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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 902/96
of 20 May 1996
concerning the classification of certain goods in the combined nomenclature**

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff⁽¹⁾, as last amended by Commission Regulation (EC) No 586/96⁽²⁾, and in particular Article 9,

Whereas in order to ensure uniform application of the combined nomenclature annexed to the said Regulation, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation;

Whereas Regulation (EEC) No 2658/87 has set down the general rules for the interpretation of the combined nomenclature and those rules also apply to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific Community provisions, with a view to the application of tariff and other measures relating to trade in goods;

Whereas, pursuant to the said general rules, the goods described in column 1 of the table annexed to the present Regulation must be classified under the appropriate CN codes indicated in column 2, by virtue of the reasons set out in column 3;

Whereas it is acceptance that binding tariff information issued by the customs authorities of Member States in

respect of the classification of goods in the combined nomenclature and which do not conform to the rights established by this Regulation, can continue to be invoked, under the provisions in Article 12 (6) of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code⁽³⁾, for a period of three months by the holder;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Tariff and Statistical Nomenclature Section of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column 1 of the annexed table are now classified within the combined nomenclature under the appropriate CN codes indicated in column 2 of the said table.

Article 2

Binding tariff information issued by the customs authorities of Member States which do not conform to the rights established by this Regulation can continue to be invoked under the provisions of Article 12 (6) of Regulation (EEC) No 2913/92 for a period of three months.

Article 3

This Regulation shall enter into force on the 21st 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, 20 May 1996.

For the Commission

Mario MONTI

Member of the Commission

⁽¹⁾ OJ No L 256, 7. 9. 1987, p. 1.

⁽²⁾ OJ No L 84, 3. 4. 1996, p. 18.

⁽³⁾ OJ No L 302, 19. 10. 1992, p. 1.

ANNEX

Description of goods	Classification (CN) code	Reason
(1)	(2)	(3)
1. Clutch release mechanism with only one end-stop for automotive clutches of lightweight design, having a steel-plate guide sleeve incorporating a ball thrust bearing and a steel plate outer casing which may have spring-steel strips, snap-on connectors or metal throw-out pins attached.	8708 93 10 or 8708 93 90	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and the wording of CN codes 8708, 8708 93, 8708 93 10 (for the industrial assembly) and 8708 90 90.
2. Clutch release mechanism with only one end-stop for automotive clutches of lightweight design, comprising a guide sleeve or sliding sleeve of aluminium or cast iron and a metal ring incorporating a ball thrust bearing.	8708 93 10 or 8708 93 90	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature and the wording of CN codes 8708, 8708 93, 8708 93 10 (for the industrial assembly) and 8708 93 90.
3. Lawn-mowers consisting of the following essential parts presented together:		Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, note 2 to Chapter 87 and the wording of CN codes 8701, 8701 90, 8701 90 11 as well as 8433, 8433 19 and 8433 19 90.
(a) small tractor powered by a motor of up to 18 kW fitted with a hydraulic system (power take-off) to which various accessories can be connected;	8701 90 11	
(b) cutting device as interchangeable equipment, designed to be connected to the power take-off on the tractor.	8433 19 90	
4. Ferro-alloy (ferro-silicon) containing by weight approximately 40 % of iron, approximately 47 % of silicon, approximately 5 % of magnesium and a total of approximately 8 % of calcium, aluminium and rare earth metals.	7202 29 00	Classification is determined by the provisions of general rules 1 and 6 for the interpretation of the combined nomenclature, Note 1 (c) and subheading Note 2 to Chapter 72 and the wording of CN codes 7202 and 7202 29 00.
5. Electrical apparatus in a compact assembly comprising:	8517 21 00	Classification is determined by the provisions of general rules 1, 3c and 6 for the interpretation of the combined nomenclature, Note 3 of Section XVI (for component (a)) and the wording of CN codes 8517, 8517 21 and 8517 21 00. Neither component (a) nor component (b) gives the whole its essential character.
(a) a telephone set incorporating an answering machine (tape recording apparatus), and		
(b) a fax machine with sending/receiving equipment, scanning, recording and answering devices for the transmission (telefaxing) of text, images and graphics via the telephone system.		
The telephone set with answering and the fax machine are not intended to work at the same time		

**COMMISSION REGULATION (EC) No 903/96
of 20 May 1996**

laying down rates of compensatory interest applicable during the second half of 1996 to customs debts incurred in relation to compensating products or goods in the unaltered state (inward processing relief arrangements and temporary importation)

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 2913/92 of 12 October 1992 establishing the Community Customs Code ⁽¹⁾,

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 ⁽²⁾, as last amended by Commission Regulation (EC) No 482/96 ⁽³⁾, and in particular Article 589 (4) (a) and Article 709 thereof,

Whereas Article 589 (4) (a) of Regulation (EEC) No 2454/93 provides that the Commission shall set rates of compensatory interest applicable to customs debts incurred in relation to compensating products or goods in the unaltered state, in order to make up for the unjustified financial advantage arising from the postponement of the date on which the customs debt is incurred in the case of non-exportation out of the customs territory of the Community; whereas the rates of compensatory interest for the second half of 1996 must be established in accordance with the rules laid down in that Regulation,

