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I

(Acts whose publication is obligatory)

COMMISSION REGULATION (EC) No 1364/96**of 15 July 1996****fixing the export refunds on beef**

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 Regulation (EC) No 1357/96⁽²⁾, and in particular Article 13 thereof,

Whereas Article 13 of Regulation (EEC) No 805/68 provides that the difference between prices on the world market for the products listed in Article 1 of that Regulation and prices for those products within the Community may be covered by an export refund;

Whereas Commission Regulation (EEC) No 32/82⁽³⁾, as last amended by Regulation (EEC) No 3169/87⁽⁴⁾, (EEC) No 1964/82⁽⁵⁾, as amended by Regulation (EEC) No 3169/87, and (EEC) No 2388/84⁽⁶⁾, as last amended by Regulation (EEC) No 3661/92⁽⁷⁾, lay down the conditions for granting special export refunds on certain cuts of beef and veal and certain preserved beef and veal products;

Whereas it follows from applying those rules and criteria to the foreseeable situation on the market in beef and veal that the refund should be as set out below;

Whereas, given the current market situation in the Community and the possibilities of disposal in certain third countries in particular, export refunds should be

granted, on the one hand, on bovine animals intended for slaughter of a live weight greater than 220 kilograms and less than 300 kilograms, and, on the other, on adult bovine animals of a live weight of at least 300 kilograms;

Whereas export refunds should be granted for certain destinations on some fresh or chilled meat listed in the Annex under CN code 0201, on some frozen meat listed in the Annex under CN code 0202, on some meat or offal listed in the Annex under CN code 0206 and on some other prepared or preserved meat or offal listed in the Annex under CN code 1602 50 10;

Whereas, in view of the wide differences in products covered by CN codes 0201 20 90 700 and 0202 20 90 100 used for refund purposes, refunds should only be granted on cuts in which the weight of bone does not exceed one-third;

Whereas, in the case of meat of bovine animals, boned or boneless, salted and dried, there are traditional trade flows to Switzerland; whereas, to allow this trade to continue, the refund should be set to cover the difference between prices on the Swiss market and export prices in the Member States; whereas there are possibilities for exporting such meat and also salted, smoked and dried meat to certain African, Near and Middle Eastern countries; whereas a refund should accordingly be set;

Whereas, in the case of certain other cuts and preserves of meat or offal shown in the Annex under CN codes 1602 50 31 to 1602 50 80, the Community share of international trade may be maintained by granting a refund corresponding to that at present available;

Whereas, in the case of other beef and veal products, a refund need not be fixed since the Community's share of world trade is not significant;

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

⁽²⁾ OJ No L 175, 13. 7. 1996, p. 9.

⁽³⁾ OJ No L 4, 8. 1. 1982, p. 11.

⁽⁴⁾ OJ No L 301, 24. 10. 1987, p. 21.

⁽⁵⁾ OJ No L 212, 21. 7. 1982, p. 48.

⁽⁶⁾ OJ No L 221, 18. 8. 1984, p. 28.

⁽⁷⁾ OJ No L 370, 19. 12. 1992, p. 16.

Whereas Commission Regulation (EEC) No 3846/87 ⁽¹⁾, as last amended by Regulation (EC) No 823/96 ⁽²⁾, establishes the agricultural product nomenclature for the purposes of export refunds; whereas, with a view to clarification, the destinations must be identified in a separate Annex;

Whereas, in order to simplify customs export formalities for operators, the refunds on all frozen cuts should be brought in line with those on fresh or chilled cuts other than those from adult male bovine animals;

Whereas experience has shown that in certain cases it is often difficult to determine the relevant quantities of beef, veal and other meat contained in prepared or preserved meat falling within CN code 1602 50; whereas exclusively beef and veal products should accordingly be set apart and a new heading should be created for mixtures of meats or offals; whereas checks on products other than mixtures of meat or offal should be stepped up by making the granting of refunds on these products conditional on manufacture under the arrangements provided for in Article 4 of Council Regulation (EEC) No 565/80 of 4 March 1980 on the advance payment of export refunds in respect of agricultural products ⁽³⁾, as amended by Regulation (EEC) No 2026/83 ⁽⁴⁾;

Whereas refunds on female animals should vary depending on their age in order to prevent abuses in the export of certain pure-bred breeding animals;

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 und 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, notwithstanding the subdivision of the combined nomenclature for prepared and preserved meat, other than uncooked, falling within CN code 1602 50, experience has shown that it is possible to delete from the refund nomenclature several products falling within CN code 1602 50 31 and to amend the list of products falling within CN code 1602 50 80;

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. The list of products on which export refunds as referred to in Article 13 of Regulation (EEC) No 805/68 are granted and the amount thereof shall be as set out in the Annex I.
2. The destinations are identified in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on 16 July 1996.

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

Done at Brussels, 15 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 366, 24. 12. 1987, p. 1.

⁽²⁾ OJ No L 111, 4. 5. 1996, p. 9.

⁽³⁾ OJ No L 62, 7. 3. 1980, p. 5.

⁽⁴⁾ OJ No L 199, 22. 7. 1983, p. 12.

