310	+	16,99
0402 21 19 500	+	91,16	0402 99 11 330	+	20,39
0402 21 19 900	+	98,05	0402 99 11 350	+	27,10
0402 21 91 100	+	98,77	0402 99 19 110	+	0,0475
0402 21 91 200	+	99,45	0402 99 19 130	+	0,0978
0402 21 91 300	+	100,67	0402 99 19 150	+	0,1406
0402 21 91 400	+	107,61	0402 99 19 310	+	16,99
0402 21 91 500	+	110,00	0402 99 19 330	+	20,39
0402 21 91 600	+	119,21	0402 99 19 350	+	27,10
0402 21 91 700	+	124,61	0402 99 31 110	+	0,2094
0402 21 91 900	+	130,71	0402 99 31 150	+	28,22
0402 21 99 100	+	98,77	0402 99 31 300	+	0,4034
0402 21 99 200	+	99,45	0402 99 31 500	+	0,6947
0402 21 99 300	+	100,67	0402 99 39 110	+	0,2094
0402 21 99 400	+	107,61			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0402 99 39 150	+	28,22	0404 90 29 130	+	106,65
0402 99 39 300	+	0,4034	0404 90 29 135	+	109,00
0402 99 39 500	+	0,6947	0404 90 29 150	+	118,13
0402 99 91 000	+	0,7918	0404 90 29 160	+	123,50
0402 99 99 000	+	0,7918	0404 90 29 180	+	129,53
0403 10 11 400	+	4,748	0404 90 81 100	+	0,4830
0403 10 11 800	+	7,340	0404 90 81 910	+	0,0475
0403 10 13 800	+	9,775	0404 90 81 950	+	16,84
0403 10 19 800	+	14,62	0404 90 83 110	+	0,4830
0403 10 31 400	+	0,0475	0404 90 83 130	+	0,8576
0403 10 31 800	+	0,0734	0404 90 83 150	+	0,9035
0403 10 33 800	+	0,0978	0404 90 83 170	+	0,9718
0403 10 39 800	+	0,1462	0404 90 83 911	+	0,0475
0403 90 11 000	+	48,30	0404 90 83 913	+	0,0978
0403 90 13 200	+	48,30	0404 90 83 915	+	0,1462
0403 90 13 300	+	85,76	0404 90 83 917	+	0,2255
0403 90 13 500	+	90,35	0404 90 83 919	+	0,3387
0403 90 13 900	+	97,18	0404 90 83 931	+	16,84
0403 90 19 000	+	97,90	0404 90 83 933	+	20,21
0403 90 31 000	+	0,4830	0404 90 83 935	+	26,86
0403 90 33 200	+	0,4830	0404 90 83 937	+	27,95
0403 90 33 300	+	0,8576	0404 90 89 130	+	0,9790
0403 90 33 500	+	0,9035	0404 90 89 150	+	1,0665
0403 90 33 900	+	0,9718	0404 90 89 930	+	0,4843
0403 90 39 000	+	0,9790	0404 90 89 950	+	0,6947
0403 90 51 100	+	4,748	0404 90 89 990	+	0,7918
0403 90 51 300	+	7,340	0405 10 11 500	+	170,73
0403 90 53 000	+	9,775	0405 10 11 700	+	175,00
0403 90 59 110	+	14,62	0405 10 19 500	+	170,73
0403 90 59 140	+	22,55	0405 10 19 700	+	175,00
0403 90 59 170	+	33,87	0405 10 30 100	+	170,73
0403 90 59 310	+	40,34	0405 10 30 300	+	175,00
0403 90 59 340	+	63,00	0405 10 30 500	+	170,73
0403 90 59 370	+	69,47	0405 10 30 700	+	175,00
0403 90 59 510	+	79,18	0405 10 50 100	+	170,73
0403 90 59 540	+	116,37	0405 10 50 300	+	175,00
0403 90 59 570	+	135,80	0405 10 50 500	+	170,73
0403 90 61 100	+	0,0475	0405 10 50 700	+	175,00
0403 90 61 300	+	0,0734	0405 10 90 000	+	181,40
0403 90 63 000	+	0,0978	0405 20 90 500	+	160,06
0403 90 69 000	+	0,1462	0405 20 90 700	+	166,46
0404 90 21 100	+	48,30	0405 90 10 000	+	223,00
0404 90 21 910	+	4,748	0405 90 90 000	+	175,00
0404 90 21 950	+	14,60	0406 10 20 100	+	—
0404 90 23 120	+	48,30	0406 10 20 230	037	—
0404 90 23 130	+	85,76		039	—
0404 90 23 140	+	90,35		046	26,57
0404 90 23 150	+	97,18		052	26,57
0404 90 23 911	+	4,748		400	30,90
0404 90 23 913	+	9,775		404	—
0404 90 23 915	+	14,62		600	26,57
0404 90 23 917	+	22,55		...	37,95
0404 90 23 919	+	33,87		037	—
0404 90 23 931	+	14,60	0406 10 20 290	039	—
0404 90 23 933	+	17,89		046	24,71
0404 90 23 935	+	21,75		052	24,71
0404 90 23 937	+	25,72		400	28,74
0404 90 23 939	+	26,88		404	—
0404 90 29 110	+	97,90		600	24,71
0404 90 29 115	+	98,55		...	35,30
0404 90 29 120	+	99,78			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 10 20 610	037	—	0406 10 20 850	037	—
	039	—		039	—
	046	46,09		046	22,46
	052	46,09		052	22,46
	400	64,19		400	32,09
	404	—		404	—
	600	46,09		600	22,46
	...	65,84		...	32,09
0406 10 20 620	037	—	0406 10 20 870	+	—
	039	—	0406 10 20 900	+	—
	046	50,54	0406 20 90 100	+	—
	052	50,54	0406 20 90 913	037	—
	400	70,77		039	—
	404	—		046	43,76
	600	50,54		052	43,76
	...	72,20		400	62,51
0406 10 20 630	037	—		404	—
	039	—		600	43,76
	046	57,07		...	62,51
	052	57,07	0406 20 90 915	037	—
	400	80,43		039	—
	404	—		046	58,34
	600	57,07		052	58,34
	...	81,52		400	83,34
0406 10 20 640	037	—		404	—
	039	—		600	58,34
	046	66,96		...	83,34
	052	66,96	0406 20 90 917	037	—
	400	95,66		039	—
	404	—		046	61,97
	600	66,96		052	61,97
	...	95,66		400	88,54
0406 10 20 650	037	—		404	—
	039	—		600	61,97
	046	69,71		...	88,54
	052	69,71	0406 20 90 919	037	—
	400	47,83		039	—
	404	—		046	69,27
	600	69,71		052	69,27
	...	99,59		400	98,96
0406 10 20 660	+	—		404	—
0406 10 20 810	037	—	0406 20 90 990	+	—
	039	—	0406 30 10 100	+	—
	046	10,85	0406 30 10 150	037	—
	052	10,85		039	—
	400	15,51		046	9,77
	404	—		052	9,77
	600	10,85		400	12,25
	...	15,51		404	—
0406 10 20 830	037	—		600	9,77
	039	—		...	13,95
	046	18,53	0406 30 10 200	037	—
	052	18,53		039	—
	400	26,47		046	20,83
	404	—		052	20,83
	600	18,53		400	26,60
	...	26,47		404	—
				600	20,83
				...	29,75

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 10 250	037	—	0406 30 10 650	037	—
	039	—		039	—
	046	20,83		046	44,46
	052	20,83		052	44,46
	400	26,60		400	56,85
	404	—		404	—
	600	20,83		600	44,46
	...	29,75		...	63,51
0406 30 10 300	037	—	0406 30 10 700	037	—
	039	—		039	—
	046	30,56		046	44,46
	052	30,56		052	44,46
	400	39,04		400	56,85
	404	—		404	—
	600	30,56		600	44,46
	...	43,65		...	63,51
0406 30 10 350	037	—	0406 30 10 750	037	—
	039	—		039	—
	046	20,83		046	52,73
	052	20,83		052	52,73
	400	26,60		400	67,42
	404	—		404	—
	600	20,83		600	52,73
	...	29,75		...	75,33
0406 30 10 400	037	—	0406 30 10 800	037	—
	039	—		039	—
	046	30,56		046	52,73
	052	30,56		052	52,73
	400	39,04		400	67,42
	404	—		404	—
	600	30,56		600	52,73
	...	43,65		...	75,33
0406 30 10 450	037	—	0406 30 31 100	+	—
	039	—		037	—
	046	44,46	0406 30 31 300	039	—
	052	44,46		046	9,77
	400	56,85		052	9,77
	404	—		400	12,25
	600	44,46		404	—
	...	63,51		600	9,77
	+	—		...	13,95
0406 30 10 500	+	—	0406 30 31 500	037	—
0406 30 10 550	037	—		039	—
	039	—		046	20,83
	046	20,83		052	20,83
	052	20,83		400	26,60
	400	26,60		404	—
	404	12,23		600	20,83
	600	20,83		...	29,75
	...	29,75	0406 30 31 710	037	—
0406 30 10 600	037	—		039	—
	039	—		046	20,83
	046	30,56		052	20,83
	052	30,56		400	26,60
	400	39,04		404	—
	404	17,12		600	20,83
	600	30,56		...	29,75
	...	43,65			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 30 31 730	037	—	0406 30 39 930	037	—
	039	—		039	—
	046	30,56		046	44,46
	052	30,56		052	44,46
	400	39,04		400	56,85
	404	—		404	—
	600	30,56		600	44,46
	...	43,65		...	63,51
0406 30 31 910	037	—	0406 30 39 950	037	—
	039	—		039	—
	046	20,83		046	52,73
	052	20,83		052	52,73
	400	26,60		400	67,42
	404	—		404	—
	600	20,83		600	52,73
	...	29,75		...	75,33
0406 30 31 930	037	—	0406 30 90 000	037	—
	039	—		039	—
	046	30,56		046	52,73
	052	30,56		052	52,73
	400	39,04		400	67,42
	404	—		404	—
	600	30,56		600	52,73
	...	43,65		...	75,33
0406 30 31 950	037	—	0406 40 50 000	037	—
	039	—		039	—
	046	44,46		046	65,16
	052	44,46		052	65,16
	400	56,85		400	62,00
	404	—		404	—
	600	44,46		600	65,16
	...	63,51		...	93,09
0406 30 39 100	+	—	0406 40 90 000	037	—
0406 30 39 300	037	—		039	—
	039	—		046	65,16
	046	20,83		052	65,16
	052	20,83		400	62,00
	400	26,60		404	—
	404	12,23		600	65,16
	600	20,83		...	93,09
	...	29,75	0406 90 07 000	037	—
0406 30 39 500	037	—		039	—
	039	—		046	82,07
	046	30,56		052	82,07
	052	30,56		400	102,86
	400	39,04		404	—
	404	17,12		600	82,07
	600	30,56		...	117,24
	...	43,65	0406 90 08 100	037	—
0406 30 39 700	037	—		039	—
	039	—		046	82,07
	046	44,46		052	82,07
	052	44,46		400	102,86
	400	56,85		404	—
	404	—		600	82,07
	600	44,46		...	117,24
	...	63,51	0406 90 08 900	+	—