Article 1

The annual rates of compensatory interest referred to in Articles 589 (4) (a) and 709 (3) (a) of Regulation (EEC) No 2454/93 applicable for the period from 1 July until 31 December 1996 are hereby established as follows:

Belgium	4,12 %
Denmark	5,62 %
Germany	4,16 %
Greece	15,42 %
Spain	9,48 %
France	6,11 %
Ireland	5,96 %
Italy	10,51 %
Luxembourg	4,12 %
Netherlands	3,94 %
Austria	4,24 %
Portugal	9,22 %
Finland	5,54 %
Sweden	8,95 %
United Kingdom	6,70 %

Article 2

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, 20 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.

COMMISSION REGULATION (EC) No 904/96
of 21 May 1996

correcting, for the second time, Regulation (EC) No 1802/95 amending the Regulations that fixed, prior to 1 February 1995, certain prices and amounts in the market in milk and milk products of which the value in ecus was adapted as a result of the abolition of the correcting factor for agricultural conversion rates

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 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⁾, and in particular Article 5c (7) thereof,

Whereas one oversight should be corrected in the Annex to Commission Regulation (EC) No 1802/95 ⁽³⁾, as amended by Regulation (EC) No 2700/95 ⁽⁴⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 1802/95 the following line is inserted after Regulation (EEC) No 1547/87 and before Regulation (EEC) No 570/88:

(ECU)

1	2	3	4	5
Regulation	References	Previous amount with <i>switch-over</i>	New amount without <i>switch-over</i>	New amount applicable from 1 September 1995
'(EEC) No 1589/87	Article 4 (1)	40	48,30	48'

Article 2

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

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

Done at Brussels, 21 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 174, 26. 7. 1995, p. 27.

⁽⁴⁾ OJ No L 280, 23. 11. 1995, p. 24.

COMMISSION REGULATION (EC) No 905/96
of 21 May 1996
amending Regulation (EEC) No 1201/89 laying down rules implementing the
system of aid for cotton

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

Having regard to the Act of Accession of Greece, and in particular Protocol 4 on cotton, as last amended by Council Regulation (EC) No 1553/95⁽¹⁾,

Having regard to Council Regulation (EC) No 1554/95 of 29 June 1995 laying down the general rules for the system of aid for cotton and repealing Regulation (EEC) No 2169/81⁽²⁾, and in particular Article 11 (1) thereof,

Whereas Article 7 (1) of Commission Regulation (EEC) No 1201/89⁽³⁾, as last amended by Regulation (EC) No 2878/95⁽⁴⁾, provides that aid applications may be submitted from 1 June preceding the marketing year in respect of which the aid is applied for; whereas, under the 1996/97 price review and related measures, the Commission is proposing that the Council do away with the possibility, as from the 1996/97 marketing year, of aid applications being submitted before the day the unginned cotton is placed under supervision; whereas, pending a Council decision on that proposal, the first day for the

submission of aid applications should be put back to the beginning of the marketing year;

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

HAS ADOPTED THIS REGULATION:

Article 1

The second sentence of Article 7 (1) of Regulation (EEC) No 1201/89 is replaced by the following:

‘It shall be lodged, in respect of each harvest, between 1 September and 31 March of the marketing year in question.’

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, 21 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 30. 6. 1995, p. 45.

⁽²⁾ OJ No L 148, 30. 6. 1995, p. 48.

⁽³⁾ OJ No L 123, 4. 5. 1989, p. 23.

⁽⁴⁾ OJ No L 301, 14. 12. 1995, p. 21.

COMMISSION REGULATION (EC) No 906/96

of 21 May 1996

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of uniflorous (standard) carnations originating in Israel

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

or

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

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

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

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

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 2853/95⁽¹¹⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

For imports of uniflorous (standard) carnations (CN codes ex 0603 10 13 and ex 0603 10 53) originating in Israel, the preferential customs duty fixed by Regulation (EC) No 1981/94 is hereby suspended and the Common Customs Tariff duty is hereby re-established.

Article 2

This Regulation shall enter into force on 22 May 1996.

⁽¹⁾ OJ No L 382, 31. 12. 1987, p. 22.

⁽²⁾ OJ No L 79, 29. 3. 1996, p. 6.

⁽³⁾ OJ No L 199, 2. 8. 1994, p. 1.

⁽⁴⁾ OJ No L 84, 3. 4. 1996, p. 8.

⁽⁵⁾ OJ No L 258, 28. 10. 1995, p. 42.

⁽⁶⁾ OJ No L 72, 18. 3. 1988, p. 16.

⁽⁷⁾ OJ No L 264, 23. 10. 1993, p. 33.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 299, 12. 12. 1995, p. 1.

