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I

(Acts whose publication is obligatory)

**COMMISSION REGULATION (EC) No 1378/96
of 17 July 1996**

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Commission Regulation (EC) No 1126/96⁽²⁾, and in particular point (a) of the first subparagraph of Article 19 (4) thereof,

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

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

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

sucrose content and, accordingly, be fixed per 1 % of the said content;

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

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

Whereas Council Regulation (EEC) No 990/93⁽⁶⁾, as amended by Regulation (EC) No 1380/95⁽⁷⁾, prohibits trade between the European Community and the Federal Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁸⁾; whereas account should be taken of this fact when fixing the refunds;

Whereas the representative market rates defined in Article 1 of Council Regulation (EEC) No 3813/92⁽⁹⁾, as last amended by Regulation (EC) No 150/95⁽¹⁰⁾, are used to convert amounts expressed in third country currencies and are used as the basis for determining the agricultural conversion rates of the Member States' currencies; whereas detailed rules on the application and determination of these conversions were set by Commission Regulation (EEC) No 1068/93⁽¹¹⁾, as last amended by Regulation (EC) No 2853/95⁽¹²⁾;

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

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

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

⁽¹⁾ OJ No L 177, 1. 7. 1981, p. 4.

⁽²⁾ OJ No L 150, 25. 6. 1996, p. 3.

⁽³⁾ OJ No L 89, 10. 4. 1968, p. 3.

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

⁽⁵⁾ OJ No L 214, 8. 9. 1995, p. 16.

⁽⁶⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁷⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁸⁾ OJ No L 65, 15. 3. 1996, p. 1.

⁽⁹⁾ OJ No L 387, 31. 12. 1992, p. 1.

⁽¹⁰⁾ OJ No L 22, 31. 1. 1995, p. 1.

⁽¹¹⁾ OJ No L 108, 1. 5. 1993, p. 106.

⁽¹²⁾ OJ No L 299, 12. 12. 1995, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

to the Commission Regulation of 17 July 1996 fixing the export refunds on white sugar and raw sugar exported in its unaltered state

Product code	Amount of refund ⁽¹⁾
	— ECU/100 kg —
1701 11 90 100	34,49 ⁽¹⁾
1701 11 90 910	35,35 ⁽¹⁾
1701 11 90 950	⁽²⁾
1701 12 90 100	34,49 ⁽¹⁾
1701 12 90 910	35,35 ⁽¹⁾
1701 12 90 950	⁽²⁾
	— ECU/1 % of sucrose × 100 kg —
1701 91 00 000	0,3749
	— ECU/100 kg —
1701 99 10 100	37,49
1701 99 10 910	38,43
1701 99 10 950	38,43
	— ECU/1 % of sucrose × 100 kg —
1701 99 90 100	0,3749

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

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

⁽³⁾ Refunds on exports to the Federal Republic of Yugoslavia (Serbia and Montenegro) may be granted only where the conditions laid down in amended Regulation (EEC) No 990/93 and Regulation (EC) No 462/96 are observed.

COMMISSION REGULATION (EC) No 1379/96

of 17 July 1996

fixing the representative prices and the additional import duties for molasses in the sugar sector

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 July 1996.

⁽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. 12.

⁽⁴⁾ OJ No L 145, 27. 6. 1968, p. 12.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

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

CN code	Amount of the representative price in ECU per 100 kg net of the product in question	Amount of the additional duty in ECU per 100 kg net of the product in question	Amount of the duty to be applied to imports in ECU per 100 kg net of the product in question because of suspension as referred to in Article 5 of Regulation (EC) No 1422/95 ⁽²⁾
1703 10 00 ⁽¹⁾	8,13	—	0,08
1703 90 00 ⁽¹⁾	11,60	—	0,00

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

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

COMMISSION REGULATION (EC) No 1380/96

of 17 July 1996

fixing the maximum export refund for white sugar for the 48th partial invitation to tender issued within the framework of the standing invitation to tender provided for in Regulation (EC) No 1813/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 1785/81 of 30 June 1981 on the common organization of the markets in the sugar sector⁽¹⁾, as last amended by Commission Regulation (EC) No 1126/96⁽²⁾, and in particular the second subparagraph of Article 17 (5) (b) thereof,

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

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

Whereas, following an examination of the tenders submitted in response to the 48th partial invitation to tender, the provisions set out in Article 1 should be adopted;

Whereas Council Regulation (EEC) No 990/93⁽⁵⁾, as amended by Regulation (EC) No 1380/95⁽⁶⁾, prohibits trade between the European Community and the Federal

Republic of Yugoslavia (Serbia and Montenegro); whereas this prohibition does not apply in certain situations as comprehensively listed in Articles 2, 4, 5 and 7 thereof and in Council Regulation (EC) No 462/96⁽⁷⁾; whereas account should be taken of this fact when fixing the refunds;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. For the 48th partial invitation to tender for white sugar issued pursuant to Regulation (EC) No 1813/95 the maximum amount of the export refund is fixed at ECU 41,490 per 100 kilograms.

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

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 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 175, 27. 7. 1995, p. 12.

⁽⁴⁾ OJ No L 98, 19. 4. 1996, p. 11.

⁽⁵⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁶⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁷⁾ OJ No L 65, 15. 3. 1996, p. 1.

COMMISSION REGULATION (EC) No 1381/96

of 17 July 1996

amending Regulation (EEC) No 1859/82 concerning the selection of returning holdings for the purpose of determining incomes of agricultural holdings

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 79/65/EEC of 15 June 1965 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Economic Community⁽¹⁾, as last amended by Regulation (EC) No 2801/95⁽²⁾, and in particular Articles 4 (4) and 6 (2) thereof,

Whereas Commission Regulation (EEC) No 1859/82⁽³⁾, as last amended by Regulation (EEC) No 3549/92⁽⁴⁾, fixes the threshold of economic size of returning holdings falling within the field of survey of the farm accountancy data network and the number of returning holdings to be selected in each division for each accounting year; whereas the abovementioned Regulation should be amended to fix the threshold of economic size of returning holdings in Austria, Finland and Sweden in order to cover the field of survey for those agricultural holdings; whereas the number of returning holdings to be selected in each division in the abovementioned Member States and in Spain and Portugal should also be fixed for the 1995 and subsequent accounting years;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Community Committee on the Farm Accountancy Data Network,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1859/82 is hereby amended as follows:

⁽¹⁾ OJ No 109, 23. 6. 1965, p. 1859/65.

⁽²⁾ OJ No L 291, 6. 12. 1995, p. 3.

⁽³⁾ OJ No L 205, 13. 7. 1982, p. 5.

⁽⁴⁾ OJ No L 361, 10. 12. 1992, p. 17.

1. Article 2 is replaced by the following:

'Article 2

For the 1995 accounting year (a period of 12 consecutive months beginning between 1 January and 1 July 1995) and for subsequent accounting years, the threshold of economic size as referred to in Article 4 of Regulation 79/65/EEC in ESU within the meaning of Annex III to Commission Decision 85/377/EEC^(*) shall be as follows:

— Netherlands:	16 ESU
— Belgium:	12 ESU
— Germany:	8 ESU
— France:	8 ESU
— Luxembourg:	8 ESU
— Austria:	8 ESU
— Finland:	8 ESU
— Sweden:	8 ESU
— United Kingdom (excluding Northern Ireland):	8 ESU
— Northern Ireland:	4 ESU
— Denmark:	4 ESU
— Ireland:	2 ESU
— Italy:	2 ESU
— Greece:	2 ESU
— Spain:	2 ESU
— Portugal:	1 ESU

^(*) OJ No L 220, 17. 8. 1985, p. 1.

2. Annex I to Regulation (EEC) No 1859/82 is replaced by the Annex hereto.

Article 2

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

It shall apply from the 1995 accounting year.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

ANNEX I

NUMBER OF RETURNING HOLDINGS BY DIVISION

Reference No	Name of division	Number of returning holdings (1993 accounting year onwards)
	GERMANY	
010	Schleswig-Holstein	500
020	Hamburg	40
030	Niedersachsen	800
040	Bremen	—
050	Nordrhein-Westfalen	660
060	Hessen	370
070	Rheinland-Pfalz	480
080	Baden-Württemberg	620
090	Bayern	960
100	Saarland	70
110	Berlin	—
112	Brandenburg	180
113	Mecklenburg-Vorpommern	130
114	Sachsen	220
115	Sachsen-Anhalt	140
116	Thüringen	130
Total Germany		5 300

Reference No	Name of division	Number of returning holdings (1982 accounting year onwards)
	FRANCE	
121	Île-de-France	95
131	Champagne-Ardenne	260
132	Picardie	230
133	Haute-Normandie	145
134	Centre	350
135	Basse-Normandie	215
136	Bourgogne	285
141	Nord-Pas-de-Calais	305
151	Lorraine	215
152	Alsace	160
153	Franche-Comté	200
162	Pays de la Loire	440
163	Bretagne	475
164	Poitou-Charentes	325
182	Aquitaine	425
183	Midi-Pyrénées	430
184	Limousin	195
192	Rhône-Alpes	360
193	Auvergne	320
201	Languedoc-Roussillon	340
203	Provence-Alpes-Côte d'Azur	270
204	Corse	60
Total France		6 100