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 09 100	037	—	0406 90 27 900	037	—
	039	—		039	—
	046	82,07		046	59,08
	052	82,07		052	59,08
	400	102,86		400	41,30
	404	—		404	—
	600	82,07		600	59,08
	...	117,24		...	84,39
0406 90 09 900	+	—	0406 90 31 119	037	—
0406 90 12 000	037	—		039	—
	039	—		046	49,82
	046	82,07		052	49,82
	052	82,07		400	49,43
	400	102,86		404	12,66
	404	—		600	49,82
	600	82,07		...	71,17
	...	117,24	0406 90 31 151	037	—
0406 90 14 100	037	—		039	—
	039	—		046	46,44
	046	82,07		052	46,44
	052	82,07		400	46,20
	400	102,86		404	11,84
	404	—		600	46,44
	600	82,07		...	66,34
	...	117,24	0406 90 31 159	+	—
0406 90 14 900	+	—		037	—
0406 90 16 100	037	—		039	—
	039	—		046	49,82
	046	82,07		052	49,82
	052	82,07		400	49,43
	400	102,86		404	12,66
	404	—		600	49,82
	600	82,07		...	71,17
	...	117,24	0406 90 33 151	037	—
0406 90 16 900	037	—		039	—
	039	—		046	46,44
	046	78,13		052	46,44
	052	78,13		400	46,20
	400	95,66		404	11,84
	404	—		600	46,44
	600	78,13		...	66,34
	...	111,62	0406 90 33 919	037	—
0406 90 23 900	037	—		039	—
	039	—		046	46,33
	046	57,50		052	46,33
	052	57,50		400	45,97
	400	42,00		404	11,78
	404	—		600	46,33
	600	57,50		...	66,19
	...	82,00	0406 90 33 951	037	—
0406 90 25 900	037	—		039	—
	039	—		046	43,19
	046	69,71		052	43,19
	052	69,71		400	42,97
	400	47,83		404	11,01
	404	—		600	43,19
	600	69,71		...	61,70
	...	99,59			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 35 190	037	33,76	0406 90 73 900	037	—
	039	33,76		039	—
	046	87,81		046	77,79
	052	87,81		052	77,79
	400	125,44		400	111,12
	404	71,22		404	88,32
	600	87,81		600	77,79
0406 90 35 990	...	125,44		...	111,12
	037	—	0406 90 75 900	037	—
	039	—		039	—
	046	66,96		046	64,88
	052	66,96		052	64,88
	400	95,66		400	47,83
	404	—		404	—
0406 90 37 000	600	66,96		600	64,88
	...	95,66		...	92,69
	037	—	0406 90 76 100	037	—
	039	—		039	—
	046	82,07		046	57,07
	052	82,07		052	57,07
	400	102,86		400	43,24
	404	—		404	—
0406 90 61 000	600	82,07		600	57,07
	...	117,24		...	81,52
	037	45,00	0406 90 76 300	037	—
	039	45,00		039	—
	046	90,50		046	69,71
	052	90,50		052	69,71
	400	129,50		400	47,83
	404	98,00		404	—
0406 90 63 100	600	90,50		600	69,71
	...	129,50		...	99,59
	037	63,50	0406 90 76 500	037	—
	039	63,50		039	—
	046	115,00		046	69,71
	052	115,00		052	69,71
	400	164,00		400	55,19
	404	123,50		404	—
0406 90 63 900	600	115,00		600	69,71
	...	164,00		...	99,59
	037	50,50	0406 90 78 100	037	—
	039	50,50		039	—
	046	83,00		046	51,50
	052	83,00		052	51,50
	400	108,00		400	41,00
	404	57,50		404	—
0406 90 69 100	600	83,00		600	51,50
	...	118,50		...	73,50
	+	—	0406 90 78 300	037	—
	037	—		039	—
	039	—		046	63,00
	046	84,99		052	63,00
	052	84,99		400	45,50
0406 90 69 910	400	110,38		404	—
	404	58,87		600	63,00
	600	84,99		...	90,00
	...	121,41			

Product code	Destination (*)	Amount of refund (**)	Product code	Destination (*)	Amount of refund (**)
0406 90 78 500	037	—	0406 90 86 300	037	—
	039	—		039	—
	046	63,00		046	48,00
	052	63,00		052	48,00
	400	52,50		400	68,50
	404	—		404	—
	600	63,00		600	48,00
	...	90,00		...	68,50
0406 90 79 900	037	—	0406 90 86 400	037	—
	039	—		039	—
	046	59,08		046	54,00
	052	59,08		052	54,00
	400	41,30		400	77,50
	404	—		404	—
	600	59,08		600	54,00
	...	84,39		...	77,50
0406 90 81 900	037	—	0406 90 86 900	037	—
	039	—		039	—
	046	66,96		046	63,50
	052	66,96		052	63,50
	400	95,66		400	91,00
	404	—		404	—
	600	66,96		600	63,50
	...	95,66		...	91,00
0406 90 85 910	037	33,76	0406 90 87 100	+	—
	039	33,76		037	—
	046	87,81	0406 90 87 200	039	—
	052	87,81		046	44,00
	400	125,44		052	44,00
	404	71,22		400	62,50
	600	87,81		404	—
	...	125,44		600	44,00
				...	62,50
0406 90 85 991	037	—	0406 90 87 300	037	—
	039	—		039	—
	046	66,96		046	48,00
	052	66,96		052	48,00
	400	95,66		400	68,50
	404	—		404	—
	600	66,96		600	48,00
	...	95,66		...	68,50
0406 90 85 995	037	—	0406 90 87 400	037	—
	039	—		039	—
	046	69,71		046	54,00
	052	69,71		052	54,00
	400	47,83		400	77,50
	404	—		404	—
	600	69,71		600	54,00
	...	99,59		...	77,50
0406 90 85 999	+	—	0406 90 87 951	037	—
0406 90 86 100	+	—		039	—
0406 90 86 200	037	—		046	79,50
	039	—		052	79,50
	046	44,00		400	113,50
	052	44,00		404	67,50
	400	62,50		600	79,50
	404	—		...	113,50
	600	44,00			
	...	62,50			

Product code	Destination (*)	Amount of refund (")	Product code	Destination (*)	Amount of refund (")
0406 90 87 971	037	—	2309 10 15 400	+	—
	039	—	2309 10 15 500	+	—
	046	66,00	2309 10 15 700	+	—
	052	66,00	2309 10 19 010	+	—
	400	54,46	2309 10 19 100	+	—
	404	—	2309 10 19 200	+	—
	600	66,00	2309 10 19 300	+	—
	...	94,50	2309 10 19 400	+	—
0406 90 87 972	046	25,00	2309 10 19 500	+	—
	052	25,00	2309 10 19 600	+	—
	400	30,90	2309 10 19 700	+	—
	404	—	2309 10 19 800	+	—
	600	25,00	2309 10 70 010	+	—
	...	36,00	2309 10 70 100	+	14,58
0406 90 87 979	037	—	2309 10 70 200	+	19,44
	039	—	2309 10 70 300	+	24,30
	046	66,00	2309 10 70 500	+	29,16
	052	66,00	2309 10 70 600	+	34,02
	400	54,46	2309 10 70 700	+	38,88
	404	—	2309 10 70 800	+	42,77
	600	66,00	2309 90 35 010	+	—
	...	94,50	2309 90 35 100	+	—
0406 90 88 100	+	—	2309 90 35 200	+	—
0406 90 88 200	037	—	2309 90 35 300	+	—
	039	—	2309 90 35 400	+	—
	046	44,00	2309 90 35 500	+	—
	052	44,00	2309 90 35 700	+	—
	400	62,50	2309 90 39 010	+	—
	404	—	2309 90 39 100	+	—
	600	44,00	2309 90 39 200	+	—
	...	62,50	2309 90 39 300	+	—
0406 90 88 300	037	—	2309 90 39 400	+	—
	039	—	2309 90 39 500	+	—
	046	48,00	2309 90 39 600	+	—
	052	48,00	2309 90 39 700	+	—
	400	68,50	2309 90 39 800	+	—
	404	—	2309 90 70 010	+	—
	600	48,00	2309 90 70 100	+	14,58
	...	68,50	2309 90 70 200	+	19,44
2309 10 15 010	+	—	2309 90 70 300	+	24,30
2309 10 15 100	+	—	2309 90 70 500	+	29,16
2309 10 15 200	+	—	2309 90 70 600	+	34,02
2309 10 15 300	+	—	2309 90 70 700	+	38,88
			2309 90 70 800	+	42,77

(*) The code numbers for the destinations are those set out in the Annex to Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

For destinations other than those indicated for each 'product code', the amount of the refund applying is indicated by "".

Where no destination (+) is indicated, the amount of the refund is applicable for exports to any destination other than those referred to in Article 1 (2) and (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.

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

**COMMISSION REGULATION (EC) No 891/96
of 15 May 1996**

**amending Regulation (EC) No 2993/94 fixing the aid for the supply of milk
products to the Canary Islands under the arrangements provided for in Articles 2
to 4 of Council Regulation (EEC) No 1601/92**

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

Having regard to Council Regulation (EEC) No 1601/92
of 15 June 1992 concerning specific measures for the
Canary Islands with regard to certain agricultural
products⁽¹⁾, as last amended by Regulation (EC) No
2537/95⁽²⁾, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 2790/94⁽³⁾, as
amended by Regulation (EC) No 2883/94⁽⁴⁾, lays down in
particular the detailed rules for the application of the
specific arrangements for the supply of certain agricul-
tural products to the Canary Islands;

Whereas Commission Regulation (EC) No 2993/94⁽⁵⁾, as
last amended by Regulation (EC) No 853/96⁽⁶⁾, fixed the
amount of aid for milk products;

Whereas Commission Regulation (EC) No 756/96 of 25
April 1996 fixing the export refunds on milk and milk
products⁽⁷⁾, as amended by Regulation (EC) No 849/96⁽⁸⁾,
fixes the refunds on those products; whereas the Annex to
Regulation (EC) No 2993/94 should be adapted to take
account of those adjustments,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to amended Regulation (EC) No 2993/94 is
hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 16 May 1996.