⁽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 I

to the Council Regulation of 15 July 1996 fixing export refunds on beef

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (°) (°)	Product code	Destination	Refund (°) (°)
		— Live weight —			— Net weight —
0102 10 10 120	01	82,00	0201 20 20 120	02	114,00
0102 10 10 130	02	54,50		03	79,50
	03	37,50		04	39,50
	04	19,00	0201 20 30 110 (°)	02	112,50
0102 10 30 120	01	82,00		03	77,00
0102 10 30 130	02	54,50		04	38,00
	03	37,50	0201 20 30 120	02	83,00
	04	19,00		03	58,50
0102 10 90 120	01	82,00		04	29,00
0102 90 41 100	02	73,00	0201 20 50 110 (°)	02	196,50
0102 90 51 000	02	54,50		03	131,00
	03	37,50		04	65,00
	04	19,00	0201 20 50 120	02	145,00
0102 90 59 000	02	54,50		03	100,00
	03	37,50		04	50,00
	04	19,00	0201 20 50 130 (°)	02	112,50
0102 90 61 000	02	54,50		03	77,00
	03	37,50		04	38,00
	04	19,00	0201 20 50 140	02	83,00
0102 90 69 000	02	54,50		03	58,50
	03	37,50		04	29,00
	04	19,00	0201 20 90 700	02	83,00
0102 90 71 000	02	73,00		03	58,50
	03	48,00		04	29,00
	04	24,00	0201 30 00 050 (°)	05	100,50
0102 90 79 000	02	73,00	0201 30 00 100 (°)	02	274,00
	03	48,00		03	187,50
	04	24,00		04	94,00
		— Net weight —		06	240,50
0201 10 00 110 (°)	02	112,50	0201 30 00 150 (°)	08	145,50
	03	77,00		09	133,50
	04	38,00		03	112,50
0201 10 00 120	02	83,00		04	56,50
	03	58,50		06	130,50
	04	29,00		07	81,00
0201 10 00 130 (°)	02	155,00	0201 30 00 190 (°)	02	115,00
	03	104,00		03	75,50
	04	52,50		04	37,50
0201 10 00 140	02	114,00		06	92,50
	03	79,50		07	81,00
	04	39,50			
0201 20 20 110 (°)	02	155,00			
	03	104,00			
	04	52,50			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (?) ^(*)	Product code	Destination	Refund (?) ^(*)
		— Net weight —			— Net weight —
0202 10 00 100	02	83,00	1602 50 10 120	02	132,50 ^(*)
	03	58,50		03	106,00 ^(*)
	04	29,00		04	106,00 ^(*)
0202 10 00 900	02	114,00	1602 50 10 140	02	117,00 ^(*)
	03	79,50		03	94,00 ^(*)
	04	39,50		04	94,00 ^(*)
0202 20 10 000	02	114,00	1602 50 10 160	02	94,00 ^(*)
	03	79,50		03	75,50 ^(*)
	04	39,50		04	75,50 ^(*)
0202 20 30 000	02	83,00	1602 50 10 170	02	62,50 ^(*)
	03	58,50		03	50,00 ^(*)
	04	29,00		04	50,00 ^(*)
0202 20 50 100	02	145,00	1602 50 10 190	02	62,50
	03	100,00		03	50,00
	04	50,00		04	50,00
0202 20 50 900	02	83,00	1602 50 10 240	02	—
	03	58,50		03	—
	04	29,00		04	—
0202 20 90 100	02	83,00	1602 50 10 260	02	—
	03	58,50		03	—
	04	29,00		04	—
0202 30 90 100 ^(*)	05	100,50	1602 50 10 280	02	—
0202 30 90 400 ^(*)	08	145,50		03	—
	09	133,50		04	—
	03	112,50	1602 50 31 125	01	129,50 ^(*)
	04	56,50	1602 50 31 135	01	75,50 ^(*)
	06	130,50	1602 50 31 195	01	37,00
	07	81,00	1602 50 31 325	01	116,00 ^(*)
0202 30 90 500 ^(*)	02	115,00	1602 50 31 335	01	67,50 ^(*)
	03	75,50	1602 50 31 395	01	37,00
	04	37,50	1602 50 39 125	01	129,50 ^(*)
	06	92,50	1602 50 39 135	01	75,50 ^(*)
	07	81,00	1602 50 39 195	01	37,00
0202 30 90 900	07	81,00	1602 50 39 325	01	116,00 ^(*)
0206 10 95 000	02	115,00	1602 50 39 335	01	67,50 ^(*)
	03	75,50	1602 50 39 395	01	37,00
	04	37,50	1602 50 39 425	01	85,50 ^(*)
	06	92,50	1602 50 39 435	01	50,00 ^(*)
0206 29 91 000	02	115,00	1602 50 39 495	01	37,00
	03	75,50	1602 50 39 505	01	37,00
	04	37,50	1602 50 39 525	01	85,50 ^(*)
	06	92,50	1602 50 39 535	01	50,00 ^(*)
0210 20 90 100	02	96,00	1602 50 39 595	01	37,00
	04	57,00			
0210 20 90 300	02	119,00			
0210 20 90 500 ^(*)	02	119,00			

(ECU/100 kg)			(ECU/100 kg)		
Product code	Destination	Refund (?) ⁽¹⁾	Product code	Destination	Refund (?) ⁽¹⁾
		— Net weight —			— Net weight —
1602 50 39 615	01	37,00	1602 50 80 495	01	37,00
1602 50 39 625	01	16,50	1602 50 80 505	01	37,00
1602 50 39 705	01	19,00	1602 50 80 515	01	16,50
1602 50 39 805	01	—	1602 50 80 535	01	50,00 ⁽⁸⁾
1602 50 39 905	01	—	1602 50 80 595	01	37,00
1602 50 80 135	01	75,50 ⁽⁸⁾	1602 50 80 615	01	37,00
1602 50 80 195	01	37,00	1602 50 80 625	01	16,50
1602 50 80 335	01	67,50 ⁽⁸⁾	1602 50 80 705	01	19,00
1602 50 80 395	01	37,00	1602 50 80 805	01	—
1602 50 80 435	01	50,00 ⁽⁸⁾	1602 50 80 905	01	—

(¹) Entry under this subheading is subject to the submission of the certificate appearing in the Annex to amended Commission Regulation (EEC) No 32/82.

(²) Entry under this subheading is subject to compliance with the condition laid down in amended Commission Regulation (EEC) No 1964/82.

(³) The refund on beef in brine is granted on the net weight of the meat, after deduction of the weight of the brine.

(⁴) Carried out in accordance with amended Commission Regulation (EEC) No 2973/79 (OJ No L 336, 29. 12. 1979, p. 44).

(⁵) OJ No L 221, 19. 8. 1984, p. 28.

(⁶) The lean bovine meat content excluding fat is determined in accordance with the procedure described in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210 of 1. 8. 1986, p. 39).

(⁷) Article 13 (10) of amended Regulation (EEC) No 805/68 provides that no export refunds shall be granted on products imported from third countries and re-exported to third countries.

(⁸) The refund is granted only on products manufactured under the arrangement provided for in Article 4 of amended Commission Regulation (EEC) No 565/80.

(⁹) 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 descriptions corresponding to the product codes and the footnotes are set out in Commission Regulation (EEC) No 3846/87 as amended.

ANNEX II

Zone 01: all third countries

Zone 02: zones 08 and 09

Zone 03	Zone 05	
022 Ceuta and Melilla	400 United States of America	373 Mauritius
024 Iceland		375 Comoros
028 Norway		377 Mayotte
041 Faroe Islands	Zone 06	378 Zambia
043 Andorra		386 Malawi
044 Gibraltar	809 New Caledonia	388 South Africa
045 Vatican City	822 French Polynesia	395 Lesotho
053 Estonia		604 Lebanon
054 Latvia	Zone 07	608 Syria
055 Lithuania		612 Iraq
060 Poland	404 Canada	616 Iran
061 Czech Republic		624 Israel
063 Slovakia	Zone 08	625 Gaza and Jericho
064 Hungary		628 Jordan
066 Romania	046 Malta	632 Saudi Arabia
068 Bulgaria	052 Turkey	636 Kuwait
070 Albania	072 Ukraine	640 Bahrain
091 Slovenia	073 Belarus	644 Qatar
092 Croatia	074 Moldova	647 United Arab Emirates
093 Bosnia-Herzegovina	075 Russia	649 Oman
094 Serbia and Montenegro	076 Georgia	653 Yemen
096 Former Yugoslav Republic of Macedonia	077 Armenia	720 China
109 The communes of Livigno and Campione d'Italia; the island of Helgoland	078 Azerbaijan	
406 Greenland	079 Kazakhstan	Zone 09
600 Cyprus	080 Turkmenistan	228 Mauritania
662 Pakistan	081 Uzbekistan	232 Mali
669 Sri Lanka	082 Tajikistan	236 Burkina Faso
676 Myanmar (Burma)	083 Kirghistan	240 Niger
680 Thailand	204 Morocco	244 Chad
690 Vietnam	208 Algeria	247 Cape Verde
700 Indonesia	212 Tunisia	248 Senegal
708 Philippines	216 Libya	252 Gambia
724 North Korea	220 Egypt	257 Guinea-Bissau
740 Hong Kong	224 Sudan	260 Guinea
950 Stores and provisions (Destinations referred to in Article 34 of Commission Regulation (EEC) No 3665/87, as amended)	324 Rwanda	264 Sierra Leone
	328 Burundi	268 Liberia
	329 St Helena and dependencies	272 Côte d'Ivoire
	330 Angola	276 Ghana
	334 Ethiopia	280 Togo
	336 Eritrea	284 Benin
	338 Djibouti	288 Nigeria
	342 Somalia	302 Cameroon
	350 Uganda	306 Central African Republic
	352 Tanzania	310 Equatorial Guinea
	355 Seychelles and dependencies	311 Sao Tome and Principe
	357 British Indian Ocean Territory	314 Gabon
	366 Mozambique	318 Congo
		322 Zaire
Zone 04		
039 Switzerland		

NB: The countries are those defined by Commission Regulation (EC) No 68/96 (OJ No L 14, 19. 1. 1996, p. 6).