Reference No	Name of division	Number of returning holdings			
		Accounting years			
		1982	1983	1984	1985 onwards
	ITALY				
221	Valle d'Aosta	70	206	237	263
222	Piemonte	940	752	842	950
230	Lombardia	950	2 641	3 068	3 469
241	Trentino	150	285	332	375
242	Alto Adige	150	415	480	549
243	Veneto	900	851	971	1 106
244	Friuli-Venezia Giulia	250	428	498	558
250	Liguria	350	403	458	513
260	Emilia-Romagna	900	1 542	1 802	2 055
270	Toscana	900	907	1 035	1 161
281	Marche	450	502	569	645
282	Umbria	400	642	745	841
291	Lazio	650	620	704	787
292	Abruzzo	450	269	301	328
301	Molise	140	237	268	301
302	Campania	950	422	460	499
303	Calabria	700	471	516	563
311	Puglia	800	599	681	756
312	Basilicata	350	394	441	499
320	Sicilia	950	698	775	858
330	Sardegna	600	716	817	924
Total Italy		12 000	14 000	16 000	18 000

Reference No	Name of division	Number of returning holdings (1982 accounting year onwards)
340	BELGIUM	1 000
350	LUXEMBOURG	300
360	NETHERLANDS	1 500
370	DENMARK	2 000
380	IRELAND	1 300
	UNITED KINGDOM	
411	England — North Region	420
412	England — East Region	650
413	England — West Region	430
421	Wales	300
431	Scotland	380
441	Northern Ireland	320
Total United Kingdom		2 500

Reference No	Name of division	Number of returning holdings			
		Accounting years			
		1982	1983	1984	1985 onwards
	GREECE				
450	Macedonia — Thrace	1 510	2 070	2 380	2 480
460	Ipiros — Peloponnese — Nissi Ioniou	1 120	1 530	1 760	1 840
470	Thessalia	560	770	900	930
480	Stereia Ellas — Nissi Egaeou — Kriti	1 210	1 630	1 860	1 950
Total Greece		4 400	6 000	6 900	7 200

Reference No	Name of division	Number of returning holdings (1995 accounting year onwards)
	SPAIN	
500	Galicia	800
505	Asturias	350
510	Cantabria	230
515	País Vasco	310
520	Navarra	430
525	La Rioja	290
530	Aragón	640
535	Cataluña	870
540	Baleares	270
545	Castilla y León	1 230
550	Madrid	270
555	Castilla-La Mancha	870
560	Comunidad Valenciana	700
565	Murcia	530
570	Extremadura	590
575	Andalucía	1 470
580	Canarias	250
Total Spain		10 100

Reference No	Name of division	Number of returning holdings (1995 accounting year onwards)
	PORTUGAL	
610	Entre Douro e Minho e Beira Litoral	980
620	Trás-os-Montes e Beira Interior	560
630	Ribatejo e Oeste	650
640	Alentejo e Algarve	460
650	Açores e Madeira	350
Total Portugal		3 000

Reference No	Name of division	Number of returning holdings (1995 accounting year onwards)
660	AUSTRIA	2 000

Reference No	Name of division	Number of returning holdings (1995 accounting year onwards)
	FINLAND	
670	Etelä-Suomi	495
680	Sisä-Suomi	270
690	Pohjanmaa	135
700	Pohjois-Suomi	200
Total Finland		1 100

Reference No	Name of division	Number of returning holdings			
		Accounting years			
		1995	1996	1997	1998 onwards
	SWEDEN				
710	Plains of Southern and Central Sweden	332	407	558	600
720	Forest and mixed agricultural and forest areas of Southern and Central Sweden	180	218	242	295
730	Areas of Northern Sweden	88	100	100	105
Total Sweden		600	725	900	1 000'

COMMISSION REGULATION (EC) No 1382/96

of 17 July 1996

opening and providing for the administration of an import tariff quota for frozen beef intended for processing (1 July 1996 — 30 June 1997)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations⁽¹⁾, and in particular Article 1 (1) thereof,

Whereas under the agreement concluded during the WTO multilateral trade negotiations the Community has undertaken to open an annual import tariff quota of 50 700 tonnes of frozen beef intended for processing; whereas the rules of application for the quota year 1996/97 starting 1 July 1996 must be established;

Whereas the import of frozen beef under the tariff quota shall qualify for the total suspension of the specific rate of customs duty where the meat is intended for the manufacture of preserved food, which does not contain characteristic components other than beef and jelly; whereas where the meat is intended for other processed products containing beef the import shall qualify for a 55 % suspension of the autonomous specific rate of customs duty; whereas the breakdown of the tariff quota into each of the arrangements referred to above should be made taking into account the experience gained in respect of similar imports in the past;

Whereas so as to avoid speculation, access to the quota should be allowed only to active processors carrying out processing in a processing establishment approved in accordance with Article 8 of Council Directive 77/99/EEC⁽²⁾, as last amended by Directive 95/68/EC⁽³⁾;

Whereas, imports into the Community under the present tariff quota are subject to presentation of an import licence; whereas licences may be issued following allocations of import rights on the basis of applications from eligible processors; whereas subject to the provisions of this Regulation the provisions of Commission Regulation (EEC) No 3719/88 of 16 November 1988 laying down common detailed rules for the application of the system

of import and export licences and advance fixing certificates for agricultural products⁽⁴⁾, as last amended by Regulation (EC) No 2137/95⁽⁵⁾, and Commission Regulation (EC) No 1445/95 of 26 June 1995 on rules of application for import and export licences in the beef and veal sector and repealing Regulation (EEC) No 2377/80⁽⁶⁾, as last amended by Regulation (EC) No 2856/95⁽⁷⁾, shall apply to import licences issued under this Regulation;

Whereas the application of the present tariff quota requires strict surveillance of imports and effective checks as to their use and destination; whereas the processing should therefore be authorized only in the importing Member State; whereas, furthermore, a security shall be lodged in order to ensure that the imported meat is used according to the tariff quota specifications; whereas the amount of security should be fixed taking into account the difference between the customs duties applicable inside and outside the quota;

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. An import tariff quota of 50 700 tonnes, bone-in equivalent of frozen beef falling within CN codes 0202 20 30, 0202 30 10, 0202 30 50, 0202 30 90 or 0206 29 91 and intended for processing in the Community is hereby opened for the period 1 July 1996 to 30 June 1997.

2. The overall quantity referred to in paragraph 1 shall be divided into two quantities:

- (a) 38 000 tonnes of frozen beef intended for manufacture of preserved food as defined in Article 7 (a),
- (b) 12 700 tonnes of frozen beef intended for manufacture of beef containing products as defined in Article 7 (b).

⁽¹⁾ OJ No L 146, 20. 6. 1996, p. 1.

⁽²⁾ OJ No L 26, 31. 1. 1977, p. 85.

⁽³⁾ OJ No L 332, 30. 12. 1995, p. 10.

⁽⁴⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁵⁾ OJ No L 214, 8. 9. 1995, p. 26.

⁽⁶⁾ OJ No L 143, 27. 6. 1995, p. 35.

⁽⁷⁾ OJ No L 299, 12. 12. 1995, p. 10.

3. The import duties to apply on frozen beef under the present tariff quota are those referred to in order No 13 of Annex 7 to Annex III of Commission Regulation (EC) No 1035/96⁽¹⁾.

The conversion rate for the relevant amounts of duty shall be the agricultural rate applicable on the day of importation.

4. For the purpose of this Regulation the day of importation in the day of acceptance of the declaration of release for free circulation.

Article 2

1. An application for import rights is valid only if it is lodged by, or on behalf of a natural or legal person who, during the 12 months prior to the entry into force of this Regulation, has been in the business of producing processed products containing beef and who is entered in a national VAT register. Furthermore, the application shall be lodged by, or on behalf of a processing establishment approved under Article 8 of Directive 77/99/EEC. For each quantity referred to in Article 1 (2) only one application for import rights may be accepted in respect of each approved processing establishment.

For the purposes of the above subparagraph, an approved processing establishment does not include a retail or catering establishment, or an establishment adjacent to a retail sales point, in which meat is being processed and offered for sale to the ultimate consumer.

2. Applicants no longer active in the meat processing industry on 1 July 1996 shall not qualify under the arrangements provided for in this Regulation.

3. Documentary evidence, to the satisfaction of the competent authority, of compliance with the conditions of the preceding paragraphs shall be lodged together with the application.

Article 3

1. Each application for import rights for production of A-products or B-products shall be expressed in bone-in equivalence and shall not exceed the available quantity under each of the two categories.

2. Each application referring to either A-products or B-products shall reach the competent authority by 26 July 1996.

3. Member States shall forward to the Commission by 2 August 1996 a list of applicants and quantities applied

for under each of the two categories as well as the approval No of the processing establishments concerned.

The Commission shall decide as soon as possible to what extent applications may be accepted, where necessary as a percentage of the quantity applied for.

Article 4

1. Any import of frozen beef for which import rights have been allocated pursuant to Article 3 shall be subject to presentation of an import licence.

2. Within his allocated import rights a processor may apply for import licences until 28 February 1997 at the latest. The application shall be lodged in the Member State where the import rights are registered.

For the purpose of this paragraph 100 kilogrammes of bone-in beef equals 77 kilogrammes of boneless beef.

3. A security shall be lodged with the competent authority at the time of importation ensuring that the processor processes the entire imported quantity of meat into the required finished products in the establishment specified in the licence application, within three months following the day of importation.

The amounts of security are fixed in Annex I.

Article 5

1. On the licence application and the licence itself shall be entered:

- (a) in box 8, the country of origin,
- (b) in box 16, one of the eligible CN codes,
- (c) in box 20, at least one of the following endorsements:

— Certificado válido en ... (Estado miembro expedidor) / carne destinada a la transformación ... [productos A] [productos B] (táchese lo que no proceda) en ... (designación exacta y número de registro del establecimiento en el que vaya a procederse a la transformación / Reglamento (CE) n° 1382/96.

— Licens gyldig i ... (udstedende medlemsstat) / Kød bestemt til forarbejdning til (A-produkter) (B-produkter) (det ikke gældende overstreges) i ... (nøjagtig betegnelse for den virksomhed, hvor forarbejdningen sker) / forordning (EF) nr. 1382/96.