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

Done at Brussels, 15 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 173, 27. 6. 1992, p. 13.

⁽²⁾ OJ No L 260, 31. 10. 1995, p. 10.

⁽³⁾ OJ No L 296, 17. 11. 1994, p. 23.

⁽⁴⁾ OJ No L 304, 29. 11. 1994, p. 18.

⁽⁵⁾ OJ No L 316, 9. 12. 1994, p. 11.

⁽⁶⁾ OJ No L 115, 9. 5. 1996, p. 20.

⁽⁷⁾ OJ No L 103, 26. 4. 1996, p. 13.

⁽⁸⁾ See page 8 of this Official Journal.

ANNEX

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401	Milk and cream, not concentrated nor containing added sugar or other sweetening matter ('):			
0401 10	– Of a fat content, by weight, not exceeding 1 %:			
0401 10 10	– – In immediate packings of a net content not exceeding 2 litres	0401 10 10 000	(¹)	4,748
0401 10 90	– – Other	0401 10 90 000	(¹)	4,748
0401 20	– Of a fat content, by weight, exceeding 1 % but not exceeding 6 %:			
	– – Not exceeding 3 %:			
0401 20 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 11 100	(¹)	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 11 500	(¹)	7,340
0401 20 19	– – – Other:			
	– Of a fat content, by weight, not exceeding 1,5 %	0401 20 19 100	(¹)	4,748
	– Of a fat content, by weight, exceeding 1,5 %	0401 20 19 500	(¹)	7,340
	– – Exceeding 3 %:			
0401 20 91	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 91 100	(¹)	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 91 500	(¹)	11,39
0401 20 99	– – – Other:			
	– Of a fat content, by weight, not exceeding 4 %	0401 20 99 100	(¹)	9,775
	– Of a fat content, by weight, exceeding 4 %	0401 20 99 500	(¹)	11,39
0401 30	– Of a fat content, by weight, exceeding 6 %:			
	– – Not exceeding 21 %:			
0401 30 11	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 11 100	(¹)	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 11 400	(¹)	22,55
	– Exceeding 17 %	0401 30 11 700	(¹)	33,87
0401 30 19	– – – Other:			
	– Of a fat content, by weight:			
	– Not exceeding 10 %	0401 30 19 100	(¹)	14,62
	– Exceeding 10 % but not exceeding 17 %	0401 30 19 400	(¹)	22,55
	– Exceeding 17 %	0401 30 19 700	(¹)	33,87
	– – Exceeding 21 % but not exceeding 45 %:			
0401 30 31	– – – In immediate packings of a net content not exceeding 2 litres:			
	– Of a fat content, by weight:			
	– Not exceeding 35 %	0401 30 31 100	(¹)	40,34
	– Exceeding 35 % but not exceeding 39 %	0401 30 31 400	(¹)	63,00
	– Exceeding 39 %	0401 30 31 700	(¹)	69,47

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0401 30 39	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 35 %	0401 30 39 100	(1)	40,34
	— Exceeding 35 % but not exceeding 39 %	0401 30 39 400	(1)	63,00
	— Exceeding 39 %	0401 30 39 700	(1)	69,47
	— — Exceeding 45 %:			
0401 30 91	— — — In immediate packings of a net content not exceeding 2 litres:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 91 100	(1)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 91 400	(1)	116,37
	— Exceeding 80 %	0401 30 91 700	(1)	135,80
0401 30 99	— — — Other:			
	— Of a fat content, by weight:			
	— Not exceeding 68 %	0401 30 99 100	(1)	79,18
	— Exceeding 68 % but not exceeding 80 %	0401 30 99 400	(1)	116,37
	— Exceeding 80 %	0401 30 99 700	(1)	135,80
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter:			
0402 10	— In powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5 % (7):			
	— — Not containing added sugar or other sweetening matter (2):			
0402 10 11	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 11 000	(2)	49,00
0402 10 19	— — — Other	0402 10 19 000	(2)	49,00
	— — Other (3):			
0402 10 91	— — — In immediate packings of a net content not exceeding 2,5 kg	0402 10 91 000	(3)	0,4900
0402 10 99	— — — Other	0402 10 99 000	(3)	0,4900
	— In powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5 % (7):			
0402 21	— — Not containing added sugar or other sweetening matter (2):			
	— — — Of a fat content, by weight, not exceeding 27 %:			
0402 21 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a fat content, by weight:			
	— Not exceeding 11 %	0402 21 11 200	(2)	49,00
	— Exceeding 11 % but not exceeding 17 %	0402 21 11 300	(2)	86,53
	— Exceeding 17 % but not exceeding 25 %	0402 21 11 500	(2)	91,16
	— Exceeding 25 %	0402 21 11 900	(2)	98,05
	— — — — Other:			
0402 21 17	— — — — — Of a fat content, by weight, not exceeding 11 %	0402 21 17 000	(2)	49,00
0402 21 19	— — — — — Of a fat content, by weight, exceeding 11 % but not exceeding 27 %:			
	— Not exceeding 17 %	0402 21 19 300	(3)	86,53
	— Exceeding 17 % but not exceeding 25 %	0402 21 19 500	(2)	91,16
	— Exceeding 25 %	0402 21 19 900	(2)	98,05
	— — — Of a fat content, by weight, exceeding 27 %:			

(in ECU/100 kg weight, if no other indication)				
CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 21 91	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 7 %	0402 21 91 100 0402 21 91 200 0402 21 91 300 0402 21 91 400 0402 21 91 500 0402 21 91 600 0402 21 91 700 0402 21 91 900	(2) (2) (2) (2) (2) (2) (2) (2)	98,77 99,45 100,67 107,61 110,00 119,21 124,61 130,71
0402 21 99	— — — — Other: — Of a fat content, by weight: — Not exceeding 28 % — Exceeding 28 % but not exceeding 29 % — Exceeding 29 % but not exceeding 41 % — Exceeding 41 % but not exceeding 45 % — Exceeding 45 % but not exceeding 59 % — Exceeding 59 % but not exceeding 69 % — Exceeding 69 % but not exceeding 79 % — Exceeding 79 %	0402 21 99 100 0402 21 99 200 0402 21 99 300 0402 21 99 400 0402 21 99 500 0402 21 99 600 0402 21 99 700 0402 21 99 900	(2) (2) (2) (2) (2) (2) (2) (2)	98,77 99,45 100,67 107,61 110,00 119,21 124,61 130,71
ex 0402 29	— — Other (3): — — — Of a fat content, by weight, not exceeding 27 %: — — — — Other:			
0402 29 15	— — — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 %	0402 29 15 200 0402 29 15 300 0402 29 15 500 0402 29 15 900	(3) (3) (3) (3)	0,4900 0,8653 0,9116 0,9805
0402 29 19	— — — — — Other: — Of a fat content, by weight: — Not exceeding 11 % — Exceeding 11 % but not exceeding 17 % — Exceeding 17 % but not exceeding 25 % — Exceeding 25 % — — — Of a fat content, by weight, exceeding 27 %:	0402 29 19 200 0402 29 19 300 0402 29 19 500 0402 29 19 900	(3) (3) (3) (3)	0,4900 0,8653 0,9116 0,9805

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 29 91	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a fat content, by weight: — Not exceeding 41 % — Exceeding 41 %	0402 29 91 100 0402 29 91 500	(²) (³)	0,9877 1,0761
0402 29 99	— — — — Other: — Of a fat content, by weight: — Not exceeding 41 % — Exceeding 41 % — Other:	0402 29 99 100 0402 29 99 500	(³) (³)	0,9877 1,0761
0402 91	— — Not containing added sugar or other sweetening matter (²): — — — Of a fat content, by weight, not exceeding 8 %:			
0402 91 11	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a non-fat lactic dry matter content: — Of less than 15 % and of a fat content, by weight: — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight: — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 %	0402 91 11 110 0402 91 11 120 0402 91 11 310 0402 91 11 350 0402 91 11 370	(²) (²) (²) (²) (²)	4,748 9,775 14,72 18,05 21,95
0402 91 19	— — — — Other: — Of a non-fat lactic dry matter content: — Of less than 15 % and of a fat content, by weight: — Not exceeding 3 % — Exceeding 3 % — Of 15 % or more and of a fat content, by weight: — Not exceeding 3 % — Exceeding 3 % but not exceeding 7,4 % — Exceeding 7,4 % — — — Of a fat content, by weight, exceeding 8 % but not exceeding 10 %:	0402 91 19 110 0402 91 19 120 0402 91 19 310 0402 91 19 350 0402 91 19 370	(²) (²) (²) (²) (²)	4,748 9,775 14,72 18,05 21,95
0402 91 31	— — — — In immediate packings of a net content not exceeding 2,5 kg: — Of a non-fat lactic dry matter content: — Of less than 15 % — Of 15 % or more	0402 91 31 100 0402 91 31 300	(²) (²)	19,31 25,95
0402 91 39	— — — — Other: — Of a non-fat lactic dry matter content: — Of less than 15 % — Of 15 % or more — — — Of a fat content, by weight, exceeding 10 % but not exceeding 45 %:	0402 91 39 100 0402 91 39 300	(²) (²)	19,31 25,95
0402 91 51	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 51 000	(²)	22,55
0402 91 59	— — — — Other	0402 91 59 000	(²)	22,55