**COMMISSION REGULATION (EC) No 1365/96
of 15 July 1996**

**determining the extent to which applications lodged in June 1996 for import
licences for certain egg sector products pursuant to Regulation (EC) No 1474/95
can be accepted**

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

Having regard to Commission Regulation (EC) No 1474/95 of 28 June 1995 opening and providing for the administration of the tariff quotas in the egg sector and for egg albumin resulting from the agreements concluded during the Uruguay Round of multilateral trade negotiations⁽¹⁾, as last amended by Regulation (EC) No 1219/96⁽²⁾, and in particular Article 5 (5) thereof,

Whereas the applications for import licences lodged for the second quarter of 1996 are, in the case of all products, for quantities less than or equal to the quantities available and can therefore be met in full, but in the case of other

products the said applications are for quantities greater than the quantities available and must therefore be reduced by a fixed percentage to ensure a fair distribution,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for the period 1 April to 30 June 1996 submitted pursuant to Regulation (EC) No 1474/95 shall be met as referred to in the Annex.

Article 2

This Regulation shall enter into force on 16 July 1996.

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

Done at Brussels, 15 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 145, 29. 6. 1995, p. 19.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 55.

ANNEX

Group No	Percentage of acceptance of import licences submitted for the period 1 April to 30 June 1996
E1	100,00
E2	97,83
E3	100,00

COMMISSION REGULATION (EC) No 1366/96
of 15 July 1996
fixing the import duties in the cereals sector

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Commission Regulation (EC) No 923/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1249/96 of 28 June 1996 laying down detailed rules for the application of Council Regulation (EEC) No 1766/92 as regards import duties in the cereals sector⁽³⁾, and in particular Article 2 (1) thereof,

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

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

Whereas Regulation (EC) No 1249/96 lays down detailed rules for the application of Council Regulation (EEC) No

1766/92 for the 1996/97 marketing year as regards import duties in the cereals sector;

Whereas the import duties are applicable until new duties are fixed and enter into force; whereas they also remain in force in cases where no quotation is available for the reference exchange referred to in Annex II to Regulation (EC) No 1249/96 during the two weeks preceding the next periodical fixing;

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

Whereas application of Regulation (EC) No 1249/96 results in import duties being fixed as set out in the Annex to this Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 July 1996.

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

Done at Brussels, 15 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 161, 29. 6. 1996, p. 125.

ANNEX I

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

CN code	Description	Import duty by land inland waterway or sea from Mediterranean, the Black Sea or Baltic Sea ports (ECU/tonne)	Import duty by sea from other ports ⁽²⁾ (ECU/tonne)
1001 10 00	Durum wheat ⁽¹⁾	0,00	0,00
1001 90 91	Common wheat seed	0,00	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	0,00	0,00
	medium quality	13,18	3,18
	low quality	39,38	29,38
1002 00 00	Rye	40,54	30,54
1003 00 10	Barley, seed	40,54	30,54
1003 00 90	Barley, other ⁽³⁾	40,54	30,54
1005 10 90	Maize seed other than hybrid	24,46	14,46
1005 90 00	Maize other than seed ⁽³⁾	24,46	14,46
1007 00 90	Grain sorghum other than hybrids for sowing	54,65	44,65

⁽¹⁾ In the case of durum wheat not meeting the minimum quality requirements referred to in Annex I to Regulation (EC) No 1249/96, the duty applicable is that fixed for low-quality common wheat.

⁽²⁾ For goods arriving in the Community via the Atlantic Ocean or via the Suez Canal (Article 2 (4) of Regulation (EC) No 1249/96), the importer may benefit from a reduction in the duty of:

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

⁽³⁾ The importer may benefit from a flat-rate reduction of ECU 14 or 8 per tonne, where the conditions laid down in Article 2 (5) of Regulation (EC) No 1249/96 are met.

ANNEX II

Factors for calculating duties (period from 28. 6. 1996 to 12. 7. 1996):

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

Exchange quotations	Minneapolis	Kansas City	Chicago	Chicago	Minneapolis	Minneapolis
Product (% proteins at 12 % humidity) 12	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	160,74	156,50	141,67	159,27	179,15 (')	134,66 (')
Gulf premium (ECU/tonne)	—	14,99	3,63	15,05	—	—
Great lake premium (ECU/tonne)	18,45	—	—	—	—	—

(') Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 10,07 per tonne; Great Lakes — Rotterdam: ECU 19,54 per tonne.

3. Subsidy (third paragraph of Article 4 (2) of Regulation (EC) No 1249/96: ECU 0,00 per tonne).

COMMISSION REGULATION (EC) No 1367/96
of 15 July 1996
on the supply of cereals as food aid

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

Having regard to Council Regulation (EEC) No 3972/86 of 22 December 1986 on food-aid policy and food-aid management⁽¹⁾, as last amended by Regulation (EC) No 1292/96⁽²⁾, and in particular Article 6 (1) (c) thereof,

Whereas Council Regulation (EEC) No 1420/87 of 21 May 1987 laying down implementing rules for Regulation (EEC) No 3972/86 on food-aid policy and food-aid management⁽³⁾ lays down the list of countries and organizations eligible for food-aid operations and specifies the general criteria on the transport of food aid beyond the fob stage;

Whereas, following the taking of a number of decisions on the allocation of food aid, the Commission has allocated to certain beneficiaries 30 403 tonnes of cereals;

Whereas it is necessary to make these supplies in accordance with the rules laid down by Commission Regulation (EEC) No 2200/87 of 8 July 1987 laying down general rules for the mobilization in the Community of products to be supplied as Community food aid⁽⁴⁾, as amended by Regulation (EEC) No 790/91⁽⁵⁾; whereas it is

necessary to specify the time limits and conditions of supply and the procedure to be followed to determine the resultant costs,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals shall be mobilized in the Community, as Community food aid for supply to the recipient listed in the Annex, in accordance with Regulation (EEC) No 2200/87 and under the conditions set out in the Annex. Supplies shall be awarded by the tendering procedure.

The successful tenderer is deemed to have noted and accepted all the general and specific conditions applicable. Any other condition or reservation included in his tender is deemed unwritten.

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, 15 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 370, 30. 12. 1986, p. 1.

⁽²⁾ OJ No L 166, 5. 7. 1996, p. 1.

⁽³⁾ OJ No L 136, 26. 5. 1987, p. 1.

⁽⁴⁾ OJ No L 204, 25. 7. 1987, p. 1.

⁽⁵⁾ OJ No L 81, 28. 3. 1991, p. 108.