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

Done at Brussels, 21 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 907/96
of 21 May 1996
fixing the export refunds on poultrymeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat⁽¹⁾, as last amended by Regulation (EC) No 2916/95⁽²⁾, and in particular Article 8 (3) thereof,

Whereas Article 8 of Regulation (EEC) No 2777/75 provides that the difference between prices on the world market for the products listed in Article 1 (1) of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Regulation (EEC) No 2777/75 provides that from 1 July 1995 all exports for which refunds are requested, with the exception of exports of day-old chicks, shall be subject to the presentation of an export licence with advance fixing of the refund; whereas the specific implementing rules for these arrangements are laid down in Commission Regulation (EC) No 1372/95⁽³⁾, as last amended by Regulation (EC) No 180/96⁽⁴⁾;

Whereas the present market situation in certain third countries and that regarding competition on particular third country markets make it necessary to fix a refund differentiated by destination for certain products in the poultrymeat sector;

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 representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁸⁾, as last amended by Regulation (EC) No 150/95⁽⁹⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹⁰⁾, as last amended by Regulation (EC) No 2853/95⁽¹¹⁾;

Whereas it follows from applying these rules and criteria to the present situation on the market in poultrymeat that the refund should be fixed at an amount which would permit Community participation in world trade and would also take account of the nature of these exports and their importance at the present time;

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

HAS ADOPTED THIS REGULATION:

Article 1

The list of product codes for which, when they are exported, the export refund referred to in Article 8 of Regulation (EEC) No 2777/75 is granted, and the amount of that refund shall be as shown in the Annex hereto for exports to be carried out on the basis of the export licences referred to in Article 2 of Regulation (EC) No 1372/95 or on the basis of the 'ex-post' export licences referred to in Article 9 of the same Regulation.

Article 2

This Regulation shall enter into force on 22 May 1996.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 133, 17. 6. 1995, p. 26.

⁽⁴⁾ OJ No L 25, 1. 2. 1996, p. 27.

⁽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.

⁽⁸⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽⁹⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹⁰⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹¹⁾ OJ No L 299, 12. 12. 1995, p. 1.

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

Done at Brussels, 21 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 21 May 1996 fixing the export refunds on poultrymeat

Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾
		ECU/100 units			ECU/100 kg
0105 11 11 000	01	0,90	0207 25 10 000	04	8,00
0105 11 19 000	01	0,90	0207 25 90 000	04	8,00
0105 11 91 000	01	0,90	0207 14 20 900	04	6,00
0105 11 99 000	01	0,90	0207 14 60 900	04	6,00
		ECU/100 kg	0207 14 70 190	04	6,00
0207 12 10 900	02	27,00	0207 14 70 290	04	6,00
	03	7,00	0207 27 10 990	04	8,00
0207 12 90 190	02	30,00	0207 27 60 000	04	6,50
	03	7,00	0207 27 70 000	04	6,50

⁽¹⁾ The destinations are as follows:

01 All destinations except the United States of America,

02 Angola, Saudi Arabia, Kuwait, Bahrain, Qatar, Oman, the United Arab Emirates, Jordan, Yemen, Lebanon and Iran,

03 All destinations except the United States of America, Bulgaria, Poland, Hungary, Romania, Slovakia, the Czech Republic, Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, Lithuania, Estonia, Latvia, Switzerland and those of 02 above,

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

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

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

COMMISSION REGULATION (EC) No 908/96
of 21 May 1996
fixing the export refunds on pigmeat

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

Whereas the refunds should be fixed taking account of the amendments to the refund nomenclature established by Commission Regulation (EEC) No 3846/87⁽³⁾, as last amended by Regulation (EC) No 823/96⁽⁴⁾;

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 22 May 1996.

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 1.

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

⁽³⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽⁴⁾ OJ No L 111, 4. 5. 1996, p. 9.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 65, 15. 3. 1996, p. 1.

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

Done at Brussels, 21 May 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 21 May 1996 fixing the export refunds on pigmeat

<i>(ECU/100 kg net weight)</i>			<i>(ECU/100 kg net weight)</i>		
Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾	Product code	Destination of refund ⁽¹⁾	Amount of refund ⁽²⁾
0203 11 10 000	01	10,00	0203 29 15 100	01	6,00
0203 12 11 100	01	10,00	0210 11 31 110	01	80,00
0203 12 19 100	01	10,00	0210 11 31 910	01	80,00
0203 19 11 100	01	10,00	0210 12 19 100	01	18,00
0203 19 13 100	01	10,00	0210 19 81 100	01	90,00
0203 19 15 100	01	6,00	0210 19 81 300	01	70,00
0203 21 10 000	01	10,00	1601 00 91 100	01	30,00
0203 22 11 100	01	10,00	1601 00 99 100	01	15,00
0203 22 19 100	01	10,00	1602 41 10 210	01	60,00
0203 29 11 100	01	10,00	1602 42 10 210	01	42,00
0203 29 13 100	01	10,00	1602 49 19 190	01	21,00

⁽¹⁾ The destinations are as follows:

01 All third countries.

⁽²⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

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

COMMISSION REGULATION (EC) No 909/96

of 21 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 22 May 1996.