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
	— — — Of a fat content, by weight, exceeding 45 %:			
0402 91 91	— — — — In immediate packings of a net content not exceeding 2,5 kg	0402 91 91 000	(²)	79,18
0402 91 99	— — — — Other	0402 91 99 000	(²)	79,18
0402 99	— — Other:			
	— — — Of a fat content, by weight, not exceeding 9,5 %:			
0402 99 11	— — — — In immediate packings of a net content not exceeding 2,5 kg:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³):			
	— Not exceeding 3 %	0402 99 11 110	(³)	0,0475
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 130	(³)	0,0978
	— Exceeding 6,9 %	0402 99 11 150	(³)	0,1406
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴):			
	— Not exceeding 3 %	0402 99 11 310	(⁴)	16,99
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 11 330	(⁴)	20,39
	— Exceeding 6,9 %	0402 99 11 350	(⁴)	27,10
0402 99 19	— — — — Other:			
	— Of a non-fat lactic dry matter content of less than 15 % and of a fat content, by weight (³):			
	— Not exceeding 3 %	0402 99 19 110	(³)	0,0475
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 130	(³)	0,0978
	— Exceeding 6,9 %	0402 99 19 150	(³)	0,1406
	— Of a non-fat lactic dry matter content of 15 % or more and of a fat content, by weight (⁴):			
	— Not exceeding 3 %	0402 99 19 310	(⁴)	16,99
	— Exceeding 3 % but not exceeding 6,9 %	0402 99 19 330	(⁴)	20,39
	— Exceeding 6,9 %	0402 99 19 350	(⁴)	27,10
	— — — Of a fat content, by weight, exceeding 9,5 % but not exceeding 45 %:			
0402 99 31	— — — — In immediate packings not exceeding 2,5 kg:			
	— Of a fat content, by weight, not exceeding 21 %:			
	— Of a non-fat lactic dry matter content, by weight, of less than 15 % (³)	0402 99 31 110	(³)	0,2094
	— Of a non-fat lactic dry matter content, by weight, of 15 % or more (⁴)	0402 99 31 150	(⁴)	28,22
	— Of a fat content, by weight, exceeding 21 % but not exceeding 39 % (³)	0402 99 31 300	(³)	0,4034
	— Of a fat content, by weight, exceeding 39 % (³)	0402 99 31 500	(³)	0,6947

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0402 99 39	-- -- -- Other: -- Of a fat content, by weight, not exceeding 21 %: -- Of a non-fat lactic dry matter content, by weight, of less than 15 % ⁽³⁾ -- Of a non-fat lactic dry matter content, by weight, of 15 % or more ⁽⁴⁾ -- Of a fat content, by weight, exceeding 21 % but not exceeding 39 % ⁽³⁾ -- Of a fat content, by weight, exceeding 39 % ⁽³⁾ -- -- -- Of a fat content, by weight, exceeding 45 %:	0402 99 39 110 0402 99 39 150 0402 99 39 300 0402 99 39 500	⁽³⁾ ⁽⁴⁾ ⁽³⁾ ⁽³⁾	0,2094 28,22 0,4034 0,6947
0402 99 91	-- -- -- In immediate packings not exceeding 2,5 kg ⁽³⁾	0402 99 91 000	⁽²⁾	0,7918
0402 99 99	-- -- -- Other ⁽³⁾	0402 99 99 000	⁽²⁾	0,7918
ex 0405	Butter and other fats and oils derived from milk; dairy spreads:			
0405 10	-- Butter: -- Of a fat content, by weight, not exceeding 85 %: -- -- Natural butter:			
0405 10 11	-- -- -- In immediate packings of a net content not exceeding 1 kg: -- -- -- -- Of a fat content by weight: -- -- -- -- -- Of 80 % or more but less than 82 % -- -- -- -- -- Of 82 % or more	0405 10 11 500 0405 10 11 700		170,73 175,00
0405 10 19	-- -- -- Other: -- -- -- -- Of a fat content by weight: -- -- -- -- -- Of 80 % or more but less than 82 % -- -- -- -- -- Of 82 % or more	0405 10 19 500 0405 10 19 700		170,73 175,00
0405 10 30	-- -- -- Recombined butter: -- -- -- -- In immediate packings of a net content not exceeding 1 kg: -- -- -- -- -- Of a fat content by weight: -- -- -- -- -- Of 80 % or more but less than 82 % -- -- -- -- -- Of 82 % or more -- -- -- -- Other: -- -- -- -- -- Of a fat content by weight: -- -- -- -- -- Of 80 % or more but less than 82 % -- -- -- -- -- Of 82 % or more	0405 10 30 100 0405 10 30 300 0405 10 30 500 0405 10 30 700		170,73 175,00 170,73 175,00
0405 10 50	-- -- -- Whey butter: -- -- -- -- In immediate packings of a net content not exceeding 1 kg: -- -- -- -- -- Of a fat content by weight: -- -- -- -- -- Of 80 % or more but less than 82 % -- -- -- -- -- Of 82 % or more -- -- -- -- Other: -- -- -- -- -- Of a fat content by weight: -- -- -- -- -- Of 80 % or more but less than 82 % -- -- -- -- -- Of 82 % or more	0405 10 50 100 0405 10 50 300 0405 10 50 500 0405 10 50 700		170,73 175,00 170,73 175,00
0405 10 90	-- -- Other	0405 10 90 000		181,40

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
ex 0405 20	– Dairy spreads:			
0405 20 90	– – Of a fat content by weight of more than 75 % but less than 80 %:			
	– – – Of a fat content by weight:			
	– – – – Of more than 75 % but less than 78 %	0405 20 90 500		160,06
	– – – – Of 78 % or more	0405 20 90 700		166,46
0405 90	– Other:			
0405 90 10	– – Of a fat content by weight of 99,3 % or more and of a water content by weight not exceeding 0,5 %:	0405 90 10 000		223,00
0405 90 90	– – Other	0405 90 90 000		175,00
0406	– Cheese:			
0406 30	– Processed, cheese, not grated or powdered ⁽⁶⁾ :			
0406 30 10	– – In the blending of which only Emmentaler, Gruyere and Appenzell have been used and which may contain, as an addition, Glarus herb cheese (known as Schabziger); put up for retail sale, of a fat content by weight in the dry matter, not exceeding 56 %:			
	– – – In the blending of which only Emmentaler and Gruyere have been used of a fat content by weight in the dry matter, not exceeding 56 %:			
	– – – – Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:			
	– – – – – Not exceeding 48 %:			
	– – – – – Of a dry matter content, by weight:			
	– – – – – – Of less than 27 %	0406 30 10 100		—
	– – – – – – Of 27 % or more but less than 33 %	0406 30 10 150		13,95
	– – – – – – Of 33 % or more but less than 38 %	0406 30 10 200		29,75
	– – – – – – Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter:			
	– – – – – – – Of less than 20 %	0406 30 10 250		29,75
	– – – – – – – Of 20 % or more	0406 30 10 300		43,65
	– – – – – – Of 43 % or more and of a fat content, by weight, in the dry matter:			
	– – – – – – – Of less than 20 %	0406 30 10 350		29,75
	– – – – – – – Of 20 % or more but less than 40 %	0406 30 10 400		43,65
	– – – – – – – Of 40 % or more	0406 30 10 450		63,51
	– – – – – Exceeding 48 %:			
	– – – – – Of a dry matter content, by weight:			
	– – – – – – Of less than 33 %	0406 30 10 500		—
	– – – – – – Of 33 % or more but less than 38 %	0406 30 10 550		29,75
	– – – – – – Of 38 % or more but less than 43 %	0406 30 10 600		43,65

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 30 10 (cont'd)	— Of 43 % or more but less than 46 %	0406 30 10 650		63,51
	— Of 46 % or more and of a fat content, by weight, in the dry matter:			
	— Of less than 55 %	0406 30 10 700		63,51
	— Of 55 % or more	0406 30 10 750		75,33
	— — — Of a fat content, by weight, exceeding 36 %	0406 30 10 800		75,33
	— — — Other	0406 30 10 900		—
	— — Other:			
	— — — Of a fat content, by weight, not exceeding 36 % and of a fat content, by weight, in the dry matter:			
0406 30 31	— — — — Not exceeding 48 %:			
	— Of a dry matter content, by weight:			
	— Of less than 27 %	0406 30 31 100		—
	— Of 27 % or more but less than 33 %	0406 30 31 300	(⁹)	13,95
	— Of 33 % or more but less than 38 %	0406 30 31 500	(⁹)	29,75
	— Of 38 % or more but less than 43 % and of a fat content, by weight, in the dry matter:			
	— Of less than 20 %	0406 30 31 710	(⁹)	29,75
	— Of 20 % or more	0406 30 31 730	(⁹)	43,65
	— Of 43 % or more and of a fat content, by weight, in the dry matter:			
	— Of less than 20 %	0406 30 31 910	(⁹)	29,75
	— Of 20 % or more but less than 40 %	0406 30 31 930	(⁹)	43,65
	— Of 40 % or more	0406 30 31 950	(⁹)	63,51
0406 30 39	— — — — Exceeding 48 %:			
	— Of a dry matter content, by weight:			
	— Of less than 33 %	0406 30 39 100		—
	— Of 33 % or more but less than 38 %	0406 30 39 300	(⁹)	29,75
	— Of 38 % or more but less than 43 %	0406 30 39 500	(⁹)	43,65
	— Of 43 % or more but less than 46 %	0406 30 39 700	(⁹)	63,51
	— Of 46 % or more and of a fat content, by weight, in the dry matter:			
	— Of less than 55 %	0406 30 39 930	(⁹)	63,51
	— Of 55 % or more	0406 30 39 950	(⁹)	75,33
0406 30 90	— — — Of a fat content, by weight, exceeding 36 %	0406 30 90 000	(⁹)	75,33
0406 90 23	— — — Edam:			
	— Of a fat content, by weight, in the dry matter:			
	— Of less than 39 %	0406 90 23 100		—
	— Of 39 % or more	0406 90 23 900	(⁹)	82,00
0406 90 25	— — — Tilsit:			
	— Of a fat content, by weight, in the dry matter:			
	— Of less than 39 %	0406 90 25 100		—
	— Of 39 % or more	0406 90 25 900	(⁹)	99,59