ANNEX

LOT A

1. **Operation Nos** ⁽¹⁾: 753/95 (A1); 754/95 (A2)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Solidaridad Internacional, Glorieta de Quevedo 7, 6-D E-28015 Madrid, Tel: (34-1) 59 31 113, fax: 44 84 469/Oxfam Belgique, rue du Conseil 39, B-1050 Brussels Tel: (32-2) 51 29 990, fax: 51 18 919 (contact: J.M Biquet)
4. **Representative of the recipient**: Croissant Rouge Algérien pour Croissant Rouge Saharaoui, 15b, Bd Mohamed V, Alger. Tel: (213-2) 64 57 27; fax: 64 97 87
5. **Place or country of destination**: Algeria
6. **Product to be mobilized**: milled rice (product code 1006 30 92 900, 1006 30 94 900, 1006 30 96 900, 1006 30 98 900)
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (IIA(1)(f))
8. **Total quantity**: 2 000 tonnes
9. **Number of lots**: 1 in 2 parts (A1: 1 700 tonnes; A2: 300 tonnes)
10. **Packaging and marking** ⁽⁸⁾ ⁽⁹⁾ ⁽¹²⁾ ⁽¹³⁾: see OJ No C 114, 29. 4. 1991, p. 1 (IIA(2)(c) and IIA.(3))
Language to be used for the marking: French
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: Oran
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 28. 8 — 8. 9. 1996
18. **Deadline for the supply**: 22. 9. 1996
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 7. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 13. 8. 1996
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 22. 9. 1996
 - (c) deadline for the supply: 6. 10. 1996
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, Rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax: (32-2) 296 70 03 / 296 70 04)
25. **Refund payable on application request by the successful tenderer** ⁽⁴⁾: refund applicable on 26. 7. 1996, fixed by Commission Regulation (EC) No 1206/96 (OJ No L 161, 29. 6. 1996, p. 28)

LOT B

1. **Operation Nos** ⁽¹⁾: 1001/95
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid, Postbus 12, NL-2501 CA Den Haag, Nederland (tel: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽¹¹⁾: to be designated by the recipient
5. **Place or country of destination**: Haiti
6. **Product to be mobilized**: oat flakes
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B (1) (e))
8. **Total quantity**: 108 tonnes
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾ ⁽⁹⁾ ⁽¹⁰⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B (2) (f) and II.B (3))
Language to be used for the marking: French
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment:
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 26. 8 — 15. 9. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 7. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 13. 8. 1996
 - (b) period for making the goods available at the port of shipment: 9 — 29. 9. 1996
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, 200 rue de la Loi/Wetstraat, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 26. 7. 1996, fixed by Commission Regulation (EC) No 1206/96 (OJ No L 161, 29. 6 1996, p. 28)

LOT C

1. **Operation No** ⁽¹⁾: 1000/95
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Euronaid Postbus 12, NL-2501 CA Den Haag, Nederland (tel: (31 70) 33 05 757; fax: 36 41 701; telex: 30960 EURON NL)
4. **Representative of the recipient** ⁽¹⁾: to be designated by the recipient
5. **Place or country of destination**: Haiti
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B (1) (a))
8. **Total quantity**: 380 tonnes
9. **Number of lots**: 1
10. **Packaging and marking** ⁽⁶⁾ ⁽⁸⁾ ⁽⁹⁾ ⁽¹²⁾: see OJ No C 114, 29. 4. 1991, p. 1 (II.B (2) (d) and II.B (3))
Language to be used for the marking: French
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at port of shipment
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment**: 19. 8 — 8. 9. 1996
18. **Deadline for the supply**: —
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 7. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 13. 8. 1996
 - (b) period for making the goods available at the port of shipment: 2 — 22. 9. 1996
 - (c) deadline for the supply: —
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, Bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax: (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 26. 7. 1996, fixed by Commission Regulation (EC) No 1206/96 (OJ No L 161, 29. 6. 1996, p. 28)

LOT D

1. **Operation Nos** ⁽¹⁾: 976/95 (D1); 977/95 (D2)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: CICR, 19, avenue de la Paix, CH-1202 Genève (tel: (41 22) 734 60 01; telex: 22269 CH CICR)
4. **Representative of the recipient**: ICRC Tbilissi, Dutu Megreli Road 1, 380003 Tbilissi (tel: (78832) 93 55 11; fax: (78832) 935520)
5. **Place or country of destination**: Georgia
6. **Product to be mobilized**: common wheat flour
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: OJ No C 114, 29. 4. 1991, p. 1 (II.B (1) (a))
8. **Total quantity**: 800 tonnes
9. **Number of lots**: 1 in 2 parts (D1: 500 tonnes; D2: 300 tonnes)
10. **Packaging and marking** ⁽⁸⁾ ⁽⁹⁾ ⁽¹²⁾ ⁽¹⁴⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.B (2) (d) and II.B (3))
Language to be used for the marking: English
Supplementary markings: 'GG — 0042' (D1); 'ZZC — 0263' (D2)
11. **Method of mobilization**: the Community market
12. **Stage of supply**: free at destination
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: —
16. **Address of the warehouse and, if appropriate, port of landing**:
ICRC Tbilissi, Dutu Megreli Road 1, 380003 Tbilissi
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 26. 8 — 8. 9. 1996
18. **Deadline for the supply**: 29. 9. 1996
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 7. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 13. 8. 1996
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 9 — 22. 9. 1996
 - (c) deadline for the supply: 13. 10. 1996
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (telex: 25670 AGREC B; fax (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on application by the successful tenderer** ⁽⁴⁾: refund applicable on 26. 7. 1996, fixed by Commission Regulation (EC) No 1206/96 (OJ No L 161, 29. 6. 1996, p. 28)

LOT E

1. **Operation Nos** ⁽¹⁾: 1002/95 (E1); 1003/95 (E2), 1004/95 (E3)
2. **Programme**: 1995
3. **Recipient** ⁽²⁾: Peru
4. **Representative of the recipient**: Fondo de contravalor Peru — Union Europea, Pasaje Lynch 165, San Isidro, Lima 27, Peru (tel. + fax (51 14) 42 93 64/42 41 36/42 31 00)
5. **Place or country of destination** ⁽³⁾: Peru
6. **Product to be mobilized**: common wheat
7. **Characteristics and quality of the goods** ⁽³⁾ ⁽⁷⁾: see OJ No C 114, 29. 4. 1991, p. 1 (under II.A 1 (a))
8. **Total quantity**: 25 000 tonnes
9. **Number of lots**: 1 in 3 parts (E1: 17 578 tonnes; E2: 4 136 tonnes; E3: 3 286 tonnes)
10. **Packaging and marking**: in bulk
11. **Method of mobilization of product**: the Community market
12. **Stage of supply**: free at port of landing — landed
13. **Port of shipment**: —
14. **Port of landing specified by the recipient**: —
15. **Port of landing**: E1: Callao; E2: Matarani; E3: Salaverry
16. **Address of the warehouse and, if appropriate, port of landing**: —
17. **Period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage**: 12 — 25. 8. 1996
18. **Deadline for the supply**: 29. 9. 1996
19. **Procedure for determining the costs of supply**: invitation to tender
20. **Date of expiry of the period allowed for submission of tenders**: 12 noon (Brussels time) on 30. 7. 1996
21. **In the case of a second invitation to tender**:
 - (a) deadline for the submission of tenders: 12 noon (Brussels time) on 13. 8. 1996
 - (b) period for making the goods available at the port of shipment where the supply is awarded at the port of shipment stage: 26. 8 — 8. 9. 1996
 - (c) deadline for the supply: 13. 10. 1996
22. **Amount of the tendering security**: ECU 5 per tonne
23. **Amount of the delivery security**: 10 % of the amount of the tender in ecus
24. **Address for submission of tenders and tendering securities** ⁽¹⁾: Bureau de l'aide alimentaire, à l'attention de Monsieur T. Vestergaard, bâtiment Loi 130, bureau 7/46, rue de la Loi/Wetstraat 200, B-1049 Brussels (telex 25670 AGREC B; fax (32 2) 296 70 03 / 296 70 04)
25. **Refund payable on application request by the successful tenderer** ^(*): refund applicable on 26. 7. 1996, fixed by Commission Regulation (EC) No 1206/96 (OJ No L 161, 29. 6. 1996, p. 28)