— In ... (ausstellender Mitgliedstaat) gültige Lizenz / Fleisch für die Verarbeitung zu [A-Erzeugnissen] [B-Erzeugnissen] (Unzutreffendes bitte streichen) in ... (genaue Bezeichnung des Betriebs, in dem die Verarbeitung erfolgen soll) / Verordnung (EG) Nr. 1382/96.

⁽¹⁾ OJ No L 152, 26. 6. 1996, p. 1.

— Το πιστοποιητικό ισχύει ... (κράτος μέλος έκδοσης) / Κρέας που προορίζεται για μεταποίηση ... [προϊόντα Α] [προϊόντα Β] (διαγράφεται η περιττή ένδειξη) ... (ακριβής περιγραφή και αριθμός έγκρισης της εγκατάστασης όπου πρόκειται να πραγματοποιηθεί η μεταποίηση) / Κανονισμός (ΕΚ) αριθ. 1382/96.

— Licence valid in ... (issuing Member State) / Meat intended for processing ... [A-products] [B-products] (delete as appropriate) at ... (exact designation and approval No of the establishment where the processing is to take place) / Regulation (EC) No 1382/96.

— Certificat valable ... (État membre émetteur) / viande destinée à la transformation de ... [produits A] [produits B] (rayer la mention inutile) dans ... (désignation exacte et numéro d'agrément de l'établissement dans lequel la transformation doit avoir lieu) / règlement (CE) n° 1382/96.

— Titolo valido in ... (Stato membro di rilascio) / Carni destinate alla trasformazione ... [prodotti A] [prodotti B] (depennare la voce inutile) presso ... (esatta designazione e numero di riconoscimento dello stabilimento nel quale è prevista la trasformazione) / Regolamento (CE) n. 1382/96.

— Certificaat geldig in ... (Lid-Staat van afgifte) / Vlees bestemd voor verwerking tot [A-produkten] [B-produkten] (doorhalen wat niet van toepassing is) in ... (nauwkeurige aanduiding en toelatingsnummer van het bedrijf waar de verwerking zal plaatsvinden) / Verordening (EG) nr. 1382/96.

— Certificado válido em ... (Estado-membro emissor) / carne destinada à transformação ... [produtos A] [produtos B] (riscar o que não interessa) em ... (designação exacta e número de aprovação do estabelecimento em que a transformação será efectuada) / Regulamento (CE) n° 1382/96.

— Lisenssi on voimassa ... (myöntäjäsenvaltio) / Liha on tarkoitettu [A-luokan tuotteet] [B-luokan tuotteet] (tarpeeton poistettava) jalostukseen ...ssa (tarkka ilmoitus laitoksesta, mukaanlukien hyväksyntänumero, jossa jalostus suoritetaan) / Asetus (EY) N:o 1382/96.

— Licensen är giltig i ... (utfärdande medlemsstat) / Kött avsett för bearbetning ... [A-produkter] [B-produkter] (stryk det som inte gäller) vid ... (exakt angivelse av och godkännandenummer för anläggningen där bearbetningen skall ske) / Förordning (EG) nr 1382/96.

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

3. Import licences shall be valid for 120 days from the date of issue within the meaning of Article 21 (1) of Regulation (EEC) No 3719/88. However, their term of validity shall expire on 30 June 1997 at the latest.

4. Article 8 (4) of Regulation (EEC) No 3719/88 shall apply. However, the full Common Customs Tariff duty

shall be collected in respect of quantities imported in excess of those started on the import licence.

Article 6

1. Quantities for which import licence applications have not been lodged by 28 February 1997 shall be subject of a further allocation of import rights.

To that end, by 7 March 1997, Member States shall forward to the Commission details of the quantities for which no applications have been received.

2. The Commission shall decide as soon as possible on the breakdown of those quantities into those intended for A-products and those intended for B-products. In doing so, the actual utilization of the import rights allocated pursuant to Article 3 under each of the two categories may be taken into account.

3. For the purposes of this Article, Articles 2 to 5 shall apply. However, the date referred to in Article 3 (2) shall be replaced by 4 April 1997 and the date referred to in Article 3 (3) shall be replaced by 11 April 1997.

Article 7

For the purposes of this Regulation:

(a) An A-product shall be defined as a processed product falling within CN codes 1602 10, 1602 50 31, 1602 50 39 or 1602 50 80, not containing meat other than that of animals of the bovine species, with a collagen/protein ratio of no more than 0,45 % ⁽¹⁾ and containing by weight at least 20 % ⁽²⁾ of lean meat (excluding offal ⁽³⁾ and fat) with meat and jelly accounting for at least 85 % of the total net weight.

The product must be subjected to a heat treatment sufficient to ensure the coagulation of meat proteins in the whole of the product and which therefore show no traces of a pinkish liquid on the cut surface when the product is cut along a line passing through its thickest part.

(b) A B-product shall be defined as a processed product containing beef, other than:

⁽¹⁾ Determination of collagen content: the collagen content shall be taken to mean the hydroxyproline content multiplied by the factor 8. The hydroxyproline content must be determined according to ISO method 3496-1978.

⁽²⁾ The lean bovine meat content excluding fat is determined in accordance with the procedure prescribed in the Annex to Commission Regulation (EEC) No 2429/86 (OJ No L 210, 1. 8. 1986, p. 39).

⁽³⁾ Offal includes the following: heads and cuts thereof (including ears), feet, tails, hearts, udders, livers, kidneys, sweetbreads (thymus glands and pancreas), brains, lungs, throats, thick skirts, spleens, tongues, caul, spinal cords, edible skin, reproductive organs (i.e. uteri, ovaries and testes), thyroid glands, pituitary glands.

- one specified in Article 1 (1) (a) of Council Regulation (EEC) No 805/68 ⁽¹⁾, or
- one referred to under (a).

However, a processed product falling within CN code 0210 20 90 which has been dried or smoked so that the colour and consistency of the fresh meat has totally disappeared and with a water/protein ratio not exceeding 3,2 shall be considered to be a B-product.

Article 8

Member States shall set up a system of physical and documentary supervision to ensure that all meat is processed into the category of product specified on the import licence concerned.

The system must include physical checks of quantity and quality at the start of the processing, during the processing and after the processing operation is completed. To this end, processors shall at any time be able to demonstrate the identity and use of the imported meat through appropriate production records.

Upon technical verification of the production method by the competent authority, to the extent necessary, allowance may be taken for drip losses and trimmings.

In order to verify the quality of the finished product and establish the correspondance with the processor's recipe Member States shall proceed to representative samplings and analysis of those products. The costs of such operations shall be born by the processor concerned.

Article 9

1. The security referred to in Article 4 (3) shall be released in proportion to the quantity for which, within seven months, proof has been furnished to the satisfaction

of the competent authority that all or part of the imported meat has been processed into the relevant products within three months following the day of importation in the designated establishment.

However,

- (a) if processing took place after the abovementioned three month time limit, the security shall be released minus:
 - 15 % and
 - 2 % of the remaining amount for each day by which the time limit has been exceeded;
 - (b) if proof of processing is established within the abovementioned seven-month time limit and is produced within 18 months following those seven months the amount forfeited less 15 % of the security amount, shall be repaid.
2. The amount of security not released shall be forfeited and retained as a customs duty.

Article 10

1. Member States shall communicate to the Commission not later than the 15th day of each month the quantities imported during the preceding months giving separate particulars for each of the CN codes for frozen meat and for each of the two categories of finished products.

2. All communications to the Commission under this Regulation, including nil returns, shall be made to the address referred to in Annex II.

Article 11

This Regulation shall enter into force on the third 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, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 148, 28. 6. 1968, p. 24.

ANNEX I

AMOUNTS OF SECURITY

<i>(in ECU/1 000 kg net)</i>		
Product (CN code)	For manufacture of A-products	For manufacture of B-products
0202 20 30	1 945	951
0202 30 10	3 040	1 486
0202 30 50	3 040	1 486
0202 30 90	4 182	2 044
0206 29 91	4 182	2 044

The conversion rate shall be agricultural rate valid on the day of application for the licence.

ANNEX II

European Commission
DG VI-D.2 — Beef/veal and sheepmeat,
Rue de la Loi/Wetstraat 130
B-1049 Brussels.
Fax: (32-2) 295 36 13.

COMMISSION REGULATION (EC) No 1383/96

of 17 July 1996

opening an invitation to tender for the refund or the tax for the export of
common wheat to Ceuta, Melilla and certain ACP States

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 1501/95 of 29 June 1995 laying down certain detailed rules for the application of Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾, and in particular Article 4 thereof,

Whereas, with a view to supplying the markets of the ACP countries, favoured partners of the Community, and the markets of Ceuta and Melilla, significant quantities of common wheat are required; whereas these markets are usually supplied on the basis of regular contracts to ensure stable prices for Ceuta, Melilla and the ACP countries over a certain period; whereas it is therefore necessary to issue a specific invitation to tender to ensure that users in Ceuta, Melilla and certain ACP States have access to common wheat under conditions appropriate to the highly competitive situation on the world market;

Whereas the detailed procedural rules governing invitations to tender are as regards the fixing of the export refund, or export tax in Regulation (EC) No 1501/95; whereas the commitments on the part of the tenderer include an obligation to lodge an application for an export licence; whereas compliance with this obligation may be ensured by requiring tenderers to lodge a tendering security of ECU 12 per tonne when they submit their tenders;

Whereas, in order to ensure the smooth operation of the export tendering procedure it is appropriate to prescribe a minimum quantity to be tendered for and a time limit and form for the communication of tenders submitted to the competent authorities;

Whereas provision should be made for a security lodgment scheme which ensures that the aims are met while avoiding excessive costs for the operators; whereas derogations should accordingly be made to certain rules, in particular those laid down in Regulation (EC) No 1501/95;

Whereas, in addition to the conditions laid down in Article 30 of Commission Regulation (EEC) No 3719/88⁽⁵⁾, as last amended by Regulation (EC) No 2137/95⁽⁶⁾, provision should be made for the release for consumption in Ceuta, Melilla or the ACP State(s) laid down in the Regulation;

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

HAS ADOPTED THIS REGULATION:

Article 1

1. Tenders shall be invited for the export refund or export tax concerning common wheat, as provided for in Article 4 of Regulation (EC) No 1501/95.
2. The common wheat must be exported to Ceuta, Melilla, to an ACP State or to several States within one of the groups of ACP States listed in Annex I.
3. The invitation shall remain open until 5 September 1996. During this period weekly awards shall be made, for which the quantities and the time limits for the submission of tenders shall be as prescribed in the notice of invitation to tender.