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 27	— — — Butterkäse: — Of a fat content, by weight, in the dry matter: — Of less than 39 % — Of 39 % or more	0406 90 27 100 0406 90 27 900	(°) (°)	— 84,39
0406 90 76	— — — — — Danbo, Fontal, Fontina, Fynbo, Havarti, Maribo, Samsø: — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more	0406 90 76 100 0406 90 76 300 0406 90 76 500	(°) (°) (°)	81,52 99,59 99,59
0406 90 78	— — — — — Gouda: — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more but less than 55 % — Of a fat content, by weight, in the dry matter of 55 % or more — — — — — Other cheeses, of a water content, calculated by weight, of the non-fatty matter	0406 90 78 100 0406 90 78 300 0406 90 78 500	(°) (°) (°)	73,50 90,00 90,00
0406 90 79	— — — — — Estrom, Italico, Kernhem, Saint-Nectaire, Saint-Paulin and Taleggio: — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 79 100 0406 90 79 900	(°) (°)	— 84,39
0406 90 81	— — — — — Cantal, Cheshire, Wensleydale, Lancashire, Double Gloucester, Blarney, Colby and Monterey: — Of a fat content, by weight, in the dry matter of less than 39 % — Of a fat content, by weight, in the dry matter of 39 % or more	0406 90 81 100 0406 90 81 900	(°) (°)	— 95,66
0406 90 86	— — — — — Exceeding 47 % but not exceeding 52 %: — Cheeses produced from whey — Other: — Of a fat content, by weight, in the dry matter: — Of less than 5 % — Of 5 % or more but less than 19 % — Of 19 % or more but less than 39 % — Of more than 39 %	0406 90 86 100 0406 90 86 200 0406 90 86 300 0406 90 86 400 0406 90 86 900	(°) (°) (°) (°)	— 62,50 68,50 77,50 91,00

(in ECU/100 kg weight, if no other indication)

CN code	Description of goods	Product code	Notes	Amount of aid
(1)	(2)	(3)	(4)	(5)
0406 90 87	— — — — — Exceeding 52 % but not exceeding 62 %:			
	— Cheeses produced from whey	0406 90 87 100		—
	— Other:			
	— Of a fat content, by weight, in the dry matter:			
	— Of less than 5 %	0406 90 87 200	(¹)	62,50
	— Of 5 % or more but less than 19 %	0406 90 87 300	(¹)	68,50
	— Of 19 % or more but less than 39 %	0406 90 87 400	(¹)	77,50
	— Of more than 39 %:			
	— Idiazabal, Manchego and Roncal, manufactured exclusively from sheep's milk	0406 90 87 951	(¹)	113,50
	— Maasdam	0406 90 87 971	(¹)	94,50
	— Manouri, of a fat content, by weight, of 30 % or more	0406 90 87 972	(¹)	36,00
	— Other	0406 90 87 979	(¹)	94,50
0406 90 88	— — — — — Exceeding 62 % but not exceeding 72 %:			
	— Cheeses produced from whey	0406 90 88 100		—
	— Other:			
	— Of a fat content, by weight, in the dry matter:			
	— Of less than 5 % and of a dry matter content, by weight, of 32 % or more	0406 90 88 200	(¹)	62,50
	— Of 5 % or more but less than 19 % and of a dry matter content, by weight, of 32 % or more	0406 90 88 300	(¹)	68,50
	— Other	0406 90 88 900		—

(¹) When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or casein and/or caseinates, no aid shall be granted.

When completing customs formalities, the applicant shall state on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added to the product.

(²) The weight of the added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content by weight. When the product falling within this subheading is a mixture containing added whey and/or added lactose and/or added casein and/or added caseinates, the whey and/or added casein and/or caseinates shall not be taken into account in the added calculation of the amount of aid.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and in particular,
- the lactose content of the added whey.

(³) The weight of added non-lactic matter and/or added whey and/or added lactose and/or added casein and/or added caseinates shall not be taken into account for the purpose of calculation of the fat content, by weight.

The aid per 100 kilograms of product falling within this subheading shall be equal to the sum of the following components:

- (a) the amount per kilogram shown, multiplied by the weight of the lactic part contained in 100 kilograms of product; however, where whey and/or lactose and/or casein and/or caseinates have been added to the product, the amount per kilogram shown shall be multiplied by the weight of lactic part excluding the weight of added whey and/or added lactose and/or added caseinates, contained in 100 kilograms of product;

(b) a component calculated in accordance with the provisions of Article 12 (3) of amended Regulation (EC) No 1466/95 (OJ No L 144, 28. 6. 1995, p. 22).

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished products, and in particular,
- the lactose content of the added whey.

(⁴) The aid on 100 kilograms of product falling within this subheading is equal to the sum of the following elements:

- (a) the amount per 100 kilograms shown; however, where whey and/or lactose and/or casein and/or caseinates have been added to the products, the amount per 100 kilograms shown shall be:
- multiplied by the weight of the lactic part other than the added whey and/or added lactose and/or added casein and/or added caseinates contained in 100 kilograms of product, and then
 - divided by the weight of the lactic part contained in 100 kilograms of product;

(b) a component calculated in accordance with the provisions of Article 12 (3) of Regulation (EC) No 1466/95.

When completing customs formalities, the applicant shall state, on the declaration provided for this purpose, whether or not whey and/or lactose and/or casein and/or caseinates have been added, and where this is the case:

- the actual content by weight of whey and/or lactose and/or casein and/or caseinates added per 100 kilograms of finished product, and, in particular,
- the lactose content of the added whey.

(⁵) In the case of cheeses presented in containers which also contain conserving liquid, in particular brine, the aid is granted on the net weight, the weight of the liquid being deducted.

(⁶) Where the product contains casein and/or caseinates, the part corresponding to the casein and/or the added caseinates will not be taken into account for the purpose of calculating the aid.

When completing customs formalities, the party concerned is to state, on the declaration provided for the purpose, whether or not casein and/or caseinates have been added per 100 kilograms and where this is the case, the actual content by weight of added casein and/or added caseinates of finished product.

(⁷) The aid on frozen condensed milk is the same as that on products falling within CN codes 0402 91 or 0402 99.

COMMISSION REGULATION (EC) No 892/96

of 15 May 1996

establishing the standard import values for determining the entry price of
certain fruit and vegetables

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

Having regard to Commission Regulation (EC) No 3223/94 of 21 December 1994 on detailed rules for the application of the import arrangements for fruit and vegetables ⁽¹⁾, as last amended by Regulation (EC) No 2933/95 ⁽²⁾, and in particular Article 4 (1) thereof,

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

Whereas Regulation (EC) No 3223/94 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commis-

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 May 1996.

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

Done at Brussels, 15 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 337, 24. 12. 1994, p. 66.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 21.

⁽³⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁴⁾ OJ No L 22, 31. 1. 1995, p. 1.

ANNEX

to the Commission Regulation of 15 May 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 (*)	Standard import value	CN code	Third country code (*)	Standard import value
0702 00 30	052	131,5	0805 30 20	436	41,6
	060	80,2		448	26,3
	064	59,6		528	53,6
	066	41,7		600	47,3
	068	62,3		624	47,6
	204	67,8		625	18,9
	208	44,0		999	44,3
	212	97,5		052	129,4
	624	95,8		204	88,8
	999	75,6		220	74,0
ex 0707 00 25	052	94,8	0808 10 61, 0808 10 63, 0808 10 69	388	81,7
	053	156,2		400	72,1
	060	61,0		512	54,8
	066	53,8		520	66,5
	068	69,1		524	100,8
	204	144,3		528	83,6
	624	87,1		600	73,7
	999	95,2		624	102,4
	220	309,2		999	84,3
	999	309,2		039	106,0
0709 10 10	052	84,1		052	64,0
	204	77,5		064	78,6
0709 90 75	412	54,2		284	72,1
	624	151,9		388	79,1
	999	91,9		400	67,5
	052	53,4		404	62,8
	204	38,5		416	72,7
0805 10 31, 0805 10 33, 0805 10 35	208	58,0		508	90,4
	212	52,1		512	70,6
	220	53,3		524	82,8
	388	40,5		528	75,1
	400	45,0		624	86,5
				728	107,3
				800	78,0
				804	93,4
				999	80,4

(*) Country nomenclature as fixed by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 16). Code '999' stands for 'of other origin'.

COMMISSION REGULATION (EC) No 893/96

of 15 May 1996

temporarily suspending the issue of export licences for certain milk products
and laying down the extent to which applications for licences still pending can
be met

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 804/68 of 27 June 1968 on the common organization of the market in milk and milk products⁽¹⁾, as last amended by Commission Regulation (EC) No 2931/95⁽²⁾,

Having regard to Commission Regulation (EC) No 1466/95 of 27 June 1995 laying down special detailed rules of application for export refunds on milk and milk products⁽³⁾, as last amended by Regulation (EC) No 823/96⁽⁴⁾, and in particular Article 8 (3) thereof,

Whereas the market in certain milk products is currently subject to uncertainty; whereas licence applications of a speculative nature should be avoided which may lead to distortions of competition between operators and potentially disrupt the continuity of exports of these products for the remainder of the period in question; whereas the issue of export licences for the products involved should be temporarily suspended and licences should not be issued for some of these products for which applications are still pending;

Whereas the Management Committee for Milk and Milk Products has not delivered an opinion within the time limit set by its Chairman,

Article 1

1. The issue of export licences for milk products falling within CN code 0406 is hereby suspended for the period from 16 to 31 May 1996.
2. Export licences shall be issued in respect of applications covering products falling within CN code 0406 which were submitted on 10 May and are still pending and against which licences would be issued from 17 May 1996.
3. Export licences shall be issued in respect of applications covering products falling within CN code 0406 which were submitted on 13 May and are still pending and against which licences would be issued from 20 May 1996, except for pending applications covering products falling within CN codes 0406 30, 0406 90 23, 0406 90 78 and 0406 90 87, against which no licences shall be issued.
4. No licences shall be issued for products falling within CN codes 0406 for which applications submitted on 14 and 15 May 1996 are still pending and against which licences would have been issued from 21 May 1996.

Article 2

This Regulation shall enter into force on 16 May 1996.

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

Done at Brussels, 15 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 13.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

⁽³⁾ OJ No L 144, 28. 6. 1995, p. 22.

⁽⁴⁾ OJ No L 111, 4. 5. 1996, p. 9.

II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION DECISION

of 20 December 1995

amending Spanish aid schemes for the motor vehicle industry

(Only the Spanish text is authentic)

(Text with EEA relevance)

(96/313/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the first subparagraph of Article 93 (2) thereof,

Having regard to the Agreement establishing the European Economic Area, and in particular point (a) of Article 62 (1) thereof,

Having given the parties concerned the opportunity to submit their comments, in accordance with the above-mentioned Articles,

Whereas:

referred to as 'the Community framework') as proposed by the Commission in its decision of 5 July 1995. After examining those comments, the Commission concluded at that stage that there were no grounds for accepting Spain's refusal.

By the abovementioned letter of 5 October, the Commission gave the Spanish Government notice to submit its comments within two weeks of the date it received the letter. In accordance with Article 93 (2), the other Member States and interested parties were informed by publication of the letter in the *Official Journal of the European Communities* and were requested to submit their comments.