Notes:

- (¹) The operation number should be mentioned in all correspondence.
- (²) The successful tenderer shall contact the recipient as soon as possible to establish which consignment documents are required.
- (³) The successful tenderer shall deliver to the beneficiary a certificate from an official entity certifying that for the product to be delivered the standards applicable, relative to nuclear radiation, in the Member State concerned, have not been exceeded. The radioactivity certificate must indicate the caesium-134 and -137 and iodine-131 levels.
- (⁴) Commission Regulation (EEC) No 2330/87 (OJ No L 210, 1. 8. 1987, p. 56), as last amended by Regulation (EEC) No 2226/89 (OJ No L 214, 25. 7. 1989, p. 10), is applicable as regards the export refund. The date referred to in Article 2 of the said Regulation is that referred to in point 25 of this Annex.

The amount of the refund, shall be converted into national currency by applying the agricultural conversion rate applicable on the day of completion of the customs export formalities. The provisions of Articles 13 to 17 of Commission Regulation (EEC) No 1068/93 (OJ No L 108, 1. 5. 1993, p. 106), as last amended by Regulation (EC) No 2853/95 (OJ No L 299, 12. 12. 1995, p. 1), shall not apply to this amount.

- (⁵) Commission delegation to be contacted by the successful tenderer:

Manuel González Olachea, 247, San Isidro, Lima 27; Tel: (51-1) 44 15 832 / 44 03 097; fax: 42 28 778.

- (⁶) Shipment to take place in 20-foot containers condition FCL/FCL.

The supplier shall be responsible for the cost of making the containers available in the stack position at the container terminal at the port of shipment. The recipient shall be responsible for all subsequent loading costs, including the cost of moving the containers from the container terminal. The provisions of Article 13 (2), second paragraph, of Regulation (EEC) No 2200/87 shall not apply.

The successful tenderer has to submit to the recipient's agent a complete packing list of each container, specifying number of bags belonging to each shipping number as specified in the invitation to tender.

The successful tenderer has to seal each container with a numbered locktainer (SYSKO locktainer 180 seal), number of which to be provided to the beneficiary's forwarder.

- (⁷) The successful tenderer shall supply to the beneficiary or its representative, on delivery, the following documents:

- phytosanitary certificate
- lots A, C, D: fumigation certificate (lot C: the cargo shall be fumigated before shipment with aluminé phosphine).

- (⁸) Notwithstanding OJ No C 114, point IIA (3)(c) or IIB (3)(c) is replaced by the following: 'the words "European Community".'

- (⁹) Since the goods may be rebagged, the successful tenderer must provide 2 % of empty bags of the same quality as those containing the goods, with the marking followed by a capital 'R'.

- (¹⁰) See fourth amendment to OJ No C 114 published in OJ No C 272, 21. 10. 1992, p. 6.

- (¹¹) The supplier should send a duplicate of the original invoice to Willis Corroon Scheuer, PO box 1315, NL-1000 Amsterdam.

- (¹²) See second amendment to OJ No C 114 published in OJ No C 135, 26. 5. 1992, p. 20.

- (¹³) Places in one-way 20-foot containers.

- (¹⁴) The bags shall be stacked, maximum 21 on wooden pallets (made of pine, fir, or poplar wood) measuring not more than 1 200 × 1 400 mm, and with the following features:

- four-way entry, non-reversible, with wings,
- a top deck consisting of a minimum of seven planks (width: 100 mm; thickness: 22 mm),
- a bottom deck consisting of three planks (width: 100 mm; thickness: 22 mm),
- three bearers (width: 100 mm; thickness: 22 mm),
- nine dowels: 100 × 100 × 78 mm minimum.

The palletized bags shall be covered by a shrink film of a thickness of at least 150 microns. The pallet shall be covered with a wooden structure to allow stacking. The whole of the above must be bound, in each direction, by two nylon straps of a width of not less than 15 mm with plastic buckles.

The bags are further protected by board of wood placed between the bags and straps.

COMMISSION REGULATION (EC) No 1368/96**of 15 July 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 July 1996.

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

Done at Brussels, 15 July 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 July 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 35	052	73,4		508	115,7
	060	80,2		512	76,8
	064	70,8		524	104,1
	066	60,1		528	95,3
	068	62,3		624	86,5
	204	86,8		728	107,3
	208	44,0		800	78,0
	212	97,5		804	100,8
	624	95,8		999	87,9
	999	74,5		039	104,1
ex 0707 00 25	052	75,7	0808 20 51	052	138,2
	053	156,2		064	72,5
	060	61,0		388	95,8
	066	53,8		400	70,4
	068	69,1		512	113,8
	204	144,3		528	138,0
	624	87,1		624	79,0
	999	92,5		728	115,4
				800	95,0
				804	73,0
0709 90 77	052	65,9	0809 10 40	999	99,6
	204	77,5		052	144,4
	412	54,2		061	51,3
	624	151,9		064	83,0
	999	87,4		400	338,0
0805 30 30	052	131,3	0809 20 59	999	154,2
	204	88,8		052	181,3
	220	74,0		061	182,0
	388	70,2		064	137,1
	400	68,2		066	73,7
	512	54,8		068	91,0
	520	66,5		400	197,7
	524	73,4		600	94,9
	528	69,9		616	85,2
	600	96,5		624	182,8
0808 10 71, 0808 10 73, 0808 10 79	624	48,9	0809 30 31, 0809 30 39	676	166,2
	999	76,6		999	139,2
				052	63,1
	039	119,4		220	121,8
	052	64,0		624	106,8
	064	78,6		999	97,2
	284	72,1		052	73,2
	388	96,4		064	80,4
	400	75,8		066	84,9
	404	63,6		068	61,2
	416	72,7		400	143,5
				624	182,1
			0809 40 30	676	68,6
				999	99,1

⁽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'.

COMMISSION REGULATION (EC) No 1369/96

of 15 July 1996

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

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

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Commission Regulation (EC) No 1126/96⁽²⁾,

Having regard to Commission Regulation (EC) No 1423/95 of 23 June 1995 laying down detailed implementing rules for the import of products in the sugar sector other than molasses⁽³⁾, as last amended by Regulation (EC) No 1127/96⁽⁴⁾, and in particular the second subparagraph of Article 1 (2), and Article 3 (1) thereof,

Whereas the amounts of the representative prices and additional duties applicable to the import of white sugar, raw sugar and certain syrups are fixed by Commission Regulation (EC) No 1195/96⁽⁵⁾, as last amended by Regulation (EC) No 1353/96⁽⁶⁾;

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 16 July 1996.

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

Done at Brussels, 15 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 150, 25. 6. 1996, p. 3.

⁽³⁾ OJ No L 141, 24. 6. 1995, p. 16.

⁽⁴⁾ OJ No L 150, 25. 6. 1996, p. 12.

⁽⁵⁾ OJ No L 161, 29. 6. 1996, p. 3.

⁽⁶⁾ OJ No L 174, 12. 7. 1996, p. 30.