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

Done at Brussels, 21 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 21 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 ⁽¹⁾	Standard import value	CN code	Third country code ⁽¹⁾	Standard import value
0702 00 30	052	111,9	0805 30 20	625	18,9
	060	80,2		999	43,6
	064	59,6		052	132,2
	066	41,7		204	88,8
	068	62,3		220	74,0
	204	47,2		388	78,4
	208	44,0		400	67,2
	212	97,5		512	54,8
	624	95,8		520	66,5
	999	71,1		524	100,8
ex 0707 00 25	052	117,0	0808 10 61, 0808 10 63, 0808 10 69	528	61,6
	053	156,2		600	112,2
	060	61,0		624	103,0
	066	53,8		999	85,4
	068	69,1		039	101,7
	204	144,3		052	64,0
	624	87,1		064	78,6
	999	98,4		284	72,1
	220	317,0		388	78,7
	999	317,0		400	75,3
0709 10 10	220	317,0	0809 20 39	404	64,3
0709 90 75	052	84,0		416	72,7
	204	77,5		508	88,7
	412	54,2		512	66,1
	624	151,9		524	82,8
	999	91,9		528	67,7
0805 10 31, 0805 10 33, 0805 10 35	052	59,2		624	86,5
	204	37,5		728	107,3
	208	58,0		800	78,0
	212	54,8		804	83,7
	220	53,3		999	79,3
	388	40,5		052	290,6
	400	45,0		061	182,0
	436	41,6		064	254,1
	448	20,2		068	262,6
	528	53,6		400	258,9
	600	43,6		600	94,9
	624	40,9		624	239,5
				676	166,2
				999	218,6

⁽¹⁾ 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'.

COUNCIL DIRECTIVE 96/30/EC
of 13 May 1996

amending Directive 94/80/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 8b (1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee⁽²⁾,

Whereas the Annex to Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals⁽³⁾, lists the basic local government units in each Member State;

Whereas, pursuant to the accession of Austria, Finland and Sweden, the Annex to Directive 94/80/EC should be so amended as to provide a reference to the basic local government units of these three countries;

Whereas, pursuant to the Act of Accession of those countries, Directive 94/80/EC is applicable to the Åland islands, where Finnish nationals who do not enjoy regional citizenship of those islands and nationals of the other Member States of the Union are subject to the same condition relating to the period of residence for the exercise of the right to vote and to stand as candidates in municipal elections,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In the Annex to Directive 94/80/EC the following shall be added:

in Austria:

Gemeinden, Bezirke in der Stadt Wien

in Finland:

kunta, kommun, kommun på Åland

in Sweden:

kommuner, landsting.

Article 2

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

Article 3

This Directive is addressed to the Member States.

Done at Brussels, 13 May 1996.

For the Council

The President

S. AGNELLI

⁽¹⁾ OJ No C 65, 4. 3. 1996, p. 201.

⁽²⁾ Opinion delivered on 29 February 1996 (not yet published in the *Official Journal*).

⁽³⁾ OJ No L 368, 30. 12. 1994, p. 38.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 13 May 1996

concerning the conclusion of the results of consultations with Thailand under
GATT Article XXIII

(96/317/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 113, in conjunction with Article 228 (2), first sentence thereof,

Having regard to the proposal from the Commission,

Whereas the Community has entered into consultations under GATT Article XXIII with Thailand on the Community's import regime for rice;

Whereas the result of these consultations are contained in an agreement in the form of an exchange of letters;

Whereas it is in the interest of the Community to approve this agreement,

HAS DECIDED AS FOLLOWS:

Article 1

The Agreement in the form of an Exchange of Letters between the European Community and the Kingdom of Thailand on consultations under GATT Article XXIII on rice is hereby approved on behalf of the Community.

The text of the Agreement referred to in the first paragraph is attached to this Decision.

Article 2

The President of the Council is hereby authorized to designate the person empowered to sign the Agreement in order to bind the Community.

Article 3

The Commission shall adopt the detailed rules as regards the tariff rate quotas for broken rice and manioc starch in accordance with the procedure laid down in Article 23 of Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾.

Done at Brussels, 13 May 1996.

For the Council

The President

S. AGNELLI

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21. Regulation as last amended by Regulation (EC) No 1863/95 (OJ No L 179, 29. 7. 1995, p. 1).

AGREEMENT

in the form of an exchange of letters on consultations between the European Community and the Kingdom of Thailand under GATT Article XXIII on rice

A. Letter from the European Community

Your Excellency,

I have the honour to confirm the understanding reached between the European Community and the Kingdom of Thailand on the European Community's tariff quotas on broken rice and manioc starch to be effective from 1 April 1996 as appeared in the note annexed to this Exchange of Letters.

In addition to the above understanding, the two parties further agree that they shall review jointly, at the request of either party, the functioning of the 'representative price' system for rice. If it appears to either party that the functioning of the system is materially impeding trade flows between the parties, the Commission of the European Communities in consultation with the Government of the Kingdom of Thailand shall examine significant problems identified with a view to implementing appropriate solutions. It is the expectation of the two parties that such a review should not be necessary before the year 1998.

On the basis of the above understanding and agreement, the two parties agree to suspend the current consultations under Article XXIII of the GATT 1994.