II

I

Opening of the procedure provided for in Article 93 (2) of the Treaty

By letter dated 5 October 1995, the Commission informed Spain of its decision of 20 September 1995⁽¹⁾ to initiate the procedure provided for in Article 93 (2) of the Treaty in respect of all aid schemes in operation in Spain under which aid could be awarded as from 1 January 1996 to motor vehicle manufacturers.

In opening the procedure, the Commission examined the comments submitted by Spain to justify its refusal to agree to the reintroduction of the Community framework on State aid to the motor vehicle industry (hereinafter

Observations from the Spanish Government

By letter dated 31 October 1995, the Spanish Government communicated its comments under the procedure. Its arguments, which broadly correspond to those which it already advanced in its letter of 16 August 1995 in order to justify its refusal, are set out below:

1. Disregard of Article 93 (1) of the Treaty

The Spanish authorities stated that the Commission had altered the literal and logical order of Article 93 (1), which establishes, first, that 'the Commission shall, in cooperation with Member States, keep under constant review all systems of aid existing in those States' and, secondly, that 'it shall propose to the latter any appropriate measures required by the progressive development or by the functioning of the common market'.

⁽¹⁾ OJ No C 304, 15. 11. 1995, p. 14.

Before discussing the reintroduction of the Community framework with the Member States at the multilateral meeting of 19 July 1995, the Commission had already adopted on 5 July 1995 a decision proposing that the Member States reintroduce the Community framework, warning them that, should they refuse to support the proposal, it would initiate the procedure provided for under Article 93 (2). It could not be argued that the Commission proposal had been discussed at the multilateral meeting of 4 July 1995, at which the Member States had merely taken note of the proposal and reserved their positions on it.

Furthermore, the Commission has not demonstrated that the urgent need to ensure that the new Community framework entered into force prevented it from complying with the provisions of Article 93 (1).

Lastly, the Spanish authorities felt that the facts bore out the remarks they made at the multilateral meeting of 19 July 1995 to the effect that the Commission's *a posteriori* consultation of the Member States had no genuine purpose, because it did not serve to modify the 'appropriate measure' already decided by the Commission on 5 July 1995.

2. Lack on an overall evaluation of implementation of the Community framework

The Spanish authorities also disagreed with the reintroduction of the Community framework on the grounds that there had been no overall evaluation of its implementation in recent years. The Commission acknowledged the need for such an evaluation in its letter of 5 October 1995, in which it stated its firm intention to undertake, in the following year, an independent study to review application of the Community framework since its introduction. However, according to the Spanish authorities, the appropriateness of the criteria and method employed for implementing the Community framework over the previous six years should have been demonstrated by the study before the decision was taken to keep the framework in force for three additional years.

Furthermore, the position of the Spanish authorities was in line with the request made by the European Parliament in its resolution of 2 September 1995 on the Commission's communication on the Community automobile industry, in which it called for the repercussions of all common policies affecting the automobile industry to be reviewed at least three times a year.

3. Justification for a framework on State aid to the motor vehicle industry as opposed to other industries; intervention to restructure the Community motor vehicle industry

The Spanish authorities took the view that, in principle, it could make sense to favour a reduction in overcapacity in

a sector suffering from a lack of competitiveness. However, if the excess capacity was found in a sector in which firms were highly competitive on world markets, the maintenance of a specific framework restricting State aid in that sector would discriminate against those firms vis-à-vis those operating in other sectors and would undermine their future competitiveness. The fallacy of such an approach was even more obvious when it was borne in mind that the most competitive companies in the sector were precisely those deciding to carry out new investments to increase their capacity and improve their technological know-how. The Spanish Government considered that these companies, being in direct contact with the market, had a better knowledge of the sector than the Commission.

As regards the reference made in the Commission's letter of 5 October 1995 to the fact that Spain had accepted application of the Community framework in the past, the Spanish Government stressed that its acceptance came after initiation of the procedure provided for in Article 93 (2) and was not unconditional. Before Spain's acceptance, the Member of the Commission with special responsibility for competition policy had assured the Spanish Government, by letter dated 10 January 1990, that the regional benefits arising from State aid to the motor vehicle industry would continue to be a decisive factor in the Commission's decisions and that the greater the structural handicaps of the affected regions, the more weight would be carried by regional arguments. In its reply of 5 February 1995, the Spanish Government pointed out that acceptance of the Community framework did not prejudice its position on the future stance that the Commission might adopt within the new policy on State aid it had announced in December 1989.

On the Commission's view that the existence of a large number of competitors in an industrial sector did not in itself offer a cast-iron guarantee of free competition, the Spanish authorities remarked that it remained an element that contributed to the proper functioning of market mechanisms by reducing the scope for collusion agreements amongst companies.

Lastly, the Spanish authorities repeated that it was inappropriate to use competition policy for restructuring an industrial sector in the Community. The measures and instruments used to restructure the industry could not be based exclusively on competition criteria, without taking into account competitiveness, industrial organization and regional development aspects. The Spanish authorities considered that the State aid monitoring provisions laid down in the Treaty were sufficient to nurture competition and that it was inappropriate to have a framework system (supercontrol) which disregarded a host of indirect effects generated by the investments. Thus, the provisions of point (a) of Article 92 (3) had not been duly taken into account.

The Spanish authorities stressed that it was clear from the Commission's decisions approving State aid under the original Community framework from 1989 until mid-1995 that the average aid intensity approved in the Community was 25 %. While the average intensity of the aid approved for certain Member States was as high as 46 %, the average approved in Spain was only 13 %.

4. Regional aid based on point (a) of Article 92 (3)

The Spanish Government considered that the arguments put forward in the Commission's letter of 5 October 1995 showed that, in practice, the distinction established by the Treaty between regional aid based on point (a) of Article 92 (3) and point (c) of Article 92 (3) was being disregarded. The sole requirement for authorizing aid under point (a) was that it should promote the economic development of the region concerned, while aid allowed under point (c) should facilitate the development of a given region without adversely affecting trading conditions to an extent contrary to the common interest.

The Commission's criterion whereby regional aid should be in proportion to the actual regional handicap for an investor would, if applied unreservedly, impede the creation of the economic incentives needed for developing the less favoured areas of the Community. The creation of wealth and employment in the less favoured areas of the Community, which is one of its most important objectives, would be unduly subordinated to competition policy requirements. Therefore, Spain could not accept the way in which the Community framework had so far been applied in practice, namely on the basis of the absolute principle that, where a sector suffered from excess capacity, regional aid granted in that sector had to be confined to offsetting the actual net disadvantages arising from the location of the aided project in an assisted area. The Spanish Government stressed that it was up to the Commission to prove, in each case, that an investment did not 'promote the economic development' of a given assisted area — the sole criterion laid down in point (a) of Article 92 (3) — as a consequence of the presumed sectoral overcapacity.

The Spanish authorities also contradicted the argument that, when the aid in question promoted the location and development in a particular area of investment in a Community sector suffering from overcapacity, it could not facilitate the economic development of the region concerned. In theory, overcapacity is corrected in a perfectly competitive market through the balancing of supply and demand. Given the great disparities in the level of development between different regions of the

Community, this theory could not be applied. Thus, because there was no optimum adjustment mechanism and because the long-term viability of an industrial activity was determined by a variety of factors, it could not be argued that an investment would have no positive effects on the development of a given region. On the contrary, the location of investments in areas with less competitive advantage generated a broad spectrum of positive effects that should be considered as inducing economic development in the area. For that reason, the reduction in the industry's relative costs resulting from the granting of aid was fully justified as a mechanism for promoting industrial activity in the less favoured areas of the Community.

The Spanish Government considered that the wide discretion enjoyed by the Commission in applying the exceptions provided for in Article 92 (3), as confirmed by the Court of Justice, could not nullify, in a general way, the difference established by the Treaty itself in the treatment of regional aid covered by points (a) and (c) of Article 92 (3).

Lastly, the fact that the Commission was fully empowered to organize its own departments as it thought fit did not deprive the Member States of the right to give their views on that organization. The Spanish Government therefore took the view that the assessment of the long-term benefits of regional investments should be carried out by the Commission departments in charge of regional policy, which used a different method from the one employed by the Commission departments in charge of competition matters when applying the Community framework.

5. External competition

The Spanish Government stated that neither the Commission's intention to obtain 'reciprocity in the conditions of access to third markets for the manufacturers of the EU by order means that competition policy' nor its assertion that the WTO Agreement on Subsidies and Countervailing Measures 'contains an element of progress since regional aid in third countries must now be based on a general development plan to be submitted to the WTO and against which the Commission can react if necessary', avoided the risk of regional aid in third countries with an intensity of up to 75 % being presumed to be compatible with that Agreement. This risk was acknowledged by the Commission in its document 'Implications of the GATT subsidy code for State aid control in the EU' discussed at the multilateral meeting of December 1994. In this connection, the Spanish Government stressed that the industry itself had confirmed the existence of a real risk.

6. Internal procedure and method of applying the Community framework

In reply to the Commission's observations communicated by its letter of 10 October 1995, the Spanish Government pointed out that the document (ref. IV/5558/92) submitted to the multilateral meeting of 8 December 1992 referred to some principles of assessment but not to the method of applying them.

That document indeed established, in connection with regional aid, that the Commission had decided that the net marginal cost arising as a result of location in an assisted area should be carefully examined, in each case, in comparison with location in a central non-assisted area. This would make it possible to determine the cost inherent in a particular region. To that end, the Commission had assessed, with the help of the manufacturers and an independent expert, the net marginal investment cost and the net marginal operating cost during the five first years of operation. The above document also stated that 'until now, the Commission has accepted that the regional aid could exceed the additional marginal costs when it concluded that the project did not imply sectoral problems' and that, when the project did give rise to sectoral problems, of the different options available, 'the Commission considers that the best one consists of limiting the aid to the amount strictly needed to compensate the additional net costs'. According to the Spanish Government, the 1992 document did not explain the 'method' applied or the factors or parameters used for calculating the 'net marginal cost'.

The Spanish Government therefore concluded that the method was not discussed at the multilateral meeting of 8 December 1992. Only the soundness of the principle on which the method is based was discussed, and several national delegations expressed their opposition to it.

Furthermore, the conclusions of the Advocate-General in Case C-225/91, *Matra SA v. Commission*⁽¹⁾, did not refer to the specific method adopted by the Commission departments when implementing the Community framework but to the 'common method for assessment of regional aid'.