ANNEX

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

(ECU)

CN code	Amount of representative prices per 100 kg net of product concerned	Amount of additional duty per 100 kg net of product concerned
1701 11 10 ⁽¹⁾	25,35	3,68
1701 11 90 ⁽¹⁾	25,35	8,86
1701 12 10 ⁽¹⁾	25,35	3,55
1701 12 90 ⁽¹⁾	25,35	8,43
1701 91 00 ⁽²⁾	29,23	10,62
1701 99 10 ⁽²⁾	29,23	6,10
1701 99 90 ⁽²⁾	29,23	6,10
1702 90 99 ⁽³⁾	0,29	0,36

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

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

⁽³⁾ By 1 % sucrose content.

II

(Acts whose publication is not obligatory)

COUNCIL

COUNCIL DECISION

of 25 June 1996

on acceptance by the Community of the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas

(96/428/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof, in conjunction with the first sentence of Article 228 (2) and with the first subparagraph of Article 228 (3),

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

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

Whereas international cooperation is essential to ensure the conservation and the rational, responsible and sustainable utilization of the biological resources of the high seas;

Whereas the Community has signed the United Nations Convention on the Law of the Sea, which obliges all members of the international community to cooperate in the conservation and management of the biological resources of the high seas;

Whereas, as regards maritime fishing, the Community has the authority to adopt fishery resource conservation and management measures and to conclude agreements in this field with third countries or international organizations, as set out in the Declaration of Competence which

the Community submitted at the time it joined the Food and Agriculture Organization of the United Nations;

Whereas the practice of requesting the allocation or change of flag by flying vessels in order to circumvent international measures for the conservation and management of living marine resources should be discouraged;

Whereas each Member State must therefore meet its responsibilities to ensure that the fishing vessels authorized to fly its flag comply with international conservation and management measures by appropriate and effective means coordinated at international level;

Whereas to that end the Community took part in international negotiations which culminated in the approval by the conference of the Food and Agriculture Organization of the United Nations at its twenty-seventh session in November 1993 of the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas;

Whereas that Agreement is a useful framework for strengthening international cooperation to ensure that the effectiveness of international conservation and management measures is not undermined;

Whereas that Agreement will form an integral part of the International Code of Conduct for Responsible Fishing called for in the Declaration of Cancún of May 1992;

Whereas Community fishermen fish on the high seas and it is therefore in the Community's interest to accept that Agreement,

⁽¹⁾ OJ No C 229, 18. 8. 1994, p. 10.

⁽²⁾ OJ No C 18, 23. 1. 1995, p. 438.

HAS DECIDED AS FOLLOWS:

Article 1

The European Community hereby accepts the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council shall designate the person authorized to lodge the instrument of acceptance with the

Director-General of the Food and Agriculture Organization of the United Nations in accordance with Article X (2) of the Agreement.

Done at Luxembourg, 25 June 1996.

For the Council

The President

M. PINTO

AGREEMENT

to promote compliance with international conservation and management measures by fishing vessels on the high seas

Preamble

THE PARTIES TO THIS AGREEMENT,

RECOGNIZING that all States have the right for their nationals to engage in fishing on the high seas, subject to the relevant rules of international law, as reflected in the United Nations Convention on the Law of the Sea,

FURTHER RECOGNIZING that, under international law as reflected in the United Nations Convention on the Law of the Sea, all States have the duty to take, or to cooperate with other States in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas,

ACKNOWLEDGING the right and interest of all States to develop their fishing sectors in accordance with their national policies, and the need to promote cooperation with developing countries to enhance their capabilities to fulfil their obligations under this Agreement,

RECALLING that Agenda 21, adopted by the United Nations Conference on Environment and Development, calls upon States to take effective action, consistent with international law, to deter reflagging of vessels by their nationals as a means of avoiding compliance with applicable conservation and management rules for fishing activities on the high seas,

FURTHER RECALLING that the Declaration of Cancún, adopted by the International Conference on Responsible Fishing, also calls on States to take action in this respect,

BEARING IN MIND that under Agenda 21, States commit themselves to the conservation and sustainable use of marine living resources on the high seas,

CALLING UPON States which do not participate in global, regional or subregional fisheries organizations or arrangements to join or, as appropriate, to enter into understandings with such organizations or with parties to such organizations or arrangements with a view to achieving compliance with international conservation and management measures,

CONSCIOUS OF the duties of every State to exercise effectively its jurisdiction and control over vessels flying its flag, including fishing vessels and vessels engaged in the transshipment of fish,

MINDFUL that the practice of flagging or reflagging fishing vessels as a means of avoiding compliance with international conservation and management measures for living marine resources, and the failure of flag States to fulfil their responsibilities with respect to fishing vessels entitled to fly their flag, are among the factors that seriously undermine the effectiveness of such measures,

REALIZING that the objective of this Agreement can be achieved through specifying flag States' responsibility in respect of fishing vessels entitled to fly their flags and operating on the high seas, including the authorization by the flag State of such operations, as well as through strengthened international cooperation and increased transparency through the exchange of information of high seas fishing,

NOTING that this Agreement will form an integral part of the International Code of Conduct for Responsible Fishing called for in the Declaration of Cancún,

DESIRING to conclude an international agreement within the framework of the Food and Agriculture Organization of the United Nations, hereinafter referred to as FAO, under Article XIV of the FAO Constitution,

HAVE AGREED AS FOLLOWS:

Article II

Article I

Definitions

For the purposes of this Agreement:

- (a) 'fishing vessel' means any vessel used or intended for use for the purposes of the commercial exploitation of living marine resources, including mother ships and any other vessels directly engaged in such fishing operations;
- (b) 'international conservation and management measures' means measures to conserve or manage one or more species of living marine resources that are adopted and applied in accordance with the relevant rules of international law as reflected in the 1982 United Nations Convention on the Law of the Sea. Such measures may be adopted either by global, regional or subregional fisheries organizations, subject to the rights and obligations of their members, or by treaties or other international agreements;
- (c) 'length' means
 - (i) for any fishing vessel built after 18 July 1982, 96 % of the total length on a waterline at 85 % of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this length is measured shall be parallel to the designed waterline;
 - (ii) for any fishing vessel built before 18 July 1982, registered length as entered on the national register or other record of vessels;
- (d) 'record of fishing vessels' means a record of fishing vessels in which are recorded pertinent details of the fishing vessel. It may constitute a separate record for fishing vessels or form part of a general record of vessels;
- (e) 'regional economic integration organization' means a regional economic integration organization to which its member States have transferred competence over matters covered by this Agreement, including the authority to make decisions binding on its member States in respect of those matters;
- (f) 'vessels entitled to fly its flag' and 'vessels entitled to fly the flag of a State', includes vessels entitled to fly the flag of a member State of a regional economic integration organization.

Application

1. Subject to the following paragraphs of this Article, this Agreement shall apply to all fishing vessels that are used or intended for fishing on the high seas.
2. A party may exempt fishing vessels of less than 24 metres in length entitled to fly its flag from the application of this Agreement unless the party determines that such an exemption would undermine the object and purpose of this Agreement, provided that such exemptions:
 - (a) shall not be granted in respect of fishing vessels operating in fishing regions referred to in paragraph 3 below, other than fishing vessels that are entitled to fly the flag of a coastal State of that fishing region; and
 - (b) shall not apply to the obligations undertaken by a party under paragraph 1 of Article III, or paragraph 7 of Article VI of this Agreement.
3. Without prejudice to the provisions of paragraph 2 above, in any fishing region where bordering coastal States have not yet declared exclusive economic zones, or equivalent zones of national jurisdiction over fisheries, such coastal States as are parties to this Agreement may agree, either directly or through appropriate regional fisheries organizations, to establish a minimum length of fishing vessels below which this Agreement shall not apply in respect of fishing vessels flying the flag of any such coastal State and operating exclusively in such fishing region.