The aforementioned suspension agreement and the annex appertaining thereto shall be without prejudice to the rights and obligations of either party under the World Trade Organization (WTO). However, both parties will not exercise their rights so long as the annual tariff quotas are opened and remain effective for the year concerned; the party exercising the right will give a two-month notice prior to the end of the relevant quota year.

This letter and Your Excellency's identical letter shall constitute the agreement between the two parties on the suspension of the current consultations under Article XXIII of the GATT 1994.

Please accept, Your Excellency, the assurance of my highest consideration.

*On behalf of
the Council of the European Union*

ANNEX

Note on tariff quotas

Following the discussions to further the common interest of the European Community and the Kingdom of Thailand, the following understanding between the European Community and the Kingdom of Thailand has been reached, effective from 1 April 1996:

1. *Manioc starch:*

- (a) An additional autonomous annual TRQ of 10 500 tonnes will be opened by the European Community of which 10 000 tonnes will be allocated to Thailand;
- (b) The in-quota rate for this additional autonomous annual TRQ will be the prevailing MFN rate reduced by ECU 100 per tonne;
- (c) The in-quota rate of the two TRQs for manioc starch included in the schedule of the European Community, to be applied on an autonomous basis, will be the prevailing MFN rate reduced by ECU 100 per tonne;
- (d) The European Community will, on an autonomous basis, waive the end-use requirements for these three TRQs.

2. *Broken rice:*

- (a) A new annual TRQ of 80 000 tonnes will be opened by the European Community of which 41 600 tonnes will be allocated to Thailand.
- (b) The in-quota rate will be the prevailing MFN rate reduced by ECU 28 per tonne.

To the extent that the TRQs are allocated to Thailand, the European Community import licences will be issued automatically within the agreed limits on the basis of export certificates issued by the Government of Thailand.

B. Letter from the Kingdom of Thailand

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'I have the honour to confirm the understanding reached between the European Community and the Kingdom of Thailand on the European Community's tariff quotas on broken rice and manioc starch to be effective from 1 April 1996 as appeared in the note annexed to this Exchange of Letters.

In addition to the above understanding, the two parties further agree that they shall review jointly, at the request of either party, the functioning of the "representative price" system for rice. If it appears to either party that the functioning of the system is materially impeding trade flows between the parties, the Commission of the European Communities in consultation with the Government of the Kingdom of Thailand shall examine significant problems identified with a view to implementing appropriate solutions. It is the expectation of the two parties that such a review should not be necessary before the year 1998.

On the basis of the above understanding and agreement, the two parties agree to suspend the current consultations under Article XXIII of the GATT 1994.

The aforementioned suspension agreement and the annex appertaining thereto shall be without prejudice to the rights and obligations of either party under the World Trade Organization (WTO). However, both parties will not exercise their rights so long as the annual tariff quotas are opened and remain effective for the year concerned; the party exercising the right will give a two-month notice prior to the end of the relevant quota year.

This letter and Your Excellency's identical letter shall constitute the agreement between the two parties on the suspension of the current consultations under Article XXIII of the GATT 1994.'

I have the honour to confirm that the above is acceptable to my Government and that your letter and this letter constitute an agreement in accordance with your proposal.

Please accept, Sir, the assurance of my highest consideration.

*For the Government
of the Kingdom of Thailand*

ANNEX

Note on tariff quotas

Following the discussions to further the common interest of the European Community and the Kingdom of Thailand, the following understanding between the European Community and the Kingdom of Thailand has been reached, effective from 1 April 1996:

1. *Manioc starch:*

- (a) An additional autonomous annual TRQ of 10 500 tonnes will be opened by the European Community of which 10 000 tonnes will be allocated to Thailand.
- (b) The in-quota rate for this additional autonomous annual TRQ will be the prevailing MFN rate reduced by ECU 100 per tonne.
- (c) The in-quota rate of the two TRQs for manioc starch included in the schedule of the European Community, to be applied on an autonomous basis, will be the prevailing MFN rate reduced by ECU 100 per tonne.
- (d) The European Community will, on an autonomous basis, waive the end-use requirements for these three TRQs.

2. *Broken rice:*

- (a) A new annual TRQ of 80 000 tonnes will be opened by the European Community of which 41 600 tonnes will be allocated to Thailand.
- (b) The in-quota rate will be the prevailing MFN rate reduced by ECU 28 per tonne.

To the extent that the TRQs are allocated to Thailand, the European Community import licences will be issued automatically within the agreed limits on the basis of export certificates issued by the Government of Thailand.