On the internal procedure and 'method' applied by the Commission, the Spanish Government pointed out that:

1. the method adopted by the Commission implied the acceptance of very many assumptions which were difficult, if not impossible, to verify;
2. in the examination of a particular case, the only data available to the Member State concerned were those which it submitted to the Commission; it did not know which data were finally taken into account, because the Commission departments used information from different sources;

3. neither did the Member State know how the Commission's departments used the data in order to calculate a maximum percentage of aid to be authorized. It only knew that 'the data are processed by a very advanced computer model which makes thousands of calculations';

4. two questions were also highlighted with regard to 'regional aid top-up': first, the discretionary powers of the Commission departments in applying the top-up in particular cases and, second, its low level of 3 % in comparison with the regional aid intensities approved by the Commission for certain areas.

The Spanish Government therefore took the view that the method applied was highly subjective, lacked transparency in some areas and involved very little consideration of the regional aspects. The practical consequence of the application of the method was, for example, that the approval of an aid scheme, whose intensity was less than 25 % of the aid intensity authorized by the Commission as a general rule for a given assisted area, could be delayed for a year.

Neither could it always be assumed that the Member State concerned and the beneficiary company were fully satisfied where they did not bring an action against the Commission's decision before the Court of Justice. The Spanish authorities mentioned, in this connection, the limited scope of the Court's review of the legality of Commission decisions⁽²⁾.

In reply to the assertion that 'the Commission has taken the necessary precautions to guarantee the confidentiality of the information submitted', the Spanish Government stated that confidentiality was not assured, as had been demonstrated in a number of cases (e.g., in the steel industry). The Spanish Government also stressed that the information requested for some cases was disproportionate.

The Spanish Government could not accept the comment made in point (f) of the Commission's letter of 5 October 1995 that the preservation of distortions in intra-Community trade was incompatible with avoidance of shifting industrial and unemployment difficulties from one Member State to another and the flight of wealth- and employment-creating projects to outside the Community. In contrast to the Commission's view, the Spanish Government considered that the Community framework had not served in practice to prevent Member States offering higher regional aid to a company, as had been shown by the Fourth Survey on State Aid.

Lastly, with regard to the concluding remarks made in the Commission's letter of 5 October 1995, which stated that there were no grounds for accepting the refusal of the

⁽¹⁾ [1993] ECR I-3203, paragraphs 17, 18, 19 and 22.

⁽²⁾ Judgment of 15 June 1993 in Case C-225/91, *Matra SA v. Commission*, [1993] ECR I-3203, paragraph 25.

Spanish authorities to agree to the reintroduction of the Community framework, to which the other fourteen Member States had unconditionally agreed, the Spanish Government observed that Spain's conflicting position could be justified by the fact that during the crisis in the sector the Spanish industry had had to face more severe structural problems than the other European motor-manufacturing countries. The Spanish Government also pointed to the excessive difficulties that implementation of the Community framework had caused in the granting of public aid aimed at overcoming those problems.

III

Comments from third parties

The Commission's decision of 20 September 1995 to initiate proceedings under Article 93 (2) in respect of all aid schemes in operation in Spain under which aid could be awarded as from 1 January 1996 to motor vehicle manufacturers was published in the *Official Journal of the European Communities*⁽¹⁾.

By publishing that notice, the Commission gave the other Member States and other parties concerned notice to submit their comments on the procedure in question within a period of two weeks.

The Commission did not receive any comments from other Member States or interested parties.

IV

Assessment of the observations and comments received

As regards the various arguments put forward by the Spanish Government, outlined in sections II.1 to II.6 of this Decision, the Commission maintains the following:

1. Disregard of Article 93 (1)

The Commission reiterates its firm intention fully to discharge its obligation to cooperate regularly, obligation imposed by the Treaty on both the Commission and the Member States, as recalled by the Court of Justice in its judgment of 29 June 1995⁽²⁾, and reaffirms its conviction that it complied with the spirit of Article 93 (1) by adding the item to the agenda for the multilateral meeting of 4 July 1995 so as to give Member States an opportunity to comment on its planned decision. At that meeting, nearly all the Member States supported the Commission's proposal to reintroduce the Community framework for a two-year period, but wished to have another opportunity to discuss the proposed changes at a further multilateral

meeting before responding to the Commission's request for consent.

Furthermore, as acknowledged by the Spanish Government in its letter of 18 August 1995, the comments made by the Spanish delegation at the multilateral meeting of 19 July 1995 were in fact discussed point by point and taken into account by the Commission at the meeting. The Commission would repeat that, at the last multilateral meeting, all the amendments it proposed were supported by the vast majority of Member States, and no other amendment was put forward by a Member State. The Commission therefore saw no need to alter its proposal of 5 July 1995 before the deadline for replies by the Member States, which expired on 22 August 1995.

Consequently, the Commission considers that its decision of 5 July 1995 was adopted in accordance with the provisions of Article 93 (1) and falls within the scope of permanent cooperation with the Member States.

2. Lack of an overall evaluation of implementation of the Community framework

The Commission again assures the Member States of its firm intention to undertake next year an independent review of the application of the Community framework since its introduction, as it has done for the code limiting aid to the synthetic fibres industry. Adopted on 1 January 1989, the motor vehicle Community framework was comprehensively reviewed for the first time in December 1992 and will be reviewed again in 1996. A more regular review — let alone a review more than once a year, as suggested — is not required in law and would not be desirable, not only for practical reasons but also because it would have dangerous consequences in terms of legal certainty.

The Commission also wishes to repeat its undertaking to continue working on a horizontal approach which could possibly replace the sectoral frameworks. It should nevertheless stress that, for the time being, it is convinced of the usefulness of the Community framework for assessing aid to the motor vehicle industry, whose application has been fully effective, as can be seen from the Commission's annual competition reports and its decisions on individual State aid cases published in the *Official Journal of the European Communities*.

The Commission again points to the positive attitude and general satisfaction on the practical results of the implementation of the Community framework since its adoption in 1989 shown by all the other Member States whose economies depend heavily on this industry. A similar position has also been taken by most, if not all, European vehicle manufacturers.

3. Justification for a Community framework on State aid to the motor vehicle industry as opposed to other industries; intervention to restructure the Community motor vehicle industry

The Commission must again refer to the reasons outlined, when the Community framework was approved, to justify

⁽¹⁾ OJ No C 304, 15. 11. 1995, p. 14.

⁽²⁾ Case C-135/93, *Spain v. Commission* (not yet published).

the adoption of appropriate measures pursuant to Article 93 (1) in the sector in order to ensure the progressive development of the common market. It further takes the view that the reasons and arguments which prompted the renewal of the Community framework in 1990⁽¹⁾ and its 1992 review are still valid and, therefore, that the appropriate measures proposed pursuant to Article 93 (1) regarding State aid to the motor vehicle industry are necessary in order to prevent a serious threat of distortion of competition in this highly sensitive sector. This need was also confirmed by the Commission in its recent communication to the Council and the European Parliament on the European Union automobile industry.

The Commission cannot share the Spanish Government's view that it is illogical to keep in force a restrictive Community framework which links the monitoring of State aid to reductions in the capacities of companies operating in a highly competitive sector. Reduction of capacity is required only where restructuring aid is granted. Moreover, this requirement, which is limited to markets where there is surplus capacity, is no longer specifically imposed in respect of State aid to the motor vehicle sector, but is also prescribed by the Community guidelines on State aid for rescuing and restructuring firms in difficulty⁽²⁾ (see point 3.2.2. (ii) of the guidelines). As to regional aid schemes, the Commission's assessment is mainly determined by the specific handicaps of the area concerned and the regional 'top-ups' are limited to low intensities because the Commission does not wish to interfere with each company's freedom of action in the market, as long as fair competition is maintained.

The Community framework is a competition policy instrument and not an industrial policy tool, which would make it possible to intervene to restructure the industry. The Commission is aware that, as market integration progresses in line with the creation of the common market, increased competition may lead to calls for State support which Member States can provide only in the form of State aid, as the more protectionist devices usually used by governments to shield their companies from foreign competition have disappeared. That is why many of the cases examined by the Commission in recent years have concerned *ad hoc* aid measures which fall outside the scope of approved aid schemes. Unilateral measures of assistance in one Member State may lead to unemployment in other Member States and consequently to calls for compensatory aid. The strict State aid discipline imposed by the framework is therefore aimed precisely at preventing intervention on industrial policy grounds.

The Commission must also point out that the existence of a large — albeit slowly declining — number of competitors does not in itself guarantee free competition, as the strategic importance of this industry is a sufficient argument for Member States not to reject requests for State aid. This has also been the case in Spain, against which the Commission has had to initiate two sets of proceedings under Article 93 (2) (Cases C 1/95, *Suzuki-Santana*⁽³⁾ and C 34/95, *VW-Seat*⁽⁴⁾) in respect of restructuring aid awarded to rescue the companies concerned. The Spanish authorities have moreover notified or granted State aid to other motor manufacturers in Spain (e.g. Nissan Motor Ibérica, Mercedes-Benz, Opel España, FASA Renault and Ford España) on which the Commission has not yet determined its position.

Lastly, the Commission stresses that Spain has never been discriminated against. It is wrong to compare, without more detailed analysis, the average aid intensity approved in the Community, or in a particular Member State, with that approved in Spain. It should be borne in mind that different types of aid measure (e.g. aid for research and development, restructuring and rescue aid, regional aid) have different average aid intensities. It should also be stressed that, in recent years, no regional aid to the motor vehicle sector has been approved in Spain for a greenfield project.

4. Regional aid based on point (a) of Article 92 (3)

On the treatment of regional aid to the motor vehicle industry, the Commission considers that its cost-benefit analysis does reflect the distinction between points (a) and (c) of Article 92 (3) since the regional handicap for an investor is an essential element taken into account in the Commission's assessment. Consequently, the regions covered by point (a), where the standard of living is abnormally low or where there is serious underemployment, are usually entitled to higher levels of regional aid than others in view of their exceptional handicaps. The Commission would point out here that it has allowed higher aid intensities on average in the case of Member States' proposals to grant aid to motor vehicle manufacturers in support of investment projects located in regions covered by point (a). It would also stress that since the introduction of the Community framework no investment project in a disadvantaged area of the Community has been abandoned by any vehicle manufacturer as a result of the strict limitation of regional aid in proportion to the regional handicaps.

⁽¹⁾ OJ No C 81, 26. 3. 1991, p. 4.

⁽²⁾ OJ No C 368, 23. 12. 1994, p. 12.