Article III

Flag State responsibility

1. (a) Each party shall take such measures as may be necessary to ensure that fishing vessels entitled to fly its flag do not engage in any activity that undermines the effectiveness of international conservation and management measures.
- (b) In the event that a party has, pursuant to paragraph 2 of Article II, granted an exemption for fishing vessels of less than 24 metres in length entitled to fly its flag from the application of other provisions of this Agreement, such party shall nevertheless take effective measures in respect of any such fishing vessel that undermines the effectiveness of international conservation and management measures. These measures shall be such as to ensure that the fishing vessel ceases to engage in activities that undermine the effectiveness of the international conservation and management measures.

2. In particular, no party shall allow any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless it has been authorized to be so used by the appropriate authority or authorities of that party. A fishing vessel so authorized shall fish in accordance with the conditions of the authorization.

3. No party shall authorize any fishing vessel entitled to fly its flag to be used for fishing on the high seas unless the Party is satisfied that it is able, taking into account the links that exist between it and the fishing vessel concerned, to exercise effectively its responsibilities under this Agreement in respect of that fishing vessel.

4. Where a fishing vessel that has been authorized to be used for fishing on the high seas by a party ceases to be entitled to fly the flag of that party, the authorization to fish on the high seas shall be deemed to have been cancelled.

5. (a) No party shall authorize any fishing vessel previously registered in the territory of another party that has undermined the effectiveness of international conservation and management measures to be used for fishing on the high seas, unless it is satisfied that:

(i) any period of suspension by another party of an authorization for such fishing vessel to be used for fishing on the high seas has expired; and

(ii) no authorization for such fishing vessel to be used for fishing on the high seas has been withdrawn by another party within the last three years.

(b) The provisions of subparagraph (a) above shall also apply in respect of fishing vessels previously registered in the territory of a State which is not a party to this Agreement, provided that sufficient information is available to the party concerned on the circumstances in which the authorization to fish was suspended or withdrawn.

(c) The provisions of subparagraphs (a) and (b) shall not apply where the ownership of the fishing vessel has subsequently changed, and the new owner has provided sufficient evidence demonstrating that the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the fishing vessel.

(d) Notwithstanding the provisions of subparagraphs (a) and (b) above, a party may authorize a fishing vessel, to which those subparagraphs would otherwise apply, to be used for fishing on the high seas, where the party concerned, after having taken into account all relevant facts, including the circumstances in which the fishing authorization has been

withdrawn by the other party or State, has determined that to grant an authorization to use the vessel for fishing on the high seas would not undermine the object and purpose of this Agreement.

6. Each party shall ensure that all fishing vessels entitled to fly its flag that it has entered in the record maintained under Article IV are marked in such a way that they can be readily identified in accordance with generally accepted standards, such as the FAO Standard Specifications for the Marking and Identification of Fishing Vessels.

7. Each party shall ensure that each fishing vessel entitled to fly its flag shall provide it with such information on its operations as may be necessary to enable the party to fulfil its obligations under this Agreement, including in particular information pertaining to the area of its fishing operations and its catches and landings.

8. Each party shall take enforcement measures in respect of fishing vessels entitled to fly its flag which act in contravention of the provisions of this Agreement, including, where appropriate, making the contravention of such provisions an offence under national legislation. Sanctions applicable in respect of such contraventions shall be of sufficient gravity as to be effective in securing compliance with the requirements of this Agreement and to deprive offenders of the benefits accruing from their illegal activities. Such sanctions shall, for serious offences, include refusal, suspension or withdrawal of the authorization to fish on the high seas.

Article IV

Records of fishing vessels

Each party shall, for the purposes of this Agreement, maintain a record of fishing vessels entitled to fly its flag and authorized to be used for fishing on the high seas, and shall take such measures as may be necessary to ensure that all such fishing vessels are entered in that record.

Article V

International cooperation

1. The parties shall cooperate as appropriate in the implementation of this Agreement, and shall, in particular, exchange information, including evidentiary material, relating to activities of fishing vessels in order to assist the flag State in identifying those fishing vessels flying its flag reported to have engaged in activities undermining international conservation and management measures, so as to fulfil its obligations under Article III.

2. When a fishing vessel is voluntarily in the port of a party other than its flag State, that party, where it has reasonable grounds for believing that the fishing vessel has been used for an activity that undermines the effectiveness of international conservation and management measures, shall promptly notify the flag State accordingly. Parties may make arrangements regarding the undertaking by port States of such investigatory measures as may be considered necessary to establish whether the fishing vessel has indeed been used contrary to the provisions of this Agreement.

3. The parties shall, when and as appropriate, enter into cooperative agreements or arrangements of mutual assistance on a global, regional, subregional or bilateral basis so as to promote the achievement of the objectives of this Agreement.

Article VI

Exchange of information

1. Each party shall make readily available to FAO the following information with respect to each fishing vessel entered in the record required to be maintained under Article IV:

- (a) name of fishing vessel, registration number, previous names (if known), and port of registry;
- (b) previous flag (if any);
- (c) international radio call sign (if any);
- (d) name and address of owner or owners;
- (e) where and when built;
- (f) type of vessel;
- (g) length.

2. Each party shall, to the extent practicable, make available to FAO the following additional information with respect to each fishing vessel entered in the record required to be maintained under Article IV:

- (a) name and address of operator (manager) or operators (managers) (if any);
- (b) type of fishing method or methods;
- (c) moulded depth;
- (d) beam;
- (e) gross register tonnage;
- (f) power of main engine or engines.

3. Each party shall promptly notify to FAO any modifications to the information listed in paragraphs 1 and 2 of this Article.

4. FAO shall circulate periodically the information provided under paragraphs 1, 2, and 3 of this Article to all parties, and, on request, individually to any party. FAO shall also, subject to any restrictions imposed by the party concerned regarding the distribution of information, provide such information on request individually to any global, regional or subregional fisheries organization.

5. Each party shall also promptly inform FAO of:

- (a) any additions to the record;
- (b) any deletions from the record by reason of:
 - (i) the voluntary relinquishment or non-renewal of the fishing authorization by the fishing vessel owner or operator;
 - (ii) the withdrawal of the fishing authorization issued in respect of the fishing vessel under paragraph 8 of Article III;
 - (iii) the fact that the fishing vessel concerned is no longer entitled to fly its flag;
 - (iv) the scrapping, decommissioning or loss of the fishing vessel concerned; or
 - (v) any other reason.

6. Where information is given to FAO under paragraph 5 (b) above, the party concerned shall specify which of the reasons listed in that paragraph is applicable.

7. Each party shall inform FAO of:

- (a) any exemption it has granted under paragraph 2 of Article II, the number and type of fishing vessel involved and the geographical areas in which such fishing vessels operate; and
- (b) any agreement reached under paragraph 3 of Article II.

8. (a) Each party shall report promptly to FAO all relevant information regarding any activities of fishing vessels flying its flag that undermine the effectiveness of international conservation and management measures, including the identity of the fishing vessel or vessels involved and measures imposed by the party in respect of such activities. Reports on measures imposed by a party may be subject to such limitations as may be required by national legislation with respect to confidentiality, including, in particular, confidentiality regarding measures that are not yet final.