Article 2

A tender shall be valid only if it relates to an amount of not less than 500 tonnes for Ceuta and Melilla, or not less than 1 000 tonnes for the ACP States listed in Annex I.

Article 3

The security referred to in Article 5 (3a) of Regulation (EC) No 1501/95 shall be ECU 12 per tonne.

Article 4

1. Tenders shall only be admissible if:
 - the tenderer provides written proof from an official body in Ceuta, Melilla or in the ACP country of destination or a company having its overseas subsidiary in Ceuta, Melilla or the said country, that he has concluded for the quantity in question a commercial supply contract for common wheat for export to Ceuta, Melilla, to an ACP State or to several States

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.

⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.

⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.

⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.

⁽⁵⁾ OJ No L 331, 2. 12. 1988, p. 1.

⁽⁶⁾ OJ No L 214, 8. 9. 1995, p. 21.

within one of the groups of ACP states listed in Annex I. That contract may cover only those deliveries to be made during the period July 1996 to November 1996 for quantities traditionally supplied; such proof shall be lodged with the competent authorities at least two working days before the date of the partial invitation to tender against which the tender is to be submitted,

- they are accompanied by an application for an export licence for the destination in question.

The proof provided for in the first indent shall also indicate the quality provided for in the contract, the time limit for delivery and the price terms.

The Member State shall send the Commission a copy of the said proof forthwith, for information.

2. Tenders may not exceed the quantity laid down in the commercial contract submitted. The tenderers may not submit simultaneously several bids on the basis of the same contract.

When transmitting the tenders submitted, the Member States shall inform the Commission of the above, mentioning if necessary the names of the tenderers involved.

Article 5

1. The licence obliges the operator to export to Ceuta, Melilla or the ACP State or States for which the licence application was submitted. However, for ACP States and up to a limit of 30 % of the quantity for which the licence was issued, the operator may effect his contract at another destination on condition that it belongs to the same group of countries listed in Annex I.

2. The export licences shall be issued as soon as the successful tenderers have been selected.

3. Article 9 of Regulation (EEC) No 3719/88 notwithstanding, the rights deriving from the licence referred to in this Article shall not be transferable.

Article 6

The obligation to export and import into Ceuta, Melilla or one of the countries of destination listed in Annex I shall be covered by a security amounting to ECU 20 per tonne, lodged upon issue of the export licence.

Article 13 of Regulation (EC) No 1501/95 notwithstanding, the amount of ECU 20 per tonne must be released within 15 working days of the date on which the successful tenderer supplies proof of entry for consumption into Ceuta, Melilla or the ACP State or States referred to in Article 1 (2). This proof shall be supplied in accordance with Articles 18 and 47 of Commission Regulation (EEC) No 3665/87⁽¹⁾.

Article 7

1. Notwithstanding Article 21 (1) of Regulation (EEC) No 3719/88, export licences issued under Article 8 (1) of

Regulation (EC) No 1501/95 shall, for the purpose of determining their period of validity, be deemed to have been issued on the day on which the tender was submitted.

2. Subject to the provisions of Article 1 of Commission Regulation (EC) No 1521/94⁽²⁾ export licences issued in connection with the invitations to tender pursuant to this Regulation shall be valid from their date of issue, as defined in paragraph 1, until the end of the fourth month following that of issue.

Article 8

1. The Commission shall decide, pursuant to the procedures laid down in Article 23 of Regulation (EEC) No 1766/92:

- to fix a maximum export refund, taking account in particular of the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to fix a minimum export tax, taking into account in particular the criteria laid down in Article 1 of Regulation (EC) No 1501/95, or
- to make no award.

2. Where a maximum export refund is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of refund equal to or less than such maximum export refund.

3. Where a minimum export tax is fixed, a contract shall be awarded to any tenderer whose tender indicates a rate of tax equal to or more than such minimum export tax.

Article 9

Tenders submitted must reach the Commission through the intermediary Member States, at the latest one and a half hours after expiry of the period for the weekly submission of tenders as specified in the notice of invitation to tender. They must be communicated in the form indicated in Annex II, to the telex or fax numbers in Annex III.

If no tenders are received, Member States shall inform the Commission of this within the time limit indicated in the preceding paragraph.

Article 10

The time limits fixed for the submission of tenders shall correspond to Belgian time.

Article 11

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

⁽¹⁾ OJ No L 351, 14. 12. 1987, p. 1.

⁽²⁾ OJ No L 162, 30. 6. 1994, p. 47.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX I

Groups of ACP States signatories to the Lomé Convention

Group I	Group II	Group III
Mauritania Mali Niger Senegal Burkina Faso Gambia Guinea-Bissau Guinea Cape Verde Sierra Leone Liberia Côte d'Ivoire Ghana Togo	Chad Central African Republic Benin Cameroon Equatorial Guinea São Tomé and Príncipe Gabon Congo Zaire Rwanda Burundi	Seychelles Comoros Madagascar Mauritius Angola Zambia Malawi Mozambique Namibia Botswana Zimbabwe Lesotho Swaziland

*ANNEX II***Weekly tender for the refund or the tax for the export of common wheat to Ceuta, Melilla and certain ACP-States**

(Regulation (EC) No 1383/96)

Closing date for the submission of tenders (date/time)

1	2	3	
Number of tenderer	Quantity in tonnes	A	B
		Amount of export tax in ECU per tonne	Amount of export refund in ECU per tonne
1			
2			
3			
etc.			

ANNEX III

The only numbers to use to call Brussels (DG VI-C-1) are:

- telex: — 22037 AGREC B,
 — 22070 AGREC B (Greek characters);
- fax: — 295 25 15,
 — 296 49 56.

COMMISSION REGULATION (EC) No 1384/96

of 17 July 1996

amending Regulation (EC) No 1143/96 opening an invitation to tender for the refund or the tax for the export of common wheat to all third countries

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Article 1

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⁾,

Regulation (EC) No 1143/96 is amended as follows:

1. The title is replaced by the following:

'opening an invitation to tender for the refund or the tax for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States.'

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

'2. The invitation to tender shall cover common wheat for export to all third countries except Ceuta, Melilla and ACP States listed in Annex III.'

3. The title of Annex I is replaced by the following:

'Weekly tender for the refund or the tax for the export of common wheat to all third countries except Ceuta, Melilla and certain ACP States.'

Having regard to Commission Regulation (EC) No 1501/95 of 29 June 1995 laying down certain detailed rules for the application of the Council Regulation (EEC) No 1766/92 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals⁽³⁾, as last amended by Regulation (EC) No 95/96⁽⁴⁾, and in particular Article 4 thereof,

Whereas Commission Regulation (EC) No 1383/96⁽⁵⁾ opens an invitation to tender relating to the export of common wheat to Ceuta, Melilla and certain ACP States; whereas the destinations laid down in Commission Regulation (EC) No 1143/96⁽⁶⁾ should therefore be amended;

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

Article 2

The following Annex III is hereby added to Regulation (EC) No 1143/96:

*'ANNEX III***Groups of ACP States signatories to the Lomé Convention**

Group I	Group II	Group III
Mauritania Mali Niger Senegal Burkina Faso Gambia Guinea Bissau Guinea Cape Verde Sierra Leone Liberia Côte d'Ivoire Ghana Togo	Chad Central African Republic Benin Cameroon Equatorial Guinea São Tomé and Príncipe Gabon Congo Zaire Rwanda Burundi	Seychelles Comoros Madagascar Mauritius Angola Zambia Malawi Mozambique Namibia Botswana Zimbabwe Lesotho Swaziland'

⁽¹⁾ OJ No L 181, 1. 7. 1992, p. 21.⁽²⁾ OJ No L 126, 24. 5. 1996, p. 37.⁽³⁾ OJ No L 147, 30. 6. 1995, p. 7.⁽⁴⁾ OJ No L 18, 24. 1. 1996, p. 10.⁽⁵⁾ See page 17 of this Official Journal.⁽⁶⁾ OJ No L 151, 26. 6. 1996, p. 14.

Article 3

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, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1385/96

of 17 July 1996

fixing representative prices and additional import duties in the poultrymeat and egg sectors and for egg albumin, and amending Regulation (EC) No 1484/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 2771/75 of 29 October 1975 on the common organization of the market in eggs ⁽¹⁾, as last amended by Regulation (EC) No 2916/95 ⁽²⁾, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2777/75 of 29 October 1975 on the common organization of the market in poultrymeat ⁽³⁾, as last amended by Regulation (EC) No 2916/95, and in particular Article 5 (4) thereof,

Having regard to Council Regulation (EEC) No 2783/75 of 29 October 1975 on the common system of trade for ovalbumin and lactalbumin ⁽⁴⁾, as last amended by Regulation (EC) No 2916/95, and in particular Article 3 (4) thereof,

Whereas Commission Regulation (EC) No 1484/95 ⁽⁵⁾, as last amended by Regulation (EC) No 1058/96 ⁽⁶⁾, fixes detailed rules for implementing the system of additional import duties and fixes additional import duties in the poultrymeat and egg sectors and for egg albumin;

Whereas it results from regular monitoring of the information providing the basis for the verification of the

import prices in the poultrymeat and egg sectors and for egg albumin that the representative prices and additional duties for imports of certain products should be amended taking into account variations of prices according to origin; whereas, therefore, representative prices and corresponding additional duties should be published;

Whereas it is necessary to apply this amendment as soon as possible, given the situation on the market;

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to amended Regulation (EC) No 1484/95 is hereby replaced by the Annex hereto.