⁽³⁾ OJ No C 144, 10. 6. 1995, p. 13.

⁽⁴⁾ OJ No C 237, 12. 9. 1995, p. 12.

Nevertheless, the assessment by the Commission of individual awards under existing regional aid schemes, while taking into account the central importance of regional aid for achieving cohesion within the Community, also seeks, among other things, to ensure that competition within the common market is not distorted. It is therefore wrong to claim that the sole condition for regional aid measures covered by point (a) of Article 92 (3) to be deemed compatible with the Treaty is that they must promote the economic development of the areas in question, as other aspects of Community interest are also taken into account. A case-by-case demonstration that the aid measures under analysis do not promote regional economic development is not necessary, because the assessment by the Commission of the compatibility of the aid with the Treaty does not simply concern regional development or cohesion objectives, but seeks to strike a balance between a wider range of objectives set by the Treaty.

It should be stressed in this connection that the Commission has a wide discretion for the purposes of applying Article 92 (3), and the way in which it has used this discretion in the motor vehicle sector has been endorsed by the Court of Justice (Case C-225/91, *Matra SA v. Commission*). The Commission takes the view in particular that only those aid plans which promote lasting regional development deserve exemption under point (a) of Article 92 (3). Unviable projects which create unnecessary production capacity do not therefore qualify for that exemption. By focusing on the regional handicaps which are identified by means of a comparison with alternative locations, the Commission implicitly avoids such aid being granted to unviable projects in the motor vehicle industry.

Lastly, the Commission would point out that no sectoral or horizontal code, addressing capital intensive industries in particular, can be confined to assessing regional aid falling under point (c) of Article 92 (3) and leave regional aid in areas covered by point (a) of Article 92 (3) entirely to the discretion of Member States under the sole condition that the aid in question promotes the economic development of the area concerned.

5. External competition

On the implications of the WTO Agreement on Subsidies and Countervailing Measures for State aid control in the European Union and the possible distortive effects of applying the Community framework to motor vehicle manufacturers in the Community in cases where they face unfair competition from third countries, the Commission stresses that the new WTO Agreement is a major step forward. As far as regional aid is concerned, the new code makes it possible for aid granted by third countries to international competitors to be monitored for the first time, since regional aid must now be based on a coherent and economically justifiable aid plan to be submitted to

the WTO and to which the Commission can object if necessary. As regards research and development aid, difficulties may arise as the WTO rules allow higher aid intensities than those applicable within the Community. Nevertheless, if it were demonstrated that the international competitors of Community motor manufacturers were benefiting from more generous treatment, the Commission would consider applying the 'matching clause' written into the new Agreement.

It is the Commission's general stance that the WTO anti-subsidy rules should not form the basis for the Community's internal aid policy. The Commission stresses that there are no examples of investment plans inside the Community which have failed as a result of the Commission's aid policy in the motor vehicle sector.

6. Internal procedure and method of applying the Community framework

In response to the various arguments put forward concerning the internal procedure and methods applied by the Commission in implementing the Community framework with regard to regional aid, the Commission makes the following points:

- The underlying principles of the method were incorporated in the paper on the review of the motor vehicle Community framework drafted in preparation for the multilateral meeting of 8 December 1992 at which the method was discussed.

The Court of Justice also had an opportunity to review the method in Case C-225/91, (*Matra SA v. Commission*). The Advocate-General concluded in that case — which also concerned an investment project in an area covered by point (a) of Article 92 (3) — that the Commission had, in his view, verified with the required detail and according to the Community framework applicable to those matters whether the aid measures notified by Portugal were necessary to overcome the regional handicap of the area concerned, and consequently that the Commission had not overstepped the limits of its discretion under Article 92 (3). The Advocate-General did therefore assess in that case the application of the motor vehicle Community framework and, in particular, the method used for assessing the allowable intensity of regional aid.

- The method, which was presented and discussed at the multilateral meeting of 8 December 1992, is conceived as an objective instrument for assessing the structural handicaps which an investor faces in an assisted area as compared with an alternative location in a non-assisted area. Comparative cost-benefit analysis was chosen also because it is a method commonly used by companies to justify internally (e.g. to their board of directors) the decision to locate a mobile investment in one particular site as against alternative site(s). The number of parameters taken into consideration in each particular case is not limited, and the analysis can therefore include all

possible quantifiable disadvantages identifiable by the investor. Contrary to the Spanish Government's claims, therefore, the method does not consist of a fixed set of factors or parameters, nor is it a very advanced computer model; it is a straightforward calculation in present values of all investment and operating advantages and disadvantages. For that calculation a commonly used software package is applied.

- The method adopted is in no way applied on a discretionary basis: on the contrary, it involves direct three-way cooperation between the Commission, the Member State and the company concerned with a view to determining the acceptable level of aid intensity for the project under consideration. In every case examined, the Member State and the company concerned are invited to comment on the findings and sources of the Commission's analysis, in order to give them the opportunity to point out any errors which the Commission departments or its consultants may have made, before the Commission takes a final decision on the case. The exceptional openness with which the method is applied has always helped a conclusion to be reached which is both acceptable and transparent for the parties concerned. By referring the verification of cost advantages and disadvantages to outside consultants specialized in this type of analysis as well as in the technical side of the motor industry, the Commission is seeking to reduce the subjectivity inherent in any *ex ante* analysis to the minimum.

- The time taken to reach a decision should as a rule be less than one year, although this depends on the cooperation of the Member States and the companies involved (see, for example, the recent Cases N 135/95, *Opel Austria* and N 660/95, *Mercedes-Benz Germany*)⁽¹⁾. It should be stressed in this connection that the Commission has laid down strict deadlines to be met by its departments during the procedure (see the *Manual of Operational Procedures*, points 16.2.1.3 and 16.2.1.5). Once the Commission has received full and proper notification, it has only two months in which to scrutinize general schemes. It has also undertaken to take decisions within 30 working days on individual awards. It must also make any request for additional information normally within 15 working days of receiving the notification.

- While recognizing that the method requires the companies involved to submit commercially sensitive information, the Commission would point out that, in

accordance with the basic prohibition enshrined in Article 92 (1) of the Treaty, State aid should be granted only where it is demonstrated to be necessary and proportionate to the objectives pursued; this demonstration requires a detailed technical assessment of the industrial project aided by the public authorities. On the information requirements deriving from the strict discipline imposed by the Community framework, the Commission has taken the necessary precautions to guarantee the confidentiality of information submitted. In particular, whenever the Commission is assisted by outside experts, full confidentiality is ensured through very strict contractual obligations and severe penalties for non-compliance. In the *Matra* case, the Advocate-General strongly endorsed the Commission's use of outside consultancy services. He stated in paragraph 14 of his conclusions that the fact that the Commission was guided by an outside study reinforced his conviction that, when assessing the evolution of the European market in multi-purpose vehicles, the Commission had not used its discretionary powers under Article 92 (3) undiscerningly⁽²⁾.

- In reply to the Spanish Government's argument that the Community framework as implemented by the Commission could shift industrial and unemployment difficulties from one Member State to another or even create wealth and employment outside the Community, the Commission maintains that, in absence of the Community framework, it could not prevent in this very mobile industry an extremely unhealthy race among Member States to offer regional aid in order to attract new investments, which could lead to compensating closures in other assisted or non-assisted areas of the Community. In any event, the effectiveness of the Community framework in this respect cannot be measured by the Fourth Survey on State Aid, which does not provide any statistical analysis of aid to specific sectors other than steel and shipbuilding.

- Lastly, there is no truth in the argument that, during the recent economic downturn, the Spanish car industry has had to face more serious problems than most other European countries. The Spanish industry is perfectly integrated into the European supply and demand markets, a substantial share of its production (usually more than 50 %) being exported. Moreover, the Spanish domestic market is not one of the most severely affected by the sectoral crisis (see table below). The proof that the Spanish motor vehicle industry is

⁽¹⁾ Commission Decisions not yet published.

⁽²⁾ See also paragraph 20 of the Advocate-General's conclusions.

not facing special difficulties lies in the fact that all its producers are currently investing or planning to invest in new projects for which aid is requested (see section IV.3).

New passenger car registrations

	Europe	Spain
1993	- 15,3 %	- 24,1 %
1994	+ 5,7 %	+ 21,9 %

Source: ACEA estimates.

V

Conclusions

In view of the foregoing, the arguments and submissions put forward by the Spanish authorities do not justify their refusal to agree to the reintroduction of the Community framework on State aid to the motor vehicle industry as proposed by the Commission by means of its decision of 5 July 1995 based on Article 93 (1) and discussed with the Member States at the multilateral meetings of 4 and 19 July 1995.

All the other Member States have unconditionally agreed to the reintroduction of the Community framework for a two-year period starting on 1 January 1996 as proposed by the Commission. Consequently, Spain is the only Member State which has not unconditionally agreed to the reintroduction of the Community framework. The Commission cannot accept the non-applicability of the Community framework in only one of the Member States unless exceptional circumstances were to prevail in that Member State. The existence of such exceptional circumstances has not been proven by the Spanish authorities.

In view of the Spanish Government's refusal to comply with these measures, the Commission, having initiated and carried out the procedure laid down in Article 93 (2),

is entitled, by means of a decision taken pursuant to that provision and on the basis on the considerations set out in section III, to require existing State aid schemes to be altered by placing the Spanish Government under the obligation to comply with the requirements regarding prior notification and submission of annual reports contained in those measures,

HAS ADOPTED THIS DECISION:

Article 1

From 1 January 1996 until 31 December 1997, Spain shall notify the Commission pursuant to Article 93 (3) of the EC Treaty of all aid measures granted in respect of projects costing more than ECU 17 million under any existing or approved aid schemes to undertakings operating in the motor vehicle sector as defined in point 2.1 of the Community framework on State aid to the motor vehicle industry. Such notification shall be carried out in accordance with the requirements laid down in points 2.2 and 2.3 of the said framework. Spain shall, moreover, submit annual reports as required by the Community framework.

Article 2

Spain shall inform the Commission of the measures taken to comply with this Decision within two weeks of notification thereof.

Article 3

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 20 December 1995.

For the Commission

Karel VAN MIERT

Member of the Commission

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 862/96 of 10 May 1996 on the issue of import licences for garlic originating in China

(Official Journal of the European Communities No L 116 of 11 May 1996)

On page 20, in Article 1, fourth line:

for: '... 0,18366 % ...',

read: '... 1,18366 % ...'.