COMMISSION

COMMISSION DECISION

of 20 December 1995

refusing France's application for protective measures with regard to pharmaceutical products coming from Spain

(Only the French text is authentic)

(96/318/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 379 thereof,

Having regard to the application by France,

Whereas France, by letter of 29 September 1995, applied to the Commission for authorization to invoke Article 379 of the Act of Accession for safeguard measures, aimed at refusing the import into France of pharmaceutical products coming from Spain, which are protected in France by a product patent but not in Spain;

Whereas in their request, the French authorities provided the Commission with the material facts to enable it to evaluate the validity of the application;

Whereas the French authorities base their application upon the economic difficulties to which the pharmaceutical products market in France would be, according to them, subjected as a result of the expiry of the transitional period provided for by Article 47 of the Act of Accession, namely as from 7 October 1995; whereas the specialists argue that since the price of pharmaceuticals on the Spanish market is between 12 % and 100 % lower than the observed price for the same speciality products on the French market, the expiry of the transitional period will lead to an appreciable increase in parallel imports from Spain; whereas this increase will thus damage the market shares of French operators in the export market;

Whereas Article 379 derogates from a fundamental principle of the EC Treaty, that of the free movement of goods; whereas consequently in accordance with the well-established case-law of the Court of Justice it should be restrictively interpreted;

Whereas consequently, in accordance with that case-law and with the established practice of the Commission in the past, Article 379 cannot apply;

Whereas the purpose of Article 379 is to rectify and adjust to the economy of the common market a given economic sector experiencing economic difficulties which are serious and liable to persist;

Whereas an analysis of the economic data provided by the French authorities has shown that the conditions for the application of Article 379 are not fulfilled; whereas, more particularly, it has revealed that the French pharmaceutical industry is not experiencing economic difficulties which are serious and liable to persist; whereas an increase in the volume of imports coming from Spain of pharmaceutical products patented in France but not in Spain would not appear to be so significant in the long run as to bring about, by itself, serious economic difficulties on the French pharmaceutical market,

HAS ADOPTED THIS DECISION:

Article 1

The application for safeguard measures made by France under Article 379 of the Act of Accession, aimed at refusing the import into France of pharmaceutical products coming from Spain, which are protected by a product patent in France but not in Spain, is rejected.

Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 20 December 1995.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 20 December 1995

refusing Belgium's application for protective measures with regard to
pharmaceutical products coming from Spain

(Only the French and Dutch texts are authentic)

(96/319/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 379 thereof,

Having regard to the application by Belgium,

Whereas Belgium, by letter of 6 October 1995, applied to the Commission for authorization to invoke Article 379 of the Act of Accession for safeguard measures, aimed at refusing the import into Belgium of pharmaceutical products coming from Spain, which are protected in Belgium by a product patent but not in Spain;

Whereas in their request, the Belgian authorities provided the Commission with the material facts to enable it to evaluate the validity of the application;

Whereas the Belgian authorities base their application upon the economic difficulties to which the pharmaceutical products market in Belgium would, according to them, be subjected as a result of the expiry of the transitional period provided for by Article 47 of the Act of Accession, namely as from 7 October 1995; whereas they argue that since the price of pharmaceuticals on the Spanish market is lower than observed price for the same speciality products on the Belgian market, the expiry of the transitional period will lead to an appreciable increase in parallel imports from Spain into Belgium; whereas this increase will also damage parts of the market shared by Belgian operators in the export market;

Whereas Article 379 derogates from a fundamental principle of the EC Treaty, that of the free movement of goods; whereas consequently in accordance with the well-established case-law of the Court of Justice it should be restrictively interpreted;

Whereas consequently, in accordance with that case-law and with the established practice of the Commission in the past, Article 379 cannot apply;

Whereas the purpose of Article 379 is to rectify and adjust to the economy of the common market a given economic sector experiencing economic difficulties which are serious and liable to persist;

Whereas an analysis of the economic data provided by the Belgian authorities has shown that the conditions for the application of Article 379 are not fulfilled; whereas, more particularly, it has revealed that the Belgian pharmaceutical industry is not experiencing economic difficulties which are serious and liable to persist; whereas an increase in the volume of imports coming from Spain of pharmaceutical products patented in Belgium but not in Spain would not appear to be so significant in the long run as to bring about, by itself, serious economic difficulties on the Belgian pharmaceutical market,

HAS ADOPTED THIS DECISION:

Article 1

The application for safeguard measures made by Belgium under Article 379 of the Act of Accession, aimed at refusing the import into Belgium of pharmaceutical products coming from Spain, which are protected by a product patent in Belgium but not in Spain, is rejected.

Article 2

This Decision is addressed to the Kingdom of Belgium.

Done at Brussels, 20 December 1995.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 20 December 1995

refusing Germany's application for protective measures with regard to pharmaceutical products coming from Spain

(Only the German text is authentic)

(96/320/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 379 thereof,

Having regard to the application by Germany,

Whereas Germany, by letter of 29 September 1995, applied to the Commission for authorization to invoke Article 379 of the Act of Accession for safeguard measures, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected in Germany by a product patent but not in Spain;

Whereas in their request, the German authorities provided the Commission with the material facts to enable it to evaluate the validity of the application;

Whereas the German authorities base their application upon the economic difficulties to which the pharmaceutical products market in Germany would, according to them, be subjected as a result of the expiry of the transitional period provided for by Article 47 of the Act of Accession, namely as from 7 October 1995; whereas the specialists argue that since the price of pharmaceuticals on the Spanish market is lower by 50 to 75 % than the observed price for the same speciality products on the German market, the expiry of the transitional period will lead to an appreciable increase in parallel imports from Spain into Germany;