- (b) Each party, where it has reasonable grounds to believe that a fishing vessel not entitled to fly its flag has engaged in any activity that undermines the effectiveness of international conservation and management measures, shall draw this to the attention of the flag State concerned and may, as appropriate, draw it to the attention of FAO. It shall provide that flag State with full supporting evidence and may provide FAO with a summary of such evidence. FAO shall not circulate such information until such time as the flag State has had an opportunity to comment on the allegation and evidence submitted, or to object as the case may be.

9. Each party shall inform FAO of any cases where the party, pursuant to paragraph 5 (d) of Article III, has granted an authorization notwithstanding the provisions of paragraph 5 (a) or 5 (b) of Article III. The information shall include pertinent data permitting the identification of the fishing vessel and the owner or operator and as appropriate, any other information relevant to the party's decision.

10. FAO shall circulate promptly the information provided under paragraphs 5, 6, 7, 8 and 9 of this Article to all parties, and, on request, individually to any party. FAO shall also, subject to any restrictions imposed by the party concerned regarding the distribution of information, provide such information promptly on request individually to any global, regional or subregional fisheries organization.

11. The parties shall exchange information relating to the implementation of this Agreement, including through FAO and other appropriate global, regional and subregional fisheries organizations.

Article VII

Cooperation with developing countries

The parties shall cooperate, at a global, regional, subregional or bilateral level, and, as appropriate, with the support of FAO and other international or regional organizations, to provide assistance, including technical assistance, to parties that are developing countries in order to assist them in fulfilling their obligations under this Agreement.

Article VIII

Non-parties

1. The parties shall encourage any State not party to this Agreement to accept this Agreement and shall encourage any non-party to adopt laws and regulations consistent with the provisions of this Agreement.

2. The parties shall cooperate in a manner consistent with this Agreement and with international law to the end that fishing vessels entitled to fly the flags of non-parties do not engage in activities that undermine the effectiveness of international conservation and management measures.

3. The parties shall exchange information amongst themselves, either directly or through FAO, with respect to activities of fishing vessels flying the flags of non-parties that undermine the effectiveness of international conservation and management measures.

Article IX

Settlement of disputes

1. Any party may seek consultations with any other party or parties on any dispute with regard to the interpretation or application of the provisions of this Agreement with a view to reaching a mutually satisfactory solution as soon as possible.

2. In the event that the dispute is not resolved through these consultations within a reasonable period of time, the parties in question shall consult among themselves as soon as possible with a view to having the dispute settled by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

3. Any dispute of this character not so resolved shall, with the consent of all parties to the dispute, be referred for settlement to the International Court of Justice, to the International Tribunal for the Law of the Sea upon entry into force of the 1982 United Nations Convention on the Law of the Sea or to arbitration. In the case of failure to reach agreement on referral to the International Court of Justice, to the International Tribunal for the Law of the Sea or to arbitration, the parties shall continue to consult and cooperate with a view to reaching settlement of the dispute in accordance with the rules of international law relating to the conservation of living marine resources.

Article X

Acceptance

1. This Agreement shall be open to acceptance by any member or associate member of FAO, and to any non-member State that is a member of the United Nations, or of any of the specialized agencies of the United Nations or of the International Atomic Energy Agency.

2. Acceptance of this Agreement shall be effected by the deposit of an instrument of acceptance with the Director-General of FAO, hereinafter referred to as the Director-General.

3. The Director-General shall inform all parties, all members and associate members of FAO and the Secretary-General of the United Nations of all instruments of acceptance received.

4. When a regional economic integration organization becomes a party to this Agreement, such regional economic integration organization shall, in accordance with the provisions of Article II.7 of the FAO Constitution, as appropriate, notify such modifications or clarifications to its declaration of competence submitted under Article II.5 of the FAO Constitution as may be necessary in light of its acceptance of this Agreement. Any party to this Agreement may, at any time, request a regional economic integration organization that is a party to this Agreement to provide information as to which, as between the regional economic integration organization and its member States, is responsible for the implementation of any particular matter covered by this Agreement. The regional economic integration organization shall provide this information within a reasonable time.

Article XI

Entry into force

1. This Agreement shall enter into force as from the date of receipt by the Director-General of the twenty-fifth instrument of acceptance.

2. For the purpose of this Article, an instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such an organization.

Article XII

Reservations

Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous acceptance by all parties to this Agreement. The Director-General shall notify forthwith all parties of any reservation. Parties not having replied within three months from the date of the notification shall be deemed to have accepted the reservation. Failing such acceptance, the State or regional economic integration organization making the reservation shall not become a party to this Agreement.

Article XIII

Amendments

1. Any proposal by a party for the amendment of this Agreement shall be communicated to the Director-General.

2. Any proposed amendment of this Agreement received by the Director-General from a party shall be presented to a regular or special session of the Conference

for approval and, if the amendment involves important technical changes or imposes additional obligations on the parties, it shall be considered by an advisory committee of specialists convened by FAO prior to the Conference.

3. Notice of any proposal amendment of this Agreement shall be transmitted to the parties by the Director-General not later than the time when the agenda of the session of the Conference at which the matter is to be considered is dispatched.

4. Any such proposed amendment of this Agreement shall require the approval of the Conference and shall come into force as from the thirtieth day after acceptance by two-thirds of the parties. Amendments involving new obligations for parties, however, shall come into force in respect of each party only on acceptance by it and as from the thirtieth day after such acceptance. Any amendment shall be deemed to involve new obligations for parties unless the Conference, in approving the amendment, decides otherwise by consensus.

5. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General, who shall inform all parties of the receipt of acceptance and the entry force of amendments.

6. For the purpose of this Article, an instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such an organization.

Article XIV

Withdrawal

Any party may withdraw from this Agreement at any time after the expiry of two years from the date upon which the Agreement entered into force with respect to that party, by giving written notice of such withdrawal to the Director-General who shall immediately inform all the parties and the members and associate members of FAO of such withdrawal. Withdrawal shall become effective at the end of the calendar year following that in which the notice of withdrawal has been received by the Director-General.

Article XV

Duties of the depositary

The Director-General shall be the depositary of this Agreement. The depositary shall:

- (a) send certified copies of this Agreement to each member and associate member of FAO and to such non-member States as may become party to this Agreement;

- (b) arrange for the registration of this Agreement, upon its entry into force, with the secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations;
- (c) inform each member and associate member of FAO and any non-member States as may become party to this Agreement of:
 - (i) instruments of acceptance deposited in accordance with Article X;
 - (ii) the date of entry into force of this Agreement in accordance with Article XI;

- (iii) proposals for and the entry into force of amendments to this Agreement in accordance with Article XIII;
- (iv) withdrawals from this Agreement pursuant to Article XIV.

Article XVI

Authentic texts

The Arabic, Chinese, English, French, and Spanish texts of this Agreement are equally authentic.

CORRIGENDA

Corrigendum to Commission Regulation (EC) No 1233/96 of 28 June 1996 laying down detailed rules for the application of a tariff quota for cows and heifers other than for slaughter of certain mountain breeds originating in certain third countries for the second half of 1996

(Official Journal of the European Communities No L 161 of 29 June 1996)

On page 97, in Article 8 (c), all references to Regulation (EC) No 1194/96 shall be replaced by Regulation (EC) No 1233/96.