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 282, 1. 11. 1975, p. 49.

⁽²⁾ OJ No L 305, 19. 12. 1995, p. 49.

⁽³⁾ OJ No L 282, 1. 11. 1975, p. 77.

⁽⁴⁾ OJ No L 282, 1. 11. 1975, p. 104.

⁽⁵⁾ OJ No L 145, 29. 6. 1995, p. 47.

⁽⁶⁾ OJ No L 140, 13. 6. 1996, p. 20.

ANNEX

ANNEX I

CN code	Description	Representative price ECU/100 kg	Additional duty ECU/100 kg	Origin (¹)
0207 14 10	Boneless cuts of fowls of the species <i>gallus domesticus</i> , frozen	208,7	27	01
		268,9	9	02
		265,5	10	03
1602 32 11 1602 39 21	Preparations uncooked, other than turkeys	217,2	21	01

(¹) Origin of imports:

01 China

02 Brazil

03 Thailand'

COMMISSION REGULATION (EC) No 1386/96

of 17 July 1996

fixing the maximum export refunds for olive oil for the 16th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2544/95

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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

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

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

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

The maximum export refunds for olive oil for the 16th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2544/95 are hereby fixed in the Annex, on the basis of the tenders submitted by 9 July 1996.

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

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

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

⁽³⁾ OJ No L 260, 31. 10. 1995, p. 38.

⁽⁴⁾ OJ No L 102, 28. 4. 1993, p. 14.

⁽⁵⁾ OJ No L 138, 21. 6. 1995, p. 1.

⁽⁶⁾ OJ No L 65, 15. 3. 1996, p. 1.

ANNEX

to the Commission Regulation of 17 July 1996 fixing the maximum export refunds for olive oil for the 16th partial invitation to tender under the standing invitation to tender issued by Regulation (EC) No 2544/95

(ECU/100 kg)	
Product code	Amount of refund ⁽¹⁾
1509 10 90 100	41,90
1509 10 90 900	—
1509 90 00 100	48,95
1509 90 00 900	—
1510 00 90 100	9,30
1510 00 90 900	—

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

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

**COMMISSION REGULATION (EC) No 1387/96
of 17 July 1996**

**on import licences for milk and milk products originating in the African,
Caribbean and Pacific States (ACP States) or in the overseas countries and
territories (OCT)**

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

Having regard to Council Regulation (EEC) No 715/90 of
5 March 1990 on the arrangements applicable to agricul-
tural products and certain goods resulting from the
processing of agricultural goods originating in the ACP
States or in the overseas countries and territories (OCT) ⁽¹⁾,
as last amended by Commission Regulation (EC) No
619/96 ⁽²⁾, and in particular Article 27 thereof,

Whereas Article 4 (4) of Commission Regulation (EEC)
No 1150/90 ⁽³⁾, as last amended by Regulation (EC) No
1220/96 ⁽⁴⁾, provides that the Commission is to decide to
what extent quantities may be awarded in respect of
applications for import licences; whereas, however,
imports must not exceed the quotas;

Whereas applications for licences have been made for a
total quantity not greater than that available; whereas,
therefore, all applications submitted should be accepted,

HAS ADOPTED THIS REGULATION:

Article 1

Licence applications lodged pursuant to Article 4 of
Regulation (EEC) No 1150/90 from 1 to 10 July 1996 and
notified to the Commission are hereby accepted.

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 84, 30. 3. 1990, p. 85.

⁽²⁾ OJ No L 89, 10. 4. 1996, p. 1.

⁽³⁾ OJ No L 114, 5. 5. 1990, p. 21.

⁽⁴⁾ OJ No L 161, 29. 6. 1996, p. 57.

COMMISSION REGULATION (EC) No 1388/96

of 17 July 1996

determining the extent to which applications lodged in July 1996 for import certificates for certain cheeses covered by the arrangements provided for in the Europe Agreements concluded by the Community with Bulgaria and Romania 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 1588/94 of 30 June 1994 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community on the one part, and Bulgaria and Romania on the other part⁽¹⁾, as last amended by Regulation (EC) No 1231/96⁽²⁾, and in particular Article 4 (4) thereof,

Whereas applications for import licences lodged for the products referred to in Regulation (EC) No 1588/94 concern quantities greater than those available for certain products; whereas, therefore, reduction percentages should

be fixed for certain of the quantities applied for the period 1 July to 30 September 1996,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for products falling within CN codes listed in the Annex hereto, lodged under Regulation (EC) No 1588/94 for the period 1 July to 30 September 1996, shall be accepted, per country of origin, up to the percentages indicated.

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 167, 1. 7. 1994, p. 8.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 90.

ANNEX

B.1. Reduction in the rate of customs duty: 80 %

Country	CN codes and products	%
Romania	ex 0406 90 29 ⁽¹⁾ ex 0406 90 86 ⁽¹⁾ ex 0406 90 87 ⁽¹⁾ ex 0406 90 88 ⁽¹⁾	100
Bulgaria	ex 0406 90 ⁽²⁾ ex 0406 90 ⁽³⁾	33,8

⁽¹⁾ Manufactured from cows' milk.

⁽²⁾ White brined cheese of cows' milk.

⁽³⁾ Kashkaval Vitosha, made from cows' milk.

B.2. Free of customs duties

Country	CN codes and products	%
Bulgaria	ex 0406 90 ⁽¹⁾	23,5

⁽¹⁾ Cheese other cheese of cows' milk.

COMMISSION REGULATION (EC) No 1389/96
of 17 July 1996

determining the extent to which applications lodged in July 1996 for import licences for certain milk products and products covered by the arrangements provided for in the Europe Agreements concluded by the Community with the Republic of Poland, the Republic of Hungary, the Czech Republic and the Slovak Republic can be accepted

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

Having regard to Commission Regulation (EEC) No 584/92 of 6 March 1992 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Interim Agreements between the Community and the Republic of Poland, the Republic of Hungary and the Czech and Slovak Federal Republic⁽¹⁾, as last amended by Regulation (EC) No 1228/96⁽²⁾ and in particular Article 4 (5) thereof,

Whereas applications for import licences lodged for the products referred to in Regulation (EEC) No 584/92 concern quantities greater than those available for certain products; whereas, therefore, reduction percentages should

be fixed for certain of the quantities applied for the period 1 July to 30 September 1996,

HAS ADOPTED THIS REGULATION:

Article 1

Applications for import licences for products falling within the CN codes listed in the Annex hereto, lodged under Regulation (EEC) No 584/92 for the period 1 July to 30 September 1996, shall be accepted, per country of origin, up to the percentages indicated.

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 62, 7. 3. 1992, p. 34.

⁽²⁾ OJ No L 161, 29. 6. 1996, p. 82.

ANNEX

Country	Poland			Czech Republic			Slovak Republic			Hungary
	0402 10 19 0402 21 19 0402 21 99	0405 10 11 0405 10 19 butter	0406 cheese	0402 10 19 0402 21 19 0402 21 91	0405 10 11 0405 10 19 butter	ex 0406 40-Niva ex 0406 90- Moravsky block (1)	0402 10 19 0402 21 19 0402 21 91	0405 10 11 0405 10 19 butter	ex 0406 40-Niva ex 0406 90- Moravsky block (1)	
in %	1,4	1,7	3,3	1,4	1,5	4,7	1,8	2,1	3,9	100,—

(1) Primator, Otava, Javor, Uzeny block, Kashkaval, Akawi, Istambul, Jadel Hermelin, Ostepek, Koliba, Inovec.

(2) Cream-white, Hajdu, Marvany, Ovari, Pannonia, Trappista, Bacska, Ban, Delicacy cheese 'Moson', Delicacy cheese 'Pelso', Goya, Ham-shaped, Karavan, Lajta, Parenyica, Sed, Tihany.

COMMISSION REGULATION (EC) No 1390/96

of 17 July 1996

determining the extent to which applications lodged in July 1996 for certain milk and milk products covered by the arrangements provided for in the free-trade Agreements concluded by the Community with the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania can be accepted

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community,

Having regard to Commission Regulation (EC) No 1713/95 of 13 July 1995 laying down detailed rules for the application to milk and milk products of the arrangements provided for in the Association Agreements between the Community and the Baltic States⁽¹⁾, as amended by Regulation (EC) No 2931/95⁽²⁾, and in particular Article 4 (4) thereof,

Whereas the applications for import licences lodged for the products referred to in Regulation (EC) No 1713/95 concern quantities greater than those available for certain products; whereas, therefore, reduction percentages should be fixed for certain of the quantities applied for the period 1 July to 30 September 1996,

Article 1

Applications for import licences for products falling within the CN codes listed in the Annex hereto, lodged under Regulation (EC) No 1713/95 for the period 1 July to 30 September 1996 shall be accepted, per country of origin, up to the percentages indicated.

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 163, 14. 7. 1995, p. 5.

⁽²⁾ OJ No L 307, 20. 12. 1995, p. 10.