Whereas Article 379 of the Act of Accession derogates from a fundamental principle of the EC Treaty, that of the free movement of goods; whereas consequently in accordance with the well-established case-law of the Court of Justice it should be restrictively interpreted;

Whereas consequently, in accordance with that case-law and with the established practice of the Commission in the past, Article 379 of the Act of Accession cannot apply;

Whereas the purpose of Article 379 is to rectify and adjust to the economy of the common market a given economic

sector experiencing economic difficulties which are serious and liable to persist;

Whereas an analysis of the economic data provided by the German authorities has shown that the conditions for the application of Article 379 are not fulfilled; whereas, more particularly, it has revealed that the German pharmaceutical industry is not experiencing economic difficulties which are serious and liable to persist; whereas an increase in the volume of imports coming from Spain of pharmaceutical products patented in Germany but not in Spain would not appear to be so significant in the long run as to bring about, by itself, serious economic difficulties on the German pharmaceutical market,

HAS ADOPTED THIS DECISION:

Article 1

The application for safeguard measures made by Germany under Article 379 of the Act of Accession, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected by a product patent in Germany but not in Spain, is rejected.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 20 December 1995.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 20 December 1995

refusing Austria's application for protective measures with regard to pharmaceutical products coming from Spain

(Only the German text is authentic)

(96/321/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 379 thereof,

Having regard to the application by Austria,

Whereas Austria, by letter of 30 November 1995, applied to the Commission for authorization to invoke Article 379 of the Act of Accession for safeguard measures, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected in Austria by a product patent but not in Spain;

Whereas in their request, the Austrian authorities provided the Commission with the material facts to enable it to evaluate the validity of the application;

Whereas the Austrian authorities base their application upon the economic difficulties to which the pharmaceutical products market in Austria would, according to them, be subjected as a result of the expiry of the transitional period provided for by Article 47 of the Act of Accession, namely as from 7 October 1995; whereas the expiry of the transitional period will lead to an appreciable increase in parallel imports from Spain;

Whereas Article 379 derogates from a fundamental principle of the EC Treaty, that of the free movement of goods; whereas consequently in accordance with the well-established case-law of the Court of Justice it should be restrictively interpreted;

Whereas consequently, in accordance with that case-law and with the established practice of the Commission in the past, Article 379 of the Act of Accession cannot apply;

Whereas the purpose of Article 379 is to rectify and adjust to the economy of the common market a given economic

sector experiencing economic difficulties which are serious and liable to persist;

Whereas an analysis of the economic data provided by the Austrian authorities has shown that the conditions for the application of Article 379 are not fulfilled; whereas, more particularly, it has revealed that the Austrian pharmaceutical industry is not experiencing economic difficulties which are serious and liable to persist; whereas an increase in the volume of imports coming from Spain of pharmaceutical products patented in Austria but not in Spain would not appear to be so significant in the long run as to bring about, by itself, serious economic difficulties on the Austrian pharmaceutical market,

HAS ADOPTED THIS DECISION:

Article 1

The application for safeguard measures made by Austria under Article 379 of the Act of Accession, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected by a product patent in Austria but not in Spain, is rejected.

Article 2

This Decision is addressed to the Austrian Republic.

Done at Brussels, 20 December 1995.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 20 December 1995

refusing Denmark's application for protective measures with regard to pharmaceutical products coming from Spain

(Only the Danish text is authentic)

(96/322/EC)

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

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 379 thereof,

Having regard to the application by Denmark,

Whereas Denmark, by letter of 3 October 1995, applied to the Commission for authorization to invoke Article 379 of the Act of Accession for safeguard measures, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected in Denmark by a product patent but not in Spain;

Whereas in their request, the Danish authorities provided the Commission with the material facts to enable it to evaluate the validity of the application;

Whereas the Danish authorities base their application upon the economic difficulties to which the Danish pharmaceutical products market would, according to them, be subjected as a result of the expiry of the transitional period provided for by Article 47 of the Act of Accession, namely as from 7 October 1995; whereas the specialists argue that since the price of pharmaceuticals on the Spanish market is lower than the observed price for the same products on the Danish market, the expiry of the transitional period will lead to an appreciable increase in parallel imports from Spain into Denmark; whereas this increase will thus damage the market shares of Danish operators in the export market as from 1996;

Whereas Article 379 derogates from a fundamental principle of the EC Treaty, that of the free movement of goods; whereas consequently in accordance with the well-established case-law of the Court of Justice it should be restrictively interpreted;

Whereas consequently, in accordance with that case-law and with the established practice of the Commission in the past, Article 379 cannot apply;

Whereas the purpose of Article 379 is to rectify and adjust to the economy of the common market a given economic sector experiencing economic difficulties which are serious and liable to persist;

Whereas an analysis of the economic data provided by the Danish authorities has shown that the conditions for the application of Article 379 are not fulfilled; whereas, more particularly, it has revealed that the Danish pharmaceutical industry is not experiencing economic difficulties which are serious and liable to persist; whereas an increase in the volume of imports coming from Spain of pharmaceutical products patented in Denmark but not in Spain would not appear to be so significant in the long run as to bring about, by itself, serious economic difficulties on the Danish pharmaceutical market,

HAS ADOPTED THIS DECISION:

Article 1

The application for safeguard measures made by Denmark under Article 379 of the Act of Accession, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected by a product patent in Denmark but not in Spain, is rejected.