ANNEX

Country	Republic of Estonia			Republic of Latvia					Republic of Lithuania				
	0402 10 19 0402 21 19	0405 10 11 0405 10 19 Butter	0406 90 Cheeses	0402 10 19 0402 21 19	0405 10 11 0405 10 19 Butter	0406 10	0406 90 21 0406 90 23	0402 29 99	0402 10 19 0402 21 19 Butter	0405 10 11 0405 10 19 Butter	0406 10 80	0406 30 31 0406 30 39 0406 90 01	0402 29 99
CN codes													
in %	5,6	3,8	100,—	66,7	20,—	100,—	100,—	—	6,5	3,4	100,—	89,3	—

COMMISSION REGULATION (EC) No 1391/96

of 17 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 18 July 1996.

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

Done at Brussels, 17 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 17 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	116,4
	060	80,2		512	83,3
	064	70,8		524	86,8
	066	60,3		528	94,3
	068	62,3		624	86,5
	204	86,8		728	107,3
	208	44,0		800	78,0
	212	97,5		804	92,5
	624	95,8		999	87,1
	999	74,6		0808 20 51	039
ex 0707 00 25	052	75,7		052	104,1
	053	156,2		064	138,2
	060	61,0		064	72,5
	066	53,8		388	97,8
	068	69,1		400	70,4
	204	144,3		512	80,5
	624	87,1		528	132,9
	999	92,5		624	79,0
				728	115,4
				800	90,7
0709 90 77	052	65,9		804	73,0
	204	77,5		999	95,9
	412	54,2	0809 10 40	052	144,4
	624	151,9		061	51,3
	999	87,4		064	113,1
0805 30 30	052	127,3		400	338,0
	204	88,8		999	161,7
	220	74,0	0809 20 59	052	185,5
	388	76,6		061	182,0
	400	68,2		064	137,1
	512	54,8		066	73,7
	520	66,5		068	91,0
	524	64,4		400	201,3
	528	65,2		600	94,9
	600	96,5		616	85,2
	624	48,9		624	63,7
0808 10 71, 0808 10 73, 0808 10 79	999	75,6		676	166,2
			0809 30 31, 0809 30 39	999	128,1
	039	119,9		052	63,1
	052	64,0		220	121,8
	064	78,6		624	106,8
	284	72,1		999	97,2
	388	99,4	0809 40 30	052	73,2
	400	78,4		064	80,4
	404	63,6		066	84,9
	416	72,7		068	61,2
				400	143,5
				624	179,0
				676	68,6
				999	98,7

⁽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 1392/96

of 17 July 1996

fixing the import duties in the rice sector

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

Having regard to Council Regulation (EEC) No 1418/76 of 21 June 1976 on the common organization of the market in rice ⁽¹⁾, as last amended by Regulation (EC) No 3072/95 ⁽²⁾,

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

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

Whereas, pursuant to Article 13 (4) of Regulation (EEC) No 1418/76, the cif import prices are calculated on the basis of the prices for the product in question on the world market;

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

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

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

⁽¹⁾ OJ No L 166, 25. 6. 1976, p. 1.

⁽²⁾ OJ No L 329, 30. 12. 1995, p. 18.

⁽³⁾ OJ No L 150, 1. 7. 1995, p. 53.

⁽⁴⁾ OJ No L 45, 23. 2. 1996, p. 3.

ANNEX I

to the Commission Regulation of 17 July 1996 fixing the import duties on rice and broken rice

(ECU/tonne)

CN code	Duties ^(*)				
	Third countries (except ACP and Bangladesh) ⁽²⁾ ^(*)	ACP Bangladesh ⁽¹⁾ ⁽²⁾ ^(*)	Basmati India ^(*) Article 4, Regulation (EC) No 1573/95	Basmati Pakistan ^(*) Article 4, Regulation (EC) No 1573/95	Arrangement in Regulation (EEC) No 3877/86 ^(*)
1006 10 21	^(*)	140,81			
1006 10 23	^(*)	140,81			
1006 10 25	^(*)	140,81			
1006 10 27	^(*)	140,81			
1006 10 92	^(*)	140,81			
1006 10 94	^(*)	140,81			
1006 10 96	^(*)	140,81			
1006 10 98	^(*)	140,81			
1006 20 11	304,71	148,02			
1006 20 13	304,71	148,02			
1006 20 15	304,71	148,02			
1006 20 17	340,25	165,79	90,25	290,25	
1006 20 92	304,71	148,02			
1006 20 94	304,71	148,02			
1006 20 96	304,71	148,02			
1006 20 98	340,25	165,79	90,25	290,25	
1006 30 21	563,46	266,82			
1006 30 23	563,46	266,82			
1006 30 25	563,46	266,82			
1006 30 27	^(*)	271,09			
1006 30 42	563,46	266,82			
1006 30 44	563,46	266,82			
1006 30 46	563,46	266,82			
1006 30 48	^(*)	271,09			
1006 30 61	563,46	266,82			
1006 30 63	563,46	266,82			
1006 30 65	563,46	266,82			
1006 30 67	^(*)	271,09			
1006 30 92	563,46	266,82			
1006 30 94	563,46	266,82			
1006 30 96	563,46	266,82			
1006 30 98	^(*)	271,09			
1006 40 00	^(*)	84,38			

⁽¹⁾ Subject to the application of the provisions of Articles 12 and 13 of amended Council Regulation (EEC) No 715/90 (OJ No L 84, 30. 3. 1990, p. 85).

⁽²⁾ In accordance with Regulation (EEC) No 715/90, the duties are not applied to products originating in the African, Caribbean and Pacific States and imported directly into the overseas department of Réunion.

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

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

- (⁵) Only for imports of rice of the long-grain aromatic Basmati variety under the arrangements laid down in amended Council Regulation (EEC) No 3877/86 (OJ No L 361, 20. 12. 1986, p. 1).
- (⁶) No import duty applies to products originating in the OCT pursuant to Article 101 (1) of amended Council Decision 91/482/EEC (OJ No L 263, 19. 9. 1991, p. 1).
- (⁷) For husked rice of the Basmati variety originating in India and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 250 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁸) For husked rice of the Basmati variety originating in Pakistan and not imported under the arrangements in Regulation (EEC) No 3877/86, a reduction of ECU 50 per tonne applies (Article 4, Regulation (EC) No 1573/95).
- (⁹) Duties fixed in the Common Customs Tariff.

ANNEX II

Calculation of import duties for rice

	Paddy	Indica rice		Japonica rice		Broken rice
		Husked	Milled	Husked	Milled	
1. Import duty (ECU/tonne)(¹)	(²)	340,25	572,00	304,71	563,46	(²)
2. Elements of calculation:						
(a) Arag cif price (\$/tonne)	—	408,18	413,08	455,00	480,00	—
(b) fob price (\$/tonne)	—	—	—	425,00	450,00	—
(c) Sea freight (\$/tonne)	—	—	—	30,00	30,00	—
(d) Source	—	USDA	USDA	Operators	Operators	—

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

(²) Duties fixed in the Common Customs Tariff.

COMMISSION REGULATION (EC) No 1393/96
of 17 July 1996
amending the import duties in the cereals sector

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

Having regard to Council Regulation (EEC) No 1766/92 of 30 June 1992 on the common organization of the market in cereals⁽¹⁾, as last amended by Regulation (EC) No 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 the import duties in the cereals sector are fixed by Commission Regulation (EC) No 1366/96⁽⁴⁾;

Whereas Article 2 (1) of Regulation (EC) No 1249/96 provides that if during the period of application, the

average import duty calculated differs by ECU 5 per tonne from the duty fixed, a corresponding adjustment is to be made; whereas such a difference has arisen; whereas it is therefore necessary to adjust the import duties fixed in Regulation (EC) No 1366/96,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 1366/96 are hereby replaced by Annexes I and II to this Regulation.

Article 2

This Regulation shall enter into force on 18 July 1996.

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

Done at Brussels, 17 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.

⁽⁴⁾ OJ No L 177, 16. 7. 1996, p. 9.

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	2,63	0,00
1001 90 99	Common high quality wheat other than for sowing ⁽³⁾	2,63	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	31,94	21,94
1005 90 00	Maize other than seed ⁽³⁾	31,94	21,94
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 15. 7. 1996 to 16. 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)	HRS2. 14 %	HRW2. 11,5 %	SRW2	YC3	HAD2	US barley 2
Quotation (ECU/tonne)	152,31	156,50	141,67	127,89	179,15 (')	134,66 (')
Gulf premium (ECU/tonne)	—	14,99	3,63	39,72	—	—
Great lake premium (ECU/tonne)	21,80	—	—	—	—	—

(') Fob Duluth.

2. Freight/cost: Gulf of Mexico — Rotterdam: ECU 9,30 per tonne; Great Lakes — Rotterdam: ECU 18,00 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 1394/96

of 17 July 1996

suspending the preferential customs duties and re-establishing the Common Customs Tariff duty on imports of small-flowered roses 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 1099/96⁽⁴⁾, opens and provides for the administration of Community tariff quotas for cut flowers and flower buds, fresh, originating in Cyprus, Jordan, Morocco and Israel respectively;

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

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

or

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

Whereas Commission Regulation (EC) No 667/96⁽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 small-flowered roses originating in Israel; whereas the Common Customs Tariff duty should be re-established;

Whereas the quota for the products in question covers the period 1 November 1995 to 31 October 1996; whereas, as a result, the suspension of the preferential duty and the reintroduction of the Common Customs Tariff duty apply up to the end of that period at the latest,

HAS ADOPTED THIS REGULATION:

Article 1

For imports of small-flowered roses (CN codes ex 0603 10 11 and ex 0603 10 51) 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 18 July 1996 and is applicable until 31 October 1996 at the latest.

⁽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 146, 20. 6. 1996, p. 8.

⁽⁵⁾ OJ No L 92, 13. 4. 1996, p. 11.

⁽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, 17 July 1996.

For the Commission

Franz FISCHLER

Member of the Commission

COMMISSION REGULATION (EC) No 1395/96

of 17 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 1376/96⁽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 18 July 1996.

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

Done at Brussels, 17 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 178, 17. 7. 1996, p. 11.

ANNEX

to the Commission Regulation of 17 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⁾	24,76	3,92
1701 11 90 ⁽¹⁾	24,76	9,15
1701 12 10 ⁽¹⁾	24,76	3,73
1701 12 90 ⁽¹⁾	24,76	8,72
1701 91 00 ⁽²⁾	28,34	11,06
1701 99 10 ⁽²⁾	28,34	6,54
1701 99 90 ⁽²⁾	28,34	6,54
1702 90 99 ⁽³⁾	0,28	0,37

⁽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 RECOMMENDATION

of 8 July 1996

on the broad guidelines of the economic policies of the Member States and of the Community

(96/431/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 103 (2) thereof,

Having regard to the recommendation from the Commission,

Having regard to the opinion of the Monetary Committee,

Having regard to the conclusions of the European Council in Florence of 21 and 22 June 1996,

HEREBY RECOMMENDS:

1. Main objectives and general guidelines

Contrary to expectations prevailing at the time of the adoption of the 1995 Broad Economic Policy Guidelines, the Community's economy experienced a marked slowdown in economic activity over the last twelve months and a renewed rise in unemployment. Whereas inflation declined broadly as anticipated and price convergence strengthened, progress towards sounder public finances proceeded at an insufficient pace and was made more difficult by the economic downturn.

As a result, the Community did not succeed in making significant progress towards realizing important economic objectives such as those stipulated in Article 2 of the Treaty, namely the promotion of sustainable, non-inflationary growth and a high level of employment. This failure to reduce the gap between aspirations for, and the realization of, economic and social well-being is the major

cause of the present less confident mood in the Community.

Nonetheless, the Community enjoys favourable economic fundamentals. Inflation is historically low and still declining, exchange rate tensions have progressively eased, world trade is expanding at a healthy pace, investment profitability has been improving and, in overall terms, is noticeably higher than in the second half of the 1980s. Due to these factors, together with the decline in long-term interest rates and an end to destocking, expectations now centre on a rebound in economic activity in the second half of this year. The opportunities offered by the expected recovery should be fully seized upon to accomplish the necessary degree of convergence in order to ensure a successful transition to Economic and Monetary Union on 1 January 1999.

If the economic challenges facing the Community are to be met, there will need to be a continuation of the current macroeconomic policy strategy, especially in the area of budgetary consolidation, as well as a sustained structural reform. Appropriate initiatives in both the goods and services markets and in the area of labour market reform are needed.

In essence, therefore, the present guidelines corroborate and augment the policy recommendations outlined in previous exercises. If this strategy does not yet seem to deliver satisfactory results in the Community at large, this is because it has been implemented with insufficient vigour and credibility. All parties are therefore encouraged to conduct their economic policies with a view to contributing to the achievement of the objectives of the Community (Article 102a of the Treaty), to demonstrate with action what has been promised for more than two years and to coordinate better their economic policies.

The last mentioned is not only a Treaty obligation (Article 3a) but also a practical obligation made all the more critical by the increased integration of the economies of the Member States.

2. Macroeconomic policy mix conducive to growth, employment and convergence

The Council reaffirms that the achievement of those objectives will continue to require a stable, investment-enhancing, short- and medium-term macroeconomic framework characterized by:

- a stability-oriented monetary policy whose task is not undermined by inappropriate budgetary and wage developments,
- sustained efforts to consolidate the public finances in most Member States consistent with the objectives of their convergence programmes,
- nominal wage trends consistent with the price stability objective; at the same time, real wage developments should be below the increase in productivity in order to strengthen the profitability of employment-creating investment.

The more the stability task of monetary policy is facilitated by appropriate budgetary measures and wage developments, the more monetary conditions, including exchange rates and long-term interest rates, will be favourable to growth and employment.

High and sustained non-inflationary economic growth over the medium term is essential:

- (i) to reduce significantly and durably the Community's unacceptably high level of unemployment and to combat the spread of social exclusion;
- (ii) to make the necessary improvement in the competitiveness, and in particular the productivity, of the Community economy compatible with the safeguarding, in the context of an open market economy, of the basic social values which characterize the Union; and
- (iii) to ensure the lasting success of Economic and Monetary Union.

To reinforce both the credibility of the macro-economic policy framework and the efficiency of the coordination process within the Community, Member States are invited to present updated convergence programmes reflecting a strong political commitment.

The Commission will intensify its dialogue with the social partners on macroeconomic issues. The social dialogue should also be intensified, where possible and according to prevailing traditions, at the national level.

3. Price and exchange-rate stability

The achievement and maintenance of a stable macroeconomic environment is a precondition for achieving sustained medium-term growth. Inflation in the Community on average is expected to fall to 2½ per cent this year. This result should be improved upon next year.

At present, 10 of the Member States already respect the objective established in previous guidelines exercises of a rate of inflation⁽¹⁾ of no more than two to three percent as a step towards price stability; in the United Kingdom inflation is close to three per cent. In the seven countries (Belgium, Germany, France, Luxembourg, the Netherlands, Austria and Finland) where inflation is below two per cent, and in Denmark and Ireland, where it is just above two per cent, the anti-inflation credibility of the monetary policy framework is generally firmly established and the task is to consolidate this performance over the medium term. In Sweden, where inflation has recently come down significantly, and in the United Kingdom, policies should aim at consolidating the results achieved.

Those countries where inflation is expected to be between three and five per cent in 1996 (Spain, Portugal and Italy) should endeavour to reduce inflation further to below three per cent by 1997. Portugal, where inflation has recently fallen to just above three per cent, and Spain should persevere with their existing policies with a view to achieving the desired inflation objective in the near future. In Italy, the conduct of fiscal policy will in essence dictate the pace of progress with regard to the establishment of exchange rate credibility and in anchoring low inflation expectations.

Despite visible progress in Greece over recent years, it is evident that efforts must be continued and enhanced. In this regard, emphasis should be placed in particular on the maintenance of the corrective fiscal policy stance operated over the last two years as well as continuing with the prudent monetary and exchange-rate policies evident since the early 1990s.

As stressed in the previous guidelines, all Member States must continue to treat their exchange-rate policies as a matter of common interest within the framework of the European Monetary System. The exchange rate movements in early 1995 pointed to the need for several Member States to put their overall policy framework on a more credible footing. The policies recommended in the present guidelines will contribute to an appropriate alignment of exchange rates within the Community. They will also make the exchange rates within the EMS more resilient to fluctuations stemming from movements in major third currencies. For countries which are not currently participating in the exchange rate mechanism, these policies would also contribute to creating the conditions for such participation.

⁽¹⁾ As measured by the 12-month average of the annual change in the interim indices of consumer prices.

4. Sound public finances

Some, but only limited, progress towards fiscal consolidation was made last year in the Community. Slippages relative to announced budgetary targets only partially reflected the adverse impact of the growth slowdown. Insufficient credibility of budgetary policies contributed importantly to the currency turbulence in the Spring of 1995, sapped economic confidence and led to doubts in financial markets regarding the likelihood of a successful realization of the Community's single currency goal.

Meanwhile, a large number of countries have taken significant steps to consolidate their public finances in 1996 and, in many cases, also in 1997. Nevertheless, the still unsatisfactory state of the public finances in the Community should lead Member States to review and, where necessary, to strengthen their fiscal consolidation plans. Credible, pre-announced and socially balanced efforts to reduce high budgetary imbalances will allow for a revival in confidence, for the transformation of the expected recovery into a durable, job-creating, medium-term, growth process and for a sound transition to EMU on 1 January 1999.

While the economic conditions are at present less favourable than anticipated at the time of the adoption of the 1995 Guidelines, a further delay in the inevitable consolidation process is not a justifiable option. Any postponement risks provoking an adverse financial market reaction and would aggravate the consolidation task in future years. Progress made in reducing structural budget deficits this year must continue and will reinforce consolidation when cyclical conditions improve. Credible and well-designed reductions in budget deficits create confidence. In that way, they enhance growth prospects, so helping to offset — even in the near term — the impact on demand, provided they are implemented in an appropriate overall policy framework.

On the basis of the adjustment measures decided up until early May 1996, the net borrowing of general government in the Community as a whole is likely to fall to just below 3½ per cent of GDP in 1997, which compares with a deficit of five per cent in 1995. Virtually all Member States should aim at lowering the budget deficit to, at most, three per cent of GDP in 1997, as a step towards the objective of close to balance in the medium term. In this respect, it is encouraging that several countries have recently announced and are implementing substantial measures to redress budgetary imbalances.

As regards the individual Member States, three — Denmark, Ireland and Luxembourg — already respect the three per cent government deficit reference value.

Denmark and Ireland should now move towards the achievement of more ambitious medium-term targets, which in the case of Denmark are set out in the latest update of its convergence programme.

Italy needs to introduce significant measures to achieve and improve upon the planned budgetary consolidation which remains the central policy priority. Action should primarily focus on the fight against tax evasion, on greater budgetary discipline of local authorities and on improved efficiency of the public administration. As regards Greece, sustained efforts on a wide range of fronts, most notably reductions in current expenditure, a continuation of the existing privatization initiatives and an expansion of the tax base are all required.