Article 2

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 20 December 1995.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 20 December 1995

refusing Ireland's application for protective measures with regard to
pharmaceutical products coming from Spain

(Only the English text is authentic)

(96/323/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 379 thereof,

Having regard to the application by Ireland,

Whereas Ireland, by letter of 15 November 1995, applied to the Commission for authorization to invoke Article 379 of the Act of Accession for safeguard measures, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected in Ireland by a product patent but not in Spain;

Whereas in their request, the Irish authorities provided the Commission with the material facts to enable it to evaluate the validity of the application;

Whereas the Irish authorities base their application upon the economic difficulties to which the pharmaceutical products market would be subjected as a result of the expiry of the transitional period provided for by Article 47 of the Act of Accession, namely as from 7 October 1995; whereas they argue that since the price of pharmaceuticals on the Spanish market is lower by, on average, 50 % than the observed price for the same speciality products on the Irish market, the expiry of the transitional period will lead to an appreciable increase in parallel imports from Spain into Ireland;

Whereas Article 379 derogates from a fundamental principle of the EC Treaty, that of the free movement of goods; whereas consequently in accordance with the well-established case-law of the Court of Justice it should be restrictively interpreted;

Whereas consequently, in accordance with that case-law and with the established practice of the Commission in the past, Article 379 cannot apply;

Whereas the purpose of Article 379 is to rectify and adjust to the economy of the common market a given economic

sector experiencing economic difficulties which are serious and liable to persist;

Whereas an analysis of the economic data provided by the Irish authorities has shown that the conditions for the application of Article 379 are not fulfilled; whereas, more particularly, it has revealed that the Irish pharmaceutical industry is not experiencing economic difficulties which are serious and liable to persist; whereas an increase in the volume of imports coming from Spain of pharmaceutical products patented in Ireland but not in Spain would not appear to be so significant in the long run as to bring about, by itself, serious economic difficulties on the Irish pharmaceutical market,

HAS ADOPTED THIS DECISION:

Article 1

The application for safeguard measures made by Ireland under Article 379 of the Act of Accession, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected by a product patent in Ireland but not in Spain, is rejected.

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 20 December 1995.

For the Commission

Mario MONTI

Member of the Commission

COMMISSION DECISION

of 20 December 1995

refusing the United Kingdom's application for protective measures with regard to pharmaceutical products coming from Spain

(Only the English text is authentic)

(96/324/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to the Act of Accession of Spain and Portugal, and in particular Article 379 thereof,

Having regard to the application by the United Kingdom,

Whereas the United Kingdom, by letters of 6 and 16 October 1995, applied to the Commission for authorization to invoke Article 379 of the Act of Accession for safeguard measures, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected in the United Kingdom by a product patent but not in Spain;

Whereas in their request, the United Kingdom authorities provided the Commission with the material facts to enable it to evaluate the validity of the application;

Whereas the United Kingdom authorities base their application upon the economic difficulties to which the pharmaceutical products market would be subjected as a result of the expiry of the transitional period provided for by Article 47 of the Act of Accession, namely as from 7 October 1995, according to those authorities; whereas they argue that since the price of pharmaceuticals on the Spanish market is lower than the observed price for the same speciality products on the British market, the expiry of the transitional period will lead to an appreciable increase in parallel imports from Spain into the United Kingdom;

Whereas Article 379 derogates from a fundamental principle of the EC Treaty, that of the free movement of goods; whereas consequently in accordance with the well-established case-law of the Court of Justice it should be restrictively interpreted;

Whereas consequently, in accordance with that case-law and with the established practice of the Commission in the past, Article 379 cannot apply;

Whereas the purpose of Article 379 is to rectify and adjust to the economy of the common market a given economic

sector experiencing economic difficulties which are serious and liable to persist;

Whereas an analysis of the economic data provided by the United Kingdom authorities has shown that the conditions for the application of Article 379 are not fulfilled; whereas, more particularly, it has revealed that the United Kingdom pharmaceutical industry is not experiencing economic difficulties which are serious and liable to persist; whereas an increase in the volume of imports coming from Spain of pharmaceutical products patented in the United Kingdom but not in Spain would not appear to be so significant in the long run as to bring about, by itself, serious economic difficulties on the British pharmaceutical market,

HAS ADOPTED THIS DECISION:

Article 1

The application for safeguard measures made by the United Kingdom under Article 379 of the Act of Accession, aimed at solving the problem caused by the expiry of the transitional period provided for by Article 47 of the Act of Accession, concerning pharmaceutical products coming from Spain, which are protected by a product patent in the United Kingdom but not in Spain, is rejected.

Article 2

This Decision is addressed to the United Kingdom.

Done at Brussels, 20 December 1995.

For the Commission

Mario MONTI

Member of the Commission