As regards the remaining ten countries, the additional effort needed to respect the three per cent reference value is undoubtedly feasible and should be pursued vigorously. Within this group, several countries (Germany, France, Austria, Finland, Sweden) have this year announced substantial measures or reinforcements with a view to achieving a reduction in their budget deficits to three per cent of GDP or less in 1997. These countries, as with the Netherlands, should resolutely implement their programmes of fiscal consolidation and, if necessary, strengthen them in order to ensure that their objectives are fully met. The Belgian government has made a firm commitment — and already enjoys the necessary support of the Belgian parliament — to specify in its 1997 budget the measures required to bring the budget deficit down to a maximum of three per cent. In the United Kingdom, substantial reductions in the budget deficit are expected to continue over the next two years mainly as a result of planned expenditure restraint. However, to respect the three per cent target for 1997, it is important that action be taken to keep spending to planned levels, both to compensate for the fiscal slippage in 1995 and for an expected less rapid budgetary improvement in the short run which is partly due to lower growth than previously predicted. Finally, in Spain and Portugal, a determined implementation of the budgetary component of the convergence programmes is required.

Although the extent, timing and design of consolidation measures need to be tailored to country-specific conditions, some general principles have been identified in previous guidelines exercises. These include:

- (i) restraining expenditure increases, as opposed to further increases in the overall tax burden, is widely regarded as a more credible and efficient option.

Among the issues which should be addressed are the need to place pension provisions on a sustainable footing, to curb the rise in health care costs and to reduce distortionary and costly subsidies;

- (ii) re-directing, to the greatest extent possible, government spending towards productive activities such as investment in infrastructure, human capital and active labour market measures, while not endangering the necessary reduction in budget deficits;
- (iii) improving the efficiency of public services through *inter alia* more flexible management practices, better incentives for public employees, and in some cases increased use of privatization and user-fees to the extent that Member States judge it compatible with their objectives;
- (iv) ensuring that a reduction in the overall tax burden, which is desirable in most Member States, is conditional upon initially putting the budget deficit on a firm downward path.

Just like the Member States, the Community as well is called upon to maintain strict budgetary discipline. Therefore, the Community itself should adopt a cautious stance towards the already established financial perspectives — these perspectives set ceilings and not targets.

5. Better functioning of product and service markets

To foster growth, and thus employment, whilst maintaining low inflation, it is essential that action on the macro side is added to by measures aimed at ameliorating the functioning of product and service markets in general and at generating higher competition and a more flexible functioning of the price mechanism in particular. This will essentially require a further reinforcement of competition policies and a curbing of State aids in full respect of the objectives of Article 130a of the Treaty concerning economic and social cohesion.

It is also crucial to exploit fully the internal market potential in an open and competitive environment through the transposition into national law and effective enforcement of single market legislation. In sectors where transposition is lagging behind, a particular effort is needed to present all necessary proposals to national parliaments before the end of 1996.

To enhance the Community's competitiveness, measures aimed at promoting innovation, at favouring the emergence of the information society and at achieving a working environment more conducive to initiative and to the development of SMEs should be swiftly imple-

mented. Of course, in these areas the individual Member States largely hold the key. However, national actions can be reinforced, where this is appropriate and consistent with these guidelines, through actions at the Community level. The Commission should also pursue its policy to improve competition in EU markets. Finally, to increase the efficiency of environmental policies, they should rely on more market-based instruments, including fiscal ones, both at the national level and — if EU-wide action appears necessary — at the level of the Community.

6. Fostering employment and labour market reforms

More than 2½ years after the publication of the Commission's White Paper on Growth, Competitiveness and Employment and with the Essen employment strategy set in place for some time, the Community finds itself with a dismal employment record over the period in question. Although the expected recovery will lead to renewed job creation and will reverse the current upward trend in unemployment, it is likely that more than 17 million people will still be unemployed in 1997 in the Community. Assuring a sustained and significant improvement in employment requires not only durable high, economic growth and efficient product and service markets, but also a broad range of labour market reforms.

Eliminating existing rigidities as well as ensuring a more efficient operation of labour markets is at the heart of national efforts to ensure both a tension-free and stronger medium-term expansion and a more employment-creating growth pattern. Member States have been making efforts to reform their labour markets. They are encouraged to intensify their actions while ensuring both equity and efficiency in the social protection system. The implementation of policies aimed at improving the occupational and regional mobility of the labour force and at enhancing the efficiency of employment services should reduce bottlenecks which could lead to an early end to the growth process.

Suitable policies should be conducted in order to adapt the whole educational system — including vocational training — both to the needs of markets and to the improvement of human capital, thereby fostering the growth potential of the economy. In this respect, priority should be given to improving the employability of the unemployed, in particular low skilled, inexperienced labour, and to reducing skill mismatches on the labour market by providing training better fitted to the changing needs of the labour market. Attention should also be given to enhancing the employment prospects of young people and women.

Higher employment growth should be fostered by the maintenance of appropriate average wage trends and in some cases by wages that better reflect productivity differentials. Where possible, a reduction in non-wage labour costs should be used to encourage employment. Attention should be given to the incentives to the employment of disadvantaged groups, including the long-term unemployed and low-skilled labour, consistent with these guidelines. Adaptations, in the mutual interest of firms and work forces, of working-time and work organization will also act in this direction. Finally, the promotion of local and regional initiatives in the field of new services containing a high labour-intensive dimension, such as those identified in the Communication from the Commission on a European strategy for encouraging local development and employment initiatives, should also be encouraged.

All the above elements are featured in the Community's common employment strategy, initiated at the Essen European Council and refined subsequently at both the Cannes and Madrid Councils. In this respect, Member States multiannual employment programmes must be pursued if they are to be effective in the area of labour market policy. Furthermore, the Commission will pursue its initiative to mobilize all parties around the top priority of fighting unemployment.

Done at Brussels, 8 July 1996.

For the Council

The President

R. QUINN

COUNCIL DECISION

of 8 July 1996

authorizing the Netherlands to apply a measure derogating from Article 11 of Directive 77/388/EEC on the harmonization of the laws of the Member States relating to turnover taxes (Sixth VAT Directive)

(96/432/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to the Sixth Council Directive (77/388/EEC) of 17 May 1977 on the harmonization of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment⁽¹⁾, and in particular Article 27 thereof,

Having regard to the proposal from the Commission,

Whereas, pursuant to Article 27(1) of Directive 77/388/EEC, the Council, acting unanimously on a proposal from the Commission, may authorize any Member State to introduce special measures for derogation from that Directive, in order to simplify the procedure for charging the tax or to prevent certain types of tax evasion or avoidance;

Whereas, by registered letter to the Commission dated 13 August 1993, the Netherlands requested authorization to introduce a measure derogating from Articles 11 and 20 of the said Directive;

Whereas, in accordance with Article 27(3) of the said Directive, the other Member States were informed on 13 September 1993 of the request made by the Netherlands;

Whereas, since it had serious objections to the Dutch Government's request, the Commission, acting under Article 27(4) of the said Directive, requested by letter dated 11 November 1993 that the matter be raised by the Council;

Whereas the Dutch Government subsequently amended its request, reducing considerably the scope of the special measures derogating from the common system of value added tax;

Whereas the request is confined to a measure introducing a minimum taxable amount for the establishment of rights in rem in respect of buildings or parts thereof and the land on which they stand where the party acquiring

the rights is a non-taxable legal person or a taxable person carrying on exempted activities that do not entitle him to deduct VAT;

Whereas under Article 5(3) of Directive 77/388/EEC the Netherlands considers the establishment of rights in rem to be a supply of goods;

Whereas, availing itself of the possibility open to it under Article 13(C)(b) of the said Directive, the Netherlands allows taxable persons to opt for taxation of the establishment of rights in rem in respect of buildings or parts thereof and the land on which they stand other than those referred to in Article 4(3)(a) of the said Directive; whereas the derogation therefore also relates to such transactions;

Whereas, by taking the open market value as the taxable amount for certain supplies, the proposed measure derogates from Article 11(A)(1)(a) of the said Directive, which provides that the taxable amount for supplies of goods is to be everything which constitutes the consideration which has been or is to be obtained by the supplier from the purchaser or a third party for such supplies, including subsidies directly linked to the price of such supplies;

Whereas the derogation is aimed at preventing the tax avoidance which takes place when the contracting parties agree on an abnormally low price for the establishment of rights in rem, which attracts VAT, and compensation for this price in the form of a high price for the freehold sale of the property, which is exempt from VAT;

Whereas the special measure is to apply only in cases where the administration is able to prove that the taxable amount determined in accordance with Article 11(A)(1)(a) of the said Directive is abnormally low; whereas the administration may not act on mere presumptions, and the parties concerned must be allowed to adduce evidence to the contrary where they dispute the level of the open market value established by the administration;

Whereas, given the limited scope of the derogation, the special measure is proportionate to the aim pursued;

Whereas the authorization is granted temporarily, thereby enabling the effects of the measure to be assessed once it has been applied for a certain period of time;

⁽¹⁾ OJ No L 145, 13. 6. 1977, p. 1. Directive as last amended by Directive 95/7/EC (OJ No L 102, 5. 5. 1995, p. 18).

Whereas the derogation in question has no adverse impact on the European Community's own resources accruing from value added tax,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 11 (A) (1) (a) of Directive 77/388/EEC, the Netherlands is hereby authorized to take the open market value, as defined in Article 11 (A) (1) (d) of the said Directive, as the taxable amount for the establishment of rights in rem in respect of buildings or parts thereof and the land on which they stand, considered to be tangible property in pursuance of Article 5 (3) of that Directive, where the following two conditions are met:

- the taxable amount determined in accordance with Article 11 (A) (1) (a) of the Directive is abnormally low in comparison with the price that could be obtained

for the property in a transaction between independent parties operating at arm's length,

- the party acquiring the rights in rem is a non-taxable legal person or a taxable person carrying on exempted activities that do not entitle him to deduct VAT.

Article 2

This authorization shall be granted until 31 December 1998.

Article 3

This Decision is addressed to the Netherlands.

Done at Brussels, 8 July 1996.

For the Council

The President

R. QUINN
